

New Zealand.



ANALYSIS.

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1910, No. 27.—*Local.*

AN ACT to vest certain Lands in the Otago Harbour Board. Title.
[21st November, 1910.]

BE IT 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 Otago Harbour Board Lands Vesting Act, 1910. Short Title.

2. The lands described in the Schedules to this Act are hereby vested in the Otago Harbour Board, and the District Land Registrar of the Otago Land Registration District shall accordingly, on the application of the Board, issue a certificate of title for the said lands to the said Board. Lands in Schedules vested in Board.

3. Any local authority within or adjacent to whose district any part of the lands hereinbefore referred to are situated may, with the consent of the Governor in Council and of the Otago Harbour Board, reclaim from the harbour so much of such lands as may be necessary to widen any road along or bounded by the foreshore to ninety-nine feet, and to lay out and form the same; but such reclamation shall not interfere with any wharf, jetty, or works of the said Board: Power to local authority to reclaim land.

Provided that before consent is given by the Governor in Council the local authority shall deposit at the office of the Marine Department a plan of the land proposed to be reclaimed, such plan to be prepared by a duly licensed surveyor.

4. (1.) The Otago Harbour Board shall set apart out of the parcel of land thirdly described in the First Schedule hereto an area of ten acres, in such position and with such boundaries as may be Harbour Board to set aside ten acres of land included in First Schedule.

agreed upon between such Board and the Bay Town Board, or, if such Boards fail to agree thereon, then the Minister of Marine shall decide.

(2.) The area so set apart shall from and after the date fixed therefor by the said Boards, or, failing agreement by them, then by the Minister of Marine, cease to be vested in the Otago Harbour Board and be and become subject to Part II of the Public Reserves and Domains Act, 1908.

(3.) A Proclamation by the Minister of Marine describing or referring to the area set apart as aforesaid, and of the date whereon the same has ceased to be vested in the Otago Harbour Board as aforesaid, shall, when gazetted, be conclusive evidence thereof, whether the position and boundaries of such area or such date respectively are or is fixed by agreement of the said Boards or by the decision of the Minister.

(4.) The Otago Harbour Board shall erect flood-gates at or about the bridge in that part of the Lower Portobello Road between Sunshine and Craigleith, as shown on plan M.D. 3348, referred to in the said First Schedule; and such flood-gates shall be controlled and maintained by the Bay Town Board.

(5.) Nothing herein shall be deemed to prevent the reclamation of the said parcel of land, including the said area, if and when such reclamation is authorized in manner provided by the Harbours Act, 1908; and upon such reclamation subsection four of this section shall cease to have any operation.

Payment in connection with disposal of storm-water.

5. If an agreement be come to between the two said Boards respecting the provision to be made for the disposal of storm-water, it shall be lawful for the Otago Harbour Board, out of the Harbour Fund, to pay towards the cost of such provision such sum as by such agreement it shall undertake to contribute; and such payment may be made direct to the Dunedin Drainage and Sewerage Board in one sum or by instalments, and otherwise in such manner as may be agreed on between the said two Boards.

Disputes regarding storm-water may be referred to arbitration.

6. Any dispute between the Otago Harbour Board and the Dunedin Drainage and Sewerage Board in regard to the storm-water, or work directly connected therewith, may be referred to arbitration in the manner provided by the Arbitration Act, 1908. The Otago Harbour Board may, out of its funds, pay any award made or costs in connection therewith.

Existing rights not affected.

7. Neither the vesting hereby effected nor anything herein nor anything done in pursuance hereof shall alter, prejudice, or affect any rights, duties, or obligations as between the Otago Harbour Board and the Dunedin Drainage and Sewerage Board with reference to the discharge into the Otago Harbour of storm-water from the drainage district of the last-named Board, or with reference to the provision which has been or shall require to be made for such discharge.

Act to be deemed special Act.

8. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1908.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

OTAGO UPPER HARBOUR.

ALL that area, containing by admeasurement 151 acres 1 rood 17 perches, situated in the Otago Harbour: commencing at a point marked E on the plan hereinafter referred to, bearing $49^{\circ} 15'$, and 2670 links distant from Trig. V, Block VII, Town District, and proceeding thence on a bearing of $147^{\circ} 5' 10''$ for a distance of 400 links; thence along a road-line fronting the north-west boundaries of Sections 74, 73, 72, 71, and 70 for a distance of 2600 links; thence on a bearing of $321^{\circ} 45'$ for a distance of 4625 links; thence on a bearing of $51^{\circ} 46' 40''$ for a distance of 400 links; thence on a bearing of $141^{\circ} 46' 40''$ for a total distance of 596.25 links; thence on a bearing of $6^{\circ} 20'$ for a distance of 400 links; thence on a bearing of $89^{\circ} 38'$ for a distance of 433.7 links; thence on a bearing of $18^{\circ} 12'$ for a distance of 185.65 links; thence on a bearing of $6^{\circ} 41' 23''$ for a distance of 289.5 links; thence on a bearing of $59^{\circ} 32' 30''$ for a distance of 2187.6 links; thence on a bearing of $147^{\circ} 5' 10''$ for a distance of 5525.7 links, to the commencing-point.

