

Reclamation within the Harbour of Wellington Act 1887

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An Act to define the Limits of Reclamation by the Corporation of Wellington in the Harbour of Wellington, and to provide Powers for effecting Reclamation within such Limits, and to vest certain Lands in the Wellington Harbour Board.

Preamble

WHEREAS by a grant from the Crown dated the twenty-fourth day of June, one thousand eight hundred and seventy-four, a piece of land (described in the schedule to The Te Aro Reclamation Act 1879) was granted to the Mayor, Councillors, and Citizens of the City of Wellington (in this Act called **the Corporation**) upon trust for reclamation and for purposes of public utility: And whereas the land granted by the said grant is in the Harbour of Wellington, and below high-water mark, and by The Te Aro Reclamation Act 1879, powers to fill up and reclaim the whole of the said land from the sea were conferred on the Corporation: And whereas at the date of the said grant no Harbour Board for the Harbour of Wellington existed, and the Corporation were the local authority having control of the Queen's Wharf in the said harbour: And whereas by The Wellington Harbour Board Act 1879, the Wellington Harbour Board (in this Act called **the Board**) was constituted a Harbour Board for the Harbour of Wellington, with the powers and duties defined by The Harbours Act 1878, and the Acts amending the same: And whereas reclamation as far as the seaward boundary-line of the land comprised in the said grant would be injurious to the Harbour of Wellington, and it is necessary to define limits beyond which future reclamation by the Corporation shall not extend, and further to provide for certain reclamation to the limits so defined, and to vest certain lands in the Board for the purposes hereafter mentioned:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title

The Short Title of this Act is The Reclamation within the Harbour of Wellington Act 1887.

2 Interpretation

In this Act, if not inconsistent with the context,—

The Corporation means the Mayor, Councillors, and citizens of the City of Wellington, incorporated under The Municipal Corporations Act 1886

The Board means the Wellington Harbour Board, constituted by The Wellington Harbour Board Act 1879

The Te Aro grant means the said grant from the Crown to the Corporation of the twenty-fourth day of June, one thousand eight hundred and seventy-four

The said Act means The Te Aro Reclamation Act 1879

The defined line means the boundary-line defined in Schedule 1 to this Act.

3 Limit of reclamation

It shall not be lawful for the Corporation to reclaim from the sea any part of the Harbour of Wellington beyond (that is to say, on the seaward side of) the limit of the line defined in Schedule 1 to this Act, herein called **the defined line**.

4 Land vested in Harbour Board for graving dock, &c

The piece of land the boundaries and description whereof are specified in Schedule 2 to this Act shall, from and after the passing of this Act, cease to be vested in the Corporation, and shall be and remain vested in and be the property of the Board, to be used for graving dock and slip, and for other purposes of a like nature, or ancillary thereto. The actual cost of the

reclamation of the said piece of land described in Schedule 2 to this Act shall be paid by the Board:

Provided always that if at the expiration of fifteen years from the passing of this Act the said land or any part thereof shall not have been used for any of the purposes aforesaid, then the said land or such part thereof as shall not have been so used shall, upon repayment by the Corporation to the Board (which repayment the Corporation is hereby authorized to make) of the actual cost of the reclamation of so much of such land not used as aforesaid as shall have been reclaimed, revert without conveyance in the Corporation:

Provided that the cost of reclamation herein mentioned shall include the cost of construction of so much of the sea-wall as shall form part of any land reverting as aforesaid. The Board shall in the meantime have power, either by private contract or public auction, to lease any parts of the said land for the time being reclaimed, in such manner, for such terms (not extending beyond the expiration of the said period of fifteen years), at such rents, and for such purposes as the Board shall think fit, and shall pay to the Corporation the rents as and when received, subject to the deduction therefrom of interest at the rate of five per centum per annum upon the cost of the reclamation of so much of such land as shall for the time being be reclaimed; and if such interest shall at any time exceed the amount of the rents received, such excess shall be made good out of first rents to be thereafter received.

