

*Mr Whitehead*

**NELSON HARBOUR BOARD EMPOWERING**

[LOCAL]

ANALYSIS

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A BILL INTITULED

**An Act to authorise the Nelson Harbour Board to reclaim from the sea certain tidal lands and to develop such reclaimed land for industrial, commercial, and other purposes and to vest certain land of the Board in the Corporation of the City of Nelson**

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

10 **1. Short Title**—This Act may be cited as the Nelson Harbour Board Empowering Act 1970.

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

15 “Board” means the Nelson Harbour Board:  
“Corporation” means the Mayor, Councillors, and citizens of the City of Nelson as constituted under the Municipal Corporations Act 1954

“Local authority” means a local authority within the meaning of that term in the Public Works Act 1928.

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

**4. Authority for Board to reclaim land**—(1) 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 Board may from time to time reclaim from the sea the areas described in the First and Third Schedules to this Act or any part or parts thereof. 5  
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(2) The Board may in respect of the reclamation of any such area or part thereof grant licences to, or enter into contracts with, any person or with the Corporation or any local authority having jurisdiction in the district adjoining any such area, for the construction of such reclamation and for the execution of all or any necessary works in connection therewith and upon such terms and conditions as the Board may think fit. 15

**5. Authority for Board to develop land**—(1) The Board is hereby empowered to develop from time to time for such industrial, commercial, or other purposes whatsoever as the Board may think fit, the areas described in the First Schedule to this Act, or any part or parts thereof, and for such purpose may— 20

(a) Subdivide and resubdivide the same into allotments suitable for the purposes for which the same are to be developed subject however to the provisions of the Public Works Act 1928, the Municipal Corporations Act 1954, or Part II of the Counties Amendment Act 1961 applicable thereto: 25

(b) Construct or provide thereon such public works and amenities as may be deemed necessary or desirable for the use, convenience, and enjoyment of such land for such purposes, including— 30

(i) The vesting, creation, or provision of streets, service lanes, access ways, rights of way, and other means of communication or access: 35

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

(iii) All works necessary to comply with any lawful requirements of any local or public authority. 40

(2) The Board may by licence or contract permit the Corporation or any local authority having jurisdiction in the district adjoining any land to be reclaimed or developed pursuant to this Act to develop the same in lieu of or in conjunction with the Board whereupon, without further or other authority than this subsection, the Corporation or such local authority shall have and may exercise, in addition to any other powers vested in it under any other Act, all the powers of development vested in the Board by this Act, and such licence or contract may also provide for—

(a) The Board and the Corporation or other local authority to exchange land and to pay and receive such sums of money or other consideration as may be agreed to for equality of exchange and any money so received shall form part of the general funds of the Board or the local authority as the case may be:

Provided that neither the Board nor any local authority shall enter into a licence or contract to exchange land as aforesaid except in pursuance of a special order or special resolution in that behalf:

(b) The Corporation or other local authority to make such provision as may be agreed for access to the foreshore, the provision of boating facilities or other aquatic amenities and the maintenance and control thereof, liability for the termination of riparian rights, and such other matters as the Board and the Corporation or other local authority may think fit.

**6. Authority for Board to lease or licence—**(1) The Board may during the reclamation or development of all or any part of the areas described in the First and Third Schedules to this Act grant licences in respect of the same to such persons and upon such terms and conditions as the Board may think fit.

(2) Upon the development of all or any of such areas the Board may lease the same for any term and upon such rent and conditions and with such rights of renewal as the Board may think fit.

(3) The Board may from time to time accept the surrender of, or vary the terms and conditions of any lease or licence granted pursuant to this section and upon such terms and conditions as the Board may think fit.

