

**Reprint  
as at 1 November 2010**



**Auckland Harbour Board (Reclamations) Empowering  
Act 1967**

Local Act      1967 No 8  
Date of assent      25 August 1967  
Commencement      25 August 1967

**Contents**

	Page
Title	2
1 Short Title	2
2 Interpretation	2
3 Special Act	2
4 Authority to reclaim	2
4A Authority for Board to subdivide bed of harbour	3
5 Authority to develop	3
5A Authority for Board to transfer land to local authorities	4
6 Reclamation or development not to prejudice other powers and rights	5
7 Authority to lease or license	6
8 Validation and empowering of certain reclamation by the Onehunga Borough Council	6
9 Local authority boundaries	6
10 Cancellation of trusts and reservations	7
11 Powers of District Land Registrar	7

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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.

<b>Schedule 1</b>	8
<b>Areas to be reclaimed</b>	
<b>Schedule 2</b>	16
<b>Areas to be developed</b>	

**An Act to authorise the Auckland Harbour Board to reclaim from the sea certain tidal lands in the Waitemata and Manukau Harbours and to develop such reclaimed land and other lands for industrial, commercial, and other purposes**

**1 Short Title**

This Act may be cited as the Auckland Harbour Board (Reclamations) Empowering Act 1967.

**2 Interpretation**

In this Act, unless the context otherwise requires,—

**Auckland Council** means the local authority established by section 6(1) of the Local Government (Auckland Council) Act 2009

**Board** means the Auckland Harbour Board

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

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

Section 2 **Auckland Regional Authority**: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).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 Authority to reclaim**

- (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 Schedule 1 or any part or parts thereof save and except the area described in section B of Part 4 of that schedule.
- (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 Crown, the Auckland Council, and 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.

Section 4(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4(2): amended, on 11 December 1976, by section 4 of the Auckland Harbour Board (Reclamations) Empowering Amendment Act 1976 (1976 No 10 (L)).

#### **4A Authority for Board to subdivide bed of harbour**

The Board is hereby authorised, for the purposes of this Act, to divide and separate from its existing title and subdivide the whole or any part or parts of the land described in Schedule 1 (whether reclaimed or not) in such manner as it thinks fit, and may do all such things as may be necessary for that purpose.

Section 4A: inserted, on 11 December 1976, by section 5 of the Auckland Harbour Board (Reclamations) Empowering Amendment Act 1976 (1976 No 10 (L)).

### **5 Authority to develop**

(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 Schedule 2 or any part or parts thereof and for such purposes may—

- (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 2 of the Counties Amendment Act 1961 applicable thereto:
- (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—
  - (i) the vesting, creation, or provision of streets, service lanes, accessways, rights of way, 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 requirements of any local or public authority:

provided that any such development shall make provision for a public reserve on the land first described in Part 5A of Schedule 1 so as to provide public access to the Waiuku River.

(2) The Board may by licence or contract permit 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 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 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 moneys 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 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 local authority may think fit.

Section 5(1) proviso: inserted, on 29 July 1972, by section 3 of the Auckland Harbour Board (Reclamations) Empowering Amendment Act 1972 (1972 No 2 (L)).

#### **5A Authority for Board to transfer land to local authorities**

- (1) Notwithstanding anything to the contrary in the Harbours Act 1950 or in any other Act, the Board may sell, exchange (and in respect of any such exchange may give or receive any money or other consideration for equality of exchange), transfer, or otherwise dispose of the whole or any part or parts of the area described in Schedule 2 (other than the areas described in Parts 6, 7, and 8 of that schedule) to the Crown or the Auckland Council or to the local authority having jurisdiction in the district adjoining any such land or, if such land has been reclaimed under the authority of this Act or any other Act, to the local authority in whose district the reclaimed land has been included pursuant to section 9, for such industrial, commercial, or other purposes whatsoever as the Board may think fit, with or without consideration, and on such terms and conditions as may be agreed upon by the Board and the Crown, the Auckland Council, or such local authority, as the case may be.
- (2) Any consideration, or money for equality of exchange, paid by, the Crown, or the Auckland Council or a local authority to the Board for the sale or exchange of any land under subsection (1) may be payable as an annual sum in perpetuity or may otherwise be for such amount or amounts payable at such time or times and in such manner as may be agreed upon by the Board and the Crown, the Auckland Council, or the local authority, as the case may be.
- (3) The consideration for any such sale, exchange, transfer, or other disposition, and all or any of the terms or conditions thereof agreed to may be evidenced by deed executed by the Board and the Crown, the Auckland Council, or the local authority, as the case may be which shall bind both parties accordingly.
- (4) Any money received by the Board pursuant to the sale or exchange of any land under subsection (1) shall form part of the general funds of the Board.
- (5) The fee simple of any land vested in the Auckland Council or in a local authority under the authority of this section shall not be sold or otherwise transferred

by the Auckland Council or the local authority, except to the Board, without the prior written consent of the Board and the Minister of Internal Affairs.

Section 5A: inserted, on 29 July 1972, by section 6 of the Auckland Harbour Board (Reclamations) Empowering Amendment Act 1972 (1972 No 2 (L)).

Section 5A(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5A(1): amended, on 11 December 1976, by section 6(a) of the Auckland Harbour Board (Reclamations) Empowering Amendment Act 1976 (1976 No 10 (L)).

Section 5A(1): amended, on 11 December 1976, by section 6(b) of the Auckland Harbour Board (Reclamations) Empowering Amendment Act 1976 (1976 No 10 (L)).

Section 5A(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5A(2): amended, on 11 December 1976, by section 6(c) of the Auckland Harbour Board (Reclamations) Empowering Amendment Act 1976 (1976 No 10 (L)).

Section 5A(2): amended, on 11 December 1976, by section 6(d) of the Auckland Harbour Board (Reclamations) Empowering Amendment Act 1976 (1976 No 10 (L)).

Section 5A(3): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5A(3): amended, on 11 December 1976, by section 6(e) of the Auckland Harbour Board (Reclamations) Empowering Amendment Act 1976 (1976 No 10 (L)).

Section 5A(5): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 5A(5): amended, on 11 December 1976, by section 6(f) of the Auckland Harbour Board (Reclamations) Empowering Amendment Act 1976 (1976 No 10 (L)).

Section 5A(5): amended, on 11 December 1976, by section 6(g) of the Auckland Harbour Board (Reclamations) Empowering Amendment Act 1976 (1976 No 10 (L)).

## **6 Reclamation or development not to prejudice other powers and rights**

- (1) Nothing in this Act shall be construed as limiting—
  - (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 materials to be used in any reclamation under the authority of this Act and 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;
  - (b) the application of the provisions of the Town and Country Planning Act 1953;
  - (c) the functions and powers of the Auckland Regional Water Board under the Water and Soil Conservation Act 1967 or any other Act.
- (2) Nothing in this Act shall entitle the Board, 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, local authority, or other person as the case may be, in respect of 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