

**Reprint
as at 28 November 1989**



**Auckland Harbour Board
(Devonport Wharf) Vesting and
Empowering Act 1989**

Local Act 1989 No 9
Date of assent 27 November 1989
Commencement 27 November 1989

Contents

	Page
Title	2
1 Short Title	2
2 Interpretation	2
3 Special Act	2
4 Vesting	2
5 Authority to lease	2
6 Subdivision and development provisions not to apply	3
7 Powers of District Land Registrar	3
8 Other Acts not affected	4
9 Compensation	4
 Schedule 1	 5
 Schedule 2	 5
 Schedule 3	 5

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.

An Act to make provision for leasing land to Ports of Auckland Limited and to vest in the Auckland Harbour Board land constituting part of the bed of the Waitemata Harbour

1 Short Title

This Act may be cited as the Auckland Harbour Board (Devonport Wharf) Vesting and 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 this Act or 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

Devonport Wharf Redevelopment Area means and includes those areas of land, foreshore, seabed, waterspace, and airspace described in Schedules 1, 2, and 3.

3 Special Act

This Act is declared to be a special Act within the meaning of the Act.

4 Vesting

The land described in Schedule 1 is hereby vested in the Auckland Regional Council for an estate in fee simple free from all encumbrances.

5 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 Schedules 1, 2, and 3 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).

6 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 the land described in Schedule 1 to be vested in the Auckland Regional Council;
 - (b) any subdivision required to enable a separate certificate of title to issue for the land described in Schedule 2;
 - (c) any lease granted under the authority of section 5;
 - (d) any sublease or licence granted by the Company of or in respect of the whole or any part of the land described in Schedules 1, 2 and 3.
- (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 Schedules 1, 2, and 3.

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 Schedule 1; and

- (b) to issue a certificate of title in the name of the Board for the whole or any part of the land described in Schedule 2; and
- (c) to issue a certificate of title for the lot resulting from the amalgamation of the land described in Schedules 1, 2, and 3; and
- (d) to register any lease or sub-lease granted under this Act, and any sub-lease granted by the Company of any lease 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.

9 Compensation

Nothing in this Act shall deprive any person of any right or remedy that person would otherwise have in respect of any loss, detriment, damage, or injury caused by any development or work constructed or carried out under authority of this Act, whether to property or person or otherwise howsoever.
