



ANALYSIS

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Special Act.</p> <p>4. Validation of deed relating to reclamation.</p> <p>5. Lands to form part of City of Lower Hutt.</p> | <p>6. Authorizing raising of special loan by Lower Hutt City Council.</p> <p>7. Lands to be used for industrial purposes.</p> <p>8. Land to form part of Hutt Valley Electric Power District.</p> <p>9. Land to form part of the Hutt River District.</p> <p>Schedule.</p> |
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1955, No. 10—*Local*

Title. AN ACT to validate a deed between the Wellington Harbour Board and the corporations of the City of Lower Hutt and the Hutt County for the purpose of carrying out a reclamation scheme in the Wellington Harbour, and to include such reclamation in the said City and in the Hutt Valley Electric Power District.

[21 October 1955]

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

Short Title. 1. This Act may be cited as the Wellington Harbour Reclamation Act 1955.

Interpretation. 2. In this Act, unless the context otherwise requires,—
 “The Board” means the Wellington Harbour Board:
 “The City Council” means the Lower Hutt City Council:
 “The County Council” means the Hutt County Council.

3. This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950. Special Act.

4. The deed set out in the Schedule to this Act is hereby declared to be and always to have been effective, valid, and binding in all respects according to its tenor, and the Board, the City Council, and the County Council are hereby authorized and empowered to carry out the terms and conditions of the said deed and to do all things necessary to give effect to it. Validation of deed relating to reclamation.

5. (1) On and after the commencement of the reclamation referred to in the said deed,--- Lands to form part of City of Lower Hutt.

(a) The lands described in the First and Second Schedules to the said deed shall be deemed to be added to and shall for all purposes form part of the City of Lower Hutt, and the boundaries of that city shall be deemed to be extended accordingly:

(b) The boundaries of the County of Hutt shall be deemed to be altered by excluding therefrom the land described in the Second Schedule to the said deed.

(2) For the purposes of this section the Secretary to the Board shall, forthwith after the commencement of the reclamation, send to the Secretary for Internal Affairs and to the Town Clerk of the City Council and to the Clerk of the County Council certificates specifying the date on which the reclamation was commenced, and section twenty-six of the Municipal Corporations Act 1954 shall apply.

6. The City Council may raise by special order under the Local Bodies' Loans Act 1926 such loan or loans as may be required by the City Council for or in connection with any of the purposes set out in the said deed and in this Act: Authorizing raising of special loan by Lower Hutt City Council.

Provided that the proviso to subsection one of section nine of the Local Bodies' Loans Act 1926 and subsection two of that section, as substituted by section three of the Local Bodies' Loans Amendment Act 1951, shall not apply to any loan or loans so raised.

7. (1) Notwithstanding anything in the Town and Country Planning Act 1953, but without restricting the application of that Act beyond the express provisions of this section, the lands described in the First and Second Schedule to the said deed shall be so zoned in the district Lands to be used for industrial purposes.

scheme for the district or districts in which they are from time to time situated as to permit any of such lands to be applied to any use, whether predominant or conditional, that is permitted in any industrial C zone within the meaning of the Fourth Schedule to the Town and Country Planning Regulations 1954, but including as predominant uses candle manufacture (from paraffin wax), fuel oil refining and storage, oil distillation and refining, and turpentine manufacture.

(2) Each conditional use of such land shall be subject to such conditions as may be included in the district scheme in respect of such use generally in other industrial zones in the district.

(3) No decision of any Council or of the Town and Country Planning Appeal Board under the Town and Country Planning Act 1953 shall operate to nullify the effect of this section.

Land to form part of Hutt Valley Electric Power District.

8. (1) On and after the commencement of the said reclamation the land described in the First Schedule to the said deed shall be deemed to be added to and shall for all purposes form part of the Hutt Valley Electric Power District, and the boundaries of that district shall be deemed to be extended accordingly.

(2) For the purposes of this section the Secretary to the Board shall, forthwith after the commencement of the reclamation, send to the General Manager of the State Hydro-electric Department and to the Clerk of the Hutt Valley Electric Power Board certificates specifying the date on which the reclamation was commenced, and the altered boundaries of the said electric-power district shall be defined by notice in the *Gazette* under the hand of the General Manager of the State Hydro-electric Department.

Land to form part of the Hutt River District.

9. (1) On and after the commencement of the said reclamation the land described in the First Schedule to the said deed shall be deemed to be added to and shall for all purposes form part of the Lower Hutt Subdivision of the Hutt River District, and the boundaries of that subdivision as defined by Order in Council dated the twenty-third day of February, nineteen hundred and forty-nine, and published in the *Gazette* of the twenty-fourth day of the same month, at page 625, shall be deemed to be extended accordingly.

