

Reprint
as at 1 November 2010

**Auckland Metropolitan Drainage
Act 1960**

Local Act 1960 No 15
Date of assent 28 October 1960

Auckland Metropolitan Drainage Act 1960: repealed (sections 75, 77, 79, 81, and 84 continue in force for certain purposes until 1 July 2015, unless Auckland Council makes a new trade waste bylaw before 1 July 2015), on 1 November 2010 by section 114(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

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An Act to provide for the drainage of the City of Auckland and the suburbs thereof.

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 Auckland Metropolitan Drainage Act 1960.

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

Board means the Auckland Metropolitan Drainage Board as constituted by this Act

Condensing water means any water used in any trade, industrial or commercial process, or operation in such a manner that it cannot take matter up into solution or suspension

Constituency means a local authority or group of local authorities entitled to appoint or elect a member or members of the Board

Contributing authority means the local authority of any local district which is required for the time being to contribute under this Act towards the administrative expenses, loan charges, or operation and maintenance expenses of the Board in respect of the whole or any part of its district

District, or drainage district, means the Auckland Metropolitan Drainage District as constituted by this Act

Domestic sewage means liquid wastes, including matters in suspension and in solution therein, discharged from premises used solely for residential purposes, or wastes of the same character discharged from other premises; but does not include any solids, liquids, or gases which may not lawfully be discharged to public sewers, or any trade wastes or noxious matters

Engineer means the Chief Engineer for the time being of the Board, and includes any person for the time being appointed by

the Board to perform the duties of the Chief Engineer, whether designated Acting Chief Engineer or not

Effluent means sewage or trade wastes which has received treatment in addition to that, if any, required for the removal of mineral solids and coarse floating or coarse suspended matter

Inner Area means the Inner Area as constituted and for the time being existing in accordance with or pursuant to the provisions of sections four and eight of this Act

Local authority means the Council of a city, borough, town district, or county, or the Board of a road district

Local district means the district of a city, borough, county, town district, or road district

Main sewer, or main drain, means a sewer or drain designed or intended to convey sewage from one or more sewerage reticulation systems or portions thereof to an outfall sewer or to treatment works

Main sewerage system means any interconnected system of main sewers, main drains, trade wastes sewers, manholes, measuring chambers, pumping stations, storage tanks, and other structures used or intended to be used for the conveyance of sewage to a treatment works or to an outfall sewer, together with any stormwater overflow chambers and storm-water sewers used or intended to be used for relief of the system in wet weather

Main sewerage works means works forming part of a main sewerage system or treatment works or outfall sewers connected with any such system. **Main sewerage work** shall, where the context permits, have a corresponding meaning

Measuring chamber means any manhole or chamber, together with any measuring or metering device, used or intended to be used for the determination of rates or of volumes of flow

Noxious matters means, in relation to a sewerage system, any solid, liquid, or gaseous matters, or any combination or mixture of such matters, which by themselves or in combination with any other matters in the system may, either immediately or in the course of time, interfere with the free flow of the contents of the system, or injure any part of the system, or be-

come prejudicial to health, or affect prejudicially the safety of any person; and means, in relation to a watercourse or tidal waters, any solid, liquid, or gaseous matters, or any combination or mixture of such matters, which may become prejudicial to health, or affect prejudicially the safety of any person, or by odour, colour, or appearance be offensive or objectionable, or be toxic to fish or animals

Outfall sewer means any sewer, other than a storm-water sewer, conveying or intended to convey sewage from a sewerage system or storage tank, or effluent from a treatment works to a point of ultimate disposal

Pretreatment works means any works or structures used or intended to be used for reduction of the strength of trade wastes or for the removal of noxious matters from any liquid prior to the discharge of such trade wastes or liquid into any sewerage system

Pumping station means any pumps, ejectors, machinery, and equipment used or intended to be used for the purpose of raising gases to a higher pressure or liquids to a higher level or to a higher pressure, together with any buildings or structures provided to house any such pumps, ejectors, machinery, and equipment

Main pumping station means a pumping station which forms part of a main sewerage system

Sampling chamber means any manhole or chamber provided to facilitate the taking of samples of liquids or gases

Secretary means the Secretary for the time being of the Board; and includes any person for the time being appointed by the Board to perform the duties of the Secretary, whether designated Acting Secretary or not

Septic tank means a continuous-flow tank used or intended to be used for the treatment of sewage by the settlement and decomposition of solid matters contained therein

Sewage means domestic sewage with or without trade wastes, condensing water, surface water, and subsoil water

Sewage disposal works means any outfall sewer together with any storage tanks, septic tank, or treatment works used or intended to be used in conjunction with any such outfall sewer

Sewer means any pipeline or culvert, above or below ground level, used or intended to be used to convey sewage, but does not include any soil drain or trade wastes drain; and **public sewer** means a sewer forming part of a sewerage system controlled by the Board or by any local authority

Sewerage reticulation system means any sewer or interconnected system of sewers used or intended to be used for the discharge thereto of sewage from buildings and other premises and for the conveyance of such sewage to a main sewer or direct to a treatment works or outfall sewer; and includes any pumping stations and manholes forming part of the said system and any storm-water overflow chambers and storm-water sewers used or intended to be used for relief of the system in wet weather; and **sewage reticulation works** has a corresponding meaning

Sludge means a mixture or combination of water, solids in suspension, and solids in solution removed during the treatment of sewage or trade waste

Storage tank means any tank used or intended to be used for regulating the rate of discharge or time of discharge of sewage or condensing water or trade wastes or effluent to any sewer or to a point of final disposal; and includes oxidation and other ponds or structures for the storage or treatment of sewage, trade wastes, or effluent

Storm-water sewer means any sewer or culverted part of a watercourse used or intended to be used for relief of a sewer or sewerage system in wet weather by the conveyance of excess volumes of sewage and surface water to another storm-water sewer or direct to an open watercourse or to tidal waters

Storm-water overflow chamber means any pipe, chamber, or other structure used or intended to be used for discharge of excess volumes of sewage and surface water in wet weather from any sewer or sewerage system

Surface water means any natural water, including salt water which has not become intermixed with sewage or trade wastes

Surface-water drain means any open ditch, or any pipeline, channel, or culvert, conveying or intended to convey surface

water to any pond, lake, underground cavern, watercourse, or tidal waters

Tidal waters means all those waters which ebb and flow over any part of the sea bed or of a river estuary, creek bed, or tidal basin

Trade premises means any premises from which any trade wastes, condensing water, or noxious matters are being or may be discharged

Trade wastes means any liquid, with or without matters in suspension or in solution therein, which are being or may be discharged in the course of any trade or industrial process or operation or in the course of any activity or process or operation of a like nature or from business premises such as abattoirs or saleyards; but does not include—

- (a) Condensing water; or
- (b) Surface water which is discharged direct to a surface-water drain:

Trade wastes drain means any pipeline, channel, culvert, or ditch conveying or intended to convey trade wastes with or without condensing water to any public sewer or direct to any watercourse, tidal waters, or other place of disposal

Trade wastes sewer means any public sewer conveying or intended to convey trade wastes from the vicinity of any trade premises to any intercepting sewer or direct to any treatment works or outfall sewer

Treasurer means the Treasurer for the time being of the Board, and includes any person for the time being appointed by the Board to perform the duties of Treasurer

Treatment works means any works used or intended to be used for the purification of sewage or trade wastes, but does not include septic tanks or other means of disposal constructed in accordance with the bylaws of the Board as contemplated by paragraph (b) of subsection one of section twenty-eight of this Act or in the absence of any such bylaws then under any corresponding bylaws of the local authority concerned

Watercourse includes all rivers, streams, and passages through which water flows; but does not include drains and sewers.

- (2) The terms **occupier**, **owner**, **property**, and **rateable value**, shall in this Act have the meanings assigned to them in section two of the Municipal Corporations Act 1954.
- (3) For the purposes of this Act, the contents of any drain serving trade premises shall be deemed to be domestic sewage if the drain concerned is used or intended to be used for the conveyance of domestic sewage with or without surface water only; the whole of the contents of any drain to which trade wastes are being discharged shall be deemed to be trade wastes; and any drain to which trade wastes, in addition to domestic sewage or condensing water or subsoil water or surface water, are being or may be discharged shall be deemed to be a trade wastes drain.
- (4) Where for the purposes of this Act it is necessary to ascertain or calculate the rateable capital value or population of any area, such value or population, as the case may be, shall upon receipt of a written request from the Board, be ascertained or calculated by the Valuer-General or the Government Statistician, as the case may be, as at a date or dates as near as reasonably practicable to the date of the receipt of the request.

3 Metropolitan Drainage District

There is hereby constituted for the purposes of this Act a district, to be called the Auckland Metropolitan Drainage District, comprising: the City of Auckland; the Boroughs of Mount Eden, Mount Albert, Newmarket, One Tree Hill, Onehunga, Otahuhu, Ellerslie, Mount Roskill, Mount Wellington, Papatoetoe, New Lynn, Henderson, Manurewa, Papakura, Glen Eden, and Howick; portions of the Counties of Waitemata and Manukau; and the islands in Waitemata Harbour known as Motukorea or Brown's Island, Pollen Island, and Traherne Island, all of which areas are shown on a plan deposited in the office of the Chief Surveyor at Auckland under Number SO 36183, and thereon edged orange and green, and are more particularly described in Schedule 1 hereto.

4 Inner and Outer Areas

- (1) The combined districts comprising the City of Auckland, the Boroughs of Mount Eden, Mount Albert, Newmarket,

One Tree Hill, Onehunga, Ellerslie, Mount Roskill, Mount Wellington, Otahuhu, Papatoetoe, New Lynn, Henderson, Glen Eden, Manurewa, and those portions of the Counties of Manukau and Waitemata described in Schedule 3 hereto constitute the Inner Area of the drainage district.

- (2) The Borough of New Lynn shall be deemed to have been incorporated in the Inner Area as from the first day of April, nineteen hundred and fifty-eight, and the Boroughs of Henderson, Glen Eden, Manurewa, and the portions of the Counties of Manukau and Waitemata described in Schedule 3 hereto shall be deemed to have been incorporated in the Inner Area as from the first day of April, nineteen hundred and fifty-nine. As from the first day of April, nineteen hundred and sixty-one, the Borough of Howick and those portions of the Manukau County described in Schedules 4 and 5 hereto shall become and form part of the Inner Area.
- (3) Those portions of the drainage district which for the time being are not included within the Inner Area shall together comprise the Outer Area of the drainage district.
- (4) The local authorities of the several districts for the time being comprising the Inner Area are hereby designated as the constituent authorities of the drainage district.

5 Special Areas

- (1) The Governor-General may from time to time, by Order in Council, on the petition of the Board presented with the consent of the local authority whose district or portion of whose district comprises the area concerned, declare any area within the Outer Area of the Drainage District to be a Special Area under a name to be specified in the Order in Council.
- (2) The cost of any drainage works (whether main sewerage works or sewage reticulation works) carried out by the Board for the benefit of a Special Area, and all costs and expenses in connection with the planning, maintenance, and operation of such drainage works, less such portion (if any) as may be met immediately by the local authority concerned, may be raised by the Board by special loan; and the amounts payable in respect of permanent appropriations for payment of interest and the creation of a sinking fund or for periodical repayments on account

of any such loan shall be separately ascertained and charged and assessed by the Board to the local authority of the Special Area for the benefit of which the loan was raised, and the amount of each payment due under the loan shall be paid to the Board upon receipt of written notice thereof.

- (3) The provisions of sections sixty-seven to seventy-one of this Act shall, with the necessary modifications, apply to any payment due under any such loan as though the payment were an assessment immediately payable in one sum.
- (4) Should a Special Area at any time be brought by Order in Council within the boundaries of the Inner Area, it shall thereupon cease to be a Special Area, and the Governor-General may, pursuant to subsection four of section eight of this Act, make provision with respect to any balance then owing in connection with any such loan.

6 Sphere of influence

- (1) The areas described in Schedule 2 to this Act shall be regarded as being within the sphere of influence of the Board.
- (2) The Governor-General may from time to time, by Order in Council, alter the extent of the sphere of influence so as to include therein or exclude therefrom any area that in his opinion should be included in or excluded from the sphere of influence, as the case may be.

7 Changes in boundaries or status of local authorities

The extent of the drainage district, as defined in section three of this Act, shall in no way be affected by any subsequent extension or reduction in the area of any local authority whose district or part of whose district is included in the drainage district, or by any change in the status of any such local authority, or by the amalgamation or merger of two or more local districts, or by any change in the functions of any local authority: Provided that if any area adjacent to the boundary of the drainage district is transferred from any county or harbour to form part of a city or borough, within the drainage district, that area shall be deemed as from the date of transfer to have been incorporated in the drainage district.

8 Alteration of boundaries

- (1) The Governor-General may from time to time, by Order in Council, on the petition of the Board or of any contributing authority, alter the boundaries of the district or of the Inner Area, so as to include therein or exclude therefrom any area that in his opinion should be so included or excluded, as the case may be.
- (2) Such petition shall be publicly notified by means of an advertisement which shall be published at least once in a daily newspaper in general circulation in the district, and which shall state the purpose of the petition, describe the area to which the petition relates, and specify a date (being a date not earlier than one month after the date on which such advertisement is first published) before which all objections shall be lodged with the Minister of Internal Affairs and a copy thereof with the Board.
- (3) If any objections to the proposed alterations are lodged as aforesaid, the Governor-General may appoint any person or persons to be a Commission of Inquiry, under the Commissions of Inquiry Act 1908, to inquire into and report upon the said proposals:
Provided that, instead of appointing any such person or persons to be a Commission of Inquiry in the manner and for the purposes aforesaid, the Governor-General may direct the Local Government Commission constituted under the Local Government Commission Act 1953 so to inquire into and report upon the said proposals:
Provided also that no question of the main drainage being under the control of the Board shall be at issue in any such inquiry under the foregoing provisions of this subsection.
- (4) The Governor-General may, in any Order in Council made under this section, make such provision with regard to the adjustment or method of determination of the financial obligations or the assessment of the several contributing authorities within the drainage district affected by the Order in Council as he deems necessary and equitable.
- (5) The Governor-General, in making any such alteration of boundaries, may make provision for equitable representation on the Board of all contributing authorities within the drainage

district including, if he thinks fit, an alteration in the number of the members of the Board.

9 Constitution of Board

- (1) There shall be for the district a drainage board which shall be a body corporate under the name of the Auckland Metropolitan Drainage Board and shall have perpetual succession and a common seal, with power to purchase, take on lease, hold, deal with, and dispose of by sale, lease, or exchange real and personal property, and to do and suffer all that bodies corporate may lawfully do and suffer.
- (2) The Board shall be deemed to be a local authority under the Public Works Act 1928, the Local Elections and Polls Act 1953, the Waters Pollution Act 1953, the Health Act 1956, and the Local Authorities Loans Act 1956; and, subject to the express provisions of this Act, the provisions of the said Acts shall extend and apply to the Board.

10 Members of Board

- (1) The Board shall consist of fifteen members, who shall be elected as follows:
 - (a) Six members shall be elected by the Auckland City Council:
 - (b) One member shall be elected by the Councils of each of the Boroughs of Mount Eden, Mount Albert, Mount Roskill, and Onehunga:
 - (c) One member shall be elected by the Councils of the Boroughs of Newmarket and One Tree Hill:
 - (d) One member shall be elected by the Councils of the Boroughs of Ellerslie and Mount Wellington:
 - (e) One member shall be elected by the Councils of the Boroughs of Otahuhu and Papatoetoe:
 - (f) One member shall be elected by the Councils of the Boroughs of Manurewa and Howick and of the County of Manukau:

- (g) One member shall be elected by the Councils of the Boroughs of New Lynn, Henderson, and Glen Eden, and of the County of Waitemata:
Provided that in each constituency only members of the electing local authorities shall be eligible for election in that constituency.
- (2) On the petition of the Board or of any of its contributing authorities, the Governor-General may by Order in Council, from time to time readjust the grouping of the local authorities into constituencies, or alter the number of seats or allocation of seats on the Board, so as to ensure a more equitable representation of the respective interests of the local authorities whose districts or parts of whose districts are for the time being included within the drainage district.
- (3) On the petition of the Board or of any of its contributing authorities, the Governor-General may at any time appoint any person or persons to be a Commission of Inquiry under the Commissions of Inquiry Act 1908 to inquire into and report on the allocation of seats on the Board, or direct the Local Government Commission so to inquire and report.

11 Election of Board

- (1) In the month of January in the year nineteen hundred and sixty-three and in the month of January in every third year thereafter, in each case on a day fixed by the Board in that behalf—
 - (a) The Auckland City Council shall elect six of its members to be members of the Board:
 - (b) The other local authorities of the Inner Area shall elect a total of nine members of the Board as provided in paragraphs (b) to (g) of subsection one of section ten of this Act.
- (2) With respect to every election of members by groups of local authorities pursuant to paragraph (b) of subsection one of this section the Board shall make all necessary arrangements for and conduct such election, and each local authority shall be entitled to nominate one candidate for its own constituency, and the voting powers of the local authorities in each constituency shall be determined according to the mean proportion of the rateable value and population of the local districts in the con-

stituency. Any question arising as to the relative voting powers of any local authorities shall be settled by the Board.

12 Coming into office of members

- (1) Every member of the Board elected under the last preceding section shall come into office on the day following that on which he is elected, and, unless his office sooner becomes vacant, shall continue in office until members elected at the next election under that section come into office.
- (2) Every member elected or appointed to fill any extraordinary vacancy occurring on the Board shall come into office on the day following that on which he is elected or appointed and shall hold office only for the residue of the term for which his predecessor was elected or appointed.

13 Vacancies

- (1) The office of a member shall become vacant if he—
 - (a) Dies; or
 - (b) Resigns his office by writing under his hand delivered to the Secretary or Chairman of the Board, or is ousted of his office; or
 - (c) Is absent without leave from four consecutive ordinary meetings of the Board; or
 - (d) Ceases to have the qualification by virtue of which he was elected by a local authority or authorities, but in any such case he shall continue in office until his successor is elected or appointed.
- (2) If any person does an act as a member after his office has become vacant under this section, he shall be liable to a fine of one hundred dollars.
- (3) Any vacancy occurring under this section shall be deemed an extraordinary vacancy.

