

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 24 June 1980.

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.

[AS REPORTED FROM THE LANDS AND AGRICULTURE COMMITTEE]

House of Representatives, 15 July 1980

Words struck out are shown with double black rule at beginning and after last line.

Hon. Sir Basil Arthur

TIMARU HARBOUR BOARD RECLAMATION AND EMPOWERING

[LOCAL]

ANALYSIS

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A BILL INTITULED

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 (port, industrial, commercial, and other related) certain purposes

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.

No. 1—3

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

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. 10 15

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6. Land described in First Schedule to be vested in Board—Upon completion of the reclamation of the land described in the First Schedule or any part thereof 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 deposited in the Land Transfer Office at Christchurch whereupon the said land shall be deemed to be vested in the Board in fee simple and the District Land Registrar shall issue a certificate of title for the same in accordance with the provisions of the Land Transfer Act 1952 in favour of the Board accordingly. 20 25

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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. 30 35

(2) On the deposit of the plan of survey the Commissioner of Crown Lands for the Canterbury Land District shall file

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in the office of the District Land Registrar a certificate in the form set out in the Third Schedule to this Act certified as correct by that Commissioner and the Chief Surveyor.

5 (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.

10 (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
15 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
20 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
25 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 *(port, industrial, commercial, or other related purposes)* 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—

35 (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
40 as may be deemed necessary or desirable for the use, convenience, and enjoyment of such land including—

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(i) The vesting, creation, or provision of (*streets*) 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 5

(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 (*purpose*) purposes of section 65 of the Act. 10

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8. No reserves contributions or reserves along areas of water—Sections 284, 286, and 289 of the Local Government Act 1974 shall not apply in respect of any scheme of subdivision carried out under section 7 of this Act in respect of the land described in the First Schedule nor in respect of any scheme of subdivision carried out in respect of the land vested in the Board for an estate in fee simple and described in the Second Schedule to this Act; 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. 15 20

9. Reclamation and development not to affect other powers and rights—Nothing in (*sections 4, 5, and 7 of*) this Act shall be construed as limiting— 25

(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: 30 35

(b) The application of the provisions of—

(i) The Town and Country Planning Act 1977:

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(ii) The Water and Soil Conservation Act 1967:

(iii) The New Zealand Ports Authority Act 1968: 40

(*ii*) (*iv*) The Local Government Act 1974:

(*iii*) (*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(s) of land.

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10 **10. 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.

15 (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.

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

SCHEDULES

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FIRST SCHEDULE

All those pieces of land containing together 13.4350 hectares or thereabouts being part Block XI, Arowhenua Survey District, and being also the areas marked "A" (part Pacific Ocean) and "B" (part Pacific Ocean Foreshore) respectively on Survey Office Plan 14958 (Canterbury Land Registry).

SECOND SCHEDULE

All those pieces of land containing together 10.7467 hectares or thereabouts situated in the City of Timaru being Lot 1 on Deposited Plan 23564 and Lot 1 on Deposited Plan 25101, part Timaru Harbour Board Endowment and reclamation thereto, and all the land described in certificates of title Volume 4C, folio 14 (subject to the provisions of the Timaru Harbour Board Land Act 1889) and Volume 60, folio 845 (Canterbury Land Registry).

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Section 4

FIRST SCHEDULE

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.

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SECOND SCHEDULE

CANTERBURY LAND DISTRICT—PART TIMARU CITY

11.8608 hectares, more or less, being part Lot 1, Deposited Plan 23554, part Lot 1, Deposited Plan 23564, and part Lot 1, Deposited Plan 25101, situated in Block XI, Arowhenua Survey District. Balance certificates of title 4B/604, 4C/14, and 6D/845, Canterbury Land Registry.

THIRD 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.