

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 13 September 1967.

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Mr Riddiford

WELLINGTON HARBOUR BOARD LOAN AND EMPOWERING

[LOCAL]

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A BILL INTITULED

5 An Act to vest in the Wellington Harbour Board certain land forming part of the bed of the harbour of Wellington and to authorise the Wellington Harbour Board to reclaim land and to authorise and empower the Wellington Harbour Board to carry out certain harbour works and to borrow the sum of six million two hundred thousand dollars in respect thereof and to give the Wellington Harbour Board certain other powers and authorities

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

No. 41—2

2 *Wellington Harbour Board Loan and Empowering*

1. Short Title—This Act may be cited as the Wellington Harbour Board Loan and Empowering Act 1967.

2. Interpretation—In this Act, unless the context otherwise requires,—

“The Board” means the Wellington Harbour Board; 5

“The Act” means the Harbours Act 1950;

“The 1952 Act” means the Wellington Harbour Board Loan and Empowering Act 1952;

“The 1957 Act” means the Wellington Harbour Board Loan and Empowering Act 1957; 10

“The 1961 Act” means the Wellington Harbour Board Loan and Empowering Act 1961.

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

4. Vesting of bed of harbour—The lands and bed of the harbour described in the First Schedule hereto are hereby vested in the Board as an estate in fee simple for harbour purposes. 15

5. Easements and roads—The Board may create, transfer, and dedicate such easements and roads as it may think fit for the use and development of the land described in the First Schedule and item 1 (b) of the Second Schedule hereto. 20

6. Authority granted to District Land Registrar—The District Land Registrar for the Land Registration District of Wellington is hereby authorised and directed, on deposit with him of such plans and documents as he may require, to issue to the Board certificates of title in respect of the lands or bed of the harbour vested in the Board in pursuance of section 4 of this Act and to register easements and roads created, transferred, or dedicated pursuant to section 5 of this Act and to make such entries in the register books and to do all such other things as may be necessary to give effect to the provisions of this section. 25 30

7. Authority to carry out reclamation—(1) The Board is hereby authorised and empowered, notwithstanding anything contained in section 175 of the Act, but subject to the provisions of sections 176 to 182 of the Act, to reclaim lands in the harbour of Wellington, namely, the lands comprised and described in items 2 and 3 of the Second Schedule to this Act. 35 40

(2) Whereas by a grant (hereinafter called the Te Aro grant) from the Crown dated the twenty-fourth day of June 1874 a piece of land described in the Schedule to the Te Aro Reclamation Act 1879 was granted to the Mayor, Councillors, 5 and Citizens of the City of Wellington (hereinafter called the Corporation) upon certain trusts for reclamation: And whereas the said land was in the harbour of Wellington and below high-water mark: And whereas by the Te Aro Reclamation Act 1879 power to fill up and reclaim the whole of the 10 land in the Te Aro grant from the sea was conferred on the Corporation: And whereas the Reclamation Within the Harbour of Wellington Act 1887 recited that reclamation as far as the seaward boundary line of the land comprised in the Te Aro grant would be injurious to the harbour of 15 Wellington and it was necessary to define the limits beyond which future reclamation by the Corporation should not extend and further to provide for certain reclamation to the limits so defined: And whereas the Reclamation Within the Harbour of Wellington Act 1887 defined a line as set forth 20 in the First Schedule to the said Act (hereinafter called the defined line) and provided that it should 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 defined line: And whereas the 25 Reclamation Within the Harbour of Wellington Act 1887 by section 10 thereof provided that the Board should have certain rights, privileges, and powers in respect of the said land lying between the defined line and the seaward limit of the Te Aro grant and the water covering the same other 30 than the power of reclamation: And whereas by the Wellington Harbour Board and Corporation Empowering Act 1898 and a deed dated the thirteenth day of June 1898 between the Board and the Corporation (which deed was validated by such Act and is hereinafter called the deed) the Board was 35 given power to carry out certain reclamation work over part of the said land lying between the defined line and the seaward limit of the Te Aro grant but by section 8 of the Wellington Harbour Board and Corporation Empowering Act 1898 the land specified in the fifteenth schedule to the deed 40 (which land forms part of the Te Aro grant) was excluded from the power to reclaim and the Board covenanted in clause 7 of the deed that it would not reclaim from the sea any of the land described in the fifteenth schedule to the deed: And whereas, pursuant to the deed, the land described in 45 the fifteenth schedule was vested in the Board and now

