

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives.*

*5th October, 1922.*

*Mr. Wilford.*

HUTT RIVER BOARD IMPROVEMENT AND RECLAMATION.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to authorize the Hutt River Board to carry out certain Works for the Improvement of the Channel through the Estuary of the Hutt River, and to vest in the Hutt River Board certain Lands reclaimed from the Waters of the Wellington Harbour resulting from such Improvement-works and Lands now covered by Water, and to provide for the Improvement of the said Lands by draining and other Appropriate Means; and further to provide for the Disposal thereof by the Hutt River Board; and to validate a certain Agreement entered into between the Hutt River Board and the Wellington Harbour Board.

WHEREAS the Hutt River Board has designed a scheme of river-improvement works and reclamation from the sea of certain areas of land by the construction of half-tide walls to be gradually increased to high-water mark in the estuary of the Hutt River and the waters of Wellington Harbour, as shown on the plan deposited in the office of the Minister of Marine as Number M.D. 5473, and described in the agreement set out in the Schedule hereto: And whereas, as a result of the said works, it is estimated by the Hutt River Board that an area of two hundred and sixty-five acres will be naturally or self reclaimed from the waters of Wellington Harbour as cross-hatched on the said plan: And whereas it is estimated by the Hutt River Board that the cost of the works when completed will be the sum of

fifty-five thousand pounds: And whereas an agreement dated the fifth day of July, nineteen hundred and twenty-two has been entered into between the Hutt River Board and the Wellington Harbour Board (a copy of which agreement is set out in the Schedule hereto) relating to the construction of the said works, and it is desired to validate the agreement: 5

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

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| Short Title.  | 1. This Act may be cited as the Hutt River Board Improvement and Reclamation Act, 1922.  | 10             |
| Special Act.  | 2. This Act shall be deemed a special Act within the meaning of the Harbour Boards Act, 1908.  |                |
| Interpretation.   | 3. In this Act—<br>“River Board” means the Hutt River Board:<br>“Harbour Board” means the Wellington Harbour Board.  | 15             |
| Validation of agreement as to reclamation of portion of Wellington Harbour. | 4. The agreement, a copy whereof is set out in the Schedule hereto, is hereby declared to be valid and binding in all respects, and shall have effect as if the same were specifically enacted in terms thereof in this Act, and the parties thereto shall have full power to carry out the works of construction and reclamation and all works incidental thereto, and to do all other things, including the making of further agreements, which may be deemed necessary to give effect to the said agreement.  | 20             |
| Vesting lands in Hutt River Board.  | 5. The land and land covered by water described in the fourth clause of the said agreement shall vest in the River Board, subject to the terms and conditions of the said agreement.   | 25             |
| Lands covered by water to vest in Harbour Board.                            | 6. The lands covered by water described in the seventh clause of the said agreement shall vest in the Harbour Board for the purpose for which it is constituted.   | 30             |
| Jurisdiction over certain lands covered with water.                         | 7. All the lands or the lands covered with water lying to the west of any wall constructed on the west side of the Hutt River, to confine the channel of such river, and northward of any wall to be constructed on the seafrontage, and south of that portion of land known as Gear’s Island, vested in the River Board, shall be and be deemed to be within the boundaries of the Borough of Petone. All the lands or the lands covered with water lying to the eastward of the wall to be constructed on the eastern side of the Hutt River, to confine the channel of such river, and northward of any wall to be constructed on the seafrontage shall be and be deemed to be within the boundaries of the local authority or authorities respectively which exercise jurisdiction over lands contiguous thereto; and, failing an agreement between such local authorities as to what part of such lands or lands covered with water shall become subject to the jurisdiction of either of the local authorities affected, the boundary-lines defining such respective areas shall be fixed by the Governor-General by Order in Council. | 35<br>40<br>45 |
| Powers of River Board.  | 8. It shall be lawful for the River Board to drain, plant, top-dress, or use other appropriate means to reclaim and improve the said lands and render them marketable, and to sell, exchange, lease, or otherwise dispose or deal with any land so reclaimed or vested in the River Board, for such consideration and on such terms as the River Board shall in each case deem adequate and proper.  | 50             |

