



ANALYSIS

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1967, No. 7—Local

An Act to authorise the Auckland Harbour Board to borrow the sum of one million two hundred and seventy-two thousand six hundred dollars for harbour works; to authorise the Auckland City Council to do certain things for the purpose of the Central Area Properties Redevelopment Scheme; to authorise the Board to sell land to the Council; and to validate an agreement relating to the said scheme

[25 August 1967]

WHEREAS the Auckland Harbour Board desires to borrow and apply a sum not exceeding four hundred and twelve thousand six hundred dollars for further harbour works: And whereas the Board also desires to vary previous authorisations for loan money: And whereas the Auckland Harbour Board Loan and Empowering Act 1955 (as amended by section 7 (1) of the Decimal Currency Amendment Act 1964) authorised *inter alia*

the Board to borrow and apply the sum of four hundred thousand dollars for crane replacements of which sum two hundred and forty thousand dollars has been spent: And whereas the Board desires to use the balance of one hundred and sixteen thousand dollars for equipment for the conveyance of butter: And whereas the Auckland Harbour Board Loan and Empowering Act 1963 (as amended by section 7 (1) of the Decimal Currency Act 1964) authorised *inter alia* the Board to borrow and apply the sum of six hundred thousand dollars for the development of the Tamaki River area: And whereas the Board desires to extend the proposed works which will now cost one million two hundred thousand dollars for which an additional authority of six hundred thousand dollars is required: And whereas the Auckland Harbour Board Loan and Empowering Act 1964 (as amended by section 7 (1) of the Decimal Currency Act 1964) authorised *inter alia* the Board to borrow and apply the sum of two hundred and sixty thousand dollars for the purchase of a tug the cost of which is now estimated at five hundred and twenty thousand dollars for which an additional authority of two hundred and sixty thousand dollars is required: And whereas it is desirable to make provision accordingly and to make further provisions in respect of the redevelopment plans of the Board:

BE IT THEREFORE 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 1967.

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—(1) 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.

(2) Notwithstanding anything contained in subsection (3) of section 175 of the Harbours Act 1950, the Board is hereby authorised to reclaim from the sea the areas described in the Second Schedule to this Act.

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 four hundred and twelve thousand six hundred dollars.

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 for the other purposes specified in the First Schedule to this Act.

7. Amendments to Auckland Harbour Board Loan and Empowering Act 1955—(1) The Auckland Harbour Board Loan and Empowering Act 1955 is hereby amended by repealing the Schedule (as amended by section 7 (1) of the Decimal Currency Act 1964 and section 5 (2) of the Auckland Harbour Board Loan and Empowering Act 1965), and substituting the Schedule set out in the Third Schedule to this Act.

(2) Section 5 of the Auckland Harbour Board Loan and Empowering Act 1965 is hereby consequentially amended by repealing subsection (2).

8. Amendments to Auckland Harbour Board Loan and Empowering Act 1963—(1) Section 6 of the Auckland Harbour Board Loan and Empowering Act 1963 (as amended by section 7 (1) of the Decimal Currency Act 1964) is hereby further amended by omitting the words “three million and thirty thousand dollars”, and substituting the words “three million six hundred and thirty thousand dollars”.

(2) The Auckland Harbour Board Loan and Empowering Act 1963 is hereby further amended by repealing the First Schedule thereto (as amended by section 7 (1) of the Decimal Currency Act 1964) and substituting the Schedule set out in the Fourth Schedule to this Act.

9. Amendments to Auckland Harbour Board Loan and Empowering Act 1964—(1) Section 8 of the Auckland Harbour Board Loan and Empowering Act 1964 (as amended by section 7 (1) of the Decimal Currency Act 1964) is hereby further amended by omitting the words “two million three hundred and eighty-two thousand dollars”, and substituting the words “two million six hundred and forty-two thousand dollars”.