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constitutes the land described in item 1 (b) of the Second Schedule to this Act: And whereas to improve the facilities of the Port of Wellington and to suit the convenience of ships it is desired to reclaim the land described in items 1 (a) and (b) of the First Schedule to this Act (including the land described in the fifteenth schedule to the deed): Be it therefore enacted as follows: 5

- (a) The Board is hereby authorised and empowered, notwithstanding anything contained in section 175 of the Act, but subject to sections 176 to 182 of the Act, to reclaim lands in the harbour of Wellington, namely, the land described in items 1 (a) and (b) of the Second Schedule to this Act: 10
- (b) The land described in item 1 (b) of the Second Schedule to this Act shall cease to be subject to any restrictions imposed by the Reclamation Within the Harbour of Wellington Act 1887, the Wellington Harbour Board and Corporation Empowering Act 1898, and the deed dated the thirteenth day of June 1898 between the Board and the Corporation: 15 20
- (c) The District Land Registrar for the Land Registration District of Wellington is hereby authorised and directed to remove any such restrictions from any certificates of title or other document relating to the land described in item 1 (b) of the Second Schedule to this Act. 25

New

Provided that where any part of the lands described in item 3 of the Second Schedule to this Act are reclaimed under the authority given under this subsection and are taken pursuant to section 148 of the Act for motorway purposes the compensation entitled to be received by the Board shall not exceed the amount which the Board has actually laid out upon the said land either for the costs of reclamation or otherwise in permanently improving the same. 30 35

Struck Out

8. Works authorised—The Board is hereby authorised, subject to the provisions of the Harbours Act 1950, to construct and carry out the works specified in the Third Schedule to this Act. 40

9. Authority to borrow—(1) It shall be lawful for the Board from time to time, as it may require, to borrow, subject to the provisions of the Harbours Act 1950 and the Local Authorities Loans Act 1956 a sum or sums of money
5 not exceeding in the aggregate the sum of six million two hundred thousand dollars.

(2) The money hereby authorised to be borrowed is in addition to any money heretofore authorised to be borrowed by the Board under any other Act.

10 10. Expenditure of money—All money borrowed under this Act shall be applied and expended in the construction of the harbour works and for the other purposes specified in the Third Schedule to this Act.

11. Expenditure of money authorised to be borrowed under
15 another Act—Whereas the Board by the 1952 Act (*was inter alia given power to borrow and apply the sum of two million five hundred thousand pounds*) (as amended by section 7 (1) of the Decimal Currency Act 1964) *was inter alia given power*
20 to borrow and apply the sum of five million dollars in the construction of one of the harbour works specified in the Schedule to the 1952 Act, namely, the construction of Thorndon Wharf and Lambton Wharf at the Port of Wellington, each complete with wharf cranes and sheds with overhead cranes: And whereas it is no longer desirable to proceed with
25 the construction of the Thorndon Wharf and the Lambton Wharf as specified in the 1952 Act: And whereas the Board desires to apply the said sum of (*two million five hundred thousand pounds*) five million dollars towards the harbour work specified in item 3 of the Third Schedule to this Act:
30 Be it therefore enacted as follows:

The Board is hereby empowered, in addition to the expenditure hereinbefore authorised by this Act and its Third Schedule, to apply and expend in and towards the
35 harbour work specified in item 3 of the said Third Schedule, being part of the Thorndon Wharf development, the said sum of (*two million five hundred thousand pounds*) five million dollars authorised to be borrowed in the 1952 Act.

