

1969/212



THE PORIRUA HARBOUR ORDER 1969

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 13th day of October
1969

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to sections 8A and 165 of the Harbours Act 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and on the joint request of the Hutt County Council and the Porirua City Council, hereby makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Porirua Harbour Order 1969.

(2) This order shall come into force on the date of its notification in the *Gazette*.

2. Interpretation—In this order—

“The Act” means the Harbours Act 1950:

“The Councils” mean the Hutt County Council and the Porirua City Council:

“Foreshore of Porirua Harbour” means the foreshore of that harbour as described in the First Schedule to this order:

“Minister” means the Minister of Marine; and includes any officer, person, or authority acting by or under the direction or authority of the Minister:

“Porirua Harbour” means Porirua Harbour the limits of which are defined by Order in Council dated the 24th day of March 1969* or by any Order in Council made in amendment thereof or in substitution therefor.

3. Control of Porirua Harbour—Subject to section 8A of the Act and to the conditions specified in this order, there is hereby granted to the Councils jointly for a period of 21 years from the commencement of this order the control of the waters of Porirua Harbour.

**Gazette*, 2 April 1969, p. 609.

4. Control of foreshore—Subject to section 165 of the Act and to the conditions specified in the Second Schedule to this order, there is hereby granted to the Councils jointly for a period of 21 years from the commencement of this order the control of the foreshore of Porirua Harbour.

5. Powers of Councils in relation to Harbour—Subject to section 8a of the Act, the Councils for and within the waters of Porirua Harbour—

- (a) May by bylaw made jointly by the Councils do anything which a Harbour Board may do by bylaw under section 232 of the Act:
- (b) May jointly appoint harbourmasters and other officers, and define or limit their powers or duties:
- (c) Shall jointly have all the powers, functions, duties, and authorities of a Harbour Board under the Act as if they were constituted Harbour Boards.

6. Expenditure of money—(1) All money received by either Council in respect of Porirua Harbour or of the foreshore of Porirua Harbour in the exercise or performance of the powers, functions, duties, and authorities conferred on it by this order shall, subject to the deduction of any expenditure incurred by the Council in the exercise or performance of those powers, functions, duties, and authorities, be applied in the construction, repair, or improvement of harbour works in or in respect of Porirua Harbour or of the foreshore of Porirua Harbour and not otherwise.

(2) Subclause (1) of this clause shall apply with respect to money received by either Council after the commencement of this order under any foreshore licence granted, whether before or after the commencement of this order, in respect of the foreshore of Porirua Harbour.

7. Resumption of control—The powers, functions, duties, and authorities conferred on the Councils by this order may be at any time resumed by the Governor-General, without payment of any compensation whatever, on giving to the Councils at least six calendar months' notice in writing. Any such notice shall be sufficient if given by the Minister and delivered at or posted to each Council at its public office.

8. Revocation—The Order in Council dated the 17th day of December 1963* granting control of part of the foreshore at Porirua to the Porirua Borough Council is hereby revoked.

SCHEDULES

FIRST SCHEDULE

THE FORESHORE OF PORIRUA HARBOUR

WELLINGTON LAND DISTRICT—PORIRUA HARBOUR

THAT portion of the foreshore of the sea fronting and within the City of Porirua and fronting the County of Hutt, commencing at a point on the shore north of Porirua Harbour 1.75 nautical miles from peg XXIV on the western boundary of Lot 23, D.P. 2093, in Block VIII,

Paekakariki Survey District (being the limit of the harbour of Porirua as described in *Gazette*, 2 April 1969, page 609); and extending generally southerly along the shore following the line of mean high-water spring tides, such line being deemed to cross the mouths of all rivers, streams, and creeks, excluding therefrom Section 8, Block IX, Paekakariki Survey District, the deviation of No. 58 State Highway across the said harbour at Duck Creek as shown on S.O. Plan 18926 to the north-western side of the railway embankment on the south side of the Paremata Railway Bridge; thence south-westerly along that north-western side of the railway embankment and generally northerly along the generally western shore of Porirua Harbour to a point at Rocky Bay, being 1.75 nautical miles from Peg XXIV aforesaid.

SECOND SCHEDULE

CONDITIONS AS TO CONTROL OF FORESHORE

1. Her Majesty or the Governor-General and all officers in the Government service acting in the execution of their duty shall at all times have free ingress, passage, and egress into, over, and out of the foreshore of Porirua Harbour without payment.

2. Nothing in this order shall authorise the Councils or either of them to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs or any provision of the Harbours Act 1950 that is or may hereafter be in force.

3. The rights, powers, and privileges conferred by this order shall not apply to those portions of the foreshore of Porirua Harbour required for securing the shore ends of any telegraph cables that are at the commencement of this order or may be at any time subsequently laid down within that foreshore.

4. The Councils may enclose any part or parts of the foreshore of Porirua Harbour for the purpose of holding sports meetings or games, and may, by bylaws, fix a charge for admission to any such enclosed part or parts:

Provided that the total number of days on which any particular part of that foreshore is so enclosed shall not exceed 6 in any one calendar year.

5. Nothing in this order shall authorise the Councils or either of them to remove or cause to be removed from the foreshore of Porirua Harbour any stone, sand, shingle, or shells without the consent in writing of the Minister being first obtained.

P. J. BROOKS,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 16 October 1969.
This order is administered in the Marine Department.