

Mr Prebble

**AUCKLAND HARBOUR BOARD
(AUCKLAND REGIONAL AUTHORITY PIKES
POINT EAST RECLAMATION) EMPOWERING**

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to authorise the Auckland Regional Authority to reclaim from the sea certain tidal land in the Manukau Harbour

- 5 WHEREAS the Manukau Harbour Act 1911 vested certain tidal land in the Manukau Harbour in the Auckland Harbour Board: And whereas the tidal land includes the land more particularly described in the Schedule to this Act: And whereas on the 23rd day of March 1971 the Board adopted a policy to defer consideration of all applications for the disposal of refuse by tipping in the Manukau Harbour pending the completion of a planning study of the harbour: And whereas the Auckland Regional Authority subsequently requested the Board to promote a special Act pursuant to section 175 of the Harbours Act 1950 to authorise the Authority to reclaim certain tidal land in the Manukau Harbour known as Pikes Point East for the purpose of disposing of refuse: And whereas the Local Government Commission charged the Authority with responsibility for waste disposal in the Auckland metropolitan area and surrounds: And

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whereas the Authority advised the Board that it would be introducing a solid waste disposal system utilising pulverisation techniques but that this system would not be operative before March 1978: And whereas the Authority advised the Board that there was a need to continue to dispose of refuse by way of reclamation at Pikes Point East pending the introduction of the pulverisation disposal system: And whereas the Authority advised the Board that it had investigated all practicable alternative means of disposing of the refuse and that there was no practicable alternative means of doing so pending the commencement of the pulverisation disposal system: And whereas the Board considered that it was not appropriate for it to determine these matters but that it was desirable for the Authority to be provided with the opportunity to do so: And whereas under the Standing Orders of the House of Representatives any Local Bill is referred to the Local Bills Committee after its first reading for that Committee (*inter alia*) to report when necessary upon the merits of the Bill and to recommend such amendments as it thinks proper: And whereas the Authority also advised the Board that the construction of the reclamation for the purpose of disposing of refuse is of the utmost urgency: And whereas the Board agreed to promote a special Act authorising the reclamation for the purpose of disposing of refuse thereby providing the Authority with the opportunity to establish that there is a need for the reclamation for the purpose of disposing of such refuse and that there are no practicable alternative means of disposing of such refuse pending the commencement of the pulverisation disposal system:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Auckland Harbour Board (Auckland Regional Authority Pikes Point East Reclamation) Empowering Act 1976.

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

“Authority” means the Auckland Regional Authority, a body corporate constituted under the provisions of the Auckland Regional Authority Act 1963:

“Board” means the Auckland Harbour Board:

“Local authority” means a local authority within the meaning of that term in the Public Works Act 1928.

3. **Special Act**—This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950.

4. **Authority to reclaim**—(1) Subject to the provisions of the Harbours Act 1950, and of this Act, the Authority is hereby empowered, without any other or further authority than this Act, to reclaim from the sea the area, or any part or parts thereof, described in the Schedule to this Act by means of refuse disposal.

(2) The construction of any reclamation authorised by this section shall not be commenced until such time as the Authority has obtained a licence from the Board pursuant to section 5 of this Act.

5. **Power for Board to grant licence to Authority**—(1) The Board is hereby empowered to grant a licence to, or enter into any contract with, the Authority for the purpose of the construction of the reclamation authorised in section 4 of this Act or of the execution of all or any necessary works in connection therewith upon such terms and conditions as it thinks fit:

Provided that any licence granted under the authority of this section shall, notwithstanding any express term thereof to the contrary, terminate as soon as the reclamation to which it relates has been completed to the satisfaction of the Board.

(2) The Board shall not grant a licence to, or enter into any contract with, the Authority pursuant to subsection (1) of this section until such time as the planning study relating to the Manukau Harbour, which is to be carried out jointly by the Board and the Authority, has been commenced to the satisfaction of the Board.

6. **Application of the provisions of the Health Act 1956 and other Acts**—Nothing in this Act shall be construed as limiting—

(a) The powers of the Director-General of Health or other proper officer of the Department of Health to make and issue directions and requisitions relating to the materials to be used in any reclamation under the authority of this Act and the method of construction, covering, protection, and maintenance of such reclamation, or in respect of any other matter authorised in the Health Act 1956 or in any other Act:

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- (b) The application of the provisions of the Town and Country Planning Act 1953, except as expressly or by necessary implication modified in section 4 of this Act:

Provided that nothing in this paragraph shall be construed so as to prevent the Authority commencing the construction of the reclamation in accordance with the provisions of subsections (1) and (2) of section 4 of this Act immediately upon the passing of this Act:

- (c) The functions and powers of the Auckland Regional Water Board under the Water and Soil Conservation Act 1967 or any other Act.

7. Compensation—Nothing in this Act shall entitle the Authority or any local authority or other person to create a nuisance or deprive any person of any right or remedy he would otherwise have against the Authority, local authority or other person, as the case may be, in respect of any such nuisance, or deprive any person of any right or remedy available to him in terms of Part III of the Public Works Act 1928, or otherwise in respect of any loss, detriment, damage, or injury, caused by any reclamation carried out under the authority of this Act whether to property or person and whether in respect of riparian rights, rights of access to or by water, or otherwise howsoever:

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.

SCHEDULE

LAND TO BE RECLAIMED

Onehunaga—Pikes Point East

ALL that area situated in the North Auckland Land District containing 19.7450 hectares, more or less, being part tidal lands of the Manukau Harbour, certificate of title, Volume 12D, folio 604 (Limited as to Parcels), Auckland Registry, situated in Block V, Otahuhu Survey District; as more particularly shown marked A on S.O. Plan 51331 lodged in the office of the Chief Surveyor at Auckland.