12. Expenditure of money borrowed under certain other Acts—(1) Whereas the Board by the 1961 Act (*was inter alia given power to borrow and apply the sum of five hundred and twenty-two thousand pounds*) (as amended by section 7 (1) of the Decimal Currency Act 1964) *was inter alia* 5
given power to borrow and apply the sum of one million and forty-four thousand dollars in the construction of one of the harbour works specified in the Schedule to the 1961 Act, namely, an additional amount for the reconstruction of King's Wharf, including rebuilding of Shed 31 with facilities 10
for overseas passengers and cargo and including shed cranes and ten wharf cranes: And whereas to facilitate the shipping and unshipping of goods and to suit the convenience of ships and to improve the working of cargo facilities at the Port of Wellington, it is desired by the Board to proceed with the 15
Thorndon Wharf development in priority to the said work upon King's Wharf: And whereas the Board has borrowed pursuant to the 1961 Act and for the said work at King's Wharf and has not expended at the present time the sum of (*two hundred and seventy-five thousand six hundred and 20*
thirty-six pounds) five hundred and fifty-one thousand two hundred and seventy-two dollars: Be it therefore enacted as follows:

The Board is hereby empowered, in addition to the expenditure hereinbefore authorised by this Act and its 25
Third Schedule, to apply and expend in and towards the harbour work specified in item 3 of the said Third Schedule, being part of the Thorndon Wharf development, the sum of (*two hundred and seventy-five thousand six hundred and 30*
thirty-six pounds) five hundred and fifty-one thousand two hundred and seventy-two dollars or such amount as may not be otherwise expended under the said authority contained in the 1961 Act and to provide that sum from the said moneys borrowed under the authority of the 1961 Act.

(2) Whereas the Board by the 1957 Act (*was inter alia* 35
given power to borrow and apply the sum of four hundred thousand pounds) (as amended by section 7 (1) of the Decimal Currency Act 1964) *was inter alia* given power to 40
borrow and apply the sum of eight hundred thousand dollars in the construction of one of the harbour works specified in the Schedule to the 1957 Act, namely, reconstruction of South Inner Tee, Queen's Wharf, at the

Port of Wellington, complete with shed with overhead cranes, and of approach to Outer Tee or such wharf: And whereas to facilitate the shipping and unshipping of goods and to suit the convenience of ships and to improve the working of
5 cargo facilities at the Port of Wellington, it is desired by the Board to proceed with the Taranaki Street Wharf Development in priority to the said works at Queen's Wharf specified in the 1957 Act: And whereas the Board has borrowed
10 pursuant to the 1957 Act and for the said works at Queen's Wharf and has not expended at the present time the sum of (forty-one thousand and ninety-seven pounds nine shillings) eighty-two thousand one hundred and ninety-four dollars ninety cents: Be it therefore enacted as follows:

15 The Board is hereby empowered, in addition to the expenditure hereinbefore authorised by this Act and its Third Schedule, to apply and expend in and towards the harbour works specified in item 1 of the said Third Schedule, being part of the Taranaki Street Wharf development, the
20 sum of (forty-one thousand and ninety-seven pounds nine shillings) eighty-two thousand one hundred and ninety-four dollars ninety cents or such amount as may not be expended under the said authority contained in the 1957 Act and to provide that sum from the said money borrowed under the authority of the 1957 Act.

25 **13. Power to act as wharfingers and stevedores and to license wharfingers and stevedores**—(1) The Board may establish and conduct business as a wharfinger, a stevedore, and a warehouseman or any of them.