The words “one hundred dollars” in subsection (2) were substituted for the words “fifty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

14 How vacancies filled

In the event of an extraordinary vacancy occurring within three months before the month fixed for the next election of mem-

bers of the Board the same may be filled by the Board, and in other cases an election shall be held by the local authority or authorities represented by the member whose seat has been vacated.

15 Ouster of office

- (1) Upon proof in the first instance, by affidavit or otherwise, that any member of the Board is or has become incapable under this Act of holding his office, any District Court in the district may grant a summons calling upon the person holding such office to show cause why he should not be adjudged to be ousted of the same.
- (2) If on the return of such summons it appears to the Court, on affidavit or oral evidence on oath, that such person is incapable under this Act of holding the said office, the Court may adjudge such person to be ousted of the same, and such person shall be ousted of such office accordingly.
- (3) In any such proceeding the District Court may exercise all the powers and authorities which it may exercise in its ordinary jurisdiction in civil cases, and the procedure of such Court shall, so far as applicable, apply generally to proceedings had under this section.
- (4) No matter in relation to a disputed election shall be heard by the District Court under this section.
- (5) No question which may be tried under this section shall be tried in the High Court; and no proceedings in the District Court hereunder shall be removable into the High Court, by certiorari or otherwise.

The words "District Court" in sections (1) and (3) to (5) were substituted for the words "Magistrate's Court", as from 1 April 1980, pursuant to section 18(2) District Courts Amendment Act 1979 (1979 No 125).

The words "High Court" in subsection (5) were substituted for the words "Supreme Court", as from 1 April 1980, pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

16 Chairman of Board

- (1) The Board shall at its first meeting, following the election of a new Board, appoint one of its members to be Chairman of the Board.

- (2) At every meeting for the election of Chairman, the Secretary shall preside while the Chairman is being elected, or if there shall be no Secretary, then some person appointed by the Board, not being a member of the Board, shall so preside, and in the case of an equality of votes, shall determine the election by lot in such manner as the Board determines.
- (3) The Chairman shall come into office on his election and shall hold office until the election of his successor.
- (4) The Chairman may resign his office by writing under his hand delivered to the Secretary, and in such case, or in the case of his ceasing from any cause to be a member of the Board, his office shall become vacant, and the Secretary shall forthwith convene a meeting of the Board for the election of a fresh Chairman.
- (5) The Board may from time to time appoint one of its members to be Deputy Chairman either for a specified period or until the next annual meeting of the Board.

17 Remuneration of Chairman and members

- (1) The Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.
- (2) The Board may pay to the Chairman of the Board remuneration by way of fees, salary, or allowances in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.
- (3) The Board may pay to the Chairman and to the members of the Board or of any committee thereof travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

18 Committees

- (1) The Board may from time to time appoint standing or special committees consisting of two or more persons, and may refer to any such committee any matters for consideration or inquiry or management or regulation, and may delegate to any such committee any of the powers and duties by this Act conferred or imposed upon the Board except the power to borrow money, to make a rate, to make a bylaw, to institute an action,

or to make assessments upon contributing authorities; and may delegate to any such committee in accordance with the provisions of section four of the Public Bodies Contracts Act 1959 any power of the Board to enter into a contract.

- (2) It shall not be necessary that any person appointed to be a member of a committee under this section shall be a member of the Board.
- (3) The Board may appoint a member of any committee to be the permanent Chairman thereof, and such power may be exercised by the committee where the Board, on the appointment of the committee, does not appoint a Chairman. Any committee may from time to time appoint a Deputy Chairman to act in the absence of the Chairman.
- (4) The Board may at any time, and from time to time, discharge, alter, continue, or reconstitute any committee or discharge any member of a committee, and, if it thinks fit, appoint another member in his stead.
- (5) Every committee shall, unless sooner discharged by the Board, be deemed to be discharged on the coming into office of the members elected at the general election of the whole Board next after the appointment of the committee.
- (6) Every committee to which any powers or duties are delegated as aforesaid may, without confirmation by the Board, exercise or perform the same in like manner and with the same effect as the Board could itself have exercised or performed the same.
- (7) Every such committee shall be subject in all things to the control of the Board, and shall carry out all directions, general or special, of the Board given in relation to such committee or its affairs.

19 Chairman of meetings

At every meeting of the Board the Chairman if present or, in his absence, the Deputy Chairman (if any) shall be the Chairman. If the Chairman and the Deputy Chairman (if any) are absent from any meeting of the Board, then such member as the members of the Board then present shall choose shall be the Chairman of such Board meeting.

20 Quorum of Board and committees

- (1) A quorum of the Board shall consist of eight members.
- (2) The Board may fix the quorum of any committee appointed by it, and in default of its so doing the committee may fix the quorum.
- (3) A meeting shall be duly constituted if a quorum is present thereat, whether voting or not.
- (4) No business shall be transacted at any meeting of the Board or of any committee unless at least a quorum of members is present thereat during the whole of the time at which the business is transacted.

21 Questions to be decided by majority of votes

- (1) All acts of the Board and of any committee, and all questions before the Board or any committee, may be done and decided at a meeting of the Board or committee by the majority of such members of the Board or committee as are present and vote at such meeting.
- (2) The Chairman of any meeting of the Board or of any committee shall have a deliberative vote, and in case of equality of votes shall have a casting vote also.

22 Proceedings not invalidated by irregularities, etc

No act or proceeding of the Board or of any committee or of any person acting as a member of the Board shall be invalidated in consequence of there being a vacancy in the number of the Board at the time of such act or proceeding, or of the subsequent discovery that there was some defect in the election or appointment of any person so acting, or that he was incapable of being such member.

23 Ordinary and annual meetings

- (1) The Board shall hold such ordinary meetings at such times and at such places as it from time to time appoints.
- (2) The Chairman or the Secretary shall give notice in writing to each of the members of the time and place appointed from time to time for holding ordinary meetings, and the members shall attend such meetings without further notice of each meeting.

- (3) The Board shall hold an annual meeting on such date between the first day of July and the thirtieth day of November in each year as the Board may from time to time decide.

24 Rules as to proceedings of Board or committees, etc

The Board may, by resolution, subject to the provisions of this Act, make rules—

- (a) Regulating the proceedings of the Board and any committee and the conduct of meetings thereof respectively, and the right of persons to attend such meetings:
- (b) Regulating the adjournment and postponement of meetings of the Board, and the manner in which resolutions may be revoked or altered:
- (c) Prescribing the form and the mode and time of service of notices of meetings:
- (d) Regulating debates:
- (e) Providing for the calling of special meetings, and the notice to be given to members:
- (f) Providing for the notice to be given to members of extraordinary business to be transacted at any ordinary meeting:
- (g) Directing minutes to be kept of all proceedings of the Board, and prescribing the mode of confirmation, inspection, and custody of same:
- (h) Providing for the custody of documents and the custody and use of the common seal, and prescribing the mode and form of attestation thereof:
Provided that no resolution made or passed under this paragraph shall affect any person acting in good faith, and taking or to take any estate, interest, or advantage under any document having or about to have the common seal affixed thereto:
- (i) Prescribing the powers and duties of officers and servants of the Board:
- (j) Prescribing forms of and in connection with any proceedings of the Board:
- (k) Concerning anything incidental to any of the matters hereinbefore referred to.

25 Board may provide offices, etc

The Board may from time to time provide and maintain public offices, within or without the district, with fitting furniture for the same, for holding its meetings and transacting its business and for the use of its officers and for any other purposes, and may purchase or take on lease land or buildings for such purposes, or may cause buildings to be erected on any land belonging to or leased to the Board, or any such building to be added to or improved.

26 Board may appoint officers and servants

(1) The Board may, by resolution, from time to time appoint fit persons to be Engineer, Secretary, Treasurer, and all such other officers and servants as it thinks necessary to assist in the execution of this Act, and may pay such persons such salaries and allowances including allowances and travelling expenses in respect of their attendance at any conference or meeting out of the funds of the Board, as it thinks fit.

(2) One person may hold two or more of such offices.

(3)

(4) Every person appointed to receive any moneys payable to the Board shall give to the Board sufficient approved security for the faithful execution of his office and the duly accounting for all moneys received by him on behalf of the Board:
Provided that, in lieu of or in addition to taking security from any officer, the Board may provide against any losses that may arise in the event of his dishonesty by taking out a guarantee policy and paying the premiums thereon, or by creating a special fund for the purpose, or partly by one method and partly by the other.

Subsection (3) was repealed, as from 1 January 2004, by section 76 Chartered Professional Engineers of New Zealand Act 2002 (2002 No 17).

27 Acting officer

During the absence from duty of any officer of the Board by reason of illness, leave of absence, or other cause, the duties and powers of such officer may be performed and exercised by an acting officer appointed by the Board, and any such appointment may be either general or for some occasion only.

28 Bylaws

(1) The Board may from time to time make bylaws for all or any of the following purposes:

- (a) To regulate the management and use of inlet appliances giving access to the sewers and drains of the Board, including grids, and to prevent the putting of anything into such sewers or drains, or allowing anything to enter such sewers or drains by means of such appliances, save such matters as may be carried in with water entering in the course of the legitimate use of such appliances:
- (b) Regulating sanitary plumbing and drainage throughout the Board's district, and providing for the control of the design, location, construction, and management of septic tanks and other means of disposal of sewage and trade wastes where no public sewer is for the time being available:

Provided however that no such bylaw shall override or be in conflict with any provision of the Drainage and Plumbing Regulations 1959 in their application to the Board's district except in so far as the bylaw may specify—

- (i) Requirements of the Board additional to or more detailed than the requirements under the said regulations; or
 - (ii) The nature of the Board's requirements regarding matters which under the said regulations are left to the decision or approval of the various engineers of the local authorities affected:
- (c) Protecting from damage, injury, or misappropriation any property belonging to the Board or controlled by it and situate within or beyond the district:
 - (d) For prescribing charges to be paid in respect of connections to the Board's sewers by persons and authorities other than local authorities:
 - (e) For the purposes of section forty-four of this Act:
 - (f) For any of the purposes more particularly mentioned in section eighty-three of this Act and therein referred to as trade waste bylaws.

- (2) The power to make bylaws under this section is additional to and not in substitution for the powers conferred upon the Board under any other provision of this Act or any other Act.
- (3)
- (4) Any bylaw made by the Board shall within the district override any bylaws on the same subject-matter made by any local authority.
- (5) Any local authority may, with the consent of the Board, undertake within its own district the enforcement and administration of any bylaws made by the Board.
- (6) With the consent of any local authority, the Board may undertake, within such part of the district of the local authority as is within the drainage district, the administration and enforcement of any regulations that are made under the Health Act 1956 covering the same matters as the Board is empowered by this Act to undertake.

The words “one hundred dollars” and “ten dollars” in the original subsection (3) were substituted, as from 10 July 1967, for the words “fifty pounds” and “five pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Subsection (3) was repealed, as from 20 July 1987, by section 3(3)(b) Auckland Regional Authority Amendment Act 1987 (1987 No 4(L)).

29 Form of making bylaws

Bylaws of the Board shall be made only in the manner and subject to the conditions following—

- (a) They shall be made only by special order:
- (b) A copy of any proposed bylaw shall be sent by the Board to each of the contributing authorities at least twenty-seven days before the date of the special meeting of the Board at which the resolution making the proposed bylaw is to be submitted:
- (c) They may be amended before confirmation of the special order making the same:
- (d) They shall have the common seal of the Board affixed thereto:
- (e)
- (f) Subject to the next succeeding paragraph, they shall come into force on a day to be named therein or in the special order making the same, being a day not earlier

than three months after the making of the special order in the case of bylaws made under paragraph (a) of subsection one of the last preceding section, and not earlier than one month after the making of the special order in the case of bylaws made under paragraph (b) or paragraph (c) of the said subsection one:

(g)

Paragraphs (e) and (g) were repealed, as from 20 July 1987, by section 3(2) Auckland Regional Authority Amendment Act 1987 (1987 No 4(L)).

30 Special orders

Every special order made hereunder may be made and proved in the same way, *mutatis mutandis*, as a special order of a Borough Council is required to be made and may be proved under the Municipal Corporations Act 1954.

31 Contracts of Board, how made

The Board may from time to time enter into such contracts with any such persons as it thinks fit for the execution of any works directed or authorised by this Act to be done by the Board or for furnishing materials or for any other thing necessary for the purposes of this Act.

32 Title and transition from Auckland and Suburban Drainage Board

- (1) All main sewerage works for the time being under the control of the Board and all portions thereof shall be and the same are hereby vested in the Board:
Provided that this subsection shall not operate and shall be deemed never to have operated so as to vest the fee simple of any land in the Board.
- (2) Any debentures and other securities heretofore issued or executed by the Auckland and Suburban Drainage Board and still subsisting shall be deemed to have been issued or executed by the Board, and the provisions of this Act shall apply thereto as if they had been issued or executed by the Board under this Act.
- (3) The Sinking Fund Commissioners appointed by the Auckland and Suburban Drainage Board are the Sinking Fund Commis-

sioners of the Board under the title of the Auckland Metropolitan Drainage Board Sinking Fund Commissioners, and the Board and the Commissioners shall respectively have the same rights, powers, and obligations as if the Commissioners had been appointed by the Board.

33 Powers of Board

- (1) The Board shall have within the district the sole right to construct, maintain, and manage all main sewers and drains, all main pumping stations, all storage tanks, outfalls, and treatment works for sewage and all other main sewerage works.
- (2) The Board may however by resolution permit any local authority or person to construct any temporary treatment works for sewage:
Provided that such works shall be constructed in accordance with plans and specifications prepared or approved by the Board and the Minister of Health at the expense in all respects of the local authority or person concerned; and the Board may in like manner and at the like expense maintain and operate such works or may permit such local authority or person to maintain and operate the same so long as this is done to the satisfaction of the Board and the Minister of Health.
- (3) Where any main sewerage works other than works of the nature mentioned in subsection two of this section have been constructed by any local authority in any area which at any time after the thirty-first day of March, nineteen hundred and fifty-eight has been added to or included in the Inner Area the same shall, at the time of such addition or inclusion, be taken over by and vested in the Board at such price and upon such terms and conditions as may be agreed upon between the Board and such local authority or, in the event of their being unable to agree, as may be settled by arbitration under the Arbitration Act 1908:
Provided that if the Board assumes liability for and indemnifies the local authority against payment of the balance for the time being owing under the security for any loan raised for the construction of the main sewerage works affected in full or part satisfaction of the price agreed upon or settled by arbitration (as the case may be), such action of the Board shall be

deemed not to constitute borrowing for the purposes of Part 1 of the Local Authorities Loans Act 1956.

- (4) Any question which may arise between the Board and any local authority as to whether any existing sewer is or is not a main sewer or main drain, or as to whether any other work (except a work of the nature mentioned in subsection two of this section) is or is not a main sewerage work, shall be settled by arbitration under the Arbitration Act 1908.

34 Construction main sewerage works

The Board may construct, maintain, and operate within or outside the district all such main sewerage works and things as may in the opinion of the Board be advisable for the efficient drainage of the district:

Provided that no such works shall be constructed within the district of any other drainage board except with the consent of that other board, which consent shall not be unreasonably or arbitrarily withheld.

35 Tidal waters

- (1) The Board may construct outfall sewers and, subject to the provisions of this Act, discharge effluent from treatment works to tidal waters within or beyond harbour limits.
- (2) Subject to compliance with the provisions of the Harbours Act 1950, the construction of any outfall sewer to tidal waters and of any submarine sewer shall be subject to the approval of the Auckland Harbour Board and the Minister of Health as to location, depth, and other details of construction, and such approval shall be obtained before the construction of the said works is commenced.
- (3) The Board shall be entitled to occupy, free of rent to any person or corporation, all lands in any harbour adjacent to the drainage district on, over, or under which any of the said sewers or works are constructed or laid.
- (4) The Board may, subject to compliance with the provisions of section one hundred and seventy-eight of the Harbours Act 1950, and with the precedent consent of the Auckland Harbour Board, but without obtaining any special Act of Parlia-

ment, reclaim any land in any harbour adjacent to the drainage district that may be required by the Board in connection with its drainage operations or which may as the result of such operations be cut off from tidal waters, and any land so reclaimed shall be vested in the Board.

- (5) Any land in the Manukau Harbour which may, pursuant to the provisions of subsection four of this section have been reclaimed by the Board in the construction of oxidation ponds, and which it no longer requires for its purposes shall, if the Auckland Harbour Board so desires, be resumed by the Auckland Harbour Board without payment of any consideration or compensation to the Board. To enable effect to be given to this provision, the Board will, if and when any such land is no longer required by it as aforesaid give written notice thereof to the Auckland Harbour Board, and the latter may within six months after receipt of such notice elect by notice in writing to the Board to resume the same. Should the Auckland Harbour Board fail to give any such notice of election as aforesaid it shall have no further rights in respect of the said land. Each of them the Board and the Auckland Harbour Board will at the request and cost of the other of them do, execute, and perform all such acts, deeds, matters, and things as may be necessary to give effect to the foregoing provisions and enable the party entitled to obtain a registered title to the said lands.
- (6) In any matter where the consent or approval of the Auckland Harbour Board is required such consent or approval shall not be unreasonably or arbitrarily withheld, and in the event of any dispute or difference arising between the Board and the said Harbour Board as to any such consent or approval or otherwise in connection with the Board's operations such dispute or difference shall be referred to the arbitrament of two arbitrators, one to be appointed by each party in difference or their umpire under and in accordance with the provisions of the Arbitration Act 1908.
- (7) Notwithstanding the provisions of subsections seven and eight of section thirty-four of the Auckland Metropolitan Drainage Act 1944, the Board and the Auckland Harbour Board shall have power to make and carry into effect such contract or contracts as may be mutually agreed between them in connection

with the sewer traversing Hobson Bay in the Waitemata Harbour and any other main sewerage works, embankments, or other works in or about Hobson Bay which may be deemed necessary or desirable, and whether designed for the carrying out wholly or in part of the purposes of this Act, so far as the same are applicable thereto, or of the reclamation of Hobson Bay or portion thereof.