5 Corporation and Board to conform to all provisions of the Harbours Acts

The Corporation and the Board shall respectively, during and in the execution of any works authorized by the said Act or by this Act, conform and be subject to all the provisions of The Harbours Act 1878, and the Acts amending the same. The eleventh section of the said Act is hereby repealed.

6 Corporation shall forthwith reclaim land in Schedules 3 and 4

The Corporation shall forthwith, after the passing of this Act, fill up and reclaim from the sea the land described in Schedules 3 and 4 hereto, and as soon as such reclamation shall be completed the Board shall erect a timber quay or

staging along the defined line, from a point thereon eight hundred and ninety-three links from the Queen's Wharf to a point one thousand nine hundred links from such Wharf, as measured along the defined line.

7 Corporation to construct sea-wall

The Corporation shall, while proceeding with such reclamation (and before the reclamation works shall reach the defined line), construct a sea-wall along the seaward boundary of the parcel of land consisting of the lands described in Schedules 3 and 4 hereto. The top of the sea-wall shall coincide with the said boundary; but, in the event of its being constructed with an outward slope or batter, the toe of such slope or batter may lie outside of the said boundary a distance not exceeding twice the vertical height of the wall at each part thereof; and such sea-wall shall after the completion thereof be taken over and maintained by the Board.

8 Payment by Board to Corporation of \$78,000 mentioned in Wellington Queen's Wharf and Store Sales Act 1881, and interest

The Board shall, on the twenty-eighth day of February, one thousand eight hundred and eighty-eight, pay to the Corporation the sum of seventy-eight thousand dollars mentioned in The Wellington Queen's Wharf and Store Sales Act 1881, and shall on the twenty-eighth day of February in every year, until the twenty-eighth day of February, one thousand nine hundred and seven, pay to the Corporation interest on the said sum, at a rate equal to the difference between the rate at which the Board shall borrow such sum and the rate of six dollars per centum per annum. The rate at which the Board shall borrow the said sum shall, for the purposes of this section, be deemed to be the rate of interest paid by the Board on the actual net sum realized by the loan after deducting all expenses. The said sum of seventy-eight thousand dollars may, notwithstanding anything contained in the last-mentioned Act, or The Wellington Harbour Board Loans Consolidation and Empowering Act 1884, be expended by the Corporation in the construction of the reclamation

works authorized by The Te Aro Reclamation Act 1879, and by this Act, and in constructing streets upon and drains under such reclamation; but the reclamation defined in Schedules 3 and 4 hereto shall be effected before any reclamation east of the line A B, described in the said Schedule 4, other than the reclamation comprised in any contract now being carried out, shall be effected.

The references to “seventy-eight thousand dollars”, and “six dollars” were substituted, as from 10 July 1967, for references to “thirty-nine thousand pounds”, and “six pounds” pursuant to section 7(1) and (2) Decimal Currency Act 1964 (1964 No 27).

9 Streets to be laid out

A street shall be laid out and constructed by the Corporation of the width, on the lines, and in the manner shown on the plan of the Marine Department numbered one thousand three hundred and forty-three.

No street or road shall be laid out or constructed along the defined line eastward of Cuba Street.

The Minister for Public Works, out of any moneys appropriated by Parliament for that purpose, shall pay to the Corporation the cost of the reclamation of so much of the street and site for railway station shown on plan of the Marine Department numbered one thousand three hundred and forty-three as is in excess of the land set apart for a street of an uniform width of one hundred feet, and shown on plan of the Marine Department numbered one thousand three hundred and thirty-two.

The Corporation shall continue Taranaki Street and Tory Street to the defined line, but in such direction as the Corporation shall think fit.

It is hereby enacted and declared that there shall be vested in the Harbour Board a right of entry by its officers, servants, contractors, and others, and with or without horses and carts and other animals and vehicles, for any purpose whatsoever which the said Board is or may be lawfully authorized to carry out, and at all times, upon so much of the land comprised within the Te Aro grant as shall be east of the point C, as described in Schedule 5, and between the defined line, or

other final seaward boundary within the defined line which may be substituted therefor, and a line drawn parallel to and at a distance of ten feet from the said defined line or other boundary; and there shall also be vested in and reserved to the Corporation the like right of entry upon the same parcel of land for any purposes which the said Corporation is or may be lawfully authorized to carry out: Provided always that buildings or other structures may be erected upon the said parcel of land with the consent of the Minister having charge of the Marine Department.

