



ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Interpretation</p> <p>3. Special Act</p> <p>4. Authority to reclaim land</p> <p>5. Vesting</p>	<p>6. Rights preserved</p> <p>7. Authority to District Land Registrar to issue certificates of title</p> <p>8. Parengarenga Harbour to be brought under control of Board Schedules</p>
---	--

1968, No. 15—*Local*

An Act to vest in the Board certain parts of the Mangonui, Bay of Islands, Tutukaka, and Whangarei Harbours and to authorise the Board to reclaim certain lands; and to bring the Parengarenga Harbour under the control of the Board
[15 November 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 Northland Harbour Board Vesting and Empowering Act 1968.

2. Interpretation—In this Act, unless the context otherwise requires, the term “the Board” means the Northland Harbour Board.

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

4. Authority to reclaim land—The Board is hereby authorised notwithstanding anything contained in section 175 of the Harbours Act 1950, but subject to the provisions of

sections 176 to 182 of that Act, to reclaim the land described in the First Schedule to this Act from the waters of Mangonui Harbour, the land described in the Third and Fourth Schedules to this Act from the waters of Bay of Islands Harbour, the land described in the Sixth and Twelfth Schedules to this Act from the waters of Tutukaka Harbour, and the land described in the Seventh, Eighth, Ninth, Tenth, and Eleventh Schedules to this Act from the waters of Whangarei Harbour.

5. Vesting—(1) The lands described in the First, Second, Fifth, Sixth, and Seventh Schedules to this Act are hereby vested in the Board as an estate in fee simple in trust for harbour purposes subject nevertheless to the same reservations and restrictions as are imposed by section 59 of the Land Act 1948.

(2) The Board may from time to time, whenever any part, exceeding five acres, of the land described in the Ninth Schedule to this Act has been effectively reclaimed from the waters of Whangarei Harbour, give written notice of the reclamation of any such part to the Minister of Marine, and, if that Minister is satisfied that the part described in the notice has been so reclaimed, he shall thereupon, by notice in the *Gazette*, vest that part in the Board for an estate in fee simple in trust for harbour purposes, subject nevertheless to the same reservations and restrictions as are imposed by section 59 of the Land Act 1948.

(3) The land described in the Twelfth Schedule to this Act is hereby vested in the Board as a reserve for recreation purposes subject to the Reserves and Domains Act 1953 and to the same reservations and restrictions as are imposed by section 59 of the Land Act 1948.

6. Rights preserved—(1) Nothing in this Act shall deprive any person of any right or remedy he would otherwise have in respect of any loss caused by any reclamation carried out under the authority of section 4 of this Act or by the vesting of land in the Board by or pursuant to section 5 of this Act; but this section shall not entitle the Crown to payment or compensation for the land vested in the Board by or pursuant to section 5 of this Act.

(2) For the purposes of subsection (1) of this section the term “loss” includes loss of property and any detriment, damage, or injury to property or person, whether that loss,

detriment, damage, or injury is due to deprivation of or interference with the rights of any riparian owner or otherwise howsoever.

7. Authority to District Land Registrar to issue certificates of title—The District Land Registrar for the Land Registration District of North Auckland is hereby authorised on the deposit with him of such plans and documents as he may require, to issue to the Board, certificates of title in respect of the lands vested in the Board by or pursuant to section 5 of this Act, to make such entries in the register books, and do all such things as may be necessary to give effect to the provisions of this Act.

8. Parengarenga Harbour to be brought under control of Board—The Northland Harbour Board Act 1965 is hereby amended by adding to the harbours described in the First Schedule to that Act the following harbour:

Parengarenga Harbour—The limits of which are defined in Order in Council of 20 November 1868, *Gazette* 23 November 1868, p. 549.

SCHEDULES

FIRST SCHEDULE

Land Vested and Reclaimed Land

ALL that piece of land situated in Block IV, Mangonui Survey District, containing by admeasurement twelve acres, more or less, being land below M.H.W.M., Mangonui Harbour, bounded by a line commencing at a point on M.H.W.M., being the intersection of a line at a bearing of 200° 00' from a point 658.0 links at a bearing of 129° 43' from the middle O.I.T. of the three O.I.T.'s shown on Survey Office Plan 31219 with M.H.W.M.; thence easterly along the line of M.H.W.M. (along the southern side of State Highway No. 10) to the western side of public road Proc. 10312 and 10313; thence south-westerly along the western side of the public road to and along the line of M.H.W.M. to a point being the intersection of a line at a bearing of 200° from the point of commencement; thence northerly along a right line to the point of commencement.

