

**Reprint**  
**as at 1 November 2010**

**Auckland Harbour Board and  
Birkenhead Borough Empowering  
Act 1907**

Local Act 1907 No 19  
Date of assent 23 November 1907

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

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**An Act to empower the Auckland Harbour Board to convey Little Shoal Bay of the Harbour of Auckland to the Birkenhead Borough for a Public Domain and Park and Recreation-ground.**

**Preamble**

WHEREAS the Auckland Harbour Board is the owner in fee-simple of all that piece of land described in the Schedule hereto: And whereas the said Board, at a duly convened meeting thereof, by resolution resolved to consent to the vesting of the said land in the body corporate known as the Mayor, Councillors, and Burgesses of the Borough of Birkenhead, for the purposes of a public domain, park, and recreation-ground: And whereas a number of the owners of riparian rights and rights of access to the said land known as Little Shoal Bay have agreed to surrender and extinguish all their interest and claims to riparian rights and rights of access to affecting or relating to the said land:

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

**1 Short Title**

This Act may be cited as the Auckland Harbour Board and Birkenhead Borough Empowering Act 1907.

**2 Interpretation**

In this Act, if not inconsistent with the context,—  
**The Board** means the Auckland Harbour Board

**The Birkenhead Borough** means the body corporate of the Mayor, Councillors, and Burgesses of the Borough of Birkenhead.

**3 Board may convey to borough**

*[Repealed]*

Section 3: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

**4 Purposes for which borough to hold land**

The Auckland Council shall hold such land for the purposes of a public park, domain, and recreation-ground within the meaning of the Reserves Act 1977, and subject to the laws for the time being in force relating to the management of public domains:

Provided that out of the said land the Auckland Council may use so much as is required for the purpose of public roads to give access to the said park, and also so much as may be required for the purposes mentioned in section 7.

Section 4: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4 proviso: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

A reference to the Public Reserves and Domains Act 1908 was substituted, as from 4 August 1908, for a reference to the Public Domains Act 1881 pursuant to section 1(2) Public Reserves and Domains Act 1908 (1908 No 156). That reference was in turn substituted, as from 9 October 1928, by a reference to the Public Reserves, Domains, and National Parks Act 1928 pursuant to section 103 Public Reserves, Domains, and National Parks Act 1928 (1928 No 36). That reference was in turn substituted, as from 1 April 1954, by a reference to the Reserves and Domains Act 1953 pursuant to section 107(1) Reserves and Domains Act 1953 (1953 No 69). That reference was in turn substituted, as from 1 April 1978, by a reference to the Reserves Act 1977 pursuant to section 125(1) Reserves Act 1977 (1977 No 66).

**5 Domain to be a public work**

The acquiring of the said land and any rights appertaining thereto, or any part thereof, and the construction and formation of such park, domain, and recreation-ground, and the adjusting the boundaries thereof (if necessary) with adjoining owners or others having or claiming to have rights thereto, shall be public works with the meaning of the Public Works Act 1981.

A reference to the Public Works Compilation Act 1905 was substituted, as from 31 October 1905, for a reference to the Public Works Act 1894 pursuant to section 2 Public Works Compilation Act 1905 (1905 No 53). That reference was in turn substituted, as from 4 August 1908, by a reference to the Public Works Act 1908 pursuant to section 1(2) Public Works Act 1908 (1908 No 160). That reference Act was in turn substituted, as from 6 October 1928, by a reference to the Public Works Act 1928 pursuant to section 346 Public Works Act 1928 (1928 No 21). That reference was in turn substituted, as from 1 February 1982, by a reference to the Public Works Act 1981 pursuant to section 248(1) Public Works Act 1981 (1981 No 35).

## **6 Borough and adjoining borough may effect joint ownership**

*[Repealed]*

Section 6: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

## **7 Auckland Council may enter into contracts as regards water-frontage, & c**

It shall be lawful for the Auckland Council to enter into contracts for the surrender of any rights of water-frontage which are appurtenant to lands adjoining the said land described in the Schedule hereto, and for that purpose such borough or boroughs may—

- (a) Agree with any owner for the payment of and pay such sum of money as may be agreed on with such owner:
- (b) Agree with any such owner as to the position of any boundary-line:
- (c) Transfer to any such owner, as the consideration for such surrender and for the purpose of straightening or adjusting boundaries, part of the said land described in the Schedule hereto:
- (d) Exchange with any such owner land on either side of any boundary-line.

Section 7 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 7: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

## **8 Persons deprived of water-frontage may claim compensation**

In case the works aforesaid deprive the owner of any adjoining land of any water-frontage, the owner of such adjoining land shall be entitled within the time and in manner provided by the Public Works Act 1981, to claim and obtain compensation for any injury he may sustain by the deprivation of such water-frontage, in like manner as a person suffering damage from the exercise of any of the powers conferred by the said last-mentioned Act.

