

Varying an Order in Council Setting Apart Maori Freehold Land as a Maori Reservation

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 30th day of September 1964

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 439 (5) of the Maori Affairs Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby varies an Order in Council made on 2 October 1963, and published in *Gazette*, on 10 October 1963, Vol. III, page 1561, and affecting the Maori freehold land known as Papakai No. 1 (Part) by deleting the area of 30 acres shown therein and substituting in lieu thereof the area 21 acres and 10 perches.

T. J. SHERRARD, Clerk of the Executive Council.
(M.A. 21/3/460)

Setting Apart Maori Freehold Land as a Maori Reservation

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 30th day of September 1964

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 439 of the Maori Affairs Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby sets apart the Maori freehold land described in the Schedule hereto as a Maori reservation for the purpose of a landing place, fishing ground, and recreation ground for the common use of the members of the Ngapuhi tribe.

SCHEDULE

NORTH AUCKLAND LAND DISTRICT

ALL that piece of land situated and described as follows:

A. R. P. Being
0 1 0 Kuia - Rongouru Island (Taylor's Island), situate in Block IV, Kawakawa Survey District.

T. J. SHERRARD, Clerk of the Executive Council.
(M.A. 21/3/494)

Granting Control of the Foreshore Adjoining the Boundaries of Rodney County to the Rodney County Council

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 30th day of September 1964

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 165 of 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 Rodney County Council (hereinafter called the Council) control 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 AREA

ALL that portion of the foreshore of the Hauraki Gulf, Whangateau Harbour, Pakiri, Omaha, Matakana, Te Kara, Pukapuka, Puhoi, and Waiwera Rivers and Mahurangi Harbour, commencing at the northernmost extremity of Allotment 107, Mangawai Parish, in Block V, Mangawai Survey District, at the eastern limit of the Mangawai Harbour as controlled by the Otamatea County Council as Mangawai Harbour Board, and extending generally southerly to the northernmost corner of Allotment 104, Waiwera Parish, in Block III, Waiwera Survey District, excluding therefrom that portion of the foreshore of Mahurangi Harbour included within the boundaries of the Warkworth Town District, as described in *Gazette*, 1960, page 988, as the same is shown coloured green on plan marked MD 11802, and deposited in the office of the Marine Department at Wellington.

SECOND SCHEDULE

CONDITIONS

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:

"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 described in the First Schedule hereto.

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 into, over, and out of the said foreshore without payment.

4. Nothing herein contained shall authorise the Council to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or with any provision of the Harbours Act 1950 or its amendments, or any regulations made thereunder 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 or foreshore.

6. The Council may make such bylaws as are necessary for the proper preservation and control of the said foreshore and for the proper conduct and clothing of persons bathing on that foreshore or in the vicinity of that foreshore.

7. The Council may, subject to the provisions of sections 176 to 182 of the Harbours Act 1950:

- (a) Erect or license or permit the erection or continuance on the foreshore described in the First Schedule hereto, or on the bed of the harbour or of the sea immediately contiguous to that foreshore, of baths, bathhouses, boat-sheds, boat-building sheds, jetties, slipways, or with the approval of the Minister, any structures relating to the convenience of shipping or of the public or to any local enterprise or object;
- (b) Use or license or permit the use of the foreshore described in the First Schedule hereto, or the bed of the harbour or of the sea immediately contiguous to that foreshore, for any purpose approved by the Minister relating to the convenience of shipping or of the public or to any local enterprise or object.
- (c) Make bylaws regulating the use of any things erected or continued pursuant to clause (a) of this condition and the use for any purpose approved pursuant to clause (b) of this condition, and fixing charges for those uses.

Provided that the Council shall not erect or grant a licence or permit for the erection or continuance of any structures on foreshore adjoining land under the control of a National Park Board or Scenic Board or Domain Board except with the consent of such Council.

8. The Council 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 bylaw 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.

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

10. Bylaws made by the Council under the authority of this Order in Council shall not come into force until they have been approved by the Minister, by notice in the *Gazette*.

11. The rights, powers, and privileges conferred by or under this Order in Council shall be in force for 21 years from the day following the date of its notification in the *Gazette* unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority.

12. 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 Council six calendar months' 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 Council in New Zealand.

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

(M. 3/13/211)

Declaring Road in Block VII, Glenomaru Survey District, to be Government Road and to be Stopped

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 16th day of September 1964

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Public Works Act 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby (a) declares the piece of road described in the Schedule hereto to be Government Road, and (b) stops the said road.