

**Reprint
as at 1 October 1988**



**Wellington Harbour Board Loan
and Empowering Act 1967**

Local Act 1967 No 15
Date of assent 2 November 1967
Commencement 2 November 1967

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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.

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An Act to vest in the Wellington Harbour Board certain land forming part of the bed of the harbour of Wellington and to authorise the Wellington Harbour Board to reclaim land and to authorise and empower the Wellington Harbour Board to carry out certain harbour works and to borrow the sum of \$6,200,000 in respect thereof and to give the Wellington Harbour Board certain other powers and authorities

1 Short Title

This Act may be cited as the Wellington Harbour Board Loan and Empowering Act 1967.

2 Interpretation

In this Act, unless the context otherwise requires,—

Board means the Wellington Harbour Board

Act means the Harbours Act 1950

1952 Act means the Wellington Harbour Board Loan and Empowering Act 1952

1957 Act means the Wellington Harbour Board Loan and Empowering Act 1957

1961 Act means the Wellington Harbour Board Loan and Empowering Act 1961.

3 Special Act

This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950.

4 Vesting of bed of harbour

The lands and bed of the harbour described in Schedule 1 are hereby vested in the Board as an estate in fee simple for harbour purposes.

5 Easements and roads

The Board may create, transfer, and dedicate such easements and roads as it may think fit for the use and development of the land described in Schedule 1 and item 1(b) of Schedule 2.

6 Authority granted to District Land Registrar

The District Land Registrar for the Land Registration District of Wellington is hereby authorised and directed, on deposit with him of such plans and documents as he may require, to issue to the Board certificates of title in respect of the lands or bed of the harbour vested in the Board in pursuance of section 4 and to register easements and roads created, transferred, or dedicated pursuant to section 5 and to make such entries in the register books and to do all such other things as may be necessary to give effect to the provisions of this section.

7 Authority to carry out reclamation

- (1) The Board is hereby authorised and empowered, notwithstanding anything contained in section 175 of the Act, but subject to the provisions of sections 176 to 182 of the Act, to reclaim lands in the harbour of Wellington, namely, the lands comprised and described in items 2 and 3 of Schedule 2:
provided that where any part of the lands described in item 3 of Schedule 2 are reclaimed under the authority given under this subsection and are taken pursuant to section 148 of the Act for motorway purposes the compensation entitled to be received by the Board shall not exceed the amount which the Board has actually laid out upon the said land either for the costs of reclamation or otherwise in permanently improving the same.
- (2) Whereas by a grant (hereinafter called the **Te Aro grant**) from the Crown dated 24 June 1874 a piece of land described in the Schedule of the Te Aro Reclamation Act 1879 was granted to the Mayor, Councillors, and Citizens of the City of Wellington

(hereinafter called the **Corporation**) upon certain trusts for reclamation:

And whereas the said land was in the harbour of Wellington and below high-water mark:

And whereas by the Te Aro Reclamation Act 1879 power to fill up and reclaim the whole of the land in the Te Aro grant from the sea was conferred on the Corporation:

And whereas the Reclamation Within the Harbour of Wellington Act 1887 recited that reclamation as far as the seaward boundary line of the land comprised in the Te Aro grant would be injurious to the harbour of Wellington and it was necessary to define the limits beyond which future reclamation by the Corporation should not extend and further to provide for certain reclamation to the limits so defined:

And whereas the Reclamation Within the Harbour of Wellington Act 1887 defined a line as set forth in Schedule 1 of the said Act (hereinafter called the **defined line**) and provided that it should not be lawful for the Corporation to reclaim from the sea any part of the harbour of Wellington beyond (that is to say on the seaward side of) the limit of the defined line:

And whereas the Reclamation Within the Harbour of Wellington Act 1887 by section 10 thereof provided that the Board should have certain rights, privileges, and powers in respect of the said land lying between the defined line and the seaward limit of the Te Aro grant and the water covering the same other than the power of reclamation:

And whereas by the Wellington Harbour Board and Corporation Empowering Act 1898 and a deed dated 13 June 1898 between the Board and the Corporation (which deed was validated by such Act and is hereinafter called the **deed**) the Board was given power to carry out certain reclamation work over part of the said land lying between the defined line and the seaward limit of the Te Aro grant but by section 8 of the Wellington Harbour Board and Corporation Empowering Act 1898 the land specified in the fifteenth schedule to the deed (which land forms part of the Te Aro grant) was excluded from the power to reclaim and the Board covenanted in clause 7 of the deed that

it would not reclaim from the sea any of the land described in the fifteenth schedule to the deed:

