

1958/39

**THE GOLDEN BAY COUNTY FORESHORE LICENCE
NOTICE 1958**

—

PURSUANT to the Harbours Act 1950, the Minister of Marine hereby gives the following notice.

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NOTICE

1. This notice may be cited as the Golden Bay County Foreshore Licence Notice 1958.

2. In this notice, unless the context otherwise requires,—

“Council” means the Golden Bay County Council; and includes its successors and assigns:

“Day” means a day computed from midnight to midnight:

“Harbour” means the Harbour of Waitapu or the Harbour of Collingwood, as the case may be:

“Master” means the person for the time being in charge of any vessel, whether or not he is certificated:

“Vessel” includes every description of launch or ship, whether used in navigation or in any way kept or used as a hulk or storeship or for any other purpose whatsoever, whether business or pleasure:

“Wharf” has the same meaning as in the Harbours Act 1950; and “the said wharves” means the wharves referred to in clause 3 of this notice:

“Wharfinger” includes every person who is for the time being in charge of any wharf.

PART I—FORESHORE LICENCE

3. (1) The management of the wharf at Waitapu is hereby vested in the Council, and the Council is hereby licensed and permitted to use the foreshore on which the said wharf is erected, for the purpose of managing and using the said wharf.

(2) The Council is hereby licensed and permitted to use and occupy a part of the foreshore in the Aorere River, Collingwood Harbour, as shown on plans marked M.D. 9097 and 9726 and deposited in the office of the Marine Department at Wellington, for the purpose of maintaining thereon a wharf as shown on the said plans.

4. The licence granted under clause 3 of this notice shall be subject to the following conditions:

- (a) The Foreshore Licence Regulations 1940* shall apply with respect to the licence:
- (b) The annual sum payable by the Council in respect of the licence shall be 1s. payable on demand:
- (c) The term of the licence shall be fourteen years from the date of this notice.

PART III—REGULATIONS AS TO USE OF HARBOURS AND WHARVES

5. The master of every vessel, upon the completion of the loading or discharge of his vessel at either of the said wharves, shall at once remove his vessel and vacate the berth occupied by the vessel unless he has received permission from the wharfinger to delay that removal.

6. The master of any vessel lying alongside either of the said wharves shall be responsible for all damage caused to goods lying on the wharf by water used for washing down the decks or for any other purpose upon that vessel.

7. The Council shall not be responsible for the wrong delivery or non-delivery of goods which are erroneously or deficiently marked, or which have old or imperfectly erased marks thereon.

8. All goods in respect of which the Council elects not to supply labour, or which are not tallied by the Council, shall not be deemed for any purposes to be in the custody of the Council, as wharfinger, nor shall the Council be responsible for their safe keeping, or for any damage or loss that may accrue to the goods in any manner whatsoever.

9. Any person landing goods on either of the said wharves or bringing goods on to either of the said wharves for shipment shall place the goods as the wharfinger may direct, and no person shall place any goods or other articles in any shed so as to be an impediment to the approach or an obstacle to the removal of other goods from the wharf or shed, or so as to encumber the mooring posts.

10. No person shall embark, disembark, ship, or unship any ballast, timber, coal, produce, or cargo of any description except at such times and place and in such order or mode as may be directed and deemed expedient by the wharfinger for the proper working of the wharf.

11. No person shall deposit ballast, coal, coke, or other fuel on either of the said wharves or in the sheds without special permission of the wharfinger.

12. The Council shall not be responsible for the safe custody of packages containing acids, chemicals, or other dangerous goods.

13. The time allowed to masters of vessels carrying full cargoes to occupy berths at either of the said wharves for the purpose of discharging or loading shall be, exclusive of Saturdays, Sundays, holidays, and the day of removal,—

| | | | |
|----------------------------------|-------|-------|-------------|
| For vessels under 100 tons ..... | ..... | ..... | Three days. |
| For vessels under 150 tons ..... | ..... | ..... | Four days. |
| For vessels under 200 tons ..... | ..... | ..... | Five days. |

14. The master of a vessel taking in ballast shall be allowed one day for every 50 tons of ballast loaded, unless special permission is obtained from the Council for the master to remain longer.

