

Harry Duynhoven

**TARANAKI HARBOURS BOARD RECLAMATION AND
EMPOWERING**

[LOCAL]

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A BILL INTITULED

An Act to authorise the Taranaki Harbours Board to reclaim tidal land constituting part of the bed of the Taranaki Harbour and to make provision for developing and leasing and providing other powers in relation to such reclaimed land

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Taranaki Harbours Board Reclamation and Empowering Act 1988.

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

“Board” means the Taranaki Harbours Board;

“The Act” means the Harbours Act 1950.

3. Special Act—This Act is declared to be a special Act within the meaning of the Act.

4. Authority to reclaim—Subject to the provisions of the Act (other than section 175 thereof), and of **section 10** of this Act, the Board may reclaim land constituting part of the bed of

No. 64—1

Price
incl. GST \$1.90

the Taranaki Harbour, namely the land described in the Schedule to this Act or any part of such land as the Board shall determine.

5. Authority to develop—The Board is hereby authorised and empowered from time to time to develop the land 5 described in the Schedule to this Act or any part or parts thereof for such industrial, commercial, maritime, or other uses and purposes as are approved by the Board (whether or not the same are harbour works as defined by section 2 of the Act) and, without limiting the general power of development as 10 aforesaid, the Board may—

- (a) 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) Roads, service lanes, access ways, rights of way, 15 and other means of communication or access; and
 - (ii) Services for water supply, stormwater drainage, sewerage, electric lighting, power, gas, and all other amenities; and
 - (iii) All works necessary to comply with any lawful 20 requirements of any local or public authority:
- (b) Subdivide and re-subdivide the same into allotments suitable for the purposes for which the same are to be developed.

6. Board may permit other persons to carry out 25 reclamation and development—The Board is hereby empowered, notwithstanding anything contained in the Public Bodies Leases Act 1969, to lease the land described in the Schedule to this Act, or any part thereof, upon such terms and conditions as the Board may decide, including a term or 30 condition that the lessee carry out the reclamation of the area, or part thereof, and other works associated with the reclamation.

7. Authority to lease and licence—(1) Without derogating 35 from the general authorities and the powers contained in sections 4, 5, and 6 of this Act and notwithstanding anything in any other enactment, it shall be lawful for the Board to lease or licence by private contract the whole or any part of the land described in the Schedule to this Act for such term of years, on such terms and conditions, and at such rental or rentals, as are 40 approved by the Board; and from time to time to accept the surrender or vary the terms and conditions of any such lease or

licence upon such terms and conditions as are approved by the Board.

(2) The Public Bodies Leases Act 1969 and section 173 (f) of the Act shall not apply in respect of any lease or licence granted under the authority of **subsection (1)** of this section.

8. Lease or licence not to constitute subdivision—(1) A lease or licence of the land described in the Schedule to this Act or of any part of parts thereof shall be deemed not to be a sale or subdivision within the meanings of those terms as defined in sections 270 (1) and 271 of the Local Government Act 1974.

(2) The District Land Registrar for the Taranaki Land Registration District is hereby authorised and directed to register any lease granted by the Board under this Act and presented for registration after compliance with such requirements as the Registrar may determine for the entry of the lease on the register.

9. Reserves and other provisions not to apply—Sections 286, 289, and 291 of the Local Government Act 1974 shall not apply to the land described in the Schedule to this Act.

10. Expiry of authority to reclaim—The authority to reclaim conferred by **section 4** of this Act shall expire if reclamation has not been commenced within 10 years from the date of commencement of this Act.

11. Other Acts not affected—Nothing in this Act shall be construed as—

(a) Limiting the application of—

(i) The Harbours Act 1950 (except as provided by **section 4** of this Act):

(ii) The Health Act 1956:

(iii) The Historic Places Act 1980:

(iv) The Water and Soil Conservation Act 1967:

(v) The Local Government Act 1974 (except as provided by **sections 8, 9, and 10** of this Act):

(vi) The Conservation Act 1987:

(vii) The Town and Country Planning Act 1977:

(viii) The Treaty of Waitangi Act 1975:

(ix) The Port Companies Act 1988:

(b) Conferring any water right within the meaning of the Water and Soil Conservation Act 1967.

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12. Compensation—Nothing in this Act shall deprive any person of any right or remedy he or she would otherwise have in respect of any loss, detriment, damage, or injury, caused by any reclamation or development carried out under the authority of this Act, whether to property or person and whether in respect of riparian rights, rights of access to or by water, or otherwise howsoever: 5

Provided that the construction of any reclamation or other necessary works in connection therewith authorised by this Act shall not of itself constitute a nuisance. 10

SCHEDULE

12.8170 hectares, more or less, being part New Plymouth Roadstead situated in Block IV, Paritutu Survey District, part certificate of title 102/148 (Taranaki Registry), shown marked A on SO plan 12915.

2120 square metres, more or less, being part New Plymouth Roadstead and part Harbour Reserve F situated in Block IV, Paritutu Survey District, part certificate of title 102/148 and part deeds index 4/585 (Taranaki Registry), shown marked B on SO plan 12915.

6280 square metres, more or less, being part New Plymouth Roadstead situated in Block IV, Paritutu Survey District, part certificate of title 102/148 (Taranaki Registry), shown marked C on SO plan 12915.