(2) The Auckland Harbour Board Loan and Empowering Act 1964 is hereby further amended by repealing the First Schedule thereto (as amended by section 7 (1) of the Decimal Currency Act 1964), and substituting the Schedule set out in the Fifth Schedule to this Act.

10. Powers of Auckland City Council in respect of the Central Area Properties Redevelopment Scheme—The Auckland Harbour Board Central Area Properties Redevelopment Act 1965 is hereby amended by inserting, after section 9, the following section:

“9A. (1) Without restricting the powers conferred on the Auckland City Council (in this section referred to as the Council) under the Municipal Corporations Act 1954, or any other Act, the Council may enter into any contract or contracts with the Board, and may exercise any of the powers conferred on it under this section, for the purpose of the scheme and of enabling the Board to carry out and execute the scheme.

“(2) Notwithstanding anything to the contrary contained in the Municipal Corporations Act 1954, or any other Act, the Council may stop any street or part of a street intersecting or abutting on the lands described in the Schedule to this Act by declaring, by ordinary resolution publicly notified, that the street or part of the street is stopped and the street or part of a street shall thereupon cease to be a public highway:

“Provided that the Council will not stop any street or part of a street under the authority of this subsection unless the Board is the owner of the land intersected by or immediately adjacent to such street or part of a street and, where the Board is the occupier of such land, the Board consents thereto, or where the Board is not the occupier or the sole occupier of such land, the occupier or occupiers of such land consent thereto.

“(3) The provisions contained in clauses 1, 11, and 12 of the Sixth Schedule to the Municipal Corporations Act 1954, as amended by section 36 of the Municipal Corporations Amendment Act 1964, shall so far as they are applicable and with all the necessary modifications (the notice referred to in clause 11 shall be deemed to be a reference to an ordinary resolution publicly notified as referred to in subsection (2) of this section) apply to the stopping of any street or part of a street under the authority of subsection (2) of this section but no other provision contained in the Municipal Corporations Act 1954, or any other Act, shall apply to the stopping of any

such street or part of any such street under the authority of that subsection.

“(4) Notwithstanding anything to the contrary contained in the Municipal Corporations Act 1954, or the Public Bodies’ Leases Act 1908, or in section 142 of the Harbours Act 1950, or any other Act, the Council may by ordinary resolution sell, exchange, lease, or otherwise dispose of to the Board any street or part of a street stopped for the purpose of the scheme whether under the authority of subsection (2) of this section or otherwise, and the land described in subsection (5) of this section, or any part thereof, for such consideration or at such rental, as the case may be, and upon such terms and conditions as shall be agreed to by the Council and the Board and on the sale, exchange, leasing, or other disposition of such land all trusts, reservations, and restrictions theretofore affecting the same shall be deemed to be cancelled.

“(5) The land (other than any stopped street or part of a street) to which subsection (4) of this section relates is particularly described as follows:

“All that area containing by admeasurement twenty-five perches, more or less, being all the land comprised and described in certificate of title, Volume 761, folio 17 (limited as to parcels and title), North Auckland Registry.

“(6) Notwithstanding anything to the contrary in the Municipal Corporations Act 1954, the Public Bodies’ Leases Act 1908, or any other Act, the Council may by ordinary resolution sell, exchange, lease, or otherwise dispose of to the Board and the Board may purchase, lease, or otherwise acquire from the Council the airspace or any part of the airspace above the surface of any street, access way, or service lane, or any part of a street, access way, or service lane, intersecting or abutting on the lands described in the Schedule to this Act for such consideration or at such rental, as the case may be, and upon such terms and conditions as shall be agreed to by the Council and the Board and any airspace so sold, exchanged, leased, or otherwise disposed of by the Council to the Board and any improvements erected or existing therein shall be rateable property for the purposes of the Rating Act 1925:

“Provided that in exercising the powers contained in this subsection the Council will ensure that sufficient airspace remains above the surface of any street, access way, or service lane for the free and unobstructed passage of motor vehicles using such street, access way, or service lane, as the case may be.

