

# **Wanganui District Council (Port and Harbour) Bill**

Local Bill

## **Explanatory note**

### **General policy statement**

This Bill seeks to make more effective provision for the management of certain lands now vested in the Wanganui District Council (the Council) and to provide clarity in relation to the powers of the Council in dealing with the lands and in applying income and proceeds derived from those lands.

Over the last century parcels of land have been vested, on a piecemeal basis, in public bodies in the Wanganui district. That vesting occurred by way of a number of Local Acts including the Wanganui Harbour and River Conservators Board Act 1876, the Wanganui Harbour Endowment and Borrowing Act 1877, the Wanganui Harbour and River Conservators Grant Act 1880, the Special Powers and Contracts Act 1881, the Wanganui Harbour Board Vesting Act 1910, the Wanganui Harbour Board Vesting Act 1911, the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1915, the Wanganui Harbour Board Vesting Act 1917, and the Local Government (Manawatu-Wanganui Region) Reorganisation Order 1989.

The majority of the entities to whom those parcels of land were vested no longer exist and the land has ultimately vested in the Council. The purposes for which that land is held and the powers exercisable by the Council in respect of those parcels of land are now unclear.

The purpose of this Bill is to consolidate the vesting of those parcels of land in the Council and to provide for the purposes for which the land, and any income or proceeds derived from the land, is to be held and/or applied. The Bill consolidates the powers that may be exercised by the Council in respect of those parcels of land and terminates the lease between the Council and River City Port Limited.

In conjunction with this Bill, the Council has entered into a memorandum of understanding with Ko Nga Hapu o Te Runanga o Tupoho who have claimed an interest in certain land in the vicinity of the mouth of the Whanganui River.

### **Clause by clause analysis**

*Clause 1* is the title clause.

*Clause 2* provides for the Bill to come into force on the day after the date it receives the Royal assent.

*Clause 3* provides that the Act binds the Crown.

*Clause 4* sets out the purposes of the Bill.

*Clause 5* is the interpretation clause. In the Bill the definition of land is limited to the land described in Schedule 1 of the Bill.

*Clause 6* provides that the land is freed from all previous endowments and, specifically, that the land is no longer held solely for the use, benefit and enjoyment of the harbour and port of Wanganui.

*Clause 7* vests the land in the Wanganui District Council.

*Clause 8* provides that the land is to be held for the purposes set out in clause 10.

*Clause 9* provides that any income derived from the land is to be held by the Wanganui District Council for the purposes set out in clause 10.

*Clause 10* provides that the land, and any income or proceeds derived from the land, is to be used generally for the purposes of the Wanganui District Council.

*Clause 11* provides for the situation where the land is subject to existing leases other than the lease to River City Port Limited.

*Clause 12* provides that the Council may sell or otherwise dispose of the land.

*Clause 13* provides that existing encumbrances will continue.

*Clause 14* provides that the Memorandum of Understanding shall be binding on the parties to the Memorandum of Understanding.

*Clause 15* provides for the powers of the Registrar-General of Land to give effect to the Bill.

*Clause 16* provides for the power to amend, by Order in Council, the Schedules to this Act for the purposes of correcting any misdescription or error.

*Clause 17* clarifies that no compensation is to be payable in respect of the exercise of any powers under the Bill.

*Clause 18* repeals section 56 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1915 and amends the Harbour Boards Dry Land Endowment Revesting Act 1991.

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*Chester Borrows*

## **Wanganui District Council (Port and Harbour) Bill**

Local Bill

### **Contents**

	Page
Preamble	2
1 Title	3
2 Commencement	3
3 Act binds the Crown	4
4 Purpose of Act	4
5 Interpretation	4
<i>Vesting and purposes</i>	
6 Land freed from endowment	5
7 Land vested in Council	5
8 Land to be held for certain purposes	6
9 Income derived from land to be held for certain purposes	6
10 Purposes for which land and income derived from land held or applied	6
<i>Leases</i>	
11 Leases	7
<i>Dealing with land</i>	
12 Dealing with land	8
<i>Encumbrances</i>	
13 Encumbrances	8

Preamble	<b>Wanganui District Council (Port and Harbour) Bill</b>	
<i>Miscellaneous</i>		
14	Memorandum of Understanding	8
15	Powers of Registrar-General of Land	8
16	Power to amend Schedule 1	9
17	No compensation	9
18	Repeals and consequential amendments	9
	<b>Schedule 1</b>	11
	<b>Description of land</b>	
	<b>Schedule 2</b>	15
	<b>Description of Community Purpose land</b>	
	<b>Schedule 3</b>	17
	<b>Description of Port land</b>	
	<b>Schedule 4</b>	20
	<b>Structures, fixtures, and reclamations</b>	

