

New Zealand.

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1906, No. 28.—*Local.*

AN ACT to confer Further Powers on the Corporation of the City of Wellington. Title.
[29th October, 1906.]

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

1. The Short Title of this Act is "The Wellington City Reclamation and Empowering Act, 1906." Short Title.

2. In this Act, unless inconsistent with the context,—

"The Corporation" means the Mayor, Councillors, and Citizens of the City of Wellington constituted under "The Municipal Corporations Act, 1900":

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

"The defined line" means the boundary-line defined in the First Schedule to "The Reclamation within the Harbour of Wellington Act, 1887."

Interpretation.

PART I.

SITES FOR BOAT-SHEDS.

Power to lease part
of the Te Aro
Reclamation for
bona fide purposes
of boating and
yachting.

3. (1.) The Corporation may let, if it thinks fit, by private contract any parts of the land described in the First Schedule hereto to any boat clubs or trustees for boat clubs for the *bona fide* purposes of boating and yachting, in such manner and for such term or terms, and upon and subject to such covenants, conditions, and restrictions, as the Corporation shall think fit; and any rentals reserved may in the discretion of the Corporation be less than the full improved rent, but subject in all respects to the provisions of the last paragraph of section nine of "The Reclamation within the Harbour of Wellington Act, 1887."

(2.) Every such lease shall be granted subject to the condition that no such club or trustees shall have the power of subletting any part of the land leased, 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.

(3.) 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, but subject to the right of the Board to erect and maintain the structure of a wharf-staging delineated on plan marked M.D. 2965, deposited with the Marine Department at Wellington; provided, however, that the Board may amend or alter the design of such structure or such structures in such manner as the Engineer for the Marine Department may from time to time approve. The Corporation or its lessees shall, when required to do so by the Board, alter the existing boat-skids in accordance with the said plan or otherwise to the approval of the Board. Before erecting any new skids or other structures the Corporation or the lessees shall submit the plans and specifications of any proposed work to the Board, and obtain its approval thereto. Nothing in this Act shall be deemed to give any right to the Corporation or its lessees to interfere with or impede the navigation of or the management of the Harbour of Wellington.

PART II.

TRAMWAYS.

Powers under the
Public Works Act.

4. Where any tramway proceeds by tunnel through the Town Belt, the Corporation may, in lieu of taking lands, take under the provisions of "The Public Works Act, 1905," so much only of the subsoil of such lands as will enable it to construct the tunnel required for such tramway.

No right of way
over portions of
tramways.

5. (1.) Notwithstanding anything to the contrary contained in "The Tramways Act, 1894," or the Second Schedule thereto,

no person shall, without the consent of the Corporation or its delegate (except as a passenger on the tramway) pass through or along any tunnel, cutting, or embankment lawfully used by the Corporation or its delegate for the purposes of a tramway, except such part as shall with the consent of the Corporation be used as a public way.

(2.) Any person offending against the provisions of this section shall be liable on summary conviction to a penalty not exceeding five pounds.

PART III.

KILBIRNIE RESERVE.

6. (1.) The land described in the Second Schedule hereto shall, from and after the passing of this Act, vest in the Corporation for the purposes of a recreation reserve for the inhabitants of the City of Wellington.

Kilbirnie Reserve to vest in the Corporation.

(2.) The trustees in whom, before the commencement of this Act, the said land described in the Second Schedule was vested shall submit to the Corporation an account of their receipts and expenditure from the last date on which the said accounts were audited, and on the Corporation passing a resolution that such accounts are correct, and on the said trustees paying to the Corporation the balance held by them according to the said accounts, the trustees shall be deemed to be absolutely released from all liability in respect of their trust.

PART IV.

EVANS BAY RECLAMATION.

7. (1.) The Corporation may reclaim from the sea the parcel of land described in the Third Schedule hereto, and may for that purpose, if it thinks fit, enter into any contract or contracts with any person or persons for the execution of all or any works which may be necessary or expedient in or about the filling-up or reclamation of such land as aforesaid, upon such terms and conditions as may to it seem proper and reasonable. If the Corporation shall not on or before the expiration of seven years from the passing of this Act have constructed the sea-wall and new street on the sea-line of the proposed reclamation in conformity with the provisions of sections eight and twelve of this Act, then the Board may, by notice in writing, require the same to be completed before the expiry of one year from the time when such notice shall have been served by the Board on the Corporation; and if the Corporation shall not so complete the construction of the sea-wall and new street, then Part IV of this Act shall, so far as it refers to such part of the land comprised in the Third Schedule hereto as shall not then have been reclaimed, be deemed to be repealed, and the rights, powers, and privileges granted to and conferred upon the Corporation by such part of Part IV shall forthwith cease and determine.

Power to reclaim at Evans Bay and to take lands.

(2.) The Corporation may purchase, acquire, or take under the provisions of "The Public Works Act, 1905," any private land adjoining the proposed reclamation at Evans Bay, and shall hold the same for the same purposes as the land described in the Third Schedule hereto.

Sea-wall to be constructed in advance of and to protect filling.

8. The Corporation shall, in carrying out the reclamation authorised by this Act, extend the sea-wall on the sea-line of the proposed reclamation in advance of and so as to protect from the action of the sea any filling that may from time to time be deposited on the land to be reclaimed.

Board's foreshore rights preserved.

