

*Granting the Control of Part of the Foreshore at Titahi Bay to the Titahi Bay Domain Board*

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 30th day of October 1957

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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 grants to the Titahi Bay Domain Board (hereinafter called the Board) the control of the foreshore described in the First Schedule hereto, subject to the terms and conditions set forth in the Second Schedule hereto.

And hereby revokes the Order in Council of the 2nd day of June 1939, published in the *Gazette*, 15 June 1939, Volume II, page 1811, vesting the control of part of the foreshore at Titahi Bay in the Makara County Council, and the Order in Council of the 4th day of February 1942, published in the *Gazette*, 12 February 1942, Volume I, page 498, amending the Order in Council vesting control of part of the foreshore at Titahi Bay in the Makara County Council.

FIRST SCHEDULE

THAT portion of the foreshore at Titahi Bay commencing at the northern boundary of Section 110, Block XI, Paekakariki Survey District, and extending generally southwards to the right bank of the Ohangao Creek, as the same is shown on plan marked M.D. 4924 and deposited in the office of the Marine Department at Wellington; and that portion of the foreshore at Titahi Bay commencing at the southern boundary of Section 110, Block XI, Paekakariki Survey District, and extending generally southwards to the boundary between Sections 5 and 6, Koangaumu Block, as the same is shown between points marked "C" and "D" and coloured red on plan marked M.D. 5836 and deposited in the office of the Marine Department at Wellington.

SECOND SCHEDULE

1. In these conditions the term—

"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 1952, 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 on plans marked M.D. 4924 and 5836 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 authorise 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 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 Board may from time to time—

(a) Prescribe as to not more than forty days in any year, as it thinks fit, that the public shall not be entitled to have admission to the foreshore or any part or parts thereof set apart for the purpose of particular sports, games, or other recreations unless on a payment of a charge not exceeding two shillings per person:

(b) Grant exclusive use of the foreshore or any part thereof on any one or more of the aforesaid days, but not for more than six days consecutively at any time, to any person, body, or society (whether incorporated or not) for the purpose of particular sports, games, or other recreation, with authority for that person, body, or society to demand a fee or charge for admission on that day or those days to the foreshore or part thereof so granted and also to any enclosure, not exceeding the sum of two shillings per person:

(c) Prescribe the games which may be played on the foreshore or any part thereof, and regulate the use of the foreshore for those games, and prohibit altogether the playing of any particular game thereon:

(d) With the consent of the Minister, at any time and from time to time appropriate any part of the foreshore for parking places for vehicles for the convenience of persons using the foreshore; and fix such charges for the use of any such parking places as the Minister approves:

(e) Grant licences for the carrying on of the trades of boat hiring, and the sale of refreshments on the foreshore on any specified site on the foreshore, and prohibit persons from carrying on any trade, business, or occupation on the foreshore unless licensed by the Board, and fix fees to be paid in respect of this licence:

Provided that no such licence shall authorise the erection of any building on the foreshore:

(f) Appoint such officers, servants, and rangers, whether paid or unpaid, as may be requisite for the proper and beneficial management and administration of the foreshore or any part thereof.

7. The Board may, subject to the provisions of section 178 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 bylaws 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 authorise 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. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force until the 1st day of November 1978, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority.

10. 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.

(M. 4/807)

*Granting Control of Parts of the Foreshore to Raglan Harbour Board*

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 30th day of October 1957

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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 grants to the Raglan Harbour Board (hereinafter called the Board) control of parts of the foreshore as described in the First Schedule hereto, subject to the terms and conditions set forth in the Second Schedule hereto.

FIRST SCHEDULE

DESCRIPTION OF AREAS

ALL those parts of the foreshore situated in or adjacent to Blocks 1 and 2, Karioi Survey District, in the Raglan Riding of the Raglan County, as follows:

(a) Commencing at a point on the mean high-water mark on the south side of Whaingaroa Harbour being the north corner of section 15 of the said Block 1, and running easterly along the mean high-water mark of the Harbour and southerly generally along the mean high-water mark of the Oporuru River; thence running generally westerly, southerly, northerly, and easterly along the mean high-water mark of the Pokohue River; thence again along the mean high-water mark of the Oporuru River and the Omahina Creek to the north-east corner of Lot 4, as shown on deposited plan 15904, being part of the Rakaunui Block No. 1, and as shown coloured red on plan marked M.D. 10272 and deposited in the office of the Marine Department at Wellington.

(b) Commencing at a point on the mean high-water mark of the right bank of the Oporuru River being the north-west corner of Lot 1, as shown on deposited plan 28632, being part of Allotment 35, Whaingaroa Parish, and thence running generally westerly, northerly, easterly, and southerly along the mean high-water mark of the right bank of the Oporuru River, along the southern shores of the Whaingaroa Harbour and along the left bank of the Paraiti Creek to a point being the north-east corner of Lot 22, as shown on Deeds Plan C. 38, being part of Allotment 35, as shown coloured red on plan marked M.D. 10272 deposited in the office of the Marine Department at Wellington.