Also all that area, containing by admeasurement 608 acres, situated in the Otago Harbour: commencing at the above-mentioned point marked E, and proceeding thence on a bearing of $68^{\circ} 30'$ for a distance of 1445 links; thence on a bearing of 34° for a distance of 1280 links; thence on a bearing of 21° for a distance of 1780 links; thence on a bearing of $26^{\circ} 20'$ for a distance of 1890 links; thence on a bearing of $18^{\circ} 40'$ for a distance of 1950 links; thence on a bearing of $62^{\circ} 45'$ for a distance of 2440 links; thence on a bearing of $75^{\circ} 30'$ for a distance of 2740 links; thence on a bearing of $95^{\circ} 30'$ for a distance of 3160 links; thence on a bearing of $98^{\circ} 50'$ for a distance of 1330 links; thence on a bearing of $75^{\circ} 5'$ for a distance of 1220 links; thence on a bearing of $92^{\circ} 30'$ for a distance of 1640 links; thence on a bearing of 87° for a distance of 4070 links; thence on a bearing of 90° for a distance of 1850 links; thence on a bearing of $57^{\circ} 50'$ for a distance of 4360 links; thence on a bearing of $49^{\circ} 20'$ for a distance of 2100 links; thence on a bearing of $55^{\circ} 50'$ for a distance of 2570 links; thence on a bearing of $78^{\circ} 50'$ for a distance of 2000 links; thence on a bearing of $351^{\circ} 15'$ for a distance of 2380 links; thence on a bearing of $8^{\circ} 15'$ for a distance of 2000 links; thence on a bearing of $7^{\circ} 10'$ for a distance of 2260 links; thence on a bearing of $6^{\circ} 30'$ for a distance of 2400 links; thence on a bearing of 20° for a distance of 2400 links; thence on a bearing of $26^{\circ} 10'$ for a distance of 2000 links; thence on a bearing of $68^{\circ} 50'$ for a distance of 1400 links; thence on a bearing of $121^{\circ} 15'$ for a distance of 1300 links; thence on a bearing of 128° for a distance of 2000 links; thence on a bearing of $61^{\circ} 40'$ for a distance of 4340 links; thence on a bearing of $82^{\circ} 45'$ for a distance of 4000 links; thence on a bearing of $39^{\circ} 35'$ for a distance of 4000 links; thence on a bearing of $63^{\circ} 50'$ for a distance of 2800 links; thence on a bearing of $324^{\circ} 30'$ for a distance of 3650 links; thence on a bearing of $43^{\circ} 30'$ for a distance of 460 links; thence by a road-line forming the seaward boundary of Blocks VI and VII, Portobello Bay District, Block II, Otago Peninsula District, Upper Harbour East District, Block I, Otago Peninsula District, Blocks VIII, IV, and V, Anderson's Bay District; thence by a road across Anderson's Bay; thence by road forming seaward boundary of Block III, Anderson's Bay District, and Block VII, Town District; thence by a line, 400 links, on a bearing of $327^{\circ} 5' 10''$, to the commencing-point E: but excepting out of the said description the area between the road fronting Sections 18 and 20, Upper Harbour East District, and the road at present in use, and also the area between the road fronting Section 1, Block VII, Portobello Bay District, and the road at present in use, which excepted areas are marked F and G respectively on the said plan, and excepting also Pudding Island shown on the said plan.

Also all that area, containing by admeasurement 60 acres, being portion of Anderson's Bay, in Otago Harbour: bounded generally on the north and east by road fronting Sections 13, 12, 11, 10, and 9, Block V, Anderson's Bay District, and road fronting Sections 4 and 3, Block II, of said district, 4120 links; on the south-east by high-water mark fronting Sections 2, 1, and 422 R, Block II of said district, and Section 9, Block III of said district, 1940 links; generally on the south-west by road fronting Sections 10, 11, 12, Block III of said district, 2860 links; and on the west by road-line and bridge, 1820 links.