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## Preamble

WHEREAS,—

- (a) various parcels of land have been vested in the Wanganui District Council (or its predecessors in title) by:
- (i) the Wanganui Harbour and River Conservators Board Act 1876: 5
  - (ii) the Wanganui Harbour Endowment and Borrowing Act 1877:
  - (iii) the Wanganui Harbour and River Conservators Grant Act 1880:
  - (iv) the Special Powers and Contracts Act 1881: 10
  - (v) the Wanganui Harbour Board Vesting Act 1910:
  - (vi) the Wanganui Harbour Board Vesting Act 1911:
  - (vii) the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1915:
  - (viii) the Wanganui Harbour Board Vesting Act 1917: 15
  - (ix) the Local Government (Manawatu-Wanganui Region) Reorganisation Order 1989:
- (b) the powers of the Wanganui District Council to deal with those parcels of land have been amended by:
- (i) the Wanganui Harbour Board Endowment Sale Act 1892: 20

- (ii) the Local Legislation Act 1941:
- (iii) the Local Legislation Act 1947:
- (iv) the Wanganui Harbour Board Empowering Act 1972:
- (v) the Wanganui Harbour Board Land Development Act 1974: 5
- (vi) the Wanganui Harbour Act 1988:
- (c) the purposes for which the land is held, and the income derived from the land is to be applied, are unclear, unduly restrictive, or obsolete: 10
- (d) it is desired to—
  - (i) confirm that the land continues to be vested in the Wanganui District Council:
  - (ii) clarify and redefine the purposes for which the land is held by the Wanganui District Council: 15
  - (iii) clarify, redefine and extend the purposes for which proceeds or income derived from the land can be held and/or applied:
  - (iv) empower the Wanganui District Council to apply or borrow against the capital or income arising from the land to meet the needs of the whole community: 20
  - (v) empower the Wanganui District Council to sell, lease, or otherwise dispose of the land:
  - (vi) define the purpose for which the proceeds from the sale or other disposition of land may be used: 25
  - (vii) terminate the River City Port Limited lease:
  - (viii) recognise existing leases of the land:

**The Parliament of New Zealand therefore enacts as follows:**

- 1 Title** 30  
This Act is the Wanganui District Council (Port and Harbour) Act **2009**.
- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent. 35

**3 Act binds the Crown**

This Act binds the Crown.

**4 Purpose of Act**

The purpose of this Act is—

- (a) to confirm that the land is vested in the Wanganui District Council: 5
- (b) to set out the purposes for which the land is held by the Wanganui District Council:
- (c) to set out the purposes for which the income from the land can be held and/or applied: 10
- (d) to terminate the River City Port Limited lease:
- (e) to recognise existing leases of the land other than the River City Port Limited lease:
- (f) to empower the Wanganui District Council to sell, lease or otherwise dispose of, and to deal with, the land: 15
- (g) to set out the purpose for which the proceeds from the sale of land may be used:
- (h) to empower the Wanganui District Council to apply or borrow against the capital and the income derived from the land: 20
- (i) to provide for related matters.

**5 Interpretation**

In this Act, unless the context otherwise requires,—

**Community Purpose land** means those parcels of the land described in **Schedule 2** and includes any part of the land 25

**Council** means the Wanganui District Council

**existing lease** means any lease of the land which is in effect at the commencement of this Act and has not expired, but for the purpose of clarification excludes the River City Port Limited lease 30

**land** means the land described in **Schedule 1** and includes any part of the land

**lease** means any lease, licence, or other form of lawful occupation of the land or any part of the land

**Memorandum of Understanding** means the memorandum of understanding between the Council and Ko Nga Hapu o 35



Te Runanga o Tupoho dated 2 October 2009 which records certain understandings between those parties

**Port land** means those parcels of the land described in **Schedule 3** and includes any part of the land

**public foreshore and seabed** means: 5

(a) the public foreshore and seabed as defined by section 5 of the Foreshore and Seabed Act 2004; and

(b) includes all the structures, fixtures, and reclamations described in **Part 1 of Schedule 2** and includes any part of the structures, fixtures, and reclamations; but 10

(c) for the avoidance of doubt, does not include the structures, fixtures, and reclamations described in **Part 2 of Schedule 2**