“(7) For the purposes of this Act the term ‘street’ shall have the meaning given to it in section 169 of the Municipal Corporations Act 1954 and the terms ‘access way’ and ‘service lane’ shall have the meanings given to those terms in section 2 of the Public Works Amendment Act 1948.

“(8) The District Land Registrar for the Land Registration District of Auckland is hereby authorised and directed to accept such documents for registration, to make such entries in the register books, and to do all such things as may be necessary to give effect to the provisions of this section.”

11. Board may sell land to Council—The Auckland Harbour Board Central Area Properties Redevelopment Act 1965 is hereby further amended by inserting, after the preceding section 9A, the following section:

“9B. The Board may sell, exchange, lease, or otherwise dispose of any part or parts of the lands described in the Schedule to this Act to the Council and the Council may purchase, lease, or otherwise acquire the same for such consideration or at such rental, as the case may be, and upon such terms and conditions as shall be agreed to by the Board and the Council.”

12. Board may lease airspace—The Auckland Harbour Board Central Area Properties Redevelopment Act 1965 is hereby further amended by inserting, after the preceding section 9B, the following section:

“9c. The Board may lease or license the airspace, or any part of the airspace, purchased, leased, or otherwise acquired by it from the Council pursuant to section 9A of this Act to any person or persons for the purpose of the scheme, for such term, at such rental or for such consideration, as the case may be, and upon and subject to such terms and conditions as it thinks fit.”

13. Validating an agreement entered into between the Board and certain companies for the purposes of the Central Area Properties Redevelopment Scheme and authorising the Board to sell particular land and grant certain leases to such companies—(1) Notwithstanding anything to the contrary in the Harbours Act 1950, or the Auckland Harbour Board Central Area Properties Redevelopment Act 1965, or any other Act, the Board shall be deemed to have been authorised and empowered to enter into and execute the agreement made between it and Mainline (Auckland) Pty.

Limited, a duly incorporated company having its registered office at Sydney, Australia, Dillingham Constructions Pty. Limited, a duly incorporated company having its registered office at Victoria, Australia, and the Fletcher Trust and Investment Company Limited, a duly incorporated company having its registered office at Auckland, New Zealand, dated the 22nd day of November 1966, and the agreement is declared to have been lawfully made and shall be binding on the parties thereto and shall for all purposes, without any further authority than this subsection, be effective according to its tenor and all things on the Board's part contained therein shall be deemed to be, and to have been, within the powers of the Board.

(2) The Board is hereby authorised to sell the land described in subsection (4) of this section, or any part thereof, to the said companies, or to a nominee of the same approved by the Board, for such consideration and upon and subject to such terms and conditions as the Board shall determine and the proceeds of any such sale shall form part of the general funds of the Board.

(3) Any such land sold by the Board pursuant to subsection (2) of this section shall be deemed to be excluded from the lands described in the Schedule to the Auckland Harbour Board Central Area Properties Redevelopment Act 1965.

(4) The land to which subsection (2) of this section relates is particularly described as follows:

All that area containing by admeasurement two roods eleven decimal seven eight perches, more or less, being land bounded by a line commencing at a point 7.84 links, more or less, on a bearing of $240^{\circ} 16'$ from Survey Standard 846 located on the corner of Queen Street and Quay Street; thence proceeding on a bearing of $198^{\circ} 14'$ for a distance of 122.73 links, more or less; thence proceeding on a bearing of $288^{\circ} 14'$ for a distance of 467.40 links, more or less; thence proceeding on a bearing of $18^{\circ} 14'$ for a distance of 122.73 links, more or less; thence proceeding on a bearing of $108^{\circ} 14'$ for a distance of 467.40 links, more or less, to the point of commencement and being part of the land comprised in certificate of title, Volume 761, folio 14 (limited as to parcels and title), part of the land comprised in certificate of title, Volume 761, folio 21 (limited as to parcels and title), all the land comprised in certificate of title, Volume 761, folio 17 (limited as to parcels and title), and part of the land comprised in certificate of title, Volume 1547, folio 90, North Auckland Registry.

