

Reprint
as at 1 July 2013

**Wellington City Reclamation and
Empowering Act 1906**

Local Act 1906 No 28
Date of assent 29 October 1906

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

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An Act to confer Further Powers on the Corporation of the City of Wellington.

- 1 Short Title**
The Short Title of this Act is the Wellington City Reclamation and Empowering Act 1906.
- 2 Interpretation**
In this Act, unless inconsistent with the context,—
the Corporation means the Mayor, Councillors, and Citizens of the City of Wellington constituted under Local Government Act 1974
“The Corporation”: a reference to the Municipal Corporations Act 1908 was substituted, as from 4 August 1908, for a reference to the Municipal Corporations Act 1900 pursuant to section 1(2) Municipal Corporations Act 1908

(1908 No 124). That reference was in turn substituted, as from 1 April 1921, by a reference to the Municipal Corporations Act 1920 pursuant to section 385(1) Municipal Corporations Act 1920 (1920 No 48). That reference was in turn substituted, as from 20 December 1933, by a reference to the Municipal Corporations Act 1933 pursuant to section 393(1) Municipal Corporations Act 1933 (1933 No 30). That reference was in turn substituted, as from 1 April 1955, by a reference to the Municipal Corporations Act 1954 pursuant to section 413 Municipal Corporations Act 1954 (1954 No 76). That reference was in turn substituted, as from 1 April 1980, by a reference to the Local Government Act 1974 pursuant to section 9(1) Local Government Amendment Act 1979 (1979 No 59).

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

the defined line means the boundary-line defined in Schedule 1 to the Reclamation within the Harbour of Wellington Act 1887.

Part 1

Sites for boat-sheds

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

- (1) The Corporation may let, if it thinks fit, by private contract any parts of the land described in Schedule 1 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 9 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 MD 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 2

Tramways

4 Powers under the Public Works Act

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.

5 No right of way over portions of tramways

- (1) Notwithstanding anything to the contrary contained in the Tramways Act 1894, or Schedule 2 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 conviction to a penalty not exceeding \$10.

Section 5(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

The words “ten dollars”, in subsection (2), were substituted, as from 10 July 1967, for the words “five pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Part 3 Kilbirnie Reserve

6 Kilbirnie reserve to vest in the Corporation

- (1) The land described in Schedule 2 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.
- (2) The trustees in whom, before the commencement of this Act, the said land described in Schedule 2 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 4 Evans Bay reclamation

7 Power to reclaim at Evans Bay and to take lands

- (1) The Corporation may reclaim from the sea the parcel of land described in Schedule 3 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 36 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 8 and 12 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 4 of this Act shall, so far as it refers to such part of the land comprised in Schedule 3 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 of Part 4 shall forthwith cease and determine.

- (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 Schedule 3 hereto.

Subsection (1) was amended, as from 7 November 1912, by section 42 Reserves and Other Lands Disposal and Public Bodies Empowering Act 1912 (1912 No 46) by substituting the word “twelve” for the word “seven”.

Subsection (1) was further amended, as from 10 December 1918, by section 46 Reserves and other Lands Disposal and Public Bodies Empowering Act 1918 (1918 No 23) by substituting the word “nineteen” for the word “twelve”.

Subsection (1) was further amended, as from 6 November 1924, by section 11 Wellington City Empowering and Amendment Act 1924 (1924 No 19(L)) by substituting the word “twenty-four” for the word “nineteen”.

Subsection (1) was further amended, as from 1 November 1929, by section 5 Wellington City Empowering and Amendment Act 1929 (1929 No 12(L)) by substituting the word “twenty-nine” for the word “twenty-four”.

Subsection (1) was further amended, as from 13 November 1934, by section 13 Local Legislation Act 1934 (1934 No 33) by substituting the word “thirty-six” for the “twenty-nine”.

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

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.

9 Board’s foreshore rights preserved

Until and on the completion of the reclamation of the land described in Schedule 3 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.

10 Sea-wall to be maintained by the Corporation

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

11 Evans Bay Reclamation to vest in the Corporation

Upon the completion of the reclamation of the land described in Schedule 3 hereto the said land shall vest in the Corporation.

12 Power to widen Seatoun Road and construct a new street

On the completion of the reclamation of the land described in Schedule 3 hereto the Corporation may and shall widen Seatoun Road to a width of 66 feet, and shall construct a new street 66 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 Schedule 3 hereto, and the lands necessary for these purposes shall become public streets of the City of Wellington and vest in the Corporation as such.

