

*Fran Wilde*

**WELLINGTON HARBOUR BOARD AND  
WELLINGTON CITY COUNCIL  
VESTING AND EMPOWERING**

[LOCAL]

ANALYSIS

Preamble	7. Council boundary and by-laws
1. Short Title	8. Application of Part XX of Local Government Act 1974
2. Interpretation	9. Roads
3. Special Act	10. Variation of Lambton Harbour Development Area
4. Vesting of land under the sea	11. Commencement of combined planning scheme
5. Removal of statutory constraints over part of Lambton Harbour Development Area	12. Certain rights and powers not affected
6. Authority and powers in respect of Lambton Harbour Development Project	13. Repeals Schedules

A BILL INTITULED

An Act—

- 5 (a) To vest in the Wellington Harbour Board land under the sea constituting part of the bed of the Harbour of Wellington:
- (b) To remove statutory and other constraints affecting land constituting the Lambton Harbour Development Area:
- 10 (c) To give the Wellington Harbour Board and the Wellington City Council authorities and powers in respect of the Lambton Harbour Development Project.

WHEREAS part of the Lambton Harbour Development Area is land under the sea constituting part of the bed of the Harbour of Wellington and is vested in the Crown and it is desirable that such land under the sea should be vested in the Wellington Harbour Board: And whereas there are statutory

No. 112—1

Price \$1.50  
incl. GST \$1.65 .

2 *Wellington Harbour Board and Wellington City Council  
Vesting and Empowering*

constraints affecting the Lambton Harbour Development Area and it is desirable to remove such constraints: And whereas it is desirable that the Wellington Harbour Board and the Wellington City Council be granted authorities and powers to develop commercial, maritime, residential, educational, 5 cultural, social, recreational, and other uses associated with the Lambton Harbour Development Project.

BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Wellington 10 Harbour Board and Wellington City Council Vesting and Empowering Act 1987.

**2. Interpretation**—In this Act, unless the context otherwise requires,—

“Board” means the Wellington Harbour Board: 15

“Concept plan” means the Lambton Harbour Development Concept Plan as approved by resolution of the Board and the Council and as amended from time to time:

“Council” means the Wellington City Council: 20

“District Land Registrar” means the District Land Registrar for the Wellington Land Registration District:

“Lambton Harbour Development Area” means the land described in the Second Schedule to this Act; and 25 includes any variation of the Lambton Harbour Development Area.

“Lambton Harbour Development Project” means the implementation and promotion of the concept plan and includes all works and activities— 30

(a) Within the Lambton Harbour Development Area; and

(b) Outside the Lambton Harbour Development Area in respect of land, airspace, or subsoil used as a means of ingress or egress, plaza, terrace, podium or 35 for other purposes associated with or incidental to the Lambton Harbour Development Area:

“Land” includes land under the sea constituting part of the bed of the Harbour of Wellington.

**3. Special Act**—This Act is a special Act within the 40 meaning of the Harbours Act 1950.

**4. Vesting of land under the sea**—(1) The land under the sea described in the First Schedule to this Act is hereby vested in the Board for an estate in fee simple.

(2) The District Land Registrar is empowered to issue a certificate in relation to the land described in the said First Schedule showing the Board as its owner.

**5. Removal of statutory constraints over part of Lambton Harbour Development Area**—(1) The land described in clauses 1, 2, and 3 of the Second Schedule to this Act shall be free from all trusts, endowment provisions, reservations, or restrictions imposed upon it by the Wellington Harbour Board and Corporation Act 1880, the Wellington Harbour Board Loans Consolidation and Empowering Act 1884, the Wellington Corporation and Harbour Board Street and Lands Act 1892, the Wellington Harbour Board Reclamation and Empowering Act 1898, the Harbours Act 1950, or any prior Harbours Act, or by or as a result of any Act, Order in Council, Proclamation, *Gazette* notice, or other authorisation relating to the reclamation or acquisition of that land.

(2) The District Land Registrar shall take all such steps and make all such entries in the registers as are necessary to give effect to subsection (1) of this section.

**6. Authority and powers in respect of Lambton Harbour Development Project**—(1) The Board and the Council are hereby authorised and empowered, jointly and severally, to develop and promote the commercial, maritime, residential, educational, cultural, social, recreational and other uses, activities, and characteristics of the Lambton Harbour Development Project and to do all acts and things incidental thereto as if the Board and the Council were natural persons.

