

Reprint
as at 1 November 2010

**Auckland City and Auckland
Harbour Board Empowering Act
1914**

Local Act 1914 No 7
Date of assent 2 November 1914

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

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An Act to enable the Mayor, Councillors, and Citizens of the City of Auckland to acquire and deal with certain Lands in the City of Auckland for the Purpose of providing a New Traffic Outlet for the said City, to grant certain Leases, to consolidate certain Loans, to erect or retain certain Buildings on the Auckland Domain, and to take over certain Streets; and to enable the Auckland Harbour Board and the Trustees of the Kauri Point Park Reserve to exchange certain Land.

1 Short Title

This Act may be cited as the Auckland City and Auckland Harbour Board Empowering Act 1914.

2 Certain land acquired for street purposes

It shall be and shall be deemed to have been lawful for the Council to acquire as for a public work any land or any interest in land in the vicinity of Beach Road or Jermyn Street, in the City of Auckland, that it may consider necessary or advisable for the purpose of providing a new traffic outlet for the said city or widening or improving the said streets or either of them, including particularly all lands mentioned and described in Schedule 1 hereto.

3 Notices, etc, validated

All notices given and steps taken by the Council for the purpose of or in connection with acquiring the said lands or any of them are hereby validated.

4 Streets to be laid out prior to being declared public streets

No part of the said lands shall be or be deemed to be a public street or highway unless and until the same shall be laid out by the Council as such public street or highway, and it shall not be necessary for the Council, after acquiring the same, to close any portion of such lands as a street is required to be closed before dealing with the same under the powers hereinafter contained; and any existing street or part thereof not required by reason of the carrying-out of the said scheme may be closed by the Council by resolution without further proceedings.

5 Power to lease, sell, etc, certain lands

As regards any part or parts of the said lands acquired by the Council hereunder and not laid out as a public street or highway, and any streets closed hereunder, the Council shall have the following powers:—

- (a) Power to lease or otherwise deal with such lands in the same manner and to the same extent as if such lands were general or ordinary endowment lands of the Council.
- (b) Power to sell the said lands as a whole or in portions either for cash or on terms:
Provided that the net proceeds of any such sale or sales shall, after payment of the cost of the whole of the works hereby authorized (including compensation for land taken), be first applied in or towards payment of interest or principal owing on the loan mentioned in section six hereof.
- (c) Power to exchange any of the said lands for any other lands or interest in lands required by the Council for the purposes of any public work, including the works mentioned herein, with power to pay or receive any money as equality of exchange.
- (d) Power, without submitting the same to public auction or public tender, to sell or grant leases of or easements over any portion or portions of the said land at such price or rent and upon such terms and conditions as the Council shall think fit in full or partial payment or settlement of any claim for compensation that may be made by any

person in respect of the taking of any of the lands above mentioned or the exercise by the Council of any of its powers hereunder.

- (e) Power to do all things necessary or incidental to the full and efficient exercise of any of the aforesaid powers.

6 Power to raise special loan of \$100,000

[Repealed]

Section 6: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

7 Powers hereby conferred in addition to powers under Local Government Act 1974 and Public Works Act 1981.

The powers hereinbefore conferred are in addition to, and not in substitution for, any powers which the Council has under or by virtue of The Local Government Act 1974, or The Public Works Act 1981, or any other Act.

A reference to The Municipal Corporations Act 1920 was substituted, as from 1 April 1921, for a reference to The Municipal Corporations Act 1908 pursuant to section 385(1) Municipal Corporations Act 1920 (1920 No 48). The reference was in turn substituted, as from 20 December 1933, by a reference to The Municipal Corporations Act 1933 pursuant to section 393(1) Municipal Corporations Act 1933 (1933 No 30). That reference was in turn substituted, as from 1 April 1955, by a reference to The Municipal Corporations Act 1954 pursuant to section 413 Municipal Corporations Act 1954 (1954 No 76). That reference was in turn substituted, as from 1 April 1980, by a reference to The Local Government Act 1974 pursuant to section 9(1) Local Government Amendment Act 1979 (1979 No 59).

A reference to The Public Works Act 1928 was substituted for a reference to The Public Works Act 1908 pursuant to section 346 Public Works Act 1928 (1928 No 21). That reference was further substituted, as from 1 February 1982, pursuant to section 248(1) Public Works Act 1981 (1981 No 35).