36 General powers of Board

(1) The Board may from time to time, in addition to its powers under the Public Works Act 1928, by itself, its surveyors, engineers, agents, officers, and workmen, exercise the following powers or any of them, and may execute, do, or cause to be executed or done all or any of the following acts, matters, or things:

(a) Break up the soil of any roads, streets, ways, or footpaths, and excavate and sink trenches and make and construct tunnels and subways for the purpose of laying down, making, constructing, altering, cleansing, maintaining, or repairing main sewerage works:

Provided that before interfering with any such road, street, way, or footpath the Board, except in cases of emergency, of which the Board shall be the sole judge, shall give two weeks' notice in writing to the local authority having control thereof and shall in any case with all convenient speed reinstate and make good any road, street, way, or footpath that may be broken up or at the option of the local authority, pay to it the cost of such reinstatement and making good:

(b) Without any previous payment, tender, or deposit,—

(i) Enter upon and use any land other than land occupied as a garden or ornamental shrubbery for the purpose of taking any earth, stone, clay, or scoria therefrom:

Provided that, in the case of lands held for any public purpose within the meaning of subsection two of section two of the Reserves and Domains Act 1953, this power shall not be exercised without the consent of the controlling au-

- thority, but such consent shall not be unreasonably or arbitrarily withheld, and, in the case of other land, this power shall not be exercised until twenty-four hours' notice of intention so to do has been given to the occupiers:
- (ii) Enter with or without motor or other vehicles upon and use any land adjacent to or reasonably required for obtaining access to the site of any main sewerage works authorised by this Act or by any legislation repealed hereby to be constructed, or while such works are in the course of construction, or when the same are or have prior to the passing of this Act been actually constructed, for the purpose of making temporary roads or approaches to any work or temporarily storing any material therefor, and for the purpose of inspecting, altering, renewing, repairing, maintaining, or cleaning such work:
 - (iii) Enter upon any lands or premises within or upon which it is proposed that any works shall be executed under this Act, or any lands and premises adjacent thereto, and make an inspection, survey, and examination thereof, and for that purpose (subject to the provisions of the Underground Water Act 1953) to bore therein:
- (c) Make or construct the said main sewerage works or any part thereof, upon or under any lands or buildings, subject to the following conditions:
- (i) A plan and description of the main sewers or main drains, showing how they affect any such land or buildings, shall be deposited for public inspection at some place;
 - (ii) The Board shall give notice in writing to the occupier, and also to the owner so far as he can be ascertained of such land or buildings of the intention to construct such main sewers or main drains, and shall refer in such notice to such plan and description, and state where the same are no view. In the case of unoccupied land or build-

- ings of which the owner is not known, such notice may be served by being affixed in a conspicuous place thereon or thereto;
- (iii) If within one month after such notice is given the said owner or occupier serves on the Board a written objection to the proposed work, the Board shall appoint a day for hearing such objection, and shall give notice of the same to the objector; and
 - (iv) The Board shall hold a meeting on the day so appointed and may, after hearing any person making such objection, if present, determine to abandon the work proposed, or to proceed therewith with or without such alterations as the Board thinks fit:
- (d) Erect and use any buildings, structures, machinery, manholes, and other entrances, light and lamp holes, ventilating grids, and other works and things of every description in connection with drainage and sanitation in, upon, or under any public or private street or public place or reserve within or without the district:
Provided that before interfering with any such public or private street or public place or reserve the Board, except in cases of emergency of which the Board shall be the sole judge, shall give two weeks' notice in writing to the local authority or other authority having control thereof:
- (e) Carry any ventilating shaft, pipe, or tube up or upon any external wall of any building, whether private or public, and affix the same thereto, provided that the mouth of every such shaft, pipe, or tube shall be at least six feet higher than any windows situated within a distance of thirty feet therefrom, and, where attached to a house, shall be higher than the eaves or parapet thereof:
 - (f) During the construction of its works, use any private drain or watercourse within or without the district to carry water from such works:
 - (g) Treat and deal with in such manner as to it shall seem best all sewage, refuse, and other matter, whether for

the purpose of deodorising, disinfecting, or destroying such sewage, refuse, or other matter, or of converting the same into an organic fertiliser or other marketable product and selling or otherwise disposing of the same, and subject to the provisions of section 36A of this Act shall not be liable except in compensation under section forty-three of this Act for any nuisance or injury necessarily created or caused in so doing and in particular, and without restricting the general powers herein given, it shall have power to treat sewage, refuse, and other matter by any treatment process, septic tanks, or electricity, and, unless prohibited by the Governor-General by Order in Council from so doing, may ship sewage sludge and discharge it into the sea:

Provided, however, that the Board shall not, without the precedent consent in writing of the Auckland Harbour Board, discharge any sewage, refuse, sludge, or other matter (other than the effluent from any treatment works under the control of the Board) in any place within the limits of the Waitemata or Manukau Harbours or in any place where the same might be carried by wind or tide within the limits of those harbours, or in any case within three miles from any land or in such a manner that it will be likely to be carried on to any foreshore:

Provided also that nothing contained in this paragraph shall operate to relieve the Board from liability under rule of law for any nuisance likely to be dangerous to health:

- (h) Acquire and operate ships, boats, barges, and other equipment for the purpose of removing, handling or disposing of sewage, sludge, refuse, or similar matter:
- (i) After notices under the provisions of paragraph (c) of this subsection have been issued and all objections disposed of, the Board may cause a certificate over the signature of its Secretary describing such main sewers and with a plan defining the line of them endorsed thereon to be prepared and deposited in the office of the District Land Registrar or the Registrar of Deeds, as the case may require, at Auckland; and where the land referred

to in such certificate is subject to the Land Transfer Act 1952, the District Land Registrar shall register against the title to the land a memorial of such certificate or in every other case the Registrar of Deeds shall cause an entry thereof to be made under the proper head or title in the index book of the Deeds Register Office:

Provided that if at any time after the issue of a certificate under the provisions of this paragraph it is found that the line of such main sewer or main drain will not pass through such land or any part thereof or that an error in form or substance exists in or in relation to such certificate the Board may by the depositing at the office of the District Land Registrar or the Registrar of Deeds at Auckland of a subsequent certificate revoke the former certificate wholly or in so far as it thinks necessary, and the former certificate shall thereupon to the extent to which it has been so revoked be void and of no effect as from the date thereof as if it had not been issued or made; and any registration which has been effected by the District Land Registrar and any entry in the index book which has been made by the Registrar of Deeds shall thereupon be cancelled and be deemed to have been of no effect as from the date of the making of the former certificate to the same extent to which the said certificate has been so revoked:

Provided also that the District Land Registrar shall be under no obligation to note the registration against the duplicate original copy of any certificate of title affected nor to call in the duplicate for that purpose:

- (j) Enter into agreement with any public or local authority, body, or person regarding the construction, alteration, or maintenance of any public work and the cost thereof if such public work is in any way connected with or affects or is affected by the operations of the Board.
- (2) The Board shall have power to acquire by licence or otherwise permission or the right to use any land for the purposes for which land may be acquired, and any land acquired by it may be let or leased by the Board by public auction, or public tender, or private contract, as it deems proper, for such term or

terms, and at such rent or rents, upon and subject to such terms and conditions in every respect, as the Board thinks fit.

- (3) Nothing in this section shall restrict the operation of the Land Subdivision in Counties Act 1946 or of Part 25 of the Municipal Corporations Act 1954.
- (4) Before exercising the rights conferred upon it by paragraphs (b), (e), and (f) of subsection one of this section, the Board shall, except in cases of emergency of which the Board shall be the sole judge, give to the occupiers of the properties affected seven days' written notice of its intention to exercise such rights.

The Land Subdivision in Counties Act 1946 referred to in subsection (3) was repealed, as from 1 December 1961, by section 43(2) Counties Amendment Act 1961 (1961 No 131).

The Municipal Corporations Act 1954 referred to in subsection (3) was repealed, as from 1 April 1980, by section 9(1) Local Government Amendment Act 1979 (1979 No 59).

Subsection (1)(g) was amended, as from 25 October 1963, by section 2(2) Auckland Metropolitan Drainage Amendment Act 1963 (1963 No 130) by inserting the words "subject to the provisions of section 36A of this Act" and the words "under rule of law".

36A Abatement of nuisances created by Board

- (1) Where any nuisance within the meaning of section 29 of the Health Act 1956 is created by the Board in the exercise of any powers conferred on it by this Act, the Director-General of Health may, by notice in writing to the Board, require the Board to abate the nuisance and specify the works to be done by the Board in order to abate the nuisance and the time within which they shall be done.
- (2) If the Board considers the requirements specified in any such notice to be unreasonable or impracticable or unnecessary, it may, within three days after service of the notice on the Board, apply to the District Court at Auckland for an order setting aside or modifying the notice. Pending the hearing of the application, the notice shall be deemed to be suspended.
- (3) On the hearing of the application, the Court, whose decision shall be final, shall determine whether the notice should or should not be set aside or modified, and, if the notice is not set

aside, the time within which the Board must comply with the notice or, as the case may be, with the notice as so modified.

- (4) If the Board within the time specified in any such notice, or, in the case of an application to the Court, within the time specified in the order of the Court, fails to comply with the notice or order, the Medical Officer of Health under the Health Act 1956, without further notice to the Board, may cause the nuisance to be abated, and for that purpose may, with such assistants as may be necessary, enter on any land or premises of the Board and execute or cause to be executed thereon such works as may be necessary.
- (5) All expenses reasonably incurred by the Medical Officer of Health in the abatement of a nuisance under subsection (4) of this section shall be recoverable from the Board as a debt due to the Crown.
- (6) Nothing in this section shall derogate from the provisions of the second proviso to paragraph (g) of subsection (1) of section 36 of this Act or of section 43 of this Act.

This section was inserted, as from 25 October 1963, by section 2(1) Auckland Metropolitan Drainage Amendment Act 1963 (1963 No 130).

The words “District Court” in subsection (2) were substituted for the words “Magistrate’s Court”, as from 1 April 1980, pursuant to section 18(2) District Courts Amendment Act 1979 (1979 No 125).

37 Provision of dwellings for employees

- (1) The Board may:
 - (a) Acquire land and erect dwellings thereon for disposal under this section:
 - (b) Erect dwellings for disposal under this section on any land which is the property of the Board:
 - (c) Purchase any land with dwellings thereon for disposal under this section.
- (2) All land and the dwellings thereon disposed of under this section shall be disposed of by way of sale or lease to persons employed in the service of the Board or persons in the service of contractors carrying on works for the Board.
- (3) For the purposes of section sixty-one of this Act the erection of dwellings under this section shall be deemed a purpose of this Act.

- (4) In the event of any dwelling acquired or erected by the Board for the purposes of this section being no longer required for those purposes the Board may sell, let, exchange, or otherwise dispose of it under the provisions of section thirty-eight of this Act.

38 General powers dealing with property

The Board shall have power, for the purpose of constructing any works authorised by this Act or for or incidental to the carrying out of the purposes of this Act (but without prejudice to the provisions of sections thirty-five and thirty-seven of this Act or any specific provision of this Act limiting in any particular case the generality hereof), to acquire, purchase, rent or hire, sell, exchange, lease, let, or otherwise deal with or dispose of property, real or personal, of any description, or any estate or interest thereon or rights thereover and whether by public auction, public tender, or private contract, as it deems proper, and upon and subject to such terms and conditions in every respect as the Board thinks fit:

Provided that any sale of land not required for the purpose for which it was acquired shall be made only pursuant to a special order of the Board.

39 Protection of Board's sewers and works

- (1) If any person proposes to erect any building or to carry out any works over, under, or within such distance of any sewer or other structure owned by or under the control of the Board that such sewer or structure may be injuriously affected, such person shall notify the Board in writing of his intentions and shall carry out or shall permit the Board to carry out (at the expense in either case of such person) such works for the protection of the Board's sewer or other structure as the Board may deem necessary for the purpose; and, in the event of any damage being caused to any sewer or structure of the Board as a result of or consequent upon any failure by any such person to inform the Board of his proposals or to carry out all necessary protective works, the cost of repair or reinstatement of the Board's works so damaged and all other costs and expenses whatsoever incurred by the Board in connection therewith shall be a debt

due by such person to the Board recoverable upon demand. The remedies hereby conferred are without prejudice to and shall not by implication derogate from nor limit the powers, rights, or other remedies of the Board.

- (2) Every local authority within the drainage district, before granting a building permit to any person who proposes to erect any building or carry out any works over, under, or within fifty feet (or thirty-three feet if no blasting is to be done and no special circumstances or unusual conditions exist) of the line of any sewer forming part of the Board's main sewerage works or within a similar distance of any other structure under the control of the Board, shall require such person to produce for its inspection the consent in writing of the Board to such erection or work; and any permit so granted shall be subject to compliance with any conditions for safeguarding such sewer or other structure which the Board may prescribe, and to payment of all costs and expenses which the Board may incur in anywise incidental thereto.
- (3) Failure to comply with any such condition or requirement shall be an offence under section ninety-three of this Act; and, though the condition be embodied in a permit issued by the local authority, action thereon may be taken by the Board, and the local authority shall be under no obligation to see that any such condition is complied with.
- (4) The Board shall supply each local authority affected with a plan or plans showing the locations of the sewers or structures referred to in subsection two of this section.
- (5) The term **sewer**, where used in this section, shall be deemed to include any sewer which the Board proposes to construct as portion of its main sewerage system and the location of which is shown upon any map or plan relating to any operative or proposed district scheme under the Town and Country Planning Act 1953 or is shown on any certificate a memorial of which is registered against the title under paragraph (i) of subsection one of section thirty-six of this Act.

40 Diversion of sewers, etc

- (1) If any person proposes to erect any building or to carry out any works in such a location and at such levels that the diver-

sion, alteration, or replacement of any of the Board's sewers or other structure appears to be essential to the construction of the aforesaid building or works, such person shall notify the Board of his proposals; and if the Board is satisfied that it is practicable for its sewer or structure to be diverted, altered, or replaced without material interference with the services for which it is responsible and that it is reasonable that this be done, it may enter into an agreement with such person as to the manner and conditions under which such sewer or structure shall be diverted, altered, or replaced.

- (2) The cost of diverting, altering, or replacing the Board's sewer or other structure, and all other costs which the Board may incur in anywise incidental thereto shall in such case be paid to the Board by such person.

41 Acquisition and disposition of organic refuse

- (1) Without limiting the powers conferred upon it by paragraph (g) of subsection one of section thirty-six of this Act, the Board may—
 - (a) Enter into agreements with local authorities or with any persons whereby it may accept or acquire organic refuse of any kind on such terms as it may think fit; and the Board may process any such organic matter with sewage, sludge, or other available material by composting or other process so as to produce fertiliser or other marketable product and sell or otherwise dispose of the same:
 - (b) Enter into agreements with any persons whereby it may sell or otherwise dispose of sewage, sludge, or effluent treated to such extent as it may deem advisable.
- (2) The Board shall have the like rights and powers in connection with any pipes which it may require to lay for the purposes aforesaid as it has under this Act in connection with any sewers to be constructed by it.
- (3) In the exercise of the powers conferred by this section the Board shall take such steps as may be necessary to ensure that no nuisance is created which may be dangerous to health.

42 Gas and electricity

- (1) The Board may utilise any sludge gas derived from the treatment of sewage, sewage sludge, or trade wastes for any purpose and in any manner connected with its operations or the works under its control. It may sell and dispose of any such gas—
 - (a) To the Auckland Gas Company Limited; or
 - (b) To the occupiers of trade premises discharging trade wastes from which a substantial portion of the gas is derived; or
 - (c) To the occupiers of any other trade premises,—
and the Board shall accord such parties, in the foregoing order of priority, the opportunity of purchasing such gas as it may desire to sell, the Auckland Gas Company Limited, as a retailer of gas, to be allowed a rebate in accordance with normal commercial practice.
- (2) The Board may generate electricity and may utilise such electricity within the limits of the premises in which the same is generated for any purpose and in any manner connected with its operations or the works or property under its control.
- (3) The Board may sell to the New Zealand Electricity Department or to the Auckland Electric Power Board any such electricity, and may purchase from the said Board any electricity which it may require for any purposes connected with its operations.
- (4) Any power lines, plant, or works necessary for the transmission of any electricity within the limits of the premises in which the electricity is generated or for the transmission within such premises of any electricity purchased from the Auckland Electric Power Board (but not elsewhere) may be constructed and maintained by the Board.
- (5) Subject to the foregoing provisions of this section, the Board may construct all such works and do all such acts and things as it may deem necessary or expedient to enable it to obtain the full benefit to be derived from the production of gas or the utilisation, sale, or other disposition thereof or to enable it to obtain the full benefit to be derived from the generation and utilisation of electricity within the limits of such premises (but not elsewhere), or the sale as aforesaid of any such electricity;

and the Board shall have in respect of any mains or other works which it may desire to construct pursuant to the provisions of this section the like rights and powers as are conferred upon it by this Act in respect of main sewers and other works therein referred to.

- (6) In the exercise of the powers conferred by this section, the Board shall comply with the provisions of Part 13 of the Public Works Act 1928 and the regulations thereunder.
- (7) The powers conferred by the foregoing provisions shall not be limited by the provisions of the Auckland Gas Company Act 1871, and such powers shall subsist notwithstanding the provisions of section fifty-four of the Auckland Electric Power Board Act 1921-22.
- (8) The word “premises”, where used in this section, means any continuous area of land owned or controlled by the Board for any estate or interest comprising one composite block: Provided that any area of land comprising one composite block shall be deemed to be continuous notwithstanding that the same is severed by roads or streets running through the same and leaving part on one side of the road or street and the balance on the other side.

43 Compensation for lands taken or damaged

Every person having any estate or interest in any lands taken under the authority of this Act for any works, or injuriously affected thereby, or suffering any damage from the exercise of any of the powers hereby given, shall be entitled to full compensation for the same from the Board. Such compensation may be claimed and shall be determined in the manner provided by and in accordance with the principles applicable to compensation under the Public Works Act 1928.

