

*Mr N. V. Douglas*

**AUCKLAND HARBOUR BOARD CENTENNIAL  
(HOBSON BAY MARINE PARK)  
EMPOWERING BILL**

[LOCAL]

**ANALYSIS**

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**A BILL INTITULED**

**An Act to authorise the Auckland Harbour Board to transfer without consideration the title to certain land and bed of the Harbour in Hobson Bay to the Corporation of the**

No. 93—1

*Price 15c*

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Mayor, Councillors, and Citizens of the City of Auckland for the purpose of a marine park to mark the occasion of the centennial of the constitution of the Board; to authorise the Board to transfer without consideration the title to certain other land and bed of the Harbour in Hobson Bay 5 to the University of Auckland for the purpose of recreational, cultural, and sporting facilities to further mark the occasion of its centennial; to authorise the Board, the Auckland City Council, the Auckland Regional Authority, and the University of Auckland to develop and carry out 10 a scheme for the development and establishment of a marine park and other recreational, cultural, and sporting facilities in Hobson Bay; to authorise the Board, the Council, and the university to reclaim land for those purposes; and to authorise all other matters ancillary to 15 the development and carrying out of the scheme

WHEREAS the Auckland Harbour Board Foreshore Grant Act 1875, vested certain parts of the bed of the Harbour of Auckland as more particularly described in the First, Second, and Third Schedules to that Act in the Auckland Harbour Board: And whereas the Third Schedule to that Act included 20 the area of the bed of the Harbour known generally as Hobson Bay: And whereas the Auckland Harbour Board Loan and Empowering Act 1965, authorised the Board to reclaim from the sea part of the bed of the Harbour vested in it situated 25 in Hobson Bay as more particularly described in Part II of the Third Schedule to that Act: And whereas the year 1971 was the centennial of the constitution of the Board: And whereas the Board was desirous of marking the occasion of its centennial by transferring the title of certain parts of 30 Hobson Bay and related areas to the Auckland City Council for the purpose of a marine park for the use and enjoyment of the people of the Auckland region: And whereas the Board was further desirous of marking the occasion of its centennial by transferring the title of certain other parts of Hobson Bay 35 to the University of Auckland for the purpose of recreational, cultural, and sporting facilities for the use and enjoyment of the university: And whereas in furtherance of those desires the Board instructed certain planning consultants to prepare a plan and to report on the feasibility of a scheme to develop 40 Hobson Bay for the purpose of a marine park, including recreational, cultural, and sporting facilities for the university, and the desirable features to include in such a scheme:

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And whereas the Board received and considered a number of plans and a report from the planning consultants relating to the development of Hobson Bay: And whereas the Board adopted in principle the concept of a scheme to develop  
5 Hobson Bay for the purpose of a marine park and determined to promote and establish such a scheme: And whereas the Board entered into and held discussions with the Council, the Auckland Regional Authority, and the university relating to the development and carrying out of such a scheme as a joint  
10 undertaking: And whereas the Council, the Authority, and the university have each agreed to participate with the Board in the development and carrying out of the scheme as a joint undertaking: And whereas the responsibilities of each of them in developing and carrying out the scheme have been defined:

15 **BE IT THEREFORE 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 Auckland Harbour Board Centennial (Hobson Bay Marine Park)  
20 Empowering Act 1973.

2. **Interpretation**—(1) In this Act, unless the context otherwise requires,—

“Authority” means the Auckland Regional Authority:

“Board” means the Auckland Harbour Board:

25 “Boat harbour” means a harbour or part of a harbour or an anchorage used for the purpose of mooring, sheltering, or servicing pleasure boats; and includes any land or building used in conjunction therewith; and also includes any facility, structure, service,  
30 amenity, or use included in a boat harbour:

“Corporation” means the Mayor, Councillors, and Citizens of the City of Auckland:

“Council” means the Auckland City Council; and, if the context so requires, includes the Corporation:

35 “District” means the district of the City of Auckland:

“Marine park” means an area of land and water used for the purpose of water or marine-oriented recreational uses set aside for the use and enjoyment of the

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public generally; and, without limiting the general import of that term, includes—

(a) Any water space, whether impounded or not, suitable for pleasure boats, including rowing, canoeing, small boat training, and small yacht and model boat sailing, or any waterway or watercourse and any facilities associated with those purposes: 5