**River City Port Limited** means an incorporated company registered under the Companies Act 1993 and incorporated on 23 December 2003, Company Number 1472338 15

**River City Port Limited Lease** means the lease dated 15 February 1993, between the Council and Ocean Terminals Limited (the initial lessee) regarding the operation and lease of the harbour and port of Wanganui, in respect of which River City Port Limited has become the lessee by an assignment dated 8 March 2004 20

**Wanganui district** means the district administered by the Wanganui District Council as delineated on S.O. Plan 36047.

*Vesting and purposes* 25

**6 Land freed from endowment**

The land and any income derived from the land is no longer reserved and set aside solely for the use, benefit and endowment of the harbour and port of Wanganui.

**7 Land vested in Council** 30

(1) Subject to **subsection (3)** the estate in fee simple in the land described in **Schedule 1** vests in the Council.

(2) The Council is deemed to be and always to have been the lessor in respect of any lease of the land vested by **subsection (1)**.

(3) To the extent that the full legal and beneficial ownership of any part of the land which is public foreshore and seabed has 35

- not been vested in the Crown by the Foreshore and Seabed Act 2004, that part of the land vests in the Crown.
- (4) The Crown is deemed to be and always to have been the lessor in respect of any lease of the land vested by **subsection (3)**.
- 8 Land to be held for certain purposes** 5  
The Council must hold—
- (a) the land declared to be vested in the Council by **section 7(1)**; and
- (b) the Council's interest as lessor in any lease—  
for the purposes described in **section 10**. 10
- 9 Income derived from land to be held for certain purposes**  
The Council must hold—
- (a) any profits, income, or gains derived from the land; and
- (b) any proceeds received by the Council from any dealing with the land by the Council; and 15
- (c) any profits, income, or gains derived from any proceeds received by the Council from the sale or other disposition of the land—  
for the purposes described in **section 10**.
- 10 Purposes for which land and income derived from land held or applied** 20
- (1) The Council may use Community Purpose land, and any income, profits, gains or proceeds derived from Community Purpose land or from the sale or other disposition of Community Purpose land, in its discretion, for the purpose of— 25
- (a) the improvement, protection, and management of the Wanganui district:
- (b) other general purposes and works for the benefit of the Wanganui district:
- (c) any purpose specified in its long term council community plans in force under the Local Government Act 2002: 30
- (d) the purchase of additional or substitute land to be vested in the Council:

- (e) the servicing of any loans raised for works for the benefit of the community of the Wanganui district:
  - (f) any other purpose consistent with the functions of the Council.
- (2) The Council may use the Port land, and any income, profits, gains or proceeds derived from the Port land or from the sale or other disposition of the Port land, in its discretion, for the purpose of—
- (a) the protection and improvement of the harbour and port of Wanganui, including capital works and maintenance:
  - (b) the management and operation of the harbour and port of Wanganui, including the formation and operation of a new port company to manage and operate the harbour and port of Wanganui:
  - (c) the commercial and recreational development of the harbour and port of Wanganui:
  - (d) any other purpose associated with the harbour and port of Wanganui.
- (3) Notwithstanding any rule of law or enactment to the contrary, the Council may accumulate income derived from Community Purpose land and Port land.

### *Leases*

#### **11 Leases**

- (1) Subject to this Act and except as provided in **subsection (2)**,—
- (a) the land declared to be vested in the Council and the Crown, as the case may be, is subject to all existing leases of the land; and
  - (b) all existing leases shall be deemed to have been granted by the Council as lessor; and
  - (c) the Council shall have all the rights, powers, and obligations of the lessor under the existing leases; and
  - (d) the provisions of the Harbours Act 1950 shall continue to apply to existing leases granted under that Act; and
  - (e) the provisions of the Public Bodies Leases Act 1969 shall continue to apply to existing leases granted under that Act; and

- (f) the provisions of the Wanganui Harbour Board Land Development Act 1974 shall continue to apply to existing leases granted under that Act.
- (2) The River City Port Limited lease and all rights associated with and granted to the lessee under that lease shall be terminated with effect from the commencement of this Act. 5

*Dealing with land*

**12 Dealing with land**

- (1) The Council may, in its discretion, sell, exchange, dispose, or lease the whole or any part of the land on such terms and conditions as it thinks fit. 10
- (2) The Council may borrow against the land and/or the income derived from the land, for the purposes described in **section 10**.

*Encumbrances*

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**13 Encumbrances**

Nothing in this Act shall affect any existing encumbrance over the land or over any interest in the land under any lease.

