

New Zealand.



ANALYSIS.

<p>Title. Preamble.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Repeal. 3. Certain powers of the Harbours Act, 1908, to vest in the Board. 4. Board may convey land to Auckland Kindergarten Association. 5. Land for a public morgue. 6. Board may grant lease of land to Borough of Northcote. 7. Board may grant lease to Parnell Borough Council and Remuera Road Board. 8. Works to be constructed subject to the Harbours Act, 1908. 	<ol style="list-style-type: none"> 9 10 11 12 13 14 15 16 17 18 	<p>Power to Board to purchase. Compensation for land taken. Board empowered to sell after extinction of former riparian rights. Reclamation of tidal lands at Mechanic's Bay. Surrender of leases. Power to Board to execute documents. Power to vest fee-simple in parties concerned. Public roads or highways. Power to lease. Cost of reclamation. Schedules.</p>
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1911, No. 29.—*Local.*

AN ACT to amend the Auckland Harbour Board Loan and Empowering Act, 1908, and to confer other Powers upon the Auckland Harbour Board. Title.

[28th October, 1911.]

WHEREAS by an Act entitled the Auckland Harbour Board Loan and Empowering Act, 1908 (hereinafter termed "the said Act"), it was enacted, *inter alia*, that it should be lawful for the Board, from time to time as it may require, to borrow the sum of one million pounds by debentures in the form or to the effect in the Second Schedule to the said Act, and that such sum, or so much thereof as might be required for the purpose, should be applied for the purposes specified in the First Schedule to the said Act: And whereas the Board is desirous of varying the amounts authorized by the said Act to be expended in the construction of certain of the works specified in the First Schedule to the said Act, and of eliminating for the present certain other works therein specified, and of adding certain other works: And whereas it is desirable that, notwithstanding the provisions of any Act or the form of any debenture in any Schedule thereto, the Board shall be entitled, on the issue or raising of any loan, or the sale of any debentures now or hereafter authorized, to exercise all or any of the powers conferred by the Harbours Act, 1908, of issuing or raising the same, in addition to the powers vested in the Board by the Act authorizing such raising or issue, including the power to appoint any Preamble.

company, person, or persons as agent or agents for the raising and managing of any loan, as provided by section one hundred and eighty-eight of the Harbours Act, 1908: And whereas a kindergarten has recently been established in the City of Auckland, and a building for the purposes thereof has been erected on the land firstly described in the First Schedule hereto, and it is desirable that the said land shall be vested in the trustees or governing body thereof: And whereas it is desirable that a site be set apart for the purposes of a public morgue, and that the land secondly described in the said First Schedule be vested in the Corporation of the Mayor, Councillors, and Citizens of the City of Auckland for such purposes: And whereas it is desirable that the Board shall be empowered to lease the land thirdly described in the First Schedule hereto to the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Northcote for the purposes of a public domain or reserve: And whereas it is desirable that the Board shall be empowered to lease the land fourthly described in the First Schedule hereto to Trustees to be nominated by the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Parnell and the Remuera Road Board for the purposes of a public domain or reserve:

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

Short Title.

1. This Act may be cited as the Auckland Harbour Board Empowering Act, 1911.

Repeal.

2. The First Schedule to the Auckland Harbour Board Loan and Empowering Act, 1908, is hereby repealed, and the Second Schedule to this Act shall be deemed to be the First Schedule to the said Act, and the said Act shall be read and construed accordingly.

Certain powers of the Harbours Act, 1908, to vest in the Board.

3. Notwithstanding the provisions of any Act or the form of any debenture in any Schedule thereto, the Board shall be entitled on the issue or raising of any loan, or the sale of any debentures now or hereafter authorized, to exercise all or any of the powers conferred by the Harbours Act, 1908, of issuing or raising the same, in addition to the powers vested in the Board by the Act authorizing such raising or issue, including the power to appoint any company, person, or persons as agent or agents for the raising and managing of any loan, as provided by section one hundred and eighty-eight of the Harbours Act, 1908.

Board may convey land to Auckland Kindergarten Association.

4. It shall be lawful for the Board to convey and transfer the land firstly described in the First Schedule hereto to the trustees or the governing body of the Auckland Kindergarten Association:

Provided that if the said land ceases for a continuous period of twelve months to be used for the purposes of a kindergarten the same shall revert to the Board.

Land for a public morgue.

5. It shall be lawful for the Board to convey and transfer to the Corporation of the Mayor, Councillors, and Citizens of the City of Auckland the land secondly described in the First Schedule for the purpose of a public morgue:

Provided that if the said land ceases to be continuously used for that purpose for a period of two years the said land shall revert to the Board.

6. It shall be lawful for the Board to grant to the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Northcote a lease of the land thirdly described in the First Schedule hereto, to be held by such Corporation as a public reserve or domain under the Public Reserves and Domains Act, 1908; and such lease shall be at such rental, and upon such terms and conditions, as the Board may by resolution decide; and no rights of access by water or riparian right shall be appurtenant to the land so leased; and such lease shall be subject to the riparian rights (if any) appurtenant to any land adjoining the land so leased.