(b) Beaches, including artificially created beaches, foreshore amenities, picnic areas, botanical or water gardens, and parkland: 10

(c) A boat harbour:

(d) A marine zoo:

(e) An aquarium:

(f) A maritime museum—

and also includes any facility, structure, works, service, amenity, or use included in a marine park: 15

“Scheme” means the Hobson Bay Marine Park Scheme authorised by section 4 of this Act:

“University” means the University of Auckland constituted by the University of Auckland Act 1961; and, if the context so requires, includes the Council of the university: 20

“Water space” means any area of water forming part of a marine park, whether impounded or not, and includes any waterway, watercourse, channel, canal, lake, dam, pond, or lock used or intended to be used for navigational, ornamental, or recreational purposes; and includes any part of any water space; and also includes any water control structures and works associated therewith. 25 30

(2) For the purposes of this Act reference to the development plan refers to the plan prepared by the Board and intituled “Hobson Bay Marine Park Development Plan” (Sheet 1) and shall be deemed to incorporate the Scheme Plan Sheets numbered 2 to 8 and the plans intituled “Hobson Bay Marine Park Responsibility Plan” and “Hobson Bay Marine Park Area Plan” (Sheets 9 and 10) attached thereto, copies of which, certified by the Secretary of the Board to be true copies, marked M.D. No. 15034 have been deposited at the offices of the Marine Division of the Ministry of Transport at Wellington. 35 40

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

**4. Authority to develop scheme**—(1) Subject to the provisions of this Act, the Board, the Council, the Authority, and  
5 the university are hereby empowered to develop and carry out a scheme for the development of the land described in the First Schedule to this Act for the purpose of a marine park, and such other purposes as are authorised by this Act, generally in accordance with the development plan.

10 (2) For the purpose of developing and carrying out the scheme the Board, the Council, the Authority, and the university are hereby declared to be responsible for the matters referred to as matters for which they are responsible in developing and carrying out the scheme in the Fourth  
15 Schedule to this Act and each of them is hereby authorised to execute and carry out the matters for which they are responsible and any other matters which any of them may consider necessary or desirable ancillary matters, and to construct and carry out such works and to expend such money  
20 as may be necessary for those purposes.

(3) Any work constructed or carried out under the authority of this Act shall be deemed to be a public work for the purposes of the Public Works Act 1928 and the Local Authorities Loans Act 1956.

25 **5. Authority for the Board to transfer land to the Council**—The Board is hereby empowered to transfer to the Council without consideration the fee simple of the land or bed of the harbour (whether reclaimed or not) described in the Second Schedule to this Act for the purposes of a marine  
30 park; and such land or any part thereof shall, on being transferred to the Council, be held by the Council for all time for the use and enjoyment of the people of the Auckland region in accordance with the provisions of this Act.

35 **6. Authority for the Board to transfer land to the university**—The Board is hereby empowered to transfer to the university without consideration the fee simple of the land or bed of the harbour (whether reclaimed or not) described

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in the Third Schedule to this Act for the purpose of recreational, cultural, and sporting facilities, including playing fields, and the land shall, on being so transferred to the university, be held by the university for all time for such purposes in accordance with the provisions of this Act. 5

**7. Authority for Board to subdivide the bed of the harbour**—The Board is hereby authorised, for the purposes of this Act, to provide and separate from its existing title and subdivide the whole or any part or parts of the land comprised in the scheme (whether reclaimed or not) in such manner as it thinks fit, and may do all such things as may be necessary for that purpose. 10

**8. Authority for the Council to establish, manage, and maintain a marine park and to reclaim land for that purpose**—  
(1) Subject to the provisions of this Act, the Council is hereby authorised to establish, develop, construct, carry out, manage, control, and maintain a marine park on the land described in the Second Schedule to this Act, and to construct and carry out all buildings, amenities, facilities, structures, or works for that purpose, and to expend such money as may be necessary for such purpose and, without limiting the general power as aforesaid, may— 15

(a) Provide and establish such commercial and other uses as may be necessary for the better use and enjoyment of the marine park and the convenience of the public and which the Council is satisfied will not be inconsistent or incompatible with the general character or concept of a marine park: 25

(b) Manage, control, and maintain any impounded water space forming part of the marine park: 30

(c) Manage, control, and maintain any water control structures and works provided or constructed by the Board in accordance with this Act.