(2) Without derogating from the general authority and power contained in subsection (1) of this section and notwithstanding any restrictions or limitations on the power of the Board or the Council or any procedures specified in the Harbours Act 1950, the Local Government Act 1974, the New Zealand Ports Authorities Act 1968, the Local Authorities Loan Act 1956, the Public Bodies Leases Act 1969, the Public Bodies Contracts Act 1959, the Tramways Act 1908, or any other enactment, the Board and the Council, for the purposes specified in subsection (1) of this section, are hereby empowered to—

4 *Wellington Harbour Board and Wellington City Council*  
*Vesting and Empowering*

- (a) Enter into contracts or arrangements; and
- (b) Enter into joint ventures; and
- (c) Enter into contracts or arrangements involving the sharing or union of interest or involving reciprocal concessions; and 5
- (d) Hold shares or other investments in any company or corporation; and
- (e) Transfer the legal title to land to a trustee and to establish or hold an interest in a trust or other body; and 10
- (f) Promote, enter into, or provide commercial, maritime, residential, educational, cultural, social, recreational and other uses; and
- (g) Erect or cause to be built buildings, structures, means of ingress and egress, plazas, terraces, podiums, wharves, boat ramps, marinas, lagoons, and other works and activities; and 15
- (h) Purchase or otherwise acquire land or airspace; and
- (i) Sell or otherwise dispose of land or airspace; and
- (j) Take or otherwise acquire leases, licences, or other rights of occupancy of land, airspace, or sea area; and 20
- (k) Grant leases, licences, or otherwise part with possession, of land, airspace, or sea area; and
- (l) Surrender or accept surrenders of leases, licences, and other rights; and 25
- (m) Borrow and expend money; and
- (n) Give guarantees, indemnities, mortgages, and securities, and to undertake such other obligations as may be incidental to the said purposes.

(3) The Board or the Council may delegate in such manner as the Board or the Council thinks fit any of the powers specified in this section. 30

**7. Council boundary and bylaws—**(1) In the Lambton Harbour Development Area the seaward boundary of the Council shall be the mean high water mark. 35

(2) The bylaws of the Council shall apply to the area within the Lambton Harbour Development Area and the boundary of the Council save for any part of such area as is defined pursuant to section 190 of the Harbours Act 1950 to be within the limits or boundaries of a wharf. 40

(3) The Board and the Council may resolve that the bylaws of the Council shall apply to an area or structure within the

Lambton Harbour Development Area seaward of the mean high water mark and, following notice in the *Gazette*, the bylaws of the Council shall apply notwithstanding that the area or structure is outside the boundary of the Council.

5 **8. Application of Part XX of Local Government Act 1974**—Part XX of the Local Government Act 1974 shall apply to the Lambton Harbour Development Area with the following amendments or exceptions:

10 (a) The reference in Part XX of the Local Government Act 1974 to a district scheme, a proposed district scheme, or an operative district scheme shall, where there is some other planning scheme, proposed planning scheme, or operative planning scheme for the Lambton Harbour Development Area, be deemed to be a reference to that other scheme:

15 (b) Section 289 of the Local Government Act 1974 shall not apply to the Lambton Harbour Development Area:

20 (c) In respect of section 306 of the Local Government Act 1974, if the Council is not the planning authority for the Lambton Harbour Development Area, the certificate required by section 306 (1) (g) of that Act shall be given by the Council only after consultation with the planning authority for the Lambton Harbour Development Area.

25 **9. Roads**—(1) The Board and the Council are hereby authorised and empowered to dedicate any part of the Lambton Harbour Development area as a road.

30 (2) Notwithstanding section 345 of the Local Government Act 1974, where the Council stops a road within the Lambton Harbour Development Area and the same is no longer required as road, such stopped road shall be vested in the Board and the Council.

**10. Variation of Lambton Harbour Development Area**—(1) Subject to the consent of any owner of land which  
35 may be included in or excluded from the Lambton Harbour Development Area by a variation, the Board and the Council may by resolution vary the Lambton Harbour Development Area.

40 (2) The Board and the Council shall give notice of such variation in the *Gazette*.

