

**Reprint
as at 28 November 1989**



**Auckland Harbour Board
(Devonport Wharf) Vesting and
Empowering Act 1989**

Local Act 1989 No 9
Date of assent 27 November 1989
Commencement 27 November 1989

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Note

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

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

An Act to make provision for leasing land to Ports of Auckland Limited and to vest in the Auckland Harbour Board land constituting part of the bed of the Waitemata Harbour

1 Short Title

This Act may be cited as the Auckland Harbour Board (Devonport Wharf) Vesting and Empowering Act 1989.

2 Interpretation

In this Act, unless the context otherwise requires,—

Act means the Harbours Act 1950

Board means the Auckland Harbour Board; and includes:

- (a) if any land to which this Act applies is for the time being vested in any other local authority pursuant to this Act or to a final reorganisation scheme under the Local Government Act 1974, that local authority in respect of any such land so vested:
- (b) if any land to which this Act applies is for the time being vested in the Crown, the Minister of Conservation and the Minister of Transport acting jointly in respect of any such land so vested

Company means Ports of Auckland Limited

Devonport Wharf Redevelopment Area means and includes those areas of land, foreshore, seabed, waterspace, and airspace described in Schedules 1, 2, and 3.

3 Special Act

This Act is declared to be a special Act within the meaning of the Act.

4 Vesting

The land described in Schedule 1 is hereby vested in the Auckland Regional Council for an estate in fee simple free from all encumbrances.

5 Authority to lease

- (1) Subject to subsection (2) and notwithstanding anything in any other enactment, it shall be lawful for the Board to lease by

private contract to the Company the whole or any part of the land described in Schedules 1, 2, and 3 for such term of years, at such rent or rentals, and on such terms and conditions (including the right to sublet or license) as are approved by the Board; and from time to time to accept the surrender or vary the terms and conditions of any such lease upon such terms and conditions as are approved by the Board.

- (2) Any such lease granted to the Company shall not be assignable by the Company other than to a subsidiary of the Company as defined in section 2 of the Port Companies Act 1988 or to any person from time to time operating the Port of Auckland.
- (3) The Public Bodies Leases Act 1969 and section 173(f) of the Act shall not apply in respect of any lease granted under the authority of subsection (1).

6 Subdivision and development provisions not to apply

- (1) Part 20 of the Local Government Act 1974 shall not apply to—
 - (a) any subdivision required to enable the land described in Schedule 1 to be vested in the Auckland Regional Council;
 - (b) any subdivision required to enable a separate certificate of title to issue for the land described in Schedule 2;
 - (c) any lease granted under the authority of section 5;
 - (d) any sublease or licence granted by the Company of or in respect of the whole or any part of the land described in Schedules 1, 2 and 3.
- (2) Sections 281, 289, 291, 292, 294(1)(b) and (c), 294A(7), and 327 of the Local Government Act 1974 shall not apply to the development of the whole or any part of the land described in Schedules 1, 2, and 3.

7 Powers of District Land Registrar

Notwithstanding the requirements of any other Act, the District Land Registrar for the North Auckland Land Registration District is hereby authorised and directed—

- (a) to issue a certificate of title in the name of the Board for the whole or any part of the land described in Schedule 1; and

- (b) to issue a certificate of title in the name of the Board for the whole or any part of the land described in Schedule 2; and
- (c) to issue a certificate of title for the lot resulting from the amalgamation of the land described in Schedules 1, 2, and 3; and
- (d) to register any lease or sub-lease granted under this Act, and any sub-lease granted by the Company of any lease granted under this Act and presented for registration—on the completion of such surveys and the deposit of such plans as the District Land Registrar may require for the issue of a certificate of title or for the entry of any lease on the register, as the case may be.

8 Other Acts not affected

Nothing in this Act shall be construed as—

- (a) limiting the application of—
 - (i) the Conservation Act 1987:
 - (ii) sections 143 and 143A to 143C, 175 to 188, and 203 to 207 of the Harbours Act 1950:
 - (iii) the Historic Places Act 1980:
 - (iv) the Local Government Act 1974, except as otherwise provided in this Act:
 - (v) the Town and Country Planning Act 1977:
 - (vi) the Water and Soil Conservation Act 1967.
- (b) conferring any water right within the meaning of the Water and Soil Conservation Act 1967.

9 Compensation

Nothing in this Act shall deprive any person of any right or remedy that person would otherwise have in respect of any loss, detriment, damage, or injury caused by any development or work constructed or carried out under authority of this Act, whether to property or person or otherwise howsoever.

Schedule 1

ss 2, 4, 5(1), 6(1)(a), (d),
(2), 7(a), (c)

All that area comprising 2 978 m², more or less, being part of the bed of the Waitemata Harbour, situated in Block VI, Rangitoto Survey District, and being the area marked “A” on SO plan 64177.

Schedule 2

ss 2, 5(1), 6(1)(b), (d), (2),
7(b), (c)

All that area comprising 1.3000 hectares, more or less, being Lot 1 on Deposited Plan 131569, being a subdivision of part of the bed of the Waitemata Harbour, and being part of the land comprised and described in certificate of title, Volume 12A, folio 786 (North Auckland Registry).

Schedule 3

ss 2, 5(1), 6(1)(d), (2), 7(c)

All that area comprising 260 m², more or less, being Lot 2 on Deposited Plan 22936, being portion of the bed of the Waitemata Harbour, and being all of the land comprised and described in certificate of title, Volume 616, folio 105 (North Auckland Registry).

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Notes

1 *General*

This is a reprint of the Auckland Harbour Board (Devonport Wharf) Vesting and Empowering Act 1989. The reprint incorporates all the amendments to the Act as at 28 November 1989, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the

enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)

- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
