

# **Mount Maunganui Borough Reclamation and Empowering Act Repeal Bill**

Local Bill

## **Explanatory note**

### **General policy statement**

The purpose of this Bill is to repeal the Mount Maunganui Borough Reclamation and Empowering Act 1975 (the **principal Act**). The principal Act gave authority for the Bay of Plenty Harbour Board to transfer part of the seabed of Tauranga Harbour to the Mount Maunganui Borough Council (the **Council**) and authorised the Council to undertake reclamation of that part of the Tauranga Harbour for sewerage and other municipal purposes. The area authorised to be transferred and reclaimed totalled 73.5 hectares and is fully described in the Schedule to the principal Act. The Council reclaimed approximately 23.5 hectares of the Harbour as authorised by the principal Act. That reclaimed land has now vested in the Tauranga City Council (as successor to the Council). The authority to undertake reclamation of the balance of the area of seabed referred to in the principal Act was revoked by the enactment of the Foreshore and Seabed Endowment Revesting Act 1991. The principal Act therefore no longer has any substantive legal effect. However, during the application process for resource consents to authorise the upgrading of the Tauranga City Council's wastewater treatment plant, Nga Potiki expressed historical and contemporary grievances regarding the scope

of the reclamation authority granted by the principal Act, the siting of the existing wastewater treatment plant on reclaimed land, and the adverse effects of wastewater treatment on Nga Potiki and Rangataua Bay. Nga Potiki has expressed similar concerns in the context of their Waitangi Tribunal claim. The Tauranga City Council and Nga Potiki concur that the repeal of the principal Act is appropriate in the context of these historical grievances.

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause and provides for the Bill to come into force on the day after the date of Royal assent.

*Clause 3* sets out the purpose of the Bill, which is to repeal the Mount Maunganui Borough Reclamation and Empowering Act 1975.

*Clause 4* repeals the Mount Maunganui Borough Reclamation and Empowering Act 1975.

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*Te Ururoa Flavell*

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**Contents**

	Page
1 Title	1
2 Commencement	1
3 Purpose	1
4 Repeal of Mount Maunganui Borough Reclamation and Empowering Act 1975	2

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Mount Maunganui Borough Reclamation and Empowering Act Repeal Act **2012**.
  
- 2 Commencement** 5  
This Act comes into force on the day after the date on which it receives the Royal assent.
  
- 3 Purpose** 10  
The purpose of this Act is to repeal the Mount Maunganui Borough Reclamation and Empowering Act 1975.

**4 Repeal of Mount Maunganui Borough Reclamation and  
Empowering Act 1975**

The Mount Maunganui Borough Reclamation and Empowering Act 1975 (1975 No 11) is repealed.

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