(5) Notwithstanding the provisions of sections 5 and 8 of the Public Bodies' Leases Act 1908, the Board is hereby authorised to grant to the said companies, or to a nominee of the same approved by the Board, a lease or leases of the land described in the Schedule to the Auckland Harbour Board Central Area Properties Redevelopment Act 1965, or any part or parts thereof, for the purpose of the scheme for any term not exceeding thirty years and with such rights of renewal for the same or any shorter term and otherwise in such form as the Board shall determine.

SCHEDULES

FIRST SCHEDULE

WORKS AUTHORISED

Incinerator facilities for ships' refuse	\$	200,000
Mechanical handling equipment		200,000
Loan raising expenses and contingencies		12,600
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					\$412,600
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Section 4

SECOND SCHEDULE

RECLAMATION AUTHORISED

PART I

ALL that area containing by admeasurement 10 acres 1 rood 15 perches, more or less, being land situated below mean high-water mark in the harbour of Waitemata bounded by a line commencing at a mark in concrete IVA, Deposited Plan No. 37131; and proceeding on a bearing of $18^{\circ} 09' 30''$ for a distance of 510.83 links, more or less; thence proceeding on a right line to a point on the northern boundary of Tamaki Drive located on a bearing of $66^{\circ} 13'$ for a distance of 146.32 links, more or less, from iron tube II, S.O. plan 25681; thence proceeding on a bearing of $266^{\circ} 50'$ for a distance of 133.33 links, more or less, and being on the northern boundary of Tamaki Drive; thence proceeding on a bearing of $274^{\circ} 52'$ for a distance of 1389.05 links, more or less, and being on the north boundary of Tamaki Drive to the point where it meets mean high-water mark; thence following mean high-water mark to the point where it meets the eastern boundary of Lot 9 on Deposited Plan No. 37131; thence proceeding on a bearing of $18^{\circ} 10' 30''$ for a distance of 314.91 links, more or less; thence proceeding on a bearing of $18^{\circ} 09'$ for a distance of 120.63 links, more or less; thence proceeding on a bearing of $288^{\circ} 09'$ for a distance of 3.26 links, more or less; thence proceeding on a bearing of $18^{\circ} 09'$ for a distance of 31.46 links, more or less; thence proceeding on a bearing of $108^{\circ} 09'$ for a

SECOND SCHEDULE—*continued*

distance of 3.40 links, more or less; thence proceeding on a bearing of $18^{\circ} 09'$ for a distance of 221 links, more or less; thence proceeding on a bearing of $287^{\circ} 48'$ for a distance of 7.62 links, more or less; thence proceeding on a bearing of $18^{\circ} 09' 30''$ for a distance of 94.92 links, more or less, to the point of commencement and being part of the bed of the Waitemata Harbour granted 9 January 1855, Deeds Index 2A/1246 (part), and being an area shown edged red on the plan marked numbered M.D. 12567 and deposited in the office of the Marine Department, Wellington.

