



## ANALYSIS

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1988, No. 8—*Local*

**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** [21 December 1988]

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 5 of this Act, the Board may reclaim land constituting part of the bed of

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. Expiry of authority to reclaim**—The authority to reclaim conferred by section 4 of this Act shall be valid and subsisting only in respect of such part of the land referred to in that section as is actually reclaimed within 10 years after the date of commencement of this Act or within such further period or periods (not exceeding 5 years in total) as the Minister of Transport may allow by notice in the *Gazette*; and no reclamation or further reclamation, as the case may require, shall be undertaken after the expiry of the relevant period.

**6. Authority to develop**—The Board is hereby authorised and empowered from time to time to develop the land 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 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, 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 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.

**7. Board may permit other persons to carry out 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 condition that the lessee carry out the reclamation of the area, or part thereof, and other works associated with the reclamation.

**8. Port company to assume powers of Board, etc.—**

(1) Upon the incorporation of a port company to operate Port Taranaki pursuant to section 4 of the Port Companies Act 1988, the reclamation, development, and operation of the land described in the Schedule to this Act shall be deemed to be port related commercial undertakings within the meaning of section 2 of the Port Companies Act 1988, and all land which has been reclaimed, and all land subsequently reclaimed, under the authority of this Act shall, unless the Minister of Transport otherwise directs, be transferred to the port company upon such terms as are agreed between the port company and the owner of the reclaimed land and approved by the Minister.

(2) On the 1st day of October 1989 or on the incorporation of such a port company, whichever is later, the port company shall assume all the powers vested in the Board under this Act and shall be entitled, whether or not it is the owner of the land, to reclaim all or any part of the land described in the Schedule to this Act—

- (a) Upon such terms as are agreed between the port company and the owner of the land and approved by the Minister of Transport, if the land is not owned by the port company; or
- (b) Upon such terms as are approved by the Minister of Transport, if the land is owned by the port company.

**9. Authority to lease and licence—**(1) Without derogating from the general authorities and the powers contained in sections 4, 6, and 7 of this Act and notwithstanding anything in any other enactment, it shall be lawful for the Board, by private contract, to grant a lease of, or grant a licence to occupy, 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 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.

**10. Lease or licence not to constitute subdivision—**A lease of, or licence to occupy, all or any part of the land described in the Schedule to this Act granted pursuant to section 9 of this Act shall be deemed not to be a sale or

subdivision as defined in sections 270 (1) and 271 of the Local Government Act 1974, except for the purposes of sections 275 and 286 (1) (a) of that Act.

**11. Certain provisions of Local Government Act 1974 not to apply**—(1) Sections 283, 286 (1) (b) and (c) and (2), 289, 291, 321, and 348 of the Local Government Act 1974 shall not apply in respect of the land described in the Schedule to this Act.

(2) Sections 286 (1) (a), 294, and 294A of the Local Government Act 1974 shall not apply in respect of—

- (a) The reclamation of all or any part of the land described in the Schedule to this Act or the construction of any associated berth facilities; or
- (b) Any subdivision created by the issue of any separate certificate of title to enable the transfer of all or any of the land described in the Schedule to this Act pursuant to section 8 of this Act, but shall apply to any further subdivision of any such certificate of title.

**12. Powers of District Land Registrar**—The District Land Registrar for the Taranaki Land Registration District is hereby authorised and directed to register any lease granted 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.

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

- (a) Limiting the application of—
  - (i) The Health Act 1956;
  - (ii) The Water and Soil Conservation Act 1967;
  - (iii) Except as otherwise provided in this Act, the Local Government Act 1974; or
  - (iv) The Town and Country Planning Act 1977:
- (b) Conferring any water right within the meaning of the Water and Soil Conservation Act 1967.

**14. 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:

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.

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#### 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 S.O. 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 S.O. 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 S.O. plan 12915.

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