



ANALYSIS

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1977, No. 15—*Local*

An Act to amend the Marlborough Harbour Act 1958

[23 December 1977]

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 Marlborough Harbour Amendment Act 1977, and shall be read together with and deemed part of the Marlborough Harbour Act 1958 (hereinafter referred to as the principal Act).

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

3. Amendment of district of Board—The principal Act is hereby amended by repealing section 4, and substituting the following section:

“4. The area comprising the Boroughs of Blenheim and Picton and the County of Kaikoura and the County of Marlborough, excepting those islands lying to the north-east of D’Urville Island known as Stephens Islands, is hereby constituted a district under the name of the Marlborough Harbour District.”

4. Community jetties—The principal Act is hereby further amended by inserting, after section 14, the following section:

“14A. (1) The Board may make such provision for community jetties within the harbour district and the contiguous foreshores waters and seabed thereof as the Board may from time to time determine; and for that purpose may take, purchase, or otherwise acquire, provide and maintain, land and jetties and provide, install, and maintain on any such land or any such jetty equipment, apparatus, and facilities.

“(2) The provision of a community jetty including the acquisition of land or buildings or jetties or an estate or interest in land for that purpose shall be deemed to be a public work within the meaning of the Public Works Act 1928.

“(3) The Board may from time to time, pursuant to a special order, declare any specified part of the harbour district to be a district for the purposes of this section and may in like manner alter the boundaries of any such district or amalgamate any 2 or more such districts or revoke any such special order.

“(4) Before making a special order for the constitution of such a district or the alteration of the boundaries of such a district the Board shall cause a plan of the proposed district showing the boundaries thereof or, as the case may be, a plan of the district showing the proposed alteration of boundaries or a plan showing the boundaries of the amalgamated districts, to be deposited in the office of the Board. Every such plan shall be open for inspection by the public without fee for at least 1 month before the date fixed for the confirmation of the resolution to make the special order and public notice of the times and the place where that inspection can be made shall be given by the Board.

“(5) The Board shall cause to be deposited for public inspection with the plan of the proposed community jetty district a proposal which shall state the location of the proposed jetty or jetties within the proposed district and the dimensions thereof and of any facilities to be erected in association with the proposed jetty or jetties and the estimated cost thereof together with the initial annual fee proposed to be levied by the Board to provide for the cost of acquiring any land or jetty or providing, installing, maintaining, and administering any such jetty, equipment, apparatus, and facilities.

“(6) The Board may for the purpose of providing for the acquisition, construction, and maintenance, rebuilding, replacement, equipment, and administration costs of any community jetty established under this Act charge a uniform annual fee to be paid by the occupier, within the meaning of the Rating Act 1967, of each separate allotment within the community jetty district:

Provided that such uniform fee may be charged in respect of each separately occupied residential building upon any such allotment and in respect of each separately occupied portion of a residential building on any such allotment.

“(7) The amount of the uniform annual fee shall be recoverable from each occupier as a debt due to the Board and may be collected pursuant to sections 123, 124, 126, and 127 of the Harbours Act 1950 as if it were a rate made and levied under that Act.

“(8) The Board may from time to time make such contributions for the provision, conduct, maintenance, or administration of community jetties as it may think fit.

“(9) The power to create, alter, amalgamate, or revoke a community jetty district by way of special order shall be exercised by the Board in the same manner as a special order is made by a County Council pursuant to the provisions of section 87 of the Counties Act 1956.

“(10) Notwithstanding anything in this section, the Minister of Lands may from time to time direct the Board in writing that any specified area is not to be included in a community jetty district or that any area in a community jetty district is to be excluded from that district.

“(11) On receiving any such direction, the Board shall not include the specified area in a community jetty district or shall proceed under subsection (3) of this section to exclude the specified area from the community jetty district, as the case may require.”

5. Validation of reclamation of certain land—Without affecting any previous approval, the reclamation by the Board of the land described in the Schedule to this Act is hereby validated and declared to have been lawful.

6. Vesting of reclaimed Crown land in Board—The following portions of the land described in the Schedule to this Act, being at present Crown land, are hereby vested in the Board for an estate in fee simple absolutely:

- (a) All that area containing 100 m², more or less, being part Picton Harbour situated in the Borough of Picton, and being part of the land shown marked G in diagram A on S.O. Plan 5271 lodged in the office of the Chief Surveyor at Blenheim:
- (b) All that area containing 379 m², more or less, being part Picton Harbour situated in the Borough of Picton as is more particularly shown on S.O. Plan 5070 lodged in the office of the Chief Surveyor at Blenheim:
- (c) All that area containing 3844 m², more or less, being Section 42, Block XI, Mt. Fyffe Survey District, as is more particularly shown on S.O. Plan 5228 lodged in the office of the Chief Surveyor at Blenheim.