And whereas, pursuant to the deed, the land described in the fifteenth schedule was vested in the Board and now constitutes the land described in item 1(b) of Schedule 2:

And whereas to improve the facilities of the Port of Wellington and to suit the convenience of ships it is desired to reclaim the land described in items 1(a) and (b) of Schedule 2 (including the land described in the fifteenth schedule to the deed):

Be it therefore enacted as follows:

- (a) the Board is hereby authorised and empowered, notwithstanding anything contained in section 175 of the Act, but subject to sections 176 to 182 of the Act, to reclaim lands in the harbour of Wellington, namely, the land described in items 1(a) and (b) of Schedule 2:
- (b) the land described in item 1(b) of Schedule 2 shall cease to be subject to any restrictions imposed by the Reclamation Within the Harbour of Wellington Act 1887, the Wellington Harbour Board and Corporation Empowering Act 1898, and the deed dated 13 June 1898 between the Board and the Corporation:
- (c) the District Land Registrar for the Land Registration District of Wellington is hereby authorised and directed to remove any such restrictions from any certificates of title or other document relating to the land described in item 1(b) of Schedule 2.

8 Authority to borrow

- (1) It shall be lawful for the Board from time to time, as it may require, to borrow, subject to the provisions of the Harbours Act 1950 and the Local Authorities Loans Act 1956 a sum or sums of money not exceeding in the aggregate the sum of \$6,200,000.
- (2) The money hereby authorised to be borrowed is in addition to any money heretofore authorised to be borrowed by the Board under any other Act.

9 Expenditure of money

All money borrowed under this Act shall be applied and expended in the construction of the harbour works and for the other purposes specified in Schedule 3.

10 Expenditure of money authorised to be borrowed under another Act

Whereas the Board by the 1952 Act (as amended by section 7(1) of the Decimal Currency Act 1964) was *inter alia* given power to borrow and apply the sum of \$5,000,000 in the construction of one of the harbour works specified in the Schedule of the 1952 Act, namely, the construction of Thorndon Wharf and Lambton Wharf at the Port of Wellington, each complete with wharf cranes and sheds with overhead cranes:

And whereas it is no longer desirable to proceed with the construction of the Thorndon Wharf and the Lambton Wharf as specified in the 1952 Act:

And whereas the Board desires to apply the said sum of \$5,000,000 towards the harbour work specified in item 3 of Schedule 3:

Be it therefore enacted as follows:

The Board is hereby empowered, in addition to the expenditure hereinbefore authorised by this Act and its Schedule 3, to apply and expend in and towards the harbour work specified in item 3 of the said Schedule 3, being part of the Thorndon Wharf development, the said sum of \$5,000,000 authorised to be borrowed in the 1952 Act.

11 Expenditure of money borrowed under certain other Acts

- (1) Whereas the Board by the 1961 Act (as amended by section 7(1) of the Decimal Currency Act 1964) was *inter alia* given power to borrow and apply the sum of \$1,044,000 in the construction of one of the harbour works specified in the Schedule of the 1961 Act, namely, an additional amount for the reconstruction of King's Wharf, including rebuilding of Shed 31 with facilities for overseas passengers and cargo and including shed cranes and 10 wharf cranes:

And whereas to facilitate the shipping and unshipping of goods and to suit the convenience of ships and to improve the working of cargo facilities at the Port of Wellington, it is desired by the Board to proceed with the Thorndon Wharf development in priority to the said work upon King's Wharf:

And whereas the Board has borrowed pursuant to the 1961 Act and for the said work at King's Wharf and has not expended at the present time the sum of \$551,272:

Be it therefore enacted as follows:

The Board is hereby empowered, in addition to the expenditure hereinbefore authorised by this Act and its Schedule 3, to apply and expend in and towards the harbour work specified in item 3 of the said Schedule 3, being part of the Thorndon Wharf development and the harbour work specified in item 1 of the said Schedule 3, being part of the Taranaki Street Wharf development, in such proportions as the Board may determine, the sum of \$551,272 or such amount as may not be otherwise expended under the said authority contained in the 1961 Act and to provide that sum from the said moneys borrowed under the authority of the 1961 Act.