9. Until and on the completion of the reclamation of the land described in the Third Schedule hereto the foreshore of such reclamation shall vest in the Board as if it had been granted to the Board by "The Wellington Harbour Board and Corporation Land Act, 1880," and the Board shall have the same rights to the foreshore of such reclamation as it had in respect of the existing foreshore. The Board shall have at all points along the sea-face of the reclamation rights of access from the roadways to the harbour, including the right of support on the face-wall to any works that the Board may be authorised to construct therefrom.

Sea-wall to be maintained by the Corporation.

10. The Corporation shall, after the completion of the reclamation hereby authorised, maintain and repair the sea-wall fronting the said reclamation.

Evans Bay Reclamation to vest in the Corporation.

11. Upon the completion of the reclamation of the land described in the Third Schedule hereto the said land shall vest in the Corporation.

Power to widen Seatoun Road and construct a new street.

12. On the completion of the reclamation of the land described in the Third Schedule hereto the Corporation may and shall widen Seatoun Road to a width of sixty-six feet, and shall construct a new street sixty-six feet wide on the seaward boundary of the said reclamation to connect Evans Bay Road with Lyell Bay Road, as the same street is delineated on the plan mentioned in the Third Schedule hereto, and the lands necessary for these purposes shall become public streets of the City of Wellington and vest in the Corporation as such.

Purposes to which Corporation may devote land not required for streets.

13. Such parts of the land described in the Third Schedule hereto as shall not be required for street purposes shall vest in the Corporation, subject to the following conditions, namely:—

- (a.) The Corporation may subdivide and lease under the provisions of "The Municipal Corporations Act, 1900," such parts of the said lands fronting the new street and Seatoun Road, not exceeding one-fourth part of the net area reclaimed after deducting the area utilised for streets, as the Corporation shall fix by special order in that behalf.
- (b.) The balance of the said land shall vest in the Corporation for the purposes of a recreation reserve for the inhabitants of the City of Wellington.
- (c.) Notwithstanding anything contained in "The Public Reserves Act, 1881," or any amendment thereof, or any other Act, the Corporation may by by-law fix the days

upon which charges may be made for admission to the said recreation reserve, and by the said by-law fix a scale of charges in respect of admission to the said reserve for the days on which charges may be made. Nothing in this section shall be construed to allow of a charge being made on Christmas Day, Good Friday, or any Sunday.

14. The rents and profits which may arise from the lease of any lands under this Part of this Act shall be applied in payment of interest on and repayment of any loans raised for reclamation of the same, by means of a sinking fund or otherwise, and after repayment of the said loan shall be paid into the District Fund.

Rents of Kilbirnie Reclamation to be appropriated to loan.

15. The Corporation may borrow for the reclamation of the land described in the Third Schedule hereto any sum of money necessary for the purpose by way of special loan within the meaning of "The Local Bodies' Loans Act, 1901."

Borrowing-powers of the Corporation.

16. This Act shall be deemed to be a special Act within the meaning of "The Harbours Act, 1878," and "The Public Works Act, 1905."

Special Act.

SCHEDULES.

Schedules

FIRST SCHEDULE.

ALL that piece or parcel of land in the City of Wellington, being part of the Te Aro Reclamation, bounded as follows: commencing at a point C, 2285 links from the Queen's Wharf measured along the defined line as shown on plan M.D. 1332 deposited in the office of the Marine Department, Wellington; thence north-easterly by the said defined line, 378.1 links; thence south-easterly by a line $216^{\circ} 19'$, 170.8 links; thence by the north-east side of Cable Street 307° , 186.7 links; thence by the east side of Jervois Quay 349° , 141.6 links, and $351^{\circ} 33'$, 139.2 links; thence by a line $61^{\circ} 30'$, 49.3 links, to the point of commencement: amounting to 2 roods 12 perches or thereabouts.

SECOND SCHEDULE.

ALL that piece of land situate in the district of Evans Bay, containing 4 acres, more or less, being part of Reserve G on the plan of Kilbirnie, deposited in the Lands Registry Office, at Wellington, as Number 65, being the whole of the land comprised and described in certificate of title, Volume xxxiii, folio 168.

THIRD SCHEDULE.

EVANS BAY.

ALL that piece or parcel of land covered by the waters of Port Nicholson, commencing at a point 200 links on a bearing of $14^{\circ} 31'$ from the intersection of the production of the south-west side line of Seatoun Road with east side of Lyell Bay Road, bounded as follows: on the east by lines marked $14^{\circ} 31'$, 58.4 links, and $2^{\circ} 5'$, 2542.5 links respectively, to the intersection of the latter line with the seaward side line of the Evans Bay Road; thence on the north-west and north by

side lines of Evans Bay Road $239^{\circ} 0' 27''$, 81.95 links, and $277^{\circ} 29' 27''$, 23 links respectively; thence generally on the west and north-west by high-water mark along the eastern and southern boundaries of the land shown on plan A 651, deposited in the office of the District Land Registrar, Wellington, and of Reserve G to its junction with the eastern side of Seatoun Road; thence generally on the west and south-west by the eastern side line of Seatoun Road and high-water mark to the starting-point: the said area amounting to 18 acres 1 rood or thereabouts: as the same is more particularly shown on a plan deposited in the office of the Minister of Marine, Wellington, marked M.D. 2940, and therein edged pink.

WELLINGTON: Printed under authority of the New Zealand Government,
by JOHN MACKAY, Government Printer.—1906.