SECOND SCHEDULE

Land Vested

ALL that piece of land situated in Block V, Russell Survey District, containing by admeasurement nine acres three roods six perches and eight-tenths of a perch, more or less, being land below M.H.W.M., Bay of Islands Harbour, bounded by a line commencing at the easternmost corner of Section 36, Block V, Russell Survey District; thence northerly for a distance of 325.7 links at a bearing of $343^{\circ} 34'$; thence easterly for a distance of 450 links at a bearing of $134^{\circ} 54'$; thence southerly for a distance of 630 links at a bearing of 177° ; thence westerly for a distance of 410 links at a bearing of 237° ; thence southerly for a distance of 2453.3 links at a bearing of $206^{\circ} 19'$; thence westerly for a distance of 245.0 links at a bearing of $292^{\circ} 48'$; thence northerly for a distance of 1563.9 links at a bearing of $22^{\circ} 16'$; thence northerly for a distance of 692.1 links at a bearing of $44^{\circ} 05'$; thence northerly for a distance of 356 links at a bearing of $20^{\circ} 24'$; thence northerly for a distance of 712.0 links at a bearing of $16^{\circ} 16'$ to point of commencement.

THIRD SCHEDULE

Reclamation of Railway Land to be Transferred to the Northland Harbour Board

ALL that piece of land situated in Block V, Russell Survey District, containing by admeasurement five acres one rood thirty perches, more or less, being land below M.H.W.M., Bay of Islands Harbour, bounded by a line commencing at a point on M.H.W.M., being the intersection of a line $112^{\circ} 48'$ from the southernmost corner of Section 10, Block XXVIII, Town of Opuā; thence easterly for a distance of 200 links at a bearing of $112^{\circ} 48'$; thence northerly for a distance of 1570 links at a bearing of $22^{\circ} 16'$; thence easterly at a bearing of 49° to intersect the line of M.H.W.M.; thence westerly and southerly generally along the line of M.H.W.M. to and along the south-eastern side of Baffin Street, Crown grant to intersect the line of M.H.W.M., thence southerly along the line of M.H.W.M. to intersect the eastern road side of public road Crown grant; thence southerly along the eastern road side of public road Crown grant, to intersect the line of M.H.W.M.; thence southerly along the line of M.H.W.M. to point of commencement.

All that piece of land situated in Block V, Russell Survey District, containing by admeasurement three acres two roods thirty perches, more or less, being land below M.H.W.M., Bay of Islands Harbour, bounded by a line commencing at the easternmost corner of Section 36, Block V, Russell Survey District; thence southerly for a distance of 712 links at a bearing of $196^{\circ} 16'$; thence southerly for a distance of 356.0 links at a bearing of $200^{\circ} 24'$; thence southerly for a distance of 692.1 links at a bearing of $224^{\circ} 5'$; thence southerly for a distance of 1563.9 links at a bearing of $202^{\circ} 16'$; thence westerly for a distance of 120 links at a bearing of $292^{\circ} 48'$; thence northerly for a

THIRD SCHEDULE—*continued*

distance of 1580 links at a bearing of $22^{\circ} 16'$; thence easterly for a distance of 450 links at a bearing of $47^{\circ} 00'$; thence easterly for a distance of 90 links at a bearing of $84^{\circ} 00'$; thence northerly for a distance of 90 links at a bearing of $43^{\circ} 15'$; thence northerly for a distance of 100 links at a bearing of $317^{\circ} 30'$; thence northerly for a distance of 600 links at a bearing of $26^{\circ} 00'$; thence northerly for a distance of 350 links at a bearing of $13^{\circ} 00'$; thence westerly for a distance of 55 links at a bearing of $269^{\circ} 47'$; thence northerly for a distance of 100 links at a bearing of $2^{\circ} 11'$; thence easterly for a distance of 183.5 links at a bearing of $87^{\circ} 36'$ to point of commencement.

