

New Zealand.



ANALYSIS.

- | | |
|---|---|
| <p style="text-align: center;">Title.</p> <p>1. Short Title. Incorporation of the Harbours Act, 1878.</p> <p>2. Interpretation.</p> <p>3. Harbour Board for Whangarei constituted.</p> <p>4. Endowments of Board.</p> <p>5. Property vested in Board.</p> <p>6. Harbour district.</p> | <p>7. Electors.</p> <p>8. First election.</p> <p>9. Board a local authority.</p> <p>10. County Council to cease control.</p> <p>11. Borrowing.</p> <p>12. Board may make special rate. Schedules.</p> |
|---|---|

1907, No. 31.—*Local.*

Title. AN ACT to constitute a Harbour Board for the Harbour of Whangarei. [25th November, 1907.]

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

Short Title. 1. (1.) This Act may be cited as the Whangarei Harbour Act, 1907.

Incorporation of the Harbours Act, 1878. (2.) This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1878, and shall be read and deemed to be incorporated with the said Act.

Interpretation. 2. In this Act—
“Board” means the Harbour Board constituted under this Act:

“Harbour” means the port and harbour of Whangarei as defined in the First Schedule hereto:

“The said Act” means the Harbours Act, 1878, and all amendments of same:

“District” means the Whangarei Harbour Board District.

Harbour Board for Whangarei constituted. 3. A Harbour Board is hereby constituted under the said Act for the Harbour of Whangarei, consisting of seven members, of whom four shall form a quorum, and such members shall be respectively appointed, succeed to office, and be elected in accordance with the provisions of the Local Elections Act, 1904, and its amendments.

Endowments of Board. 4. The Board is hereby endowed with—
(a.) Those portions of the foreshore of the Whangarei Harbour and mud-flats within the harbour described in the Second Schedule hereto:

(b.) All endowments and reserves and real and personal property now vested in or under the control of the Whangarei County Council acting as the Whangarei Harbour Board, or in the Whangarei Harbour Board itself.

5. (1.) All wharves, jetties, and sheds within the harbour (except railway wharves), with their assets and liabilities, at present under the control of the Whangarei County Council exercising the powers of a Harbour Board, and all other real and personal property of the said Council in its capacity and exercising the powers of the Whangarei Harbour Board only, are hereby vested in the Board without the necessity of any further or other transfer or assurance.

Property vested in Board.

(2.) The Governor, after making any such inquiry as he thinks fit, may, if necessary, determine what constitute the assets and liabilities of the said wharves, jetties, and sheds, and real and personal property; and may also do or direct to be done whatsoever is requisite in order that the wharves, jetties, and sheds, and real and personal property, and their and its assets and liabilities, may be effectively transferred to the Board, and such determination shall be final and binding.

6. The Whangarei Harbour District shall comprise the Borough of Whangarei and the County of Whangarei, excepting out of such county that portion thereof comprised in the Waipu River Board District as defined in Proclamation published in the *Gazette* on the first day of March, nineteen hundred.

Harbour district.

7. Every person whose name at the time of any election of a member of the Board is on the electors roll in force in the said Borough of Whangarei, or portion of county referred to in section six hereof respectively, shall be entitled to a vote at such election.

Electors.

8. The Governor shall by Proclamation appoint a day, not exceeding forty days after the date of such Proclamation, for the election of the members of the first Board; and by warrant under his hand shall appoint some fit person as Returning Officer, who shall fix the necessary polling-places, and shall conduct the said election under the provisions of the Local Elections Act, 1904, in so far as that Act is not inconsistent with the express provisions of this Act.

First election.

9. The Board is hereby declared to be a local authority within the meaning of the Local Elections Act, 1904.

Board a local authority.

10. On and from the day appointed for the first meeting of the Board, the Whangarei County Council shall cease to have control of the harbour, and to exercise the powers of the Whangarei Harbour Board, saving that all by-laws and regulations in respect of the said harbour in force at the date of the said meeting shall remain in full force and effect until altered or revoked by the Board.

County Council to cease control.

11. (1.) The Board may from time to time, with the consent of the ratepayers, borrow on the security of its endowments, subject to the provisions of the said Act and to the Governor's previous approval of a plan of the works proposed to be constructed, any sum or sums of money, but not exceeding in the whole the sum of ten thousand pounds, for the construction or completion of harbour-works in or towards the improvement of the said harbour :

Borrowing.

Provided that no money shall be borrowed under the authority of this Act which shall produce to the lender a higher rate of interest than five pounds per centum per annum.

(2.) Such moneys may be raised in the manner prescribed by the Local Bodies' Loans Act, 1901, and the provisions of that Act shall apply as if the Board were a local authority and the said works were public works within the meaning of Part I of that Act.

Board may make special rate.

12. As further security for the money authorised to be borrowed as aforesaid the Board may make and levy a special rate, not exceeding one penny in the pound in the year, on the capital value of all rateable property in the said district, excepting the road districts of Parua and Manaia, where the rate shall not exceed one-half the amount levied in the remaining portion of the harbour district.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

DEFINING LIMITS OF WHANGAREI HARBOUR.

