



ANALYSIS

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1955, No. 9—*Local*

Title.	AN ACT to amend the Auckland Metropolitan Drainage Act 1944. [21 October 1955]
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:
Short Title.	1. This Act may be cited as the Auckland Metropolitan Drainage Amendment Act 1955, and shall be read together with and deemed part of the Auckland Metropolitan Drainage Act 1944 (hereinafter referred to as the principal Act).
Interpretation.	2. Section two of the Auckland Metropolitan Drainage Amendment Act 1951 is hereby amended by adding to the definition of "storage tank" the words "and includes oxidation and other ponds or structures for the storage or treatment of sewage, trade wastes, or effluent".

3. (1) The Western Sewerage District is hereby abolished, and the principal Act and the Auckland Metropolitan Drainage Amendment Act 1951 shall be construed with all necessary modifications to give effect to this amendment. In particular, the Auckland Metropolitan Drainage Amendment Act 1951 is hereby consequentially amended as follows:

Western
Sewerage
District
abolished.

- (a) By repealing subsection two of section four:
- (b) By omitting from subsection three of section four the words "and the Western Sewerage District":
- (c) By omitting from subsection four of section four the words "the Western Sewerage District, or any other", and substituting the words "or any".

(2) The principal Act is hereby consequentially amended as follows:

- (a) By omitting from paragraph (a) of subsection one of section four (as substituted by subsection one of section five of the Auckland Metropolitan Drainage Amendment Act 1951) the words "or of the Western sewerage district":
- (b) By repealing paragraph (b) of subsection one A of section forty-nine and subparagraph (ii) of paragraph (a) of section sixty (as substituted by sections eighteen and nineteen of the Auckland Metropolitan Drainage Amendment Act 1951).

4. Section twenty-one of the principal Act is hereby amended by repealing subsection three, and substituting the following subsection:

Date of annual
meetings.

"(3) The Board shall hold an annual meeting on such date between the first day of July and the thirtieth day of November in each year as the Board may from time to time decide."

5. (1) The Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

Remuneration
of Chairman
and members
of Board.

(2) The Board may pay to the Chairman of the Board remuneration by way of fees, salary, or allowances in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

(3) The Board may pay to the Chairman and to the members of the Board or of any committee thereof travelling allowances and expenses in accordance with the Fees

and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

(4) Sections thirteen and twenty-two of the principal Act are hereby repealed.

(5) This section shall be deemed to have come into force on the first day of April, nineteen hundred and fifty-five.

Harbour Board
reclamation.

6. Any land in the Manukau Harbour which may pursuant to the provisions of subsection six of section thirty-four of the principal Act have been reclaimed by the Board in the construction of oxidation ponds, and which it no longer requires for the purposes of the principal Act, shall, if the Auckland Harbour Board so desires, be resumed by it without payment of any consideration or compensation to the Board. To enable effect to be given to this provision, the Board will, if and when any such land is no longer required by it as aforesaid, give written notice thereof to the Auckland Harbour Board, and the latter may within six months after receipt of such notice elect by notice in writing to the Board to resume the same. Should the Auckland Harbour Board fail to give any such notice of election as aforesaid it shall have no further rights in respect of the said land. Each of them the Board and the Auckland Harbour Board will at the request and cost of the other of them do, execute, and perform all such acts, deeds, matters, and things as may be necessary to give effect to the foregoing provisions and enable the party entitled to obtain a registered title to the said lands.

Powers of
contributing
authorities to
connect sewers.

7. The principal Act is hereby amended by repealing section thirty-seven, and substituting the following section:

“37. (1) For the purpose of carrying off any sewage from any part of its district every contributing authority may from time to time connect sewers or drains at such points and in such manner as the Engineer to the Board may specify so as to discharge, either directly or indirectly, into such main sewers or main drains as the Board may have constructed or taken over for the service of the district concerned:

“Provided that before the construction of any such sewers the contributing authority shall have submitted to the Board complete plans and specifications thereof and that the Engineer to the Board shall be satisfied that

the sewer or sewers referred to therein are fit and proper to be so connected and to form part of the general drainage system and that the sewage to be discharged through the same into the main sewer or main drain will be of such volume as to be within the capacity of such main sewer or main drain having regard to the volume of other sewage which may reasonably be discharged thereto:

“Provided also that nothing in this section shall authorize the Engineer to control the engineering design or construction of sewage reticulation works in the district of any contributing authority otherwise than in accordance with by-laws of the Board.

“(2) The Board may make by-laws to regulate the procedure under and give effect to the purpose of this section.”

8. (1) The Board may:

- (a) Acquire land and erect dwellings thereon for disposal under this section:
- (b) Erect dwellings for disposal under this section on any land which is the property of the Board:
- (c) Purchase any land with dwellings thereon for disposal under this section.

Provision of dwellings for employees.

(2) All land and the dwellings thereon disposed of under this section shall be disposed of by way of sale or lease to persons employed in the service of the Board or persons in the service of contractors carrying on works for the Board.

