

[As reported from the Local Bills Committee.]

Mr. Beetham.

RECLAMATION WITHIN THE HARBOUR OF WELLINGTON.

[LOCAL BILL.]

ANALYSIS.

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| <ul style="list-style-type: none"> Title. Preamble. 1. Short Title. 2. Interpretation. 3. Limit of reclamation. 4. Land vested in Harbour Board for graving dock, &c. Proviso. 5. Corporation and Board to conform to all the provisions of the Harbours Acts. 6. Corporation shall forthwith reclaim. 7. Corporation to construct sea-wall. 8. Payment by Board to Corporation of £39,000 mentioned in "Wellington Queen's Wharf and Store Sales Act, 1881," and interest. | <ul style="list-style-type: none"> 9. Streets to be laid out. 10. Rights of Board in respect of land between defined line and Te Aro grant. 11. Power to Board to expend borrowed money on purposes hereby authorized. 12. Leases to boat clubs. 13. Payment by Board to Corporation for land hatched yellow on plan M.D. 1332; also for reclamation of sites for boating clubs; also excess in cost of sea-walls bounding land in <i>Third</i> and <i>Fourth</i> Schedules. 14. Land vested in Board as a site for office, &c. Schedules. |
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A BILL INTITULED

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.

5 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 the completion of the reclamation to the limits so defined *certain*, and to vest certain lands in the Board for the purposes hereafter mentioned: 5

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

Short Title.

1. The Short Title of this Act is "The Reclamation within the Harbour of Wellington Act, 1887." 10

Interpretation.

2. 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:" 15

"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:" 20

"The defined line" means the boundary-line defined in the *First* Schedule to this Act.

Limit of reclamation.

3. 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 the *First* Schedule to this Act, herein called "the defined line." 25

Struck out.

4. So much of the land comprised in the Te Aro grant as lies on the seaward side of the defined line, excepting only the part thereof included in the piece of land described in the *Third* Schedule to this Act, shall, from and after the passing of this Act, revert to and become vested in Her Majesty the Queen in her former right, as if the Te Aro grant had comprised only the land within the limit of the defined line, and as if no grant from the Crown had been made of the land on the seaward side of the defined line. 30

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

4. 5. The piece of land the boundaries and description whereof are specified in the *Second* Schedule 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 a 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 the *Second* Schedule to this Act shall be paid by the Board. 35 40

New proviso.

Proviso.

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 45 50

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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 the 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. 6. 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.

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

6. 7. The Corporation shall proceed forthwith, after the passing of this Act, to fill up and reclaim from the sea the land within the defined line, so that the reclamation up to the defined line shall be completed without delay, and as speedily as possible, described in Schedules Three and Four 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.

Corporation shall forthwith reclaim.

7. 8. The Corporation shall, while proceeding with such reclamation (and before the reclamation works shall reach the defined line), construct a sea-wall along the whole length of the defined line, the seaward boundary of the parcel of land consisting of the lands described in the Third and Fourth Schedules hereto. Such sea-wall shall be made according to a design and specifications to be first approved by, and shall be constructed under the supervision of, the Marine Department. The top of the sea-wall shall coincide with the defined line 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 defined line 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.

Corporation to construct sea-wall.

New clause.

8. The Board shall, on the twenty-eighth day of February, one thousand eight hundred and eighty-eight, pay to the Corporation the sum of thirty-nine thousand pounds 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 pounds 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

Payment by Board to Corporation of £39,000 mentioned in "Wellington Queen's Wharf and Store Sales Act, 1881," and interest.

thirty-nine thousand pounds 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 *Three* and *Four* hereto shall be effected before any reclamation east of the line A B, described in the said *Fourth* Schedule, other than the reclamation comprised in any contract now being carried out, shall be effected.

Struck out.

9. Notwithstanding the provisions of "The Wellington Queen's Wharf and Store Sales Act, 1881," and of "The Wellington Harbour Board Loans Consolidation and Empowering Act, 1884," it shall be lawful to expend the sum of thirty-nine thousand pounds mentioned in those Acts in the construction of the works authorized by "The Te Aro Reclamation Act, 1879," as limited by this Act.