Board may grant lease of land to Borough of Northcote.

7. It shall be lawful for the Board to grant to Trustees, to be nominated by the Parnell Borough Council and by the Remuera Road Board, a lease of the land fourthly described in the First Schedule hereto, to be held by such Trustees and their successors in office as a public reserve or domain under the Public Reserves and Domains Act, 1908; and such lease shall be at such rental, and upon such terms and conditions, as the Harbour Board may by resolution decide; and no rights of access by water or riparian right shall be appurtenant to the land so leased; and such lease shall be subject to the riparian rights (if any) appurtenant to any land adjoining the land so leased.

Board may grant lease to Parnell Borough Council and Remuera Road Board.

8. Nothing herein contained shall be deemed to authorize the construction of any of the works specified in the said Second Schedule hereto, and the same shall only be constructed by the Board subject to compliance with the provisions of the Harbours Act, 1908.

Works to be constructed subject to the Harbours Act, 1908.

9. The Board shall have power to take, purchase, or otherwise acquire in the manner provided by the Public Works Act, 1908, all that piece of land fifthly described in the First Schedule hereto.

Power to Board to purchase.

10. Every person who previously to such taking as provided in the last preceding section shall have any estate or interest in such land shall be entitled to full compensation therefor, which compensation may be claimed and shall be determined in manner provided by the Public Works Act, 1908.

Compensation for land taken.

11. In any case in which the Board has purchased, or may hereafter purchase, take, or acquire under any power hereby conferred, any land for the purpose of the extinction of the riparian rights appurtenant thereto, or for obtaining spoil therefrom, it shall, in addition to the ordinary leasing-powers vested in the Board, be entitled to dispose of the same by way of sale upon such terms and conditions as the Board may decide.

Board empowered to sell after extinction of former riparian rights.

12. It shall be lawful for the Board and the Minister of Railways to agree as to the reclamation by the Board, on such terms as may hereafter be arranged, of an area of tidal lands at Mechanic's Bay, in the Waitemata Harbour, and of such area such portions shall be vested in the Board as an endowment, and such portions shall be vested in His Majesty the King for railway or other purposes, and such portions shall be a public road, as may hereafter be agreed upon between the Minister of Railways and the Board:

Reclamation of tidal lands at Mechanic's Bay.

Provided that, subject to the terms of such agreement, nothing herein contained shall prejudice any existing right of resumption vested in the Crown under the Harbours Act, 1908.

Surrender of leases.

13. It shall be lawful for the Board and the Minister of Railways to agree with any lessee from the Board of land at Mechanic's Bay required for railway purposes for,—

(a.) The surrender of any lease held by any such lessee upon such terms as to compensation as may be agreed upon :

(b.) The lease by the Board to any such lessee of such an area as may be agreed upon between the Board and such lessee of land to be reclaimed as hereinbefore provided, and not included in the area to be used for railway or road purposes :

Provided that such leases shall contain the like or similar provisions to those contained in the leases to be surrendered :

Provided also that it shall be lawful for the Board, if it shall think fit, to make such modification of area, rental, or length of term as it may think fit.

Power to Board to execute documents.

14. The Board is hereby empowered to make and execute all such surrenders, leases, and other documents as may be required to effect any such agreement as aforesaid.

Power to vest fee-simple in parties concerned.

15. It shall be lawful for the Minister of Railways, on behalf of His Majesty the King, the Board, and the Corporation of the Mayor, Councillors, and Citizens of the City of Auckland, hereinafter termed "the Corporation," to agree for the vesting for an estate in fee-simple, at such respective times as the parties to such agreement may determine, of the several pieces of land described in the Third Schedule hereto in the respective parties described in the said Schedule ; and the Minister, the Board, and the Corporation are hereby authorized to make and execute all necessary conveyances, transfers, and assurances to effectuate such agreement.

Public roads or highways.

16. The lands to be so vested in the Corporation shall, with the exception of the area marked "F" and "H A" on plan mentioned in the said Schedules, be held by it for the purposes of public roads or highways.

Power to lease.

17. It shall be lawful for the Board and it is hereby authorized and empowered to grant and execute to the Corporation, without first putting the same up for public auction or tender, a lease at a peppercorn rent for ninety-nine years from the thirty-first day of December, nineteen hundred and fourteen, of the land described in the Fourth Schedule hereto, and to undertake and agree with the said Corporation that it will on or before that date reclaim or have reclaimed from the sea the said land at no expense to the Corporation ; and it shall be lawful for the Corporation and it is hereby also authorized and empowered either to sublet the same or any part or parts thereof by way of public auction or tender in the usual way, or to grant and execute to J. J. Craig (Limited) or John Burns and Company (Limited), of Auckland, merchants, without first putting the same up for public auction or tender, a lease of the whole or any part or parts of such land, for such term, at such rent, and upon and subject to such conditions as may be agreed upon by the said Corporation and the said companies or either of them.

Cost of reclamation.

