

Reprint
as at 1 November 2010

**Auckland Harbour Board and
Devonport Borough Council
Empowering Act 1905**

Local Act 1905 No 18
Date of assent 23 September 1905

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**An Act to empower the Auckland Harbour Board to convey a
certain Portion of Shoal Bay of the Harbour of Auckland to the**

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.

Devonport Borough Council for a Public Domain and Park and Recreation-ground.

Preamble

WHEREAS the Auckland Harbour Board is the owner in fee-simple of all that piece of land described in the Schedule hereto: And whereas the said Board on the fifteenth day of September, one thousand nine hundred and three, by resolution resolved to consent to the vesting of the said land in the body corporate known as the Mayor, Councillors, and Burgesses of the Borough of Devonport for the purpose of a public domain and park and recreation-ground: And whereas the owners of riparian rights and rights of access to Shoal Bay in connection with the said land have agreed to surrender to the Auckland Harbour Board all their interest in and claims to riparian rights and rights of access affecting or relating to the said land as aforesaid:

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

1 Short Title

The Short Title of this Act is The Auckland Harbour Board and Devonport Borough Council Empowering Act 1905.

2 Interpretation

In this Act, if not inconsistent with the context, where the following terms are used they shall have the meanings hereinafter stated, that is to say:—

The Board shall mean the Auckland Harbour Board

The Devonport Borough Council shall mean the body corporate of the Mayor, Councillors, and Burgesses of the Borough of Devonport.

3 Board empowered to transfer land

Upon all riparian rights or rights of access by water appertaining to the lands abutting on the land described in the Schedule

hereto being extinguished, the Board may and it is hereby authorised and empowered to convey and transfer to the Devonport Borough Council all that piece of land described in the Schedule hereto:

Riparian rights not to vest in Council.

Provided that no riparian rights or rights of access by water shall vest in the said Council.

4 Public domain and park

The Auckland Council shall hold such land for the purposes of a public domain and park and recreation-ground within the meaning of The Public Domains Act 1881, and its amendments, and subject to the law for the time being in force relating to the management of public domains.

Section 4: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule

ALL that area in the Auckland Land District, containing by admeasurement 19 acres, more or less, being portion of Shoal Bay, Waitemata Harbour. Bounded by a line commencing at the intersection of the eastern side of Lytton Street, Borough of Devonport, with the high-water mark of Shoal Bay, and proceeding thence southerly along the abuttal of Lytton Street to Allotment No 134 of Lot 28, Parish of Takapuna; thence along the western boundary of the said Allotment No 134 and the western boundaries of Allotments Nos 133, 132, and 131 to Abbotsford Terrace; thence along the abuttal of Abbotsford Terrace to Allotment No 121 of the said Lot 28; thence along the western boundary of the said Allotment No 121 and the western boundary of Allotment No 122 to Mozely Avenue; thence along the abuttal of Mozely Avenue to Allotment No 83 of Lot 27 of Section No 2, Parish of Takapuna; thence along the western boundary of the said Allotment No 83 and the western boundary of Allotment No 82 to Cameron Street; thence along the abuttal of Cameron Street to Allotment No 53 of the said Lot 27; thence along the western boundary of the said Allotment No 53 to Alison Avenue; thence along the abuttal of Alison Avenue to Allotment No 23 of the said

Lot 27; thence along the western boundary of the said Allotment No 23 to its south-western corner; thence north-westerly along the north-eastern boundary of Allotment No 125 of Lot 25 of the said Section No 2 to Shoal Bay Road; thence along the abuttal of Shoal Bay Road to Allotment No 58 of Lot 29 of the said Section No 2; thence along the north-eastern boundary of the said Allotment No 58 to Roslyn Terrace; thence along the abuttal of Roslyn Terrace to Allotment No 54 of the said Lot 29; thence along the north-eastern boundary of the said Allotment No 54 and the northern boundary of Allotment No 57 to Kiwi Road; thence westerly along the abuttal of Kiwi Road to Allotment No 26 of the said Lot 29; thence along the northern boundary of the said Allotment No 26 and the northern boundary of Allotment No 27 to Cautley Street; thence north-westerly along the abuttal of Cautley Street to Allotment No 52 of the said Lot 29; thence north-westerly along the north-eastern boundary of the said Allotment No 52 and the north-eastern boundaries of Allotments Nos 25, 26, 27, 28, and 29 of Lot 30 of Section No 2, Parish of Takapuna, to the northernmost corner of the last-mentioned allotment; thence north-easterly along a right line measuring 1780 links (a little more or less) to the intersection of high-water mark of Shoal Bay by the eastern side of Lytton Street, the point of commencement: as the same is delineated on the plan deposited in the District Survey Office at Auckland.

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Notes

1 *General*

This is an eprint of the Auckland Harbour Board and Devonport Borough Council Empowering Act 1905. 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 2010.

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)
