

Mr. Myers.

AUCKLAND HARBOUR BOARD EMPOWERING.

[LOCAL BILL.]

ANALYSIS.

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A BILL INTITULED

AN ACT to confer Additional Powers upon the Auckland Harbour Board and other Local Bodies. Title.

WHEREAS it is desirable that the whole of the tidal lands within  
5 the limits of the Auckland Harbour, with certain exceptions, shall  
be vested in the Auckland Harbour Board (hereinafter termed the  
Board): And whereas it is desirable that the Board and the Cor-  
poration of the Mayor, Councillors, and Citizens of the City of  
Auckland (hereinafter termed the City Corporation) shall be em-  
10 powered to effectuate and carry out the provisions of clauses eight,  
nine, ten, and eleven of a certain agreement, dated the twenty-  
second day of February, nineteen hundred and twelve, and made  
between the Honourable John Andrew Millar, the then Minister of  
Railways of the Dominion of New Zealand, of the first part, the City  
15 Corporation of the second part, and the Board of the third part, a  
copy of which is lodged at the office of the Minister of Railways at  
Wellington: And whereas it is desirable that the Board and the  
Corporation of the Mayor, Councillors, and Burgesses of the Borough  
of Birkenhead (hereinafter termed the Birkenhead Corporation),  
20 shall be empowered to agree upon a boundary dividing the reclama-  
tion recently made by the Board at Birkenhead and the road reserve  
adjacent to the Birkenhead Wharf, and to effect certain exchanges  
of land hereinafter mentioned, and to execute all necessary transfers  
and assurances in that behalf: And whereas it is desirable that the  
25 Board shall be empowered to grant and the City Corporation to  
accept leases of the sites at or near Shelly Beach, Ponsonby, and at  
Customs Street West, in the City of Auckland, upon which public  
baths are now being, or have been, or are proposed to be, erected by  
the City Corporation, upon such terms and conditions as may be

agreed upon by the Board and the City Corporation: And whereas by agreement, dated the seventh day of March, nineteen hundred and twelve, and made between the Honourable the Minister of Railways, the Board, the City Corporation, and the Mayor, Councillors, and Burgesses of the Borough of Parnell (hereinafter termed the Parnell Corporation), the parties to such agreement agreed upon the straightening of Factory Road and other matters, as disclosed by the said agreement, a copy of which is deposited at the office of the Minister of Railways, at Wellington: And whereas it is desirable that the parties to the said last-mentioned agreement should be empowered to effectuate and carry out the same: And whereas it is desirable to authorize and empower the Board to grant to John Burns and Company (Limited) a lease of such allotments of land now being reclaimed at Mechanics Bay as may be agreed upon between the Minister of Railways, the Board, and John Burns and Company (Limited) and to authorize the payment to the Board of such sum or sums as may be agreed upon in consideration of the Board granting the said lease to the said John Burns and Company (Limited): And whereas it is expedient to authorize the Board to establish ferry services within the Harbour of Auckland:

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 Harbour Board Empowering Act, 1912.

Tidal lands to be vested in the Board.

2. From and after the passing of this Act all those parts of the tidal lands within the limits of the Waitemata Harbour not already vested in the Board shall be vested in the Board for an estate in fee-simple, and the District Land Registrar of the Auckland Land Registration District shall issue a certificate of title therefor to the Board:

Provided always that this provision shall not prejudice or affect any existing titles to any part of the foreshore within the said harbour, or any existing riparian rights of access by water appurtenant to any land fronting on the said harbour, nor any right of access over or along any road laid off by the Crown below high-water mark in the said harbour, nor the right of the Crown to the tidal lands at Rangitoto Island.

Power to execute documents.

3. The Board and the City Corporation are each of them hereby authorized and empowered to execute all such conveyances, transfers, exchanges, dedications, and leases as may be necessary to effectuate and carry out all and singular the terms of the said agreement, dated the twenty-second day of February, nineteen hundred and twelve, between the Honourable the Minister of Railways, the City Corporation, and the Board, a copy whereof is deposited at the office of the Minister of Railways at Wellington.

Board may grant new lease of certain lands.

4. (1.) For the purpose of co-operating with the City Corporation in effecting improvements to the streets of the City of Auckland it shall be lawful for the Board, in addition to the powers conferred upon it by section nineteen of the Harbour Board Loan and Empowering Act, 1908, to grant to the lessee or occupier of any surrendered area abutting upon Customs Street West, or upon King's Drive, or upon Railway-wharf Road, a new lease of such area, or any part thereof, together with or without any land adjacent to or in the

neighbourhood of the land so surrendered without offering the same by public auction or public tender.

(2.) The term "lessee" in this section shall include a sub-lessee and an assignee of the whole or any part of the land comprised in any lease heretofore or hereafter granted by the Board.

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5. It shall be lawful for the Board and the Birkenhead Corporation--

Board and Birkenhead Corporation may enter into agreement regarding certain lands.

