

The South-eastern Side of Portion of Oaklands Street and the North-eastern Side of Portion of Tomahawk Road, in the City of Dunedin, exempted from the Provisions of Section 128 of the Public Works Act, 1928, subject to a Condition as to the Building-line.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 20th day of July, 1931.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred by the Public Works Act, 1928, and of all other powers in anywise enabling him in this behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the following resolution passed by the Dunedin City Council on the twenty-fourth day of June, one thousand nine hundred and thirty-one, viz. :—

“That the Dunedin City Council, being the local authority having control of the streets in the City of Dunedin, by resolution declares that the provisions of section one hundred and twenty-eight of the Public Works Act, 1928, shall not apply to the undermentioned portions of streets in the said City of Dunedin, viz. :—

“(a) Portion of the south-eastern side of Oaklands Street abutting on part Lots 2 and 4, D.P. 434, Oaklands Estate; and

“(b) Portion of the north-eastern side of Tomahawk Road abutting on part Lot 2, D.P. 434, Oaklands Estate;

as the said portions of streets are more particularly shown on the plan annexed hereto, and are thereon coloured brown and edged with red to their respective centre-lines”; subject to the condition that no building or part of a building shall at any time be erected on the land fronting the south-eastern side of the portion of Oaklands Street or the north-eastern side of the portion of Tomahawk Road (described in the Schedule hereto) within a distance of thirty-three feet from the centre-lines of the said portions of streets.

SCHEDULE.

The south-eastern side of all that portion of street situated in the Otago Land District, City of Dunedin, known as Oaklands Street, fronting Lot 2 and part Lot 4, D.P. 434, Oaklands Estate.

Also the north-eastern side of all that portion of street situated in the said land district and city, known as Tomahawk Road, fronting part Lot 2, D.P. 434, Oaklands Estate.

As the said portions of streets are more particularly delineated on the plan marked P.W.D. 82147, deposited in the office of the Minister of Public Works at Wellington, and thereon coloured brown and edged red.

F. D. THOMSON,
Clerk of the Executive Council.

(P.W. 51/585.)

Vesting Management of Building at Whakapirau, Kaipara Harbour in Guy Henry Jackman and Others, as Trustees.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 20th day of July, 1931.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the thirtieth day of July, one thousand nine hundred and seventeen, and published in the *Gazette* of the second day of the following month, at page 3028, William Henry Jackman, Farmer, of Whakapirau, Henry Edward Fitzgerald McMurdo, Farmer, of Marohemo, and Thomas Henry Hanna, Farmer, of Whakapirau, as trustees for the settlers of the district, were licensed to occupy a part of the foreshore and land below low-water mark at Whakapirau, Kaipara Harbour, as shown on plans M.D. 2719 and 2721, deposited in the office of the Marine Department at Wellington, in order to maintain thereon a building (hereinafter called the “said structure”), for a period of fourteen years from the first day of August, one thousand nine hundred and seventeen:

And whereas the said license has expired, and Guy Henry Jackman, Robert Heatley, and Charles Edward Upton, as trustees for the settlers of the district (hereinafter called “the licensees” in which term is to be construed, unless the con-

text requires a different construction, their executors, administrators, and assigns), have made application for a fresh license under the Harbours Act, 1923 (hereinafter called “the said Act”), for a further term of fourteen years, computed from the expiry of the term of the last-mentioned license, and it is expedient to grant the same for the term and subject to the conditions hereinafter expressed:

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 licensees 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 licensees to use and occupy that part of the foreshore and land below low-water mark on which the said structure is erected, as shown on plans M.D. 2719 and 2721, so deposited as aforesaid, for the purpose of maintaining the said structure in accordance with the said plans; such license to be held and enjoyed by the licensees 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 the land below low-water mark adjacent thereto necessary for the maintenance of the said structure, as shown on plans marked M.D. 2719 and 2721, so 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 licensees shall pay to the Minister the sum of £1, and thereafter an annual rent of 10s., in advance, payable on the first day of April in each year, the proportionate part of such annual rental in respect of the period from the first day of August, one thousand nine hundred and thirty-one, to the thirty-first day of March following, to be paid on the licensees being supplied with a copy of this Order in Council.

4. All persons shall, at all reasonable times, upon payment of the proper dues, have free and full liberty to use the said structure, and all rights of ingress and egress thereon and therefrom.

5. His Majesty or the Governor-General, and all officers in the Government service, in the execution of their duty, shall at all times have free ingress, passage, and egress into, through, and out of, the said structure without payment.

6. The licensees shall maintain the said structure in good order and repair; and shall at all times exhibit therefrom, and maintain at the licensees' own cost, suitable and necessary lights for the guidance of vessels: Provided that no light shall be exhibited until after it has been approved of by the Minister.

7. Any person authorized by the Minister may, at all reasonable times, enter upon the said structure, and view the state of repair thereof; and upon such Minister leaving at or posting to the last-known address of the licensees in New Zealand a notice in writing of any defect or want of repair in such structure, requiring the licensees, within a reasonable time to be therein prescribed, to repair the same, the licensees shall, with all convenient speed, cause such defect to be removed, or such repairs to be made.

8. Nothing herein contained shall authorize the licensees to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or any regulations of the Minister of Customs, or with any provisions of the Harbours Act, 1923, or its amendments, or any regulations made thereunder, and that are now or may hereafter be in force.

9. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for the term of fourteen years, computed from the 1st day of August, 1931, unless, in the meantime, such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the licensees shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.