30 (2) The Board may by bylaws made in accordance with the Act—

(a) Provide for the licensing by the Board of persons to act as and conduct the business of a wharfinger, a stevedore, and warehouseman or any of them and for the reasonable regulation and control of such
35 licensed persons:

(b) Make reasonable charges for any services rendered by the Board as a wharfinger, stevedore, and warehouseman or any of them and provide for such reasonable charges as may be approved by the
40 Board to be made by persons licensed as aforesaid for any services rendered by such licensed person as a wharfinger, stevedore, and warehouseman or any of them, as the case may be:

Provided that such charges shall at all times conform with the charges from time to time fixed or approved or the principles and structure of such charges recommended in respect of any such business whether by the Transport Commission appointed by the Minister of Transport pursuant to section 5 of the Transport Act 1962 on the ninth day of July 1965 or by other recognised and appropriate person or body charged with the function of fixing or approving dues or charges to be charged at all ports in New Zealand in respect of any such business or of recommending the principles and structure of such charges:

- (c) Provide that, if the Board has licensed a person as aforesaid to act as and conduct the business of a wharfinger, stevedore, and warehouseman or any of them, the owners of goods shall be prohibited from taking delivery of goods or cargo unloaded from any ship upon any wharf or from delivering goods or cargo to any ship except through such licensed persons.

14. Power to dispose of certain lands vested in the Board—

(1) The Board is hereby empowered and authorised to sell, lease, or otherwise dispose of the whole or any part of the lands described in the Fourth Schedule hereto for the purposes of and incidental to residential flats or high density housing, or other housing development or associated facilities and amenities and to create, transfer, and dedicate any roads or easements that may be necessary and to do all other things that may be necessary to give effect to the purposes of this section.

(2) If the Board leases the land described in the Fourth Schedule to this Act or any part thereof for the purposes specified in subsection (1) of this section, the provisions of the Public Bodies Leases Act 1908 shall not apply to the granting or terms of any such lease.

(3) Whereas by section (5) 4 of the Wellington Harbour Board and Corporation Land Act 1880 the land described in item 3 of the Fourth Schedule to this Act was vested in the Board: And whereas the said Act by section (5) 4 thereof provided that the Board should not have any power to sell, mortgage, charge, lease, or otherwise alienate or dispose of the land described in item 3 of the Fourth Schedule to this Act nor

should the land in item 3 of the said Fourth Schedule be liable to be dealt with or affected by or under the provisions of sections 208 to 211 inclusive of the Harbours Act 1878 (which sections provide remedies for debenture holders of a harbour board) :

- 5 And whereas to facilitate the Board selling, leasing, or otherwise disposing of the land described in item 3 of the Fourth Schedule to this Act it is desired to remove the restrictions imposed by the Wellington Harbour Board and Corporation Land Act 1880: Be it therefore enacted as follows:
- 10 The land described in item 3 of the Fourth Schedule to this Act shall cease to be subject to the restrictions contained in the Wellington Harbour Board and Corporation Land Act 1880 and the District Land Registrar for the Land Registration District of Wellington is hereby directed and authorised
- 15 to remove any such restrictions from any certificate of title or other document relating to the land described in item 3 of the Fourth Schedule to this Act.

- 15. Revocation of prior reclamation authorities**—Whereas pursuant to section 175 of the Act the Board by Order in
- 20 Council dated the third day of November 1965 and published in the *Gazette* of the eighteenth day of November 1965 at page 2043 was authorised to reclaim from the Wellington harbour at Kaiwharawhara 5 acres of land, more or less, as shown coloured pink on plan M.D. 12043c and deposited
- 25 in the office of the Marine Department at Wellington, which land forms part of the land described in item 3 of the Second Schedule to this Act: And whereas pursuant to the said section 175 the Board by Order in Council dated the twentieth day of March 1967 and published in the *Gazette* on the
- 30 sixth day of April 1967 at page 514 was authorised to reclaim from the Wellington harbour an area of 5 acres for harbour purposes as shown coloured red on plan M.D. 12496 and deposited in the office of the Marine Department at Wellington, which land forms part of the land described in item 2
- 35 of the Second Schedule: And whereas it is intended that the authorities to reclaim contained in this Act should supersede the authorities granted by the said Orders in Council: Be it therefore enacted as follows:

- 40 The said Orders in Council dated the third day of November 1965 and the twentieth day of March 1967 are hereby revoked.

