

Wellington City Council (Te Aro Reclamation) Amendment Bill

Local Bill

Explanatory note

General policy statement

In December 1997, the Wellington City Council resolved to negotiate the sale of the Council's freehold land interests in the City of Wellington to existing lessees of that land. Part of the land owned by the Council in the City of Wellington was reclaimed from Wellington Harbour pursuant to the terms of the Te Aro Reclamation Act 1879. That Act permits the Council to sell or lease land so reclaimed provided that any sale or letting is by public auction, after not less than 2 months' notice of the auction. The Act also requires that the proceeds of sale are paid into a sinking fund to be used to repay moneys borrowed to undertake the reclamation.

Part only of the Council's land in the City of Wellington is affected by the Te Aro Reclamation Act 1879 and the Council is able to sell and lease other, unaffected lands without the need for a notified public auction. The Council wishes to deal with all of its freehold land interests in the City of Wellington on a consistent basis. All moneys borrowed for the purposes of reclamation under that Act have been repaid.

The effect of this Bill is to remove the requirements for the Council both to sell or lease only by notified public auction and to pay the proceeds of sale into a sinking fund.

Clause by clause analysis

Clause 1 relates to the Title of the Bill.

Clause 2 relates to the commencement of the Bill. The Bill will commence on the day after the date on which it receives the Royal assent.

Clause 3 changes the Short Title of the Te Aro Reclamation Act 1879 (“the principal Act”) to the Wellington City Council (Te Aro Reclamation) Act 1879. The name change will take effect after the commencement of the Act.

Clause 4 substitutes *new section 8* for sections 8 and 9 of the principal Act (which relate to the Council’s power to sell or lease certain reclaimed land).

New section 8 effectively removes the following requirements relating to the exercise of those powers:

- the requirement to sell or lease reclaimed land by public auction after giving at least 2 months’ notice;
- the requirement for the Council to pay the proceeds from the sale of reclaimed land into a sinking fund for the repayment of money borrowed for the reclamation;
- the requirement for the term of a lease of reclaimed land not to exceed 42 years.

Under the new sections, the Council will continue to have the power to sell or lease any reclaimed land even though the land was originally granted on trust for reclamation and for the purposes of public utility.

In addition, the Council will be able to sell or lease the reclaimed land without being constrained by other enactments such as the Reserves Act 1977, which would otherwise apply as a result of the original grant of the land as a public reserve under the Public Reserves Act 1854.

Hon Marian Hobbs

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Wellington City Council (Te Aro Reclamation) Amendment Act **2003**.
- (2) In this Act, the Act that was previously called the Te Aro Reclamation Act 1879¹ is called the principal Act. 5

¹ 1879 No 6 (P)

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Name of principal Act changed

- (1) After the commencement of this Act, the principal Act is called the Wellington City Council (Te Aro Reclamation) Act 1879. 10
- (2) The Short Title of the principal Act is consequentially amended by omitting the words “Te Aro Reclamation”, and substituting the words “Wellington City Council (Te Aro Reclamation)”. 15
- (3) Every reference in any enactment or in any document to the Te Aro Reclamation Act 1879 is consequentially amended by omitting the words “Te Aro Reclamation”, and substituting the words “Wellington City Council (Te Aro Reclamation)”. 20

4 New section 8 substituted

The principal Act is amended by repealing sections 8 and 9,
and substituting the following section:

“8 Council may sell or lease reclaimed land

“(1) Despite anything to the contrary in any other enactment or
rule of law, the Council may- 5

“(a) sell all or any part of any reclaimed land for the price,
and on any terms, that it thinks fit; or

“(b) lease all or any part of any reclaimed land for the term,
rent, and on any terms, that it thinks fit. 10

“(2) For the purposes of **subsection (1), reclaimed land** means any
land that is reclaimed under this Act.”