



NEW ZEALAND

ANALYSIS

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1950, No. 7—*Local*

Title. AN ACT to Validate the Reclamation by the Auckland City Council of Certain Tidal Lands in the Bed of the Waitemata Harbour, and to Empower the Auckland City Council to Reclaim Other Tidal Lands in the Bed of the Said Harbour, and further to Empower the Auckland Harbour Board to Transfer Certain of Such Tidal Lands to the Corporation of the City of Auckland.
[29th September, 1950

Preamble. WHEREAS in the course of controlled tipping operations conducted by the Auckland City Council (hereinafter referred to as the Council) tippings have overflowed the boundaries of land vested in the Council, with the result that the Council has commenced to reclaim from the waters of the Waitemata Harbour certain tidal lands beyond the limits of the former mean high water mark in a tidal inlet known as Motion's Creek: and whereas the Council is desirous of continuing such controlled tipping operations beyond the said limits on lands, being part of the bed of the said harbour and being more particularly described in the First Schedule hereto: And whereas in constructing certain public baths in the City of Auckland, known as the Parnell Baths (hereinafter referred to as the said baths), the Council has

reclaimed from the waters of the said harbour that part of the bed thereof more particularly described in the Second Schedule hereto: And whereas the Council did not obtain the authority and sanction of the Governor-General as provided in sections one hundred and sixty-eight and one hundred and seventy-one of the Harbours Act, 1923, before commencing to reclaim any of the said lands described in the First and Second Schedules hereto: And whereas the Council is desirous of extending the said baths by constructing as accessory thereto a sun deck which will extend beyond the boundaries of the said baths (as described in the Second Schedule hereto) and which will involve the placing of the piles and other structures in, on, and over the tidal lands, being that portion of the bed of the said harbour more particularly described in the Third Schedule hereto: And whereas the said lands described in the First Schedule hereto are vested in the Auckland Harbour Board (hereinafter referred to as the Board), and the said lands described in the Second and Third Schedules hereto are already vested in the Council: And whereas the Board is desirous of transferring to the Corporation of the City of Auckland, without consideration, the said lands described in the First Schedule hereto, but the Board has no power to transfer the same to the Corporation:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Auckland City Council and Auckland Harbour Board Empowering Act, 1950. Short Title.

2. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1923. Special Act.

3. Notwithstanding the provisions of sections one hundred and sixty-eight and one hundred and seventy-one of the Harbours Act, 1923, the reclamation beyond the limits of the former mean high water mark carried out by the Council before the passing of this Act within the area described in the First Schedule hereto is hereby validated in all respects as though the provisions of those sections had been duly complied with and the necessary authority and sanction had been duly given prior to the commencement of such controlled tipping operations and reclamation of the said lands. Validating reclamation by Council of land in First Schedule.

Validating
construction of
Parnell Baths
and
reclamation of
land in
Second
Schedule.

4. Notwithstanding the provisions of sections one hundred and sixty-eight and one hundred and seventy-one of the Harbours Act, 1923, the construction of the said baths and the reclamation carried out by the Council before the passing of this Act within the area described in the Second Schedule hereto are hereby validated as though the provisions of those sections had been duly complied with and the necessary authority and sanction had been duly given prior to the construction of the said baths and reclamation of the said lands.

Council
empowered to
reclaim land
in First
Schedule.

5. The Council is hereby empowered to continue and complete the reclamation from the sea of the area of land described in the First Schedule hereto.

Council
empowered to
reclaim land
in Third
Schedule and
construct sun
deck.

6. The Council is hereby empowered to reclaim from the sea the area of land described in the Third Schedule hereto and to construct the said sun deck in, on, and over the same.

Board
empowered to
transfer to
Council land
in First
Schedule.

7. Notwithstanding anything contained in any Act, the Board is hereby empowered to transfer to the Corporation of the City of Auckland, without consideration, the lands described in the First Schedule hereto.

Schedules.

SCHEDULES

FIRST SCHEDULE

NORTH AUCKLAND LAND DISTRICT

ALL that parcel of land situated in Block XVI, Waitemata Survey District, containing by admeasurement 9 acres 2 roods 35 perches, more or less, being land below mean high water mark, Auckland Harbour, bounded, commencing at a point being the north-western corner of Lot 1 on a plan deposited in the Land Registry Office at Auckland under Number 30590; thence generally in a south-easterly and north-westerly direction by the mean high water mark of the Auckland Harbour to its intersection with the south-eastern side of a proposed road (Meola Road Extension); thence in a north-easterly direction by the south-eastern side of the proposed road aforesaid to its intersection with the reclaimed land shown on a plan deposited as aforesaid under Number 29103; thence generally in a north-easterly direction along the south-eastern side of the reclaimed land aforesaid to its intersection with the mean high water mark aforesaid; thence generally in a south-easterly direction by the mean high water mark aforesaid to the point of commencement,

excluding, however the low water channel of Motion's Creek; as the same is more particularly delineated on a plan marked M.D. 9065, deposited in the Head Office, Marine Department, at Wellington, and thereon coloured yellow. (Auckland S.O. Plan 35971.)

SECOND SCHEDULE

ALL that parcel of land situated in Block VIII, Rangitoto Survey District, containing by admeasurement 1 acre and 21 perches, more or less, being land below mean high water mark, Auckland Harbour, bounded, commencing at a point being the northernmost corner of Part Lot 18 on Deeds Registry Office Plan 35 (blue), lodged in the office of the Registrar of Deeds at Auckland, being Part Allotment 23, Section 2, Suburbs of Auckland, and being the land described in certificate of title, Volume 163, folio 134, Auckland Registry; thence generally in a south-westerly direction along the mean high water mark, Auckland Harbour, as shown on Survey Office Plan 17237, lodged in the office of the Chief Surveyor at Auckland, to its intersection with the eastern boundary of the reclamation authorized by an Order in Council published in the *New Zealand Gazette* dated 20th January, 1944, on page 27; thence in a northerly direction by the said eastern boundary of the aforesaid reclamation; thence generally in a south-westerly direction by the north-western boundary of the aforesaid reclamation for a distance of 206 links; thence generally in a north-easterly and northerly direction by the south-eastern and eastern boundaries respectively of the reclamation authorized by an Order in Council published in the *New Zealand Gazette* dated 23rd February, 1950, on page 192; thence by a right line bearing $96^{\circ} 52'$ for 350 links; thence generally in a southerly and westerly direction by the mean high water mark aforesaid to the point of commencement; as the same is more particularly delineated on a plan marked M.D. 9022 (sheets 1 and 3), deposited in the Head Office of the Marine Department at Wellington, and thereon coloured yellow. (Auckland S.O. Plan 36081.)

THIRD SCHEDULE

ALL that parcel of land situated in Block VIII, Rangitoto Survey District, containing by admeasurement 8 perches, more or less, being land below mean high water mark, Auckland Harbour, bounded, commencing at a point being the eastern end of the northern boundary of the land described in the Second Schedule hereto; thence generally in a westerly direction along the aforesaid northern boundary for a distance of 322 links; thence by right lines bearing $6^{\circ} 52'$ for 15.2 links, $96^{\circ} 52'$ for 290 links, $122^{\circ} 13'$ for 35.5 links, to the point of commencement; as the same is more particularly delineated on a plan marked M.D. 9022 (sheets 1 and 3), deposited in the Head Office of the Marine Department at Wellington, and thereon coloured blue. (Auckland S.O. Plan 36081.)