*Miscellaneous*

**14 Memorandum of Understanding**

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This Act confirms that the Memorandum of Understanding is binding on the parties to the Memorandum of Understanding.

**15 Powers of Registrar-General of Land**

- (1) The Registrar-General of Land is authorised and directed to make such entries in the registers and to do all such other things as may be necessary to give effect to the provisions of this Act. 25
- (2) The presentation to the Registrar-General of Land of an instrument (whether or not comprising an instrument of transfer) that complies with **subsection (3)** is, in the absence of proof to the contrary, sufficient evidence that the land the instrument relates to is no longer reserved and set aside solely for the use, benefit and endowment of the harbour and port of Wanganui. 30

- (3) An instrument complies with this subsection if the instrument—
- (a) relates to land held by the Council; and
  - (b) contains a recital that **section 10** applies to the land; and
  - (c) is executed or appears to be executed by the Council.
- 16 Power to amend Schedule 1**
- The Governor-General may, by Order in Council, amend Schedules to this Act for the purpose of—
- (a) correcting any misdescription or error in those Schedules; or
  - (b) adding details of any land which have been omitted in error.
- 17 No compensation**
- (1) Except as provided in **subsection (2)**, no compensation shall be payable in respect of the provisions of this Act or in respect of the exercise of any of the powers conferred by this Act.
- (2) The Council may, in its discretion, make a payment of compensation to River City Port Limited for the termination of all rights that River City Port Limited may have as lessee in respect of the land, provided that—
- (a) the acceptance of any offer of compensation in accordance with subsection (2) will be a full and final settlement in relation to the termination of the River City Port Limited lease; and
  - (b) the amount of compensation payable under **subsection (2)** shall be no more than \$1,500,000.
- (3) In this section reference to land includes reference to any buildings or fixtures situated on that land.
- 18 Repeals and consequential amendments**
- (1) Section 56 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1915 is repealed.

- (2) The schedule to the Harbour Boards Dry Land Endowment Revesting Act 1991 is amended by omitting from Part C—
- “Wanganui Harbour lands: All that land—
- “(a) containing 7.7 hectares, more or less, and being all the land comprised and described in certificate of title No 5D/124, Wellington Registry: 5
  - “(b) described in section 53 of the Wanganui Harbour and River Conservators Board Act 1876, and in the Schedule to that Act.”
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## Schedule 1 Description of land

The land subject to this Act is the following land situated in the Wellington land registration district:

Certificate of title	Legal description
WN11B/241	Lot 12 Deposited Plan 23453
WN11B/242	Lot 13 Deposited Plan 23453
WN11B/1290	Lot 1 Deposited Plan 34755
WN11D/1478	Lot 1 Deposited Plan 19936
WN11D/1479	Lot 2 Deposited Plan 19936
WN11D/1480	Lot 3 Deposited Plan 19936
WN11D/1481	Lot 4 Deposited Plan 19936
WN12A/1376	Lot 1 Deposited Plan 40543
WN13/170 (Balance)	Part Lot A Right Bank Wanganui River
WN13/171 (Balance)	Part Lot B Right Bank Wanganui River
WN13C/334	Part Section 227 Right Bank Wanganui River marked Reserved for Road on Deposited Plan 3060
WN14B/1160	Lot 8 Deposited Plan 34223
WN14B/1161	Lot 9 Deposited Plan 34223
WN14B/1162	Lot 10 Deposited Plan 34223
WN15B/731	Section 454 and Section 534 Left Bank Wanganui River
WN15C/417	Lot 1 Deposited Plan 44353
WN16A/908	Lot 2 Deposited Plan 44820
WN16D/121	Lot 1 Deposited Plan 43427
WN16D/122	Lot 2 Deposited Plan 43427
WN16D/124	Lot 5 Deposited Plan 43427
WN16D/125	Lot 1 Deposited Plan 42966
WN16D/826	Lot 1 Deposited Plan 46042
WN16D/832	Lot 7 Deposited Plan 46042
WN17B/1209	Lot 1 Deposited Plan 46506
WN17C/1306	Part Lot 3 Deposited Plan 46042
WN18D/1202 (Balance)	Part Lot 2 Deposited Plan 17933
WN19B/972	Section 378 Right Bank Wanganui River
WN19B/973	Section 379 Right Bank Wanganui River