(4) Sections 5, 8, 9, and 10 of the Public Bodies' Leases Act 1908 shall not apply to any leases granted by the Board pursuant to this section and any other provisions of that Act or of any other Act which are inconsistent with the provisions of this section shall be deemed modified to the extent of that inconsistency. 5

(5) Any local authority may take and execute any lease or licence granted by the Board pursuant to this section or any variation or surrender thereof without further or other authority than this subsection. 10

(6) In so far as the land described in the Third Schedule to this Act is concerned the Board shall have the additional power to transfer the same or any part thereof to the Corporation for an estate in fee simple for the purposes of a sewage treatment plant. 15

**7. Vesting certain land in the Corporation**—The land described in the Second Schedule to this Act is hereby vested in the Corporation for an estate in fee simple freed and discharged from all former trusts, reservations, and restrictions affecting the same, but subject however to the right of way mentioned and described in the Second Schedule to this Act and to the Corporation at all times and at its own cost keeping the surface of the land over which the said right of way is reserved in good order, serviceable repair, and condition. 20

**8. Reclamation or development not to prejudice other powers and rights**—(1) Nothing in 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 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  
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(b) The application of the provisions of the Town and Country Planning Act 1953.

(2) Nothing in this Act shall entitle the Board, the Corporation, or any local authority or other person to create a nuisance or shall deprive any person of any right or remedy he would otherwise have against the Board, the Corporation, local authority, or other person as the case may be, in respect of 40

any such nuisance, or 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 or development carried out under the authority of this Act  
5 whether to property or person and whether in respect of riparian rights, rights of access to or by water, or otherwise howsoever.

(3) The provisions of subsections (1) and (2) of this section shall not limit or prejudice any indemnity entered into by or  
10 between the Board, the Corporation, a local authority, or any other person in respect of the rights and liabilities set out herein.

**9. Local authority boundaries**—(1) Upon the completion of the reclamation of any area within the lands respectively  
15 described in the First and Second Schedules to this Act or any part or parts thereof whether such areas are reclaimed under the authority of this Act, or under any other authority, such reclaimed land shall without further or other authority than  
20 this section be included within the district of the adjoining local authority and any such alteration or boundaries shall be deemed to have been effected pursuant to the Municipal Corporations Act 1954, or the Counties Act 1956, as the case may be.

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

**10. Powers of District Land Registrar**—The District Land Registrar for the Nelson Land Registration District is hereby  
30 authorised and directed to deposit all such plans, issue all such certificates of title, accept all such documents for registration, make all such entries on the register, and do all such things as may be necessary to give effect to the provisions of this Act.  
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## SCHEDULES

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### FIRST SCHEDULE

#### PART I

ALL that area containing by admeasurement 259 acres 2 roods 30 perches, more or less, being part Nelson Harbour Board Endowment, situated in Block XVI, Moutere Survey District, and Block IX, Wakapuaka Survey District: as the same is more particularly delineated on a plan deposited in the office of the Marine Department at Wellington under No. M.D. 13557.

#### PART II

ALL that area containing 1,230 acres, more or less, being part Nelson Harbour Board Endowment, situated in Blocks II, III, VI, and VII, Waimea Survey District, and City of Nelson: as the same is more particularly delineated on a plan deposited in the office of the Marine Department at Wellington under No. M.D. 13558.

#### PART III

ALL that area containing 231 acres 2 roods 1 perch, more or less, being part Nelson Harbour Board Endowment, situated in Block V, Wakapuaka Survey District, being Lot 1, Deposited Plan 5,602, Section 101, District of Suburban North, comprised in certificate of title, Volume 138, folio 40 (Nelson Registry) and Lots 1, 2, and 4 on a plan deposited in the office of the Marine Department at Wellington under No. M.D. 13556.

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### SECOND SCHEDULE

ALL that area containing 7 acres 3 roods 1 perch, more or less, being part Nelson Harbour Board Endowment, situated in Block V, Wakapuaka Survey District, and being Lots 1 and 2 on a plan deposited in the office of the Marine Department at Wellington under No. M.D. 13556. Reserving nevertheless to the Board and its successors and its his her and their tenants servants agents workmen and visitors full and free right and liberty from time to time and at all times hereafter at its his her and their will and pleasure to go pass and repass with or without horses or other animals carts carriages tools plant implements machinery and vehicles of all descriptions through over and along the said Lots 1 and 2.

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### THIRD SCHEDULE

ALL that area of land containing 140 acres 10 perches, more or less, being part Nelson Harbour Board endowment situated in Block V, Wakapuaka Survey District, and being Lot 3 on a plan deposited in the office of the Marine Department at Wellington under No. M.D. 13556.