



ANALYSIS

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1977, No. 13—*Local*

An Act to authorise the Motueka Borough Council to reclaim tidal land constituting part of the bed of the Motueka River and part of the bed of Tasman Bay, and to develop such reclaimed land for sewerage and other municipal purposes
[16 December 1977]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Motueka Borough Reclamation Act 1977.

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

3. Authority to carry out reclamation—Notwithstanding anything in section 175 of the Harbours Act 1950, but subject to the provisions of sections 176 to 182 of that Act, the Motueka Borough Council is hereby authorised and empowered to reclaim from the sea the land described in the Schedule to this Act.

4. Reclamation not to affect other powers and rights—Nothing in this Act shall be construed as limiting—

(a) The powers of the Director-General of Health or other proper officers of the Department of Health to make and issue directions and requisitions relating to the materials to be used on any reclamation under the authority of this Act and the methods of construction, covering, protection, and maintenance of such reclamation or in respect of any other matter authorised in the Health Act 1956 or in any other Act:

(b) The application of the provisions of—

- (i) The Public Works Act 1928:
- (ii) The Town and Country Planning Act 1953:
- (iii) The Counties Act 1956:
- (iv) The Water and Soil Conservation Act 1967.

5. Borough not authorised to create a nuisance—Nothing in this Act shall entitle the Motueka Borough Council to create a nuisance or shall deprive any person of any right or remedy he would otherwise have against the said Council or any other person in respect of such nuisance, and no restriction or condition imposed by the Minister of Transport pursuant to section 178 of the Harbours Act 1950 or requisition or direction issued in accordance with section 4 (a) of this Act, whether or not the said Council has complied with the same, shall restrict the liability of the said Council for any such nuisance.

6. Compensation—Nothing in this Act shall deprive any person of any right or remedy he would otherwise have in respect of any loss, detriment, damage, or injury caused by any reclamation, development, or work constructed or carried out under the authority of this Act, whether to property or person and whether in respect of the deprivation of any water frontage or riparian rights or otherwise howsoever.

SCHEDULE

NELSON LAND DISTRICT—WAIMEA COUNTY

1. Part Section 29, Motueka Rural District, situated in Block XI, Kaiteriteri Survey District, being part certificate of title, Volume 62, folio 75, limited as to parcels. Area 7.000 hectares, more or less, shown as area A, on Nelson Survey Office Plan 12115. As the same is more particularly delineated on a plan deposited in the office of the Marine Division of the Ministry of Transport at Wellington under Number MD 15854.

2. Legal road situated in Block IV, Motueka Survey District, Area 5327 square metres, more or less, shown as area B on Nelson Survey Office Plan 12115. As the same is more particularly delineated on a plan deposited in the office of the Marine Division of the Ministry of Transport at Wellington under Number MD 15854.
