

*Hon. W. E. Cooper*

**OTAGO HARBOUR BOARD VESTING,  
RECLAMATION, AND EMPOWERING**

[LOCAL]

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A BILL INTITULED

**An Act to vest in the Otago Harbour Board a certain part of  
the Otago Harbour, to authorise the Otago Harbour  
Board to reclaim the land to be vested and certain other  
5 land in the Otago Harbour, and to develop and lease such  
reclaimed land for the purpose of an aluminium smelter**

WHEREAS certain land was vested in the Otago Harbour  
Board by the Otago Harbour Board Land Vesting Act 1910:  
And whereas interest has been expressed in developing and  
10 using part of that land situated at and known as Aramoana  
for the purpose of an industrial work, namely, an aluminium

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smelter: And whereas it is considered desirable to reclaim a certain area of the bed of the harbour adjacent to that land for development and use in conjunction therewith: And whereas such bed of the harbour was also vested in the Board pursuant to the Otago Harbour Board Land Vesting Act 1910: And whereas it is considered desirable to vest in the Otago Harbour Board a certain area of the bed of the harbour adjacent to the boundary of the land vested in the Board pursuant to the Otago Harbour Board Land Vesting Act 1910 for the purpose of reclaiming the same to provide berthage immediately adjacent to deep water: And whereas it is desirable to obtain the authority to reclaim this land to be vested and certain other land so that all the land proposed to be reclaimed can be considered and dealt with at the same time as and in conjunction with certain adjacent land at Aramoana for the purposes of the aluminium smelter: And whereas it is desirable that the reclamation should not be commenced until the land proposed to be reclaimed or any part or parts thereof together with the adjacent land has been duly approved for the development and use of an aluminium smelter pursuant to the appropriate statutory enactments: And whereas it is desirable to clarify that this Act is enacted solely for the purpose of enabling the land proposed to be reclaimed to be considered and dealt with at the same time as and in conjunction with the adjacent land at Aramoana pursuant to such statutory enactments: And whereas it is desirable to make other provisions for certain related matters:

BE IT THEREFORE 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 Otago Harbour Board Vesting, Reclamation, and Empowering Act 1980.

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

“Aluminium smelter” includes all related works and any harbour works associated therewith:

“Board” means the Otago Harbour Board:

“District scheme” means the district scheme of the Silver Peaks County Council:

“Tribunal” means the Planning Tribunal established under section 128 of the Town and Country Planning Act 1977.

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

**4. Vesting**—The land described in the Schedule to this Act and identified as area C on Survey Office Plan 19688 is hereby vested in the Board as an estate in fee simple for the purposes of this Act and otherwise subject to the provisions of the Harbours Act 1950.

**5. Authority for Board to reclaim**—(1) Subject to the provisions of the Harbours Act 1950 (other than section 175 thereof), and of this Act, the Board is hereby authorised and empowered to reclaim from time to time the land described in the Schedule to this Act, or any part or parts thereof for the purpose of an aluminium smelter.

(2) Notwithstanding anything contained in subsection (1) of this section, the construction of the reclamation shall not be commenced until such time as an aluminium smelter in respect of the land proposed to be reclaimed, or any part or parts thereof, together with any land adjacent thereto, has either—

(a) Been consented to pursuant to the provisions of the National Development Act 1979; or

(b) Been approved, or otherwise included as a permitted use in the district scheme, pursuant to the provisions of the Town and Country Planning Act 1977.

**6. Authority for the Board to develop**—(1) The Board is hereby empowered to develop from time to time for the purposes of this Act the land described in the Schedule to this Act, or any part or parts thereof, and for such purposes may—

(a) Subdivide and resubdivide the same into allotments suitable for the purpose for which they are to be developed:

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 (subject to section 10 of this Act):

- (b) Construct or provide such public works and amenities as may be deemed necessary or desirable for the use, convenience, and enjoyment of such reclaimed land for such purposes including—
- (i) The vesting, creation or provision of roads, service lanes, access ways, rights of way, and other means of communication or access: 5
  - (ii) Services for water supply, drainage, sewerage, electric lighting, power, gas, and all other amenities: 10
  - (iii) All works necessary to comply with any lawful requirement of any local or public authority.