15. Cargo landed without the permission of the wharfinger first obtained shall not be deemed to be in the custody of the Council, nor shall the Council be responsible for any loss or damage that may accrue to the cargo by the elements or otherwise.

16. The master, owner, or agent of every vessel shall give to the wharfinger, or other person deputed by the Council, a copy of the bill of landing, freight list, or manifest of cargo, or other proper account of all goods intended to be shipped on board or unshipped from the vessel, and the name or names of the owners, consignors, or consignees by whom any such goods are shipped or unshipped by that vessel, and from whom the goods are received or are intended to be delivered.

17. Shippers and consignees of all goods shipped from or landed on either of the said wharves shall, before shipping or landing the goods, deliver to the wharfinger a full account of all such goods, stating the respective weights or measurements of the same accordingly as freight is payable thereon.

18. It shall not be lawful, without the consent of the County Clerk in writing first had and obtained, for any person to ship, unship, or land any goods into or out of or from any vessel within the harbour, except at either of the said wharves or at wharves or landing places which may be appointed from time to time by the Council for that purpose.

19. Tame cattle may be landed on or shipped from either of the said wharves subject to the approval of the wharfinger, who shall fix the time at which the cattle must be shipped or landed. Other cattle may be landed on or shipped at such times and places as the wharfinger may from time to time direct.

20. All goods of a dangerous and inflammable character landed on either of the said wharves shall be removed by the owner, agent, or consignee immediately on being landed, and the owner, agent, or consignee failing to do so shall be responsible for any damage or loss that may accrue from any accident arising therefrom, in addition to being liable to the penalty provided for breach of the regulations, and the Council shall not be responsible for any damage or loss which may accrue to the goods.

21. The master of every vessel arriving in the harbour with kerosene or other material of an inflammable nature on board may land the inflammable goods on the wharf or for transshipment provided the inflammable goods are removed forthwith. In no case may any person store the goods on the wharf.

22. No person shall discharge or land on either of the said wharves or place in any shed any goods or articles of any description which, in the opinion of the wharfinger, are likely to occasion damage to the wharf or shed connected therewith.

23. Any vegetable or animal matter or goods which are in a state of decay or which, in the opinion of the wharfinger, are unfit to remain on either of the said wharves, or are harmful to other goods stored on the wharf may be removed from the wharf at the expense of the owner or consignees.

24. Any person landing goods, other than perishable products, on either of the said wharves shall remove therefrom or store the perishable products during the business hours of the Council. Perishable products may be placed upon either of the said wharves before or after the business hours of the Council at the risk of the consignees, but the Council shall not be responsible in any way for the safety of the perishable products.

25. The wharfinger may take charge of and store cargo and foods if not removed from either of the said wharves by the consignee within the time allotted for the purpose, or cause the same to be delivered to the consignee at his risk and expense.

26. The Council shall not be bound to find storage room either in the shed or on either of the said wharves when, in the opinion of the wharfinger, no sufficient accommodation is available. After notification to the owners, shippers, or consignees of any goods or to the vessel's agent that room is not available, the Council shall not be held responsible for any loss or damage that may accrue to the goods by the elements or otherwise during the time the goods may remain on the wharf.

27. The Council shall not be responsible for any damage sustained by goods while in its custody by fire or by water used in extinguishing fire, or by vermin, unless in case of proved negligence on the part of the Council or its servants.

28. No person shall be allowed on either of the said wharves or in the sheds or buildings used therewith unless he has, in the opinion of the wharfinger, legitimate business thereon.

29. The wharfinger shall have the power to close either of the said wharves or any portion thereof whenever in his opinion it is advisable to do so.

30. No person shall disobey the orders of the wharfinger when acting in the due performance of his duty, nor in any way obstruct the traffic on either of the said wharves.

31. Every boatman, stevedore, porter, carter, cab driver, motor driver, or any person employed on either of the said wharves shall be under the control and shall obey the orders of the wharfinger.

32. No child of tender years shall be allowed on either of the said wharves unless accompanied by an adult.

33. No person shall scribble upon, cut, scratch, or otherwise deface any part of either of the said wharves or any shed thereon or connected therewith.

34. All complaints against the wharfinger or any person under his direction must be made in writing to the Chairman of the Council and a copy of each complaint shall first be furnished to the wharfinger.

