

Authorizing the Otago Harbour Board to Reclaim Certain Land in Otago Harbour

B. C. FREYBERG, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington, this 1st day of November, 1950

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

WHEREAS by Order in Council dated the 20th day of April, 1912, and published in the *New Zealand Gazette* on the 2nd day of the following month at page 1491, the Otago Harbour Board (hereinafter called the Board) was authorized and empowered to reclaim from the sea in Otago Harbour all the lands shown coloured red on plan marked M.D. 3834, and deposited in the office of the Marine Department at Wellington, and to construct a rubble retaining-wall in connection therewith:

And whereas it was provided by the said Order in Council that the harbour-works comprised in the said authorization should be completed within a period of ten years from the 1st day of July, 1912:

And whereas by Order in Council dated the 29th day of March, 1915, and published in the *New Zealand Gazette* on the 1st day of the following month at page 1009, the Board was authorized and empowered to reclaim from the sea in Otago Harbour all the lands shown coloured red on sheet 1 of plan marked M.D. 4044, and deposited as aforesaid, and to construct a rubble retaining-wall in connection therewith:

And whereas it was provided by the last-mentioned Order in Council that the harbour-works comprised in the said authorization should be completed within a period of ten years from the date thereof:

And whereas by Order in Council dated the 1st day of September, 1930, and published in the *New Zealand Gazette* on the 1st day of the same month at page 2705, the Board was authorized to complete the said works within a period of 20 years from the 4th day of September, 1930:

And whereas the respective harbour-works referred to in the said respective Orders in Council have not been completed within the respective periods provided as aforesaid, and the Board has applied to the Governor-General in Council for a further special order authorizing the same, and it is thought fit that such order be made and granted:

And whereas all the conditions precedent to the granting of a special order prescribed by section 185 of the Harbours Act, 1950, have been duly complied with:

And whereas it has been made to appear to the Governor-General in Council that the proposed works will not be or tend to the injury of navigation:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the power and authority conferred upon him by section 185 of the Harbours Act, 1950, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby authorize and empower the Board to execute and construct the respective works comprised in the authorizations granted by the aforesaid Orders in Council, dated respectively the 20th day of April, 1912, and the 29th day of March, 1915, in accordance respectively with the said plan marked M.D. 3834 and the said sheet 1 of plan marked M.D. 4044, and subject to the provisions of the Harbours Act, 1950; the said respective works to be completed within a period of 20 years, computed from the date hereof.

T. J. SHERRARD,
Clerk of the Executive Council.

Vesting the Control of Part of the Foreshore at Waikanae in the Waimeha Domain Board

B. C. FREYBERG, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington, this 1st day of November, 1950

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

WHEREAS it is enacted by section 165 of the Harbours Act, 1950 (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 the Waimeha Domain Board (hereinafter called the Board) has applied to the Governor-General in Council for the control thereof:

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

Now, therefore, His Excellency the Governor-General 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 Board 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

AREA OF FORESHORE AT WAIKANAÉ

ALL that portion of the foreshore at Waimeha Beach commencing at the mouth of the Waimeha Stream and extending generally southwards to Beach Road, Waimeha Township; as the same is shown, hatched red, on plan marked M.D. 6733, and deposited in the office of the Marine Department at Wellington.

SECOND SCHEDULE

CONDITIONS

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 hatched red on plan marked M.D. 6733, 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 Board 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 provisions of the Harbours Act, 1950, 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 Board may enclose any part or parts of the foreshore described in the First Schedule hereto for the purpose of holding athletic sports or games, and may by by-law fix a charge for admission to such enclosed part or parts, provided that the total number of days on which such enclosures are made shall not exceed six in any one year.

7. The Board may, subject to the provisions of section 185 of the Harbours Act, 1950, erect or license or permit the erection of bathing sheds or boat-sheds 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 public.

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

9. By-laws made by the Board 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 Board 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 Board in New Zealand.

T. J. SHERRARD,
Clerk of the Executive Council.

Constitution of Rural Fire District

B. C. FREYBERG, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington, this 1st day of November, 1950

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Forest and Rural Fires Act, 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby constitute and declare the area described in the Schedule hereto to be a rural fire district, to be known as the “Herbert Rural Fire District”; and doth hereby specify the trees and other plants on State forest land in the said area as the property for the protection of which the district is constituted; and doth hereby specify the period between the first day of August in any one year and the thirtieth day of April in the following year (both days inclusive) as a closed fire season in the said district; and doth hereby declare that this Order in Council shall come into force and that the Herbert Rural Fire District shall become a rural fire district on the day following publication of this Order in Council in the *New Zealand Gazette*; and doth hereby prescribe that the said Herbert Rural Fire District shall be administered for the purposes of the said Act by the Minister of Forests.