

Portions of Herrick Street and Sanders Avenue, in the Borough of Napier, exempted from the Provisions of Section 128 of the Public Works Act, 1928, subject to a Condition as to the Building-line

MICHAEL MYERS,

Administrator of the Government

ORDER IN COUNCIL

At the Government House at Wellington, this 5th day of June, 1946

Present :

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT
IN COUNCIL

PURSUANT to section one hundred and twenty-eight of the Public Works Act, 1928, His Excellency the Administrator of the Government of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the following resolution passed by the Napier Borough Council on the eleventh day of March, one thousand nine hundred and forty-six, viz. :—

“ The Napier Borough Council, being the local authority having control of the streets in the Borough of Napier, by resolution declares that the provisions of section one hundred and twenty-eight of the Public Works Act, 1928, shall not apply to the portion of Herrick Street and Sanders Avenue adjoining or passing through Lot 1 on D.P. 6187, part of the Te Whare-o-Maraenui Block, and part of the Ahuriri Lagoon Reserve, being also part of the land comprised and described in Certificate of Title, H.B. Volume 99, folio 93 ; ”

subject to the condition that no building or part of a building shall at any time be erected on the land fronting the portions of Herrick Street or the portion of Sanders Avenue (described in the Schedule hereto) within a distance of thirty-three feet from the centre-lines of the said portions of streets.

SCHEDULE

ALL those portions of street situated in the Hawke's Bay Land District, Borough of Napier, known as Herrick Street, fronting part Lot 1, D.P. 6187, being part Te Whare-o-Maraenui Block and part Ahuriri Lagoon Reserve.

Also all that portion of street situated in the said land district and borough, known as Sanders Avenue, fronting part Lot 1, D.P. 6187, being part Te Whare-o-Maraenui Block and part Ahuriri Lagoon Reserve.

As the same are more particularly delineated on the plan marked P.W.D. 123209, deposited in the office of the Minister of Works at Wellington, and thereon coloured red.

W. O. HARVEY,
Acting Clerk of the Executive Council.

(P.W. 51/2955.)

The Eastern Side of Portion of Dundonald Street, in the City of Auckland, exempted from the Provisions of Section 128 of the Public Works Act, 1928

MICHAEL MYERS,

Administrator of the Government

ORDER IN COUNCIL

At the Government House at Wellington, this 5th day of June, 1946

Present :

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT
IN COUNCIL

PURSUANT to section one hundred and twenty-eight of the Public Works Act, 1928, His Excellency the Administrator of the Government of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the following resolution passed by the Auckland City Council on the fourth day of April, one thousand nine hundred and forty-six, in so far as it affects the side and portion of street described in the Schedule hereto, viz. :—

“ The Auckland City Council, being the local authority having control of the streets in the City of Auckland, by resolution declares that the provisions of section one hundred and twenty-eight of the Public Works Act, 1928, shall not apply to that portion of Dundonald Street adjoining part Lot 1, D.P. 3294, being part Allotments 1 and 2, Section 7, Suburbs of Auckland ” ;

SCHEDULE

THE eastern side of all that portion of street situated in the North Auckland Land District, City of Auckland, known as Dundonald Street, fronting part Lot 1, D.P. 3294, being part Allotments 1 and 2 of Section 7, Suburbs of Auckland. As the same is more particularly delineated on the plan marked P.W.D. 123504, deposited in the office of the Minister of Works at Wellington, and thereon coloured red.

W. O. HARVEY,
Acting Clerk of the Executive Council.

(P.W. 51/652.)

Vesting the Control of Part of the Foreshore at Karitane, Block XII, Waikouaiti Survey District, in Trustees

MICHAEL MYERS,

Administrator of the Government

ORDER IN COUNCIL

At the Government House at Wellington, this 29th day of May, 1946

Present :

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT
IN COUNCIL

WHEREAS it is enacted by section one hundred and fifty-eight of the Harbours Act, 1923 (hereinafter called the said Act), that where the foreshore outside the limits of a harbour is not vested in any Harbour Board or other local authority, the Governor-General may by Order in Council grant, for a period not exceeding twenty-one years, the control of such part or parts thereof as he thinks fit in any local authority, Domain Board, or persons acting as trustees for the inhabitants of the locality, upon such conditions as may be prescribed in the Order :

And whereas the foreshore hereinafter described is not vested in any Harbour Board or other local authority, and Laurence Murray Fraser, Oliff Edward Johnston, and John Steven, as trustees for the fishermen of the district (hereinafter called the trustees), have applied to the Governor-General in Council for the control thereof :

And whereas it is desirable that the control should be granted to the trustees :

Now, therefore, His Excellency the Administrator of the Government of the Dominion of New Zealand, in pursuance and exercise of the power and authority conferred upon him by the said Act, and acting by and with the advice and consent of the Executive Council, doth hereby grant to the trustees the control of the foreshore as described in the First Schedule hereto, and subject to the terms and conditions set forth in the Second Schedule hereto.

FIRST SCHEDULE

THAT portion of the foreshore at Karitane, Block XII, Waikouaiti Survey District, commencing at about 7 yards north of the Fishermen's Wharf and shed, Karitane, and extending in an easterly and southerly direction for a distance of 440 links. As the same is shown edged red on plan marked M.D. 8491, and deposited in the office of the Marine Department at Wellington.

SECOND SCHEDULE

1. IN these conditions the terms—

“ Foreshore ” means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides :

“ Low-water mark ” means low-water mark at ordinary spring tides :

“ Minister ” means the Minister of Marine as defined by the Shipping and Seamen Act, 1908, and includes any officer, person, or authority acting by or under the direction of such Minister.

2. The concessions and privileges conferred by this Order in Council shall extend and apply only to those parts of the foreshore as shown edged red on plan marked M.D. 8491, and deposited in the office of the Marine Department at Wellington.

3. His 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 out and over the said foreshore without payment.

4. Nothing herein contained shall authorize the trustees to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or with any regulation of the Minister of Customs, or with any provision of the Harbours Act, 1923, or its amendments, or any regulations made thereunder, and that are or may hereafter be in force.

5. The rights, powers, and privileges conferred by this Order in Council shall not apply to those portions of the foreshore required for securing the shore ends of any telegraph-cables that are at present or may be at any time laid down within the said area of foreshore.

6. The trustees may, subject to the provisions of section 171 of the Harbours Act, 1923, erect, or license or permit the erection of, structures on the foreshore described in the First Schedule hereto, and may make by-laws regulating the use thereof, and may fix charges for such use, provided that the funds so received shall be expended in improving the foreshore for the benefit of the fishermen.

7. Nothing herein contained shall authorize the trustees to remove or cause to be removed any stone, sand, shingle, or shells without the consent of the Minister being first obtained.

8. The trustees shall prevent any nuisance being caused, and shall not permit fish or fish offal to remain on or about the foreshore.

9. By-laws made by the trustees under the said Act in respect of the foreshore shall not have effect unless and until approved in writing by the Minister.

10. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for twenty-one years from the date hereof, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority.

11. The said rights, powers, and privileges may be at any time resumed by the Governor-General, without payment of any compensation whatever, on giving to the trustees six calendar months' previous notice in writing. Any such notice shall be sufficient if given by the Minister and delivered at or posted to the last-known address of the trustees in New Zealand.

W. O. HARVEY,
Acting Clerk of the Executive Council.