(3) For the purposes of section fifty-six of the principal Act the erection of dwellings under this section shall be deemed a purpose of that Act.

(4) In the event of any dwelling acquired or erected by the Board for the purposes of this section being no longer required for those purposes the Board may sell, let, exchange, or otherwise dispose of it under the provisions of section nine of this Act.

9. The Board shall have power, for the purpose of constructing any works authorized by the principal Act and its amendments or for or incidental to the carrying out of the purposes of such Acts (but without prejudice to the provisions of sections six and eight of this Act or any specific provision of the principal Act and its amendments limiting in any particular case the generality hereof), to purchase, rent or hire, sell, exchange, lease,

General powers of dealing with property.

let, or otherwise deal with or dispose of property, real or personal, of any description, and whether by public auction, public tender, or private contract, as it deems proper, and upon and subject to such terms and conditions in every respect as the Board thinks fit:

Provided that any sale of land not required for the purpose for which it was acquired shall be made only pursuant to a special order of the Board.

Protection of
Board's sewers
and works.

10. (1) If any person proposes to erect any building or to carry out any works over, under, or within such distance of any sewer or other structure owned by or under the control of the Board that such sewer or structure may be injuriously affected, such person shall notify the Board in writing of his intentions and shall carry out or shall permit the Board to carry out (at the expense in either case of such person) such works for the protection of the Board's sewer or other structure as the Board may deem necessary for the purpose; and in the event of any damage being caused to any sewer or structure of the Board as a result of or consequent upon any failure by any such person to inform the Board of his proposals or to carry out all necessary protective works, the cost of repair or reinstatement of the Board's works so damaged and all other costs and expenses whatsoever incurred by the Board in connection therewith shall be a debt due by such person to the Board recoverable upon demand. The remedies hereby conferred are without prejudice to and shall not by implication derogate from nor limit the powers, rights, or other remedies of the Board.

(2) Every local authority within the drainage district, before granting a building permit to any person who proposes to erect any building or carry out any works over, under, or within fifty feet (or thirty-three feet if no blasting is to be done and no special circumstances or unusual conditions exist) of the line of any sewer forming part of the Board's main sewerage works or within a similar distance of any other structure under the control of the Board, shall require such person to produce for its inspection the consent in writing of the Board to such erection or work; and any permit so granted shall be subject to compliance with any conditions for safeguarding such sewer or other structure which the Board may prescribe, and to payment of all costs and expenses which the Board may incur in anywise incidental thereto.

(3) Failure to comply with any such condition or requirement shall be an offence under section seventy-four of the principal Act; and, though the condition be embodied in a permit issued by the local authority, action thereon may be taken by the Board, and the local authority shall be under no obligation to see that any such condition is complied with.

(4) The Board shall supply each local authority affected with a plan or plans showing the location of the sewers or structures referred to in subsection two of this section.

(5) The term "sewer", where used in this section, shall be deemed to include any sewer which the Board proposes to construct as portion of its main sewerage system and the location of which is shown upon any map or plan relating to any operative or proposed district scheme under the Town and Country Planning Act 1953.

11. (1) If any person proposes to erect any building or to carry out any works in such a location and at such levels that the diversion, alteration, or replacement of any of the Board's sewers or other structure appears to be essential to the construction of the aforesaid building or works, such person shall notify the Board of his proposals; and if the Board is satisfied that it is practicable for its sewer or structure to be diverted, altered, or replaced without material interference with the services for which it is responsible and that it is reasonable that this be done, it may enter into an agreement with such person as to the manner and conditions under which such sewer or structure shall be diverted, altered, or replaced.

Diversion of
sewers, etc.

(2) The cost of diverting, altering, or replacing the Board's sewer or other structure, and all other costs which the Board may incur in anywise incidental thereto shall in such case be paid to the Board by such person.

12. (1) Without limiting the powers conferred upon it by paragraph (g) of subsection one of section thirty-five of the principal Act, the Board may—

Acquisition
and disposal of
organic refuse.

(a) Enter into agreements with local authorities or with any persons whereby it may accept or acquire organic refuse of any kind on such terms as it may think fit; and the Board may process any such organic matter with sewage, sludge, or other available material by composting or other

process so as to produce fertilizer or other marketable product and sell or otherwise dispose of the same:

- (b) Enter into agreements with any persons whereby it may sell or otherwise dispose of sewage, sludge, or effluent treated to such extent as it may deem advisable.

(2) The Board shall have the like rights and powers in connection with any pipes which it may require to lay for the purposes aforesaid as it has under the principal Act in connection with any sewers to be constructed by it.

Gas and
electricity.

