



## ANALYSIS

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1966, No. 24—*Local*

**An Act to authorise the Auckland Harbour Board to borrow the sum of three hundred and thirty thousand pounds for harbour works; to empower the Board to act as wharfingers and stevedores, and to licence wharfingers and stevedores; and to authorise the Board to reclaim from the sea certain tidal lands in the Manukau Harbour and to develop such reclaimed land for industrial purposes** [14 October 1966]

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

**1. Short Title**—This Act may be cited as the Auckland Harbour Board Loan and Empowering Act 1966.

**2. Interpretation**—In this Act, unless the context otherwise requires, “Board” means the Auckland Harbour Board.

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

**4. Works authorised**—The Board is hereby authorised, subject to the Harbours Act 1950, to construct and carry out the harbour works specified in the First Schedule to this Act:

Provided that the consent of the Minister of Railways shall be obtained before constructing any works affecting the Railway land shown on Plan No. W.R. 19021 and deposited in the office of the Minister of Railways in Wellington.

**5. Power to borrow**—It shall be lawful for the Board from time to time as it may require to borrow, in addition to the sums authorised by any other Act, and subject to the provisions of the Harbours Act 1950 and the Local Authorities Loans Act 1956, a sum of money not exceeding the sum of three hundred and thirty thousand pounds.

**6. Expenditure of money**—All the money borrowed under and by the authority of this Act shall be applied and expended in the construction of the harbour works and other purposes specified in the First Schedule to this Act.

**7. Power to act as wharfingers and stevedores, and to licence wharfingers and stevedores**—(1) The Board may carry on the business of a wharfinger, stevedore, or warehousekeeper, or any two or more such businesses, and may, from time to time by bylaws made in accordance with the Harbours Act 1950, fix scales of dues or charges to be paid for any services rendered in connection with any such business by the Board; and may, by bylaws made as aforesaid, licence and authorise any person or persons, on such terms and conditions as the Board may determine, to carry on the business of a wharfinger, stevedore, or warehousekeeper, or any two or more of such businesses, and to make such charges as may from time to time be approved by the Board for any services rendered by any person or persons licenced or authorised to carry on any such business in connection therewith:

Provided always that such dues or charges to be fixed or approved under the authority of this section 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 9th day of July

1965 or by any 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.

(2) In cases where the Board licences or authorises any person or persons to carry on the business of a wharfinger or warehousekeeper, the Board may, by bylaws made as aforesaid, prohibit owners of goods 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 licenced or authorised person or persons.

(3) The collection by the Board of charges made or levied by any person or persons licenced or authorised to carry on any such business as aforesaid, or made or levied by any other person or persons for any services rendered in connection with the loading, unloading, landing, warehousing or delivery of goods or cargo, for and on behalf of such person or persons and on such terms and conditions as the Board may determine, is hereby declared to be a business which the Board may carry on pursuant to section 173 (g) of the Harbours Act 1950.

**8. Authority to reclaim—**(1) The Board is hereby authorised, subject to the Harbours Act 1950, to reclaim from the sea the area described in the Second Schedule to this Act or any part or parts thereof.

(2) The Board may grant any licence in respect of the said area or any part or parts thereof to any person or enter into any contract with any person for the construction of such reclamation or any part or parts thereof and for the execution of all or any works which may be necessary in connection with any such reclamation upon such terms and conditions as the Board may think fit.

**9. Authority to develop—**(1) The Board is hereby empowered to develop and redevelop from time to time the whole or any part or parts of the area described in the Third Schedule to this Act (comprising the area described in the Second Schedule to this Act and the area authorised to be reclaimed by Order in Council dated the nineteenth day of September, nineteen hundred and sixty-three and appearing in the *Gazette* of that year at page 1452) which has been or

will be from time to time reclaimed from the sea for industrial and other purposes, and—

- (a) To subdivide and re-subdivide the whole or any part or parts of such reclaimed land into suitable allotments for such purposes.
  - (b) To construct or provide such public works and amenities as may be deemed necessary or desirable for the use, convenience, and enjoyment of such reclaimed land for such purposes, including—
    - (i) Streets, service-lanes, access-ways, and other means of communication or access;
    - (ii) Services for water supply, drainage, sewerage, electric lighting, power, gas, and all other amenities;
    - (iii) All works necessary to comply with any lawful requirement of any local or public authority.
- (2) The Board may either carry out and construct all or any of the said works with its own plant and equipment or may enter into a contract or contracts with any person or persons or local or public authority in respect of all or any such works.

**10. Authority to lease—**(1) In addition to the leasing powers conferred on the Board under the Harbours Act 1950 and the Public Bodies Leases Act 1908, or under any other Act, the Board may, in respect of the whole or any part or parts of the area described in the Third Schedule to this Act which has been or will be from time to time reclaimed from the sea,—

- (a) Lease the whole or any part or parts of such reclaimed land to any person or persons for industrial or other purposes for any term with such right or rights of renewal as the Board thinks fit and at such rent as the Board may determine;
- (b) Accept a surrender of any such lease, whether as to the whole or to any part of the land comprised therein, and grant to the lessee, or any person or persons with the consent of the lessee, a new lease or new leases of the whole or any part or parts of the land comprised in the surrendered lease for the remainder or any part of the remainder of the term of the surrendered lease, at such rent as may be predetermined for the new lease or new leases in the surrendered lease, or, if no such rent is predetermined, at such rent as the Board may determine,

with such right or rights of renewal and on such terms and conditions as are contained in the surrendered lease or as the Board may otherwise think fit.

