Mr K. R. Allen

MOUNT MAUNGANUI BOROUGH RECLAMATION AND EMPOWERING

[LOCAL]

ANALYSIS

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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 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,—

"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

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2 Mount Maunganui Borough Reclamation and Empowering

"County" means the Tauranga County:
"The land" means the land described in the Schedule
to this Act.

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- **3. Special Act**—This Act shall be deemed to be a special Act within the meaning of the Act.
- 4. Authorising the Board to transfer land—Whereas the Board is the owner of the land: And whereas it is expedient that the Board should be authorised to transfer the land to the Borough: Be it therefore enacted as follows:

The Board is hereby authorised and empowered to transfer 10 the land to the Borough and thereupon the land shall become vested in the Borough.

- 5. Authority to carry out reclamation—The Borough is hereby authorised and empowered, notwithstanding anything contained in section 175 of the Act, but subject to the 15 provisions of sections 176 to 182 of the Act, and to section 6 of this Act, to reclaim the land constituting part of the foreshore of the Harbour of Tauranga, namely, the land described in the Schedule to this Act.
- 6. Prior authorities, consents, and approvals—(1) Before 20 any reclamation is commenced or carried out, the Board shall obtain all authorities, consents, or approvals required under the Town and Country Planning Act 1953 and the Water and Soil Conservation Act 1967.
- (2) Whereas the land is within the district of the 25 County: And whereas the land is marked "Tauranga Harbour" on the District Planning Map of the Tauranga County District Scheme (Balance of County Section): And whereas the Borough desires to make application forthwith to allow the land to be reclaimed and used for oxidization 30 ponds and associated works purposes: Be it therefore enacted as follows:

The Borough may make an application to the County for the zoning of the land in the district scheme of the County to allow its use for oxidization ponds and associated works 35 and such application shall be deemed to be an application pursuant to section 35 of the Town and Country Planning Act 1953 for a departure from the district scheme of the County.

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

(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:

1956 or in any other Act:
(b) The application of the provisions of—

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(i) The Public Works Act 1928; (ii) The Town and Country Planning Act 1953;

(iii) The Counties Act 1956:
(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).