ALL that area bounded by a line commencing at the southern extremity of Busby Head at the line of ordinary high-water mark, and proceeding thence north-easterly generally along the line of ordinary high-water mark in Whangarei Harbour and Whangarei River as far as the northern boundary-line of Parahaki No. 1 Block numbered 436; thence crossing the said Whangarei River and following the right bank of the said river along the ordinary high-water mark thereof; thence generally southerly and easterly along the ordinary high-water mark of the Whangarei Harbour as far as a point where the production of the eastern side of the road running between Blocks IV and VIII and Blocks II, III, and VII of the Town of Marsden intersects the line of high-water mark; and thence along a straight line to the starting-point at Busby Head: as the same is delineated upon the plan marked M.D. 1787, and deposited in the office of the Marine Department at Wellington: including within such area all bays, tidal streams, rivers, and inlets running or flowing into the said harbour up to the ordinary high-water mark.

SECOND SCHEDULE.

DESCRIPTION OF ENDOWMENTS.

ALL those portions of land in the Whangarei Harbour lying between the Whangarei Town Wharf and Railway Wharf, comprising the foreshore and mud-flats of the said harbour, and hereinafter more particularly described:—

1. All that area, comprising 53 acres and 13 acres 2 roods, more or less, bounded—commencing at a point 695·5 links from Standard 41 of the Town of Whangarei; thence towards the north by a line 862 links, towards the north-east by a line 1134·5 links, towards the east generally by a line 1158·1 links, and by high-water mark of the Okara (Hoey's) Creek and its tidal waters to the railway-line; thence towards the south-west by the said railway-line to the boundary of Section 186, Vines Subdivision, 2083·9 links; thence towards the west by the said railway-line and said Section 186 to the Hihiaua Block, 649·8 links; thence by the said Hihiaua Block to the Waiarohia Creek; and again generally towards the west by the said Waiarohia Creek to the commencing-point: the said area being intersected by a public road.

2. Also all that area, comprising 240 acres, more or less, bounded—commencing at a peg marked III connected with said Standard 41 by traverse-lines as follows—bearing 115° 19', 395·5 links; 98° 24' 30", 1769 links; and 136° 25' 30", 1320·9 links; towards the north by a line bearing 99° 35' 30", 568 links, to peg IV; thence

by high-water mark of Sections 1 and 3, Parish of Parahaki, to point XXIIA; thence crossing tidal waters by a line bearing $96^{\circ} 55'$, 745.3 links, to peg XXIII; thence along high-water mark of Sections 5 and 6 of the said parish to peg marked XXX, known as Kissing Point; thence towards the south and west by lines 2759.1 links, 928.5 links, 2500 links, 700.5 links, 1058 links, 2075.1 links, 1534 links, and 1669.1 links to the commencing-point.

3. Also all that area, comprising 311 acres, more or less, bounded—commencing at said peg XXX (Kissing Point); towards the north by high-water mark of Section 6, Parish of Parahaki, and Section 2, Parish of Wariara, to peg XL; thence across tidal waters by a line bearing $82^{\circ} 49' 30''$, 553 links, to peg XLI; thence towards the east and south by high-water mark of Dent's Claim, Te Wharauoa and Waimahanga Blocks to the Grahamtown Railway line; thence towards the west by lines bearing $328^{\circ} 11' 20''$, 1035.7 links, and $355^{\circ} 29'$, 4300 links; thence along low-water mark to a point marked A, and thence by a line bearing $114^{\circ} 29'$, 1659.1 links, to the commencing-point.

4. Also all that area, comprising 145 acres, more or less, bounded—commencing at peg I near Railway Wharf; towards the east by a line bearing $359^{\circ} 15'$, 5147.6 links; thence towards the north by lines bearing $308^{\circ} 33'$, 382.2 links; $259^{\circ} 8'$, 834.1 links; $244^{\circ} 48'$, 773.1 links; $225^{\circ} 43'$, 998 links; $244^{\circ} 16'$, 911.5 links; $268^{\circ} 7'$, 753 links; $285^{\circ} 8'$, 1097 links; $303^{\circ} 9'$, 711 links; $255^{\circ} 59'$, 669.25 links, to the railway-line; thence towards the south-west by the said railway-line to a point H near the Railway Wharf; thence by a line bearing $103^{\circ} 6' 49''$, 408.1 links, to the commencing-point.

5. Also all that area, comprising 86 acres, more or less, bounded—commencing at a point on boundary of railway land 1 chain north-west of a peg marked XLVI, at the junction of the high-water mark of the Kioreroa Reserve with the railway-line; thence towards the south by high-water mark of the Kioreroa Reserve; thence towards the west and north-west by the Kioreroa Road, high-water mark of Raumanga No. 1 Block, and Okara Blocks to the railway-line; and thence towards the north-east by the said railway-line to the commencing-point.

6. Also all that area, comprising 89 acres, more or less, bounded—commencing at peg XXIXA at the intersection of the said Kioreroa Road with high-water mark; towards the south generally by high-water mark of the Kioreroa Reserve to a peg marked IX; thence across tidal waters by a line bearing $301^{\circ} 35'$, 468.4 links, to peg X; thence towards the north-west generally by high-water mark of the Raumanga No. 1 Block to its intersection with the said road; thence towards the east by the said Kioreroa Road to the commencing-point.