8 Agreement with JJ Craig (Limited)

[Repealed]

Section 8: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

9 Council empowered to raise separate sums as one loan of \$274,000

[Repealed]

Section 9: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

10 Purposes for which loans raised

[Repealed]

Section 10: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

11 The City of Auckland Consolidated Loan, 1914

[Repealed]

Section 11: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

12 Authority to erect a cadet drill-hall, etc

Notwithstanding the provisions of The Auckland Domain Vesting Act 1893, or any other Act, it shall be lawful for the Auckland Council to erect, equip, and maintain upon some part of the Auckland Domain a building for the purposes of a cadet drill-hall and company rooms and purposes incidental thereto.

Section 12: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

13 Council may hire or let building

The Auckland Council may hire or let such building to any person or body for shows, exhibitions, meetings, and other purposes, and may make and, or, authorize any such person or body to make such charges for admission to or for the use of such building, or any part or parts thereof, as the Council shall deem proper; and the Council may prescribe and enforce the times and conditions when and subject to which any persons shall be allowed to enter or use the said building or any part or parts thereof:

Provided that it shall not be lawful to make any charge for admission to the said building on more than thirty days in any year.

Section 13: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

15 Power to declare certain private streets public streets

- (1) The Council is hereby authorized to take over and declare to be public streets the private streets and ways herein mentioned upon such streets or ways respectively being formed or put into order to its satisfaction and upon the lodging of a certificate by the Council that any of such streets or ways have been so taken over by it in the office, at Auckland, of the Registrar of Deeds or the District Land Registrar, as the case may be. The streets or ways mentioned in such certificate shall be and be deemed to be public streets and to be vested in the Council as such.
- (2) The private streets and ways referred to in this section are,—
- Brunswick Lane, between Nos 8 and 12 Napier Street; width, seventeen feet:
- Beckham Place, between 133 and 135 Grafton Road; width, sixty-six feet:
- Eccles' Avenue, between 78 and 80 Cook Street; width, thirty-six feet:
- Grosvenor Lane, between 43 and 45 Hobson Street; width, thirty-three feet:
- Hohipere Street, between 180 and 182 Symonds Street; width, from twenty feet to thirty-three feet:
- Mackay Street, between 2 and 4 Sale Street; width, forty feet:
- Madeira Place, runs from Khyber Pass Road to Grafton Road and is between 28 and St Andrew's Church, Khyber Pass Road; width, twenty-six feet:
- Mill Street, between 7 and 9 Liverpool Street; width, twenty feet:
- Neil's Lane or Avenue, between 38 and 40 Grey Street; width, sixteen feet to twenty feet:
- Somerset Place, between 27 and 29 Howe Street; width, thirty feet:
- Whitson Terrace, between 43A and 45 Howe Street; width, thirty feet:
- Whitaker Place, between 78 and 82 Symonds Street; width, from twenty feet to fifty-five feet:

Lichfield Road, runs from St Stephen's Avenue to Hobson Bay Road and is between 49 and 51 St Stephen's Avenue, Parnell; width, forty-six feet to fifty feet:

Glanville Terrace, runs from Hobson Bay Road to Crescent Road, Parnell; width, sixty-six feet:

Park Crescent, off Gibraltar Crescent, Parnell; width, forty-six feet:

Monmouth Street, through Mennie's Reserve to Nixon Street; width, forty feet:

Burn Street, off Monmouth Street; width, thirty-three feet:

Hadlow Terrace, off Great North Road; width, from twenty-five feet to thirty feet:

Scott Street, off continuation of Tole Street, Ponsonby; width, forty feet:

Clarence Street, off O'Neil Street, Ponsonby; width, fifty feet:

As the same are more particularly delineated on the plan deposited in the office of the Chief Surveyor, Auckland, numbered 17791 (blue), and thereon coloured red.

16

This section was repealed, as from 12 October 1915, by section 24(5) Reserves and Other Lands Disposal and Public Bodies Empowering Act 1915 (1915 No 68).

Schedule 1

Approximate Area of each of the Parcels required to be taken.	Number of Section or Part of Section.	Shown on Plan No in Colour. 17679A (blue)
A R P		
0 0 3.7	Part of Allotment 1 of Section 8, City of Auckland	Red.