10 Rights of Board in respect of land between defined line and limit of Te Aro grant

The Board shall have the same rights, privileges, and powers in respect of the land lying between the defined line and the seaward limit of the Te Aro grant, and the water covering the same, as the Board now has in respect of any part of the Harbour of Wellington, notwithstanding that such land shall remain vested in the Corporation, and shall have power to construct thereon harbour works, as defined by The Harbours Act 1878 (other than reclamation).

11 Power to Board to expend borrowed money on purposes hereby authorized

Notwithstanding the provisions of The Wellington Harbour Board Loans Consolidation and Empowering Act 1884, the Board is hereby authorized to expend moneys borrowed by the Board under the authority of that Act upon and for any of the works and purposes and payments authorized by this Act.

12 Leases to boat clubs for *bona fide* purposes of boating and yachting

The Corporation may let, and, if it thinks fit, by private contract, any parts of the land comprised in the Te Aro grant lying between the points defined in Schedule 5 hereto of the defined line, and having frontage to the defined line, to any boat clubs, or trustees for boat clubs, for the *bona fide* purposes of boating or yachting, in such manner and for such term or terms (not to extend beyond twenty-one years from

the passing of this Act) as the Corporation shall think fit; and any rentals reserved may in the discretion of the Corporation be less than the full improved rent. Every such lease shall be granted subject to the condition that no such club shall have the power of subletting any part of the land leased to them, and that all land so leased shall revert to the Corporation and the lease thereof be determined in the event of such land not being *bona fide* used for the objects and purposes for which it was leased. The Board shall grant to all lessees under this section licenses, free of rent, to occupy for boat-skids and other boating purposes parts of the land and water abutting upon the defined line, where such line bounds their respective holdings under the Corporation, sufficient for the due and proper enjoyment of the land held under the Corporation.

13 Payment by Board to Corporation for lands; also for reclamation of sites for boating clubs; also excess in cost of sea-walls bounding land in Schedules 3 and 4

The Board shall, on the twenty-eighth day of February, one thousand eight hundred and eighty-eight, pay to the Corporation the sum of two thousand dollars, being purchase-money for the piece of land included in the land described in section fourteen, and hatched yellow on the plan of the Marine Department numbered one thousand three hundred and thirty-two, and the cost of the reclamation of so much of the land referred to in section four as has already been reclaimed by the Corporation, such cost to be ascertained by arbitration in the usual way, and the sum of one thousand dollars towards the cost of the reclamation of sites for boating clubs. The Board shall also pay to the Corporation a sum equal to the excess in the cost of the sea-walls bounding the piece of land consisting of the lands described in Schedules 3 and 4 hereto (on all other seaward sides than the western boundary measuring eighty-three links of the land described in Schedule 3), over and above the estimated cost of the sea-wall for the land comprised in Schedule 4 only.

The references to “two thousand dollars” and “one thousand dollars” were substituted, as from 10 July 1967, for references to “one thousand pounds” and “five hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

14 Land vested in Board as a site for office, &c

[Repealed]

Section 14 was repealed, as from 25 September 1987, by section 19 Wellington Harbour Board and Wellington City Council Vesting and Empowering Act 1987 (1987 No 5(L)).

15 Corporation to set apart land to value of one hundred thousand dollars as security

The Corporation shall forthwith after the passing of this Act set apart a portion of the land described in Schedule 4 hereto, which, when reclaimed, shall be of the value of one hundred thousand dollars at least; and the Corporation shall not sell the land so set apart before the twenty-eighth day of February, one thousand nine hundred and seven, and the proceeds of the sale of such parcel of land, on or at any time after such date, shall, to the extent of seventy-eight thousand dollars, be applied in reduction of the Municipal debt, and not otherwise. The setting aside of a parcel of land as aforesaid shall be subject in all things to the approval of the Minister for Public Works, who shall, for the purposes of this section, be sole judge as to the value of the same.