44 Powers of contributing authorities to connect sewers

- (1) For the purpose of carrying off any sewage from any part of its district, every contributing authority may from time to time connect sewers or drains at such points and in such manner as the Engineer to the Board may specify so as to discharge, either directly or indirectly, into such main sewers, main drains, or

treatment plant as the Board may have constructed or taken over for the service of the district concerned:

Provided that before the construction of any such sewers the contributing authority shall have submitted to the Board complete plans and specifications thereof and that the Engineer to the Board shall be satisfied that the sewer or sewers referred to therein are fit and proper to be so connected and to form part of the general drainage system, and that the sewage to be discharged through the same into the main sewer, main drain, or treatment plant will be of such volume as to be within the capacity of such main sewer, main drain, or treatment plant, having regard to the volume of other sewage which may reasonably be discharged thereto:

Provided also that nothing in this section shall authorise the Engineer to control the engineering design or construction of sewage reticulation works in the district of any contributing authority otherwise than in accordance with bylaws of the Board.

- (2) The Board may make bylaws to regulate the procedure under and to give effect to the purposes of this section.

45 Work to be efficiently done

In making any such connection, the contributing authority shall cause the same to be done in a skilful, efficient, and workmanlike manner and so that the efficiency and construction of such main sewers or main drains may be in nowise impaired, and to the approval of the Engineer to the Board.

46 Connection of drains in different districts

The Board may permit any local authority outside the Inner Area of the drainage district to connect any drain or sewer within the district of such local authority with any drain or sewer vested in or controlled by the Board upon such terms as may be agreed upon between the Board and such local authority.

47 Agreement with local authority re reticulation and other works or services

- (1) The Board may, with the consent and at the cost of any local authority, undertake and carry out the drainage reticulation of the whole or any portion of the district of such local authority within the district, or with the like consent and cost undertake and carry out repairs, maintenance, alterations, or improvements to any existing drainage reticulation works in such local district.
- (2) The Board may undertake and carry out, maintain, and operate drainage works, or treatment works or render other services of any nature whether in relation to storm water or sewage, trade wastes, or noxious matters for the benefit of any districts or areas within or adjacent to the district, or on behalf of any person; and may enter into and enforce agreements with local authorities and other persons for the payment of the whole or any portion of the cost of the construction, maintenance, or operation of any such works or of any such services.

48 Watercourses

- (1) The Board may utilise any watercourse for the discharge of storm-water overflows or emergency overflows from its main sewers but so that the discharge from any such watercourse into any harbour under the control of the Auckland Harbour Board shall not be or grow to become a nuisance and so that such watercourse shall not be or grow to become a nuisance constituting a danger to health anywhere along its course from the point of utilisation onwards. Any watercourse so utilised shall be under the control and management of the Board.
- (2) The Governor-General may from time to time, by Order in Council on the petition of the Board at the request of any contributing authority affected, vest the control and management of any watercourse in the Board. The provisions of subsections two, three, and four of section eight of this Act shall with the necessary modifications apply to any petition or Order in Council under this subsection.
- (3) The Board may alter, improve, or otherwise deal with any watercourse the control and management of which was vested in it prior to the passing of this Act or which may thereafter

be vested in it either for the purposes mentioned in subsection one of this section or for the removal of surface water or condensing water.

- (4) In the event of the discharge of storm-water overflows or emergency overflows from its main sewers to any watercourse being or being likely to become a nuisance upon the discharge of the watercourse into any harbour as aforesaid, the Board shall, if the Auckland Harbour Board so requires, effect such improvements or carry out such other works in connection with the watercourse or take such other steps as may be necessary to abate any such nuisance or prevent any such nuisance arising or recurring.
- (5) In the event of the discharge of storm-water overflows or emergency overflows from its main sewers to any watercourse being or being likely to become a nuisance constituting a danger to health, the Board may, and shall if the Minister of Health so requires, effect such improvements or carry out such other works in connection with such watercourse or take such other steps as may be necessary to abate the nuisance or prevent any such nuisance arising or recurring.
- (6) In any case to which subsection four or subsection five of this section applies, the Board may require the local authorities from whose areas the necessity for the improvements or works arises or whose areas will benefit therefrom to contribute the whole or portion of the cost thereof. Any question between the Board and any local authority as to the apportionment of such cost shall be decided by arbitration in accordance with the provisions of section ninety-five of this Act.
- (7) Should any local authority make any contribution to the Board on the ground that any portion of its area will benefit from the improvements or works carried out by the Board pursuant to the provisions of subsections four and five of this section, any portion of the contribution which represents expenditure in enclosing and covering-in any watercourse shall be deemed to be expenditure incurred by the local authority within the meaning of section two hundred and nineteen A of the Municipal Corporations Act 1954, as inserted by section eighteen of the Municipal Corporations Amendment Act 1959, and all

the provisions of the said section two hundred and nineteen A shall with the necessary modifications, be applicable thereto.

49 Board may construct drains, etc, for surface water

- (1) The Board may construct drains for the removal of surface water, or control, alter, and for that purpose improve any existing drains, or any watercourse or channel, the control of which is not vested in the Board, but all such works shall be done only with the approval of the local authority or authorities within whose district or districts the drain, water-course, or channel is situated and at the cost of the local authorities affected, and the Board and any such local authority may enter into and carry out agreements for that purpose.
- (2) In any case where the Auckland and Suburban Drainage Board or the Board has heretofore exercised control over or expended its moneys on any watercourse, the Board may continue to control such watercourse and to expend the moneys of the Board in the maintenance or improvement of any such watercourse.
- (3) Where improvements to a watercourse under the control of the Board are rendered necessary by development or other cause within local districts, the Board may require the local authorities whose areas contribute to the necessity for the improvements or will benefit therefrom, to contribute the whole or a portion of the cost of the improvement works:
Provided that no such improvements shall be undertaken by the Board except with the consent of the local authorities who in the opinion of the Board are likely to be called upon to contribute between them seventy-five per cent of the costs of the improvements as estimated by the Board or except when liability to make a contribution is either admitted and the amount thereof agreed upon by all the local bodies affected or the liability and the amount thereof is determined by arbitration in accordance with subsection six of this section.
- (4) The term **improvements** where used in subsection three of this section shall be deemed to include any other work which may be necessary in connection with any such watercourse.
- (5) The Board shall, if practicable, raise the cost of any such works by way of special loan either separately or in conjunction with

moneys required by it for other purposes, and in such case the local authorities concerned shall respectively from time to time as payments become due in connection with any such loan reimburse the Board to an extent in keeping with their liability for the cost of the works.

- (6) Any dispute between the Board and any local authority upon any issue arising hereunder shall be settled by reference to arbitration in accordance with the provisions of section ninety-five hereof.
- (7) Except with the approval of the Auckland Harbour Board, no new drain for the discharge of surface water into any harbour under the control of the said Harbour Board shall be constructed or used, and no existing drain, watercourse, or channel discharging or intended to discharge surface water into any such harbour shall be so used, controlled, altered, or improved, as to cause pollution of the harbour into which it discharges or is intended to discharge:

Provided that this subsection shall not apply to existing storm-water overflows discharging into storm-water drains, watercourses, or channels, and shall not affect the powers of local authorities under section two hundred and twenty-one of the Municipal Corporations Act 1954, and section two hundred and forty-eight of the Counties Act 1956 in respect of leading surface water into streams and watercourses so long as the discharge from any such drain, watercourse, or channel shall not be or grow to become a nuisance.

50 Outer Area

- (1) Within the Outer Area of the district no new main sewerage work or main drains shall be installed except by the Board, and no existing main sewerage work shall be altered or extended or any change or extension made in any existing drainage system except with the approval of the Board. If any question arises as to whether the Board has unreasonably withheld its approval, the matter shall be referred to the Minister of Health, whose decision shall be final.
- (2) Within the sphere of influence of the Board, no main sewerage works shall be constructed, maintained, or operated save with the approval and under the general supervision of the Board.

If any question arises as to whether the Board has unreasonably withheld its approval, the matter shall be referred to the Minister of Health, whose decision shall be final.

- (3) Within the Outer Area and the sphere of influence the discharge of trade wastes either directly or through the sewers of a local authority to streams, watercourses, or tidal waters shall be subject to control by the Board, or, where discharge is to tidal waters, to the concurrence also of the Minister of Works and Development or the Auckland Harbour Board, as the case may be in all respects, with the necessary modifications, as if the trade premises concerned were located within the Inner Area of the drainage district.

Subsection (3) was amended, as from 1 September 1972, by section 6(1) Ministry of Transport Amendment Act 1972 (1972 No 4) by substituting the words “Minister of Works” for the words “Minister of Marine”. That reference was substituted for a reference to the “Minister of Works and Development” pursuant to section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44).

Accounts

51 Books of accounts to be kept

[Repealed]

Sections 51 to 58 were repealed, as from 7 August 1970, by section 5(2) Auckland Regional Authority Amendment Act 1970 (1970 No 3(L)).

52 Books to be open to inspection by members of Board

[Repealed]

The words “ten dollars” in section 52 were substituted, as from 10 July 1967, for the words “five pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Sections 51 to 58 were repealed, as from 7 August 1970, by section 5(2) Auckland Regional Authority Amendment Act 1970 (1970 No 3(L)).

53 Banking and investment of money

[Repealed]

Sections 51 to 58 were repealed, as from 7 August 1970, by section 5(2) Auckland Regional Authority Amendment Act 1970 (1970 No 3(L)).

54 Audit office requirements

[Repealed]

Sections 51 to 58 were repealed, as from 7 August 1970, by section 5(2) Auckland Regional Authority Amendment Act 1970 (1970 No 3(L)).

55 Yearly balance sheet and statements

[Repealed]

Sections 51 to 58 were repealed, as from 7 August 1970, by section 5(2) Auckland Regional Authority Amendment Act 1970 (1970 No 3(L)).

56 Audit of accounts

[Repealed]

Sections 51 to 58 were repealed, as from 7 August 1970, by section 5(2) Auckland Regional Authority Amendment Act 1970 (1970 No 3(L)).

57 Abstract of accounts

[Repealed]

Sections 51 to 58 were repealed, as from 7 August 1970, by section 5(2) Auckland Regional Authority Amendment Act 1970 (1970 No 3(L)).

58 Board may establish Imprest Account

[Repealed]

The words “one hundred and fifty dollars” in section 58(3) were substituted, as from 10 July 1967, for the words “seventy-five pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Sections 51 to 58 were repealed, as from 7 August 1970, by section 5(2) Auckland Regional Authority Amendment Act 1970 (1970 No 3(L)).

59 Superannuation and other benefits for employees

- (1) The Board shall be deemed to be a local authority for the purposes of the National Provident Fund Act 1950 and section six of the Finance Act (No 2) 1941.
- (2) The Board may from time to time pay by way of subsidy such sums as it thinks fit to the funds of any sick, death, or funeral benefit society, or other like institution established by its employees, or any section of them, the benefits of which are confined to such employees and their dependants.

60 Unauthorised expenditure

[Repealed]

The words “one thousand dollars” in subsection (2) were substituted, as from 10 July 1967, for the words “five hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Section 60 was repealed, as from 1 April 1971, by section 5(1)(c) Auckland Regional Authority Amendment Act 1971 (1971 No 10(L)).

61 Borrowing powers

- (1) The Board may from time to time borrow by way of special loan such sums as are necessary for carrying out the purposes of this Act.
- (2) Special loans may be raised by the Board under the Local Authorities Loans Act 1956 and, notwithstanding anything in section thirty-four of that Act, without the prior consent of the ratepayers.
- (3) A copy of the special order of the Board authorising the raising of a special loan, purporting to be sealed with the seal of the Board and signed by the Chairman and two members shall be published in the *Gazette* and shall be conclusive evidence that all proceedings and things under this Act in relation thereto and in the making of such special order have been lawfully taken and done.
- (4)

Subsection (4) was repealed, as from 1 October 1988, by section 16(1) Trustee Amendment Act 1988 (1988 No 119).

62 Security for loans

Every loan already or hereafter raised by the Board shall be and to the extent of the moneys still unpaid shall be deemed always to have been a general charge against all assessments which the Board is authorised to levy upon the various contributing authorities within the drainage district. The charge shall not, however, affect the liability of the respective contributing authorities which are in accordance with the provisions of this Act responsible for payment of the moneys so raised.

63 Contributing authorities' annual assessments

[Repealed]

Section 63 was repealed, as from 7 August 1970, by section 6(2)(b) Auckland Regional Authority Amendment Act 1970 (1970 No 3(L)).

64 Contributing authorities' annual assessments

[Repealed]

Sections 64 to 71 were repealed, as from 16 December 1989, by section 52 Local Government Reform (Transitional Provisions) Act 1990 (1990 No 27).

65 How assessments to be calculated

[Repealed]

The words "ten thousand dollars" in section 65(4)(b)(i) were substituted, as from 10 July 1967, for the words "five thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Sections 64 to 71 were repealed, as from 16 December 1989, by section 52 Local Government Reform (Transitional Provisions) Act 1990 (1990 No 27).

66 Appeal

[Repealed]

Sections 64 to 71 were repealed, as from 16 December 1989, by section 52 Local Government Reform (Transitional Provisions) Act 1990 (1990 No 27).

67 Jurisdiction of a Magistrate's Court

[Repealed]

Sections 64 to 71 were repealed, as from 16 December 1989, by section 52 Local Government Reform (Transitional Provisions) Act 1990 (1990 No 27).

68 Production of documents to be prima facie evidence

[Repealed]

Sections 64 to 71 were repealed, as from 16 December 1989, by section 52 Local Government Reform (Transitional Provisions) Act 1990 (1990 No 27).

69 When contributing authorities to pay their shares

[Repealed]

Sections 64 to 71 were repealed, as from 16 December 1989, by section 52 Local Government Reform (Transitional Provisions) Act 1990 (1990 No 27).

70 Power of contributing authorities in regard to payment

[Repealed]

The word “dollar” in section 70(b) was substituted, as from 10 July 1967, for the word “pound” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Sections 64 to 71 were repealed, as from 16 December 1989, by section 52 Local Government Reform (Transitional Provisions) Act 1990 (1990 No 27).

71 Power of Board to recover from contributing authorities in case of default

[Repealed]

Sections 64 to 71 were repealed, as from 16 December 1989, by section 52 Local Government Reform (Transitional Provisions) Act 1990 (1990 No 27).

72 Standards of purification

- (1) The Auckland Harbour Board, having obtained the concurrence of the Minister of Health and the Minister of Marine prior to the passing of this Act, has notified the Board and will at the appropriate time notify all local authorities who may be discharging or permitting the discharge of sewage or sewage effluents to any waters within harbour limits of the standards of purity and conditions to be maintained and complied with in respect of the discharge of sewage or sewage effluents to any such waters as aforesaid.
- (2) In like manner the Minister of Marine has notified or the Minister of Works and Development will notify the standards of purity and conditions to be maintained and complied with in respect of any such discharge to waters outside harbour limits but within or contiguous to the drainage district or sphere of influence of the Board.
- (3) As from the date of receipt of such notification as aforesaid from the Auckland Harbour Board or from the Minister of Works and Development, as the case may be, the Board or the local authority concerned shall as soon as practicable thereafter commence (if it has not already done so) and with all reasonable expedition complete such works as may be necessary to ensure that the standards and conditions so notified to it are and shall continue to be maintained and complied with.

- (4) The Auckland Harbour Board, after obtaining the concurrence of the Minister of Health and the Minister of Works and Development, in the case of tidal waters within harbour limits, and the Minister of Works and Development in the case of tidal waters beyond harbour limits, may at any time and from time to time notify the Board and any such local authority of any further or different standards and conditions in respect of the discharge of sewage and sewage effluents to such waters as aforesaid, and thereupon the Board or the local authority concerned shall, as soon as practicable, commence and with all reasonable expedition complete such works as may be necessary to ensure that such further or different standards and conditions as aforesaid are and shall thereafter continue to be maintained and complied with.
- (5) The Minister of Health, the Minister of Works and Development, or the Auckland Harbour Board may at any time make application to the High Court or a Judge thereof by summons for an order requiring compliance with the standards and conditions fixed as aforesaid and the infliction of such penalties as the Court or a Judge thereof may deem appropriate for failure to so comply. Without prejudice to or limitation of any other remedy, any such failure shall be an offence within the meaning of this Act. Any financial penalty imposed pursuant to the provisions of this section may, notwithstanding the provisions of section ninety-three of this Act, be an amount not exceeding three times the amount which may be imposed pursuant to that section.
- (6) Nothing in section two hundred and thirty-six of the Municipal Corporations Act 1954 or section two hundred and sixty-three of the Counties Act 1956 shall apply to any discharge of sewage or sewage effluents in accordance with this Act.

Subsections (2), (3), (4), and (5) were amended, as from 1 September 1972, by section 6(1) Ministry of Transport Amendment Act 1972 (1972 No 4) by substituting the words “Minister of Works” for the words “Minister of Marine”. That reference substituted a reference to the “Minister of Works and Development” pursuant to section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44).

The words “High Court” in subsection (5) were substituted for the words “Supreme Court”, as from 1 April 1980, pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

73 Disposal of sewage

No sewage shall be discharged from any portion of the drainage district into tidal waters or to any stream or watercourse discharging into such waters except through the sewers of the Board:

Provided that, until the Board has completed provision for conveying sewage from any part of the district to treatment works to be built by it under the authority of this Act, or has taken over control of existing sewage disposal works, sewage from the part affected may be discharged, subject to the provisions of this Act and of all other Acts and to the consent of the Minister of Health and also to the consent of the Minister of Works and Development or of the Auckland Harbour Board, as the case may require, to sewers draining to existing outfall sewers which for the time being are under the control of any local authority within the district:

Provided also that this section shall not apply to discharge from any storm-water sewer for the time being forming part of the sewerage system under the control of any local authority; and shall not apply within any area, so long as public sewers are not available for the service of the said area, to the discharge of sewage effluent from any septic tank if the said septic tank was or is constructed to the approval of the controlling local authority and is operated in accordance with the provisions of the bylaws of that authority or, if there are relevant bylaws of the Board which are of general application throughout the drainage district, in accordance with those bylaws.

The first proviso to this section was amended, as from 1 September 1972, by section 6(1) Ministry of Transport Amendment Act 1972 (1972 No 4) by substituting the words "Minister of Works" for the words "Minister of Marine". That reference substituted a reference to the "Minister of Works and Development" pursuant to section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44).

**Special provisions relating to trade wastes
and noxious matters****74 Discharge to sewers**

No trade wastes shall be discharged from any premises located within the drainage district to tidal waters or to any stream or watercourse within the district except through a sewer under

the control of the Board, unless exemption from the provisions of this section has been granted in accordance with the provisions of section seventy-six of this Act.