Approximate Area of each of the Parcels required to be taken.	Number of Section or Part of Section.	Shown on Plan No in Colour. 17679A (blue)
0 0 6.07	Part of Allotment 2 of Section 8, City of Auckland	Green.
0 0 8.25	Part of Lots 1 and 2, Allotment 3, Section 8, City of Auckland	Blue.
0 0 34.5	Lot 1 of Allotment 4 of Section 8, City of Auckland	Yellow.
0 1 24.8	Allotment 5 of Section 8, City of Auckland	Purple.
0 2 13.9	Part of Allotments 7, 8, and 8A of Section 8, City of Auckland	Blue.
0 0 16.4	Part of Allotment 8A of Section 8, City of Auckland	Yellow.
0 0 15.1	Part of Allotment 8A of Section 8, City of Auckland	Green.
0 0 36.6	Part of Allotment 9 of Section 8, City of Auckland	Blue.
0 0 7.38	Part of Allotment 10 of Section 8, City of Auckland	Purple.
0 1 38	Allotment 11 and part of 29 of Section 8, City of Auckland	Green.
0 1 37	Allotment 12 and part of 29 of Section 8, City of Auckland	Brown.
0 2 10	Allotments 13 and 28 of Section 8, City of Auckland	Yellow.

Approximate Area of each of the Parcels required to be taken.	Number of Section or Part of Section.	Shown on Plan No in Colour. 17679A (blue)
0 3 15	Allotments 14 and 27 and Lot 4 of Allotment 15, Section 8, City of Auckland	Blue.
0 0 33	Lot 3 of Allotment 15 of Section 8, City of Auckland	Purple.
0 2 33.9	Allotment 26 and Lots 1, 2, 5, 6, 7, 8, of Allotment 15, Section 8, City of Auckland	Brown.
0 2 13	Allotments 16 and 25 of Section 8, City of Auckland	Green.
0 2 10	Allotments 17 and 24 of Section 8, City of Auckland	Red.
0 1 8	Lots 4, 5, and 6 of Allotment 18 and Allotment 23 of Section 8, City of Auckland	Brown.
0 0 37	Lots 1 and 2 of Allotment 18 of Section 8, City of Auckland	Yellow.
0 0 15	Lot 3 of Allotment 18 of Section 8, City of Auckland	Blue.
0 0 39	Part of Allotment 19 and Allotment 22 of Section 8, City of Auckland	Purple.
0 1 37	Part of Allotment 19 of Section 8, City of Auckland	Green.

Approximate Area of each of the Parcels required to be taken.	Number of Section or Part of Section.	Shown on Plan No in Colour. 17679A (blue)
0 2 13.5t	Part of Allotments 20 and 21, part Fort Britomar Reserve, and part of land formerly used as a public road, Section 8, City of Auckland	Brown.
0 1 15.5	Lots 3, 4, and part of Lot 2, Allotment 30, Section 8, City of Auckland	Red.
0 0 1.86	Part of Allotment 32 of Section 8, City of Auckland	Green.
0 0 5.73	Part of Allotments 33, 34, and 35 of Section 8, City of Auckland	Purple.
0 0 2.8	Part of Allotment 36 of Section 8, City of Auckland	Blue.
0 0 3.09	Part of Allotment 37 of Section 8, City of Auckland	Brown.
1 0 33	Allotment 1 of Section 12, City of Auckland	Red.
1 0 38	Allotments 2, 3, and 6 of Section 12, City of Auckland	Green.
0 3 2	Allotment 4A of Section 12, City of Auckland	Brown.
0 0 5.3	Part of Allotment 5, Supreme Court site, Section 12, City of Auckland	Red.

Approximate Area of each of the Parcels required to be taken.	Number of Section or Part of Section.	Shown on Plan No in Colour. 17679A (blue)
0 0 0.5	Part of Allotment 4, Native Reserve, of Section 12, City of Auckland	Yellow.
0 0 5.2	Part of Auckland Harbour Board Reserve, Section 8, City of Auckland	Red.

Schedule 2

MEMORANDUM of settlement of claim by J J Craig (Limited) against the Auckland City Council for compensation in respect of land taken and injuriously affected for the purpose of an electric-power station.

