

Hon. P. I. Wilkinson

**RODNEY COUNTY COUNCIL (MAHURANGI
HARBOUR) VESTING AND EMPOWERING**

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to vest in the County of Rodney a certain part of the Mahurangi Harbour in the Hauraki Gulf, to authorise it to reclaim that part, and to use the land so reclaimed for the
5 **treatment of sewage**

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

10 **1. Short Title**—This Act may be cited as the Rodney County Council (Mahurangi Harbour) Vesting and Empowering Act 1977.

No. 83—1

Price 10c

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

“Corporation” means the body corporate known as the
Chairman, Councillors, and Inhabitants of the
County of Rodney: 5

“Council” means the Rodney County Council.

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

4. Vesting—The land described in the First and Second Schedules to this Act is hereby vested in the Corporation as 10
an estate in fee simple for the purposes of this Act and subject to the provisions of the Harbours Act 1950.

5. Authority to reclaim—Subject to the provisions of the Harbours Act 1950 and of this Act, the Council may from 15
time to time reclaim from the sea the whole or any part or parts of the land described in the First and Second Schedules to this Act:

Provided that no work of reclamation shall be commenced until such time as the Council has secured all authorities, 20
consents, and approvals under the Town and Country Planning Act 1953, the Health Act 1956, and the Water and Soil Conservation Act 1967 to the use of the land so reclaimed for the purposes hereinafter referred to.

6. Purpose of reclamation—(1) The land described in the First Schedule to this Act may, after reclamation, be used by 25
the Council for sewerage treatment works, including oxidation ponds for the purification of effluent prior to its discharge into the sea, but for no other purpose.

(2) The land described in the Second Schedule to this Act may, after reclamation, be used by the Council and by persons 30
authorised by it for the purpose of gaining vehicular access to and egress from the land described in the First Schedule to this Act but for no other purpose.

7. Council may permit other persons to carry out reclamation and development for sewerage purposes—For the purpose 35
of carrying out and constructing the said reclamations or any part or parts thereof and of constructing thereon all works necessary for the said purposes the Council may grant a licence to or contract with any person or persons to undertake

and carry out all or any of those activities, in every case upon such terms and conditions as the Council may think fit. In granting any such licence or entering into any such contract the Council shall require the insertion therein of a sufficient
5 penalty or bond to ensure the fulfilment of such licence or contract according to the terms and conditions thereof.

8. Council not authorised to create a nuisance, etc.—

(1) Nothing in this Act shall entitle the Council or any other person to create a nuisance or shall deprive any person of any
10 right or remedy he would otherwise have against the Council 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 Harbours Act 1950 or requisition or direction issued in accordance with section 10 (a) of
15 this Act, whether or not the Council or any other person has complied with the same, shall restrict the liability of the Council or any other person for any such nuisance:

Provided that the construction of any reclamation or other necessary works in connection therewith, authorised by this
20 Act, shall not of itself constitute a nuisance.

(2) In granting any approval under section 178 of the Harbours Act 1950 to the carrying out of any work authorised by section 5 of this Act, the Minister of Transport shall
25 impose such conditions as he considers necessary to ensure that waste water or silt or other debris is not discharged into the sea or allowed to enter it in circumstances that would detract from the amenities of the locality.

9. Compensation—Nothing in this Act shall deprive any person of any right or remedy he would otherwise have in
30 respect of loss, detriment, damage, or injury caused by any reclamation, development, or work constructed or carried out under the authority of this Act, whether to property or person and whether in respect of the deprivation of any water frontage or riparian rights or otherwise howsoever.

10. Other Acts not affected—Nothing in this Act shall be construed as—

(a) Limiting 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
40 to the materials to be used in any reclamation constructed under the authority of this Act and the

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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;

- (b) Limiting the application of the provisions of the Town and Country Planning Act 1953, of the Water and Soil Conservation Act 1967, or of the Counties Act 1956; or 5
- (c) Conferring any water right within the meaning of the Water and Soil Conservation Act 1967. 10

11. Authority for Council to make bylaws—(1) In addition to any other powers to make bylaws conferred on the Council by any other Act, the Council may from time to time make such bylaws as it thinks necessary or expedient for the more effectual carrying out of the objects of this Act. 15

(2) Any bylaw made under this section shall not come into force until it has been approved by the Minister of Transport by notice in the *Gazette*.

(3) The provisions of section 67 (2) of the Health Act 1956 shall also apply to any bylaws enacted by the Council for the purposes of this Act. 20

12. Reclaimed land to form part of Rodney County—

(1) Upon the completion of the reclamation of any land under the authority of this Act, such reclaimed land shall, without further or other authority than this section, be included within the district of the Council, and any such alteration of the boundary or boundaries of the county shall be deemed to have been effected pursuant to the Counties Act 1956. 25

(2) Without in any way limiting the effect of subsection (1) of this section, such altered boundary or boundaries shall from time to time on written application on behalf of the Council and without further authority or procedure be formally recorded by notice in the *Gazette* under the hand of the Secretary for Local Government. 30 35

13. **Powers of District Land Registrar**—The District Land Registrar for the North Auckland Land District is hereby authorised, on the deposit with him of such plans as he may require, such plans to be certified as to survey by the Chief Surveyor, and on request by the Council, to issue in the name of the Corporation a certificate or certificates of title for the land vested in the Corporation by section 4 of this Act.

SCHEDULES

FIRST SCHEDULE

NORTH AUCKLAND LAND DISTRICT—RODNEY COUNTY

PART Allotment 217, Mahurangi Parish, and Part Bed Mahurangi Harbour, situated in Blocks VIII and XII, Mahurangi Survey District: Area 20.3300 hectares, more or less, as shown on S.O. Plan 52177 labelled A.

SECOND SCHEDULE

(a) Part Bed, Mahurangi Harbour, situated in Block VIII, Mahurangi Survey District: Area, 960 square metres, more or less, as shown on S.O. Plan 52278 labelled A.

(b) Part Bed, Mahurangi Harbour, situated in Block VIII, Mahurangi Survey District: Area, 344 Square metres, more or less, as shown on S.O. Plan 52278 labelled B.