PART II

ALL that area containing by admeasurement 384 acres, more or less, being land situated below mean high-water mark in the harbour of Auckland and being, firstly, an area containing by admeasurement 226 acres, more or less, being land situated below mean high-water mark in the harbour of Auckland and bounded by a line commencing from the south-eastern corner of part Lot 1 on Deposited Plan No. 44055 on the boundary of the Auckland-Kumeu Motorway and mean high-water mark and proceeding on a bearing of $22^{\circ} 00'$ for a distance of 2100 links, more or less; thence proceeding on a bearing of $32^{\circ} 15'$ for a distance of 1700 links, more or less; thence proceeding on a bearing of $41^{\circ} 00'$ for a distance of 3000 links, more or less; thence proceeding on a bearing of $13^{\circ} 00'$ for a distance of 3215 links, more or less; thence proceeding on a bearing of $303^{\circ} 30'$ to mean high-water mark; thence following mean high-water mark in a generally southerly direction to the point of commencement; and, secondly, all that area containing by admeasurement 158 acres, more or less, and being land situated below mean high-water mark in the harbour of Auckland and commencing at a point 1550 links, more or less, on a bearing of $115^{\circ} 23'$ along the north boundary of the Auckland-Kumeu Motorway from the south-eastern corner of part Lot 1 on Deposited Plan No. 44055; thence proceeding on a bearing of $2^{\circ} 00'$ for a distance of 680 links, more or less; thence proceeding on a bearing of $21^{\circ} 30'$ for a distance of 690 links, more or less; thence along a right line to the westernmost extremity of Allotment 93, Titirangi Parish; thence following the line of mean high-water mark in respectively southerly, easterly, and northerly directions to the northernmost extremity of Allotment 93, Titirangi Parish; thence proceeding along a right line to meet mean high-water mark at the northernmost extremity of Pollen Island; thence following mean high-water mark respectively in a westerly and south-easterly direction to the southernmost extremity of Pollen Island; thence proceeding on a bearing of $215^{\circ} 30'$ to a point on the northern boundary of the Auckland-Kumeu Motorway; thence proceeding in a north-westerly direction along the northern boundary of the Auckland-Kumeu Motorway to and along mean high-water mark and again along the northern boundary of the said motorway to the point of commencement, all the land being part of the land situated below mean high-water mark and vested in the Auckland Harbour Board by the Auckland Harbour Development Act 1949, Survey Office plan 35625, and being the areas shown edged red on the plan marked and numbered M.D. 12566 and deposited in the office of the Marine Department, Wellington.

Section 7

THIRD SCHEDULE

NEW SCHEDULE TO AUCKLAND HARBOUR BOARD LOAN AND
EMPOWERING ACT 1955

	\$
Berthage at eastern reclamation	5,000,000
Upper harbour development	4,000,000
Plant and gear depot, Mechanics Bay	600,000
Gear store for stevedores	400,000
Amenities: Auckland Harbour Board workers ..	100,000
Amenities: Cargo workers	60,000
Dredging plant	700,000
Development of facilities for small commercial craft	600,000
Crane replacements	240,000
Onehunga wharf: completion ..	62,000
Pilot launch	30,000
Loan issuing expenses	100,000
Contingencies (including amphibian aircraft sea terminal and facilities—\$210,000)	300,000
Butter conveyor equipment	160,000
	<u>\$12,352,000</u>

Section 8

FOURTH SCHEDULE

NEW FIRST SCHEDULE TO AUCKLAND HARBOUR BOARD LOAN
AND EMPOWERING ACT 1963

FIRST SCHEDULE

WORKS AND MATTERS DEEMED HARBOUR WORKS

	\$
Waterside workers' amenities	100,000
Off-wharf store	520,000
Dredging plant	580,000
Development of a port industrial estate on the foreshore of, and on land adjacent to, the Tamaki River, including land acquisition and the provision of berthage and port facilities ..	1,200,000
Mechanical handling plant	200,000
	<u>\$2,600,000</u>

FIFTH SCHEDULE

Section 9

NEW FIRST SCHEDULE TO AUCKLAND HARBOUR BOARD LOAN
AND EMPOWERING ACT 1964

FIRST SCHEDULE

HARBOUR WORKS AND OTHER PURPOSES

	\$
Purchase of tug (including a fire-fighting installation)	520,000
Purchase of launch	70,000
Slipping and berthing launch facilities at the Port of One- hunga	30,000
The work or undertaking specified in the Second Schedule to the Loan and Empowering Act 1963 and for the acquisition of land or any interest therein	2,000,000
Loan issuing expenses and contingencies	22,000
	<u>2,642,000</u>