(2) For the purposes of this section the matters and uses shown on the scheme plan sheets numbered 2 to 8 and referred to in subsection (2) of section 2 of this Act are hereby declared to be descriptive of the kind of matters and uses to be included in the marine park, and nothing in this Act shall be so construed as to require the Council to execute or carry out any specific matter or use shown on any such scheme plan sheet. 35 40

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(3) Subject to the provisions of the Harbours Act 1950, or any other Act, but notwithstanding anything contained in sections 175, 175A, and 175B of the Harbours Act 1950, the Council is hereby empowered to reclaim from the sea the whole or any part or parts of the land described in the Second Schedule to this Act for the purposes of the marine park referred to in subsection (1) of this section:

Provided that the Council shall reclaim any such land generally in accordance with the reclamation shown on the development plan and shall maintain substantially the same balance between land and water space as is shown on the development plan:

Provided also that the construction of any such reclamation shall not be commenced until such time as the Council has made provision for the scheme in the operative district scheme for the City of Auckland in accordance with section 17 of this Act and the provisions of the Town and Country Planning Act 1953.

**9. Authority for the Council to make bylaws—**(1) In addition to any other powers to make bylaws conferred on the Council by the Municipal Corporations Act 1954, the Health Act 1956, and any other Act, the Council is hereby empowered to make such bylaws as it thinks necessary or expedient for the more effectual carrying out of the objects of this Act and, in respect of any water space vested in or under its control, relating to all or any of the matters referred to in subsections (2) and (2A) of section 165 of the Harbours Act 1950 as though the reference in that section to “foreshore” was a reference to “water space”.

(2) Without limiting the generality of the power to make bylaws conferred on the Council by subsection (1) of this section, the Council is hereby empowered to make bylaws under this Act in respect of any water space vested in or under its control dealing with any one or more of the following matters:

- (a) Regulating and controlling the use of any water space:
- (b) Regulating and controlling the size, speed, propulsion, and navigation of any vessel using any such water space:

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- (c) Regulating, controlling, or prohibiting the mooring, anchoring, or placing of any vessel in any such water space or in any part of such water space:
  - (d) Regulating all matters relating to the protection of life or property in or on vessels using any such water space: 5
  - (e) Protecting and safeguarding any such water space and water control structures and works against damage, pollution, obstruction, disturbance, or misuse of any kind whatsoever: 10
  - (f) Regulating, controlling, or prohibiting the discharge of stormwater into any water space:
  - (g) Providing for the proper conduct of persons using, occupying, or frequenting the marine park or any facilities or water space forming part of the marine park: 15
  - (h) Fixing fees, charges, rents, or payments for the use of any moorings, mooring sites, jetties, buildings, or other structures, facilities, or amenities provided or erected by the Council for use in any water space. 20
- (3) The provisions of subsection (9B) of section 165 and of section 232A of the Harbours Act 1950 shall apply to any bylaws made by the Council pursuant to the authority of this section.
- (4) For the purposes of subsection (2) of this section the term "vessel" shall have the same meaning as in the Harbours Act 1950. 25

**10. Authority for the Board to develop a boat harbour and to reclaim land for that purpose—**(1) Subject to the provisions of this Act, the Board is hereby authorised to develop and construct a boat harbour on the whole or any part or parts of the land described in the First Schedule to this Act (other than the land described in the Second and Third Schedules to this Act) and, without limiting the general power of development as aforesaid, may— 30

- (a) Subdivide and resubdivide the whole or any part or parts of any reclaimed land into suitable allotments for the purposes of a boat harbour: 35

Provided that any such subdivision shall be subject to the appropriate provisions of the Public Works Act 1928 and the Municipal Corporations Act 1954: 40