**11. Commencement of combined planning scheme**—If the Council and the Wellington Harbour Maritime Planning Authority are so empowered under the Town and Country Planning Act 1977 and agree to unite for the purpose of preparing and administering a combined planning scheme for the whole or part of the Lambton Harbour Development Area, the combined committee appointed for such purpose may resolve to commence the preparation of the combined scheme with public notification in accordance with section 44 of the Town and Country Planning Act 1977. 5 10

**12. Certain rights and powers not affected**—Nothing in this Act shall be construed as limiting the application of the provisions of—

- (a) The Public Works Act 1981; or
- (b) The Health Act 1956; or 15
- (c) The Town and Country Planning Act 1977; or
- (d) The Water and Soil Conservation Act 1967

**13. Repeals**—The enactments specified in the Third Schedule to this Act are hereby repealed.

---

SCHEDULES

Section 4

FIRST SCHEDULE

LAND VESTED IN WELLINGTON HARBOUR BOARD

12.2560 hectares, more or less, being part of the bed of the Harbour of Wellington and being more particularly shown on Survey Office Plan 34851 deposited in the office of the Chief Surveyor at Wellington.

SECOND SCHEDULE

LAMBTON HARBOUR DEVELOPMENT AREA

1. 12.2560 hectares, more or less, being part of the bed of the Harbour of Wellington and being more particularly shown on Survey Office Plan 34851 lodged in the office of the Chief Surveyor at Wellington.

All those parcels of land, being—

- (a) 1.2565 hectares, more or less, being land reclaimed from the sea situated in Block VII, Port Nicholson Survey District, and comprising the land described in the Second and Third Schedules to the Wellington Harbour Board Reclamation and Empowering Act 1898 (excepting therefrom the land now comprised in certificate of title 14A/1034, Wellington Land Registry) and the land described as being between Waterloo Quay and the Railway Wharf in the First Schedule to the Wellington Harbour Board and Corporation Act 1880 and the Second Schedule to the Wellington Harbour Board Loans Consolidation and Empowering Act 1884, and being the balance of the land comprised and described in certificate of title 314/34 (Wellington Land Registry).
- (b) 701m<sup>2</sup>, more or less, being Section 29, Block VII, Port Nicholson Survey District, and being the land comprised and described in certificate of title 14A/1034 (Wellington Land Registry) (S.O. Plan 27576).
- (c) 6.5625 hectares, more or less, being Section 25, Block VII, Port Nicholson Survey District, and being the land comprised and described in certificate of title 991/11 (Wellington Land Registry) (S.O. Plan 27516).
- (d) 501m<sup>2</sup>, more or less, being a portion of the land reclaimed from the sea contiguous to the Queens Wharf situated in Block VII, Port Nicholson Survey District and described in the Third Schedule to the Wellington Corporation and Harbour Board Streets and Lands Act 1892, and being the land comprised and described in certificate of title 75/210 (Wellington Land Registry) (S.O. Plan 13625).
- (e) 1447m<sup>2</sup>, more or less, being a portion of the land reclaimed from the sea contiguous to the Queens Wharf situated in Block VII, Port Nicholson Survey District, and described in the Second Schedule to the Wellington Corporation and Harbour Board Streets and Lands Act 1892, and being the land comprised and described in

