



ANALYSIS

Title		3. Protection of Board's sewers and works
1. Short Title	excluded from	4. Notices to stop unauthorised work Schedule
2. Description of part district corrected		

1968, No. 21—*Local*

An Act to amend the North Shore Drainage Act 1963

[18 December 1968]

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 North Shore Drainage Amendment Act 1968, and shall be read together with and deemed part of the North Shore Drainage Act 1963 (hereinafter referred to as the principal Act).

2. Description of part excluded from district corrected—The North Shore Drainage Amendment Act 1967 is hereby amended as from its commencement by repealing the Schedule, and substituting the Schedule set out in the Schedule to this Act.

3. Protection of Board's sewers and works—Section 35 of the principal Act is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

“(1) If any person proposes to erect any buildings 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 on 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) The Board may at any time by notice in writing to such person order work on any such erection or works to cease whenever either such notice has not been given or when such work is being performed in such a way that any sewer or other structure under the control of the Board may be damaged or otherwise injuriously affected until the requirements of this section as to the giving of notice or the carrying out of protective works have been complied with.”

4. Notices to stop unauthorised work—Section 39 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

“(2) If any person or local authority commences construction of any works to which section 38 or section 39 of this Act applies without having first obtained the approval of the Board in writing pursuant thereto, the Board may, by notice in writing, call upon such person or local authority to cease such work until approval has been given, and failure to comply forthwith with such notice shall be an offence punishable in accordance with section 69 of this Act.”

SCHEDULE**NEW SCHEDULE TO NORTH SHORE DRAINAGE AMENDMENT ACT 1967****“SCHEDULE**

ALL that portion of the County of Waitemata bounded by a line, commencing on the western boundary of the North Shore Drainage District (as defined in the First Schedule to the principal Act) at the intersection of the northern side of Wilks Road (also known as Wills Road) with the western side of East Coast Road (referred to in the aforesaid Schedule as Redvale - Silverdale Road) in Block XI, Waiwera Survey District, and proceeding north-westerly, north-easterly, south-westerly, and westerly generally along the aforesaid Drainage District boundary to the junction of the northern boundary of Lot 1, D.P. 51511, with the right bank of the Weiti River in Block XII, Waiwera Survey District; thence westerly generally along the last-mentioned northern boundary to and along the eastern boundary of Allotment 240, Okura Parish, and that boundary produced across Duck Creek Road, to and still westerly generally along the northern sides of the said road and the last-mentioned roadside produced across Spur Road, to and along the northern sides of the said Spur Road and that roadside produced across East Coast Road, to and southerly along its western side to the point of commencement.”