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9. Should any of the works authorized by this Act in any way interfere with or impede the drainage from any drains or drainage-works of either the Petone Borough Council or the Hutt Borough Council to the Hutt River or the sea, or necessitate the extension to  
 5 the river of any of the said drains or their outfalls, all extensions of drains or other works necessary to ensure efficient outlet to the river for such drainage shall be provided and executed by the River Board at its own expense in all things, and shall be done to the satisfaction of the respective Borough Councils affected and to the satisfaction of  
 10 the Minister of Health.
10. The River Board may, on any land reclaimed and vested in it under the provisions of this Act, construct such roads, streets, drains, sewers, and water-courses as it may deem necessary and on such construction in compliance with the requirements of any local  
 15 authority within whose jurisdiction such roads or streets may be situate, dedicate such roads or streets as public roads or streets, and such roads or streets shall thereupon become roads or streets of the local authority in whose district they are situate.
11. No lands vested in the River Board or vested in or resumed  
 20 by the Harbour Board under the provisions of this Act shall be liable for payment of any rates whatever of any local authority so long as they remain the property of the Board, and are not let or leased.
12. For the purpose of rectifying boundary-lines, or road or street  
 25 levels, and of providing access to the land reclaimed or any land adjacent thereto, the River Board and Harbour Board may sell or give in exchange parts of the lands authorized to be reclaimed under this Act or any lands acquired for the purpose of obtaining spoil for reclamation or otherwise, and may purchase or accept in exchange adjoining lands.
- 30 13. It shall be lawful for the River Board, before executing any part of the authorized works, to enter into agreements with any persons or bodies corporate desiring or requiring such reclamation or harbour works, or likely to benefit thereby for the payment to the  
 35 Board of such subsidy, by payment of money or otherwise, as may be mutually agreed upon between the River Board and such persons or bodies corporate.
14. For the purpose of the construction of the said works and the improvement of any such lands as aforesaid, the River Board may from time to time borrow moneys under the provisions of the  
 40 Local Bodies' Loans Act, 1913, or any Act for the time being in force enabling local bodies to borrow money for public undertakings.
15. The Governor-General may from time to time, by notice in the *Gazette*, declare that any portion or portions of the land reclaimed and vested in the River Board under the provisions  
 45 of this Act specified in the said notice (not being more than one-tenth of the area reclaimed and not exceeding thirty acres in the whole) shall vest in His Majesty, and His Majesty shall at all times have the right of ingress and egress over the land reclaimed under this Act, to the land described in the said notice, but such notice  
 50 shall not include any land subject to the right of resumption by the Harbour Board or the strips of land reserved for road purposes.

Cost of extension of drains to be provided by River Board.

River Board to construct and dedicate streets.

Exemption from rates.

River Board to buy, sell, and exchange lands for certain purposes.

Power of Board to enter into agreements.

Power of Board to borrow moneys.

Notice when land shall vest in His Majesty.

Proportion of cost of reclamation to be repaid to River Board.

16. His Majesty shall pay to the River Board, within twelve months of the *Gazette* containing the notice or the date of the completion of the reclamation if the completion thereof be subsequent to the date of the said *Gazette*, a proportionate amount of the cost of such reclamation and of the retaining-walls on the seaward or river boundaries, and of the sewers or drains within and the roads and approaches upon such reclamation, together with interest thereon from the date of the *Gazette* or of such completion aforesaid, as the case may be, until payment, at the rate of five per centum per annum.

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Three months' notice to be given to River Board.

17. At least three months before gazetting the notice referred to in sections fifteen and sixteen hereof, the proposed notice shall be submitted to the River Board for its consideration.

Certain lands exempted.

