



ANALYSIS

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1980, No. 1—*Local*

An Act to authorise the Timaru Harbour Board to reclaim tidal land constituting part of the bed of the Timaru Harbour and to develop and lease such reclaimed land for certain purposes [16 August 1980]

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 Timaru Harbour Board Reclamation and Empowering Act 1980.

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

“Board” means the Timaru Harbour Board:

“Minister” means the Minister of Transport:

“The Act” means the Harbours Act 1950.

3. Special Act—This Act shall be deemed to be a special Act within the meaning of the Act.

4. Authority to carry out reclamation—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 land constituting part of the bed of the Timaru Harbour, namely the land described in the First Schedule to this Act or any part of such land as the Board shall determine.

5. Reclamation to be carried out in stages—The Board may reclaim the land described in the First Schedule to this Act or any part of such land in stages, and details of each such stage as the Board proposes from time to time, supported by structure plans, showing the scope and extent of the proposed reclamation, shall first be submitted to the Minister for his approval, upon the granting of which the work may proceed.

6. Land to be vested in Board—(1) On completion of the reclamation of the land described in the First Schedule to this Act, or any part of it, in accordance with plans approved pursuant to section 178 of the Act, the Board shall cause a plan of survey thereof to be made and lodge it for deposit in the office of the District Land Registrar for the Canterbury Land Registration District.

(2) On the deposit of the plan of survey the Commissioner of Crown Lands for the Canterbury Land District shall file in the office of the District Land Registrar a certificate in the form set out in the Second Schedule to this Act certified as correct by that Commissioner and the Chief Surveyor.

(3) Every such certificate shall have the same effect as a warrant issued under section 12 of the Land Transfer Act 1952, and the District Land Registrar shall accordingly vest the land in fee simple in the Board by issuing under that Act a certificate of title for the land in the name of the Board.

(4) The land comprised in any certificate of title issued pursuant to such a certificate by the Commissioner and the Chief Surveyor shall be subject to the Land Transfer Act 1952 as from the date fixed by the last-mentioned certificate as the date of acquisition of title thereto, and that date shall for all purposes whatsoever be deemed the ante-vesting date in the same manner as if the ante-vesting date had been inserted in a certificate given in respect of the land under section 116 of the Land Act 1948.

(5) The date fixed by the certificate of the Commissioner and the Chief Surveyor as the date of acquisition of title to the land comprised in that certificate shall be the date on which the certificate is given.

(6) Every certificate by the Commissioner and the Chief Surveyor under this section shall be conclusive evidence to the District Land Registrar of the matters required by this section to be therein stated.

7. Authority to develop—(1) The Board is hereby empowered to carry out all such works as may be necessary to develop from time to time for such industrial, commercial, recreational, or other purposes related to the use of the port as the Board may think fit the land described in the First Schedule to this Act or any part of such land and for such purposes may—

(a) Subdivide and re-subdivide the same into allotments suitable for the purposes for which the same are to be developed:

(b) Construct or provide such public works and amenities as may be deemed necessary or desirable for the use, convenience, and enjoyment of such land including—

(i) The vesting, creation, or provision of roads, service lanes, access ways, rights of way, and other means of communication or access;

(ii) Services for water supply, stormwater drainage, sewerage, electric lighting, power, and all other amenities; and

(iii) All works necessary to comply with any lawful requirements of any local or public authority.

(2) The carrying out of any scheme of subdivision under subsection (1) of this section shall be deemed to be a harbour work for the purposes of section 65 of the Act.

8. Reclamation and development 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 Town and Country Planning Act 1977:
 - (ii) The Water and Soil Conservation Act 1967:
 - (iii) The New Zealand Ports Authority Act 1968:
 - (iv) The Local Government Act 1974:
 - (v) Any other enactment which relates to the subdivision of land or the carrying out of works on land or in connection with the subdivision of land.

9. Special leasing powers—(1) Notwithstanding anything contained in the Public Bodies Leases Act 1969, it shall be lawful for the Board on completion of the reclamation or any part thereof to lease by private contract or otherwise the same or any part thereof on such terms and conditions and at such rental or rentals as may be approved by the Board.

(2) Sections 7, 8, 9, 18, and 19 of the Public Bodies Leases Act 1969 shall not apply to the leasing by the Board, or to any lease granted by the Board, pursuant to this section, and any other provision of that Act or any other Act which is inconsistent with the provisions of this section shall be deemed to be modified to the extent of such inconsistency.

10. Repeal—The Timaru Harbour Reclamation Act 1894 is hereby repealed.

SCHEDULES

FIRST SCHEDULE

Section 4

CANTERBURY LAND DISTRICT

13.0350 hectares, more or less, being parts Pacific Ocean, situated in Block XI, Arowhenua Survey District, as shown marked "A" and "B" on Survey Office Plan 14958 in the office of the Chief Surveyor at Christchurch.

SECOND SCHEDULE

Section 6 (2)

**CERTIFICATE UNDER SECTION 6 OF THE TIMARU HARBOUR BOARD
RECLAMATION AND EMPOWERING ACT 1980 FOR THE ISSUE OF A
CERTIFICATE OF TITLE UNDER THE LAND TRANSFER ACT 1952**

The Timaru Harbour Board is entitled to the issue under the Land Transfer Act 1952 of a certificate of title in its name pursuant to section 6 of the Timaru Harbour Board Reclamation and Empowering Act 1980.

Area and description of land:

Date from which entitled:

We hereby certify that the above particulars are correct, and the District Land Registrar is hereby authorised to issue accordingly a certificate of title under the Land Transfer Act 1952.

.....
Chief Surveyor.

.....
Commissioner of Crown Lands.
