

Mr. Poole.

MANUKAU HARBOUR CONTROL.

[LOCAL BILL.]

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Short Title.</p> <p>2. Control of Manukau Harbour to vest in Board.</p> <p>3. Lands to vest in Board.</p> <p>4. Owners' rights of access by water.</p> <p>5. Board to hold lands upon trusts prescribed by law.</p> <p>6. Purchase of wharves.</p> <p>7. Disposal of purchase-money.</p>	<p>8. Certificate of completion of purchase to be filed.</p> <p>9. Canal between Waikato River and Manukau Harbour.</p> <p>10. Purchase of lands in connection with proposed canal.</p> <p>11. Compensation for land taken.</p> <p>12. Compensation to be paid out of Harbour Fund Account.</p> <p>13. Power to lease or sell. Schedules.</p>
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A BILL INTITULED

AN ACT to vest the Control and Management of the Manukau Harbour in the Auckland Harbour Board, and for other Purposes.

5 WHEREAS it may be desirable that the management and control of the Manukau Harbour be vested in the Auckland Harbour Board (hereinafter termed "the Board"): And whereas it is desirable that in such case and upon the completion of the purchase hereinafter mentioned the lands described in the *First* Schedule hereto shall be

10 vested in the Board: And whereas it is desirable that the Board shall be empowered to make investigations and surveys with regard to the feasibility of constructing a canal between the Waikato River and the Manukau Harbour, and for the purposes of such canal to purchase or to take or otherwise acquire lands along the proposed route of such

15 canal:

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

1. This Act may be cited as the Manukau Harbour Control Act, 1911.

2. Upon the completion of the purchase by the Board of the railway wharf and its site at Onehunga as hereinafter provided, the Manukau Harbour shall be under the control and management of the Board, and the Board shall thereupon have and may exercise all the powers, authorities, functions, and jurisdiction in relation to the Manukau Harbour that it has or can or may exercise in relation to the Port of Auckland under or by virtue of any statutory enactment

for the time being in force; and shall also be subject to such duties in relation to the said Manukau Harbour as are imposed upon Harbour Boards by the provisions of such enactments.

Lands to vest in Board.

3. Upon the completion of such purchase as aforesaid and the filing of a certificate by the Minister of Railways, as provided in clause *eight* hereof, the lands described in the *First* Schedule hereto shall be and become vested in the Board for an estate in fee-simple; and the District Land Registrar of the Auckland Land Registration District shall issue to the Board a certificate of title therefor under the provisions of the Land Transfer Act, 1908.

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Owners' rights of access by water.

4. The vesting of such lands and the issue of such certificate of title shall be without prejudice to the rights of access by water (if any) of all owners of land abutting on the said harbour.

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Board to hold lands upon trusts prescribed by law.

5. Such lands shall be held by the Board with the powers and upon the trusts from time to time prescribed by law with regard to lands and endowments held by the Board.

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*Struck out.*

6. The Board may, if it shall deem fit, arrange with the Minister of Railways to purchase the existing railway wharf or wharves at Onehunga at a price to be fixed by arbitration:

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Provided that in fixing such price the arbitrators shall take into consideration the present value of such wharf or wharves, and the present value of all appliances, beacons, navigation-marks, lights, and other accommodation-works (if any) provided or executed at the cost of the Railway Department, and the ownership and use of which is appurtenant to the said wharf or wharves, but such price shall not include any sum in respect of the railway sidings and appliances laid on such wharf or wharves, and the materials comprising the same shall remain the property of the Crown.

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*New.*

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Purchase of wharves.

6A. At any time within five years after the passing of this Act the Board may agree with the Minister of Railways to purchase the existing railway wharf or wharves at Onehunga at a price to be agreed upon by the Minister of Railways and the Board.

Disposal of purchase-money.

7. The purchase-money paid under the provisions of the *last foregoing* section shall be paid into the Public Account and form part of the *Consolidated Public Works Fund, and shall be applied in reduction of the capital cost of the working railways of the Dominion.*

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Certificate of completion of purchase to be filed.

8. Upon the purchase by the Board of the railway wharf or wharves at Onehunga, as *hereinbefore* provided ~~in the last foregoing section hereto~~, the Minister of Railways shall file in the District Land Registration Office, at Auckland, a certificate that such purchase has been completed, and setting forth the amount of the purchase-money ~~fixed by arbitration~~ *agreed upon*, and also a certificate that the amount of such purchase-money has been paid into the Public Account.