<b>Certificate of title</b>	<b>Legal description</b>
WN19B/974	Section 380 Right Bank Wanganui River
WN19B/975	Section 381 Right Bank Wanganui River
WN19B/976	Section 382 Right Bank Wanganui River
WN19B/977	Section 383 Right Bank Wanganui River
WN19B/978	Section 384 Right Bank Wanganui River
WN19B/979	Section 385 Right Bank Wanganui River
WN20A/440	Lot 1 Deposited Plan 50238
WN20A/970	Lot 2 Deposited Plan 30996
WN20A/974	Lot 1 Deposited Plan 30996
WN20A/975	Lot 3 Deposited Plan 30996
WN20D/486	Lot 2 Deposited Plan 51557
WN21A/234 (Balance)	Part Lot 1 Deposited Plan 22302
WN21A/496	Section 387 Right Bank Wanganui River
WN22C/114	Lot 1 Deposited Plan 50299
WN22C/115	Lot 2 Deposited Plan 50299
WN22C/116 (Balance)	Lots 1 and 2 Deposited Plan 51075, Part Lot K Right Bank Wanganui River, and Part Section 227 and Part Section 392 Right Bank Wanganui River
WN22D/260	Lot 5 Deposited Plan 54127
WN23/36	Lot C Right Bank Wanganui River
WN23/37	Lot E Right Bank Wanganui River
WN24C/553	Part Lot 4 Deposited Plan 46042
WN25D/310	Lot 1 Deposited Plan 56412
WN26A/423	Lot 2 Deposited Plan 55612
WN26D/849	Lot 1 Deposited Plan 56302
WN26D/850	Lot 2 Deposited Plan 56302
WN26D/851	Lot 3 Deposited Plan 56302
WN26D/853	Lot 5 Deposited Plan 56302
WN28B/878	Part Lot 1 Application Plan 1888
WN28C/158	Lot 2 Deposited Plan 59585
WN28C/159	Lot 3 Deposited Plan 59585
WN28C/160	Lot 4 Deposited Plan 59585
WN28C/161	Lot 5 Deposited Plan 59585
WN289/131	Lots 61, 62, 63, Part Lot 64, and Lot 65 Deposited Plan 264



<b>Certificate of title</b>	<b>Legal description</b>
WN30A/84	Lots 2 and 3 Deposited Plan 59790
WN30A/85	Lot 1 Deposited Plan 59790
WN30A/86	Lot 4 Deposited Plan 59790
WN30A/88	Lot 8 Deposited Plan 59790
WN31B/329	Lot 1 Deposited Plan 58471
WN32A/668	Lot 4 Deposited Plan 56302
WN338/216 (Ltd)	Lot 69 Deeds Plan 248
WN33C/995	Lot 2 Deposited Plan 65453
WN33C/996	Lot 3 Deposited Plan 65453
WN335/30 (Ltd)	Part Lots 1429 and 1430 Suburban Section 15 Town of Wanganui
357927	Part Lot 2 Deposited Plan 315332, Lot 1 Deposited Plan 10037, Lot 1 Deposited Plan 58975, and Part Lot 2 Deposited Plan 10523, and Part Lot 2 Deposited Plan 10523, and Part Lot 2 Deposited Plan 10523, and Part Lot 2 Deposited Plan 10523, and Part Lot 1 Deposited Plan 9954, and Part Lot 1 Deposited Plan 9954, and Part Lot 1 Deposited Plan 9954, and Part Lot 1 Deposited Plan 9954, and Part Lot 1 Deposited Plan 822, and Part Lots 1 and 2 Deposited Plan 822
WN361/119	Lot 3 Deposited Plan 7635
WN37B/411	Part Lot 2 Deposited Plan 3054
WN37B/493	Lot 2 Deposited Plan 7635 and Lot 2 Deposited Plan 69960
WN37D/439	Lot 1 Deposited Plan 64202
WN387/91	Part Section 50 Town of Wanganui being Part bordered green Deposited Plan 7569
WN39/193	Section 1427 Town of Wanganui
WN40C/429	Part Section 50 Town of Wanganui
WN48/67	Lot 1428 Town of Wanganui
WN491/192	Lot 3 Deposited Plan 12441
WN52D/575	Lot 1 Deposited Plan 3054 and Part Lot 106 Deposited Plan 264
WN5B/62 (Ltd)	Lot 68 Deeds Plan 248
WN5D/124	Section 324 Right Bank Wanganui River
WN683/76 (Balance)	Lot 16 Deposited Plan 18365

