



ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Interpretation</p> <p>3. Special Act</p> <p>4. Authority to lease</p> <p>5. Subdivision and development provisions not to apply</p>	<p>6. Power of local authority to levy rate</p> <p>7. Powers of District Land Registrar</p> <p>8. Other Acts not affected</p> <p>9. Compensation Schedule</p>
--	---

1989, No. 8—Local

**An Act to make provision for leasing land vested in the Auckland Harbour Board and constituting part of the bed of the Waitemata Harbour to Ports of Auckland Limited** [27 November 1989]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Auckland Harbour Board (Princes Wharf) 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 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:

“Princes Wharf Redevelopment Area” means and includes those areas of land, foreshore, seabed, waterspace, and airspace described in Parts I, II, and III of the Schedule to this Act, and identified as Areas B and C on Survey Office Plan S.O. 63743, deposited with the Chief Surveyor at Auckland.

**3. Special Act**—This Act is declared to be a special Act within the meaning of the Act.

**4. Authority to lease**—(1) Subject to subsection (2) of this section 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 the Schedule to this Act 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) of this section.

**5. Subdivision and development provisions not to apply**—(1) Part XX of the Local Government Act 1974 shall not apply to—

- (a) Any subdivision required to enable a separate certificate of title to issue for the land described in the Schedule to this Act;
- (b) Any lease granted under the authority of section 4 of this Act;
- (c) Any sublease or licence granted by the Company of or in respect of the whole or any part of the land described in the Schedule to this Act.

(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 the Schedule to this Act.

**6. Power of local authority to levy rate**—(1) Subject to subsection (2) of this section, structures on the land described in Part III of the Schedule to this Act and identified as Area C on Survey Office Plan S.O. 63743 are hereby deemed to be within the district of the City of Auckland for rating purposes and the provisions of the Rating Powers Act 1988 (other than sections 144 to 148) shall apply to such structures.

(2) This section shall come into force on the date on which rent becomes payable under any sublease or licence (other than a sublease or licence for investigative and construction purposes) granted by the Company for the Princes Wharf Redevelopment Area or any part of it pursuant to a lease to the Company from the Board granted under section 4 of this Act for the purposes of this Act.

(3) The Company shall give written notice to the Auckland City Council as to the date on which rent becomes payable under any sublease or licence to which subsection (2) of this section refers at least 1 month prior to that date.

**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 the Schedule to this Act; and
- (b) To register any lease or sublease 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

Sections 2, 4 (1), 5, 6 (1), 7

### PART I

ALL that part of the bed of the Waitemata Harbour contained within Areas B and C on Survey Office Plan S.O. 63743 and containing 8.5886 hectares, more or less, situated in Blocks VIII and XVI, Rangitoto Survey District, and being part of the land comprised in Deeds Register Volume 33A, folio 198 of the Deeds Register Office at Auckland.

### PART II

ALL that part of the bed of the Waitemata Harbour contained within Area A on Survey Office Plan S.O. 63743 and containing 1900 square metres, more or less, situated in Block VIII, Rangitoto Survey District, and being part of the land comprised in Deeds Register Volume 33A, folio 198 of the Deeds Register Office at Auckland.

### PART III

ALL that wharf structure, and all buildings and constructions thereon and therein, situated within Area C on Survey Office Plan S.O. 63743.

---