18. Notwithstanding anything contained in this Act or in the said agreement set out in the Schedule hereto, or in any plan referred to in this Act or in the said agreement, this Act shall not have the effect of vesting in the River Board any part of the land included in certificate of title, Volume 283, folio 32, issued to the Gear Meat Preserving and Freezing Company of New Zealand (Limited), or of empowering the River Board to dispose of or deal with any part of such land, or to execute without the consent in writing of the said company, any works thereon, or of giving to His Majesty or any other person any right of ingress or egress over any part of such land.

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Schedule.

### SCHEDULE.

THIS DEED, made the fifth day of July, one thousand nine hundred and twenty-two, between the Hutt River Board (which, together with its successors and assigns, is hereinafter called the "River Board") of the one part, and the Wellington Harbour Board (which, together with its successors and assigns, is hereinafter called the "Harbour Board") of the other part: Whereas for the purpose of improving the estuary of the Hutt River the River Board proposes to undertake the erection of walls and construction of works and reclamation from the sea of certain areas of land shown on the plan deposited in the office of the Minister of Marine and marked "M.D. 5473," all of which are herein collectively referred to as "the undertaking," and are described in the Schedule hereto: And whereas the undertaking will affect the rights of the Harbour Board, the River Board has applied to the Harbour Board to consent to such undertaking, which the Harbour Board has agreed to do so far as it lawfully may, upon the terms and conditions and subject to the powers and restrictions herein set out:

Now these presents witness that the River Board and the Harbour Board do respectively covenant with the other in the manner following—that is to say:—

1. The River Board shall as soon as practicable obtain such legislative authority and Orders in Council as may be necessary to enable it to proceed with the undertaking.

2. The River Board shall so soon as it is reasonably practicable prosecute to completion the said undertaking with all reasonable economy and in a proper and efficient manner, so as to render the undertaking suitable for the purposes for which it is intended and to the satisfaction of the Minister of Marine.

3. The River Board will at all times maintain, repair, and keep in repair all river and sea walls erected in connection with the undertaking, except such portion of the walls to which any wharf, jetty, or quay constructed by the Harbour Board shall abut.

4. The land and land covered by water, being two hundred (200) acres, shown as hatched on the said plan within the area "ABC" on the eastern side of the channel of the Hutt River and north of the land "BC" and the land and land

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covered by water being sixty-five (65) acres, shown as hatched on the said plan within the area "D E F" on the western side of the channel of the Hutt River and north of the line E to F shall, on completion of the undertaking, vest in the River Board subject to the stipulations and conditions herein contained and expressed.

5. Strips of land sixty-six (66) feet wide from the eastern side of the eastern half-tide wall for the whole of the length of such wall, a strip of land sixty-six (66) feet wide from the western side of the western half-tide wall for the whole length of such wall, and a strip of land one hundred (100) feet wide on the seaward side of the said areas hatched on the said plan shall vest in the Crown for road purposes.

6. The Harbour Board shall have the right within five (5) years from the completion of the undertaking to resume for harbour purposes such area of reclamation as they may deem necessary, such area to be within two hundred (200) feet from the said strips of land sixty-six (66) feet wide, and the said strip of land one hundred (100) feet wide respectively, as the case may be. The price to be paid by the Harbour Board for land so resumed shall be determined by reference to arbitration as provided by the Arbitration Act, but such price shall not exceed the actual *pro rata* average costs of construction of the whole area with interest calculated only on such actual cost from date of completion.

7. The area of land now covered by sea seaward of the lines "B C" and "E F" for a distance of four hundred (400) feet shall vest in the Harbour Board for the purpose for which it is constituted.

8. Any foreshore that may accrue owing to the construction of the undertaking shall on such accretion vest in the Harbour Board on the same conditions as the now existing foreshore.

9. The River Board shall not erect any wharf, jetty, quay, or breastwork to the half-tide walls or any extension or addition thereof or in the tideway of the estuary. The Harbour Board shall have the sole right to use the said half-tide walls and any extension or addition thereof and the seawalls, and shall have the sole right to erect wharves and quays abutting on the said half-tide river walls or any extension or addition thereto and in the tideway of the said estuary, such works only to be erected with the consent of the Minister of Marine.