8 Wellington Harbour Board and Wellington City Council  
Vesting and Empowering

SECOND SCHEDULE—*continued*

- certificate of title 75/53 (Wellington Land Registry) (S.O. Plan 13625).
- (f) 5.0811 hectares, more or less, being Lots 1 and 2, Deposited Plan 1372, and being the land comprised and described in certificate of title 147/178 (Wellington Land Registry).
  - (g) 4804m<sup>2</sup>, more or less, being part Reserve K, Town of Wellington shown as "A" on S.O. Plan 34178, part *Gazette* Notice 762916.1 (New Zealand *Gazette* 1986, p.217).
  - (h) 2.9476 hectares, more or less, being Section 26, Block VII, Port Nicholson Survey District, and being the land comprised and described in certificate of title 6C/1393 (Wellington Land Registry) (S.O. Plan 27516).
  - (i) 2668m<sup>2</sup>, more or less being Lots 8, 9, 10, 11, and 12 on Deposited Plan 1660, and being the land comprised and described in certificate of title 499/270 (Wellington Land Registry).
  - (j) 2490m<sup>2</sup>, more or less, being Lots 1, 2, 3, 4, 5, 6, and 7 on Deposited Plan 1660, and being the land comprised and described in certificate of title 499/269 (Wellington Land Registry).
  - (k) 2.2623 hectares, more or less, being Lot 1 on Deposited Plan 3253, Lots 2, 3, 4, 5, 6, 7, and 8 on Deposited Plan 3998, Lot 29 on Deposited Plan 7167, Lots 1 and 2, Deposited Plan 21557, and part Deposited Plan 1373, and being the land comprised and described in certificate of title 910/19 (Wellington Land Registry).
  - (l) 852m<sup>2</sup>, more or less, being Lot 28 on Deposited Plan 7167, and being the land comprised and described in certificate of title 520/245 (Wellington Land Registry).
  - (m) 1827m<sup>2</sup>, more or less, being Lot 27 on Deposited Plan 7167, and being the land comprised and described in certificate of title 520/244 (Wellington Land Registry).
  - (n) 6012m<sup>2</sup>, more or less, being Lots 14, 15, 16, 17, 18, 19, 20, and part Lots 13 and 23 on Deposited Plan 4798, and being the balance of the land comprised and described in certificate of title 668/15 (Wellington Land Registry).
  - (o) 2560m<sup>2</sup>, more or less, being Lot 1 on Deposited Plan 42352, and being the land comprised and described in certificate of title 14B/71 (Wellington Land Registry).
  - (p) 1.7510 hectares, more or less, being Lots 21 and 25 on Deposited Plan 4798, and being the land comprised and described in certificate of title 520/79 (Wellington Land Registry).
  - (q) 2782m<sup>2</sup>, more or less, being Section 1239, Town of Wellington and Lot 22 on Deposited Plan 4/798, and being the land comprised and described in certificate of title 4E/527 (Wellington Land Registry).
  - (r) 1149m<sup>2</sup>, more or less, being closed road situated in Block VII, Port Nicholson Survey District and being the land comprised and described in certificate of title 520/80 (Wellington Land Registry) (S.O. Plan 18097).
  - (s) 968m<sup>2</sup>, more or less, being Section 1240, Town of Wellington, part *Gazette* Notice 642106 (New Zealand *Gazette* 1965, p. 1261) (S.O. Plan 25690).



SECOND SCHEDULE—*continued*

- (t) 955m<sup>2</sup>, more or less, being part Reserve K, Town of Wellington shown as "B" on S.O. Plan 34178. Balance *Gazette Notice* 762916.1 (New Zealand *Gazette* 1986, p. 217).
- 3(a) All those parcels of land situated in the City of Wellington, being—
- (i) 2551m<sup>2</sup>, more or less being, Lots 1, 2, 3, 4, 5, and 6 on Deposited Plan 2428, and being the land comprised and described in certificate of title 193/193 (Wellington Land Registry).
  - (ii) 1.4076 hectares, more or less, being part Lot 1 A/3006, Lots 24 and 26, Deposited Plan 4798, and closed road, situated in Block VII, Port Nicholson Survey District, being part of the land described in the Sixth Schedule to the Wellington Harbour Board and Corporation Empowering Act 1898, and being the land comprised and described in certificate of title 383/18 (Wellington Land Registry) (S.O. Plan 18097).
- (b) All that leasehold interest under lease 741843 (Wellington Land Registry) in 2340m<sup>2</sup>, more or less, being Lots 27, 28, 29, 30, 31, 32, and 33 on Deposited Plan 9880, and being the land comprised and described in certificate of title 4F/614 (Wellington Land Registry).
4. All those parcels of land situated in the City of Wellington, being—
- (a) 2183m<sup>2</sup>, more or less, being Lots 1, 2, 3, 4, 5, 6, and 7 on Deposited Plan 9880, and being the land comprised and described in certificate of title 4F/611 (Wellington Land Registry).
  - (b) 3038m<sup>2</sup>, more or less, being Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 on Deposited Plan 9880, and being the land comprised and described in certificate of title 4F/612 (Wellington Land Registry).
  - (c) 2832m<sup>2</sup>, more or less, being Lots 18, 19, 20, 21, 22, 23, 24, 25, and 26 on Deposited Plan 9880, and being the land comprised and described in certificate of title 4F/613 (Wellington Land Registry).
  - (d) 2340m<sup>2</sup>, more or less, being Lots 27, 28, 29, 30, 31, 32, and 33 on Deposited Plan 9880, and being the land comprised and described in certificate of title 4F/614 (Wellington Land Registry).

THIRD SCHEDULE  
ENACTMENTS REPEALED

Section 13

The Wellington Corporation and Harbour Board Streets and Lands Act 1892: Section 5.

The Wellington Harbour Board Reclamation and Empowering Act 1898: Sections 6 (1) and 7.