

*Varying a Condition as to Setting back the Building-line of Portion of a Street known as Bentinck Avenue, in the City of Wellington, imposed by Order in Council under Section 128 of the Public Works Act, 1928.*

GALWAY, Governor-General.

By his Deputy,

MICHAEL MYERS.

ORDER IN COUNCIL.

At the Government House at Wellington, this 9th day of February, 1938.

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 amend the Order in Council dated the third day of April, one thousand nine hundred and twenty-nine, and published in the *New Zealand Gazette* No. 23 of the fourth day of the same month, at page 833, and deposited in the Land Registry Office at Wellington as No. 1456, authorizing the laying-off of, *inter alia*, Bentinck Avenue, in the City of Wellington, by varying the conditions with regard to the building-line imposed by the said Order in Council so that no building or part of a building shall at any time be erected on the land fronting the eastern side of portion of the said street (described in the Schedule hereto) within a distance of thirty feet from the centre-line of the said street.

SCHEDULE.

THE eastern side of all that portion of street, situated in the Wellington Land District, City of Wellington, known as Bentinck Avenue, fronting Lot 276, D.P. 10347, being part Section 11, Watts Peninsula R.D. As the said portion of street is more particularly delineated on the plan marked P.W.D. 98269, deposited in the office of the Minister of Public Works at Wellington, and thereon coloured red.

C. A. JEFFERY,  
Clerk of the Executive Council.

(P.W. 51/1251.)

*The Town-planning Act, 1926.—Preparation of Scheme by the Lake County Council.*

GALWAY, Governor-General.

By his Deputy,

MICHAEL MYERS.

ORDER IN COUNCIL.

At the Government House at Wellington, this 9th day of February, 1938.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS the Lake County Council is the responsible authority within the meaning of the Town-planning Act, 1926, of a certain rural area as defined in the said Act—namely, the Lake County:

And whereas His Excellency the Governor-General is of opinion that settlement is taking place within a certain defined area within the rural area aforesaid—namely, the defined area described in the Schedule hereto commonly known as the Township of Pembroke—at such a rate that the preparation of an extra-urban planning scheme is deemed advisable in the public interest:

Now, therefore, in pursuance and exercise of the powers conferred upon him by section twenty-five of the Town-planning Act, 1926, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby require the Lake County Council to prepare and submit to the Town-planning Board before the thirty-first day of December, one thousand nine hundred and thirty-eight, an extra-urban planning scheme in respect of the said area described in the Schedule hereto.

SCHEDULE.

ALL that area in the Otago Land District bounded by a line commencing at a point on the shore of Lake Wanaka in line with the north-western side of a road forming the north-western boundary of Section 90, Block III, Lower Wanaka

Survey District; thence to and along the north-western side of the said road to its intersection with the north-eastern side of a road forming the north-eastern boundary of Section 90 aforesaid; thence along the north-eastern side of that road to its intersection with the eastern side of a road forming the eastern boundary of Section 89 (Stock Depart Res.), Block III, Lower Wanaka Survey District; thence southerly along the eastern side of that road to a point in line with the south-eastern side of the road to Cardrona; thence south-westerly along the south-eastern side of the Cardrona Road to a point in line with the southern side of the road forming the northern boundary of Section 12, Block III, Lower Wanaka Survey District; thence westerly along the southern side of that road and its production to the western side of the road forming the eastern boundary of Section 2, Block III, Lower Wanaka Survey District; thence along a right line to the southernmost corner of the Cemetery Reserve as described in *New Zealand Gazette*, 1926, page 296; thence along the south-western boundary of that reserve and the south-western and north-western boundaries of Section 1, Block XLVIII, Town of Pembroke, to the southern side of Stone Street; thence north-westerly along the southern side of Stone Street and its production to the shore of Lake Wanaka; thence north-easterly generally along the shore of Lake Wanaka to a point in line with the north-western side of the road forming the north-western boundary of Section 90, Block III, Lower Wanaka Survey District, the point of commencement.

C. A. JEFFERY,  
Clerk of the Executive Council.

(I.A. 149/1.)

*License granting the use of Part of the Foreshore at Terakohe, Golden Bay, as a Site for a Wharf and prescribing Dues for use of Same.*

GALWAY, Governor-General.

By his Deputy,

MICHAEL MYERS.

ORDER IN COUNCIL.

At the Government House at Wellington, this 9th day of February, 1938.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Harbours Act, 1923, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby license and permit the Golden Bay Cement Company, Limited (hereinafter called "the company," which term shall include its successors and assigns unless the context requires a different construction), to use and occupy all those parts of the foreshore and land below low-water mark at Terakohe, Golden Bay, as shown on plan marked M.D. 3470, approved on the seventeenth day of January, one thousand nine hundred and ten, and deposited in the office of the Marine Department at Wellington, for the purpose of the use of the wharf as shown on the said plan, such license to be held and enjoyed by the company upon and subject to the terms and conditions set forth in the First Schedule hereto, and doth prescribe that the dues and rates set forth in the Second Schedule hereto shall be charged and taken by the company for the use of the said wharf.

FIRST SCHEDULE.

- In these conditions the terms—
  - "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.
- 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 adjacent thereto necessary for the maintenance of the said wharf at the site shown on the plan marked M.D. 3470.
- In consideration of the concessions and privileges granted by this Order in Council, the company shall pay to the Minister the sum of £1, and thereafter an annual sum of