10. If the Corporation shall fail or neglect to commence within six months after the passing of this Act the construction of the whole reclamation up to the defined line, or of such part thereof as the Corporation shall be required by the Board to construct, or, having commenced such construction, shall fail to carry on the same (including the sea-wall), to completion with reasonable speed, it shall be lawful for the Board to construct and complete such reclamation, or any part thereof, or from time to time any parts thereof, including the sea-wall: And in the event of the Board performing the work of construction, or any part of such work, the Board shall have the following rights, powers, privileges, and securities—that is to say:—

- (1.) The Board may enter into any contract or contracts for the construction and completion of the reclamation up to the defined line (including the sea-wall), or may do the whole or any part of such work by its own servants or workmen: 30
- (2.) The Board may out of any moneys in its hands or under its control pay the cost of such works:
- (3.) The Board shall have the powers conferred on the Corporation by section three of the said Act, and shall have and may exercise all other powers, whether of a like nature or not, necessary to enable it to carry on and complete the reclamation works and sea-wall: 35
- (4.) The Board shall have power to make drains through the land to be reclaimed, and to continue or alter the course of any drain opening on the sea, and to make roads on the land after reclamation thereof: 40
- (5.) The Board may take earth, soil, and rock for the purposes of the reclamation works from any city reserve at any place at or near to which earth has been heretofore removed for the purposes of reclamation by the Corporation, or by contractors who have contracted with the Corporation to execute reclamation works. The Board may also lay down rails upon or across any street or road, and upon any city reserve, and upon any part of the lands comprised in the Te Aro grant, for the purposes of removing earth from any lands to the reclamation works, and may cause 45 50

engines and loaded and empty trucks and carriages to run upon such rails :

5 (6.) The Board shall not be liable to the Corporation or to any person for any injury or loss suffered by reason of the construction of the works, unless the same be caused by some wrongful act wilfully done by the express authority of the Board, and not necessarily done in pursuance of the powers hereby conferred :

10 (7.) Every sum expended by the Board in such construction and completion of the works shall be deemed to be so expended on behalf of the Corporation, and shall forthwith be charged against the Corporation, and go in reduction of the said liability of thirty-nine thousand pounds. If
15 the Board shall expend upon the construction and completion of the works moneys which, together with any moneys which may have been paid by the Board to the Corporation, exceed the sum of thirty-nine thousand pounds, then the Corporation shall, upon completion of
20 the reclamation, repay to the Board the moneys so expended in excess of the sum of thirty-nine thousand pounds, with interest thereon from the dates of payment thereof at the rate of *six pounds* per centum per annum, and in default of and until repayment the whole of the
25 lands reclaimed shall stand charged with and be a security to the Board for such moneys expended in excess of the sum of thirty-nine thousand pounds and interest thereon at the rate aforesaid ; and the Board shall have all such powers of a mortgagee for the recovery of the moneys secured as are declared to be implied in mortgages by
30 " The Land Transfer Act, 1885."

35 11. In the event of the Corporation or the Board completing part only of the reclamation up to the defined line, and of the Board not requiring the Corporation forthwith to complete the remainder of such reclamation, then it shall be lawful for the Board, at any time
40 during or after the reclamation of such part first constructed, to require the Corporation by notice in writing to commence within six months after the date of such notice the construction of the whole of the remainder of the reclamation up to the defined line, or of such
45 further part (to be defined in such notice) as the Board shall deem necessary. If the Corporation shall not commence such further reclamation within such period of six months, or, having commenced the same, shall fail to carry on the same (including the sea-wall) with
reasonable speed, then the Board shall have power to construct and complete such further reclamation (including the sea-wall), and in
50 that event the Board shall have, for the purposes of such further reclamation, and with respect to the moneys to be expended thereon, the rights, powers, privileges, and securities specified in the *last preceding* section of this Act.

12. Upon payment by the Board of any sum forming part of the said sum of thirty-nine thousand pounds, whether such payment be made to the Corporation under the *ninth* section of this Act, or be expended under the powers conferred by the *tenth* and *eleventh* sec-

tions of this Act, interest upon the part so paid shall cease from the date of the payment thereof to be payable by the Board to the Corporation.

13. If any question shall arise as to whether the Corporation have failed to carry out any work with reasonable speed, such question shall be determined by an Engineer to be appointed by the Minister of Marine, whose determination shall be final and conclusive upon all parties.

Streets to be laid out.