- (b) Construct or provide such public works and amenities as may be deemed necessary or desirable for the use and enjoyment of any such reclaimed land for the purposes of a boat harbour, including—
- 5 (i) Streets, service lanes, access ways, and other means of communication or access;
- (ii) Services for water supply, drainage, sewerage, electric lighting, power, gas, and all other amenities; and
- 10 (iii) All works necessary to comply with any lawful requirement of any local or public authority.
- (2) The public works and amenities referred to in paragraph (b) of subsection (1) of this section are hereby declared to be public utilities for the purpose of subsection (9) of
- 15 section 21 of the Town and Country Planning Act 1953.
- (3) Subject to the provisions of the Harbours Act 1950, and of this Act, but notwithstanding anything contained in sections 175, 175A, and 175B of the Harbours Act 1950, the Board is hereby empowered to reclaim from the sea any part
- 20 or parts of the land described in the First Schedule to this Act (other than any land described in the Second and Third Schedules to this Act) for the purposes of the boat harbour referred to in subsection (1) of this section:
- Provided that in constructing any such reclamation the
- 25 Board may reclaim such further land as may be required by the Authority adjacent to such reclamation for the purpose of the proposed South-eastern Motorway:
- Provided also that the construction of any such reclamation shall not be commenced until such time as the Council has
- 30 made provision for the boat harbour in the operative district scheme for the City of Auckland in accordance with section 17 of this Act and the provisions of the Town and Country Planning Act 1953.

- 11. Authority for the Board to construct water control**
- 35 **structures and other works**—The Board is hereby authorised to provide and construct water control structures for the purpose of impounding water within the marine park (other than in respect of the land described in the Second Part of the Second Schedule to this Act) and such other structures
- 40 or works as are included within matters for which it is

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responsible in developing and carrying out the scheme, and may transfer any such structures or works to the Council or the Authority, as the case may be, for the purposes of the scheme on such terms and conditions as may be agreed upon.

**12. Authority for the university to develop recreational, cultural, and sporting facilities and to reclaim land for those purposes**—(1) The Council of the university is hereby authorised to develop and construct recreational, cultural, and sporting facilities, including playing fields, and buildings and amenities associated with the use of such facilities on the land described in the Third Schedule to this Act. 5 10

(2) Subject to the provisions of the Harbours Act 1950, and of this Act, but notwithstanding anything contained in sections 175, 175A, and 175B of the Harbours Act 1950, the university is hereby empowered to reclaim from the sea any part or parts of the land described in the Third Schedule to this Act for the purpose of the recreational, cultural, and sporting facilities referred to in subsection (1) of this section. 15

**13. Authority to sell land**—(1) For the purposes of this Act and of developing and carrying out the scheme and the matters for which each of them is responsible under subsection (2) of section 4 of this Act, the Board, the Council, the Authority, and the university are hereby empowered to sell or give in exchange or otherwise dispose of any portion of the land described in the First Schedule to this Act (whether reclaimed or not) which is at any time vested in or held by it pursuant to the provisions of this Act to any of the other of them or to any person or persons or local or public authority or the Crown who or which is the owner or lessee of land adjacent to such land, and in respect of any such exchange may give or receive any money for equality of exchange. 20 25 30

(2) Any portion of land which is sold or given in exchange or otherwise disposed of to any person or persons or to any local or public authority (other than the Board, the Council, the Authority or the university) or to the Crown pursuant to subsection (1) of this section shall be deemed to be excluded from the First Schedule to this Act and shall cease to be subject to the provisions of this Act. 35

- 14. Authority to acquire additional land**—(1) Without restricting the powers to acquire land conferred on any of them under this Act or any other Act, the Board, the Council, the Authority and the university are hereby empowered to
- 5 purchase, lease, accept in exchange or otherwise acquire any land adjacent to any land vested in or held by it pursuant to the provisions of this Act (whether reclaimed or not) which the Board, the Council, the Authority, or the university, as
- 10 the case may be, shall determine is reasonably required for the purposes of developing and carrying out the scheme and the matters for which each of them is responsible under
- subsection (2) of section 4 of this Act, from any person or persons or any local or public authority or the Crown and whether or not any such land is dedicated or laid out and
- 15 constructed as a street or footway or held in trust for any particular purpose or purposes, whether pursuant to any Act or deed of trust or conveyance or otherwise howsoever, or held for the purpose of a public reserve or public work or public utility or any other purpose whatsoever.
- 20 (2) Any land acquired by the Board, the Council, the Authority, or the university pursuant to subsection (1) of this section shall be deemed to be included in the land described in the First Schedule to this Act, and any such land acquired
- 25 by the Council or the university shall further be deemed to be included in the Second and Third Schedules to this Act, respectively, and the provisions of this Act shall apply to such land accordingly.