10. The River Board shall construct all drains necessary to drain the proposed reclamation and carry off the surface water from the inshore land abutting thereon.

11. The description of the undertaking contained in the Schedule may from time to time be varied and amended by consent of both parties and the Minister of Marine.

12. The River Board will indemnify and keep indemnified the Harbour Board from and against any actions, claims, or demands which may be brought against the Harbour Board for or in connection with or in respect of the undertaking or its construction.

13. This deed is entered into upon the express terms that—

(a.) If the River Board is unable for any reason whatsoever (other than any act or default on its own part) during the present or the next-ensuing session of Parliament to obtain the statutory powers necessary to enable the terms of these presents to be carried out by the parties hereto; or

(b.) If the ratepayers of the Hutt River District refuse to sanction the raising of a loan to enable the undertaking to be carried out,—

then and in either of such cases these presents shall cease to be of any force or effect, and the agreements herein contained shall be deemed to have been rescinded and that without the necessity of the execution of any deed or document by the parties hereto.

In witness whereof these presents have been executed the day and year first hereinbefore written.

THE SCHEDULE HEREINBEFORE REFERRED TO.

*Description of Works proposed to be executed for the Improvement of the Channel through the Estuary of the Hutt River, and for the Natural Reclamation of the Areas of Land cross-hatched on a Plan deposited in the Office of the Minister of Marine and marked "M.D. 5473."*

The said plan of the estuary of the Hutt River (sheet 1) is drawn to a scale of 3 chains to 1 inch from actual survey. It shows the high- and low-water marks of the area to be reclaimed: the existing low-water channels through the estuary; and the sandbanks dry at low-water level. The coast-line of Port Nicholson is shown to the

eastward, from the half-tide walls proposed to be constructed. The area of land between the high-water mark from the points A and C and the straight line from the points marked B and C on the plan contains 200 acres, more or less, and the area of land marked D E F on plan contains 65 acres, more or less. It is considered by the Hutt River Board that this area of 265 acres, more or less, will be naturally or self reclaimed as the result of the works shown on the plan, and hereinafter described, by the deposit of the silt brought down in suspension by the Hutt River; and by the accumulation of the drift sand which is driven in shore by the action of the sea.

The general scheme is to construct half-tide walls, as shown on the plan, to form one continuous channel in place of the several irregular channels, which are now constantly changing and hindering the accretion of the land. The upstream ends of these half-tide walls will be near the Pipe Bridge, at the points marked A D on the plan, and their downstream ends at the points marked B E. The channel will be 250 feet wide at the points marked A D widening to 300 feet at the points marked B E. Similar walls are to be constructed from B to C and from E to F. The method of construction which it is intended to adopt for the half-tide walls is shown on sheet 2.

The design chosen consists of reinforced concrete piles and rails. The piles will be 12 inches by 12 inches, spaced 15 feet centre to centre longitudinally, driven in pairs 18 inches apart transversely and tied across the heads by removable galvanized-iron bolts, in the manner shown on Sheet 2. The piles will be driven not less than 12 feet into the solid bottom. The heads of the piles will be driven down until they are H.W.M. so that when the reclamation rises to half-tide level, more rails will be added from time to time until the top of the last rail will be at H.W.M.

The reinforced concrete rails will be 14 inches by 8 inches, giving them a safe horizontal stress of 2 cwt. to the square foot. The rails will be carried by barges to the piles and lowered into place between the pairs of piles.

The Common Seal of the Hutt River Board was hereto affixed }  
 pursuant to a resolution of the Board in the presence of— } (L.S.)  
 W. T. STRAND, Chairman.  
 J. MITCHELL, }  
 JOB CHARLES MABEY, } Members of the Board.

The Common Seal of the Wellington Harbour Board was here- }  
 under affixed by order of the said Board in the presence } (L.S.)  
 of— }  
 JOSEPH G. HARKNESS, Chairman.  
 C. B. NORWOOD, }  
 C. M. TURRELL, } Members.  
 H. E. NICHOLLS, Secretary.