75 Information to be supplied to Board

Every person in occupation of trade premises within the drainage district shall submit to the Board such details regarding the quantity, nature, and quality of trade wastes, noxious matters, and condensing water (or liquid which the person concerned may consider to be condensing water) which are being or may be discharged from the said premises as the Board may specify to enable it to carry out its obligations under this Act; and he shall also submit to the Board such information as it may so specify as to the means and location of disposal of such liquids. All such details and information as the Board may require shall be supplied within one month after receipt of notice from the Board. Any person who may hereafter propose to operate any trade premises within the drainage district shall in like manner submit such information as the Board may specify before he commences any process or operation which will result in the discharge of trade wastes, noxious matters, or condensing water:

Provided that no information need, unless requested by the Board, be supplied under this section where the total volume of such liquids which are being or may be discharged does not exceed five thousand gallons a day and where such liquids are not of a toxic or offensive nature.

76 Exemption from requirement to discharge trade wastes to public sewer

- (1) Any occupier of trade premises may submit concurrently with the information required to be supplied pursuant to section seventy-five of this Act an application for exemption from the provisions of section seventy-four of this Act in respect of the whole or any part of the trade wastes and condensing water discharged or to be discharged from the said premises; and the Board may, subject to the provisions of this section, grant exemption.

- (2) Every applicant for exemption shall submit with his application such information as may appear to be relevant to the same; and shall further supply on request of the Board or of an authorised officer of the Board, such additional information as may be necessary to enable full consideration to be given by the Board to the application.
- (3) An application for exemption for the time being shall be granted—
 - (a) If the Board is satisfied that there is no public sewer of sufficient capacity so located that it would be reasonable for the Board to require discharge to that sewer of trade wastes to be discharged from the premises concerned:
 - (b) In the case of condensing water, if the Board is satisfied that suitable arrangements for the discharge thereof other than directly or indirectly to sewers under the control of the Board have been made.
- (4) Any exemption from the provisions of section seventy-four of this Act, which may be granted by the Board under the authority of this section, may be withdrawn by the Board by the service of notice (which in the case of an exemption granted under subsection three of this section shall be three months' notice) on the occupier of the trade premises concerned if it appears to the Board at any time that the grounds upon or the conditions under which such application was granted no longer exist, or may have ceased to exist on expiry of the period specified in such notice.
- (5) Any exemption granted by the Board may at any time, by notice; be withdrawn by the Board if the Minister of Health considers that course desirable for any reason and directs the withdrawal thereof.
- (6) As from the date of expiry of any such notice as aforesaid, the occupier of the trade premises concerned shall in respect of the said premises comply with the provisions of section seventy-four and with all other provisions of this Act relating to the pretreatment and disposal of trade wastes.
- (7) Subject to the provisions of section eighty of this Act, no application for exemption from the provisions of section seventy-four of this Act shall be granted, unless—

- (a) In the opinion of the Board the liquids in respect of which application for exemption is made are of such quality, or are being or will, prior to discharge from the trade premises, be purified by the applicant to such a degree, that their discharge to a water-course or to tidal waters will not prejudicially affect the watercourse or tidal waters; and
 - (b) In the opinion of the Board the discharge of the liquids to a watercourse will not by itself or in conjunction with other liquids in the watercourse result in flooding of lands adjoining the watercourse; and
 - (c) The Auckland Harbour Board signifies to the Board that it has no objection to the Board authorising the discharge of the aforesaid liquids to tidal waters within the harbour.
- (8) The Board, subject to its having obtained the approval of the Auckland Harbour Board in the case of discharges to tidal waters within harbour limits, and subject to its having obtained the approval of the Minister of Marine in the case of discharges to tidal waters beyond harbour limits, may impose such reasonable conditions in respect of exemption from the provisions of section seventy-four of this Act as it may think fit, and if it should find that any of such conditions are not being complied with may cancel any exemption granted.
- (9) In all cases in which it may have granted exemption from compliance with the provisions of section seventy-four of this Act, and in all cases in which it may have withdrawn or cancelled a prior exemption, the Board shall inform—
 - (a) The local authority concerned; and
 - (b) The Auckland Harbour Board or the Minister of Marine, as the case may require,—of the action which it has taken in the matter.
- (10) The rights of any person at common law arising from any nuisance or pollution, and the provisions of any general Act relating to nuisance or pollution, shall not be affected by reason only of any exemption granted from compliance with the provisions of section seventy-four of this Act, or by reason of any approval or consent given pursuant to this section.

77 Trade waste drains

- (1) After the passing of this Act, no trade wastes drain shall be connected to a public sewer within the drainage district, nor shall any trade wastes drain connected to a public sewer within the drainage district be altered or extended, without the prior consent of the Board; and in granting any such consent the Board may impose such reasonable conditions as it may deem necessary to enable effect to be given to the relevant provisions of this Act.
- (2) The cost of construction or alteration or extension of any trade wastes drain as aforesaid, and the cost of connecting the drain to a public sewer, shall be borne by the occupier of the trade premises affected.

78 Trade waste sewers and pumping stations

- (1) Every trade wastes sewer, and every main pumping station which may be required in connection with the conveyance of trade wastes from trade premises to treatment works provided by the Board, shall be constructed, operated, and maintained by and at the expense of the Board as part of its main sewerage system.
- (2) Every sewer or pumping station required after the passing of this Act for the conveyance both of sewage and trade wastes to any main sewer or main treatment works under the control of the Board shall be constructed and maintained by the local authority concerned as part of its reticulation system, unless the Board shall have designated the said sewer or pumping station as a main sewer or main pumping station to be constructed by and at the cost of the Board. If the aforesaid sewer or pumping station is constructed and maintained by the local authority, the Board shall pay to the local authority such proportion of the actual cost of the sewer or pumping station, as certified by the engineer to the local authority, as the capacity provided with the approval of the Engineer to the Board in the said sewer or pumping station for the conveyance of trade wastes bears to the total capacity of the sewer or pumping station:
Provided that if the greater part of the aforesaid capacity is required for the conveyance of trade wastes to any part of the Board's system, or if the said sewer is required for conveyance

of trade wastes before its construction as a local sewer would otherwise be justified, the Board may serve notice on the local authority concerned stating that it intends to construct the said sewer for the said purposes; and in either case it may construct the required sewer and may recover from the local authority concerned, either immediately or at such later date as it may determine, a reasonable proportion of the cost of the said sewer.

- (3) Every alteration to or reconstruction of any sewer forming part of a reticulation system shall for the purposes of subsection two of this section be deemed to be the construction of a new sewer forming part of such system, if the alteration or reconstruction is required to provide for conveyance of trade wastes to the Board's main sewerage system.
- (4) Any dispute or difference between the Board and any local authority arising under or in connection with any of the provisions of this section shall be referred for decision to arbitration in manner provided by the Arbitration Act 1908.

79 Treatment of trade wastes

- (1) Every occupier of trade premises from which trade wastes are discharged either directly or indirectly to any public sewer shall, prior to such discharge, pretreat the trade wastes at his own expense to such degree as the Board from time to time may require:
Provided that the Board shall not require pretreatment of trade wastes to any extent greater than is necessary to ensure that on discharge to any such sewer the trade wastes are of such quality that the capital and operational costs of further treatment to whatever degree may be necessary to ensure compliance with the provisions of section seventy-two of this Act will be no greater than the cost of treatment to a like degree of the same volume of domestic sewage.
- (2) If it appears to the Board that any trade wastes are of such a nature that they are not likely to injure or obstruct the sewers or to render unduly difficult the treatment of domestic sewage with which they may become intermingled the Board shall, on application for the purpose by the occupier of the trade premises affected, grant permission to him to discharge those

trade wastes to such sewers under the control of the Board as shall be specified by the Board, subject to compliance by that occupier with the provisions of this Act and to payment by him of such charges and compliance by him with such requirements as may be set forth in the bylaws for the time being of the Board, and to compliance by him with such additional requirements, if any, as the Board may reasonably decide to impose, having regard to any special circumstances or unusual factors involved.

- (3) The Board may enter into agreements with occupiers of trade premises whereby the Board may undertake at the cost of the occupier concerned to design, construct, and operate works for the pretreatment of any such trade wastes as aforesaid.
- (4) Should the Board in exercise of its powers under subsection one of this section require any occupiers of trade premises to pretreat trade wastes, and should the Board pursuant to the provisions of subsection three of this section enter into agreement with any such occupiers of trade premises to design, construct, and operate works for the pretreatment of trade wastes, and should any net profits result from the operations of the Board in connection with such pretreatment (after taking into account the cost of design, construction, and operation of such works and all incidental expenses), such profits shall not be treated as part of the general funds of the Board so that the benefit thereof may accrue to the contributing local authorities, but shall be so dealt with that after repayment of all capital, operational, and other charges whatever, including an equitable contribution to general administrative charges of the Board, any balance of net profits available shall be allocated by the Board to the occupiers of trade premises concerned in the creation of such profits in such manner as the Board may from time to time decide.

80 Temporary provisions

- (1) Pending completion by the Board of those parts of its main sewerage system as may be required to provide for collection and treatment of trade wastes, every occupier of existing trade premises shall comply with such requirements of the Auckland Harbour Board and of the Board as may be necessary for the

mitigation of pollution of tidal waters or of watercourses or lands to which trade wastes from the aforesaid premises may be discharged:

Provided that, so far as may be practicable, the said requirements shall be such that any machinery or works installed in accordance with them may remain effective after connection of the said premises to any public sewer.

- (2) No trade wastes shall be discharged from any premises first used as trade premises after the passing of this Act until the question of pretreatment and disposal of trade wastes to be produced at the said premises has been referred to the Board; and the person responsible for the construction or use of those trade premises shall make such provision for pretreatment before disposal of the said trade wastes as the Auckland Harbour Board and the Board may specify for the said purpose, and shall carry out all the requirements of the said Harbour Board and of the Board until such time as trade wastes drains from the premises concerned may be connected to a public sewer.
- (3) All costs in connection with the construction of works and the installation and operation of equipment provided under the terms of this section shall be borne by the occupier of the aforesaid trade premises.

81 Treatment and disposal of noxious matters

- (1) No noxious matters may be discharged to any sewer or to any watercourse, or to tidal waters within harbour limits or within three miles of any foreshore within or contiguous to the drainage district or sphere of influence, or to any underground cavern or other point of disposal on land.
- (2) The treatment, prior to disposal, of all noxious matters discharged within or from the drainage district shall be the responsibility of and shall be carried out at the cost of the person responsible for the discharge of such matters as aforesaid:
Provided that the Board may enter into agreements with persons responsible for the discharge of noxious matters whereby the Board may undertake, at the cost of the persons concerned, to design, construct, and operate pretreatment works for the conversion of the said matters into non-noxious matters, and

for the subsequent acceptance of the products of that treatment process into the Board's sewers.

82 Treatment of petroleum, etc

Every person in control of any premises within the drainage district from which petroleum products or any explosive or inflammable matters may be discharged to any public sewer or to a watercourse or to tidal waters shall install and operate effectively an intercepting chamber of such form as the Board may specify or approve. Compliance with the requirements of a licence for the time being in force under the Explosives Act 1957 or the Dangerous Goods Act 1957 shall be deemed compliance with the provisions of this section.

83 Trade waste bylaws

- (1) The Board may make bylaws (hereafter in this Act referred to as trade wastes bylaws) with respect to the discharge of any trade wastes, or trade wastes of any particular nature or composition, from trade premises into any public sewer, and any such bylaws may provide for all or any of the following matters, that is to say:
- (a) Requiring notice to be given of the volume, composition, and rate of discharge of any trade wastes being discharged into any sewer at the time of the coming into force of the bylaws:
 - (b) Requiring notice to be given of the volume, composition, and rate of discharge of any trade wastes intended to be discharged into any sewer before any new drain is connected to convey the trade wastes to the sewer, or before any increased, new, or different use is made of any drain at the time of the notice conveying any liquid to a sewer, and providing for the notice to be deemed an application for the consent of the Board:
 - (c) Determining the period or periods of the day during which trade wastes may be discharged from trade premises into the sewer:
 - (d) Requiring the exclusion from liquid discharged with trade wastes of condensing water or a proportion of condensing water:

- (e) Requiring that, before any trade waste enters a sewer, the amount of any specified injurious constituent in the trade waste should be reduced to the extent prescribed in the bylaws:
- (f) Determining the maximum quantity or quantities of the trade wastes which may, without the consent of the Board, be discharged from any trade premises at which the trade wastes may, without any such consent, be discharged from any trade premises into the sewer:
- (g) Regulating the temperature of the trade wastes at the time at which they are discharged into the sewer and defining the degree of acidity or alkalinity to which the trade wastes must conform when discharged:
- (h) Requiring, in accordance with this Act, the occupiers of trade premises from which trade wastes are discharged into a sewer to pay to the Board such charges at such scales as may be specified in that behalf in the bylaws for the reception of trade wastes into the sewer, and for the disposal thereof, regard being had to the composition and volume of the trade wastes so discharged and to any additional expense incurred or likely to be incurred by the Board in connection with the reception or disposal of the trade wastes:
- (i) Making provision for the treatment of trade wastes, either before or after discharge into a sewer, by the Board; and prescribing the scale of charges in respect of any such treatment payable to the Board by the occupiers of trade premises from which the trade wastes are discharged:
- (j) Requiring the provision and maintenance by and at the expense of the occupiers of the trade premises concerned, of such an inspection chamber, manhole, or other apparatus or device as will enable a person readily to take at any time samples of what is passing into the sewer from the premises:
- (k) Requiring the provision and maintenance by and at the expense of the occupier of the trade premises concerned of such meters as may be required to measure the

- volume of any trade wastes being discharged from the premises into a sewer, and for the testing of the meters:
- (1) Requiring the provision and maintenance by and at the expense of the occupier of the trade premises concerned of screens, grease traps, silt traps or other means of preventing or controlling the discharge of solids or grease from the trade premises.
 - (2) Any trade wastes bylaws may apply generally throughout the district of the Board or within any specified part or parts thereof and may be so made as to apply to any specified trade premises or to any specified class or classes of trade premises.
 - (3) The provisions of section twenty of the Waters Pollution Act 1953 shall not apply to any trade waste bylaws which may be made by the Board in conformity with the requirements of section twenty-nine of this Act, but where the owner or occupier of any trade premises within the district serves on the Board a written request to be registered and states his name and postal address, it shall be the duty of the Board to enter his name and address in a register to be kept by it, and so long as his name appears in the register the Board shall cause to be sent to him a copy of the proposed bylaws at the same time as it is required by the said section twenty-nine to forward a copy to the contributing authorities. Should the Board make trade waste bylaws in conformity with the requirements of subsections two to six of section twenty of the Waters Pollution Act 1953, then, notwithstanding the provisions of subsection one of that section or section twenty-nine of this Act, any such bylaws may be made by ordinary resolution of the Board.
 - (4) Nothing in this Act shall render ineffective the bylaws of any local authority in so far as those bylaws are designed to prevent the discharge into any sewers controlled by the local authority of any matter not debarred by those enactments or the bylaws of the Board, but which might injure or obstruct such sewers as aforesaid or any sewage disposal works which may from time to time be under the control of the local authority, or which might interfere with the normal operation and maintenance of the sewers and sewage disposal works.

84 Appeals

- (1) Any person affected by any decision of the Board pursuant to section seventy-six or section seventy-nine or section eighty of this Act, or any direction or order of the Board given or made pursuant to any bylaw made under section eighty-three of this Act, may, within a period of twenty-one days after being given notice thereof, appeal against the decision, direction, or order to a Judge of the High Court at Auckland, and the procedure prescribed by section sixty-six of this Act shall, with the necessary modifications, apply in respect of any such appeal.
- (2) On any such appeal the Court may determine all questions of fact in issue, and in arriving at its decision shall not be bound or limited by any opinion, belief, resolution, or decision which the Board may have come to or taken on the matter.
- (3) On any such appeal the Court shall have the like jurisdiction, rights, and powers as are vested in the Court in the case of an appeal from the decision of a District Court Judge under the District Courts Act 1947.

The words "High Court" in subsection (1) were substituted for the words "Supreme Court", as from 1 April 1980, pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

The words "District Court Judge" in subsection (3) were substituted for the word "Magistrate", as from 1 April 1980, pursuant to section 18(2) District Courts Amendment Act 1979 (1979 No 125).

85 Inspection and sampling

- (1) Any authorised officer or agent of the Board may from time to time enter upon any premises believed to be trade premises, at any time when such premises are in operation, for the purpose of determining whether trade wastes or noxious matters or condensing water are being discharged therefrom, and may inspect the processes and operations being carried out thereon, and may take measurements and samples of liquids being discharged therefrom, and may require the supply of information relating to those processes, the quantities and kinds of chemicals used in any period, the amount of liquid being discharged from the premises, and the amount and nature of matter in suspension or in solution in such liquids:
Provided that where an officer proposes to take any sample as aforesaid he shall, immediately before so doing, advise the

occupier or some responsible servant or agent of the occupier of his intention to do so.

- (2) Any information so supplied, and the results of analysis of any samples so taken, shall be treated as confidential by the Board, unless it is necessary for the Board, for the purposes of this Act, to submit the information to any Government Department, or to the Auckland Harbour Board, or to a local authority, or as evidence in any proceedings.
- (3) No legal proceedings shall be instituted, and no charges for pretreatment of trade wastes assessed, if based upon any sample taken by any authorised officer or agent of the Board, unless at the time of taking such sample he shall have delivered a portion thereof to the occupier of the trade premises affected or his agent and after analysis of the portion retained shall have supplied the occupier with details of the result of such analysis.

86 Penalties for offences

If any of the provisions of sections seventy-four to eighty-five of this Act, or of any trade wastes bylaws made pursuant to the provisions of section eighty-three of this Act, are contravened or not complied with in the case of any premises, the occupier of the premises shall be guilty of an offence.

Miscellaneous

87 Commencement of action not to stop work of Board

If any action is commenced or prosecuted touching or concerning the right, title, or interest of any owner or proprietor of or in any lands taken or injuriously affected by any thing done in pursuance of this Act or in execution of the powers or authorities herein, such action shall not impede, delay, or hinder the Board from proceeding in the execution of the powers vested in it by this Act.