The references to “one hundred thousand dollars” and “seventy-eight thousand dollars” were substituted, as from 10 July 1967, for references to “fifty thousand pounds” and “thirty-nine thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Schedule 1

THE defined line is a line coloured blue on the plan deposited in the office of the Marine Department, Wellington, No MD 1332: Commencing at a point situate on the southern side of the main body of the Queen’s Wharf, distant 151 links easterly, measured along the said side of the wharf from the north-eastern corner of section 1 of the subdivisions of the Board’s Hunter Street Endowment, as is shown on Plan No 337, deposited at the Land Transfer Office, Wellington, such point being situate about 100 links westerly of the western face of the inner south tee of the Queen’s Wharf. The defined line is measured from the starting-point in a southerly direction, on a bearing of 171 degrees 31 minutes (true meridian), being at right angles to

the direction of the main body of the Queen's Wharf for a distance of 2,020 links; thence by a curve of which the said line is a tangent, having a radius of 750 links, and trending eastward for a length of 582 links; thence in a south-easterly direction by a straight line tangential to the aforesaid curve, and on a bearing of 127 degrees, for a distance of 930 links; thence by a curve of which the last-mentioned line is a tangent, having a radius of 450 links, and trending eastwards for a length of 230 links; thence in an easterly direction by a straight line tangential to the last-mentioned curve on a bearing of 97 degrees 45 minutes, for a distance of 1924 links or thereabouts, to intersect the eastern boundary of the Te Aro grant: be all the aforesaid linkages and bearings a little more or less.

Schedule 2

ALL that area coloured green on the said plan deposited in the office of the Marine Department, Wellington, No MD 1332, containing an area of 5a, bounded on the North by the defined line for a length of 685 links; on the Westward by a line on a bearing of 171 degrees 31 minutes (true meridian), for a length of 808 links; thence on the South by a line on a bearing of 102 degrees 37 minutes, for a length of 457 links, to intersect the face-line of the western side of Cambridge Terrace, if produced northwards; thence along such imaginary produced face-line in a northerly direction for a length of 450 links; thence in a northerly direction on a line bearing 351 degrees 31 minutes, for a length of 400 links, to intersect the aforesaid defined line: be all the said areas, bearings, or lengths a little more or less. Except so much of the land described in this present Schedule as is included in the street shown in Plan No MD 1343.

Schedule 3

ALL that area coloured yellow on the said plan deposited in the office of the Marine Department, Wellington, No MD 1332, containing 3r 4p, comprising an area of 1r 8p lying without the defined line but comprised within the grant, and hatched in yellow on the plan; an area of 1r 23p lying outside the seaward face-line of the grant, and

between it and the inner south tee of the Queen's Wharf; and an area of 13p underlying the main body of the Queen's Wharf, landward of the western faces of the inner tees: bounded towards the North by the northern face of the Queen's Wharf, 86 links; Eastward by the Queen's Wharf 86 links, by the western face of the south inner tee of the Queen's Wharf 329 links, and by the Harbour of Wellington 575 links, to meet the defined line; and Westward by the defined line 893 links, and by the eastern boundary of the land described in the Second Schedule of The Wellington Harbour Board Land and Reclamation Act 1883, 83 links.

Schedule 4

ALL the land covered by water lying within the defined line between the Queen's Wharf and a red line drawn on a plan marked No MD 1332, and deposited at the office of the Marine Department, Wellington, and marked thereon A B; such that the point A is a point in the defined line situate 2310 links from the Queen's Wharf, as measured along the said defined line, and the point B is a point at the junction of the reclamations known as Nos 1 and 2 of the reclamations carried out by the Corporation within the grant.

Schedule 5

ALL that portion of the defined line, 375 links in length, lying between the points C and D, as shown on the plan marked No MD 1332, deposited at the office of the Marine Department, Wellington; the point C being situate on the defined line at 2285 links, and the point D at 2660 links, from the Queen's Wharf, as measured along the said defined line.