

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 3 September 1975

Words struck out by the Committee are shown in italics within bold round brackets; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Mr K. R. Allen

MOUNT MAUNGANUI BOROUGH RECLAMATION AND EMPOWERING

[LOCAL]

ANALYSIS

Title	6. Prior authorities, consents, and approvals
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A BILL INTITULED

An Act to authorise the Mount Maunganui Borough Council to reclaim tidal lands constituting part of the bed of the Harbour of Tauranga and to develop such reclaimed land
5 **for sewerage and other municipal purposes**

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 Mount Maunganui Borough Reclamation and Empowering Act **(1973) 1975.**

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

15 “Act” means the Harbours Act 1950:
“Board” means the Bay of Plenty Harbour Board:
“Borough” means the Mount Maunganui Borough Council:

No. 4—2

Price 10c

7. Reclamation not to affect other powers and rights—
Nothing in (section 5 of) this Act shall be (considered) construed as limiting—

5 (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 Act and the methods of construction, covering, protection, 10 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—

- 15 (i) The Public Works Act 1928:
(ii) The Town and Country Planning Act 1953:
(and)
(iii) The Counties Act 1956:

New

20 (iv) The Water and Soil Conservation Act 1967:
(c) Any right of resumption by the Crown specified in section (3) 6 of the Tauranga Foreshore Vesting and Endowment Act 1915 or any right to compensation specified in section 4 of (the Tauranga Foreshore Vesting and Endowment Act 1915) that Act.

25 **8. Borough not authorised to create a nuisance—**Nothing in section 5 of this Act shall entitle the Borough to create a nuisance or shall deprive any person of any right or remedy he would otherwise have against the Borough or any other person in respect of any such nuisance, and no 30 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 7 of this Act, whether or not the Borough has complied with the same, shall restrict the liability of the (Board) Borough for 35 any such nuisance.

New

9. Compensation—Nothing in this Act 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, development, or work constructed or carried out under the authority of this Act, whether to property or person and whether in respect of the deprivation of any water frontage or riparian rights or otherwise howsoever.

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SCHEDULE

ALL that area in the South Auckland Land District, Tauranga County, situated in Block XI, Tauranga Survey District, containing 73.5000 hectares, more or less, being Part Tauranga Harbour Bed as shown on Survey Office Plan 47280 (M.D. 15099).