

Mr. Anderton

AUCKLAND CITY COUNCIL AND AUCKLAND  
HARBOUR BOARD EMPOWERING

[LOCAL BILL]

ANALYSIS

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A BILL INTITULED

- AN ACT to Validate the Reclamation by the Auckland City Council of Certain Tidal Lands in the Bed of the Waitemata Harbour, and to Empower the Auckland City Council to Reclaim Other Tidal Lands in the Bed of the Said Harbour, and further to Empower the Auckland Harbour Board to Transfer Certain of Such Tidal Lands to the Corporation of the City of Auckland.
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- 10 WHEREAS in the course of controlled tipping operations conducted by the Auckland City Council (hereinafter referred to as the Council) tippings have overflowed the boundaries of land vested in the Council, with the result that the Council has commenced to reclaim from the waters of the Waitemata Harbour certain tidal lands beyond the limits of the former mean high water mark in a tidal inlet known as Motion's Creek: and whereas the Council is desirous of continuing such controlled tipping operations beyond the said limits on lands, being part of the bed of the said harbour and being more particularly described in the *First* Schedule hereto:
- Preamble.

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And whereas in constructing certain public baths in the City of Auckland, known as the Parnell Baths (hereinafter referred to as the said baths), the Council has reclaimed from the waters of the said harbour that part of the bed thereof more particularly described in the *Second* Schedule hereto: And whereas the Council did not obtain the authority and sanction of the Governor-General as provided in sections one hundred and sixty-eight and one hundred and seventy-one of the Harbours Act, 1923, before commencing to reclaim any of the said lands described in the *First* and *Second* Schedules hereto: And whereas the Council is desirous of extending the said baths by constructing as accessory thereto a sun deck which will extend beyond the boundaries of the said baths (as described in the *Second* Schedule hereto) and which will involve the placing of the piles and other structures in, on, and over the tidal lands, being that portion of the bed of the said harbour more particularly described in the *Third* Schedule hereto: And whereas the said lands described in the *First* Schedule hereto are vested in the Auckland Harbour Board (hereinafter referred to as the Board), and the said lands described in the *Second* and *Third* Schedules hereto are already vested in the Council: And whereas the Board is desirous of transferring to the Corporation of the City of Auckland, without consideration, the said lands described in the *First* Schedule hereto, but the Board has no power to transfer the same to the Corporation:

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

Short Title.

1. This Act may be cited as the Auckland City Council and Auckland Harbour Board Empowering Act, 1950.

Special Act.

2. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1923.

Validating reclamation by Council of land in *First* Schedule.

3. Notwithstanding the provisions of sections one hundred and sixty-eight and one hundred and seventy-one of the Harbours Act, 1923, the reclamation beyond the limits of the former mean high water mark carried out by the Council up to the date of this Act within the area more particularly described in the *First* Schedule hereto is hereby validated in all respects as though the provisions of those sections had been duly complied with and the necessary authority and sanction had been duly given prior to the commencement of such controlled tipping operations and reclamation of the said lands.

4. Notwithstanding the provisions of sections one hundred and sixty-eight and one hundred and seventy-one of the Harbours Act, 1923, the construction of the said baths and the reclamation carried out by the Council up to the date of this Act within the area more particularly described in the *Second* Schedule hereto are hereby validated as though the provisions of those sections had been duly complied with and the necessary authority and sanction had been duly given prior to the construction of the said baths and reclamation of the said lands.
5. The Council is hereby empowered to reclaim from the sea the area of land more particularly described in the *First* Schedule hereto.
6. The Council is hereby empowered to reclaim from the sea the area of land more particularly described in the *Third* Schedule hereto and to construct the said sun deck in, on, and over the same.
7. Notwithstanding anything contained in any Act, the Board is hereby empowered to transfer to the Corporation of the City of Auckland, without consideration, the lands more particularly described in the *First* Schedule hereto.
- Validating construction of Parnell Baths and reclamation of land in *Second* Schedule.
- Council empowered to reclaim land in *First* Schedule.
- Council empowered to reclaim land in *Third* Schedule and construct sun deck.
- Board empowered to transfer to Council land in *First* Schedule.