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*New.*

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Issue of certificate for Land required for Railway purposes.

8A. At any time after filing the certificate referred to in the *last preceding* section the Minister of Railways may file in the District Land Registration Office, at Auckland, a certificate that the whole or any portion of the lands described in the *Second* Schedule hereto are occupied or required for railway purposes; and such certificate shall be accompanied by a plan, duly certified by the Chief

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*New.*

Surveyor, showing the land therein described, and the District Land Registrar shall thereupon issue to the Minister of Railways a title in the name of the King to the land therein described.

5 9. The Board shall be entitled to make investigations and surveys for the purpose of obtaining information as to the feasibility of constructing a canal between the Waikato River and the Manukau Harbour.

Canal between Waikato River and Manukau Harbour.

*Struck out.*

10 10. It shall be lawful for the Board, for the purpose of constructing the said canal, from time to time to purchase or to take or otherwise acquire land, either within or without the limits of its jurisdiction, under the Public Works Act, 1908, the provisions whereof shall apply in the case of every such taking, purchase, or  
15 acquisition.

Purchase of lands in connection with proposed canal.

20 11. Every person having any estate or interest in any land taken or acquired compulsorily under this Act for the purpose of constructing such canal shall be entitled to full compensation for the same from the Board, and the amount payable for such compensation shall, in default of agreement, be claimed, ascertained, and determined within the time and in the manner provided by the Public Works Act, 1908.

Compensation for land taken.

25 12. Compensation or purchase-money payable in respect of any land taken, purchased, or acquired under this Act, and all costs, charges, and expenses that may be incurred, or that may arise by reason or in consequence of the exercise of the powers conferred by this Act, shall be paid out of the Harbour Fund Account of the Board.

Compensation to be paid out of Harbour Fund Account.

30 13. Until the land taken, purchased, or acquired in pursuance of this Act is required for the construction of such canal as aforesaid, it shall be lawful for the Board to grant leases of the same or any part thereof in the manner prescribed by and subject to the provisions of the various enactments in force from time to time regulating the leasing of lands vested in the Board; and, further,  
35 the Board may sell any of such lands which it may from time to time deem unnecessary for the purposes aforesaid.

Power to lease or sell.

## SCHEDULES.

## FIRST SCHEDULE.

*Struck out.*

1. ALL that area within the Manukau Harbour, being the whole of the tidal lands as defined by the Harbours Act, 1908, lying or being within the line drawn from Paritutai Point to the flagstaff of the lighthouse on the southern head of the Manukau Harbour, but excepting therefrom all those portions of such tidal lands as are coloured green and red respectively on plans deposited in the office of the Minister of Railways, at Wellington, as Nos. 17600 and 16683, but not excepting the area coloured green and hatched red on said plan.

*New.*

1. ALL that area within the Manukau Harbour, being the whole of the tidal lands as defined by the Harbours Act, 1908, lying or being within a straight line drawn from Paratutai Point to the flagstaff of the lighthouse on the southern head of the Manukau Harbour, but excepting therefrom the lands described in the *Second* Schedule hereto, and also excepting therefrom such area (if any) as may be vested in the Corporation of the Mayor, Councillors, and burgesses of the Borough of Onehunga, in pursuance of the provisions of any Act of the General Assembly of New Zealand in the present session assembled.

2. All that piece of land containing by admeasurement 336 acres, more or less, situate in the Parish of Waitemata, County of Eden, and being Lots Nos. 22 and 23 of Section No. 13 of the Suburbs of Auckland.

3. All that piece of land in the Auckland Land District, containing by admeasurement 58 acres 2 roods, more or less, situate in the Parish of Karangahape, County of Waitemata, and being Lot No. 32 of the said parish.

4. All that piece of land in the Auckland Land District, containing by admeasurement 208 acres, more or less, situate in the Parish of Awhitu, in the County of Manukau, and being Lot No. 9 of the said parish.

5. All that piece of land in the Auckland Land District, containing by admeasurement 1,000 acres, more or less, situate in the Parish of Karangahape, in the County of Waitemata, and being Lot No. 34 in the said parish.

*New.*

## SECOND SCHEDULE.

ALL those areas of tidal or other lands which lands are within the areas shown coloured red on plans numbered W.R. 19021 and 16683, deposited in the office of the Minister of Railways, at Wellington; also all that area of land which lies below high-water mark and on the eastern side of the railway at Ann's Creek.