

And whereas the foreshore hereinafter described is not vested in any Harbour Board or other local authority, and Robert Hogan Bell, Heber John Hewson, Lawrence Clervaux Chaytor, Robert Lanktree Withers, John Trewin, Patrick Curran, William Reynolds Carey, James David Eric Winskill, Arthur Ernest Brockett, Geoffrey Ernest Gray, and Malcolm Crawford as trustees for the inhabitants 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 Governor-General, 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, hereby grants 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 DESCRIPTION OF AREA

ALL that area in the Marlborough Land District, Kaikoura County, being the foreshore commencing at the easternmost point of the south bank of the Clarence River and thence southerly generally along the east coast to the easternmost point of the northern bank of the Hapuku River:

And all that area in the Marlborough Land District, Kaikoura County, being the foreshore commencing at the easternmost point of the south bank of the Kowhai River and thence southerly generally along the east coast to the easternmost point of the northern bank of the Conway River.

As the said areas are shown coloured red on plan marked M.D. 9309, 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 edged red on plan marked M.D. 9309, and deposited in the office of the Marine Department at Wellington.

3. 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 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 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 trustees may, subject to the provisions of section 178 of the Harbours Act 1950, erect or licence 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 on improving the foreshore for the benefit of the inhabitants of the district.

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 until the 5th day of October 1953, 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.

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

Varying a Condition as to Setting Back the Building-line of Portion of Derwent Street, in the City of Dunedin, Imposed by Order in Council Under the Municipal Corporations Amendment Act 1948 and the Public Works Act 1928

FREYBERG, Governor-General ORDER IN COUNCIL

At the Government Buildings at Wellington, this 31st day of March 1952

Present:

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

PURSUANT to section 27 of the Public Works Amendment Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby amends the Order in Council dated the 6th day of December 1949, published in the *New Zealand Gazette* No. 74 of the 8th day of the same month, at page 2779, and deposited in the Land Registry Office at Dunedin under No. 5880, authorizing the Dunedin City Council to permit the laying-off of, *inter alia*, a street now known as Derwent Street off Helensburgh Road in the City of Dunedin at widths of less than 66 ft., subject to a condition as to the building-line by varying the building-line condition imposed by the said Order in Council in respect of the land fronting portion of the said street 40 ft. in width so that no building or part of a building shall at any time be erected on Lots 10, 11, and 22 of the subdivision of the land fronting the said portion of street as shown on the plan marked P.W.D. 130318 referred to in the said Order in Council within a distance of 33 feet from the centre-line of the said portion of street.

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

(P.W. 51/3336; D.O. 18/300/79)

Foreshore Licence—Lake Wakatipu, Queenstown—Site for a Slipway—Amphibian Airways, Limited

FREYBERG, Governor-General ORDER IN COUNCIL

At the Government Buildings at Wellington, this 24th day of March 1952

Present:

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

PURSUANT to the Harbours Act 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby licences and permits Amphibian Airways, Limited (hereinafter called "the company", which term shall include its successors or assigns unless the context requires a different construction), to use and occupy a part of the foreshore at Queenstown, in Lake Wakatipu, as shown on plan marked M.D. 9336 and deposited in the office of the Marine Department at Wellington, for the purpose of the use of a slipway as shown on the said plan, such licence to be held and enjoyed by the company upon and subject to the terms and conditions set forth in the Schedule hereto.

SCHEDULE CONDITIONS

1. This licence is subject to the Foreshore Licence Regulations 1940, and the provisions of those regulations shall so far as applicable, apply hereto.

2. The premium payable by the company shall be £5 (five pounds) and the annual sum so payable £3 (three pounds).

3. The term of the licence shall be fourteen years from the 1st day of April 1952.

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

Varying the Determinations in Respect of the Ngaruawahia Borough Council's Loan of £34,720

FREYBERG, Governor-General ORDER IN COUNCIL

At the Government Buildings at Wellington, this 24th day of March 1952

Present:

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

WHEREAS by Order in Council made on the 23rd day of August 1950 (hereinafter called the said Order in Council) and subject to the determinations as to borrowing and repayment therein set out, consent was given to the raising in New Zealand by the Ngaruawahia Borough Council (hereinafter called the said local authority) of a loan of thirty-four thousand seven hundred and twenty pounds (£34,720) to be known as "Streets, Footpaths, and Waterworks Loan 1949" (hereinafter called the said loan):

And whereas the authority conferred by the said Order in Council has not yet been exercised and it is expedient to vary certain of the determinations aforesaid in respect of portion of the said loan amounting to five thousand pounds (£5,000) (hereinafter called the said sum):

Now, therefore, pursuant to section 11 of the Local Government Loans Board Act 1926 as set out in section 29 of the Finance Act 1932 (No. 2), His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby varies the determinations aforesaid in respect of the said sum by prescribing that in lieu of a term of thirty (30) years, as specified in clause (1) of the said Order in Council, the term for which the said sum or any part thereof may be raised shall not exceed twenty-five (25) years.

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

(T. 49/573/3)