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

Such parts of the land described in Schedule 3 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 Local Government Act 1974, such parts of the said lands fronting the new street and Seatoun Road, not exceeding one-fourth part of the net area re-

- claimed 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 Reserves Act 1977 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.

A reference to the Municipal Corporations Act 1908, in paragraph (a), was substituted, as from 4 August 1908, for a reference to the Municipal Corporations Act 1900 pursuant to section 1(2) Municipal Corporations Act 1908 (1908 No 124). That reference was in turn substituted, as from 1 April 1921, by a reference to the Municipal Corporations Act 1920 pursuant to section 385(1) Municipal Corporations Act 1920 (1920 No 48). That reference was in turn substituted, as from 20 December 1933, by a reference to the Municipal Corporations Act 1933 pursuant to section 393(1) Municipal Corporations Act 1933 (1933 No 30). That reference was in turn substituted, as from 1 April 1955, by a reference to the Municipal Corporations Act 1954 pursuant to section 413 Municipal Corporations Act 1954 (1954 No 76). That reference was in turn substituted, as from 1 April 1980, by a reference to the Local Government Act 1974 pursuant to section 9(1) Local Government Amendment Act 1979 (1979 No 59).

A reference to the Public Reserves and Domains Act 1908, in paragraph (c) was substituted, as from 4 August 1908, for a reference to the Public Reserves Act 1881 pursuant to section 1(2) Public Reserves and Domains Act 1908 (1908 No 156). That reference was in turn substituted, as from 9 October 1928, by a reference to the Public Reserves, Domains, and National Parks Act 1928 pursuant to section 103 Public Reserves, Domains, and National Parks Act 1928 (1928 No 36). That reference was in turn substituted, as from 1 April 1954, by a reference to the Reserves and Domains Act 1953 pursuant to section 107(1) Reserves and Domains Act 1953 (1953 No 69). That reference was in turn substituted, as from 1 April 1978, by a reference to the Reserves Act 1977 pursuant to section 125(1) Reserves Act 1977 (1977 No 66).

14 Rents of Kilbirnie Reclamation to be appropriated to loan

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.

15 Borrowing-powers of the Corporation

The Corporation may borrow for the reclamation of the land described in Schedule 3 hereto any sum of money necessary for the purpose by way of special loan within the meaning of the Local Bodies' Loans Act 1901.

16 Special Act

This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950, and the Public Works Act 1981.

A reference to the Harbours Act 1908 was substituted, as from 4 August 1908, for a reference to the Harbours Act 1878 pursuant to section 1(2) Harbours Act 1908 (1908 No 75). That reference was in turn substituted, as from 29 August 1923, by a reference to the Harbours Act 1923 pursuant to section 259(1) Harbours Act 1923 (1923 No 40). That reference was in turn substituted, as from 15 October 1950, by a reference to the Harbours Act 1950 pursuant to section 269(1) Harbours Act 1950 (1950 No 34).

A reference to the Public Works Act 1908, was substituted, as from 4 August 1908, for a reference to the Public Works Act 1905 pursuant to section 1(2) Public Works Act 1908 (1908 No 160). That reference was in turn substituted, as from 6 October 1928, by a reference to the Public Works Act 1928 pursuant to section 346 Public Works Act 1928 (1928 No 21). That reference was in turn substituted, as from 1 February 1982, by a reference to the Public Works Act 1981 pursuant to section 248(1) Public Works Act 1981 (1981 No 35).

Schedule 1

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° 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° 33', 139.2 links; thence by a line 61° 30', 49.3 links, to the point of commencement: amounting to 2 roods 12 perches or thereabouts.

Schedule 2

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.

Schedule 3 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 Transport, Wellington, marked M D 2940, and therein edged pink.

The reference to the "Minister of Transport" was substituted for a reference to the "Minister of Marine" by section 6(1) Ministry of Transport Amendment Act 1972.

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Notes

1 *General*

This is an eprint of the Wellington City Reclamation and Empowering Act 1906. The eprint incorporates all the amendments to the Act as at 1 July 2013. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

2 *About this eprint*

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

3 *List of amendments incorporated in this eprint (most recent first)*

Criminal Procedure Act 2011 (2011 No 81): section 413