(2) For the purposes of this section the Secretary to the Board shall, forthwith after the commencement of the reclamation, send to the Secretary of the Hutt River Board and to the Secretary for Internal Affairs certificates specifying the date on which the reclamation was commenced, and the altered boundaries of the said subdivision and of the Hutt River District shall be defined by notice in the *Gazette* under the hand of the Secretary for Internal Affairs.

SCHEDULE

Schedule.

Section 4

THIS DEED made the twentyseventh day of July 1955 BETWEEN THE WELLINGTON HARBOUR BOARD a Harbour Board duly incorporated under the Harbours Act 1950 and having its office in the City of Wellington (hereinafter called "the Board") of the first part THE MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF LOWER HUTT a body corporate under the provisions of the Municipal Corporations Act 1954 (hereinafter called "the City") of the second part AND THE CHAIRMAN COUNCILLORS AND INHABITANTS OF THE COUNTY OF HUTT a body corporate under the provisions of the Counties Act 1920 (hereinafter called "the County") of the third part WHEREAS the Board intends to reclaim certain land being part of the bed of the Harbour of Wellington and more particularly described in the First Schedule hereto for subdivisional building industrial leasing and other purposes AND WHEREAS such land when so reclaimed will be adjacent within the meaning of Section 171 of the Harbours Act 1950 to land under the jurisdiction and forming part of the City and also to other land under the jurisdiction and forming part of the County AND WHEREAS the parties hereto have agreed upon certain matters as hereinafter set out which have arisen or may arise relating to the proposed reclamation and other incidental matters pertaining thereto NOW THIS DEED WITNESSETH and it is hereby covenanted and declared by and among the parties hereto as follows:—

1. THE Board will as soon as reasonably practicable after the validation of these presents as hereinafter provided and in any case not later than three years from the date of such validation commence and diligently proceed with the reclamation of the land described in the First Schedule hereto and shown on the plan annexed hereto and coloured pink blue and yellow thereon PROVIDED always that if the Board shall not have commenced the said reclamation within three (3) years from the date of such validation then this deed shall be null and void and no party hereto shall be under any obligation or liability thereunder unless the parties hereto agree upon or prior to the expiration of the said period of three years that this deed shall remain in force for a further period then to be agreed upon. In the event of the Board not commencing the said reclamation within any such further period so agreed upon then this deed shall be null and void and no party hereto shall be under any obligation or liability thereunder.

2. UPON and after the commencement of the said reclamation the land described in the First Schedule hereto together with the land described in the Second Schedule hereto (such said lands in the First and Second Schedules hereto together being hereinafter referred to as "the said lands") shall form part of the City of Lower Hutt and shall be subject to the jurisdiction of the City within the meaning of Section 171 of the Harbours Act 1950 and no part of the said lands shall form part of the County nor be subject to the jurisdiction of the County within the meaning of the said Section 171.

3. A street along the seaward boundary of the said lands shall be laid out and constructed by the Board to a standard agreed upon between the Board and the City and of a width and in a position shown on the plan annexed hereto and coloured blue and the City shall bear and pay one-quarter of the cost of such laying-out and construction.

4. THE Board shall be at liberty to subdivide the said lands and in any such subdivision or subdivisions shall conform to and comply with the reasonable requirements of the City imposed under the provisions of the Municipal Corporations Act 1954 in respect of the width lay out and construction of all streets in such subdivisions and shall also provide and install all such water mains sewers and storm-water drains and connections as the City shall reasonably require therein for such subdivisional purposes provided that the Board shall not be required to set aside any land in the said subdivision or subdivisions for the purposes of a reserve nor shall it be required to make any contribution to the Reserve Fund of the City. Any dispute that may arise between the Board and the City as to the reasonableness of any requirements of the Council under this clause shall be deemed a dispute within the meaning of Clause 14 hereof.

5. THE Board shall when called upon by the City so to do transfer and dedicate as and for public streets all streets in any such subdivision or subdivisions.

6. NOTWITHSTANDING anything to the contrary herein the parties shall bear and pay the following amounts in respect of the drains hereafter described and more particularly shown on the plan annexed hereto:—

	The Board	The City	Total
Line A	£5,620	£3,380	£9,000
Line B		1,700	1,700
Line C	4,300	1,500	5,800
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	£9,920	£6,580	£16,500
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PROVIDED however that if the actual cost of such drains shall be greater or less than the respective amounts set out in this clause then any additional costs shall be borne proportionately by the Board and City and a similar proportion of abatement shall be made to the Board and the City if the actual cost shall be less than the said respective amounts.

7. THE City shall on the due validation of this Deed by legislation as hereinafter provided take all steps to cause the said lands to be zoned as industrial land within the meaning of the Town and Country Planning Act 1953 and the Regulations thereunder.

