

**Reprint
as at 1 November 2010**



**Tamaki River Reclamation Act
1960**

Local Act 1960 No 14
Date of assent 25 October 1960
Commencement 25 October 1960

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**An Act to enable the body corporate, the Mayor, Councillors,
and Citizens of the Borough of Otago, to reclaim from the sea
a certain portion of the Tamaki River at Brady Road, Otago**

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.

1 Short Title

This Act may be cited as the Tamaki River Reclamation Act 1960.

2 Interpretation

In this Act, unless the context otherwise requires, **the Council** means the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009.

Section 2: 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 Power to reclaim

- (1) Subject to the provisions of the Harbours Act 1950, the Health Act 1956, and this Act, the Council may from time to time fill up and reclaim from the sea the land described in the Schedule or any part thereof respectively; and may for that purpose, if it thinks fit, enter into any contract with any person for the execution of all or any works which may be necessary or expedient in or about the filling up or reclamation of such land as aforesaid upon such terms and conditions as may seem to it proper and reasonable.
- (2) The filling and reclamation of the said land shall be conditional on the Council obtaining the prior consent of the Minister of Marine under the Harbours Act 1950 and to—
 - (a) the construction by the Council in advance in accordance with plans approved by that Minister of such subsidiary enclosing banks as are necessary to prevent the escape of organic material into tidal waters; and
 - (b) the construction by the Council in accordance with plans approved by that Minister of such main enclosing banks as that Minister considers necessary, which banks shall have due protection on the seaward side.
- (3) In filling up and reclaiming the said land the Council shall comply with all directions given by the Medical Officer of Health as to—

- (a) the methods of reclaiming the said land and the subsidiary enclosing banks to be constructed:
 - (b) the material that may or may not be used:
 - (c) the covering up of any material that may be used.
- (4) The Council shall maintain and protect to the satisfaction of the Engineer to the Auckland Harbour Board all such enclosing banks that for the time being face the sea.
- (5) Nothing in this section or in any direction or consent given under this section shall restrict the liability of the Council for any nuisance likely to be injurious to health.

5 Vesting of reclaimed land

It shall be lawful for the Governor-General in Council from time to time to vest in the Auckland Council for municipal purposes, pursuant to the provisions of the Municipal Corporations Act 1954, such portions of the said land as are from time to time reclaimed from the sea:

provided that, of the land so vested, a strip of a width of 66 feet, or such less width as the Governor-General considers sufficient, along the mean high-water mark of the Tamaki River shall be set aside by the Governor-General in Council for public purposes.

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

6 Reclaimed land to form part of Borough of Otahuhu

[Repealed]

Section 6: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule

All that area in the North Auckland Land District situated in Block VI, Otahuhu Survey District, and adjacent to the Borough of Otahuhu, containing 33 acres 2 roods, more or less, being the land below mean high-water mark, Tamaki River, adjoining Lot 12, DP 39118, and the land in MD Plan 10677, and shown edged blue on the plan marked MD No 10834, deposited in the office of the Marine Department at Wellington.

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Notes

1 *General*

This is a reprint of the Tamaki River Reclamation Act 1960. 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)