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<b>Certificate of title</b>	<b>Legal description</b>
WN6A/293	Lot 40 Deposited Plan 3837
WN6A/802	Lot 1 Deposited Plan 17791
WN6A/803	Lot 1 Deposited Plan 18309
WN6B/183	Lot 2 Deposited Plan 205
WN6B/184	Lot 3 Deposited Plan 205
WN6B/185	Lot 4 Deposited Plan 205
WN6B/186	Lot 5 Deposited Plan 205
WN6B/187	Lot 6 Deposited Plan 205
WN6B/188	Lot 7 Deposited Plan 205
WN6B/189	Lot 8 Deposited Plan 205
WN6B/190	Lot 9 Deposited Plan 205
WN6B/191	Lot 10 Deposited Plan 205
WN6B/192	Lot 11 Deposited Plan 205
WN6B/193	Lot 12 Deposited Plan 205
WN6B/194	Lot 13 Deposited Plan 205
WN8B/377 (Balance)	Lots 18, and 20 and Part Lot 16 Deposited Plan 205 and Lots 1, 2, and 3 Deposited Plan 10878
9690	Part Lot 1 Deposited Plan 89274 and Lot 9 Deposited Plan 302481
9691	Lot 1 Deposited Plan 302481
9692	Lot 2 Deposited Plan 302481
9694	Lot 4 Deposited Plan 302481
9695	Lot 5 Deposited Plan 302481
9696	Lot 6 Deposited Plan 302481
9698	Lot 2 Deposited Plan 81330 and Lot 8 Deposited Plan 302481
WN9B/1253	Lot 1 Deposited Plan 32850
WN9B/1261	Lot 4 Deposited Plan 12441
WND3/66	Lot 14 and 15 Deposited Plan 205
WND3/67	Lot 23 Deposited Plan 205
WNE3/767	Lots 21 and 22 Deposited Plan 205

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## Schedule 2

### Description of Community Purpose land

The land subject to this Act is the following land situated in the Wellington land registration district:

<b>Certificate of title</b>	<b>Legal description</b>
WN11B/1290	Lot 1 Deposited Plan 34755
WN13/170 (Balance)	Part Lot A Right Bank Wanganui River
WN13/171 (Balance)	Part Lot B Right Bank Wanganui River
WN18D/1202 (Balance)	Part Lot 2 Deposited Plan 17933
WN19B/978	Section 384 Right Bank Wanganui River
WN23/36	Lot C Right Bank Wanganui River
WN23/37	Lot E Right Bank Wanganui River
WN28C/158	Lot 2 Deposited Plan 59585
WN28C/159	Lot 3 Deposited Plan 59585
WN28C/160	Lot 4 Deposited Plan 59585
WN28C/161	Lot 5 Deposited Plan 59585
WN6A/802	Lot 1 Deposited Plan 17791
WN6A/803	Lot 1 Deposited Plan 18309
WN6B/183	Lot 2 Deposited Plan 205
WN6B/184	Lot 3 Deposited Plan 205
WN6B/185	Lot 4 Deposited Plan 205
WN6B/186	Lot 5 Deposited Plan 205
WN6B/187	Lot 6 Deposited Plan 205
WN6B/188	Lot 7 Deposited Plan 205
WN6B/189	Lot 8 Deposited Plan 205
WN6B/190	Lot 9 Deposited Plan 205
WN6B/191	Lot 10 Deposited Plan 205
WN6B/193	Lot 12 Deposited Plan 205
WN6B/194	Lot 13 Deposited Plan 205
WN8B/377 (Balance)	Lots 18, and 20 and Part Lot 16 Deposited Plan 205 and Lots 1, 2, and 3 Deposited Plan 10878
WND3/66	Lot 14 and 15 Deposited Plan 205
WND3/67	Lot 23 Deposited Plan 205
WNE3/767	Lots 21 and 22 Deposited Plan 205
WN20A/970	Lot 2 Deposited Plan 30996

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<b>Certificate of title</b>	<b>Legal description</b>
WN20A/974	Lot 1 Deposited Plan 30996
WN20A/975	Lot 3 Deposited Plan 30996
WN28B/878	Part Lot 1 Application Plan 1888
WN335/30 (Ltd)	Part Lots 1429 and 1430 Suburban Section 15 Town of Wanganui
WN361/119	Lot 3 Deposited Plan 7635
WN37B/493	Lot 2 Deposited Plan 7635 and Lot 2 Deposited Plan 69960
WN387/91	Part Section 50 Town of Wanganui being Part bordered green Deposited Plan 7569
WN491/192	Lot 3 Deposited Plan 12441
WN9B/1253	Lot 1 Deposited Plan 32850
WN9B/1261	Lot 4 Deposited Plan 12441