1

The City Council to pay the claimant six thousand dollars in cash within one month from this date upon the execution by the claimant of a proper release.

The words "six thousand dollars" were substituted, as from 10 July 1967, for the words "three thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

2

The Council to grant and the claimant to accept a lease of the triangular section on the south side of the proposed extension of Quay Street as shown on the attached plan to the claimant for a period of sixty-six years from the date when the term of the lease thereof to the Council from the Auckland Harbour Board commences free of rental. No compensation for buildings erected will be paid at the end of the term.

3

The rectangular forty-one foot section shown on the annexed plan is to be leased to the claimant for twenty-three years from the first day of March, 1914, free of rental, subject to a reservation by the Council of the right to lay cable trenches on and along a strip thirteen feet wide on the eastern side of the section as shown on the said plan. No building is to be erected on this strip. Claimant to have the right to transfer the galvanized-iron building belonging to it on an adjoining section to this section.

4

Claimant is to have a right of way over the roadway shown on the annexed plan until the fifteenth day of November, 1933, together with a right of way over twenty feet of the Council's land adjoining his wharf as also shown on the annexed plan. The last-mentioned right of way shall be exclusive, except that the Council and its servants and contractors shall also have the right to use same.

5

The claimant is to be entitled to a lease free of rental for a term expiring on the fifteenth day of November, 1933, of a small triangular section at the northern end of the above-mentioned roadway as also shown on the said plan, but this land is to be used for storage purposes only, and no building is to be erected thereon. The claimant may construct an elevated tramway thereover.

6

The City Council will equip with electric power claimant's two existing wharf-winchs, and will supply these two winches or two other winches of equivalent horse-power used in any part of the claimant's building with power free for ten years from the date of equipment, but the Council does not undertake to maintain these winches during that time.

7

The Council will not interfere with the portion of the railway-siding at present passing over the southern end of the above-mentioned roadway.

8

The claimant to pay the sum of forty dollars per annum towards the maintenance of the roadway as from January first, 1914, while he continues to have the right to use any part of it.

The words "forty dollars" were substituted, as from 10 July 1967, for the words "twenty pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

9

The granting of the leases above mentioned is subject to the Council obtaining legislative authority enabling it to do so, which power the Council will apply for and use its best endeavours to obtain at the next ensuing session of Parliament. In the event of such authority not being obtained during the next ensuing session, then the question as to what compensation the claimant should be paid in lieu of the lease or leases which cannot be granted shall, if the parties cannot agree, be referred to the arbitration of two arbitrators and their umpire under the provisions of The Arbitration Act 1908.

10

The above-mentioned leases to be prepared by the City Solicitor at the cost of the Council, and to contain, in addition to the terms herein contained, such usual terms and provisions as are generally inserted in Auckland City Council leases, including particularly a covenant by the lessee to pay all rates in respect of the said lands, but without any obligation to build and without any restrictions as to assigning or subletting.

Dated this 24th day of February, 1914.

H DEAN BAMFORD,

Solicitor for Claimant.

H DEAN BAMFORD,

J STANTON,

Solicitor for Respondent

Schedule 3

ALL that area of land comprising 68 acres 3 roods, more or less, being Section No 163 and part of Section No 162, being portion of the reserve known as the Kauri Point Reserve, in the Borough of Birkenhead, Parish of Takapuna; as the same is delineated on the plan deposited in the office of the Chief Surveyor, Auckland, numbered 17877 (blue), and thereon edged red.

Schedule 4

ALL that area of land containing 48 acres, more or less, being Section No 157, in the Borough of Birkenhead, Parish of Takapuna; as the same is delineated on the plan deposited in the office of the Chief Surveyor, Auckland, numbered 17877 (blue), and thereon edged green.

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Notes

1 *General*

This is an eprint of the Auckland City and Auckland Harbour Board Empowering Act 1914. The eprint incorporates all the amendments to the Act as at 1 November 2010. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

2 *About this eprint*

This eprint has not been officialised. For more information about eprints and officialisation, please see <http://www.pco.parliament.govt.nz/eprints/>.

3 *List of amendments incorporated in this eprint (most recent first)*

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37): section 113(1)
