

Mr Sloane

**BAY OF ISLANDS COUNTY COUNCIL (KAIPATIKI
CREEK) EMPOWERING**

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to authorise the Bay of Islands County Council to develop certain land in the Bay of Islands for industrial purposes and to reclaim such land or any part or parts thereof for such 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 Bay of Islands County Council (Kaipatiki Creek) Empowering Act 1973.

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

“Council” means the Bay of Islands County Council.

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

4. Authority to reclaim—Subject to the provisions of the Harbours Act 1950, and of this Act, but notwithstanding anything contained in subsection (3) of section 175 of the Harbours Act 1950, the Council may reclaim from the sea the land described in the Schedule to this Act or any part or parts thereof: 5

Provided that the construction in such reclamation shall not be commenced until such time as the Council has made provision for the development in the operative district scheme for the Bay of Islands County in accordance with the provisions of the Town and Country Planning Act 1953. 10

5. Authority to develop—The Council may develop and redevelop from time to time the whole or any part or parts of the land described in the Schedule to this Act which may from time to time be reclaimed from the sea for industrial purposes, and, without limiting the general power of development as aforesaid, the Council may,— 15

(a) Subdivide and resubdivide the whole or any part or parts of such reclaimed land into suitable allotments for industrial purposes: 20

Provided that such subdivision shall be subject to the appropriate provisions of the Public Works Act 1928 and the Counties Act 1956: 25

(b) Construct or provide such public works and amenities as may be deemed necessary or desirable for the use and enjoyment of such reclaimed land for industrial purposes, including—

(i) Streets, service lanes, access ways, and other means of communication or access; 30

(ii) Services for water supply, drainage, sewerage, electric lighting, power, gas, and all other amenities;

(iii) All works necessary to comply with any lawful requirement of any local or public authority. 35

6. Council may permit other persons to carry out reclamation and development—For the purpose of carrying out and constructing the said reclamation or any part or parts thereof, or of developing or redeveloping the said land or any part or parts thereof, the Council may grant any 40

licence or licences to, or enter into any contract or contracts with, any person or persons or local or public authority to carry out and construct such reclamation or to develop the said land or any part or parts thereof, or to carry out and
5 construct all or any works which may be necessary or expedient in connection with any such reclamation or development, on such terms and conditions as the Council may think fit.

7. Authority to licence—In addition to all other licensing
10 powers conferred on the Council under the Counties Act 1956 or any other Act, the Council may licence or permit any part of the land or any building or structure thereon or any part of the foreshore vested in it under this Act to be used or occupied for industrial purposes for such period and on such
15 terms and conditions as the Council may think fit.

8. Authority to lease—(1) In addition to all other leasing powers conferred on the Council under the Counties Act 1956, the Public Bodies Leases Act 1969, or any other Act,
20 the Council may, in respect of the whole or any part or parts of the land described in the Schedule to this Act which is from time to time reclaimed from the sea,—

(a) Lease the whole or any part or parts of such reclaimed
25 land to any person or persons for industrial purposes for any term with such right or rights of renewal and on such terms and conditions as the Council may think fit:

(b) Accept a surrender of any such lease, whether as to
30 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 new 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
35 surrendered lease, at such rent as may be pre-determined for the new lease or new leases in the surrendered lease, or, if no such rent is pre-determined, at such rent as the Council may determine with such right or rights of renewal and
40 on such terms and conditions as are contained in the surrendered lease or as the Council may otherwise think fit.

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(2) Sections 7, 8, 9, and 10 of the Public Bodies Leases Act 1969 shall not apply to the leasing by the Council or to any lease granted by the Council of the whole or any part or parts of such reclaimed land pursuant to this section.

9. Application of Health Act 1956 and Town and Country Planning Act 1953—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 the materials to be used in any reclamation constructed under the authority of this Act and the method 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: 10 15

(b) The application of the provisions of the Town and Country Planning Act 1953, or of Part II of the Counties Amendment Act 1961.

10. 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. 20 25

11. Reclaimed land to form part of Bay of Islands County—

(1) Upon the completion of the reclamation of any land under the authority of this Act, such reclaimed land shall without further or other authority than this section be vested in the Bay of Islands County Council and shall be included within the district of the Bay of Islands County, and any such alteration of the boundary or boundaries of the district of the Bay of Islands County shall be deemed to have been effected pursuant to the Counties Act 1956. 30 35

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(2) Without in any way limiting the effect of subsection (1) of this section, such altered boundary or boundaries shall from time to time on written application on behalf of the Council and without further authority or procedure be formally recorded by notice in the *Gazette* under the hand of the Secretary for Internal Affairs.

10 **12. Powers of District Land Registrar**—The District Land Registrar for the North Auckland Land Registration District is hereby authorised, on the deposit with him of such plans as he may require and on request by the Council, to issue in the name of the Council a certificate or certificates of title for the land vested in the Council by section 11 of this Act.

SCHEDULE

ALL that parcel of land containing by admeasurement 19 acres 3 roods 20 perches, more or less, being land situated below mean high-water mark in the Kaipatiki Creek and being the land shown edged red on Survey Office Plan 47639.