

Mr Walsh

**TAURANGA CITY COUNCIL AND
MOUNT MAUNGANUI BOROUGH COUNCIL
(TAURANGA HARBOUR BRIDGE) EMPOWERING**

[LOCAL]

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A BILL INTITULED

An Act to empower the Mayor, Councillors, and Citizens of the City of Tauranga, and the Mayor, Councillors, and Citizens of the Borough of Mount Maunganui, to embark upon a joint scheme for the construction, maintenance, and control of a bridge across the Tauranga Harbour

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No. 1-1

Price 10c

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BE IT 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 Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Act 1972. 5

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

“Authority” means a joint controlling Authority constituted for the purposes of this Act by agreement between the Tauranga City Council and the Mount Maunganui Borough Council in terms of section 51 of the Municipal Corporations Act 1954: 10

“Borough Council” means the Mayor, Councillors, and Citizens of the Borough of Mount Maunganui: 15

“Bridge” means the bridge to be constructed across the Tauranga Harbour in accordance with this Act; and includes all the necessary approaches, buildings, erections, and other works constructed in accordance with this Act in connection with the bridge: 20

“City Council” means the Mayor, Councillors, and Citizens of the City of Tauranga:

“Toll” means any reward or payment which the Authority is authorised to collect under this Act in respect of any traffic over the bridge authorised by this Act or by regulations or bylaws under this Act. 25

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

4. **Authority to construct, maintain, manage, and control bridge**—(1) Subject to the provisions of this Act and to the provisions of sections 176 and 178 of the Harbours Act 1950, the Authority, the City Council, and the Borough Council, are hereby authorised and empowered to construct, maintain, manage, and control a bridge across the Tauranga Harbour to be sited within that portion of the harbour being between 30 35

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a line from the intersection of Dive Crescent with the Strand to the southernmost extremity of the Tauranga Aerodrome property (being map co-ordinates 647597 to 672597 on sheet N 58 of the N.Z.M.S. I series), and a line generally
5 from the northern end of Mirrielees Road, Tauranga to Aerodrome Wharf, Mount Maunganui (being map co-ordinates 645609 to 656611 on sheet N 58 of the N.Z.M.S. I series):

10 Provided that if the said site shall not conform to the recommendation of the Tauranga District Transportation Survey, the Authority may abandon the site and approve an alternative site subject to compliance with the provisions of sections 176 and 178 of the Harbours Act 1950 and to
15 for the construction, maintenance, management, and control of the bridge and its approaches.

(2) For and in connection with the provision of the Tauranga Harbour Bridge and incidental to the objects of this Act, the City and Borough Councils may jointly or
20 severally—

- (a) Take in the manner provided by the Public Works Act 1928, or purchase, or otherwise acquire, any land or buildings in or near to their respective districts;
- 25 (b) Utilise any land or buildings that may lawfully be appropriated for the purpose;
- (c) Erect any structure necessary or conveniently to be used in or about the execution of the objects and powers contained or implied in this Act.

30 **5. Authority for Bay of Plenty Harbour Board to grant perpetual easements and licences—**(1) For the purpose of enabling the Authority to construct the bridge, the Bay of Plenty Harbour Board may grant to the Authority perpetual easements or licences to occupy over any land vested in the
35 Board.

(2) For the purpose of constructing embankments and making reclamations authorised under this Act, the Authority may take spoil from the bed of the Tauranga Harbour at such places in the vicinity of the bridge as may be approved
40 in that behalf by the Bay of Plenty Harbour Board.

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6. Bay of Plenty Harbour Board rights over land to be protected—Nothing in section 5 of this Act shall in any way affect or interfere with the control and jurisdiction of the Bay of Plenty Harbour Board over any land vested in the Board except so far as any such control and jurisdiction may be necessarily restricted by reason of the existence of the bridge; and it shall not be lawful for the Authority or any other person to prevent or in any way interfere with any such control and jurisdiction, or the passage or repassage of any ship or vessel under the bridge. 5
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7. Plans and specifications for proposed bridge to be prepared—(1) The Authority shall, as soon as practicable after the commencement of this Act, cause to be prepared complete plans and specifications of the bridge and conditions of contract in respect of the construction of the bridge. 15

(2) Copies of all such plans and specifications and conditions of contract shall be prepared, and 2 copies each shall be forwarded to the Minister of Works, the Minister of Marine, the Bay of Plenty Harbour Board, the City Council, and the Borough Council. 20