Also all that area, containing by admeasurement 408 acres, being portion of Otago Harbour: commencing at a point distant 4000 links, on a bearing of 194° , from Trig. B, Port Chalmers; proceeding thence on a bearing of $315^{\circ} 50'$ for a distance of 400 links; thence along high-water mark, 9040 links; thence by Port Chalmers Dock Endowment, 1604.6 links; thence by railway land in Sawyer's Bay District, 4661.2 links; thence by high-water mark, 555 links; thence by railway land, 1632.4 links; thence by road on the seaward boundary of Sections 28, 26, and 24; thence by seaward boundary of Section 22, public road, and Section 23, and by road on the seaward boundary of Sections 25, 27, and 29, Sawyer's Bay District, 10830 links; thence by high-water mark of Blanket Bay, 120 links; by railway land, 5822.7 links; thence by high-water mark, 480 links; thence by railway land, 3226 links; thence by high-water mark, 315 links; thence by railway land, 5790.1 links; thence by high-water mark, 240 links; thence by railway land, 3303.9 links; thence by high-water mark, 350 links; thence by railway land, 3242.9 links; thence by high-water mark, 120 links; thence by railway land, 1234.2 links; thence by high-water mark, 295 links; thence by railway land, 575.1 links; thence by high-water mark, 430 links; thence by railway land, 3602.1 links, to Harbour Board Endowment; thence by said Harbour Board Endowment, 7055.7 links; thence by railway land, 1641.6 links, 375 links, and 3567 links; thence by Harbour Board Endowment, 980.8 links and 1017.2 links; thence on a bearing of $82^{\circ} 51'$ for a distance of 6168.4 links; thence on a bearing of $73^{\circ} 20' 46''$ for a distance of 7914.5 links; thence on a bearing of $60^{\circ} 7' 40''$ for a distance of 4370 links; thence on a bearing of $36^{\circ} 29'$ for a distance of 4478.5 links; thence on a bearing of $26^{\circ} 52'$ for a distance of 4000 links; thence on a bearing of $11^{\circ} 20'$ for a distance of 2000 links; thence on a bearing of $41^{\circ} 58'$ for a distance of 2834 links; thence on a bearing of $27^{\circ} 30'$ for a distance of 3160 links; thence on a bearing of $58^{\circ} 20'$ for a distance of 6260 links; thence on a bearing of $36^{\circ} 15'$ for a distance of 2340 links; thence on a bearing of $330^{\circ} 40'$ for a distance of 2000 links; thence on a bearing of $26^{\circ} 40'$ for a distance of 1860 links; thence on a bearing of $75^{\circ} 50'$ for a distance of 3070 links; thence on a bearing of $132^{\circ} 15'$ for a distance of 960 links; thence on a bearing of $221^{\circ} 50'$ for a distance of 1270 links; thence on a bearing of $181^{\circ} 20'$ for a distance of 1730 links; thence on a bearing of $163^{\circ} 35'$ for a distance of 1605 links; thence on a bearing of $73^{\circ} 35'$ for a distance of 1950 links; thence on a bearing of $8^{\circ} 30'$ for a distance of 1320 links; thence on a bearing of $45^{\circ} 50'$ for a distance of 2270 links, to the commencing-point.

Also all those several areas marked respectively A, B, C, D, on the said plan, and admeasured and situated as follows—namely: A, containing 3 acres 1 rood, and adjoining road fronting Sections 13, 14, and 15, Sawyer's Bay District; B, containing 3 acres 2 roods, and adjoining road fronting Sections 4, 5, 6, and 7, Upper Harbour West District; C, containing 1 acre 1 rood 30 perches, and adjoining road fronting Sections 8, 9, and 10, Upper Harbour West District; D, containing 1 acre 3 roods 10 perches, and adjoining road fronting Sections 18 and 19, Upper Harbour West District.

All in the Otago Harbour, in the Land District of Otago: as such areas are shown and delineated in green on the plan marked M.D. 3348, deposited in the Office of the Marine Department, at Wellington: all the above-mentioned areas, linkages, and bearings being either a little more or a little less.

SECOND SCHEDULE.

OTAGO LOWER HARBOUR.

ALL that area, containing by admeasurement 253 acres, situated in the Otago Harbour: commencing at a point distant from Trig. M. (Otago Heads Native Reserve) 6980 links, on a bearing of $262^{\circ} 20'$; thence bounded towards the east by a line, 500 links, on a bearing of $160^{\circ} 11'$; thence by a road and high-water mark fronting Blocks I, IV, and VI, Portobello Bay District, 40180 links; thence by a line, 550 links, bearing 325° ; thence by lines, 1700 links bearing 90° , 2600 links bearing 145° , 3400 links bearing 125° , 3000 links bearing $174^{\circ} 30'$, 4600 links bearing 61° , 1300 links bearing 26° , 7000 links bearing $351^{\circ} 30'$, 3100 links bearing $15^{\circ} 30'$, 2900 links bearing 86° , 4761 links bearing $38^{\circ} 12'$, to the commencing-point.

