

## FIRST SCHEDULE

## DESCRIPTION OF AREA OF FORESHORE

ALL that area of foreshore on the western side of the Rangitoto Channel extending from the extension of the northern boundary of Takapuna City to the extension of the southern boundary of Brett Avenue, which area is shown on plan marked M.D. 11881 and deposited in the office of the Marine Department at Wellington, excepting thereout the land described in the Schedule to the Takapuna Borough Foreshore Vesting Act 1914.

## SECOND SCHEDULE

## DESCRIPTION OF WATERS

ALL the tidal waters 300 ft seawards of the area of foreshore extending from the northern boundary of Takapuna City to the southern boundary of Brett Avenue, including the waters of the Wairau Stream, which waters are shown on plan marked M.D. 11881 and deposited in the office of the Marine Department at Wellington.

## THIRD 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; "Act" means the Harbours Act 1950; "Council" means the Takapuna City Council.
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 regulation of the Minister of 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 of 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, boatsheds, boatbuilding 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. Subject to the provisions of section 8 (A) of the Act, the Council for and within the area of waters described in the Second Schedule hereto—

- (a) May by bylaw do anything which a harbour board may do by bylaw under section 232 of the Act;
- (b) May appoint harbourmasters and or officers and define or limit their powers or duties;
- (c) Shall have all the powers, functions, duties, and authorities of a harbour board under the Act as if it were constituted a harbour board;

(d) May expend money out of its general fund or account for the purpose of exercising and performing the control, power, functions, duties, and authorities conferred by this Order in Council.

11. 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*.

12. 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.

13. 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.

\**Gazette*, 20 March 1958, Vol. I. p. 358

(M. 4/5322)

*Boundaries of County of Southland and Borough of Winton Altered*

BERNARD FERGUSSON, Governor-General

## ORDER IN COUNCIL

At the Government Buildings at Wellington this 1st day of February 1965

Present:

THE HON. J. R. MARSHALL, PRESIDING IN COUNCIL

PURSUANT to the Local Government Commission Act 1961, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

## ORDER

1. On and from the 1st day of April 1965 the area described in the Schedule hereto is hereby excluded from the County of Southland and included in the Borough of Winton.

2. The alteration of the boundaries of the said County and the said Borough, hereinbefore made shall be deemed to have been effected under the Municipal Corporations Act 1954.

## SCHEDULE

ALL that area in the Southland Land District, containing by estimation 65 acres, more or less; bounded by a line commencing at the north-west corner of Section 12, Block IV, Town of East Winton; and proceeding south along the western boundary of Section 12, aforesaid, and Section 7, Block IV, aforesaid, to the south-west corner thereof; thence easterly along the southern boundary of the said Section 7, to a point in line with the western boundary of Section 28, Block V, Town of East Winton; thence southerly, across Moore Road to and along the western boundary of the aforesaid Section 28, and Section 29, Block V, aforesaid, and that boundary produced, to the south side of a public road; thence westerly along the south side of the aforesaid road, and the production of that side to the south-western side of the Kingston Branch Railway reserve; being also a point on the boundary of the Borough of Winton; thence north-westerly along the western side of the said railway reserve, to the south side of Moore Road; thence north-easterly along the south side of Moore Road to the western side of the Kingston Branch Railway line; thence northerly generally along the western side of the said railway line to the southern side of Devon Street; thence easterly along the southern side of Devon Street to the point of commencement.

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

(I.A. 176/107)

*Directing the Revision of District Valuation Rolls*

BERNARD FERGUSSON, Governor-General

## ORDER IN COUNCIL

At the Government Buildings at Wellington this 1st day of February 1965

Present:

THE HON. J. R. MARSHALL, PRESIDING IN COUNCIL

PURSUANT to the Valuation of Land Act 1951, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby directs that the District Valuation Rolls for the districts enumerated in the Schedule hereto shall be revised by the Valuer-General as at 1 February 1965.

## SCHEDULE

Borough: Matamata.

Cities: New Plymouth, Whangarei.

Counties: Sounds, Vincent, Waitomo.

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