



ANALYSIS

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1961, No. 3—*Local*

An Act to authorise the Whangarei Harbour Board to borrow the sum of one million nine hundred and ninety thousand pounds for harbour works and other purposes and to extend the limits of the Whangarei Harbour and to vest in the Whangarei Harbour Board certain parts of the foreshore of the Whangarei Harbour

[8 September 1961

BE IT 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 Whangarei Harbour Board Vesting and Empowering Act 1961.

2. Interpretation—In this Act, unless the context otherwise requires, the term “the Board” means the Whangarei Harbour Board.

3. Special Act—This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950 and the Local Authorities Loans Act 1956.

4. Authority to carry out works—The Board is hereby authorised, subject to the provisions of the Harbours Act 1950, to construct and carry out the works and do the things specified in the First Schedule to this Act and do all other things arising out of or incidental to the establishment of an oil refinery at Marsden Point, Whangarei.

5. Power to borrow—It shall be lawful for the Board from time to time as it may require to borrow, subject to the provisions of the Harbours Act 1950 and the Local Authorities Loans Act 1956, the total sum of one million nine hundred and ninety thousand pounds (in addition to any money heretofore authorised to be borrowed by the Board under or by virtue of any other Act) for the purposes appearing in the First Schedule to this Act.

6. Security for loan—The Board may make as security for the money authorised to be borrowed by this Act a special rate or special rates not exceeding in all three and three-fifths pence in the pound (unimproved value) in the year on all rateable property in the Whangarei Harbour District.

7. Refund to Harbour Fund Account—The Board is hereby authorised to refund to its Harbour Fund Account, from money borrowed under the authority of this Act, the amount of any money expended, whether before the passing of this Act or within six months thereafter, in the provision of any of the requirements preliminary to and arising out of the establishment of an oil refinery at Marsden Point, Whangarei, specified in paragraph (a) of the First Schedule to this Act; and any amount so refunded shall be deemed to have been applied or expended for that purpose.

8. Estimate of revenue and expenditure—(1) The Board shall in each year cause an estimate to be prepared, in such manner and according to such principle and method as the Board approves, of the anticipated revenue of the year (exclusive of any rate to be levied under this Act or any previous Act), and the anticipated expenditure of the year (including the annual payment or payments to be made,

including interest, in respect of all money borrowed by the Board under the authority of this Act or any previous Act, but exclusive of capital expenditure on any loan account), and shall upon such estimate determine the deficiency of such revenue to meet expenditure.

(2) Any credit or debit balance of the Board's General Account at the close of each year shall be carried forward to the account of the next succeeding year for the purpose of the estimate of such succeeding year and the determination of the deficiency of the revenue of such succeeding year to meet the expenditure thereof.

(3) The Board may in each year, in accordance with the Harbours Act 1950, levy or direct the levy of such part of the said special rate as is sufficient to provide for the deficiency:

Provided that, if the deficiency exceeds the amount of the annual charges for that year in respect of the money borrowed under this Act, the Board may levy or direct the levy of such part only of the said special rate as is sufficient to provide for those annual charges.

(4) The Board may, for the purposes of the levy or of such direction and levy, adopt some convenient fraction of a penny notwithstanding that the sum produced thereby may exceed the deficiency.

9. Amendment to description of harbour limits—The word "north-easterly" in the First Schedule to the Whangarei Harbour Act 1907 is hereby omitted and the word "north-westerly" is hereby substituted.

10. Extended harbour limits—The limits of the Whangarei Harbour are hereby extended so as to include the area described in the Second Schedule to this Act.

11. Vesting—The lands described in the Third and Fourth Schedules to this Act are hereby vested in the Board as an estate in fee simple in trust for harbour purposes.

12. Application of Public Bodies' Leases Act 1908—Sections 8 and 9 of the Public Bodies' Leases Act 1908 shall not apply to the leasing by the Board of the whole or any part of the land described in the Fifth Schedule to this Act.

13. Authority to District Land Registrar to issue certificate of title—The District Land Registrar for the Land Registration District of Auckland is hereby authorised and directed, on the deposit with him of such plans and documents as he may require, to issue to the Board certificates of title in respect of the lands vested in the Board in pursuance of section 11 of this Act and a certificate of title in respect of the land more particularly described in the Fifth Schedule to this Act and to make such entries in the register books and do all such things as may be necessary to give effect to the provisions of this section.