13. (1) The Board may utilize any sludge gas derived from the treatment of sewage, sewage sludge, or trade wastes for any purpose and in any manner connected with its operations or the works under its control. It may sell and dispose of any such gas—

(a) To the Auckland Gas Company Limited; or

(b) To the occupiers of trade premises discharging trade wastes from which a substantial portion of the gas is derived; or

(c) To the occupiers of any other trade premises,—
and the Board shall accord such parties, in the foregoing order of priority, the opportunity of purchasing such gas as it may desire to sell, the Auckland Gas Company Limited, as a retailer of gas, to be allowed a rebate in accordance with normal commercial practice.

(2) The Board may generate electricity and may utilize such electricity within the limits of the premises in which the same is generated for any purpose and in any manner connected with its operations or the works or property under its control.

(3) The Board may sell to the State Hydro-electric Department or to the Auckland Electric Power Board any such electricity, and may purchase from the said Board any electricity which it may require for any purposes connected with its operations.

(4) Any power lines, plant, or works necessary for the transmission of any electricity within the limits of the premises in which the electricity is generated or for the transmission within such premises of any electricity purchased from the Auckland Electric Power Board (but not elsewhere) may be constructed and maintained by the Board.

(5) Subject to the foregoing provisions of this section, the Board may construct all such works and do all such acts and things as it may deem necessary or expedient to enable it to obtain the full benefit to be derived from the production of gas or the utilization, sale, or other disposition thereof or to enable it to obtain the full benefit to be derived from the generation and utilization of electricity within the limits of such premises (but not elsewhere), or the sale as aforesaid of any such electricity; and the Board shall have in respect of any mains or other works which it may desire to construct pursuant to the provisions of this section the like rights and powers as are conferred upon it by the principal Act in respect of main sewers and other works therein referred to.

(6) In the exercise of the powers conferred by this section, the Board shall comply with the provisions of Part XIII of the Public Works Act 1928 and the regulations thereunder.

(7) The powers conferred by the foregoing provisions shall not be limited by the provisions of the Auckland Gas Company Act 1871, and such powers shall subsist notwithstanding the provisions of section fifty-four of the Auckland Electric Power Board Act 1921-22.

(8) The word "premises", where used in this section, means any continuous area of land owned or controlled by the Board for any estate or interest comprising one composite block:

Provided that any area of land comprising one composite block shall be deemed to be continuous notwithstanding that the same is severed by roads or streets running through the same and leaving part on one side of the road or street and the balance on the other side.

14. (1) The Board may from time to time set aside out of its general revenue any moneys to form a fund or funds for the purpose of replacing or renewing its plant, machinery, and other depreciable assets of a similar nature, or any part or parts thereof, that may from time to time become obsolete or incapable from any other cause of further usefulness in connection with the Board's undertaking.

(2) The Board shall pay all moneys so set aside into a separate bank account or accounts, and may invest any part thereof in manner following:

Reserve for
replacement
and renewals,
etc.

- (a) In New Zealand Government or local authority securities; or
- (b) On deposit in any bank lawfully carrying on the business of banking in New Zealand or in the Auckland Savings Bank or the Post Office Savings Bank; or
- (c) In the common fund of the Public Trust Office; or
- (d) In any other securities that may from time to time be authorized by the Governor-General in Council.

(3) Separate accounts shall be kept by the Board of all moneys paid to or received by it in respect of each renewal fund.

Payments from bank accounts.

15. Section forty-eight of the principal Act is hereby amended by adding the following subsection:

“(3) Notwithstanding anything to the contrary in the last preceding subsection, it shall be lawful for any moneys to be paid by the Board by cheque signed by the Treasurer and countersigned by any two of such officers of the Board as the Board by resolution from time to time appoints for defined periods for the purpose of signing cheques. A schedule of all amounts to be paid in this manner shall be prepared and submitted to the Board for approval before payment is made.”

Payment of rates.

16. (1) Section seventy-two of the principal Act, as amended by section thirty-six of the Auckland Metropolitan Drainage Amendment Act 1951, is hereby further amended by adding the following additional proviso:

“Provided that if any house or land owned by the Board is let or leased by the Board, whether to employees of the Board or to others, then the Board shall in respect of the period of such letting or leasing pay to the local authority in whose district such house or land is situated all rates in respect thereof which the Board would be liable to pay but for the exemption granted by this section.”

Building permits.

(2) The said section seventy-two is hereby further amended by adding the following as subsection two thereof:

“(2) The Board shall be under no obligation to obtain from any local authority any building or other permit in respect of the construction of any main sewerage works, nor to pay to any local authority any fees or charges in respect of any such works. The Board shall, however,

before commencing the erection of any structure above ground level, lodge with the local authority concerned plans and specifications thereof, and the Board shall also supply to such local authority such further particulars and information as may reasonably be required by it and shall as far as practicable have regard to any requirements of the local authority designed to preserve the aesthetic qualities of the area in which any such works are to be constructed.”

17. Section fifty-five of the principal Act is hereby amended by omitting the words “two hundred and fifty pounds”, and substituting the words “five hundred pounds”. Unauthorized expenditure.