

**Reprint
as at 1 November 2010**



**Auckland Harbour Board (Princes
Wharf) Empowering Act 1989**

Local Act 1989 No 8
Date of assent 27 November 1989
Commencement 27 November 1989

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**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**

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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 1, 2, and 3 of the Schedule, and identified as Areas B and C on Survey Office Plan SO 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) 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 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).

5 Subdivision and development provisions not to apply

- (1) Part 20 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:
 - (b) any lease granted under the authority of section 4:
 - (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.
- (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.

6 Power of local authority to assess rate

- (1) Subject to subsection (2), structures on the land described in Part 3 of the Schedule and identified as Area C on Survey Office Plan SO 63743 are hereby deemed to be within Auckland for rating purposes and the provisions of the Local Government (Rating) Act 2002 (other than sections 67 to 83) apply to those 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 for the purposes of this Act.
- (3) The Company shall give written notice to the Auckland Council as to the date on which rent becomes payable under any sub-

lease or licence to which subsection (2) refers at least 1 month prior to that date.

Section 6 heading: amended, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

Section 6(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 6(1): amended, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

Section 6(3): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

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; 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.