

## New Zealand.



### ANALYSIS.

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### 1927, No. 10.—*Local and Personal.*

Title.

AN ACT to enable the Auckland Harbour Board (hereinafter called "the Board") to grant to the Corporation of the Mayor, Councillors, and Citizens of the City of Auckland (hereinafter called "the Corporation") a Lease of Portion of the Orakei Basin in the Auckland Harbour, and to confirm the Agreement between the Board and the Corporation of the Borough of Devonport as set out in the First Schedule hereto, and to enable the Board to expend Moneys in the Provision of Comforts and Conveniences for its Employees at its Quarries, and to validate an Unauthorized Expenditure on the Board's Jubilee Booklet, and to vest certain Land in the Waiuku Town District in the Board.

[2nd November, 1927.]

Preamble.

WHEREAS the Board is desirous of entering into an agreement with the Corporation to grant to it a lease of portion of the bed of the Orakei Basin, and the land belonging to the Board adjacent thereto, for the purposes of a boating, bathing, and camping area: And whereas the Board is desirous of transferring to the Corporation of the Borough of Devonport, for road and recreation reserve purposes, a certain reclamation at Devonport, in the Harbour of Auckland, on the terms set forth in the agreement set out in the First Schedule hereto: And whereas it is desired to settle any doubt as to the ownership of a piece of reclaimed land on the foreshore in the Borough of Devonport, over part of which one of the Board's wharves is constructed, by vesting the same

in the Board pursuant to the hereinbefore-mentioned agreement set out in the First Schedule hereto: And whereas the Board is desirous of providing accommodation for the comfort and convenience of its employees at its quarries: And whereas upon the publication of the Jubilee Booklet of the Auckland Harbour Board the Board expended a sum of money in excess of the sum authorized in that behalf, and the Board is desirous that such expenditure be validated: And whereas by Order in Council dated the twenty-sixth day of November, eighteen hundred and ninety-four, and published in the *New Zealand Gazette* of the twenty-ninth day of the same month, the landing reserve at Waiuku, in the Provincial District of Auckland, was vested in the inhabitants of the Waiuku Road District in trust for a landing-place: And whereas the land in question is now vested in the Waiuku Town Board, the successors in title to the Waiuku Road Board: And whereas it is desirable to transfer a portion of the said reserve, containing eighteen perches, more or less, to the Board, and to vest in the Board an additional area of land adjacent thereto containing thirty-nine perches, more or less, being land reclaimed by the Town Board from the sea, the two areas being the land described in the Second Schedule hereto:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Auckland Harbour Board Empowering Act, 1927. Short Title.

2. It shall be lawful for the Board to grant and for the Corporation to accept a lease for fifty years, at the annual rental of one shilling, if demanded, of such portion as it shall think fit of that part of the bed of the Auckland Harbour known as the Orakei Basin, and of the creeks entering therein, shown on the plan deposited in the office of the Marine Department in Wellington as Number M.D. 6385, and therein in outline coloured green, being situated on the southern side of the railway embankment, for the purpose of a boating, bathing, and camping area; such lease to be upon such terms and conditions (including a right of renewal for a further term of fifty years on the same terms except as to renewal) and subject to such provisions as to roading and improvement and other matters as the Board and the Corporation shall agree. Board may lease to Auckland City Corporation portion of bed of Auckland Harbour comprised in Orakei Basin.

3. It shall be lawful for the Board and the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Devonport to carry into effect the agreement between the Board and the Corporation bearing date the twenty-fourth day of May, nineteen hundred and twenty-seven, a copy of which is set out in the First Schedule hereto. Authorizing carrying into effect of certain agreement.

4. The District Land Registrar for the Auckland Land Registration District is hereby directed, on the application in writing of the Board, to issue in the name of the Corporation of the Borough of Devonport a certificate of title for the piece of land shown coloured green on the plan deposited in the office of the Marine Department at Wellington, numbered M.D. 6339, and referred to in clause one of the said agreement (but without riparian or other rights of access by water), for the purposes therein mentioned, and to issue in the name of the Board a certificate of title for the piece of land referred to in clause eight of the said agreement and shown coloured red on the said plan. District Land Registrar may issue to Devonport Borough Corporation and to the Auckland Harbour Board certificates of title in respect of certain lands.

Board may acquire land and erect thereon schools, &c., for convenience of employees.

5. It shall be lawful for the Board from time to time—
- (a) To purchase, lease, or otherwise acquire any land, or to set apart any part or parts of its own lands, endowments, and reserves, for the purposes of providing schools, social rooms, restaurants, halls, and other conveniences for its employees at its quarries, and thereon to erect such schools, social rooms, restaurants, halls, and other conveniences, and to maintain the same in repair :
- (b) To grant by lease, bailment, or license the use or occupation of any building or premises provided by it to such persons, to be used for any such purposes, at such rentals, for such terms, and subject to such conditions, agreements, and provisions as the Board in its discretion shall think desirable :

Provided that no such lease, bailment, or license shall be granted for a longer term than three years.