9. 14. A street one hundred feet wide shall be laid out and constructed by the Corporation along the defined line from the Queen's Wharf to the point of intersection of the defined line with the production in a direct line of the eastern side of Cuba Street, and thence on the lines shown on the plan of the Marine Department numbered one thousand three hundred and thirty-two, and marked thereon "Proposed one hundred foot street," and forming a continuation of Victoria Street eastwards towards Clyde Quay. No street or road shall be laid out or constructed along the defined line eastward of Cuba Street.

Struck out.

The land to be reclaimed to the eastward of Cuba Street shall be laid out for sale or lease in such manner that sites having a sea-frontage on the defined line shall be available for shipbuilding yards, manufactories, mercantile and industrial purposes; and no street or road (save as hereafter provided) shall be laid out on the land to the eastward of Cuba Street at a less distance than three hundred and seventy feet from the defined line: Provided nevertheless that the said street one hundred feet wide along the defined line from the Queen's Wharf to Cuba Street may be continued in a right line beyond Cuba Street; and provided also that streets and roads leading towards the sea may be extended directly to the defined line.

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

Struck out.

15. Neither the Corporation, nor any purchaser or lessee of any land fronting the sea on the defined line, shall have or acquire any right, by grant, prescription, or otherwise howsoever, to prevent the construction or erection of any wharves, jetties, or other works or buildings by the Board along or abutting on the sea-wall, or in any manner to interfere with the control or use by the Harbour Board of the land and water on the seaward side of the defined line, or to claim damages or compensation for any loss sustained by reason of such construction, erection, or control or use.

New clause.

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

10. 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).

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11. ~~16.~~ 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.

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

Struck out.

10 17. The Board may grant licenses to occupy and use for boat-skids and for other boating purposes part of the lands and water abutting upon the defined line to any club or clubs, person or persons, which or who may have acquired or shall acquire from the Corporation a right or rights to occupy part or parts of the reclaimed land fronting upon the defined line: Any such license may be for a term not exceeding twenty-one years, and may be granted upon such terms and subject to such conditions as the Board shall think fit.

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New clauses.

12. 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 *Five* hereto of the defined line, and having frontage to the defined line, to any boat clubs, or trustees for boat clubs, 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. 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.

Leases to boat clubs.

13. The Board shall, on the twenty-eighth day of February, one thousand eight hundred and eighty-eight, pay to the Corporation the sum of one thousand pounds, being purchase-money for the piece of land included in the land described in section ~~eighteen~~ *fourteen*, and hatched yellow on the plan of the Marine Department numbered one thousand three hundred and thirty-two, and six hundred pounds, being the cost of the reclamation of so much of the land referred to in section ~~five~~ *four* as has already been reclaimed by the Corporation, and the sum of five hundred pounds 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 the *Third* and *Fourth* Schedules hereto (on all other seaward sides than the western boundary measuring eighty-five links of the land described in the *Third* Schedule), over and above the estimated cost of the sea-wall for the land comprised in the *Fourth* Schedule only.

Payment by Board to Corporation for land hatched yellow on plan M. D. 1332; also for reclamation of sites for boating clubs; also excess in cost of sea-walls bounding land in *Third* and *Fourth* Schedules.

14. ~~18.~~ The piece of land, the boundaries and description whereof are specified in the *Third* Schedule to this Act, is hereby vested in the Board, to be used as a site for offices and warehouses, for extending the approach to the wharf, and for other purposes of a like nature.

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

Schedules.

SCHEDULES.

FIRST SCHEDULE.

THE defined line is a line coloured blue on the plan deposited in the office of the Marine Department, Wellington, No. M.D. 1322 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 tangential to 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 tangential to 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.

SECOND SCHEDULE.

ALL that area coloured green on the said plan deposited in the office of the Marine Department, Wellington, No. M.D. 1322 1332, containing an area of 5a. 2r. 25p., bounded on the North by the defined line for a length of 770 685 links; on the Westward by a line on a bearing of 171 degrees 31 minutes (true meridian), for a length of 800 808 links; thence on the South by a line on a bearing of 102 degrees 37 minutes, for a length of 545 457 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.

THIRD SCHEDULE.

ALL that area coloured yellow on the said plan deposited in the office of the Marine Department, Wellington, No. M.D. 1322 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, 1886 1883," 85 83 links.

New Schedules

FOURTH SCHEDULE.

ALL the land covered by water lying within the defined line and a red line drawn on a plan marked No. M.D. 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 situated 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.

FIFTH SCHEDULE.

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. M.D. 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.