## SCHEDULES

Schedules.

### FIRST SCHEDULE

#### NORTH AUCKLAND LAND DISTRICT

ALL that parcel of land situated in Block XVI, Waitemata Survey District, containing by admeasurement 9 acres 2 roods 35 perches, more or less, being land below mean high water mark, Auckland Harbour, bounded, commencing at a point being the north-western corner of Lot 1 on a plan deposited in the Land Registry Office at Auckland under Number 30590; thence generally in a south-easterly and north-westerly direction by the mean high water mark of the Auckland Harbour to its intersection with the south-eastern side of a proposed road (Meola Road Extension); thence in a north-easterly direction by the south-eastern side of the proposed road aforesaid to its intersection with the reclaimed land shown on a plan deposited as aforesaid under Number 29103; thence generally in a north-easterly direction along the south-eastern side of the reclaimed land aforesaid to its intersection with the mean high water mark aforesaid; thence generally in a south-easterly direction by the mean high water mark aforesaid to the point of commencement,

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excluding, however the low water channel of Motion's Creek; as the same is more particularly delineated on a plan marked M.D. 9065, deposited in the Head Office, Marine Department, at Wellington, and thereon coloured yellow. (Auckland S.O. Plan 35971.)

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*SECOND SCHEDULE*

ALL that parcel of land situated in Block VIII, Rangitoto Survey District, containing by admeasurement 1 acre and 21 perches, more or less, being land below mean high water mark, Auckland Harbour, bounded, commencing at a point being the northernmost corner of Part Lot 18 on Deeds Registry Office Plan 35 (blue), lodged in the office of the Registrar of Deeds at Auckland, being Part Allotment 23, Section 2, Suburbs of Auckland, and being the land described in certificate of title, Volume 163, folio 134, Auckland Registry; thence generally in a south-westerly direction along the mean high water mark, Auckland Harbour, as shown on Survey Office Plan 17237, lodged in the office of the Chief Surveyor at Auckland, to its intersection with the eastern boundary of the reclamation authorized by an Order in Council published in the *New Zealand Gazette* dated 20th January, 1944, on page 27; thence in a northerly direction by the said eastern boundary of the aforesaid reclamation; thence generally in a south-westerly direction by the north-western boundary of the aforesaid reclamation for a distance of 206 links; thence generally in a north-easterly and northerly direction by the south-eastern and eastern boundaries respectively of the reclamation authorized by an Order in Council published in the *New Zealand Gazette* dated 23rd February, 1950, on page 192; thence by a right line bearing  $96^{\circ} 52'$  for 350 links; thence generally in a southerly and easterly direction by the mean high water mark aforesaid to the point of commencement; as the same is more particularly delineated on a plan marked M.D. 9022 (sheets 1 and 3), deposited in the Head Office of the Marine Department at Wellington, and thereon coloured yellow. (Auckland S.O. Plan 36081.)

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*THIRD SCHEDULE*

ALL that parcel of land situated in Block VIII, Rangitoto Survey District, containing by admeasurement 8 perches, more or less, being land below mean high water mark, Auckland Harbour, bounded, commencing at a point being the eastern end of the northern boundary of the land described in the *First Schedule* hereto; thence generally in a westerly direction along the aforesaid northern boundary for a distance of 322 links; thence by right lines bearing  $6^{\circ} 52'$  for 15.2 links,  $96^{\circ} 52'$  for 290 links,  $122^{\circ} 13'$  for 35.5 links, to the point of commencement; as the same is more particularly delineated on a plan marked M.D. 9022 (sheets 1 and 3), deposited in the Head Office of the Marine Department at Wellington, and thereon coloured blue. (Auckland S.O. Plan 36081.)

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