- (2) Whereas the Board by the 1957 Act (as amended by section 7(1) of the Decimal Currency Act 1964) was *inter alia* given power to borrow and apply the sum of \$800,000 in the construction of one of the harbour works specified in the Schedule of the 1957 Act, namely, reconstruction of South Inner Tee, Queen's Wharf, at the Port of Wellington, complete with shed with overhead cranes, and of approach to Outer Tee or such wharf:

And whereas to facilitate the shipping and unshipping of goods and to suit the convenience of ships and to improve the working of cargo facilities at the Port of Wellington, it is desired by the Board to proceed with the Taranaki Street Wharf Development in priority to the said works at Queen's Wharf specified in the 1957 Act:

And whereas the Board has borrowed pursuant to the 1957 Act and for the said works at Queen's Wharf and has not expended at the present time the sum of \$82,194.90

Be it therefore enacted as follows:

The Board is hereby empowered, in addition to the expenditure hereinbefore authorised by this Act and its Schedule 3, to apply and expend in and towards the harbour works specified in item 1 of the said Schedule 3, being part of the Taranaki Street Wharf development, the sum of \$82,194.90 or such amount as may not be expended under the said authority contained in the 1957 Act and to provide that sum from the said money borrowed under the authority of the 1957 Act.

Section 11(1): amended, on 17 December 1968, by section 17 of the Local Legislation Act 1968 (1968 No 131).

12 Power to act as wharfingers and stevedores and to license wharfingers and stevedores

[Repealed]

Section 12: repealed, on 1 October 1988, by section 45(1) of the Port Companies Act 1988 (1988 No 91).

13 Power to dispose of certain lands vested in the Board

- (1) The Board is hereby empowered and authorised to sell, lease, or otherwise dispose of the whole or any part of the lands described in Schedule 4 for the purposes of and incidental to residential flats or high density housing, or other housing development or associated facilities and amenities and to create, transfer, and dedicate any roads or easements that may be necessary and to do all other things that may be necessary to give effect to the purposes of this section.
- (2) If the Board leases the land described in Schedule 4 or any part thereof for the purposes specified in subsection (1), the provisions of the Public Bodies Leases Act 1908 shall not apply to the granting or terms of any such lease.
- (3) Whereas by section 4 of the Wellington Harbour Board and Corporation Land Act 1880 the land described in item 3 of Schedule 4 was vested in the Board:

And whereas the said Act by section 5 thereof provided that the Board should not have any power to sell, mortgage, charge, lease, or otherwise alienate or dispose of the land described in item 3 of Schedule 4 nor should the land in item 3 of the said Schedule 4 be liable to be dealt with or affected by or under the provisions of sections 208 to 211 inclusive of the Harbours Act

1878 (which sections provide remedies for debenture holders of a harbour board):

And whereas to facilitate the Board selling, leasing, or otherwise disposing of the land described in item 3 of Schedule 4 it is desired to remove the restrictions imposed by the Wellington Harbour Board and Corporation Land Act 1880:

Be it therefore enacted as follows:

The land described in item 3 of Schedule 4 shall cease to be subject to the restrictions contained in the Wellington Harbour Board and Corporation Land Act 1880 and the District Land Registrar for the Land Registration District of Wellington is hereby directed and authorised to remove any such restrictions from any certificate of title or other document relating to the land described in item 3 of Schedule 4.

14 Revocation of prior reclamation authorities

Whereas pursuant to section 175 of the Act the Board by Order in Council dated 3 November 1965 and published in the *Gazette* of 18 November 1965 at page 2043 was authorised to reclaim from the Wellington harbour at Kaiwharawhara 5 acres of land, more or less, as shown coloured pink on plan MD 12043C and deposited in the office of the Marine Department at Wellington, which land forms part of the land described in item 3 of Schedule 2:

And whereas pursuant to the said section 175 the Board by Order in Council dated 20 March 1967 and published in the *Gazette* on 6 April 1967 at page 514 was authorised to reclaim from the Wellington harbour an area of 5 acres for harbour purposes as shown coloured red on plan MD 12496 and deposited in the office of the Marine Department at Wellington, which land forms part of the land described in item 2 of Schedule 2:

And whereas it is intended that the authorities to reclaim contained in this Act should supersede the authorities granted by the said Orders in Council:

Be it therefore enacted as follows:

The said Orders in Council dated 3 November 1965 and
20 March 1967 are hereby revoked.