- 15. Authority to carry out incidental works on Crown land**—The Board, the Council, the Authority, and the
- 30 university are hereby empowered, subject to the consent of the Minister of Railways and the Minister of Lands and in accordance with such conditions or requirements as they or either of them may impose, to construct and carry out such
- 35 works, including any minor reclamations, upon Crown land as the Board, the Council, the Authority, or the university, as the case may be, shall consider necessary or desirable for the purpose of developing and carrying out the scheme and the matters for which each of them is responsible under
- subsection (2) of section 4 of this Act.

**16. Application of the provisions of the Health Act 1956 and other Acts**—Nothing in this Act shall be construed as limiting—

- (a) 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: 5
- (b) The application of the provisions of the Town and Country Planning Act 1953, except as expressly provided in section 17 of this Act: 10 15
- (c) The application of the provisions of Part XXV of the Municipal Corporations Act 1954. 15

**17. Power for the Council to enlarge its operative district scheme**—For the purposes of this Act and of developing and carrying out the scheme, the Council shall provide and maintain, in accordance with the provisions of the Town and Country Planning Act 1953, and this Act, an operative district scheme in respect of the land comprised in the scheme and, notwithstanding the proviso to section 29 of the Town and Country Planning Act 1953, shall enlarge its district scheme in the manner prescribed by that section to give effect to the scheme. 20 25

**18. Compensation**—(1) Nothing in this Act shall deprive any person of any right or remedy available to him in terms of Part III of the Public Works Act 1928, or otherwise in respect of any loss, detriment, damage, or injury caused by any reclamation, development, or work constructed or carried out under the authority of this Act. 30

(2) The local authority liable for any compensation or damages payable to any person or persons under the Public Works Act 1928, or any other Act, or at law or otherwise howsoever, in respect of any work constructed or carried out under the authority of this Act shall be the local authority responsible for executing and carrying out the work pursuant to subsection (2) of section 4 of this Act or otherwise undertaking the construction and carrying out the work under the authority of this Act. 35 40

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(3) For the purposes of subsection (2) of this section the university shall be deemed to be a local authority.

**19. Authority to enter into contracts**—Notwithstanding anything in the Public Bodies Contracts Act 1959, but subject to the provisions of this Act, the Board, the Council, the Authority, and the university, or any of them, may grant any licence or licences or enter into any contract or contracts with any person or persons or any local or public authority or the Crown for the purposes of this Act and of developing and carrying out the scheme, including any licence or any contract to construct any reclamation which they, or any of them, may be authorised to construct under this Act or to develop any land or to construct, carry out, and maintain all or any works which they, or any of them, may be authorised to construct, carry out, or maintain under this Act in connection with the scheme, upon such terms and conditions as the Board, the Council, the Authority, or the university, as the case may be, may think fit.

**20. Authority to license**—(1) In addition to all other licensing powers conferred on the Council and the Board under this Act, or any other Act, and notwithstanding anything contained in any other Act, the Council may license or permit any part of the land described in the Second Schedule to this Act or any building or structure thereon, and the Board may license or permit any part of the land described in the First Schedule to this Act (other than the land described in the Second and Third Schedules to this Act) or any building or structure thereon, to be used or occupied for the purposes of this Act and of developing or carrying out the scheme, for such period and upon such terms and conditions as the Council or the Board, as the case may be, may think fit.

(2) Every such licence shall be in writing under the seal of the Council or the Board, as the case may be, and may be for any period not exceeding 14 years after the date thereof, and may prescribe the sum of money, whether as a rent or charge or fee, to be payable, either at stated periods or on or before the granting thereof, for the use of the land, building, or other structure thereon, as the case may be, and may provide any other general or particular terms and conditions

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to be observed or performed by the licensee as the Council or the Board, as the case may be, may think fit, including (but not by way of limitation) power for the Council or the Board, as the case may be, to accept a surrender of any such licence in whole or in part, or to vary the terms and conditions of any such licence. 5

(3) All money paid by any person to the Council or to the Board for the grant of any such licence shall be received, dealt with, applied, and accounted for as part of the general funds of the Council or the Board, as the case may be. 10

(4) The provisions of sections 157 and 159 of the Harbours Act 1950, shall not apply to any licence or permit granted under this Act.