A reference to the Public Works Compilation Act 1905 was substituted, as from 31 October 1905, for a reference to the Public Works Act 1894 pursuant to section 2 Public Works Compilation Act 1905 (1905 No 53). That reference was in turn substituted, as from 4 August 1908, by a reference to the Public Works Act 1908 pursuant to section 1(2) Public Works Act 1908 (1908 No 160). That reference Act was in turn substituted, as from 6 October 1928, by a reference to the Public Works Act 1928 pursuant to section 346 Public Works Act 1928 (1928 No 21). That reference was in turn substituted, as from 1 February 1982, by a reference to the Public Works Act 1981 pursuant to section 248(1) Public Works Act 1981 (1981 No 35).

## **9 Board may set aside land as an addition to site of Sailors' Home**

It shall be lawful for the Board to set apart, as an addition to the site of the present Sailors' Home in the City of Auckland, all that piece or parcel of land being part of Allotment 85A of land reclaimed from the sea by the Board, bounded (commencing at a point thirty feet from the south-eastern angle of said allotment) towards the east by Albert Street thirty feet, towards the south by Allotment 85 of the said reclamation eighty feet, towards the west by other part of said Allotment 85A thirty feet, and towards the north by other part of said Allotment 85A eighty feet, to the commencing-point, together with the building erected thereon known as the Mission Hall and now used in connection with the said Sailors' Home, and to hold the same upon trust for the purpose of a Sailors' Home, or to transfer or convey the same for an estate in fee-simple or any less estate to a certain company or association incorporated under the name of the Auckland Sailors' Home, to be held upon trust for a Sailors' Home and for no other purpose, subject to such terms and conditions as the Board may think fit, with power to

the Board to accept a surrender of the residue of the existing term created by a certain deed of lease dated the fourth day of March, eighteen hundred and ninety, and made between the Board of the one part and the Auckland Sailors' Home of the other part.

#### **10 Ultimate trust for Sailors' Home**

If the said site or any building now or hereafter to be erected thereon shall at any time after being set apart, transferred, or conveyed as aforesaid be used or occupied for any other purpose or purposes than a Sailors' Home, or shall cease to be used for that purpose for six successive calendar months, then the said site and any buildings thereon shall become and be the property of the Board, and shall be held by the Board upon trust as a site for a Sailors' Home, or upon the original trust as an endowment of the Port of Auckland, as the Board may think fit.

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### **Schedule**

ALL that part of the Waitemata Harbour known as Little Shoal Bay, containing by admeasurement 22 acres, more or less: bounded by a line commencing at the point where the north side of Northcote Terrace joins the Waitemata Harbour; towards the south generally by high-water mark of the sea forming the boundary of Subdivisions S and R of Allotment 13 of a subdivision of Allotments 58, 59, and 60 of the Parish of Takapuna, and part of Subdivision Q of aforesaid Allotment 13, to the boundary of Allotment 9 of said subdivision of Allotments 58, 59, and 60 of the Parish of Takapuna; thence towards the west generally by high-water mark of the sea forming the eastern boundary of Allotments 9, 8, and two parts of Allotment 7 of the said subdivision of Allotments 58, 59, and 60 of the Parish of Takapuna, to the abutment of a public road; thence by the abutment of the said public road and high-water mark of the sea forming the boundary of the other part of Allotment 7 and of Allotment 6 to the boundary of Allotment 56 of the Parish of Takapuna; thence towards the north generally by high-water mark of the sea forming the boundary of Allotment 56 and part of Allotment 55 of the Parish of Takapuna

to the abutment of a public road; thence by the abutment of the said public road and the high-water mark of the sea forming the southern boundary of part of Allotment 55 and Lot 7 of Allotment 55 to the abutment of a public road; thence by the abutment of the said road and high-water mark of the sea forming the southern boundary of Lot 6 of Allotment 55, and two parts of Allotment 54, of the Parish of Takapuna, to the west boundary of Lot 24 of a subdivision of Allotment 51 of the Parish of Takapuna, and Lots 24 and 23 of Allotment 51 aforesaid; to the east by high-water mark of the sea forming the western boundary of Lot 22 of aforesaid Allotment 51, and by parts of Allotments Nos 51 and 52 of the Parish of Takapuna; thence towards the south by part of Allotment 52 of the Parish of Takapuna; thence again towards the east generally by high-water mark of the sea forming the western boundary of the other part of Allotment 52 of the Parish of Takapuna to the intersection of the southern boundary of a proposed road; thence towards the south by a right line forming the southern boundary of said proposed road bearing  $77^{\circ} 49'$  a distance of 1030 links, as more particularly delineated on plan deposited at the Survey Office at Auckland, to the abutment of Northcote Terrace on to the Waitemata Harbour; thence by said abutment of Northcote Terrace to the point of commencement.

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**Notes****1 General**

This is an eprint of the Auckland Harbour Board and Birkenhead Borough Empowering Act 1907. The eprint incorporates all the amendments to the Act as at 1 November 2010. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

**2 About this eprint**

This eprint has not been officialised. For more information about eprints and officialisation, please see <http://www.pco.parliament.govt.nz/eprints/>.

**3 List of amendments incorporated in this eprint  
(most recent first)**

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37):  
section 113(1)

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