

Mr D. M. J. Jones

**CITIES OF TAKAPUNA AND WAITEMATA (UPPER
HARBOUR BRIDGE) EMPOWERING**

[LOCAL]

ANALYSIS

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A BILL INTITULED

**An Act to provide for the vesting, maintenance, and control
of the bridge across the Waitemata Harbour connecting
the Cities of Takapuna and Waitemata**

- 5 WHEREAS the former Waitemata County Council with the
approval of the then Minister of Marine under section 178 (b)
of the Harbours Act 1950 commenced the construction of a
bridge across the Waitemata Harbour between the area
generally known as Greenhithe and the area generally known
10 as Hobsonville which said areas were then within the district
of the former Waitemata County: And whereas as a result
of Orders in Council dated the 22nd day of July 1974 the said
county was abolished and as a consequence the said area of
Greenhithe is now within the City of Takapuna and the said
15 area of Hobsonville is within the City of Waitemata: And
whereas by agreement between the Councils of the said Cities

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the construction of the said bridge has been completed by the
Waitemata City Council: And whereas with the abolition
of the said former County of Waitemata the bridge is not in
the district of any particular local authority: And whereas
the said bridge having been completed and being in use as a
street as defined in section 169 (5) of the Municipal Corporations Act 1954 it is desirable that provision be made as to
the ownership or vesting of the bridge for the maintenance
and control thereof and as to the embankments or causeway
leading to the said bridge on the side thereof which is within
the district of the said City of Waitemata: 5
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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 Cities of 15
Takapuna and Waitemata (Upper Harbour Bridge)
Empowering Act 1976.

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

“Bridge” means the bridge across the upper reaches of 20
the Waitemata Harbour having one end at a point
in the City of Waitemata and the other end at a
point in the City of Takapuna as described in the
First Schedule hereto:

“Maintenance” includes maintenance, inspection, and 25
repairs to the bridge sub-structure including fender
piles and super-structure; the maintenance, repair,
and renewal of the road surface of the bridge and
abutment footpaths; the provision and maintenance
of street and navigational lighting on the bridge; the 30
provision and maintenance of any emergency com-
munication service on the bridge to a control point
either within or outside the districts of the said Cities;
and the provision and maintenance of any necessary
hazard signs for the safety of the public. 35

3. Vesting of bridge—The bridge and the street which
passes thereover are hereby declared to be vested jointly in the
Corporation of the City of Takapuna and the Corporation
of the City of Waitemata.

4. Maintenance—(1) The Waitemata City Council shall be responsible for the maintenance of the bridge and shall be entitled to recover from the Takapuna City Council half of the cost incurred by the Waitemata City Council in carrying out its obligation to maintain the bridge.

(2) The said Councils shall enter into an agreement relating to the manner in which financial provision shall be made within their respective estimates for each financial year for the said maintenance.

5. Control—(1) The said Councils may from time to time join in making such bylaws, not inconsistent with this Act or with any other Act, as they think fit for all or any of the following purposes:

(a) Protecting the bridge from damage or injury and providing for the liability of persons causing any damage or injury to the bridge:

(b) Conserving public health, safety, and convenience, and preventing and abating nuisances on the bridge:

(c) Regulating and preventing the taking on to or over the bridge of any noxious or dangerous goods or anything which may cause pollution in the Waitemata Harbour:

(d) Regulating the speed of traffic crossing the bridge:

(e) Regulating the weights and types of vehicles which may use the bridge:

(f) Regulating or prohibiting the stopping of vehicles on the bridge:

(g) Regulating or prohibiting the passage of loose horses, cattle, sheep, pigs, or other animals on or over the bridge:

(h) Regulating or prohibiting the passage of pedestrians, cyclists, or ridden or led horses on or over the bridge:

(i) Generally for regulating the travelling, upon, the using of, and the proper and efficient control and management of the bridge.

(2) Nothing in subsection (1) of this section shall prevent the said Councils from making bylaws for such other purposes as they may be authorised to make under any other statute or statutory regulation.

6. Provisions of the Municipal Corporations Act 1954 applicable to bylaws—The provisions of sections 392 to 397 of the Municipal Corporations Act 1954 shall apply in respect of bylaws made or to be made under the authority of this Act as if they had been made or were to be made under and pursuant to the powers contained in section 397A of that Act. 5

7. Liability for damage to bridge—Every person who damages the bridge shall be liable for the amount of that damage to be recovered in any Court of competent jurisdiction at the suit of one or both of the said Cities, and if such damage is done wilfully, shall be liable in addition to a fine not exceeding \$500. 10

8. Causeway—The embankments and causeway described in the Second Schedule hereto are hereby declared to be a street vested in the City of Waitemata. 15

9. Expiry—(1) The provisions of this Act as to maintenance and control shall cease to apply if the bridge and the street passing over it are declared to be a State highway under the provisions of the National Roads Act 1953, or if the bridge and the street passing over it shall be declared to a regional road under the provisions of the Auckland Regional Authority Act 1963 or a regional road under the provisions of the Local Government Act 1974. 20

(2) In the event of any declaration making the said bridge and the street passing over it a State highway under the provisions of the National Roads Act 1953 or of any declaration making the said bridge and the street passing over it a regional road under the provisions of the Auckland Regional Authority Act 1963 or a regional road under the provisions of the Local Government Act 1974 being revoked, the provisions of this Act as to maintenance and control of the said bridge and the street passing over it shall thereupon be revived and continue in full force and effect as if any such declaration had not been made. 25 30

SCHEDULES

FIRST SCHEDULE

The bridge end in the City of Waitemata is 24.0 m on a true bearing of $72^{\circ} 50' 30''$ from Peg XIII on S.O. Plan 47781. The bridge end in the City of Takapuna is within the land coloured sepia edged sepia on S.O. Plan 47516 containing 2 acres 0 roods 10 perches and is 457.68 m from the end in the City of Waitemata.

The bridge is 457.68 m long on a true bearing of $72^{\circ} 50' 30''$ from the City of Waitemata end. The bridge is 10.67 m wide with the centre 0.30 m, S.E. measured at right angle from and parallel to the length described above.

SECOND SCHEDULE

The embankments and causeway in the City of Waitemata are all that land coloured sepia on S.O. Plan 47781 and containing 8 acres 2 roods 11 perches. See *Gazette* Notice No. 72, 4th September 1975, page 1968.