88 Board may enter premises for purposes of inspection

- (1) The Board and the officers and servants of the Board may enter upon any lands or premises for the purpose of examining as to the existence of any nuisance thereon, or as to the breach of any of the provisions of this Act or the bylaws (with power to

examine any drain or other sanitary apparatus or appliances), or for the purpose of enforcing the provisions of this Act and the bylaws, or for the purpose of executing, providing, or doing any works, materials, or things which the Board is authorised or empowered to execute, provide, or do, under or by virtue of this Act or the bylaws.

- (2) Any owner or occupier of lands or premises who refuses to permit or allow the Board or any of its officers or servants to enter thereon for any of the purposes mentioned in the last preceding subsection, and every person who obstructs the Board or any of its officers or servants in the exercise of any of the powers mentioned in the last preceding subsection, shall be guilty of an offence, and shall be liable to a fine not exceeding forty dollars for each such offence.

The words “forty dollars” in subsection (2) was substituted, as from 10 July 1967, for the words “twenty pounds” pursuant to section 7(1) Decimal Currency Act 1964.

89 Recovery of fines and penalties

All fines imposed by this Act or by any bylaw made under the authority hereof may be recovered in a summary manner under the Summary Proceedings Act 1957.

90 Enforcement of bylaws

The provisions of this Act and of all bylaws made by the Board shall be enforced by the Board or its officers subject to the provisions of section twenty-eight hereof.

91 Property of Board not liable to be rated, etc

- (1) Where any land vested in the Auckland Regional Authority on which is situated any part of the main sewerage works is situated in the district of a local authority where the system of rating on the capital value or on the annual value is in force in respect of any rate to which the land is liable, the amount of rates payable by the Authority in respect of that land shall be equal to the amount that would be payable if the system of rating on the unimproved value were in force in respect of all rates made and levied by that local authority.

- (1A) Any sewer or drain of any kind the property of the Authority which is situated on or in any land that is not vested in the Authority shall be deemed not to be rateable property for the purposes of the Rating Act 1967.
- (2) The Board shall be under no obligation to obtain from any local authority any building or other permit in respect of the construction of any main sewerage works, nor to pay to any local authority any fees or charges in respect of any such works. The Board shall, however, before commencing the erection of any structure above ground level, lodge with the local authority concerned plans and specifications thereof, and the Board shall also supply to such local authority such further particulars and information as may reasonably be required by it and shall as far as practicable have regard to any requirements of the local authority designed to preserve the aesthetic qualities of the area in which any such works are to be constructed.

Subsection (1) was substituted, and subsection (1A) was inserted, as from 1 April 1968, by section 176(1) Rating Act 1967 (1967 No 123).

92 Penalties for damaging works

Any person doing any act whereby any main sewerage works under the control of the Board may be injured or its efficiency impaired is liable to a fine not exceeding the penalty set out in section 683(1) of the Local Government Act 1974 in the case of a single breach, without prejudice to the right of the Board to recover by action damages for any trespass or injury to the said work.

This section was amended, as from 20 July 1987, by section 4 Auckland Regional Authority Amendment Act 1987 (1987 No 4(L)) by substituting the words “the penalty set out in section 683(1) of the Local Government Act 1974 in the case of a single breach” for the words “one hundred dollars”. Those words replaced an earlier reference to “fifty pounds” pursuant to section 7(1) Decimal Currency Act 1964.

93 Offences under Act

Any person doing anything contrary to the provisions of this Act, or omitting or failing to perform any duty imposed on him by or arising under this Act, shall be guilty of an offence, and in cases where no other penalty is provided shall be liable to

a fine not exceeding the penalty set out in section 683(1) of the Local Government Act 1974 in the case of a single breach, and whenever such act or omission is of a continuous nature a further offence shall be deemed to be committed on each day on which it is continued; and whenever power is given by this or any other Act or any bylaw to order any thing to be done or omitted, an offence shall be deemed to be committed on each day on which any person disobeys or fails to comply with any such order; and in all cases in which property is damaged, destroyed, or lost, or pecuniary loss is suffered by reason of an offence, the Court may add to the fine compensation for any loss the Board may have sustained:

Provided that such compensation, unless awarded at the express request of the Board, shall not, excepting as to the amount thereof, relieve such person of any civil liability in respect of his act or omission.

This section was amended, as from 20 July 1987, by section 5(a) Auckland Regional Authority Amendment Act 1987 (1987 No 4(L)) by substituting the words “the penalty set out in section 683(1) of the Local Government Act 1974 in the case of a single breach” for the words “one hundred dollars” (as substituted for the words “fifty pounds” by the Decimal Currency Act 1964).

This section was further amended, as from 20 July 1987, by section 5(b) Auckland Regional Authority Amendment Act 1987 (1987 No 4(L)) by omitting the words “or any bylaw made hereunder” and the words “or any such bylaw”.

94 Reserve for replacement and renewals, etc

- (1) The Board may from time to time set aside out of its general revenue any moneys to form a fund or funds for the purpose of replacing or renewing its plant, machinery, and other depreciable assets of a similar nature, or any part or parts thereof, that may from time to time become obsolete or incapable from any other cause of further usefulness in connection with the Board's undertaking.
- (2) The Board shall pay all moneys so set aside into a separate bank account or accounts, and may invest any part thereof in manner following:
 - (a) In New Zealand Government or local authority securities; or
 - (b) On deposit in any bank lawfully carrying on the business of banking in New Zealand or in the Auckland Savings Bank or the Post Office Savings Bank; or

- (c) In the common fund of Public Trust; or
 - (d) In the National Provident Fund; or
 - (e) In any other securities that may from time to time be authorised by the Governor-General in Council.
- (3) Separate accounts shall be kept by the Board of all moneys paid to or received by it in respect of each renewal fund.

Subsection (2)(c) was amended, as from 1 March 2002, by section 170(2) Public Trust Act 2001 (2001 No 100) by substituting the words “Public Trust” for the words “the Public Trust Office”. See clause 2 Public Trust Act Commencement Order 2002 (SR 2002/11).

95 Arbitration

- (1) Any dispute or difference between the Board and any local authority or person which in terms of this Act is to be decided by arbitration shall (subject to any specific provisions relating thereto)—
- (a) If the parties agree upon a single arbitrator, be referred to that arbitrator:
 - (b) If the parties agree that the dispute or difference involves principally questions relating to engineering matters, but they cannot agree upon a single arbitrator, be referred to an Engineer nominated for the purpose by the President for the time being of the New Zealand Institution of Engineers, or, if the President is Engineer to the Board or Engineer or Consulting Engineer to the local authority or person concerned, then by the Senior Vice-President for the time being of that institution:
 - (c) In any case not provided for by paragraph (a) or paragraph (b) of this section, be referred to two arbitrators, one to be appointed by the Board and one by the other party concerned, or to an umpire appointed by such arbitrators.
- (2) The relevant provisions of the Arbitration Act 1908 shall apply to any arbitration under this section.

96 Insurance of Board members and employees

- (1) The Board may from time to time enter into contracts of insurance insuring members of the Board against loss from personal accident arising out of and in the course of the exercise of their

powers or duties as members of the Board, and may pay the premiums payable in respect of those contracts.

- (2) Any such contracts of insurance entered into by the Board before the passing of this Act shall be deemed to have been lawfully made.
- (3) The Board may pay the net proceeds received by it under any such contract of insurance to the member affected or to his personal representatives as the case may be.

97 Notices

The provisions of section three of the Public Works Act 1928 as to notices shall with the necessary modifications be deemed to apply to all notices required by this Act to be sent to any person.

98 Governor-General may extend time

Within the period of twenty-one days before or after the day appointed for the holding of any meeting of the Board or for the doing of any act, matter, or thing by this Act required to be done on or before a day certain, it shall be lawful for the Governor-General to extend the time allowed or fix a later day for the holding of such meeting or for the doing of any such act, matter, or thing as aforesaid, notwithstanding the day may have passed on which the same ought to have been held or done, and to adopt or cause to be adopted such measures as may be necessary to remove any obstacle of a technical or formal nature by which the carrying out of the provisions of this Act may be impeded, and to supply any deficiency which may be required to be supplied in order to enable the said provisions to be carried out.

99 Government works not to be interfered with

- (1) Nothing in this Act shall—
 - (a) Authorise the Board to interfere with any public work executed or carried on by, or under the control of, the Government without the previous consent and approval of the Minister of the Crown under whose control that work is being executed or carried on; or

- (b) Prejudice or affect any power or authority vested in Her Majesty, or in the Governor-General, or in any Minister or other person on behalf of Her Majesty or the Governor-General, under any Act authorising the erection, construction, carrying on, or maintenance of any work.
- (2) In giving any consent and approval under the last preceding subsection the Minister may impose such conditions as he thinks fit for the protection and safety of the public work.

This section was amended, as from 1 September 1972, by substituting the words “Minister of Works and Development” for the words “Minister of Works” pursuant to section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44).

Subsection (1)(a) was amended, as from 1 April 1988, by section 8 Ministry of Works and Development Abolition Act 1988 (1988 No 42) by substituting the words “Minister of the Crown under whose control that work is being executed or carried on” for the words “Minister of Works and Development or, if the work is being executed or carried on by, or under the control of, some other Minister, of that other Minister”. The amending Act said to omit the words “Minister of Works or, ...” apparently in error.

Subsection (2) was amended, as from 1 April 1988, by section 8 Ministry of Works and Development Abolition Act 1988 (1988 No 42) by omitting the words “of Works and Development, or such other Minister as aforesaid,”. The amending Act said to omit the words “of Works, or ...” apparently in error.

100 Declaratory

The express provisions contained in the Auckland Metropolitan Drainage Act 1944 with respect to the following matters have been repealed by general legislation and other provisions substituted therefor as stated hereunder:

- (a) Limitation of actions, section 23, Limitation Act 1950:
- (b) Members disqualification, Local Authorities (Members’ Contracts) Act 1954.

101 Repeals and savings

- (1) The enactments mentioned in Schedule 6 hereto are hereby repealed.
- (2) All Proclamations, Orders in Council, orders, regulations, by-laws, offices, appointments, resolutions, agreements, licences, lists, registers, registrations, maps, records, documents, and generally all acts of authority which originated under any of the Acts hereby repealed and are subsisting and in force on the coming into operation of this Act, shall enure for the purposes

of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

- (3) All matters and proceedings commenced under the said Acts and pending or in progress on the coming into operation of this Act may be continued, completed, and enforced under this Act.

Schedule 1

Section 3

Auckland Metropolitan Drainage District

ALL those areas in the North Auckland Land District, being the City of Auckland, the Boroughs of Mount Eden, Mount Albert, Newmarket, One Tree Hill, Onehunga, Otahuhu, Ellerslie, Mount Roskill, Mount Wellington, Papatoetoe, New Lynn, Henderson, Manurewa, Papakura, Glen Eden, and Howick and the islands in Waitemata Harbour known as Motukorea or Brown's Island, Pollen Island, and Traherne Island.

Also all that area in the North Auckland Land District, County of Waitemata, bounded by a line commencing in Block III, Titirangi Survey District, at the junction of the western boundary of the Borough of New Lynn with the line of mean high water of the Whau River of the Waitemata Harbour and proceeding southerly generally along that borough boundary as described in New Zealand Gazette 1939, page 1728, to and along the northern, western, and southern boundaries of the Borough of Glen Eden as described in New Zealand Gazette 1953, page 498, to and along the southern boundary of the Borough of New Lynn aforesaid and the western boundary of the City of Auckland as described in New Zealand Gazette 1956, page 1084, to and along the line of mean high water spring tide of the Manukau Harbour and the line of mean high water spring tide of the eastern bank of Nihotupu Stream (Big Muddy Creek) to the south-eastern corner of Lot 1, DP 31671; thence northerly generally along the eastern and northern boundaries of Lot 1 aforesaid, to and along the south-eastern side of the New Lynn - Huia Road to and along the south-eastern boundary of the land comprised in CT 422/275, being parts Allotments 33, 33B, and 42, Waikomiti Parish, and along a right line being the last-mentioned boundary pro-

duced across the aforesaid road to its northern side; thence north-east-erly and westerly generally along the boundary of the Auckland City Water Supply Reserve being along the eastern boundary of the land comprised in CT 769/23, being parts Allotments 31, 33, 34, and 56, the south-eastern boundary of the land comprised in CT 778/147, being parts Allotments 57, 59, 30, and 17, the southern boundary of the land comprised in Conveyance 243255 (R 247/414) being another part Allotment 17, the southern boundary of the land comprised in CT 766/233, being part Allotment 26, the southern, eastern, and northern boundaries of the land comprised in CT 766/286, being part Allotment 27, the eastern, northern, north-western, and western boundaries of the land comprised in CT 766/233 aforesaid, crossing and recrossing the intersecting Waitakere Scenic Drive, the north-western boundaries of the land comprised in the said Conveyance 243255, the north-western boundaries of the land comprised in CT 778/147 aforesaid, the northern boundary of Lot 9, DP 10136, along a right line across a public road to and along the northern boundary of the land comprised in CT 714/382, being part Allotment 60, along the eastern and northern boundaries of the land comprised in CT 245/92, being part Allotment 60 aforesaid, the northern boundary of the land comprised in CT 778/16, being part Allotment 60, and along a right line being that boundary produced across an area of 12 acres 2 roods 15 perches, more or less, being stopped road shown on SO 40327, to and along the southern boundary of that area, the southern side of Waitakere Scenic Drive, to and along the western boundary of Allotment 58, along the generally northern and eastern boundaries of the land comprised in CT 779/105, being part Allotment 38, crossing the Waitakere Scenic Drive to and along the southern, eastern, northern, and western boundaries of Allotment 66, the southern boundary of Allotment 451, along a right line across the Waitakere Scenic Drive to and along the southern, south-western, and north-western boundaries of Allotment 450, again along a right line across the Waitakere Scenic Drive aforesaid, to and along the generally western and southern boundaries of Allotment 451 aforesaid, along a right line across a public road to and along the northern boundary of the land comprised in CT 945/281, being part Allotment 69, to and along the eastern boundaries of parts Allotments 70 and 76, crossing the intervening public road to the south-eastern corner of Lot 22, DP 19170; thence along the south-eastern boundaries of

Lots 22 and 28, DP 19170, the eastern boundaries of Lot 21, DP 42886, and Allotment 519 (Scenic Reserve), and along a right line across the aforesaid Waitakere Scenic Drive to and along the eastern side of Lot 31, DP 32318, the end of a public road, and the western boundary of part Allotment 38, to and along the northern and western boundaries of Allotment 82, the northern boundaries of Allotments 73 and 74 and the generally eastern boundary of Allotment 97A on DP 16846, to and along the north-eastern boundaries of Allotments 260 and 259, the eastern boundaries of Allotment 96 on DP 3524, and Allotment 418, the eastern and north-eastern boundaries of Allotment 93, all the aforesaid allotments being of the Parish of Waikomiti, to and along the north-eastern and northern boundaries of Allotment 92, Parish of Waitakere, to and along the generally north-eastern and eastern boundaries of Allotments 91, 90, 89, 79, M 81, NW 81, S 82, N 82 and 83 all the aforesaid allotments being of the Parish of Waitakere, crossing and recrossing the aforesaid public roads and the Waitakere Scenic Drive to the north-eastern corner of the last-mentioned allotment, being the boundary of the Auckland City Water Supply Reserve; thence continuing northerly generally along the western and northern sides of the aforesaid Waitakere Scenic Drive to the south-western corner of Allotment 460, Parish of Waipareira, in Block I, Titirangi Survey District; thence along a right line bearing $334^{\circ} 14' 40''$ for a distance of 250 links and along right lines parallel to and distant 250 links from the north-western side of the aforesaid scenic drive to the eastern boundary of Lot 2, DP 25010, and along another right line to and along the southern boundary of Lot 51, DP 40388; thence generally northerly along the eastern boundaries of Lots 51, 50, 49, 48, 47, and 46, DP 40388, and along a right line across a public road to and along the eastern boundary of Lot 34, DP 40388, and along a right line crossing part Allotment 10, Waipareira Parish, to the southernmost corner of Lot 1, DP 21566; thence northerly generally along the eastern boundary of that lot, along a right line across the North Auckland Railway and the Henderson - Swanson Kumeu Road through Trig Station L to the intersection of that right line with the northern side of Sunnyvale Road and along that side of the said road to and northerly along the western side of another public road to and northerly along the western sides of Red Hill Road, Nixon Road, and Taupaki - Brigham's Creek Road and northerly along the western side of that last-men-

tioned road to the road angle in the eastern boundary of Lot 2, DP 46378; thence along a right line to the easternmost corner of Lot 18, DP 22455, crossing the said road and south-easterly generally along the south-western side of the Auckland-Wellsford No 16 State Highway to its intersection with the line of mean high water of the Waitemata Harbour on the western bank of Brigham's Creek; thence along a right line bearing $102^{\circ} 43' 30''$ to the eastern bank of the said creek, to and north-easterly, easterly, and southerly generally along that line of mean high water to the point of commencement, excepting thereout the Borough of Henderson, as hereinbefore included.

