

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in South Wairarapa District—

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the South Wairarapa District.

## PART XI

### *Wellington Harbour Board*

#### 194 VESTING OF PROPERTY

(1) This clause shall apply to that property, real and personal, vested in the Wellington Harbour Board as at the 31st day of October 1989.

(2) Subject to subclauses (6), (8), (9), (10) and (11) of this clause, all property—

(a) Which is vested in the Wellington Harbour Board as at the 31st day of October 1989; and

(b) Which—

- (i) Is a reserve under the Reserves Act 1977; or
- (ii) Is principally used for recreational purposes, whether or not it is a reserve under the Reserves Act 1977; or
- (iii) Is a marina, wharf, jetty, boat ramp or other harbour facility, used principally for recreational purposes; or
- (iv) Is an item of plant or equipment used principally in association with the maintenance, use or operation of the facilities referred to in subparagraphs (i), or (ii) or (iii) of this paragraph,

is hereby vested in the territorial authority, in whose district it is situated, for the purpose which it is so reserved, or, where there is no such purpose, for the purposes of any function transferred by this order to that territorial authority.

(3) Subject to subclauses (6), (8), (9), (10) and (11) of this clause, all that property which is vested in the Wellington Harbour Board as at the 31st day of October 1989 which is situated in any district of a territorial authority, as constituted by this order, and which is adjacent to any harbour or the sea, is hereby vested in the territorial authority in whose district it is situated.

(4) Where there is any dispute over whether any property comes within a category of property referred to in this clause, the matter shall be referred to the Local Government Commission for determination.

(5) Subject to subclauses (8) to (10) of this clause, any property which is vested in the Wellington Harbour Board as at the 31st day of October 1989 and which does not come within a category of property referred to in subclause (2) or subclause (3) of this clause is hereby vested in the Wellington Regional Council.

(6) Notwithstanding anything in subclauses (2) and (3) of this clause, but subject to subclauses (9) and (10) of this clause, any land which is vested in the Wellington Harbour Board as at the 31st day of October 1989 and which is below the mean high water mark is hereby vested in the Wellington Regional Council.

(7) For the purposes of this clause, any property which is fixed to, or under or over, any land which is below the mean high water mark, and which is used for, or in conjunction with, any purpose referred to in subclause (2) of this clause, and which is situated in the district of a territorial authority constituted by

this order is hereby transferred to that territorial authority whether or not any interest in the land is also transferred.

(8) Without limiting the provisions of subclauses (2), (3), (5) and (6) of this clause, but subject to subclauses (10) and (11) of this clause:

(a) That property described in the Fourth Schedule to this order shall vest without cost in the Wellington City Council:

(b) That property described in the Fifth Schedule to this order shall vest without cost in the Lower Hutt City Council:

(c) That land described in the Sixth Schedule to this order shall vest without cost in the Wellington Regional Council,

and in respect of the marinas described in Part I of the Fourth Schedule and Part I of the Fifth Schedule that property shall include:

(i) Any loan liabilities, sinking funds, unexpended loan money and cash balances;

(ii) Any outstanding income and expenditure; and

(iii) Any stores, materials, plant and equipment

relating to those marinas.

(9) The site of the National Museum of New Zealand, which is subject to a subdivision by Lambton Harbour Development Limited and the Wellington Harbour Board is hereby vested in the Wellington City Council.

(10) If any of the land specified in the Fourth, Fifth and Sixth Schedules to this order is, between the 9th day of June 1989 and the 31st day of October 1989, allocated to the Port of Wellington Limited pursuant to an approved port company plan within the meaning of the Port Companies Act 1988 then, notwithstanding subclause (8) of this clause, that land shall not vest in the local authority in which it has been vested by this clause.

(11) Notwithstanding anything in this clause, if, after the 31st day of October 1989,—

(a) The Minister of Transport approves a port company plan within the meaning of the Port Companies Act 1988 pursuant to which any of the property, real or personal, identified in this clause is liable to be transferred to the Port of Wellington Limited, the local authority which has received such property pursuant to this clause, shall transfer such property to the Port of Wellington Limited at the cost of that company, subject to any appropriate adjustment for incomings and outgoings in relation to such property for the period beginning on the 1st day of November 1989 and ending on the date of the transfer of the property to the Port of Wellington Limited; or

(b) Any approved port company plan is cancelled, withdrawn, re-issued or in any way altered and, as a result, property is deemed to be returned to the ownership (notional or otherwise) of the Wellington Harbour Board, that property shall be allocated under this order as if the property had been owned by the Wellington Harbour Board on the 31st day of October 1989.

#### 195 WELLINGTON HARBOUR BOARD AND WELLINGTON CITY COUNCIL VESTING AND EMPOWERING ACT 1987

(1) The functions, duties and powers of the Wellington Harbour Board arising under the Wellington Harbour Board and the Wellington City Council Vesting and Empowering Act 1987 are hereby transferred to and shall be exercised by the Wellington City Council. Any reference in the Act to the Wellington Harbour Board and the Wellington City Council, shall be read as a reference solely to "The Wellington City Council".

(2) All land vested in the Wellington Harbour Board pursuant to section 4 of the Wellington Harbour Board and Wellington City Council Vesting and Empowering Act 1987 shall vest in