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### Schedule 3 Description of Port land

The land subject to this Act is the following land situated in the Wellington land registration district:

Certificate of title	Legal description
WN11B/241	Lot 12 Deposited Plan 23453
WN11B/242	Lot 13 Deposited Plan 23453
WN11D/1478	Lot 1 Deposited Plan 19936
WN11D/1479	Lot 2 Deposited Plan 19936
WN11D/1480	Lot 3 Deposited Plan 19936
WN11D/1481	Lot 4 Deposited Plan 19936
WN12A/1376	Lot 1 Deposited Plan 40543
WN13C/334	Part Section 227 Right Bank Wanganui River marked Reserved for Road on Deposited Plan 3060
WN14B/1160	Lot 8 Deposited Plan 34223
WN14B/1161	Lot 9 Deposited Plan 34223
WN14B/1162	Lot 10 Deposited Plan 34223
WN15B/731	Section 454 and Section 534 Left Bank Wanganui River
WN15C/417	Lot 1 Deposited Plan 44353
WN16A/908	Lot 2 Deposited Plan 44820
WN16D/121	Lot 1 Deposited Plan 43427
WN16D/122	Lot 2 Deposited Plan 43427
WN16D/124	Lot 5 Deposited Plan 43427
WN16D/125	Lot 1 Deposited Plan 42966
WN16D/826	Lot 1 Deposited Plan 46042
WN16D/832	Lot 7 Deposited Plan 46042
WN17B/1209	Lot 1 Deposited Plan 46506
WN17C/1306	Part Lot 3 Deposited Plan 46042
WN19B/972	Section 378 Right Bank Wanganui River
WN19B/973	Section 379 Right Bank Wanganui River
WN19B/974	Section 380 Right Bank Wanganui River
WN19B/975	Section 381 Right Bank Wanganui River
WN19B/976	Section 382 Right Bank Wanganui River
WN19B/977	Section 383 Right Bank Wanganui River

<b>Certificate of title</b>	<b>Legal description</b>
WN19B/979	Section 385 Right Bank Wanganui River
WN20A/440	Lot 1 Deposited Plan 50238
WN20D/486	Lot 2 Deposited Plan 51557
WN21A/234 (Balance)	Part Lot 1 Deposited Plan 22302
WN21A/496	Section 387 Right Bank Wanganui River
WN22C/114	Lot 1 Deposited Plan 50299
WN22C/115	Lot 2 Deposited Plan 50299
WN22C/116 (Balance)	Lots 1 and 2 Deposited Plan 51075, Part Lot K Right Bank Wanganui River, and Part Section 227 and Part Section 392 Right Bank Wanganui River
WN22D/260	Lot 5 Deposited Plan 54127
WN24C/553	Part Lot 4 Deposited Plan 46042
WN25D/310	Lot 1 Deposited Plan 56412
WN26A/423	Lot 2 Deposited Plan 55612
WN26D/849	Lot 1 Deposited Plan 56302
WN26D/850	Lot 2 Deposited Plan 56302
WN26D/851	Lot 3 Deposited Plan 56302
WN26D/853	Lot 5 Deposited Plan 56302
WN289/131	Lots 61, 62, 63, Part Lot 64, and Lot 65 Deposited Plan 264
WN30A/84	Lots 2 and 3 Deposited Plan 59790
WN30A/85	Lot 1 Deposited Plan 59790
WN30A/86	Lot 4 Deposited Plan 59790
WN30A/88	Lot 8 Deposited Plan 59790
WN31B/329	Lot 1 Deposited Plan 58471
WN32A/668	Lot 4 Deposited Plan 56302
WN338/216 (Ltd)	Lot 69 Deeds Plan 248
WN33C/995	Lot 2 Deposited Plan 65453
WN33C/996	Lot 3 Deposited Plan 65453