8. THE execution of these presents by the City is conditional upon legislative authority being granted to the City to raise by special order such loan or loans as may be required by the City for or in connection with any of the purposes herein set out with the special provision that the proviso to Section 9 of the Local Bodies' Loans Act 1926 as substituted by Section 3 of the Local Bodies' Loans Amendment Act 1951 shall have no application to any such loan or loans so raised.

9. IF and when the County reasonably requires an area not exceeding half an acre in the approximate position shown outlined in green on the plan annexed hereto for the purpose of sinking a well or wells therein and erecting a pumping station thereon for water supply purposes then the Board upon being satisfied of the intention of the County to proceed with reasonable promptitude to carry out such work for the said purposes shall transfer free of costs the said area of approximately half an acre to the County for water supply purposes.

10. THE Board shall erect and equip a sewerage pumping station and shall also lay a delivery main therefrom to connect with the main sewerage system of the City such pumping station and delivery main to be in a position on the said lands and of a design approved by the Chief Engineer of the Board and the City Engineer and the cost thereof shall be borne equally by the Board and the City but the cost of other sewer reticulation in the said lands and any subdivision or subdivisions thereof shall be borne by the Board.

11. THE Board shall install and lay a six-inch diameter water main in the seaward boundary street on the said lands and also a similar water main connecting to the nearest point of satisfactory supply to the satisfaction of the Chief Engineer of the Board and the City Engineer and the City shall bear one-fourth of the cost of such said two water mains but the cost of pipes and mains

from the said six-inch water main to supply any subdivision or subdivisions of the said lands shall be borne by the Board.

12. THE parties hereto shall promote and take all necessary steps for the purpose of having passed by Parliament legislation validating this Deed and all acts to be performed or carried out by the parties hereunder and also for the purpose of including the land in the First Schedule within the district of the Hutt Valley Electric Power Board a Board duly constituted under the Electric Power Boards Act 1920.

13. THIS Deed and the creation of obligations hereunder are subject to such validating legislation being passed by Parliament.

14. IF any question dispute or difference whatsoever shall arise between the parties to these presents or any of them touching these presents or any clause or thing herein contained or the construction hereof or as to any matter in any way connected with or arising out of these presents or the operation thereof or the rights duties or liabilities of either party in connection with the premises then and in every such case unless the parties concur in the appointment of a single arbitrator the matter in difference shall be referred to two arbitrators one to be appointed by each party to the difference or to an umpire to be appointed by the arbitrators pursuant to and so as with regard to the mode and consequence of the reference and in all other respects to conform to the provisions in that behalf contained in the Arbitration Act 1908 or any then subsisting statutory modification thereof.

FIRST SCHEDULE

(a) All that portion of the bed of the Harbour of Wellington being Section 4 Block XVI Belmont Survey District shown coloured pink on a Plan lodged at the Office of the Chief Surveyor at Wellington as Number S.O. 23418 and having an area of two roods (2 roods).

(b) All that portion of the bed of the Harbour of Wellington being Section 5 Block XVI Belmont Survey District shown coloured blue on a Plan lodged at the Office of the Chief Surveyor at Wellington as Number S.O. 23418 and having an area of nine acres two roods fifteen perches and eighty five one hundredths of a perch (9 acres 2 roods 15.85 perches).

(c) All that portion of the bed of the Harbour of Wellington being Section 6 Block XVI Belmont Survey District shown coloured yellow on a Plan lodged at the Office of the Chief Surveyor at Wellington as Number S.O. 23418 and having an area of ninety nine acres one rood eight perches and eight one hundredths of a perch (99 acres 1 rood 8.08 perches).

SECOND SCHEDULE

All that piece of land situate in the Land Registration District of Wellington containing twenty one acres two roods nine perches and fifty one one hundredths of a perch (21 acres 2 roods 9.51 perches) being Section 76 of the Harbour District and coloured sepia on a Plan lodged at the Office of the Chief Surveyor at Wellington as Number S.O. 23418 and being the land comprised in Certificate of Title Volume 615 Folio 50 Wellington Registry.

IN WITNESS WHEREOF these presents are executed the day and year first hereinbefore written.

THE COMMON SEAL of THE WELLINGTON HARBOUR BOARD was hereunto affixed by order of the said Board in the presence of:— [L.S.] 1955/5180

- “WILL APPLETON” Chairman.
“F. J. KITTS” } Members.
“W. H. PRICE” }
“H. W. PRINCE” Secretary.

THE COMMON SEAL of THE MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF LOWER HUTT was hereunto affixed pursuant to a resolution of the Council in the presence of: [L.S.]
“P. DOWSE” Mayor.
“C. M. TURNER” Town Clerk.

THE COMMON SEAL of THE CHAIRMAN COUNCILLORS and INHABITANTS OF THE COUNTY OF HUTT was hereunto affixed pursuant to a resolution of the Council in the presence of: [L.S.]
“BRYAN H. HEATH” County Chairman.
“R. WOOD” Acting County Clerk.