8. Approval of plan—(1) Subject to the provisions of this section, each local authority referred to in subsection (2) of section 7 of this Act shall either approve or disapprove of the plans, specifications, and conditions of contract forwarded to it in accordance with that section. 25

(2) The said local authorities shall have the right to approve or disapprove of any such plans and specifications only to the following extent:

(a) As to the Bay of Plenty Harbour Board, in respect of such matters as concern or affect the general design, strength, and safety of the bridge insofar as safeguarding the Tauranga Harbour for shipping and navigation generally is concerned: 30

(b) As to the Tauranga City Council, in respect of matters relating to that portion of the bridge proposed to be constructed in the City of Tauranga, and in respect of the provision of adequate continuous approaches to the bridge, the provisions made for the speedy and safe handling of traffic crossing the bridge, and the provisions made for further connections of streets with the western end of the bridge: 35
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- (c) As to the Mount Maunganui Borough Council, in respect of matters relating to that portion of the bridge proposed to be constructed within the Borough of Mount Maunganui, and in respect of the provision of adequate continuous approaches to the bridge, the provisions made for the speedy and safe handling of traffic crossing the bridge, and the provisions made for further connections of streets with the eastern end of the bridge.
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- 10 (3) On the Bay of Plenty Harbour Board, the City Council, and the Borough Council, being satisfied with the said plans, specifications, and conditions of contract, they shall forthwith notify the Authority of their approvals.

9. Authority to comply with requirements of the Harbours Act 1950—In the exercise of its functions under this Act, the Authority shall comply with the provisions of the Harbours Act 1950.

10. Alterations or variations of plans to be submitted for approval—If the Authority, whether pursuant to a direction of the Minister of Works or the Minister of Marine or otherwise, makes any alteration or variation in any plans, specifications, or conditions of contract approved under section 8 of this Act, it shall cause the amended plans, specifications, or conditions of contract to be submitted to the local authorities by which they were approved and the provisions of sections 7 and 8 of this Act shall, with the necessary modifications, apply thereto.

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11. Works not to be commenced until plans and specifications finally approved—No work in connection with the construction of the bridge shall be commenced until the plans, specifications, and conditions of contract have been finally approved by the local authorities referred to in subsection (2) of section 7 of this Act, by the Minister of Marine in accordance with the Harbours Act 1950, and by the Minister of Works.

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12. Authority to comply with Harbour Board requirements—The Authority and its servants or contractors shall at all times comply with all reasonable requests, stipulations, and requirements of the Bay of Plenty Harbour Board for the purpose of ensuring that the works of the Authority will not needlessly interfere with shipping and navigation, nor endanger the embankments, breakwaters, wharves, and works situated in the Tauranga Harbour, nor cause detriment to the harbour bed or to the tidal flow and ebb in the harbour. 5

13. Harbour Board to forward complaints to Minister—If the Authority does or permits to be done any act or fails to prevent any act being done which the Bay of Plenty Harbour Board considers to be a breach of the provisions of section 12 of this Act, the Board shall forward particulars of the matters complained of to the Minister of Marine who may deal with any such complaints in the manner provided by the Harbours Act 1950. 10 15

14. Harbour Board may act in cases of emergency—If the Bay of Plenty Harbour Board is of the opinion that any act or default of the Authority is of such a serious nature that the delay that would be caused by the compliance by the Board with the provisions of section 13 of this Act might result in serious damage, personal injury, loss of property, or interference with navigation, the Board may forthwith take such reasonable steps as it deems necessary to prevent any such damage or loss being sustained. 20 25

15. Bridge to be properly lighted—The Authority shall at all times while the bridge is being constructed and after the bridge has been completed ensure that the bridge is adequately lighted so as to provide for the safety of vehicular and pedestrian traffic using the bridge and for the safety of ships and aircraft in the vicinity of the bridge. 30

16. Cost of bridge to be paid by the Authority from loans and revenue—The cost of constructing, maintaining, and operating the bridge, including the amount of all sinking funds, interest, and other debt charges payable in respect of money borrowed by the City Council and the Borough 35

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Council for the purposes of the Authority shall be paid by the Authority from money borrowed by it or from revenues earned by it from tolls charged in respect of the use of the bridge, from other charges authorised by this Act, and from
5 other receipts.

