

1. Short title—This Act may be cited as the Devonport Borough Empowering Act 1968.

2. Interpretation—In this Act, “Corporation” means the body corporate called the Mayor, Councillors, and citizens of the Borough of Devonport, and, where the context so requires, 5 includes the Devonport Borough Council.

3. Authority to use land for aquarium—Notwithstanding anything contained in section 2 of the Auckland Harbour Board and Devonport Borough Exchange of Land Act 1895 or the Town and Country Planning Act 1953, it shall be law- 10 ful for the land described in the First Schedule to this Act to be used for the purpose of an aquarium for the display of aquatic life of all kinds and also for the exhibition of wax models and ancillary buildings facilities and services.

4. Authority to lease land for aquarium—(1) Notwith- 15 standing anything contained in the Municipal Corporations Act 1954 or the Public Bodies Leases Act 1908, the Corporation may lease the land described in the First Schedule to this Act to any person for the purpose of establishing and con- 20 ducting thereon an aquarium for the display of aquatic life of all kinds and also for the exhibition of wax models and ancillary facilities and services; and may accept surrenders, grant renewals, and consent to assignments of any such lease as it thinks fit.

(2) Every such lease shall be for a term not exceeding 25 twenty-one years with provision for the rental reserved thereby to be reviewed every five years during the currency thereof and with provision for a right of renewal perpetual or otherwise for terms not exceeding twenty-one years at any one time, and upon and subject to such other terms and conditions, and 30 at such rent, as the Corporation thinks fit.

(3) All money received by the Corporation by way of rent, royalty, or otherwise, from any such lease shall be held by the Corporation and applied for the purpose of acquiring, 35 improving, or maintaining public reserves and domains within the Borough of Devonport.

5. Land to be held for public recreation—(1) Notwith- standing anything contained in the Town and Country Plan- 40 ning Act 1953 and the Municipal Corporations Act 1954, when the land described in the Second Schedule to this Act is stopped as a street, that land shall be held by the Corporation

for the use of the public as a place of recreation, to be held by it subject to the provisions of the Municipal Corporations Act 1954 relating to places of public recreation.

- (2) The District Land Registrar for the Land Registration District of North Auckland is hereby authorised and directed upon application by the Corporation, and on the deposit with him of such plans and documents as he may require, to issue to the Corporation a certificate of title in respect of the said land when it has been stopped as street.
- 10 **6. Costs of promoting Act**—The costs of promoting this Act, and of all matters preparatory and incidental thereto, shall be paid out of the District Fund of the Borough of Devonport.

SCHEDULES

FIRST SCHEDULE

Sections 3 and 4

NORTH AUCKLAND LAND DISTRICT

ALL that area of land in the Borough of Devonport, being part Allotment 22C, Section 2, Parish of Takapuna, and containing two roods twenty-seven perches and five-tenths of a perch, as shown edged red on S.O. Plan 45948.

SECOND SCHEDULE

Section 5

NORTH AUCKLAND LAND DISTRICT

STREET to be stopped adjoining land on DP 1255 being part Allotment 22C, Section 2, Parish of Takapuna and part Allotment 22B and Allotment 22C, Section 2, Parish of Takapuna, and also adjoining part bed of Waitemata Harbour, all situated in Block VI Rangitoto Survey District, and containing two roods thirty-three perches and one-tenth of a perch, as shown coloured green on S.O. Plan 45947.