It shall not be necessary in the case of any lease, bailment, or license authorized by this section to call for public tenders or to submit the same to public auction.

Validating expenditure on Jubilee Booklet.

6. The sum of money, amounting to not more than one hundred pounds, being an over-expenditure on the production of the Board's Jubilee Booklet, shall be and be deemed to have been lawfully expended and incurred.

Certain land to vest in Board.

7. (1) The land described in the Second Schedule hereto, being the portion of the landing reserve and the portion of reclaimed land hereinbefore referred to is hereby vested in fee-simple in the Board, and the District Land Registrar for the Auckland Land Registration District is hereby authorized and directed to issue a certificate of title in the name of the Board for the said area.

(2) The reservation over the portion of the landing reserve hereby vested in the Board, and the vesting of the same in the Town Board, is hereby cancelled.

Schedules.

## SCHEDULES.

### FIRST SCHEDULE.

AN agreement made the twenty-fourth day of May one thousand nine hundred and twenty-seven between the Auckland Harbour Board (hereinafter called "the Board") of the one part and the Mayor Councillors and Burgesses of the Borough of Devonport (hereinafter called "the Corporation") of the other part Whereas the Board is erecting new wharves in the Harbour of Auckland opposite Victoria Road Devonport for passengers and cargo and the Corporation has arranged with the Board to reclaim certain portions of the foreshore of the Auckland Harbour in front of and near the said wharves and transfer the same to the Corporation which the Board has agreed to do upon the conditions hereinafter set out Now therefore the said parties do hereby mutually agree the one with the other as follows :—

1. The Corporation will forthwith erect a retaining-wall along the seaward side of the parcel of land shown coloured green in outline on the plan hereto annexed such retaining wall to be erected in the position shown on such plan the design height construction and materials to be to the satisfaction in all respects of the Board's Engineer for the time being.

2. On the completion of such wall to the satisfaction of the Board's Engineer for the time being the Board will at the expense of the Corporation reclaim the said parcel of land by spoil from a suction dredge to such height as in the opinion of the Board's Engineer for the time being may be practicable.

3. On the completion of such reclamation the Corporation will pay to the Board the actual cost of such reclamation including Engineer's charges and a fair proportion of the Board's administration expenses. Provided however that if the Board shall deposit in such reclamation spoil which shall have been dredged from the harbour for the purpose of navigation the cost of such dredging shall be credited to the Corporation account of the cost of such reclamation.

4. On payment by the Corporation of the amount mentioned in the last preceding clause the Board will convey the said parcel of land to the Corporation but reserving to the Board all riparian rights (if any) attaching thereto.

5. The Corporation shall thereafter hold the said parcel of land for the purposes of a public road and public recreation reserves and for no other purpose whatever.

6. Notwithstanding that the same is on the Board's property the Corporation its successors or assigns will from time to time and at all times hereafter keep in good order repair and condition to the satisfaction in all respects of the Engineer for the time being of the Board the said retaining-wall to be built by the Corporation in terms of clause 1 hereof damage or deterioration resulting from any act or thing done or permitted by the Board which may have in any way impaired the stability of such wall excepted. The Board will from time to time repair any damages suffered by the said wall in consequence of any works acts deeds or things executed or done by or on behalf of the Board or under the permission or license of the Board.

7. Nothing herein contained shall prevent the Board at any time hereafter from reclaiming on the seaward side of the said retaining-wall or building wharves jetties or other harbour-works.

8. The parcel of land coloured red on the plan hereon shall be vested in the Board for an estate in fee-simple.

9. All such portions of the foregoing agreement which the parties or either of them have no power to carry out shall be subject to the parties obtaining such legislative authority as may be necessary in the premises and each of them agrees to use its best endeavours to obtain the necessary authority enabling it to carry into effect the terms of this agreement.

10. The Corporation will refund and pay to the Board a fair proportion of all moneys expended by the Board for or in connection with the preparation of this agreement obtaining the necessary confirming legislation surveys and other expenses incidental to the matters aforesaid.

In witness whereof this agreement has been executed the day and year first hereinbefore written.

The common seal of the Auckland Harbour Board was hereto } [L.S.]  
affixed by order of the Board in the presence of—

H. R. MACKENZIE, Chairman.  
A. MARSHALL LAING, Member.  
H. B. BURNETT, Secretary.

The common seal of the Mayor, Councillors, and Burgesses of } [L.S.]  
the Borough of Devonport was hereto affixed pursuant  
to a resolution of the Council passed at a meeting of the  
Council held on the 18th day of May, 1927, in the presence  
of—

ERNEST ALDRIDGE, Mayor.  
F. I. H. ELLISDON, Councillor.  
A. E. WILSON, Town Clerk.

#### SECOND SCHEDULE.

ALL that area of land containing 1 rood and 17 perches, more or less, shown edged green on plan marked M.D. 6393, and deposited in the office of the Marine Department at Wellington.