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(a.) To enter into an agreement determining the boundary between the Board's reclamation at Birkenhead and all that piece or parcel of land being the road reserve adjacent to the Birkenhead Wharf:

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(b.) To agree to the exchange of the land mentioned in the *First* Schedule hereto (the property of the Birkenhead Corporation) for the land mentioned in the *Second* Schedule hereto (the property of the Board), and every such agreement, conveyance, transfer, or other assurance executed by the Birkenhead Corporation and the Board pursuant to any such agreement shall be lawful and valid to all intents and purposes whatsoever.

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6. The Board is hereby authorized to grant and the City Corporation to accept, upon such terms and conditions as may be agreed upon by the parties to such leases, and without first putting the same up for public auction or tender, demises of the areas of land at Shelly Beach, Ponsonby, and at Customs Street West, in the City of Auckland, and upon which public swimming-baths are now being or have been or are proposed to be erected.

Power to grant leases of land affecting swimming-baths.

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7. It shall be lawful for the Governor in Council, at the request of the Board, the City Corporation, and the Parnell Corporation, to declare and proclaim that the road known as Factory Road, mentioned in the said agreement of the seventh day of March, nineteen hundred and twelve, shall from and after a date to be mentioned in the said Proclamation be closed, and the said road shall from the said date, except as to such portions thereof as are required for the proposed one hundred feet road in the said agreement mentioned, thenceforth be closed to the use of the public, and the Minister of Railways for the time being (on behalf of His Majesty the King), the Board, the City Corporation, and the Parnell Corporation are hereby authorized and empowered to do, make, and execute all such transfers, conveyances, and assurances as they may consider expedient in order to effectuate the provisions of the said agreement.

Factory Road to be closed.

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8. (1.) It shall be lawful for the Board, and it is hereby authorized and empowered, to grant and execute to John Burns and Company (Limited), without putting the same up to public auction or public tender, a lease of such allotments on the land now being reclaimed at Mechanics Bay, in accordance with section twelve of the Auckland Harbour Board Empowering Act, 1911, as may be agreed upon between the Minister of Railways, the Board, and John Burns and Company (Limited); such lease to be on such terms and subject to such conditions as may be agreed upon between the said parties, and such lease to be in part compensation for the taking by the Railway Department of the land now occupied by John Burns and Company (Limited), at the corner of Breakwater Road and Beach Road, in the City of Auckland.

Board empowered to grant lease to John Burns and Co. (Limited).

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(2.) It shall be lawful for the Minister of Railways to undertake for and on behalf of the Crown to pay to the Board such sum or sums as may hereafter be agreed upon in consideration of the Board granting the said lease to the said John Burns and Company (Limited).

(3.) It shall be lawful for the Minister of Finance, and he is hereby empowered without further appropriation than this Act, to pay to the Board out of the Public Works Fund such sum or sums as may be payable to the Board by the Crown in accordance with such agreement as aforesaid.

Ferry services.

9. The Board may establish ferry services between any termini within or partly within and partly without the Harbour of Auckland, and may purchase or hire steamers and other vessels for that purpose, and may fix the fares and generally regulate the services, and make by-laws prescribing—

- (a.) The times at which steamers engaged in any ferry service within the Harbour of Auckland shall arrive at and depart from their termini;
- (b.) The fares to be paid by the passengers;
- (c.) The sums to be paid for the carriage of goods;
- (d.) The times, manner, and places in and at which tickets of any kind shall be purchased by issue to be used by and delivered up by passengers on the said steamers; and
- (e.) Regulating generally the conduct of passengers using the said steamers.

## SCHEDULES.

### FIRST SCHEDULE.

DESCRIPTION OF BOUNDARIES OF LAND NOW VESTED IN THE BIRKENHEAD BOROUGH COUNCIL AND PROPOSED TO BE CONVEYED TO THE AUCKLAND HARBOUR BOARD (CONTAINING BY ADMEASUREMENT 32·78 PERCHES).

COMMENCING at a point, being the south-western corner of Lot 1 of Allotment 61 of the Borough of Birkenhead, towards the south-west, by a line bearing 243° 12', 505·3 links, to the point of commencement, being the northern corner of land to be described; thence bounded on the north-west by the Great North Road, 217·54 links; on the south by the Auckland Harbour Board reclamation, 185·7 links; on the south-east by other portion of the Auckland Harbour Board reclamation, 38·59 links; and on the east by other portion of roadway 181·81 links, to the point of commencement.

### SECOND SCHEDULE.

DESCRIPTION OF RECLAIMED LAND NOW VESTED IN THE AUCKLAND HARBOUR BOARD AND PROPOSED TO BE CONVEYED TO THE BIRKENHEAD BOROUGH COUNCIL (CONTAINING BY ADMEASUREMENT 32·78 PERCHES).

COMMENCING at the south-western corner of the land previously described, towards the south-west by a road-line, bearing 224° 33', 106·07 links to the point of commencement; thence bounded on the north-west by the Great North Road, 233·8 links; on the south-west by roadway, 5 links; on the south by 33 ft. roadway, 220·47 links; and on the east by other part of Auckland Harbour Board reclamation, 193·38 links, to the point of commencement.