All that piece of land situated in Block V, Russell Survey District, containing by admeasurement two roods and twenty perches, more or less, being land below M.H.W.M., Bay of Islands Harbour, bounded by a line commencing at a point being 35 links at a bearing of $269^{\circ} 47'$ from the southern extremity of the eastern end of Beechy Street, Proc. 6291; thence southerly for a distance of 530 links at a bearing of 196° ; thence southerly at a bearing of $207^{\circ} 30'$ to intersect line of M.H.W.M.; thence northerly along the line of M.H.W.M. to intersect the south road side of Beechy Street, Proc. 6291; and thence easterly along the south road side of Beechy Street, Proc. 6291 at a bearing of $89^{\circ} 47'$ to point of commencement.

FOURTH SCHEDULE

Reclaimed Land

ALL that piece of land situated in Block V, Russell Survey District, containing by admeasurement three acres, more or less, being land below M.H.W.M., Bay of Islands Harbour, bounded by a line commencing at a point being 173.8 links at a bearing of $122^{\circ} 14' 30''$ from peg LXI Survey Office Plan 45204; thence southerly for a distance of 2213.7 links at a bearing of $206^{\circ} 36'$; thence westerly for a distance of 90.0 links at a bearing of $292^{\circ} 48'$; thence northerly for a distance of 1563.9 links at a bearing of $22^{\circ} 16'$; thence northerly for a distance of 692.1 links at a bearing of $44^{\circ} 05'$ to point of commencement.

FIFTH SCHEDULE

Land Vested

ALL that piece of land situated in Block V, Russell Survey District, containing by admeasurement one acre two roods eight perches, more or less, being Section 46, Block V, Russell Survey District, shown on Survey Office Plan 45724.

SIXTH SCHEDULE

Land Vested and Reclaimed Land

ALL that piece of land situated in Block IV, Whangarei Survey District, containing by admeasurement two acres and twenty-five perches, more or less, being land below M.H.W.M., Tutukaka Harbour, bounded by a line commencing at the junction of the south-western edge of the wharf referred to in the Twelfth Schedule to this Act with the line bearing $20^{\circ} 00'$ also described in that Schedule; thence easterly for a distance of 107.0 links at a bearing of $51^{\circ} 00'$; thence easterly for a distance of 425.0 links at a bearing of $80^{\circ} 00'$; thence easterly for a distance of 280.0 links at a bearing of $114^{\circ} 30'$; thence southerly for a distance of 240.0 links at a bearing of $137^{\circ} 30'$; thence easterly at a bearing of $57^{\circ} 02'$ to the intersection with M.H.W.M.; thence westerly along the line of M.H.W.M. being the southern road side of public road Crown Grant and continuing westerly along the line of M.H.W.M. to and south-easterly along the south-western edge of the aforesaid wharf to the point of commencement.

SEVENTH SCHEDULE

Land Vested and Reclaimed Land

ALL that piece of land situated in Block XV, Whangarei Survey District, containing by admeasurement twenty-four acres three roods, more or less, being land below M.H.W.M., Whangarei Harbour, bounded by a line commencing at a point on M.H.W.M. being the intersection of that south-eastern side of public road K41103, on a bearing of $50^{\circ} 56'$ with M.H.W.M.; thence northerly and easterly along the line of M.H.W.M. to the northernmost corner of the land comprised in certificate of title, Volume 546, folio 196; thence northerly for a distance of 36 links at a bearing of $38^{\circ} 05'$; thence northerly for a distance of 190 links at a bearing of $31^{\circ} 45'$; thence southerly for a distance of 950 links at a bearing of $137^{\circ} 44'$; thence south-westerly for a distance of 2000 links at a bearing of $227^{\circ} 44'$; thence south-westerly along a right line to point of commencement, excluding all that land known as Patiotio Rock.

EIGHTH SCHEDULE

Reclaimed Land

ALL that piece of land situated in Blocks I and V, Ruakaka Survey District, containing by admeasurement three hundred and twenty acres, more or less, being that part of Allotment 165, Mangapai Parish; situated to the north of State Highway No. 1; shown on Proc. 6437, and Survey Office Plan 45849; and to the north of Part of Allotment N56, Mangapai Parish, comprising in part certificate of title, Volume 555, folio 35, excluding that piece of land known as Ngawi Island.