<b>Certificate of title</b>	<b>Legal description</b>
357927	Part Lot 2 Deposited Plan 315332, Lot 1 Deposited Plan 10037, Lot 1 Deposited Plan 58975, and Part Lot 2 Deposited Plan 10523, and Part Lot 2 Deposited Plan 10523, and Part Lot 2 Deposited Plan 10523, and Part Lot 2 Deposited Plan 10523, and Part Lot 1 Deposited Plan 9954, and Part Lot 1 Deposited Plan 9954, and Part Lot 1 Deposited Plan 9954, and Part Lot 1 Deposited Plan 822, and Part Lots 1 and 2 Deposited Plan 822
WN37B/411	Part Lot 2 Deposited Plan 3054
WN37D/439	Lot 1 Deposited Plan 64202
WN39/193	Section 1427 Town of Wanganui
WN40C/429	Part Section 50 Town of Wanganui
WN48/67	Lot 1428 Town of Wanganui
WN52D/575	Lot 1 Deposited Plan 3054 and Part Lot 106 Deposited Plan 264
WN5B/62 (Ltd)	Lot 68 Deeds Plan 248
WN5D/124	Section 324 Right Bank Wanganui River
WN683/76 (Balance)	Lot 16 Deposited Plan 18365
WN6A/293	Lot 40 Deposited Plan 3837
WN6B/192	Lot 11 Deposited Plan 205
9690	Part Lot 1 Deposited Plan 89274 and Lot 9 Deposited Plan 302481
9691	Lot 1 Deposited Plan 302481
9692	Lot 2 Deposited Plan 302481
9694	Lot 4 Deposited Plan 302481
9695	Lot 5 Deposited Plan 302481
9696	Lot 6 Deposited Plan 302481
9698	Lot 2 Deposited Plan 81330 and Lot 8 Deposited Plan 302481

**Schedule 4****Structures, fixtures, and reclamations****Part 1**

Structures, fixtures, and reclamations  
forming part of the public foreshore and  
seabed 5

**1 North mole**

The mole extending from the northern (right) bank of the Whanganui River into the Tasman Sea adjacent to title WN5D/124, situated in the Wellington land registration district, being Section 324 Right Bank Wanganui River. 10

**2 Northern (right) bank river protection**

The river protection work on the northern (right) bank of the Whanganui River extending from adjacent to, and between, title WN5D/124, situated in the Wellington land registration district, being lot Section 324 Right Bank Wanganui River, and title WN26D/849, situated in the Wellington land registration district, being Lot 1 Deposited Plan 56302. 15

**3 Northern (right) bank seawall**

The seawall, constructed of timber and steel, situated within title 9690, in the Wellington land registration district, being Part Lot 1 Deposited Plan 89274 and Lot 9 Deposited Plan 302481, and within title WN26D/849, situated in the Wellington land registration district, being Lot 1 Deposited Plan 56302. 20  
25

**4 South mole**

The mole extending from the southern (left) bank of the Whanganui River into the Tasman Sea adjacent to title 357927, situated in the Wellington land registration district, specifically section Part Lot 2 Deposited Plan 822. 30

**5 Southern (left) bank river protection**

The river protection work on the southern (left) bank of the Whanganui River adjacent to title 357927, situated in the Wel-



Part 1—*continued*

lington land registration district, specifically section Part Lot  
2 Deposited Plan 822.

**6 Whanganui River basin wall**

The basin wall, comprised of stone boulders, timber and steel,  
and extending into the Whanganui River from the northern 5  
(right) bank adjacent to title WN22C/116 (Balance), situated  
in the Wellington land registration district, being Lots 1 and  
2 Deposited Plan 51075, Part Lot K Right Bank Whanganui  
River, and Part Section 227 and Part Section 392 Right Bank  
Whanganui River. 10

**7 Semi-permeable groynes and river channel deflectors**

All semi-permeable groynes and river channel deflectors lo-  
cated within the Whanganui River channel.

Part 2

Structures, fixtures, and reclamations not 15  
forming part of the public foreshore and  
seabed

**1 Wharf 1**

The area of wharf situated outside of any legal title extending  
from the northern (right) bank of the Whanganui River into 20  
the Whanganui River adjacent to title WN26D/849, situated in  
the Wellington land registration district, being Lot 1 Deposited  
Plan 56302 and the western portion of title 9690, situated in  
the Wellington land registration district, being Part Lot 1 De-  
posited Plan 89274 and Lot 9 Deposited Plan 302481. 25

**2 Wharves 2 and 3**

The wharves situated within title 9690, in the Wellington land  
registration district, being Part Lot 1 Deposited Plan 89274  
and Lot 9 Deposited Plan 302481.

Part 2—*continued*

**3 Boat slipway and jetties**

The trailer boat slipway, comprised of concrete, and accompanying jetties, located within title 9690, situated in the Wellington land registration district, being Part Lot 1 Deposited Plan 89274 and Lot 9 Deposited Plan 302481.

5