

**Reprint
as at 1 November 2010**



**Rodney County Council
(Mahurangi Harbour) Vesting
and Empowering Act 1977**

Local Act 1977 No 16
Date of assent 23 December 1977
Commencement see section 1(2)

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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 County of Rodney a certain part of the Mahurangi Harbour in the Hauraki Gulf, to authorise it to reclaim that part, and to use the land so reclaimed for the treatment of sewage

1 Short Title and commencement

- (1) This Act may be cited as the Rodney County Council (Mahurangi Harbour) Vesting and Empowering Act 1977.
- (2) This Act shall come into force on 1 February 1978.

2 Interpretation

In this Act, unless the context otherwise requires,—

Corporation means the body corporate known as the Chairman, Councillors, and Inhabitants of the County of Rodney

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

Section 2 **Council**: substituted, 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

- (1) The land described in Schedules 1 and 2 is hereby vested in the Corporation as an estate in fee simple for the purposes of this Act and subject to the provisions of the Harbours Act 1950.
- (2) The vesting of the land described in Schedule 1 shall be deemed to be a disposition of that land under the Land Act 1948, and the provisions of section 58(1) of that Act shall apply accordingly.

- (3) On the completion of the reclamation of the land described in Schedule 1, the Minister of Lands may by notice in the *Gazette* vest the land reserved pursuant to subsection (2) in the Corporation; and on such vesting that land shall be held by the Corporation for an estate in fee simple, and administered, for the purposes of a recreation reserve under the Reserves and Domains Act 1953.

Section 4(3): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

5 Authority to reclaim

Subject to the provisions of the Harbours Act 1950 and of this Act, the Council may from time to time reclaim from the sea the whole or any part or parts of the land described in Schedules 1 and 2:

provided that no work of reclamation shall be commenced until such time as the Council has secured all authorities, consents, and approvals under the Town and Country Planning Act 1953, the Health Act 1956, and the Water and Soil Conservation Act 1967 to the use of the land so reclaimed for the purposes hereinafter referred to.

6 Purpose of reclamation

- (1) The land described in Schedule 1 may, after reclamation, be used by the Council for sewage treatment works, including oxidation ponds for the purification of effluent prior to its discharge into the sea.
- (2) The land described in Schedule 2 may, after reclamation, be used by the Council and by persons authorised by it for the purpose of gaining vehicular access to and egress from the land described in Schedule 1.

7 Council may permit other persons to carry out reclamation and development for sewerage purposes

For the purpose of carrying out and constructing the said reclamations or any part or parts thereof and of constructing thereon all works necessary for the said purposes the Council may grant a licence to or contract with any person or persons to undertake and carry out all or any of those activities, in every

case upon such terms and conditions as the Council may think fit. In granting any such licence or entering into any such contract the Council shall require the insertion therein of a sufficient penalty or bond to ensure the fulfilment of such licence or contract according to the terms and conditions thereof.

8 Council not authorised to create a nuisance, etc

Nothing in this Act shall entitle the Council or any other person to create a nuisance or shall deprive any person of any right or remedy he would otherwise have against the Council or any other person in respect of any such nuisance, and no restriction or condition imposed by the Minister of Transport pursuant to section 178 of the Harbours Act 1950 or requisition or direction issued in accordance with section 10(a), whether or not the Council or any other person has complied with the same, shall restrict the liability of the Council or any other person for any such nuisance:

provided that the construction of any reclamation or other necessary works in connection therewith, authorised by this Act, shall not of itself constitute a nuisance.

9 Compensation

Nothing in this Act shall deprive any person of any right or remedy he would otherwise have in respect of 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.

10 Other Acts not affected

Nothing in this Act shall be construed as—

- (a) limiting the powers of the Director-General of Health or other proper officer of the Ministry of Health to make and issue directions and requisitions relating to the materials to be used in any reclamation constructed under the authority of this Act and the method of construction, covering, protection, and maintenance of such reclama-

- tion, or in respect of any other matter authorised in the Health Act 1956, or in any other Act;
- (b) limiting the application of the provisions of the Town and Country Planning Act 1953, of the Water and Soil Conservation Act 1967, or of the Counties Act 1956; or
 - (c) conferring any water right within the meaning of the Water and Soil Conservation Act 1967.

Section 10(a): amended, on 1 July 1993, pursuant to section 38(3)(a) of the Health Amendment Act 1993 (1993 No 24).

11 Reclaimed land to form part of Rodney County

- (1) Upon the completion of the reclamation of any land under the authority of this Act, such reclaimed land shall, without further or other authority than this section, be included within the district of the Council, and any such alteration of the boundary or boundaries of the county shall be deemed to have been effected pursuant to the Counties Act 1956.
- (2) Without in any way limiting the effect of subsection (1), such altered boundary or boundaries shall from time to time on written application on behalf of the Council and without further authority or procedure be formally recorded by notice in the *Gazette* under the hand of the Secretary for Local Government.

12 Powers of District Land Registrar

The District Land Registrar for the North Auckland Land District is hereby authorised, on the deposit with him of such plans as he may require and on request by the Rodney County Council, to issue in the name of the Corporation a certificate or certificates of title for the land vested in the Corporation by section 4.

Section 12: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

ss 4, 5, 6(1)

Schedule 1
North Auckland Land District—Rodney
County

Part Allotment 217, Mahurangi Parish, and Part Bed Mahurangi Harbour, situated in Blocks VIII and XII, Mahurangi Survey District: Area 20.3300 hectares, more or less, as shown on SO Plan 52177 labelled A.

- ss 4, 5, 6(2)
- Schedule 2**
- (a) Part Bed, Mahurangi Harbour, situated in Block VIII, Mahurangi Survey District: Area, 960 square metres, more or less, as shown on SO Plan 52278 labelled A.
 - (b) Part Bed, Mahurangi Harbour, situated in Block VIII, Mahurangi Survey District: Area, 344 square metres, more or less, as shown on SO Plan 52278 labelled B.
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Notes

1 *General*

This is a reprint of the Rodney County Council (Mahurangi Harbour) Vesting and Empowering Act 1977. The reprint incorporates all the amendments to the Act as at 1 November 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the

enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)

- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37):
section 113(1)

Health Amendment Act 1993 (1993 No 24): section 38(3)(a)