(5) The Board, or the Council with the approval of the Board, may grant a licence or permit to any person or persons under the authority of this section, in respect of any land or foreshore or bed of the harbour vested in the Board and adjacent to or in the vicinity of the land comprised in the scheme, in any case where, in the opinion of the Board or the Council, as the case may be, the grant of a licence or permit is necessary or reasonably incidental to the developing and carrying out of the scheme. 15 20

(6) In granting any licence or permit under this Act the Council or the Board, as the case may be, shall ensure, by the insertion in the licence or permit of the appropriate terms and conditions, that the effect of the licence or permit is not to deny the public reasonable access over the whole or any part or parts of the land comprised in the scheme in any case where it is, in the sole discretion of the Council or the Board, as the case may be, reasonable and practicable for the public to have such access. 25 30

**21. Authority to lease—**(1) In addition to all other leasing powers conferred on the Council, the Board, and the university under any other Act, the Council may in respect of the whole or any part or parts of the land described in the Second Schedule to this Act which is from time to time reclaimed from the sea and which is vested in the Council, and the Board may in respect of the whole or any part or parts of the land described in the First Schedule to this Act (other than the land described in the Second and Third Schedules to this Act) which is from time to time reclaimed from the sea and which is vested in the Board, and the university 35 40

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may in respect of the whole or any part or parts of the land described in the Third Schedule to this Act which is for the time being reclaimed from the sea and vested in the university, as the case may require, lease the whole or any  
5 part or parts of such reclaimed land to any person or persons or to any local or public authority or to the Crown for the purposes of this Act, for any term with such right or rights of renewal and for such rent and upon such other terms and conditions as the Council, the Board, or the university, as  
10 the case may be, may think fit.

(2) The Council, the Board, or the university, as the case may be, may accept a surrender of any lease granted pursuant to this section, whether as to the whole or any part of the land comprised therein, or may vary the terms and condi-  
15 tions thereof, upon such terms and conditions as the Council, the Board, or the university, as the case may be, may think fit.

(3) Sections 7, 8, 18 and 19 of the Public Bodies Leases Act 1969 shall not apply to any leasing by the Council, the  
20 Board, or the university, or to any lease granted by the the Council, the Board, or the university, pursuant to this section, and section 153 of the Municipal Corporations Act 1954 shall not apply to the leasing by the Council or to any lease granted by the Council pursuant to this section, and  
25 any other provisions of those Acts, or any other Act, which are inconsistent with the provisions of this section shall be deemed to be modified to the extent of the inconsistency.

(4) Any local or public authority may take and execute any lease granted by the Council, the Board, or the university  
30 pursuant to this section or any surrender or variation thereof without further or other authority than this subsection.

**22. Cancellation of trusts and reservations**—All trusts, reservations, and restrictions upon or affecting the land described in the First, Second, and Third Schedules to this  
35 Act, or any part or parts thereof, immediately before the commencement of this Act and whether pursuant to any Act (including the Auckland Foreshore Grant Act 1875) or any deed, trust, conveyance, or otherwise howsoever are hereby cancelled.

**23. Powers of District Land Registrar**—The District Land Registrar for the North Auckland Land Registration District is hereby authorised to deposit all such plans, issue all such certificates of title, accept all such documents for registration, make all such entries in the Register, and to do all such things as may be necessary to give effect to the provisions of this Act. 5

**24. Land to form part of City of Auckland**—(1) Upon the transfer of the land described in the Second and Third Schedules of this Act to the Council and the university respectively, such land which is not then already included in the district shall be included therein (whether reclaimed or not) without further or other authority than this section, and any such alteration of the boundary or boundaries of the district shall be deemed to have been effected pursuant to the Municipal Corporations Act 1954. 10 15

(2) Without in any way limiting the effect of subsection (1) of this section, such altered boundary or boundaries shall, 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 Internal Affairs. 20

**25. Repeals and savings**—(1) Section 5 of the Auckland Harbour Board Foreshore Grant Act 1875 and section 7 of the Auckland Harbour Board Loan and Empowering Act 1965 and Part II of the Third Schedule to that Act are hereby repealed. 25

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of the provisions referred to in subsection (1) of this section shall not affect any document made or any reclamation or work carried out or any thing whatsoever done under the provisions so repealed and every such document, reclamation, work or thing which is subsisting or in force at the time of the repeal and which could have been made or done under this Act shall continue and have effect as if it had been made or done under the corresponding provisions of this Act and as if the provision had been in force when the document was made or the reclamation or work carried out or the thing was done. 30 35 40