17. Powers to borrow—(1) The City Council and the Borough Council may borrow from time to time by way of special loan under the Local Authorities Loans Act 1956, and by special order, such sums as are necessary for carrying
10 out the purposes of this Act and, notwithstanding anything in section 34 of that Act, without the prior consent of the ratepayers.

(2) Notwithstanding anything to the contrary in the Local Authorities Loans Act 1956, and in addition to anything
15 contained in that Act, it shall be lawful for the Authority, the City Council, and the Borough Council, jointly or severally, to borrow money from its or their bankers by way of overdraft in excess of the limits imposed by section 20 of that Act, for the purpose of exercising any of its or their
20 powers or functions or carrying out any of its or their obligations under this Act.

18. Tolls to be collected for use of bridge—(1) For the purpose of paying costs, charges, and expenses incurred by it under this Act, the Authority shall collect tolls in
25 accordance with the provisions of this Act in respect of the use of the bridge.

(2) For the purpose of collecting tolls the Authority may construct such toll gates, toll houses, and other works as it considers necessary.

30 (3) If the Authority proposes to construct any work under this section on any road or street under the control of a local authority, the Authority shall obtain the approval of the local authority before commencing the work.

(4) Tolls payable under this Act shall be at such rate or
35 rates and shall be payable in respect of such persons and vehicles as may from time to time be prescribed by bylaws under this Act.

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(5) The scale of tolls for the time being in force shall be clearly exhibited in a conspicuous place at or near the place where the toll is payable.

(6) Every person who is in charge or control of any vehicle in respect of which a toll is payable shall be liable for the payment of the toll, and if any person refuses or neglects to pay a toll payable under this Act the Authority may refuse to allow that person to cross or enter on to the bridge or may recover as a debt from that person the amount of the toll, together with all expenses involved in the collection of the toll. 5 10

19. Exemption from payment of tolls—(1) No toll shall be payable by or in respect of any of the following persons or in respect of any vehicle engaged solely in carrying any such person, namely: 15

- (a) The Governor-General and every person in attendance on him: 15
- (b) Every member of any of the armed forces of Her Majesty when on duty or going to or returning from duty and in the uniform of his corps: 20
- (c) Every constable on duty, and every prisoner in his custody, and every traffic officer on duty:
- (d) Any Minister or any officer or servant of the Crown whilst engaged on business connected with the bridge or with the administration of this Act: 25
- (e) Servants of the Crown engaged in the distribution of Her Majesty's mail:
- (f) Such other persons as may be prescribed in bylaws made under this Act.

(2) Tolls shall not be payable in respect of fire engines and vehicles used for the extinction of fires, or in respect of ambulances, or in respect of the drivers or occupants of any such vehicles. 30

20. Bylaws—The City Council and the Borough Council 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: 35

- (a) Protecting any property belonging to the Authority or controlled by the Authority, from damage or injury: 40

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- (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 any noxious or dangerous goods or anything which may cause pollution in the Tauranga Harbour:
- 5 (d) Regulating the speed of traffic crossing the bridge:
- (e) Regulating the weights of vehicles which may use the bridge:
- 10 (f) Fixing the amounts of and levying and collecting tolls in respect of the use of the bridge in respect of one or both directions of travel:
- (g) Regulating or prohibiting the passage of loose horses, cattle, sheep, pigs, or other animals on the bridge:
- 15 (h) Generally for regulating the travelling upon, the using of, and the proper and efficient control and management of the bridge.

20 **21. Provisions of the Municipal Corporations Act 1954 applicable to bylaws**—The provisions of sections 393 to 397 of the Municipal Corporations Act 1954 shall apply in respect of bylaws made under the authority of this Act as if they had been made under and pursuant to the powers contained in section 397A of that Act.

25 **22. Harbour Board entitled to recover additional costs of piloting vessels**—The Bay of Plenty Harbour Board shall be entitled to recover from the Authority any additional costs of piloting vessels in the Tauranga Harbour that are incurred by the Board due to the existence of the bridge.

30 **23. Arbitration in the event of disputes**—All disputes arising from time to time between the Authority and any local authority as to the carrying out and observance of any of the provisions of this Act shall be referred to arbitration in accordance with the provisions of the Arbitration Act 1908.

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24. Offences—Every person commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding \$100 who without lawful excuse acts in contravention of or fails to comply in any respect with any provision of this Act or of any regulations or bylaws for the time being in force under this Act. 5

25. Regulations—The Governor-General may from time to time, by Order in Council, make regulations providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration. 10