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SCHEDULES

FIRST SCHEDULE

Item

1. All those areas in the Wellington Land District, situated in Block VII, Port Nicholson Survey District, containing 7 acres 1 rood 5.4 perches and 16 acres 34.6 perches, more or less, being parts Reserve "K" Town of Wellington and parts of the bed of the Harbour of Wellington as shown edged green on M.D. 12580.
2. All that area in the Wellington Land District, situated in Block VII, Port Nicholson Survey District, containing 28 acres 1 rood 16.1 perches, more or less, being part of the bed of the Harbour of Wellington as shown edged green on M.D. 12582.
3. All that area in the Wellington Land District, situated in Block VII, Port Nicholson Survey District, containing 32 acres 0 roods 02.9 perches, more or less, being part of the bed of the Harbour of Wellington as shown edged green on M.D. 12591.

SECOND SCHEDULE

Item

1. All those areas in the Wellington Land District, situated in Block VII, Port Nicholson Survey District, containing together 35 acres 1 rood 10.7 perches as shown edged red on M.D. 12580 and being—
 - (a) The areas containing 7 acres 1 rood 5.4 perches and 16 acres 34.6 perches, more or less, being parts Reserve "K" Town of Wellington and parts of the bed of the Harbour of Wellington.
 - (b) The area containing 11 acres 3 roods 10.7 perches, more or less, being part Reserve "K" Town of Wellington and being also Lot 2, D.P. 1372, and being part of the land comprised in certificate of title, Volume 147, folio 178 (Wellington Registry).
2. All that area in the Wellington Land District, situated in Block VII, Port Nicholson Survey District, containing 28 acres 1 rood 16.1 perches, more or less, being part of the bed of the Harbour of Wellington as shown edged red on M.D. 12582.
3. All that area in the Wellington Land District, situated in Block VII, Port Nicholson Survey District, containing 32 acres 0 roods 02.9 perches, more or less, being part of the bed of the Harbour of Wellington as shown edged red on M.D. 12591.

THIRD SCHEDULE

Item	\$
1. Reclamation of an area of approximately 6 acres and the construction of perimeter breastwork and other associated works forming part of the Taranaki Street Wharf development as shown on M.D. 12581	1,424,000
2. Reclamation of an area of approximately 1 acre and the construction of breastwork and other associated works forming part of the Lambton Harbour development as shown on M.D. 12581	706,000
3. Reclamation of an area of approximately 21 acres and construction of eastern breastwork and other associated works forming part of the Thorndon Wharf development as shown on M.D. 12583	360,000
4. Reconstruction of Dock Mooring Wharf, provision of new approaches, bridge, ramp, and other associated machinery and works to provide a further Rail-Road Ferry Berth as shown on M.D. 12592	960,000
5. Reclamation of an area of approximately 20 acres and construction of a new oil berth, access works, and other associated works forming part of Kaiwharawhara development as shown on M.D. 12592	810,000
6. Reclamation of an area of approximately 10 acres and construction of a second wharf and other associated works at Point Howard forming part of the Point Howard development as shown on M.D. 12584	1,590,000
7. Contingencies	350,000
	\$6,200,000

FOURTH SCHEDULE

- Item
1. All that area in the Wellington Land District, situated in the City of Wellington, containing 19 acres 3 roods 38.64 perches, more or less, being part Section 3, Evans Bay District, and being the balance of the land comprised in certificate of title, Volume 21, folio 287 (Wellington Registry).
 2. All that area in the Wellington Land District, situated in the City of Wellington, containing 7 acres 3 roods 28.2 perches, more or less, being part Section 17, Watts Peninsula District and closed road as shown on Land Transfer Plan A/2140, and being all the land comprised in certificate of title, Volume 154, folio 279 (Wellington Registry).
 3. All that area in the Wellington Land District, situated in the City of Wellington, containing 4 acres 3 roods 24 perches, more or less, being part Section 17, Watts Peninsula District as shown on Survey Office Plan 11017, and being all the land comprised in certificate of title, Volume 151, folio 276 (Wellington Registry).