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SCHEDULES

FIRST SCHEDULE

LAND TO BE DEVELOPED AS A MARINE PARK

*North Auckland Land District*

ALL those parcels of land below high water mark, Harbour of Auckland, situated in Blocks VIII and IX, Rangitoto Survey District, containing together 636 acres 30 perches, more or less, being part of the land comprised in certificate of title, Volume 55, folio 236 (North Auckland Registry), and shown marked "A" (294 acres 2 roods), "B" (43 acres 3 roods 20 perches), and "C" (119 acres 1 rood 25 perches), shown edged red on S.O. Plan 47751, and "D" (129 acres 3 roods 15 perches) and "E" (48 acres 2 roods 10 perches), shown edged red on S.O. Plan 47750, both plans lodged in the office of the Chief Surveyor at Auckland.

SECOND SCHEDULE

LAND TO BE TRANSFERRED TO COUNCIL

*North Auckland Land District*

*First Part* (Hobson Bay inside Railway Embankment):

All that parcel of land below high water mark, Harbour of Auckland, situated in Block VIII, Rangitoto Survey District, containing 294 acres, 2 roods, more or less, as shown marked "A" on S.O. Plan 47751 lodged in the office of the Chief Surveyor at Auckland and thereon edged red, and being part of the land comprised in certificate of title, Volume 55, folio 236 (North Auckland Registry).

*Second Part* (Orakei Basin):

All that parcel of land below high water mark, Harbour of Auckland, situated in Blocks VIII and IX, Rangitoto Survey District, containing 129 acres, 3 roods, 15 perches, more or less, as shown marked "D" on S.O. Plan 47750 lodged in the office of the Chief Surveyor at Auckland and thereon edged red, and being part of the land comprised in certificate of title, Volume 55, folio 236 (North Auckland Registry).

THIRD SCHEDULE

LAND TO BE TRANSFERRED TO UNIVERSITY

*North Auckland Land District*

ALL that parcel of land below high water mark, Harbour of Auckland, being land situated in Block VIII, Rangitoto Survey District, containing 43 acres, 3 roods, 20 perches, more or less, as shown marked "B" on S.O. Plan 47751 lodged in the office of the Chief Surveyor at Auckland and thereon edged red, and being part of the land comprised in certificate of title, Volume 55, folio 236 (North Auckland Registry).

18 *Auckland Harbour Board Centennial (Hobson Bay  
Marine Park) Empowering*

FOURTH SCHEDULE

RESPONSIBILITIES OF BODIES PARTICIPATING IN THE SCHEME

MATTERS for which the Board, the Council, the Authority, and the university are responsible in developing and carrying out the scheme are as follows—

*1. Auckland Harbour Board:*

- (a) To sponsor and co-ordinate the development of the whole scheme:
- (b) To provide water control structures for the impounding of the water space inside the railway embankment:
- (c) To provide the Whakatakataka Bay Pleasure Boat Harbour.

*2. Auckland City Council:*

- (a) To have the Hobson Bay Marine Park Plan incorporated in the City of Auckland District Scheme:
- (b) To provide and develop the reclaimed lands and foreshore amenities at Arney Road, Parnell, and Burwood:
- (c) To control and manage the impounded water space and water control facilities:
- (d) To take steps to obviate the inflow of foul waters and define and maintain watercourses within and allied to the development.

*3. University of Auckland:*

- (a) To provide and develop a playing field campus at Orakei Road:
- (b) To control and manage such water space as may lie within that development.

*4. Auckland Regional Authority:*

- (a) Having regard to the extent of harbour bed to be occupied by the south-east motorway and its impact on amenity to acknowledge a responsibility to provide or contribute towards reasonable maintenance of the marine environment of Hobson Bay which will be adversely affected by this work:
- (b) To make provision in the south-eastern motorway works—
  - (i) For adequate road access with joint provisions of land requirements for the proposed development of the Whakatakataka Bay Boatharbour, to the mutual benefit of the Board and the Authority;
  - (ii) For access to the City Street system in the vicinity of Orakei Station; and
  - (iii) For the incorporation of the water control facilities necessary for the impounding of the water space inside the railway embankment, such water control facilities being provided by the Auckland Harbour Board:
- (c) To remove and/or relocate the main sewer across Hobson Bay to an appropriate lower level in order that the full use and enjoyment of the impounded water space is ultimately available:
- (d) To take steps to obviate inflow of foul waters to the impounded water space.