7. Authority to District Land Registrar to issue certificate of title—The District Land Registrar is hereby authorised and directed, upon the deposit with him of such plans and documents as he may require, to issue to the Board a certificate of title in respect of any land vested in the Board by virtue of this Act and to make such entries in the register books and do all such things as may be necessary to give effect to the provisions of this Act.

8. Other Acts not affected—Nothing in this Act shall be construed as limiting the application of the provisions of—

- (a) The Public Works Act 1928:
- (b) The Reserves and Domains Act 1953:
- (c) The Town and Country Planning Act 1953:
- (d) The Counties Act 1956:
- (e) The Water and Soil Conservation Act 1967:
- (f) The Marine Reserves Act 1971.

9. Special leasing powers—(1) Notwithstanding the provisions of the Public Bodies Leases Act 1969 but subject to subsection (2) of this section, the Board is hereby empowered, with the prior consent of the Minister of Local Government and subject to such conditions as he thinks fit to impose, to grant leases of all those areas containing together 1793.5668 hectares, more or less, being firstly Marlborough Harbour Board Endowment situated in Blocks I, II, and III,

Clifford Bay Survey District, and being all of the land comprised and described in certificate of title, Register 1D, folio 140, Marlborough Registry, and secondly, Section 1, Block XVII, Cloudy Bay Survey District, being part of the land comprised and described in certificate of title, Register 17, folio 146, Marlborough Registry, or any part thereof, for a term not exceeding 33 years, without a right of renewal, and upon such other terms and conditions and at such rent as the Board may decide.

(2) The powers conferred by subsection (1) of this section shall be exercised only in respect of farm land within the meaning of the Public Bodies Leases Act 1969.

SCHEDULE

1. All those areas containing together 4.3739 hectares, more or less, being parts Block A, Block XII, Whakamarina S.D., as are more particularly shown marked "A" and "B" on S.O. Plan 5261 lodged in the office of the Chief Surveyor at Blenheim.

2. All those areas containing together 4516 square metres, more or less, being part Picton Harbour, situated in the Borough of Picton, and Block XII, Linkwater S.D., and part Lot 1, D.P. 3342 situated in the Borough of Picton, as are more particularly shown marked "A" and "B" on S.O. Plan 5272 lodged in the office of the Chief Surveyor at Blenheim.

3. All those areas containing together 2.6685 hectares, more or less, being Sections 1247, 1252, 1254, 1257, 1260, and part Sections 1244 and 1258, Town of Picton, part Section 157, Queen Charlotte Sound Registration District, Lot 2, D.P. 3324 and part Lots 1 and 2, D.P. 3482, parts Picton Harbour and parts Lagoon, all situated in the Borough of Picton, as are more particularly shown marked "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", "N", "O", "P", and "Q" on S.O. Plan 5271 lodged in the office of the Chief Surveyor at Blenheim.

4. All those areas containing together 6.0285 hectares, more or less, being part Section 50, Block XII, Linkwater Survey District situated partly in the Borough of Picton, part Lot 1, D.P. 3071, Section 53 and part Sections 50 and 52, Block XII, Linkwater S.D., and part Picton Harbour, situated in the Borough of Picton, and Sections 1221 and 1229, Town of Picton, as are more particularly shown on S.O. Plan 5070 lodged in the office of the Chief Surveyor at Blenheim, and thereon edged red. (Parts of the within described lands are now included in Lot 1, D.P. 4964.)

5. All that area containing 2370 square metres, more or less, being part Section 50, Block XII, Linkwater Survey District, as is more particularly shown on S.O. Plan 5270 lodged in the office of the Chief Surveyor at Blenheim. (The within described land is now included in Lot 1, D.P. 4964.)

6. All those areas containing together 6.1756 hectares, more or less, being Sections 1213, 1219, 1220, 1222, and 1243, Town of Picton as are more particularly shown on S.O. Plan 5071 lodged in the office of the Chief Surveyor at Blenheim and thereon edged red. (Parts of the within described lands are now included in Lot 1, D.P. 4964.)

7. All that area containing 3844 square metres, more or less, being Section 42, Block XI, Mt. Fyffe Survey District, as is more particularly shown on S.O. Plan 5228 lodged in the office of the Chief Surveyor at Blenheim.
