



ANALYSIS

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1977, No. 16—*Local*

An Act to vest in the County of Rodney a certain part of the Mahurangi Harbour in the Hauraki Gulf, to authorise it to reclaim that part, and to use the land so reclaimed for the treatment of sewage [23 December 1977]

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

(2) This Act shall come into force on the 1st day of February 1978.

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

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

“Council” means the Rodney County Council.

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

4. Vesting—(1) The land described in the First and Second Schedules to this Act is hereby vested in the Corporation as an estate in fee simple for the purposes of this Act and subject to the provisions of the Harbours Act 1950.

(2) The vesting of the land described in the First Schedule to this Act shall be deemed to be a disposition of that land under the Land Act 1948, and the provisions of section 58 (1) of that Act shall apply accordingly.

(3) On the completion of the reclamation of the land described in the First Schedule to this Act, the Minister of Lands may by notice in the *Gazette* vest the land reserved pursuant to subsection (2) of this section in the Corporation; and on such vesting that land shall be held by the Corporation for an estate in fee simple, and administered by the Council, for the purposes of a recreation reserve under the Reserves and Domains Act 1953.

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

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

6. Purpose of reclamation—(1) The land described in the First Schedule to this Act may, after reclamation, be used by the Council for sewage treatment works, including oxidation ponds for the purification of effluent prior to its discharge into the sea.

(2) The land described in the Second Schedule to this Act may, after reclamation, be used by the Council and by persons authorised by it for the purpose of gaining vehicular access to and egress from the land described in the First Schedule to this Act.

7. Council may permit other persons to carry out reclamation and development for sewerage purposes—For the purpose

of carrying out and constructing the said reclamations or any part or parts thereof and of constructing thereon all works necessary for the said purposes the Council may grant a licence to or contract with any person or persons to undertake and carry out all or any of those activities, in every case upon such terms and conditions as the Council may think fit. In granting any such licence or entering into any such contract the Council shall require the insertion therein of a sufficient penalty or bond to ensure the fulfilment of such licence or contract according to the terms and conditions thereof.

8. Council not authorised to create a nuisance, etc.— Nothing in this Act shall entitle the Council or any other person to create a nuisance or shall deprive any person of any right or remedy he would otherwise have against the Council or any other person in respect of any such nuisance, and no restriction or condition imposed by the Minister of Transport pursuant to section 178 of the Harbours Act 1950 or requisition or direction issued in accordance with section 10 (a) of this Act, whether or not the Council or any other person has complied with the same, shall restrict the liability of the Council or any other person for any such nuisance:

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

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

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

- (a) Limiting the powers of the Director-General of Health or other proper officer of the Department of Health to make and issue directions and requisitions relating to the materials to be used in any reclamation constructed under the authority of this Act and the method of construction, covering, protection, and maintenance of such reclamation, or in respect of any other matter authorised in the Health Act 1956, or in any other Act;

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

11. Reclaimed land to form part of Rodney County—

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

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

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

SCHEDULES

FIRST SCHEDULE Sections 4, 5, 6 (1)

NORTH AUCKLAND LAND DISTRICT—RODNEY COUNTY

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

SECOND SCHEDULE Sections 4, 5, 6 (2)

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

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