**7. Board may permit other persons to carry out reclamation, etc.**—(1) For the purpose of carrying out and constructing the reclamation, or any part or parts of it, or of developing or redeveloping the land, or any part or parts of it, the Board may grant a licence to or contract with any person or persons to undertake and to carry out all or any of the activities relating to such reclamation or development, or to carry out all or any works which may be necessary or expedient in connection with any such reclamation, development, or work in every case upon such terms and conditions as the Board may think fit. 15 20

(2) In granting any such licence or entering into any such contract the Board shall require the insertion therein of a sufficient penalty or bond to ensure the fulfilment of such licence or contract according to the terms and conditions thereof. 25

**8. Authority for Board to licence**—(1) In addition to all other powers conferred on the Board under this Act, or any other Act, the Board may during the reclamation or development of all or any part of the land described in the Schedule to this Act licence or permit any part of the foreshore or bed of the harbour to such person or persons and upon such terms and conditions as the Board may think fit. 30 35

(2) Subject to the provisions of subsection (1) of this section, the provisions of section 157 to 160 of the Harbours Act 1950, so far as they are applicable, shall apply to any licence or permit granted under this Act.

**9. Authority for Board to lease**—(1) In addition to all other leasing powers conferred on the Board under the Public Bodies Leases Act 1969, or any other Act, the Board may in respect of the land described in the Schedule to this Act, or  
5 any part or parts thereof, or any land vested in the Board adjacent thereto—

(a) Lease the whole or any part or parts of such land to any person or persons for the purpose of an aluminium smelter for any term not exceeding 50 years,  
10 and with such right or rights of renewal not exceeding 21 years, and on such terms and conditions as the Board may think fit:

(b) Accept a surrender of any such lease, whether as to the whole or any part of the land comprised therein, and grant to the lessee, or any person or persons with the consent of the lessee, a new lease or leases of the whole or any part or parts of the land comprised in the surrendered lease for the remainder or any part of the remainder of the term of the  
20 surrender lease, at such rent as may be predetermined for the new lease or leases in the surrendered lease or, if no such rent is predetermined, at such rent as the Board may determine, with such right or rights of renewal and on such terms and conditions as are contained in the surrendered lease or  
25 as the Board may otherwise think fit:

Provided that the Board shall not grant a lease pursuant to this section of any land described in the Schedule to this Act which has not first been  
30 reclaimed from the sea.

(2) Sections 7, 8, 17, 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.

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

**11. Application of Land Settlement Promotion and Land Acquisition Act 1952**—The provisions of the Land Settlement  
40 Promotion and Land Acquisition Act 1952 shall not

apply to the leasing by the Board of the land described in the Schedule hereto or any part thereof or to any lease, sale, or other disposition of such land pursuant to this Act.

**12. Reclamation and development not to affect other powers and rights**—Nothing in this Act shall be construed as limiting— 5

(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 in any reclamation constructed 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 authorised in the Health Act 1956, or in any other Act: 10 15

(b) The application of the provisions of—  
(i) The Public Works Act 1928:  
(ii) The National Development Act 1979:  
(iii) The Town and Country Planning Act 1977:  
(iv) The Local Government Act 1974 (except as provided in section 10 of this Act): 20  
(v) The Water and Soil Conservation Act 1967.

**13. Board not authorised to create a nuisance, etc.—**

(1) 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 Board in respect of any such nuisance, and no restrictions or conditions imposed by the Minister of Transport pursuant to section 178 of the Harbours Act 1950 or requisition or direction issued in accordance with section 12 (a) of this Act, whether or not the Board or any other person has complied with the same, shall restrict the liability of the Board or any other person for any such nuisance: 25 30

Provided that the construction of any reclamation or other necessary works in connection therewith as authorised by this Act shall not of itself constitute a nuisance. 35

14. **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  
5 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.

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

16. **Authority to reclaim and develop to lapse**—If at the  
15 expiry of 5 years from the date when the Board is entitled to commence the reclamation of the land described in the Schedule to this Act pursuant to section 4 (2) of this Act, the reclamation required for an aluminium smelter has not  
20 been commenced and proceeded with, the authority to reclaim and develop conferred by this Act shall lapse.

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#### SCHEDULE

Land comprised in Otago Harbour Board Indemnity and Lands Vesting Act 1888, Otago Harbour Board Lands Vesting Act 1910, and Crown land situated in the Otago Land Registration District Block V, North Harbour and Blueskin District: Area 39.6 hectares, more or less, identified as areas A (10 hectares), B (28 hectares), and C (1.6 hectares) all shown and described on Survey Office Plan 19688.