THE

NEW ZEALAND GAZETTE

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Licensing the Marbezo Products, Ltd., of Auckland, to occupy a Part of the Foreshore and Land below Low-water Mark at the North Spit, Parengarenga Harbour, for the Purpose of taking Sand.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 1st day of June, 1929.

Present:

THE RIGHT HONOURABLE SIR J. G. WARD, PRESIDING IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, the Marbezo Products, Ltd., Auckland (who, with its successors and assigns, is hereinafter called "the company"), has applied to the Governor-General in Council for a license under the Harbours Act, 1923 (hereinafter called "the said Act"), to use and occupy a part of the foreshore and land below low-water mark at the North Spit, Parengarenga Harbour, for the purpose of taking away the sand deposited thereon; and in accordance with the provisions of the said Act, has deposited a plan in the office of the Marine Department at Wellington (marked M.D. 6670) showing the area, hatched red, of foreshore and land below low-water mark intended to be occupied for such purpose :

And whereas it is desirable to grant the license applied for :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the power and authority vested in him by the said Act, and of all other powers and authorities enabling him in that behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the purpose or object for which the said license is required by the company as aforesaid : and, in further pursuance and exercise of the said power and authority, and with the like advice and consent as aforesaid, doth hereby license and permit the company to use and occupy that part of the foreshore and land below low-water mark which is particularly

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shown and hatched red on the plan so deposited as aforesaid, for the purpose of taking away the sand deposited thereon, such license to be held and enjoyed by the company upon and subject to the terms and conditions set forth in the Schedule hereto.

SCHEDULE.

1. IN these conditions the term—

"Foreshore" means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides :

"Low-water mark" means low-water mark at ordinary spring tides :

"Minister" means the Minister of Marine as defined by the Shipping and Seamen Act, 1908, and includes any officer, person, or authority acting by or under the direction of such Minister.

2. The concessions and privileges conferred by this Order in Council shall extend and apply only to the part of the foreshore and land below low-water mark necessary for the purposes hereinbefore mentioned, as shown, hatched red, on the plan marked M.D. 6670, and deposited in the office of the Marine Department as aforesaid.

3. In consideration of the concessions and privileges granted by this Order in Council, the company shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter shall deposit annually the sum of £25, to be applied as hereinafter provided, payable on the 1st day of April in each year; provided that in respect of the period from the date of this Order in Council until the 31st day of March, 1930, the amount to be deposited shall be an amount proportionate to the said period at the rate of £25 per annum to be deposited on the company being supplied with a copy of this Order in Council.

4. The royalty payable by the company in consideration of the concessions and privileges hereby granted shall be at the rate of 3d. per cubic yard on all sand taken. If in any year the company fails to remove any sand the deposit hereinbefore referred to shall be appropriated by the Minister as flat rental in respect of that year; but if during any year