Also all that area in the North Auckland Land District, County of Manukau, bounded by a line commencing at Musick Point in Block X, Rangitoto Survey District, and proceeding southerly generally along the line of mean high water of the Tamaki Strait, to and along the north-western, south-western, and southern boundaries of the Borough of Howick as described in New Zealand Gazette 1960, page 1060, and again along the line of mean high water of the Tamaki Strait to and up the middle of the Maungamaungaroa Creek to and along the north-eastern side of a public road forming the south-western boundaries of Allotment 267 and Allotment 272, DP 3390, and Allotment 274, DP 22300, all of the Parish of Pakuranga, to and along the north-western, north-eastern, and south-eastern boundaries of the northern part of Allotment 118 to a point in line with the south-western boundary of Lot 7, DP 4431; thence along a right line across a public road to and along that boundary and the south-western boundary of Lot 8, DP 4431 aforesaid, along the north-western boundaries of Allotments 178 and 177, the north-eastern, north-western, and south-western boundaries of Allotment 138, all the aforesaid allotments being of the Parish of Pakuranga, to and along the north-western boundary of Allotment 153, Parish of Manurewa, the north-western, western, and southern boundaries of part Allotment 96, Parish of Manurewa, and the southern boundary of Lot 1, DP 13670, to a point in line with the north-eastern boundary of part Allotment 19, Parish of Papakura; thence along a right line across the Howick-Manurewa Road to and along the aforesaid north-eastern boundary to a point 250 links distant from, and measured at right angles to, the south-eastern side of the aforesaid road; thence along a series of right lines parallel to and 250 links distant from the south-eastern side of that road, the north-eastern side of Alfriston-Ardmore Road, the northern side of

the Papakura-Clevedon Road and the eastern side of Peterson Road to the north-western boundary of Allotment 235, Parish of Hunua; thence westerly generally along the north-western boundaries of Allotment 235 aforesaid, and Allotment 146, Parish of Opaheke, and closed road, along the north-western side of a public road forming the north-western boundaries of Allotments 145 and 144, Parish of Opaheke, along the north-western boundary of the land shown on DP 26233, the abutment of a public road, the north-western boundary of Allotment 116 of Kirikiri Suburban Section 1, Parish of Opaheke, along a right line across a public road to and along the northern boundary of the Borough of Papakura as described in New Zealand Gazette 1938, page 470 to and along the line of mean high water spring tide on the northern shores of the Pahurehure Inlet, to and northerly generally along the line of mean high water spring tide of the Manukau Harbour to a point in line with the northern side of Portage Road in Block VI, Otahuhu Survey District; thence along a right line in the direction of the northern side of the aforesaid Portage Road to and southerly along the middle of the North Island Main Trunk Railway to and easterly along the right bank of the stream forming the northern boundary of Lots 240, 241, and 238, DP 43645, to and along the right bank of Tamaki River to the point of commencement, excepting thereout the Boroughs of Papatoetoe and Manurewa.

Schedule 2

Section 6

Sphere of influence

ALL that area in the North Auckland Land District, County of Waitemata, bounded by a line commencing at the southern end of the eastern side of Paremoremo Wharf Road on the shores of the Waitemata Harbour near Paremoremo Wharf in Block VII, Waitemata Survey District, and proceeding westerly generally along the line of mean high water of that harbour to and westerly along the northern boundary of the Auckland Metropolitan Drainage District as described in Schedule 1 hereto to and northerly generally along the summit of the hills which form the boundary of the area of which the natural drainage is into the waters of the Waitemata Harbour to and generally easterly and southerly along the line of the boundary

of the District of the North Shore Drainage Board as described in the Schedule to the North Shore Drainage Act 1951 to the point of commencement.

Also all that area in the North Auckland Land District, County of Waitemata, bounded by a line commencing on the western boundary of the Auckland Metropolitan Drainage District at the north-eastern corner of Allotment 79, Parish of Waitakere in Block I, Titirangi Survey District, and proceeding southerly generally along that boundary as hereinbefore described in Schedule 1 to and south-westerly generally along the line of mean high water spring tide of the Manukau Harbour to a headland near Trig Station R (Paratutai Island); thence northerly generally along the summit of the hills which form the western boundary of the area of which the natural drainage is into the waters of the Manukau Harbour to and along the line of the western boundary of the District of the Auckland Metropolitan Drainage Board as described in Schedule 1 to the point of commencement, excepting thereout the area comprising the Auckland City Water Supply Reserve.

Also all that area in the Counties of Franklin and Manukau and the Boroughs of Pukekohe and Waiuku, bounded by a line commencing in the middle of the mouth of the Maungamaungaroa Creek on the line of mean high water of the Tamaki Strait and proceeding easterly and southerly generally along that line of mean high water and the lines of mean high water of the Hauraki Gulf and the Firth of Thames to and westerly along the southern boundary of the County of Manukau as described in New Zealand Gazette 1954, page 2081, to and southerly, westerly, and northerly generally along the summit of the hills which form the boundaries of the area of which the natural drainage is into the waters of the Manukau Harbour to the line of mean high water spring tide of the Manukau Harbour at the Manukau Heads; thence easterly along the line of mean high water spring tide of that harbour and Pahurehure Inlet to and northerly along the southern and eastern boundaries of the Auckland Metropolitan Drainage District as described in Schedule 1 hereto, to the point of commencement excepting thereout the area comprising the Auckland City Water Supply Reserves.

Also Waiheke Island, the islands in the Waitemata Harbour know as Motuihi and Herald Islands, and the islands in the Manukau Harbour known as Puketutu and Wiroa Islands.

Schedule 3

Section 4

Part inner area

ALL that area in the North Auckland Land District in Block V, Otahuhu Survey District, bounded by a line commencing at the intersection of the north-western boundary of Lot 1, Deeds Plan 172, with the line of mean high water spring tide of the shores of the Manukau Harbour and proceeding generally easterly along those shores to and generally southerly up the left bank of the Ararata Creek to and along the northern side of Walmsley Road to and down the right bank of the Ararata Creek aforesaid to a point in line with the eastern boundary of the road reserve on DP 20008; thence along a right line across part Allotment 49, Manurewa Parish, to and along the eastern boundaries of that road reserve and Lots 13, 12, 11, 10, 9, and 8, DP 20008, along a right line across Walmsley Road to and along the south-western boundary of Lot 47, DP 14351, for a distance of 3 chains; thence south-westerly generally along a right line crossing Lots 7, 6, and 5, Deeds Plan 67 Blue, to and along the south-eastern boundaries of Lots 4, 3, 2, and 1, DP 19848, the north-eastern boundaries of Lots 6, 7, 8, 9, 10, 11, 12, and 13, and the north-eastern and south-eastern boundaries of Lot 14, DP 19164, along a right line across Hall Avenue to and along the north-western boundary of Lot 19, DP 13902, and a right line being that boundary produced across the Ararata Creek, Allotment 30B, Suburbs of Mangere, a public road and part Lot 1, DP 3161, to and along the south-eastern boundaries of part Lot 1, DP 29346, Lots 1 and 5, DP 43940, Lot 1, DP 37200, Lots 55 and 61, DP 19367, and the eastern end of a public road, along a right line across Allotment 26, Suburbs of Mangere to a point in line with the north-eastern boundary of Allotment 45, Suburbs of Mangere; thence generally north-westerly along a right line across McKenzie Road to and along the north-eastern and north-western boundaries of Allotment 45 aforesaid, along a right line across Kirkbride Road to and along the south-eastern boundary of Lot 3, DP 11617, for a distance of 3 chains; thence

along a series of right lines parallel to, and 3 chains distant westerly from, the western side of Kirkbride Road to and along another series of right lines parallel to, and 3 chains distant from, measured at right angles to, the southern side of Creamery Road to and generally northerly along the line of mean high water spring tide of the shores of the Manukau Harbour to a point in line with the north-western boundary of Lot 1, Deeds Plan 172 aforementioned; thence along a right line across part Allotment 86, Manurewa Parish and Ambury Road, to and along the last-mentioned north-western boundary to the point of commencement.

Also all that area in the North Auckland Land District in Block V, Otahuhu Survey District, bounded by a line commencing at the intersection of the north-eastern boundary of Lot 37, Deeds Plan 58, with the line of mean high water spring tide of the shores of the Manukau Harbour and proceeding generally north-easterly along those shores to and southerly and westerly generally up the left bank of the Harania Creek to and north-westerly along the north-eastern boundary of Lot 22, Deeds Plan 58 aforesaid, to and along the south-eastern side of Favona Road to a point in line with the north-eastern boundary of Lot 38, Deeds Plan 58; thence along a right line across Favona Road to and along that north-eastern boundary and the north-eastern boundary of Lot 37 aforementioned to the point of commencement.

Also all that area in the North Auckland Land District in Blocks V, VI, IX, and X, Otahuhu Survey District bounded by a line commencing at the north-westernmost corner of the land shown on DP 3981 in Block VI aforesaid, and proceeding easterly along the line of mean high water spring tide of the shores of the Manukau Harbour to and south-easterly along the south-western boundary of the Borough of Otahuhu as described in New Zealand Gazette 1922, page 273, and continuing along the middle of the North Island Main Trunk Railway to a point in line with the north-western boundary of Lot 1, DP 37930; thence along a right line to and generally south-westerly along the north-western boundary of the Borough of Papatoetoe as described in New Zealand Gazette 1960, page 1058, to and along the north-eastern side of Buckland Road to a point in line with the south-eastern boundary of Lot 131, DP 21412; thence along a right line across Buckland Road to and along the south-eastern and south-western boundaries of that Lot 131, the south-western boundaries of Lots 130, 129, 128, 127, 126, 125, and 124, DP 21412, along a right line across part Lot

1, DP 5257, to and along the south-western boundaries of Lots 123, 122, 121, 120, 119, 118, 117, 116, 115, and 114, DP 21412, along the south-eastern boundaries of Lots 111, 110, 109, 108, 107, 106, 105, 104, 103, 102, 101, 100, 99, 98, 97, 96, and 95, DP 21412, and along right lines crossing the intervening parts of Lot 1, DP 5257, along the south-eastern boundaries of Lots 94, 93, 92, 91, 90, and 89, DP 21412, to the southernmost corner of the last-mentioned Lot 89; thence along a right line parallel to the north-eastern side of Henwood Road for a distance of 4 chains; thence along a right line across Henwood Road to and along the north-western boundary of Lot 9, DP 22002, the north-western and western boundaries of part Lot 1, DP 20081, the western boundary of Lot 2, DP 20081, and the south-eastern boundary of Lot 30, DP 20346, to the end of Tidal Road; thence along the right bank of Pukaki Creek to a point on a line parallel to, 3 chains distant southerly from, measured at right angles to the south-western side of Tidal Road; thence generally northerly along a series of right lines parallel to that roadside to the south-eastern side of Massey Road; thence along a right line across Massey Road to and along the north-eastern boundary of part Allotment 58, Manurewa Parish, comprised in certificate of title, Volume 552, folio 118, to and along a series of right lines parallel to and 3 chains distant from the north-western side of Massey Road, to and along another series of right lines parallel to, and 4 chains distant southerly from, the south-western side of Robertson Road to a point in line with the south-eastern boundary of Lot 1, DP 32074; thence along a right line across Robertson Road to and along the south-eastern and north-eastern boundaries of that Lot 1, DP 32074, the south-eastern boundary of Part Lot 3, DP 19890, the south-western and south-eastern boundaries of Lot 9, Deeds Plan Whau 36, to a point 3 chains distant from the south-western side of Buckland Road West; thence along a series of right lines parallel to that roadside to and along the south-eastern boundary of Lot 1, Deeds Plan Whau 36, and along a right line being that boundary produced to its intersection with a series of right lines parallel to, and 250 links distant northerly from, the north-eastern side of Buckland Road West; thence along those right lines to and still northerly generally along the south-eastern boundaries of Lot 14, DP 21985, Lot 16, DP 6700, and Lot 1, DP 26416, the south-eastern boundary of Lot 2, DP 26416, and the eastern and north-eastern boundaries of part Lot 3, DP 26416, to and again along

the eastern boundary of Lot 2, DP 26416, to and along the right bank of the stream forming the northern boundary of that Lot 2 and along the right bank of the Harania Creek to and along the line of mean high water spring tide of the Manukau Harbour to the point of commencement.

All that area in the North Auckland Land District in Blocks VI, VII, X, and XI, Otahuhu Survey District, bounded by a line commencing at the northernmost corner of Lot 129, DP 46346, on the right bank of the Otaki Creek and proceeding north-easterly and easterly generally along the right bank of the Otaki Creek and the left bank of the Otera Creek to and along the southern side of Johnstones Road, along a right line across Preston Road to and along the south-western boundaries of part Allotment 65, Pakuranga Parish, shown on DP 10441, and part Lot 27, DP 615, to and along the north-western boundaries of parts Allotments 65 and 52, Pakuranga Parish, comprised in certificate of title, Volume 755, folio 164, crossing an intervening public road to and westerly along a right line parallel to and 4 chains distant from and measured at right angles to the northern side of Ross Road to and southerly generally along the south-eastern boundaries of part Allotment 52, Pakuranga Parish, comprised in certificate of title, Volume 938, folio 230, and Lot 1, DP 36109, along a right line across Ross Road to and along the south-eastern boundaries of parts Allotment 54, Pakuranga Parish, comprised in certificate of title, Volume 581, folio 217, and along a right line being that boundary produced across Flatbush School Road to and along its southern side to and along the south-eastern boundary of parts Allotment 22, Manurewa Parish, shown on DP 7397, and along a right line being that boundary produced across Ferguson Road to and along its south-western side to and along the south-eastern boundary of Lot 8, DP 8540, and the eastern and southern boundaries of Lot 2, DP 8540, to a point in line with the north-eastern boundary of Lot 1, Deeds Plan 1046; thence still southerly generally along a right line across Flat Bush Road to and along the north-eastern and south-eastern boundaries of the said Lot 1, along the south-eastern boundaries of Lots 4, 5, and 7, Deeds Plan 1046, and along a right line being the last-mentioned boundary produced across Boundary Road to a point 3 chains distant southerly from and measured at right angles to the southern side of that road; thence westerly generally along a series of right lines parallel to and 3 chains distant from the southern sides of Boundary

Road and Puhinui Road crossing the intervening Awanui-Bluff State Highway No 1 (Auckland-Hamilton Motorway) and the Great South Road to the boundary of the Borough of Papatoetoe as described in *Gazette* 1960, page 1058; thence northerly generally along that borough boundary to the point of commencement.

Also all that area in the North Auckland Land District in Block X, Otahuhu Survey District, bounded by a line commencing at a point on the south-western boundary of Lot 3, DP 37827, 3 chains distant from and measured at right angles to the southern side of Puhinui Road and proceeding south-westerly along a right line parallel to that southern roadside to the north-eastern boundary of Lot 1, DP 37234; thence north-westerly, and north-easterly and south-easterly along the southern boundary of the Borough of Papatoetoe as described in *Gazette* 1960, page 1058, to the point of commencement.

Also all that area in the North Auckland Land District in Block X, Otahuhu Survey District, bounded by a line commencing at a point on the eastern side of McLaughlins Road being 3 chains distant from and measured at right angles to the southern side of Puhinui Road and proceeding south-westerly along a right line parallel to that southern roadside to a point in line with the eastern boundary of Lot 2, DP 20852; thence northerly along a right line across Puhinui Road to and easterly generally along the southern boundary of the Borough of Papatoetoe as described in *Gazette* 1960, page 1058, to the point of commencement.

Also all that area in the North Auckland Land District in Block X, Otahuhu Survey District, being Lot 27, DP 15328.

Also all that area in the North Auckland Land District in Block X, Otahuhu Survey District, bounded by a line commencing at the northernmost corner of Lot 10, DP 44847, and proceeding north-easterly generally along the left bank of that stream which forms the southern boundary of part Allotment 48, Manurewa Parish, shown on DP 12174, to the western boundary of part Allotment 44 of the said parish shown on DP 21314; thence southerly, westerly, and northerly along the boundary of the Borough of Papatoetoe as described in *Gazette* 1960, page 1058, to the point of commencement.

Also all that area in the North Auckland Land District in Block IX, Otahuhu Survey District, bounded by a line commencing at the northernmost corner of Lot 62, DP 18493, and proceeding southerly generally along the south-western boundaries of part Allotments 70 and

71, Manurewa Parish, and along a right line being the last-mentioned boundary produced across Massey Road to its southern side; thence along a right line parallel to the eastern boundary of Lot 21, DP 38985, for a distance of 950 links; thence along a series of right lines parallel to the southern side of Massey Road to and along the north-western boundary of Lot 1, DP 30451, and north-westerly generally along the north-eastern boundary of part Allotment 75, Manurewa Parish, comprised in certificate of title, Volume 352, folio 245, along a right line across Westney Road to and along the north-eastern boundary of Lot 10, DP 13141, to a point in line with the south-eastern boundary of Lot 3, DP 13141; thence northerly generally along a right line to and along that south-eastern boundary to and along the south-western side of Kirkbride Road to a point in line with the north-western boundary of Lot 1, DP 43430; thence along a right line across Kirkbride Road to and along that north-western boundary, along the north-western boundary of part Allotment 70, Manurewa Parish as shown on LT 11564, and along the south-eastern boundary of another part Allotment 70 comprised in certificate of title, Volume 552, folio 124 to the point of commencement.

Also all that area in the North Auckland Land District bounded by a line commencing at the northernmost corner of Lot 3, DP 19710, being part Allotment 13, Pakuranga Parish, on the line of mean high water of the Tamaki River situated in Block III Otahuhu Survey District and proceeding generally easterly along the generally northern boundary of the aforesaid Lot 3 and the production of that boundary across Hattaways Road to and northerly along the eastern side of that road to and along the southern boundary of Lot 3, DP 506, to a point 4 chains distant easterly from and measured at right angles to the eastern side of Hattaways Road situated in Block III, Otahuhu Survey District; then southerly generally along a right line parallel to Hattaways Road to and along the southern boundaries of Lots 2 and 2A, DP 506, and the south-western boundary of the said Lot 2A and the production of that boundary across the Ellerslie-Howick Road to and south-westerly along the south-eastern side of that road to a point 350 links distant from, and measured at right angles to, the eastern side of Udys Road; thence along a right line parallel to Udys Road to a point in line with a line 4 chains distant southerly from, and measured at right angles to and being parallel to, the southern side of Reeves Road; thence westerly generally along a right line cross-

ing Udys Road and parallel to Reeves Road to the eastern side of Roberts Road; thence along a right line across Roberts Road to and along the northwestern boundary of Lot 37, DP 14882, to the line of mean high water of the Tamaki River; thence westerly, northerly, and north-easterly generally along the shores of the Tamaki River to the point of commencement.

