

Mr K. R. Allen

**MOUNT MAUNGANUI BOROUGH
RECLAMATION AND EMPOWERING**

[LOCAL]

ANALYSIS

Title	6. Prior authorities, consents, and approvals
1. Short title	7. Reclamation not to affect other powers and rights
2. Interpretation	8. Borough not authorised to create a nuisance
3. Special Act	Schedule
4. Authorising Board to transfer land	
5. Authority to carry out reclamation	

A BILL INTITULED

An Act to authorise the Mount Maunganui Borough Council to reclaim tidal lands constituting part of the bed of the Harbour of Tauranga and to develop such reclaimed land
5 **for sewerage and other municipal purposes**

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

1. **Short Title**—This Act may be cited as the Mount
10 Maunganui Borough Reclamation and Empowering Act 1973.

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

15 “Act” means the Harbours Act 1950;
“Board” means the Bay of Plenty Harbour Board;
“Borough” means the Mount Maunganui Borough Council;

No. 4—1

Price 5c

7. Reclamation not to affect other powers and rights—
Nothing in section 5 of this Act shall be considered as limiting—

- 5 (a) The powers of the Director-General of Health or other proper officers of the Department of Health to make and issue directions and requisitions relating to the materials to be used on any reclamation under the authority of this Act and the methods 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:
- 10 (b) The application of the provisions of—
- 15 (i) The Public Works Act 1928;
(ii) The Town and Country Planning Act 1953;
and
(iii) The Counties Act 1956:
- 20 (c) Any right of resumption by the Crown specified in section 3 of the Tauranga Foreshore Vesting and Endowment Act 1915 or any right to compensation specified in section 4 of the Tauranga Foreshore Vesting and Endowment Act 1915.

8. Borough not authorised to create a nuisance—Nothing in section 5 of this Act shall entitle the Borough to create
25 a nuisance or shall deprive any person of any right or remedy he would otherwise have against the Borough 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 Act or requisition or direction
30 issued in accordance with paragraph (a) of section 7 of this Act, whether or not the Borough has complied with the same, shall restrict the liability of the Board for any such nuisance.

SCHEDULE

ALL that area in the South Auckland Land District, Tauranga County, situated in Block XI, Tauranga Survey District, containing 73.5000 hectares, more or less, being Part Tauranga Harbour Bed as shown on Survey Office Plan 47280 (M.D. 15099).