

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]
House of Representatives, 6 October 1960

Words struck out by the Local Bills Committee are shown in italics within bold round brackets or in roman enclosed in panel: words inserted are shown in roman underlined with a double rule, or with double rule down side.

Mr Deas

TAMAKI RIVER RECLAMATION

[LOCAL]

ANALYSIS

Title	
1. Short Title	5. Vesting of reclaimed land
2. Interpretation	6. Reclaimed land to form part of
3. Special Act	Borough of Otahuhu
4. Power to reclaim	Schedule

A BILL INTITULED

An Act to enable the body corporate, the Mayor, Councillors, and Citizens of the Borough of Otahuhu, to reclaim from the sea a certain portion of the Tamaki River at Brady
5 **Road, Otahuhu**

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 Tamaki
10 River Reclamation Act 1960.

2. **Interpretation**—In this Act, unless the context otherwise requires, “the Council” means the Otahuhu Borough Council.

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

15 4. **Power to reclaim**—(1) Subject to the provisions of the Harbours Act 1950, the Health Act 1960, and this Act, the Council may from time to time fill up and reclaim from the

sea the land described in the Schedule hereto or any part thereof respectively; and may for that purpose, if it thinks fit, enter into any contract with any person for the execution of all or any works which may be necessary or expedient in or about the filling up or reclamation of such lands as aforesaid upon such terms and conditions as may seem to it proper and reasonable. 5

New

(2) The filling and reclamation of the said land shall be conditional on the Council obtaining the prior consent of the Minister of Marine under the Harbours Act 1950 and to— 10

(a) The construction by the Council in advance in accordance with plans approved by that Minister of such subsidiary enclosing banks as are necessary to prevent the escape of organic material into tidal waters; and 15

(b) The construction by the Council in accordance with plans approved by that Minister of such main enclosing banks as that Minister considers necessary, which banks shall have due protection on the seaward side. 20

(3) In filling up and reclaiming the said land the Council shall comply with all directions given by the Medical Officer of Health as to—

(a) The methods of reclaiming the said land and the subsidiary enclosing banks to be constructed: 25

(b) The material that may or may not be used:

(c) The covering up of any material that may be used.

(4) The Council shall maintain and protect to the satisfaction of the Engineer to the Auckland Harbour Board all such enclosing banks that for the time being face the sea. 30

(5) Nothing in this section or in any direction or consent given under this section shall restrict the liability of the Council for any nuisance likely to be injurious to health.

5. Vesting of reclaimed land—It shall be lawful for the Governor-General in Council from time to time to vest in the (Council) Mayor, Councillors, and Citizens of the Borough of Otahuhu for municipal purposes, pursuant to the provisions of the Municipal Corporations Act 1954, such portions of the said land as are from time to time reclaimed from the sea. 35 40

New

5 Provided that, of the land so vested, a strip of a width of sixty-six feet, or such less width as the Governor-General considers sufficient, along the mean high-water mark of the Tamaki River shall be set aside by the Governor-General in Council for public purposes.

6. Reclaimed land to form part of Borough of Otahuhu—

10 (1) On and after the commencement of the reclamations referred to in section 4 of this Act, the land described in the Schedule to this Act shall be deemed to be added to and shall for all purposes form part of the Borough of Otahuhu and the boundaries of that Borough shall be deemed to be extended accordingly.

15 (2) For the purposes of this section the Town Clerk to the Council shall forthwith after the commencement of the reclamation send to the Secretary for Internal Affairs a certificate specifying the date on which the reclamation was commenced, and section 26 of the Municipal Corporations Act 1954 shall apply.

SCHEDULE

Struck Out

ALL that piece of land situated at Brady Road, Otahuhu, containing 33 acres 2 roods, more or less, being all the land shown coloured blue on the plan marked M.D. 10834 and deposited in the office of the Marine Department at Wellington, the said piece of land being situated in Block VI, Otahuhu Survey District, and being adjacent to Lot 12 on a plan deposited in the Land Registry Office at Auckland as No. 39118, which said Lot 12 forms part of the Borough of Otahuhu and is vested in the body corporate, the Mayor, Councillors, and Citizens of the Borough of Otahuhu. The said piece of land is also adjacent to an area of 5 acres reclaimed by the Council pursuant to an Order in Council pursuant to section 175 of the Harbours Act 1950 dated the 2nd day of December 1959, and published in the *New Zealand Gazette* on the 10th day of December 1959.

New

ALL that area in the North Auckland Land District situated in Block VI, Otahuhu Survey District, and adjacent to the Borough of Otahuhu, containing 33 acres 2 roods, more or less, being the land below mean high-water mark, Tamaki River, adjoining Lot 12, D.P. 39118, and the land in M.D. Plan 10677, and shown edged blue on the plan marked M.D. No. 10834, deposited in the office of the Marine Department at Wellington.