Also all that area in the North Auckland Land District, County of Waitemata, bounded by a line commencing at a point in the middle of View Road in line with the western boundary of Lot 1, DP 43027 in Block II, Titirangi Survey District, on the western boundary of the Borough of Glen Eden as described in New Zealand Gazette 1953, page 498, and proceeding westerly along the middle of that road to a point in line with the western boundary of Lot 14, DP 44328, thence north-westerly along a right line across part Allotments 15 and 251, Parish of Waikomiti, to a point in the middle of Glengarry Road in line with the northern boundary of part Allotment 251; thence westerly along a right line to and along that northern boundary to and along the western boundary of Lot 13, DP 43039, to the south-eastern side of Waikumete - West Coast Road; thence northerly along a right line diagonally across that road to and along the south-western boundary of part Allotment 14, Parish of Waikomiti, to a point 250 links distant from, and measured at right angles to, the north-western side of the aforesaid road; thence north-easterly along a series of right lines parallel to, and 250 links distant from, the road and the south-western side of Parrs Cross Road to the south-eastern side of Forest Hill Road; thence along a right line diagonally across that road to and along the generally south-western boundaries of Lots 28, 24, 23, 22, and 21, along a right line to and along the south-western boundaries of Lots 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, and 4, along a right line to and along the south-western boundaries of Lots 3, 2, and 1, all the aforesaid lots being on DP 44540, along a right line to the southern angle in the eastern boundary of Lot 1, DP 34656, and northerly along the said eastern boundary, a right line across Henderson Valley Road, to and along the north-western boundary of Lot 16, DP 44111, and along another right line across Lot 31, DP 44111 aforesaid, and Lots 6, 5, 4, and 3, DP 8632, and Lot 2, DP 35704, to and along the north-western boundary of Lot 40, Deeds Plan Whau 13, being part Allotment 7, Parish of Waipareira, to the south-western side of Boundary Road; thence again northerly

along the boundary of the Borough of Henderson as described in New Zealand Gazette 1957, page 1294, a right line across Opanuku Stream to and along the north-eastern boundaries of part Allotment 37 and Lot 1, DP 29674, and a right line diagonally across Sturges Road to and along the southern and western boundaries of Lot 25 and the western boundaries of Lots 24 and 23, a right line to and along the western boundaries of Lots 22, 21, 20, 19, 18, 17, 16, 15, 14, and 13, a right line to and along the western boundaries of Lots 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, and 1, all the aforesaid lots being on DP 19329 to and northerly along the western boundary of the Borough of Henderson aforesaid, to and westerly along the southern side of the North Island Main Trunk Railway, the north-western side of Metcalf Road to the southernmost corner of Lot 1, DP 37929 in Block XIV, Waitemata Survey District; thence westerly along a right line across Simpson Road to and along the north-western boundaries of Lots 40 and 54, DP 22288, to and along the eastern side of Candia Road to a point in line with the northern boundary of Allotment 204, Parish of Waipareira, situated in Block XIII, Waitemata Survey District; thence along a right line across Candia Road and along the aforesaid northern boundary, the north-eastern sides of No 2 Road, the north-western sides of No 1 Road, the north-eastern boundary of Allotment 221 to its northern corner; thence continuing westerly along a right line across Allotments 220 and 223 and Cemetery Road to and along the southern boundary of Allotment 123, the eastern sides of Christian Road, the southern side of the North Island Main Trunk Railway, and a right line across that railway to and along the northern boundary of part Allotment 124 to and down the middle of Swanson Stream to the eastern side of Birdwood Road; thence southerly along the aforesaid eastern side, the northern and eastern boundaries of Lot 1, the eastern boundaries of Lots 2 and 3, DP 44921, and the south-eastern boundaries of Lots 3, 6, 10, and 11, DP 43911, to a point at right angles to, and 250 links distant from, the northern side of the Henderson-Swanson-Kumeu Road; thence along right lines parallel to, and 250 links distant from, the aforesaid northern side to and along the western and northern boundaries of Lot 1, DP 41278, along a right line to and along the northern boundary of Lot 2, DP 41278, a right line to and along the northern boundary of Lot 1, DP 37255, another right line to and along the northern boundaries of Lots 2, 3, and 4, DP 38138, the eastern boundary of Lot 1, DP 38138, to a point 250 links

distant from, and measured at right angles to, the Henderson-Swan-son-Kumeu Road aforesaid; thence along a series of right lines parallel to, and 250 links distant from, that northern roadside to and along the south-western boundary of Lot 1, DP 42913, a right line across part Allotment 15, Deeds Plan 941, to and along the western boundary of Lot 1, DP 37558, a right line across Glen Road to and along the western and northern boundaries of Lot 2, DP 42849, and the northern boundaries of Lots 3, 4, and 5, DP 42849, to the north-eastern corner of the said Lot 5; thence easterly along a right line across part Lot 6, DP 42849, to the south-western boundary of Lot 1, DP 34075; thence northerly generally along that boundary, the western boundaries of Lots 11 and 12, the north-western boundaries of Lots 11, 10, 8, 7, and 6, a right line across Lot 5 to and along the north-western boundaries of Lots 4, 3, and 2, all the aforesaid lots being of DP 40763, along the western, northern, and eastern boundaries of Lot 11, the western boundaries of Lots 10, 9, 8, 7, and 6, a right line across Lot 5 to and along the western boundaries of Lots 4, 3, 2, and 1, all the aforesaid lots being on DP 42199; thence south-westerly along the north-western boundary of Lot 5, DP 42199, to a point on that boundary 250 links distant from, and measured at right angles to, the western side of Don Bucks Road; thence northerly generally along a series of right lines parallel to, and 250 links distant from, that western roadside to and along the south-western and western boundaries of Lot 1, DP 35758, being part Allotment 466, Parish of Waipareira, along the north-western boundaries of Lots 37, 36, 35, 34, 33, 32, and 31, DP 41037, a right line across part Allotment 466, Waipareira Parish, to and along the north-western boundaries of Lots 30, 29, 28, 27, 26, 25, 24, and 23, and the south-western boundary of 22, all the aforesaid lots being on DP 41037, to and northerly along the south-eastern boundary of Lot 48, DP 2088, being part John Brighams Grant to its north-eastern corner; thence easterly along a right line across No 16 State Highway and part Allotment 159, Parish of Waipareira, to the north-western corner of Lot 1, DP 36889 and along the north-eastern boundary of that lot, and the north-eastern and eastern boundaries of Lot 1, DP 42373, to a point 250 links distant from, and measured at right angles to, the northern side of Royal Road; thence continuing easterly along a series of right lines parallel to, and 250 links distant from, that northern side to and northerly along the western, northern, and eastern boundaries of Lot 1, DP 42204, to a point on the eastern

boundary of that lot, 250 links distant from, and measured at right angles to, the northern side of Royal Road aforesaid; thence again easterly along a series of right lines parallel to, and 250 links distant from, that northern roadside to and northerly along the western and northern boundaries of Lot 2, DP 42204, to a point on that northern boundary 250 links distant from, and measured at right angles to, the northern side of Royal Road; thence along a series of right lines parallel to, and 250 links distant from, that roadside and the western side of a public road forming the eastern boundaries of part Lot 1, DP 29333, part Allotment 157, DP 28128, and Lot 1, DP 34769, to and down the middle of Lawsons Creek to the line of mean high water of the Waitemata Harbour; thence southerly generally along the line of mean high water of the Waitemata Harbour and tributary creeks to and along the western boundary of the Borough of New Lynn as described in New Zealand Gazette 1939, page 1728, and the northern and western boundaries of the Borough of Glen Eden as described in New Zealand Gazette 1953, page 498, to the point of commencement, excluding therefrom the Borough of Henderson, as described in New Zealand Gazette 1957, page 1294.

Also all that area in the North Auckland Land District, County of Waitemata, bounded by a line commencing at the south-western corner of the City of Auckland on the line of mean high water spring tide of the Manukau Harbour in Block VII, Titirangi Survey District, and proceeding south-westerly along the said line to the production of the north-eastern boundary of part Allotment 294, Parish of Waikomiti; thence north-westerly along the production to and along that north-eastern boundary to a point 6 chains distant from Avonleigh Road; thence westerly generally along a right line across the said part Allotment 294 to and along the north-western boundary of Lot 60, DP 36239, along a right line across a public road to the easternmost corner of Lot 1, DP 39187; thence south-westerly along the northern side of the said public road to and along the northern and western boundaries of Lot 37, DP 36329, along the western boundaries of Lots 36, 35, and 34 to and along the north-western boundary of Lot 28, all the aforesaid lots being on DP 36329. Allotment 92 Parish of Waikomiti, to and along the north-western boundary and 150 links along the north-eastern boundary of Lot 1, DP 44739; thence south-westerly along a right line to and along the northern and eastern boundaries of Lot 1, DP 36327, and along another right line

being the production of the aforesaid eastern boundary to the southern boundary of Lot 2, DP 15856; thence north-westerly generally along the southern and western boundaries of Lot 2, DP 15856, the north-eastern boundary of Lot 1, DP 30232, along a right line across Park Road to and along the south-western boundaries of Lot 19, DP 18976, and the south-western boundary of Lot 2, DP 30811, to and westerly along the southern side of Rangiwai Road to the northernmost corner of Lot 10, DP 15745; thence north-easterly along a right line across Huia via Brooklyn Road to the eastern corner of Lot 2, DP 26523; thence westerly along the northern side of that road to the western corner of part Lot 6, DP 10374; thence south-westerly along a right line across the road intersection to the north-eastern corner of a road reserve shown on DP 25147; thence again westerly along the northern side of Waitakere Scenic Drive to the western corner of Lot 23, DP 19360 in Block VI, Titirangi Survey District, being the intersection of View Road, Waima Road, and Scenic Drive; thence along a right line across the Waitakere Scenic Drive to the junction of its western side with the northern side of Waima Road; thence along the aforesaid western side of the Waitakere Scenic Drive to and along the generally southern boundaries of Lot 83, DP 20226, part Lot 3, DP 19259, Lots 78, 77, 76, 75, 74, 68, 67, 66, 65, 60, 59, 58, 57, 56, and 55, and the western boundaries of Lots 54, 53, 52, 51, and 50 all on DP 20226, all the aforesaid lots being part of Allotment 27, Waikomiti Parish to the southern side of the Waitakere Scenic Drive; thence along a right line across the aforesaid scenic drive to and along the eastern boundary of Allotment 12, Waikomiti Parish, shown on DP 7428 to and along the middle of Phillip Avenue to its junction with the middle of Hillcrest Road on the boundary of the Borough of Glen Eden; thence easterly along the southern boundary of that borough as described in New Zealand Gazette 1953, page 498, to and along the southern boundary of the Borough of New Lynn as described in New Zealand Gazette 1939, page 1728, to and along the western boundary of the City of Auckland as described in New Zealand Gazette 1956, page 1084, to the point of commencement.

Schedule 4

Sections 4, 65(4)(c)

**Portions of the Manukau County to be
added to inner area as from 1 April 1961**

ALL that area in the North Auckland Land District bounded by a line commencing at the north-western corner of Lot 144, DP 16237, being part Allotment 57, Pakuranga Parish, on the line of mean high water of the Tamaki River situated in Block X, Rangitoto Survey District, and proceeding generally south-easterly along the generally northern boundary of the aforesaid Lot 144 to and along the generally northern side of Cloverly Road and the land shown as Cloverly Road on LT 17052 to and along the generally northern boundaries of part Allotment 57 (Plantation Reserve) and part Allotment 57 (Foreshore Reserve), Pakuranga Parish, both shown on DP 17870 to and southerly along the line of mean high water of the Tamaki Strait to the north-western boundary of the Borough of Howick as described in *Gazette* 1960, page 1060; thence south-westerly generally along that north-western borough boundary to the southernmost corner of Allotment 57, Section 1, Small Farms near Howick; thence northerly generally along the generally western boundary of the said Allotment 57, along a right line across Gills Road to and along the eastern boundary of Allotment 56, Section 1 aforesaid, to a point 3 chains distant northerly from and measured at right angles to the northern side of Gills Road; thence along a right line parallel to Gills Road to and along the western boundaries of Lots 7, 6, and 2 and the north-eastern boundaries of Lots 2 and 1, DP 42028, to and along the western boundaries of Lots 43, 42, and 41, and along a right line to and along the western boundary of Lot 40, the aforesaid lots being on DP 40545, to a point 3 chains distant westerly from, and measured at right angles to the western side of Bleakhouse Road; thence along a series of right lines parallel to Bleakhouse Road and McLeans Road to and westerly generally along the southern boundaries of Lots 24, 15 to 23 inclusive, DP 43744, and Lot 5, DP 43345, along a right line crossing Bucklands Beach Road to and along the northern boundary of Lot 1 and the eastern and northern boundaries of Lot 3, the said lots being of DP 2525, to the line of mean high water of the Tamaki River; thence northerly generally along that line of mean high water to the point of commencement.

Also all that area in the North Auckland Land District bounded by a line commencing at the northernmost corner of Allotment 11, Section 8, Small Farms near Howick in Block IV, Otahuhu Survey District, and proceeding south-westerly along the north-western boundaries of the said Allotment 11, and Allotments 10 and 9 to and north-westerly along the north-eastern boundary of Allotment 8, all the aforesaid allotments being of Section 8, Small Farms near Howick, to and north-easterly generally along the south-eastern side of the Howick-Manurewa Road, a point in line with the northern side of Union Street; thence along a right line across the Howick-Manurewa Road to the boundary of the Borough of Howick as described in *Gazette* 1960, page 1060; thence easterly along that borough boundary to the point of commencement.

Also all that area in the North Auckland Land District in Block IV, Otahuhu Survey District, commencing at the south-eastern corner of Lot 2, DP 42589, on the line of mean high water of the Tamaki Strait and proceeding south-westerly generally along that line of mean high water and along the left bank of the Maungamaungaroa Creek to and north-westerly along the north-eastern boundary of Lot 1, DP 16885, to the westernmost corner of Lot 20, DP 17401; thence westerly along a right line to a point on the south-eastern side of Somerville Road being in line with the production south-easterly of a line 3 chains distant south-westerly from and measured at right angles to and being parallel to the south-western side of Sandspit Road; thence north-westerly generally along a series of right lines parallel to Sandspit Road crossing Somerville Road to the south-eastern side of a public road; thence along a right line across that road to the easternmost corner of Allotment 13, Section 8, Small Farms near Howick; thence easterly generally along the southern boundary of the Borough of Howick as described in *Gazette* 1960, page 1060, to the point of commencement.

Also all that area in the North Auckland Land District in Block III, Otahuhu Survey District, being that portion of Lot 1, DP 31709, not included in the Borough of Howick as described in *Gazette* 1960, page 1060.

Also all that area in the North Auckland Land District in Block III, Otahuhu Survey District, commencing at the westernmost corner of Lot 29, DP 40867, and proceeding north-westerly along a right line being the southern boundary of the said Lot 29 produced across Brad-

burys Road to a point 250 links distant westerly from and measured at right angles to the western side of that road; thence north-easterly along a right line parallel to that roadside to and south-easterly along the boundary of the Borough of Howick as described in *Gazette* 1960, page 1060, to the point of commencement.

Schedule 5

Section 4(2)

Further portions of the Manukau County to be added to the inner area as from 1 April 1961

ALL that area in the North Auckland Land District in Blocks II, III, VI, and VII, Otahuhu Survey District, bounded by a line commencing at the intersection of the south-eastern side of the Ellerslie-Howick Road with the production south-easterly of the south-western boundary of Lot 2A, DP 506, across the said road and proceeding north-easterly along the northern side of Lot 2, DP 22497, to and southerly generally along the eastern boundary of that lot and the eastern boundary of part Lot 1, DP 22497, to its south-western corner being on the mean high-water mark of the Pakuranga Creek; thence southerly, westerly, and northerly generally along the mean high-water marks of the Pakuranga Creek and the Tamaki River to and along the northern boundary of Lot 37 and easterly and northerly generally along the southern and eastern boundaries of the Inner Area of the Auckland Metropolitan Drainage District as described in Schedule 3 to this Act to the point of commencement.

Also all that area in the North Auckland Land District in Blocks IX and X, Otahuhu Survey District, bounded by a line commencing at the southernmost corner of part Lot 2, DP 20081, and proceeding north-easterly and south-easterly generally along the south-eastern and south-western boundaries of the Inner Area of the Auckland Metropolitan Drainage District as described in Schedule 3 to this Act to and along the western boundary of the Borough of Papatoetoe as described in *Gazette* 1960, page 1058, to its western extremity on Portage Road and along the south-eastern side of the said road to and along the western side of Henwoods Road to and along the southern boundary of Lot 2, DP 20081, to the point of commencement.

Also all that area in the North Auckland Land District in Blocks V and VI, Otahuhu Survey District, described as Lots 1 and 2 on DP 26416, and that part of Lot 3 on the said DP 26416 comprised in certificate of title, Volume 1631, folio 90.

Schedule 6

Section 101

Enactments repealed

- 1944, No 8 (Local)— The Auckland Metropolitan Drainage Act 1944, except sections 1, 32(2), and 34(7) and (8).
 - 1947, No 6 (Local)— The Auckland Metropolitan Drainage Amendment Act 1947.
 - 1948, No 1 (Local)— The Auckland Metropolitan Drainage Amendment Act 1948.
 - 1951, No 18 (Local)— The Auckland Metropolitan Drainage Amendment Act 1951, except sections 1 and 10(1)(c).
 - 1955, No 9 (Local)— The Auckland Metropolitan Drainage Amendment Act 1955.
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Local Government (Auckland Transitional Provisions) Act 2010

Public Act 2010 No 37
Date of assent 14 June 2010
Commencement see section 2

1 Title

This Act is the Local Government (Auckland Transitional Provisions) Act 2010.

2 Commencement

- (1) Parts 1 and 3 (except section 113(2)) come into force on 1 November 2010.
- (2) Section 113(2) comes into force on 1 July 2012.
- (3) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

Part 3

Amendments and repeals

114 Repeal of Auckland Metropolitan Drainage Act 1960

- (1) The Auckland Metropolitan Drainage Act 1960 (1960 No 15 (L)) is repealed.
 - (2) Despite subsection (1), sections 75, 77, 79, 81, and 84 of that Act continue in force for the purposes of section 25 of this Act until 1 July 2015 as if every reference to the Board were a reference to Watercare Services Limited.
 - (3) However, if the Auckland Council makes a new trade waste bylaw before 1 July 2015, subsection (2) ceases to apply.
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Notes

1 General

This is an eprint of the Auckland Metropolitan Drainage Act 1960. The eprint incorporates all the amendments to the Act as at 1 November 2010. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

3 List of amendments incorporated in this eprint (most recent first)

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37): section 114(1)
