

*Authorising the Northland Harbour Board to Reclaim Part of the Bed of Whangarei Harbour at Kissing Point*

KEITH HOLYOAKE, Governor-General  
ORDER IN COUNCIL

At the Government House at Wellington this 30th day of June 1980

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 175 (3), and subject to sections 176 to 182 of the Harbours Act 1950, His Excellency the Governor-General acting by and with the advice and consent of the Executive Council, hereby authorises the Northland Harbour Board to reclaim from the bed of Whangarei Harbour at Kissing Point, an area of 1367 square metres, more or less, being part Section 19, Block IX, Whangarei Survey District, being also part certificate of title 1034-123, and also an area of 2423 square metres, more or less, being part Section 23, Block IX, Whangarei Survey District, being part certificate of title 1111-139. There is as described a total of 3790 square metres as more particularly shown on plan M.D. 15973, deposited in the office of the Ministry of Transport at Wellington.

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

(M.O.T. 43/8/9/64)

*Kaipara Harbour, Waters, Foreshore and Harbour Bed Control Order 1980*

KEITH HOLYOAKE, Governor-General  
ORDER IN COUNCIL

At the Government House at Wellington this 30th day of June 1980

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 8A and 165 of the Harbours Act 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and on the joint request of the Helensville Borough Council, Rodney County Council, Dargaville Borough Council, Hobson County Council, and Otamatea County Council, hereby makes the following order.

ORDER

1. (a) This order may be cited as the Kaipara Harbour, Waters, Foreshore and Harbour Bed Control Order 1980.

(b) This order shall come into force on the date of its publication in the *Gazette*.

2. In this order:

“The Act” means the Harbours Act 1950; “The Councils” means the Helensville Borough Council, Rodney County Council, Dargaville Borough Council, Hobson County Council and Otamatea County Council either individually or collectively.

“Foreshore and harbour bed of Kaipara Harbour” means that area of foreshore and bed of Kaipara Harbour as described in the First Schedule to this order;

“Minister” means the Minister of Transport; and includes any officer, person or authority acting by or under the direction of the Minister;

“Kaipara Harbour” means all that area of water as defined in the Second Schedule to this order;

“Kaipara Harbour Authority” or “Authority” means the representatives of the councils as constituted by paragraph 1 of the Third Schedule to this order for the purposes of carrying out the powers and duties granted under this order.

3. There is hereby granted to the authority for a period of 21 years from the commencement of this order, subject to the provisions of sections 8A and 165 of the Act and to the conditions specified in the Third Schedule to this order—

(a) Control of the foreshore and harbour bed of Kaipara Harbour as described in the First Schedule to this order.

(b) Control of the waters as specified in the Second Schedule to this order.

4. The Order in Council dated 29 January 1968\* granting control of part of the foreshore and waters described in the First Schedule to that order to the Otamatea County Council, is hereby revoked, and also so much of the Order in Council dated 6 November 1975† granting control of part of the foreshore and waters included in the Kaipara Harbour, as described in the First Schedule to that order to the Rodney County Council is also hereby revoked.

FIRST SCHEDULE

ALL that area of foreshore and harbour bed of Kaipara Harbour enclosed by the seaward arc of a circle of 10 nautical miles radius from the Poutu Point lighthouse, as more particularly shown on plan M.D. 15989, and deposited in the office of the Secretary for Transport at Wellington.

SECOND SCHEDULE

ALL the tidal waters of Kaipara Harbour enclosed by the seaward arc of a circle of 10 nautical miles radius from Poutu Point lighthouse, as more particularly shown on plan M.D. 15989, and deposited in the office of the Secretary for Transport at Wellington.

THIRD SCHEDULE

CONDITIONS

1. The Councils shall be represented on the committee known as the Kaipara Harbour Authority as follows:

Two to be appointed by the Dargaville Borough Council;  
Two to be appointed by the Hobson County Council;  
Two to be appointed by the Helensville Borough Council;  
Two to be appointed by the Rodney County Council;  
Two to be appointed by the Otamatea County Council.

2. The Councils shall contribute to the finances of the Kaipara Harbour Authority in a percentage manner as follows:

20 percent to be contributed by the Dargaville Borough Council;  
20 percent to be contributed by the Hobson County Council;  
20 percent to be contributed by the Helensville Borough Council;  
20 percent to be contributed by the Rodney County Council;  
20 percent to be contributed by the Otamatea County Council.

3. (a) All money received by the Authority in respect of the Kaipara Harbour or the foreshore or the harbour bed at Kaipara Harbour in the exercise or performance of the powers, functions, duties and authorities conferred by this order shall, subject to the deduction of any expenditure incurred by the Authority in the exercise or performance of these powers, functions, duties and authorities be applied to the construction, repair or improvement of the harbour works or in respect of the Kaipara Harbour or the foreshore or harbour bed of Kaipara Harbour and not otherwise.

(b) Subclause (a) of this clause shall apply with respect to money received by the Authority after the commencement of this order and any bylaw made pursuant to clause (9) of the Third Schedule to this order, levied either before or after the commencement of this order, in respect of the foreshore and harbour bed of Kaipara Harbour.

4. Her Majesty or the Governor-General and all officers in the Government Service acting in the execution of their duties shall at all times have free ingress, passage, and egress into, over, and out of the foreshore and harbour bed of Kaipara Harbour without payment.

5. Nothing in this order shall authorise the authority to do or cause to be done anything repugnant to or consistent with any law relating to the customs or any provision of the Harbours Act 1950 that is or may hereafter be in force.

6. The rights, powers, and privileges conferred by this order shall not apply to those portions of the foreshore and harbour bed of Kaipara Harbour required for securing the shore end of any telegraph cables that are at the commencement of this order or may at any time subsequently be laid down within that foreshore or harbour bed.

7. The authority may enclose any part or parts of the foreshore of Kaipara Harbour for the purpose of holding sports, meetings, or games and may, by bylaw fix a charge for the admission to any such enclosed part or parts; provided that the number of days for which any particular part of that foreshore is enclosed shall not exceed 6 days in any one calendar year.

8. Nothing in this order shall authorise the authority to remove or cause to be removed from the foreshore or harbour of Kaipara Harbour any stone, shingle, sand, boulders, silt, mud, shell or other material without the consent in writing of the Minister being first obtained.

9. Subject to the provisions of section 8A of the Act, the authority for and within the waters of Kaipara Harbour—

(a) May, by bylaw, made by the authority, do anything which a harbour board may do by bylaw under section 232 of the Act.

(b) May jointly appoint harbourmasters and other officers and define or limit their powers or duties.