

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 30 October 1979.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Mr Courtney

NELSON HARBOUR BOARD EMPOWERING

[LOCAL]

ANALYSIS

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A BILL INTITULED

5 **An Act to authorise the Nelson Harbour Board to reclaim from the sea certain tidal land and to develop such reclaimed land for industrial, commercial, and other purposes, and to revoke previous authorities relating to portion of the same land and to amend the Nelson Harbour Board Empowering Act 1970**

10 **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 Nelson Harbour Board Empowering Act 1979.

2. Interpretation—In this Act, unless the context otherwise requires, “Board” means the Nelson Harbour Board.

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

No. 75—2

4. Authority for Board to reclaim land—Subject to the provisions of the Harbours Act 1950 and of this Act, but notwithstanding anything contained in section 175 of the Harbours Act 1950, the Board may from time to time reclaim from the sea the pieces of land described in the First Schedule to this Act or any part or parts thereof. 5

5. Authority for Board to develop land—The Board is hereby empowered to develop from time to time for such industrial, commercial, or other purposes (*whatsoever*) as the Board may think fit the land described in the First Schedule to this Act or any part or parts thereof, and for such purposes may— 10

- (a) Subdivide and re-subdivide the same into allotments suitable for the purposes for which they are to be developed: 15

New

Provided that any such subdivision shall be subject to the appropriate provisions of the Local Government Act 1974, and all other relevant statutory provisions, relating to subdivisions: 20

- (b) Construct or provide all such works and amenities as may be deemed necessary or desirable for the use, convenience, and enjoyment of such land for such purposes including—
- (i) The vesting, creation, or provision of (**streets**) roads, service lanes, access ways, rights of way, and other means of communication or access: 25
- (ii) Services for water supply, drainage, sewerage, electric lighting, power, gas, and all other amenities: 30
- (iii) All works necessary to comply with any lawful requirement of any local or public authority.

6. Authority for Board to lease or licence—(1) The Board may during the reclamation or development of all or any part of the land described in the First Schedule to this Act grant licences in respect of the same to such persons and upon such terms and conditions as the Board may think fit. 35

(2) Upon the development of all or any part of such land the Board may lease the same for any term and upon such rent and conditions and with such rights of renewal as the Board may think fit. 40

(3) The Board may from time to time accept the surrender of or vary the terms and conditions of any lease or licence granted pursuant to this section and upon such terms and conditions as the Board may think fit.

5 **7. Reserves provision not to apply**—The provisions of section 289 of the Local Government Act 1974 shall not apply to the land described in the First Schedule to this Act nor to any subdivision of such land.

10 **8. Revoking Order in Council authorising reclamation**—The Order in Council authorising the Nelson Harbour Board to reclaim land from the bed of Nelson Harbour published in *Gazette*, 1 June 1978, No. 48, at page 1568 is hereby revoked.

15 **9. Revoking authority to reclaim**—The authority contained in the Nelson City Empowering Act 1967 to reclaim the area marked “C” on M.D. plan 15956 referred to in the First Schedule to this Act is hereby revoked.

20 **10. Vesting land in Board**—Those parcels of land containing 5855 square metres and 4.0967 hectares, respectively, being parts Lot 1, Deposited Plan 5310, and Lot 1, Deposited Plan 6968, being part Section 1167, City of Nelson, and part of H 14 Wakatu District, and being those portions of the land shown on Plan M.D. 15956 marked “B” and “C” respectively, and referred to in the First Schedule hereto are hereby
25 vested in the Board for an estate in fee simple.

11. Amending Nelson Harbour Board Empowering Act 1970—The First Schedule to the Nelson Harbour Board Empowering Act 1970 is hereby amended by omitting from Part I the land described in the Second Schedule to this Act.

30 *New*

11A. Reclamation not to affect other powers and rights—Nothing in this Act shall be construed as limiting—

35 (a) The powers of the Director-General of Health or other proper officer of the Department of Health to make and issue directions and requisitions relating to 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 matters
40 authorised in the Health Act 1956 or in any other Act:

New

(b) The application of the provisions of—

(i) The Public Works Act 1928:

(ii) The Town and Country Planning Act 1977:

(iii) The Local Government Act 1974:

(iv) The Water and Soil Conservation Act 1967.

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11B. Board not authorised to create a nuisance—Nothing in this Act shall entitle the Board to create a nuisance or shall deprive any person of any right or remedy he would otherwise have against the said Board 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 11A (a) of this Act, whether or not the said Board has complied with the same, shall restrict the liability of the said Board for any such nuisance.

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11c. 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.

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12. Powers of District Land Registrar—The District Land Registrar for the Nelson Land Registration District is hereby authorised to deposit all such plans, issue all such certificates of title, accept all such documents for registration, make all such entries on the register, and do all such things as may be necessary to give effect to the provisions of this Act.

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SCHEDULES

FIRST SCHEDULE Sections 4, 5, 6, 7, 8, 9, 10

ALL those parcels of land containing by admeasurement 9.8970 hectares and 5855 square metres and 4.0967 hectares, respectively, being part of Nelson Harbour Board Endowment and parts of Lot 1, Deposited Plan 5310, and Lot 1, Deposited Plan 6968, part Section 1167, City of Nelson, and part of H 14 Wakatu District, as the same are more particularly delineated on a plan deposited in the office of the Ministry of Transport at Wellington under number M.D. 15956 and also at the office of the Lands and Survey Department at Nelson under number S.O. 12566, and marked A, B, and C thereon.

SECOND SCHEDULE Section 11

ALL those parcels of land containing by admeasurement 101.6248 hectares, more or less, being part of Nelson Harbour Board Endowment situated in Block XVI, Moutere Survey District, and Block IX, Wakapuaka Survey District, and being the land more particularly delineated on a plan deposited in the office of the Marine Division of the Ministry of Transport at Wellington under number M.D. 15951 and also at the office of the Lands and Survey Department at Nelson under number S.O. 12535.