(2) Sections 8, 9, and 10 of the Public Bodies Leases Act 1908 shall not apply to the leasing by the Board, or any leases granted by the Board, of the whole or any part or parts of such reclaimed land pursuant to this section.

**11. Application of provisions of Town and Country Planning Act 1953 to area to be reclaimed**—The area described in the Third Schedule to this Act is hereby declared to be included in the district of the Manukau City Council for the purposes of the Town and Country Planning Act 1953, and notwithstanding anything contained in this Act the provisions of that Act shall apply to the whole of that area, whether or not it has been reclaimed.

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## SCHEDULES

Section 4

### FIRST SCHEDULE

#### WORKS AUTHORISED

Additional berthage, including reclamation, roading, drainage and other servicing at Onehunga .....	£	327,000
Loan issuing expenses .....		3,000
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		<b>£330,000</b>
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## SECOND SCHEDULE

Section 8

## AREA TO BE RECLAIMED

ALL that area containing by admeasurement 54 acres, more or less, being land situated below mean high-water mark, spring tides, in the harbour of Manukau and being an area inside a line drawn in a north-westerly direction on a bearing of approximately  $299^{\circ} 15'$  for a distance of 2650 links, more or less, from the extreme eastern point where the aforesaid line intersects the mean high-water mark, spring tides, 35 links on a bearing of  $299^{\circ} 15'$  from the northernmost corner of Lot 1, D.P. 41604; thence following a line drawn in a generally south-westerly direction on a bearing of approximately  $196^{\circ}$  for a distance of 3530 links, more or less, to a point where it intersects the existing causeway across Harania Creek; thence following the north face of the existing causeway in a generally easterly direction on a bearing of approximately  $104^{\circ} 30'$  for a distance of 1040 links, more or less, to a point where the causeway intersects the mean high-water mark, spring tides, at Favona Road; thence following the mean high-water mark, spring tides, generally north-eastwards to a point where it meets the southern end of the western boundary of the area shown on a plan marked and numbered M.D. 11581 and deposited in the office of the Marine Department, Wellington; thence following the western boundary of the area on a bearing of  $332^{\circ} 56' 20''$  for a distance of 880 links, more or less, the northern boundary of the area on a bearing of  $62^{\circ} 56' 20''$  for a distance of 590 links, more or less, and the eastern boundary of the area on a bearing  $152^{\circ} 56' 20''$  for a distance of 610 links, more or less, to a point where the said eastern boundary of the area shown on a plan marked and numbered M.D. 11581 and deposited in the office of the Marine Department, Wellington intersects the seaward boundary of the area shown on a plan marked and numbered M.D. 11509 and deposited in the office of the Marine Department, Wellington; thence following the seaward boundary of the area shown in the said plan marked and numbered M.D. 11509 and deposited in the office of the Marine Department, Wellington in a generally north-easterly direction to a point where it meets the mean high-water mark, spring tides; thence following the mean high-water mark, spring tides, in a generally north-easterly direction to meet the point of commencement and being part of the land vested in the Auckland Harbour Board under the Manukau Harbour Control Act 1911, and being areas shown shaded grey on the plan marked and numbered M.D. 11581 and edged red on the plan marked and numbered M.D. 12313 and deposited in the office of the Marine Department, Wellington.

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Sections 9, 10, and 11      **THIRD SCHEDULE****AREA TO BE DEVELOPED**

ALL that area containing by admeasurement 58 acres 3 roods 30 perches, more or less, being land situated below mean high-water mark, spring tides, in the harbour of Manukau and being an area inside a line drawn in a north-westerly direction on a bearing of approximately  $299^{\circ} 15'$  for a distance of 2650 links, more or less, from the extreme eastern point where the aforesaid line intersects the mean high-water mark, spring tides, 35 links on a bearing of  $299^{\circ} 15'$  from the northernmost corner of Lot 1, D.P. 41604; thence following a line drawn in a generally south-westerly direction on a bearing of approximately  $196^{\circ}$  for a distance of 3530 links, more or less, to a point where it intersects the existing causeway across Harania Creek; thence following the north face of the existing causeway in a generally easterly direction on a bearing of approximately  $104^{\circ} 30'$  for a distance of 1040 links, more or less, to a point where the causeway intersects the mean high-water mark, spring tides, at Favona Road; thence following the mean high-water mark, spring tides, generally north-eastwards to a point where it meets the seaward boundary of the area shown on a plan marked and numbered M.D. 11509 and deposited in the office of the Marine Department, Wellington; thence following the seaward boundary of the area shown in the said plan marked and numbered M.D. 11509 and deposited in the office of the Marine Department, Wellington in a generally north-easterly direction to a point where it meets the mean high-water mark, spring tides; thence following the mean high-water mark, spring tides, in a generally north-easterly direction to meet the point of commencement and being part of the land vested in the Auckland Harbour Board under the Manukau Harbour Control Act 1911, and being areas shown shaded grey on the plan marked and numbered M.D. 11581 and edged red on the plan marked and numbered M.D. 12313 and deposited in the office of the Marine Department, Wellington.

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