35. No person taking a vehicle on either of the said wharves shall allow the vehicle to be driven at greater than a walking pace.

36. The person in charge of a vehicle, whether for the conveyance of passengers or goods or otherwise shall, when on either of the said wharves or its approaches, be under the control of the wharfinger; and

those shall immediately upon being so ordered by the wharfinger remove the vehicle to any part of the wharf or its approaches to which he may be directed, or shall, if so desired by the wharfinger, remove the vehicle altogether from the wharf, but the wharfinger shall not order such removal without reasonable cause.

37. Any person who, whether accidentally or otherwise, damages or destroys either of the said wharves or any shed or equipment thereon or any property of the Council thereon shall be liable for the cost of the repair or renewal thereof.

38. The ordinary business hours of the Council upon each of the said wharves shall be from 8 a.m. to 12 noon and from 1 p.m. to 5 p.m., Mondays to Fridays inclusive. Saturdays, Sundays, and holidays are excepted.

39. The cost over and above the ordinary cost of day work of all labour, including the wharfinger, during any hours not being ordinary business hours of the Council as herein defined, shall be paid by the master or owner of the vessel in addition to the usual charge.

40. The following days shall be deemed to be holidays for the purpose of this notice, namely, New Year's Day, 2nd January, Anniversary Day, Good Friday, Easter Monday, Anzac Day, Sovereign's Birthday, Labour Day, Christmas Day, and Boxing Day.

41. Consignees shall be liable for all wharfage and other charges on all inward cargo, shippers shall be liable for all wharfage and other charges on all outward cargo. All charges shall be paid to the Council at the time of receiving and shipping.

42. The Council shall appoint the wharfinger and all other persons necessary for the working of each of the said wharves.

PART IV—DUES AND RATES

43. The dues and rates prescribed in the Schedule to this notice shall be taken by the Council for the use of either of the said wharves.

PART V—GENERAL

44. This notice is in substitution for the following Orders in Council:

- (a) Order in Council made on the 4th day of October 1950* vesting the management of the wharf at Waitapu in the Waitapu Harbour Board:
- (b) Order in Council made on the 7th day of November 1951† granting a foreshore licence to the Collingwood Harbour Board.

**Gazette*, 12 October 1950, p. 1836

†*Gazette*, 15 November 1951, p. 1697

SCHEDULE

DUES AND RATES

| | | s. | d. |
|---|-------|----|----|
| <i>Wharfage</i> | | | |
| Bicycles, without passenger, each | ..... | 0 | 6 |
| Bricks, per 100 | ..... | 1 | 0 |
| Bricks, per 1,000 after one week, for every week or part of a week | ..... | 2 | 6 |
| Cattle, single one, each | ..... | 2 | 0 |
| Cattle, more than one, each | ..... | 1 | 6 |
| Chaff, per 24 sacks | ..... | 2 | 6 |
| Cheese, per ton | ..... | 3 | 0 |
| Coal, per ton | ..... | 1 | 0 |
| Coke, per 10 sacks | ..... | 1 | 0 |
| Flax, green, per ton | ..... | 0 | 6 |
| Flour, grain, and general produce, per ton | ..... | 2 | 6 |
| Hops and flax, per bale | ..... | 1 | 0 |
| Horses, single one | ..... | 2 | 6 |
| Motorcar, two-seater, each | ..... | 3 | 6 |
| Other motorcars, each | ..... | 5 | 0 |
| Motor cycle, with or without passenger, each | ..... | 2 | 0 |
| Pigs, first 40, each | ..... | 0 | 6 |
| Pigs, any number over 40, each | ..... | 0 | 3 |
| Posts and rails, per 100 | ..... | 1 | 6 |
| Sheep, rams, each | ..... | 0 | 6 |
| Sheep, first 40, each | ..... | 0 | 3 |
| Sheep, any number over 40, each | ..... | 0 | 1½ |
| Tanks, 400 gallons, empty, each | ..... | 2 | 6 |
| Timber, sawn, per 100 ft. with right to remain on wharf two weeks | ..... | 0 | 3 |
| Timber, sawn, per 1,000 ft. after first two weeks, for every week or part of a week | ..... | 1 | 6 |
| Vehicles (not being motorcars or motor cycles) four-wheels, each | ..... | 3 | 6 |
| Vehicles (not being motorcars or motor cycles) two-wheels, each | ..... | 2 | 0 |
| Wool and tow, per bale | ..... | 1 | 0 |
| All goods not specified, up to 5 cubic feet | ..... | 0 | 6 |
| All goods not specified, over 5 cubic feet and up to half-ton | ..... | 1 | 3 |
| All goods not specified, over half-ton and up to one ton | ..... | 2 | 6 |
| Empties, returned, 5 cubic feet to half-ton | ..... | 0 | 6 |
| Empties, returned, half-ton to one ton | ..... | 1 | 0 |