Schedule 1

Item

- 1 All those areas in the Wellington Land District, situated in Block VII, Port Nicholson Survey District, containing 7 acres 1 rood 5.4 perches and 16 acres 34.6 perches, more or less, being parts Reserve "K" Town of Wellington and parts of the bed of the Harbour of Wellington as shown edged green on MD 12580.
 - 2 All that area in the Wellington Land District, situated in Block VII, Port Nicholson Survey District, containing 28 acres 1 rood 16.1 perches, more or less, being part of the bed of the Harbour of Wellington as shown edged green on MD 12582.
 - 3 All that area in the Wellington Town District, situated in Block VII, Port Nicholson Survey District, containing 32 acres 0 roods 02.9 perches, more or less, being part of the bed of the Harbour of Wellington as shown edged green on MD 12591.
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Schedule 2**Item**

- 1 All those areas in the Wellington Town District, situated in Block VII, Port Nicholson Survey District, containing together 35 acres 1 rood 10.7 perches as shown edged red on MD 12580 and being—
 - (a) the areas containing 7 acres 1 rood 5.4 perches and 16 acres 34.6 perches, more or less, being parts Reserve “K” Town of Wellington and parts of the bed of the Harbour of Wellington:
 - (b) the area containing 11 acres 3 roods 10.7 perches, more or less, being part Reserve “K” Town of Wellington and being also Lot 2, DP 1372, and being part of the land comprised in certificate of title, Volume 147, folio 178 (Wellington Registry).
 - 2 All that area in the Wellington Land District, situated in Block VII, Port Nicholson Survey District, containing 28 acres 1 rood 16.1 perches, more or less, being part of the bed of the Harbour of Wellington as shown edged red on MD 12582.
 - 3 All that area in the Wellington Land District, situated in Block VII, Port Nicholson Survey District, containing 32 acres 0 roods 02.9 perches, more or less, being part of the bed of the Harbour of Wellington as shown edged red on MD 12591.
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Schedule 3

Item	\$
1 Reclamation of an area of approximately 6 acres and the construction of perimeter breastwork and other associated works forming part of the Taranaki Street Wharf development as shown on MD 12581	1,424,000
2 Reclamation of an area of approximately 1 acre and the construction of breastwork and other associated works forming part of the Lambton Harbour development as shown on MD 12581	706,000
3 Reclamation of an area of approximately 21 acres and construction of eastern breastwork and other associated works forming part of the Thorndon Wharf development as shown on MD 12583	360,000
4 Reconstruction of Dock Mooring Wharf, provision of new approaches, bridge, ramp, and other associated machinery and works to provide a further Rail-Road Ferry Berth as shown on MD 12592	960,000
5 Reclamation of an area of approximately 20 acres and construction of a new oil berth, access works, and other associated works forming part of Kaiwharawhara development as shown on MD 12592	810,000
6 Reclamation of an area of approximately 10 acres and construction of a second wharf and other associated works at Point Howard forming part of the Point Howard development as shown on MD 12584	1,590,000
7 Contingencies	350,000
	<u>\$6,200,00</u>

Schedule 4**Item**

- 1 All that area in the Wellington Land District, situated in the City of Wellington, containing 19 acres 3 roods 38.64 perches, more or less, being part Section 3, Evans Bay District, and being the balance of the land comprised in certificate of title, Volume 21, folio 287 (Wellington Registry).
 - 2 All that area in the Wellington Land District, situated in the City of Wellington, containing 7 acres 3 roods 28.2 perches, more or less, being part Section 17, Watts Peninsula District and closed road as shown on Land Transfer Plan A/2140, and being all the land comprised in certificate of title, Volume 154, folio 279 (Wellington Registry).
 - 3 All that area in the Wellington Land District, situated in the City of Wellington, containing 4 acres 3 roods 24 perches, more or less, being part Section 17, Watts Peninsula District as shown on Survey Office Plan 11017, and being all the land comprised in certificate of title, Volume 151, folio 276 (Wellington Registry).
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Notes

1 *General*

This is a reprint of the Wellington Harbour Board Loan and Empowering Act 1967. The reprint incorporates all the amendments to the Act as at 1 October 1988, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Port Companies Act 1988 (1988 No 91): section 45(1)
Local Legislation Act 1968 (1968 No 131): section 17
