

2. 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 regulation made thereunder that are, or may hereafter be, in force.

3. The rights, powers, and privileges conferred by this Order in Council shall not apply to those portions of foreshore required for securing the shore ends of any telegraph cables that are at present or may at any time be laid down within the area of foreshore described in the First Schedule hereto.

4. 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 any such enclosed part or parts: provided that the total number of days on which such enclosures are made shall not exceed six in any 1 year.

5. 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.

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 and 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 the bed of the sea immediately contiguous to that foreshore, of jetties, baths, bathhouses, boat sheds, boat-building sheds, 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 regarding the use of any things erected or continued pursuant to clause (a) of this condition and to the use for any purpose approved pursuant to clause (b) of this condition and fix charges for those uses.

8. 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*.

9. The said rights, powers, and privileges may be at any time resumed by the Governor-General without payment of any compensation whatsoever, on giving to the council 6 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.

P. G. MILLEN, Clerk of the Executive Council.

**New Zealand Gazette*, 11 November 1965, p. 2005

(M.O.T. H.O. 54/14/11)

Southland County - Invercargill City Boundary Alteration Order 1979

KEITH HOLYOAKE, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington this 26th day of March 1979.

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL
PURSUANT to the Local Government Act 1974, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Southland County - Invercargill City Boundary Alteration Order 1979.

(2) This order shall come into effect on the 1st day of April 1979.

2. Boundaries of Southland County and Invercargill City Altered—The boundaries of Southland County and Invercargill City shall be altered by excluding from the district of

Southland County and including in the district of Invercargill City the area described in the Schedule to this order.

3. Transitional Provisions—The Invercargill City Council, in respect of the area described in the Schedule to this order:

- (a) Shall have and may exercise and be responsible for all the powers, duties, acts of authority, and functions which were previously exercised, or which would have been so exercised, by the Southland County Council;
- (b) Shall have and may exercise and be responsible for all liabilities, obligations, engagements, and contracts which previously were, or which would have been, the responsibility of the Southland County Council;
- (c) Shall have and may exercise and be responsible for all actions, suits, and proceedings pending by or against, or which would have been the responsibility of, the Southland County Council;
- (d) Shall succeed to the bylaws which are in force and which are applicable to the altered circumstances of the Invercargill City Council; and, until revoked or altered by the Invercargill City Council, every such bylaw shall remain in force in the area in which it was in force immediately before the alteration of boundaries; and every bylaw which cannot be restricted to that area shall be deemed inapplicable and revoked in respect of the said area by the alteration of boundaries;
- (e) Shall succeed to all rates or levies and other money payable to the Southland County Council;
- (f) Shall succeed to the valuation rolls, electoral rolls and rate records in force in the said area and such rolls and records shall remain in force until such rolls or records are made, by the city council; and until that time Part IX of the Rating Act 1967 shall apply as if the district in which the area was included was the district of a special purpose authority and the areas from which it was formed constituent districts.

4. Vesting of Land Formerly Vested in the Corporation of the District of Southland County—The corporation of the district of Invercargill City shall, in respect of the area described in the Schedule to this order, have vested in it, subject to all existing encumbrances, all land situated in that area that was previously vested in the Corporation of the District of Southland County.

5. Mayor and Principal Officer—The mayor and principal officer of the Invercargill City Council shall exercise the duties, powers, and functions of the chairman and principal officer of the Southland County Council in respect of the area described in the Schedule to this order.

6. Creditors—Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of any district affected by the scheme shall not be affected.

7. Rating—The system of rating in the area described in the Schedule to this order shall continue to be the land value system.

SCHEDULE

ALL that area in Block II, Invercargill Hundred, Southland Land District, containing an area of 41.9800 hectares, more or less, bounded by a line commencing at the intersection of Racecourse Road and State Highway No. 1 being the south-western corner of part Lot 1, D.P. 3172 (shown as area A on S.O. Plan 9253), and proceeding north-easterly and north-westerly along the south-eastern and north-eastern boundaries of part Lot 1, D.P. 3172, aforesaid, to the south-eastern boundary of Lot 1, D.P. 9781, thence north-easterly along the south-eastern boundary of Lot 1, D.P. 9781 to the south-western boundary of part Lot 1, D.P. 3408 (shown as area B on S.O. Plan 9253); thence south-easterly, north-easterly, and north-westerly along the south-western, south-eastern, and north-eastern boundaries of part Lot 1, D.P. 3408, aforesaid, to the south-eastern boundary of Lot 1, D.P. 9781; thence north-easterly along the south-eastern boundary of Lot 1, D.P. 9781, to the south-western boundary of Lot 5, Deeds Register Plan 153; thence south-easterly along the south-western boundary of Lot 5, aforesaid, and its production across State Highway No. 1 to the north-western boundary of Lot 1, D.P. 8051; thence north-easterly and south-easterly along the north-western and north-eastern boundaries of Lot 1, D.P. 8051, and the production of the last-mentioned boundary across the main south railway to the north-eastern corner of Lot 3, D.P. 8051; thence again south-easterly along the north-eastern boundary of Lot 3, D.P. 8051, to the south-eastern corner of that lot; thence south-westerly along the south-eastern boundaries of Lot 3, D.P. 8051, and part Section 3 of 43, and that boundary produced to the original centreline of Rockdale Road as defined on S.O. Plan 200;