Also all that area, containing by admeasurement 130 acres, commencing at a point distant from Trig. B (Town of Port Chalmers) 4000 links, bearing 194° : bounded towards the east by lines, 4600 links bearing $30^{\circ} 30'$, 4500 links bearing 336° , 2000 links bearing 63° , 3000 links bearing 18° , 2300 links bearing 301° ; towards the west by a road fronting Sections 8, 7, 6, and 5, Block I, Lower Harbour West District, 2340 links; thence by Section 52, 1500 links, 2500 links, and 1600 links; thence by a road fronting Sections 4, 3, and 2, Block I, Lower Harbour West District, 1120 links; thence by Section 51, 1044 links, 379 links, and 1060 links; thence by a road-line fronting Sections 2 and 1, Block I, Lower Harbour West District, Section 9, Block II, Lower Harbour West District, and Port Chalmers Town Belt, 2230 links; thence by land formerly vested in the Otago Dock Trust and now in the Otago Harbour Board, 750 links, 1800 links, 480 links, and 360 links, and by Railway land 720 links, 1380 links, 730 links, and 360 links respectively; and thence by high-water mark, 4850 links, and a line 400 links, bearing $135^{\circ} 50'$ south-east, to commencing-point: always excepting from the above-mentioned area of 130 acres any area covered by existing piers, wharves, or breastworks constructed by or at present under use by the New Zealand Railway Department.

Also all that area, containing by admeasurement 43 acres, commencing at a point on road fronting Section 13, Block I, Lower Harbour West District, on line between Sections 12 and 13 produced across road: bounded towards the south-west by lines, 640 links bearing $128^{\circ} 5'$, 2000 links bearing 108° , 3620 links bearing $96^{\circ} 30'$; towards the east by quarantine-ground, 620 links; generally towards the north by a road fronting Sections 23 to 13, Block I, Lower Harbour West District, 7560 links, to commencing-point.

Also all that area, containing by admeasurement 48 acres 2 roads, commencing at a point distant from Trig. A, Lower Harbour West District, 400 links, bearing $237^{\circ} 15'$: bounded generally towards the south by lines, 380 links bearing $237^{\circ} 15'$, 2140 links bearing 310° , 2760 links bearing 216° ; thence by quarantine-ground, 200 links; generally towards the north by a road fronting Sections 23 to 31 and 33 to 35, Block I, Lower Harbour West District, 8360 links, to commencing-point.

Also all that area, containing by admeasurement 497 acres, commencing at a point distant from Trig. A, Lower Harbour West District, 280 links bearing 90° : bounded generally towards the south by lines, 520 links bearing 90° , 3166.6 links bearing $20^{\circ} 24'$, 3300 links bearing $96^{\circ} 15'$, 3300 links bearing $59^{\circ} 40'$, 5000 links bearing 97° , 3800 links bearing 124° , 3100 links bearing 90° , 4800 links bearing $62^{\circ} 30'$; towards the north-east by land vested in Otago Harbour Board, 6000 links bearing $306^{\circ} 45'$, 11280 links along high-water mark; thence by a road fronting Sections 40, 39, 38, and a road, Block V, North Harbour and Blueskin District, and part Section 49, Block I, Lower Harbour West District, 1780 links; thence by a road fronting Sections 49 to 45, a road, and Section 50, a road, and Sections 43 to 38 and 33 to 35, Block I, Lower Harbour West District, 12950 links, to commencing-point.

Also all that area, containing by admeasurement 87 acres, commencing at a point distant from Trig. N (Tairaroa Heads) 5570 links, bearing $217^{\circ} 50'$: bounded towards the north-east by a line, 12240 links, bearing $319^{\circ} 30'$; towards the north by a line, 500 links, bearing 270° ; towards the south-west by high-water mark, 3360 links, and by land vested in the Otago Harbour Board, 150 links, 300 links, and 10340 links; towards the east by a line, 1320 links, bearing $350^{\circ} 15'$, to commencing-point.

All in the Otago Harbour, in the Land District of Otago: as such areas are shown and delineated in green on plan marked M.D. 3375, deposited in the office of the Marine Department at Wellington: all the above-mentioned areas, linkages, and bearings being either a little more or a little less.