

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 6 June 1973.

Words struck out by the Committee 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.

Mr Munro

**INVERCARGILL CITY COUNCIL (RECLAMATIONS)
EMPOWERING**

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to authorise the Invercargill City Council to reclaim tidal land, and to validate certain reclamation of tidal land, and to develop and dispose of such reclaimed land, and to authorise expenditure of certain money.

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 Invercargill City Council (Reclamations) Empowering Act 1973.

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

“Corporation” means the Mayor, Councillors, and Citizens of the City of Invercargill:

“Council” means the Invercargill City Council:

“The Act” means the Harbours Act 1950.

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*Invercargill City Council (Reclamations)
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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—(1) Notwithstanding anything in section 175 of the Act, but subject to the provisions of sections 176 to 182 of the Act, the Corporation is hereby empowered to reclaim from the sea such parts of the land described in the First Schedule to this Act as have not yet been fully reclaimed from the sea. 5

(2) The Council may, in the name of and on behalf of the Corporation, enter into any contract with any person for the construction of such reclamation or any part or parts thereof, and for the execution of all or any works which may be necessary or expedient in connection with any such reclamation and for the other purposes of this Act, on such terms and conditions as the Council may think fit. 10 15

5. Validation of reclamation of certain land—The reclamation by the Corporation of the land described in the Second Schedule to this Act is hereby validated and declared to have been lawful.

6. Reclamation to be to satisfaction of Minister—No part of the land reclaimed or to be reclaimed shall be sold or leased or otherwise disposed of until the Minister of Transport has first certified that the reclamation of the land to be sold, leased, or otherwise disposed of has been completed to his satisfaction. 20 25

7. Authority to develop and dispose of reclaimed land—
Struck Out

Subject to section 6 of this Act, the Corporation may, without further authority than this section, sell or lease any part of the land described in the First and Second Schedules to this Act by public auction, public tender, private treaty, or otherwise on such terms and subject to such conditions as it thinks fit; and, on the sale of any part of the said land, all trusts and reservations theretofore affecting the same shall be deemed to be cancelled. 30 35

New

- (1) Subject to section 6 of this Act, the Corporation may—
- (a) Lease any part of the land described in the First and Second Schedules to this Act; or
 - 5 (b) With the consent of the Minister of Local Government and subject to such terms and conditions as that Minister thinks fit to specify, sell or exchange any part of the said land—
- 10 by public auction, public tender, private treaty, or otherwise on such terms and conditions as it thinks fit, and may declare any part of the said land to be a public reserve in accordance with the Reserves and Domains Act 1953.
- (2) On the sale or exchange of any part of the said land, 15 reserve, all trusts and reservations theretofore affecting the same shall be deemed to be cancelled.

8. Authority to dispose of proceeds of sale etc.—The proceeds from any sale or leasing of any part of the land described in the First and Second Schedules to this Act may 20 be applied by the Corporation (*in or towards—*) for the following purposes:

- (a) The reclamation, improvement, or development of other parts of the said land: (*and*)
- 25 (b) The development of other endowment land for municipal purposes within the City of Invercargill;
- (c) The purposes of any public work within the City of Invercargill.

9. Authorising expenditure of surplus proceeds of sale of former reclamation—Notwithstanding anything to the contrary in subsection (8) of Section 32 of the Local Legislation Act 1959, the Corporation is hereby authorised to expend 30 the proceeds of the sale or leasing of the land referred to in subsection (10) of that section in the manner provided by section 8 of this Act.

10. Reclamation not to prejudice other powers and rights—Nothing in this Act shall be construed as limiting—

- (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 section, and the methods of construction, covering, protecting, and maintenance of such reclamation or in respect of any other matter authorised in the Health Act 1956 or in any other Act: 5 10
- (b) The application of the provisions of the Town and Country Planning Act 1953.

11. Council not authorised to create a nuisance—Nothing in this Act shall entitle the Corporation to create a nuisance or shall deprive any person of any right or remedy he would otherwise have against the Corporation or any other person in respect of any such nuisance, and no restriction or condition imposed by the Minister of Transport pursuant to section 178 of the Act or requisition or direction issued in accordance with paragraph (a) of section 10 of this Act, whether or not the Corporation has complied with the same, shall restrict the liability of the Corporation for any such nuisance. 15 20

SCHEDULES

FIRST SCHEDULE

ALL those areas containing together 279 acres 2 roods 16 perches (113.150 hectares), more or less, as shown edged pink and described as "Proposed Reclamation" and "Proposed Oxidation Ponds" on the plan numbered S.O. 8352 (M.D. 14949) lodged in the office of the Chief Surveyor at Invercargill.

SECOND SCHEDULE

ALL those areas containing together 78 acres 3 roods 8 perches (31.8889 hectares), more or less, as shown edged pink and described as "Existing Reclamation" and "Existing Sludge Lagoon" on the plan numbered S.O. 8352 (M.D. 14949) lodged in the office of the Chief Surveyor at Invercargill.