18. (1.) In any agreement made between the Board and the Minister of Railways under the authority of section twelve hereof it shall be lawful for the said Minister to undertake, for and on behalf of

the Crown, to pay to the Board the whole or any part of the cost of the reclamation referred to in that section.

(2.) The Minister of Finance may from time to time, without further appropriation than this Act, pay to the Board out of the Public Works Fund all sums of money payable to the Board by the Crown in accordance with any such agreement as aforesaid.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

KINDERGARTEN-SITE.

ALL that piece or parcel of land, containing $12\frac{1}{10}$ perches, being Lot 23 of a subdivision of a reclamation from the sea by the Auckland Harbour Board in Freeman's Bay: bounded on the south by Patteson Street, 33 ft.; on the east, 100 ft., by Lot 22; on the north, 33 ft., by Victoria Park; and on the west, 100 ft., by Lot 24 to point of commencement.

MORGUE-SITE.

All that piece or parcel of land, containing $22\frac{7}{10}$ perches, being Lot 10 of a subdivision of a reclamation from the sea by the Auckland Harbour Board, commencing at a point distant 486 ft. 11 in. from intersection of 100 ft. and 66 ft. roadways and south-eastern corner of Lot 1: bounded on the east, 50 ft., by 66 ft. roadway; on the north, 124 ft., by Lot 19; on the west, 50 ft., by 66 ft. roadway; and on the south, 124 ft., by Lot 9 to point of commencement: as shown on a plan lodged in the Land Transfer Office, at Auckland, under No. 440R.

NORTHCOTE RESERVE.

All that piece or parcel of land covered by tidal water known as the Tuff Crater Tidal Reserve, containing approximately 41 acres, more or less, situated in the Borough of Northcote: bounded on the north-west by Allotment 21, on the north-east by abutting road and Allotment 25, on the south-east by Allotment 26, on the south by an inlet from Shoal Bay, and on the south-west by Allotment 19 to point of commencement.

HOBSON'S BAY RESERVE.

All that piece or parcel of tidal water situated in Hobson's Bay, in the Waitemata Harbour, containing approximately 76 acres, more or less, commencing at the south-eastern corner of Lot 5A, Recreation Reserve, Borough of Parnell: bounded on the south-west and west by Allotments 5A, 34, 30, 7, and 3 of Section 4, and part Allotment 22 of Section 2, and abutting roads (being Hobson Bay Road and part Campbell Terrace, Suburbs of Auckland); on the north-east by the south-western face of the construction-works of the Auckland main outlet sewer; on the north-east by other portion of Hobson's Bay; on the east by Allotments 61 and 240 of Section 16, Suburbs of Auckland; and on the south-east and south by Beach Road, in the Remuera Road District: excepting such portions of said tidal waters required for widening Beach Road to a width of 100 ft., and otherwise reserving a strip of land 100 ft. wide around the proposed reserve for purpose of formation of roadway, to be formed by straight or curved lines as required by the Auckland Harbour Board: as shown on a plan lodged in the Land Transfer Office, at Auckland, under No. 441R.

SELWYN TERRACE PROPERTY.

All that piece of land at Selwyn Terrace, Parnell, containing approximately one-third of an acre: bounded on all sides by Allotment 116 of Section 1 of the Suburbs of Auckland (the property of the Board) and by Selwyn Terrace.

SECOND SCHEDULE.

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1. Quay Street Jetty No. 4 : Reclamation and extension (completed, and amount expended)	45,000
2. Queen Street Wharf, with sheds, cranes, capstans, and equipment (partly completed)	261,500
3. Freeman's Bay Reclamation (67 acres) : Walls, sewers, and ship-builders' slope (partly completed)	122,000
4. Birkenhead Wharf and reclamation (completed)	6,000
5. Steam tug, ladder dredger, and suction dredger (in use)	62,500
6. Ferry building (partly completed)	64,000
7. 80-ton floating crane (now in course of erection)	27,500
8. Railway Wharf (completion), rock-excavation, cranes, capstans, and equipment (completed)	39,000
9. Equipment of Calliope Dock, reclamation, pier, and dredging, &c. (completed)	2,500
10. Quay Street landing	41,000
11. Western tide-deflector	25,000
12. Central Wharf, with sheds, cranes, capstans, and equipment	240,000
13. Breastwork west of Hobson Street and vehicular landing	10,000
14. Surplus for contingencies in scheme of harbour-improvement	54,000
	£1,000,000

THIRD SCHEDULE.

All those pieces of land in the City of Auckland as shown on plan deposited in the office of the Minister of Railways, at Wellington, as No. 19060, and marked "A," "D," and "E," to be vested in the Board.

All those pieces of land in the City of Auckland as shown on the said plan, and marked "B," "C," "G," "H," and "F," to be vested in the Corporation.

All those pieces of land in the City of Auckland as shown on said plan, and marked "J," "K," and "L," to be vested in His Majesty the King for railway purposes.

FOURTH SCHEDULE.

All that piece of land in the City of Auckland marked "H A" on plan, deposited in the Railway Office, at Wellington, as No. 19060.