Storage

Every person who uses the shed on either of the said wharves for storing goods therein shall pay to the Council dues in respect of that storage, according to the following scale:

| | | s. | d. |
|--|-------|------|----|
| <i>Inwards—</i> | | | |
| All goods, first twenty-four hours | ..... | Free | |
| All goods over twenty-four hours, per week or part of week, up to quarter ton | ..... | 0 | 3 |
| All goods over twenty-four hours, per week or part of week, from quarter-ton to half-ton | ..... | 0 | 6 |
| All goods over twenty-four hours, per week or part of week, from half-ton to one ton | ..... | 1 | 0 |
| All goods over one ton, per ton | ..... | 1 | 0 |

SCHEDULE—continued

| <i>Outwards</i> — | s. | d. |
|---|----|------|
| Flax, wool, and hops, first forty-eight hours | | Free |
| Flax, wool, and hops, over forty-eight hours, per week or part of week, per bale | 1 | 0 |
| All other goods, over forty-eight hours, per week or part of week, up to quarter ton | 0 | 3 |
| All other goods, over forty-eight hours, per week or part of week, from quarter-ton to half-ton | 0 | 6 |
| All other goods, over forty-eight hours, per week or part of week, from half-ton to one ton | 1 | 0 |
| Passengers' luggage shall be charged the inwards or outwards storage scale after twenty-four hours. | | |

Weighing

A charge of 1s. per ton (with a minimum charge of 6d.) shall be payable to the Council by persons for the weighing of goods, if the weighing of the goods is done or performed by the Council.

| | | |
|---|---|---|
| Outwards, per ton (with a minimum of 6d.) | 1 | 0 |
|---|---|---|

Cranage

Every person using a crane on either of the said wharves shall pay to the Council for the use of the crane the following scale of charges:

| | | |
|---|----|----|
| For the use of the crane on the wharf, for the first ton or part thereof, per ton | s. | d. |
| | 1 | 3 |
| For the use of the crane on the wharf, for every ton after the first ton, per ton | 1 | 0 |

Berthage

The master of every vessel occupying a berth at either of the said wharves whether directly alongside the wharf or outside one or more vessels directly alongside the wharf, shall, subject to the following exceptions, pay berthage rates as follows:

| | | | |
|--|---|----|----|
| Vessels not otherwise specified, per working day per ton or part of a ton net register | £ | s. | d. |
| | 0 | 0 | 1 |
| Minimum charge per day | 0 | 5 | 0 |
| Berthage on trading launches, minimum charge— | | | |
| Per day | 0 | 2 | 6 |
| Per quarter | 2 | 0 | 0 |

The payment of a berthage rate shall not be deemed to give the master of a vessel the right to keep the vessel at a wharf.

No berthage rates shall be charged the master of a vessel for Saturdays, Sundays, or for holidays observed by the Council:

Provided that, if the master of a vessel works cargo or embarks or discharges passengers on a Saturday, Sunday, or holiday, the master or owner of the vessel shall pay the ordinary berthage rates.

Dated at Wellington this 10th day of March 1958.

W. A. FOX, Minister of Marine.

EXPLANATORY NOTE

This note is not part of the notice, but is intended to indicate its general effect.

This notice grants a foreshore licence to the Golden Bay County Council of part of the foreshore in Waitapu Harbour and part of the foreshore in the Aorere River, Collingwood Harbour, and vests in the Council the management of the wharf at Waitapu. The licence is in substitution for two existing licences which, on the abolition of the Waitapu and Collingwood Harbour Boards, became vested in the Golden Bay County Council.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20 March 1958.

These regulations are administered in the Marine Department.