

**Reprint
as at 1 November 2010**



**Auckland Harbour Board
(Half Moon Bay) Vesting and
Empowering Act 1968**

Local Act 1968 No 6
Date of assent 17 September 1968
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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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An Act to vest in the Auckland Harbour Board a certain part of the Tamaki Estuary in the Waitemata Harbour; to authorise the Board to reclaim a certain area thereof and to develop such reclaimed land for the purpose of a boat harbour; and to authorise the Board or the Manukau City Council to reclaim a further area thereof and the Board to transfer such reclaimed land to the Council

1 Short Title

This Act may be cited as the Auckland Harbour Board (Half Moon Bay) Vesting and Empowering Act 1968.

2 Interpretation

In this Act, unless the context otherwise requires,—

Board means the Auckland Harbour Board

boat harbour means a harbour or part of a harbour or an anchorage used for the purpose of mooring, sheltering, or servicing pleasure boats and includes any land or building used in conjunction therewith and, without limiting the general import of that term, may include—

- (a) any slip-way, launching ramp, dock, pier, marina pier, quay, wharf, jetty, landing place, hoist, hoist well, bridge, float, pontoon, boat-shed, boat-building shed, boat-yard, breakwater, wave screen, embankment, marine service station or fueling pier, or facility or any

- other boating or aquatic structure, service, or amenity for the use and convenience of the boating public; and
- (b) any shop, restaurant, car park, club premises, or facility or any other commercial or recreational amenity for the use and convenience of the general public as well as that of the boating public,—

and reference to a boat harbour shall be deemed to be reference to any part of, or facility, structure, service, amenity, or use included in a boat harbour

Corporation means the Mayor, Councillors, and Citizens of the City of Manukau

Council means the Auckland Council.

Section 2 **Council**: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

3 Special Act

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

4 Vesting

The land described in Schedule 1 is hereby vested in the Board as an estate in fee simple for the purposes of this Act and subject to the provisions of the Harbours Act 1950.

5 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 Board may reclaim from the sea the land described in Schedule 2 or any part or parts thereof.

6 Authority to develop

The Board may develop and redevelop from time to time the whole or any part or parts of the land described in Schedule 1 for boat harbour, commercial and recreational purposes and, without limiting the general power of development as aforesaid, the Board may, in respect of the whole or any part or parts of the land described in Schedule 2 which is from time to time reclaimed from the sea,—

- (a) subdivide and resubdivide the whole or any part or parts of such reclaimed land into suitable allotments for boat harbour, commercial and recreational purposes: provided that any such subdivision shall be subject to the appropriate provisions of the Public Works Act 1928 and the Municipal Corporations Act 1954:
- (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 boat harbour, commercial or recreational purposes, including—
 - (i) streets, service lanes, access ways, and other means of communication or access;
 - (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.

7 Board 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 developing or redeveloping the said land or any part or parts thereof the Board may grant any 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 construct all or any works which may be necessary or expedient in connection with any such reclamation or development upon such terms and conditions as the Board may think fit.

8 Authority to licence

- (1) In addition to all other licensing powers conferred on the Board under the Harbours Act 1950, or any other Act, the Board may licence or permit any part of the land or any building or structure thereon or any part of the foreshore or the bed of the harbour vested in it under this Act to be used or occupied for boat harbour, commercial or recreational

purposes for such period and upon such terms and conditions as the Board may think fit.

- (2) The provisions of sections 157 and 160 of the Harbours Act 1950, as far as they are applicable, shall apply to any licence or permit granted under this section as if the licence or permit had been granted under section 156 of that Act.
- (3) In granting any licence or permit under this section the Board shall ensure, by the insertion in the licence or permit of appropriate terms and conditions, that the effect of the licence or permit is not to deny the public reasonable access over the whole or part of the land described in Schedule 1 in any case where it is reasonable and practicable for the public to have such access:
provided that no licence or permit granted under this section shall be invalidated by any failure to comply with this subsection.

9 Authority to lease

- (1) In addition to all other leasing powers conferred on the Board under the Harbours Act 1950, the Public Bodies' Leases Act 1908, or any other Act, the Board may, in respect of the whole or any part or parts of the land described in Schedule 2 which is from time to time reclaimed from the sea,—
 - (a) lease the whole or any part or parts of such reclaimed land to any person or persons for boat harbour, commercial or recreational purposes for any term with such right or rights of renewal and on such terms and conditions as the Board may think fit;
 - (b) accept a surrender of any such lease, whether as to the whole or to 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 surrendered lease, at such rent as may be predetermined for the new lease or new leases in the surrendered lease, or, if no such rent is predetermined, at such rent as the Board may determine, with such right or rights of renewal and on such terms