NINTH SCHEDULE

Land to be Vested Following Reclamation

ALL that piece of land situated in Block I, Ruakaka Survey District, containing by admeasurement three hundred and forty acres, more or less, being land below M.H.W.M., Whangarei Harbour, bounded by a line commencing at a point on M.H.W.M., Onemama Point, due east of I.S. XV shown on Survey Office Plan 38865; thence southerly along a right line to a point on M.H.W.M. at eastern extremity of Allotment 111, Maungatapere Parish on M.H.W.M.; thence easterly for a distance of 3500 links at a bearing of $101^{\circ} 30'$; thence northerly along a right line to intersect the eastern extremity of Motuotawa in Block XIII, Whangarei Survey District, known as Rabbit Island, for a distance of 10300 links; thence westerly along a right line to point of commencement.

TENTH SCHEDULE

Reclaimed Land

ALL that piece of land situated in Block I, Ruakaka Survey District, containing by admeasurement one hundred and forty-seven acres, more or less, being land vested in the Northland Harbour Board by section 9 of the Whangarei Harbour Board Vesting and Empowering Act 1963, being land below M.H.W.M., Whangarei Harbour, bounded by a line commencing at a point of M.H.W.M., Onemama Point, due east of I.S. XV shown on Survey Office Plan 38865; thence southerly along the line of M.H.W.M. to the eastern extremity of the north side of the legal road which intersects part Allotment 113, Maungatapere Parish; thence easterly on a bearing of $81^{\circ} 30'$ to intersect the right line joining the point of commencement at Onemama Point with the point on M.H.W.M. at the eastern extremity of Allotment 111, Maungatapere Parish, on M.H.W.M.; thence northerly along a right line to the point of commencement.

ELEVENTH SCHEDULE

Reclaimed Land

ALL that piece of land situated in Block XIII, Whangarei Survey District, containing by admeasurement thirty-nine acres, more or less, being Part Lot 1, D.P. 51422, being Part Section 10, Block XIII, Whangarei Survey District, comprised in part certificate of title, Volume 3B, folio 47, bounded by a line commencing at a point 786.44 links at a bearing of $359^{\circ} 13' 30''$ along the western side of Port Road from Peg V, D.P. 59507, and then 1000 links at a bearing of $269^{\circ} 13' 30''$; thence southerly for a distance of 807 links at a bearing of $179^{\circ} 13' 30''$; thence westerly for a distance of 2742.4 links at a bearing of $269^{\circ} 13' 30''$; thence southerly for a distance of 328.2 links at a bearing of $216^{\circ} 07'$; thence westerly at a bearing of $269^{\circ} 13' 30''$ to intersect the line of M.H.W.M.; thence northerly along the line of M.H.W.M. to intersect the eastern side of the railway boundary; thence easterly for a distance of 163 links at a bearing of $46^{\circ} 51' 50''$ along the eastern side of the railway boundary; thence northerly along the line of M.H.W.M. to intersect the eastern side of the railway boundary; thence easterly for a distance of 535.6 links at a bearing of $56^{\circ} 18'$; thence easterly for a distance of 427.2 links at a bearing of $49^{\circ} 14' 30''$; thence easterly along a right line to point of commencement.

TWELFTH SCHEDULE

Land Vested and Reclaimed Land

ALL that piece of land situated in Block IV, Whangarei Survey District, containing by admeasurement four acres one rood and fifteen perches, more or less, being land below M.H.W.M., Tutukaka Harbour, bounded by a line commencing at the junction of the north-eastern boundary of an area of two roods four perches, shown on S.O. plan 45747, with M.H.W.M.; thence easterly for a distance of 174 links at a bearing of $55^{\circ} 32'$; thence easterly for a distance of 360.0 links at a bearing of $99^{\circ} 00'$; thence northerly at a bearing of $20^{\circ} 00'$ to and north-westerly along the south-western edge of the wharf at Tutukaka to and westerly and southerly generally along the line of M.H.W.M. to the point of commencement.