SCHEDULES

FIRST SCHEDULE

(a) Provision of requirements preliminary to and arising out of establishment of an oil refinery at Marsden Point, Whangarei, which includes:	£
(1) Tugs	395,000
(2) Marine base	403,000
(3) Navigational aids, beacons, services, and surveys	273,000
(4) Land, housing, and office accommodation, etc.	190,000
(5) Fees and general expenditure incurred prior to commencement of operations	179,000
(6) Interest on loan and cost of raising loan ..	240,000
(7) Contingencies relating to the establishment of an oil refinery at Marsden Point, Whangarei ..	205,000
(b) Erection of barge landing on land described in Sixth Schedule to this Act	30,000
(c) Excavating, levelling, and filling for industrial development	75,000
	£1,990,000

SECOND SCHEDULE

EXTENDED LIMITS OF WHANGAREI HARBOUR

ALL that area in the North Auckland Land District bounded by a line commencing at the mean high-water mark on the southerly side of Bream Head and proceeding on the arc of a circle, such arc being an arc of a circle of 3.1 nautical miles radius and having as its centre the position of the light on the Frenchman Island; thence into Bream Bay and thence to the mean high-water mark south-westward of Marsden Point; thence proceeding generally in a northerly direction along the line of mean high-water mark to the boundary of the present harbour limits, being 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 mean high-water mark; thence generally along the present harbour limits in an easterly direction by a straight line to the southern extremity of Busby Point at the line of mean high-water mark; thence generally in an easterly direction along the line of mean high-water mark to the starting point on the southerly side of Bream Head; as the same is delineated and shown coloured blue on the plan marked M.D. 11009 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 extended harbour area up to the ordinary high-water mark.

THIRD SCHEDULE**FORESHORE VESTED**

ALL that area in the North Auckland Land District in Blocks II, III, VI, VII, and VIII, Ruakaka Survey District, being the land between mean high-water mark and mean low-water mark, from the eastern boundary of Endowment V with the mean high-water mark to the extended boundary of the limits of the Whangarei Harbour.

FOURTH SCHEDULE**LAND VESTED**

ALL that area in the North Auckland Land District in Block XIII, Whangarei Survey District, containing by admeasurement 5 acres 2 roods 21 perches, more or less, being land below mean high-water mark, Whangarei Harbour, bounded commencing at the south-western corner of Section 5 on Survey Office Plan 38647; thence generally in an easterly direction along the southern boundary of the said Section 5 for 1189·2 links at a bearing of 89° 13' 30" to the south-eastern corner of the said Section 5; thence generally in a southerly direction for a distance of 468·5 links at a bearing of 165° 11' 20"; thence generally in a westerly direction for a distance of 1302·8 links at a bearing of 269° 13' 30"; thence generally in a northerly direction for a distance of 454·5 links at a bearing of 359° 13' 30".

FIFTH SCHEDULE**LAND FOR INDUSTRIAL PURPOSES**

ALL that area in the North Auckland Land District in Block XIII, Whangarei Survey District, containing by admeasurement 32 acres, more or less, being part Lot 12, Deposited Plan 13347 (being part Kioreroa Block), and being Lot 1, Deposited Plan 43996 (being part Section 6, Block XIII, Whangarei Survey District, and part Whangarei Harbour Board Endowment "C"), and being part public road (Proclamation 15450), to be closed, and being part Whangarei Harbour Board Endowment "C", and being the land comprised and described in certificates of title, Volume 1394, folio 66, and Volume 418, folio 91, Auckland Registry, bounded, commencing from the south-eastern corner of Lot 1, Deposited Plan 43996; thence generally in a south-westerly direction along the northern boundary of railway land for a distance of 1305·6 links at a bearing of 254° 15', a distance of 434·3 links at a bearing of 245° 11', a distance of 414·5 links at a bearing of 237° 17', and a distance of 457·8 links at a bearing of 225° 02'; thence generally in a northerly direction along the North Auckland railway boundary for a distance of 799·4 links at a bearing of 21° 40' 15", a distance of 774·15 links at a bearing of 19° 24' 15", a distance of 510·3 links at a bearing of 29° 16' 15", and a distance of 245 links at a bearing of 3° 10' 05"; thence generally in an easterly direction for a distance of 1150 links at a bearing of 64°, and a distance of 720 links at a bearing of

FIFTH SCHEDULE—*continued*

81°; thence generally in a southerly and south-westerly direction along the eastern and south-eastern boundary of Lot 12, Deposited Plan 13347, for a distance of 195 links at a bearing of 152° 17', a distance of 95·6 links at a bearing of 142° 24', a distance of 225·4 links at a bearing of 177° 32' 30'', a distance of 435·7 links at a bearing of 235° 37' 30'', and a distance of 370 links at a bearing of 242° 38' 30''; thence across public road, Proclamation 15450, generally in a southerly direction at a distance of 150 links at a bearing of 201° 00' to the north-eastern corner of Lot 1, Deposited Plan 43996; thence generally in a southerly direction along the eastern boundary of Lot 1, Deposited Plan 43996, for a distance of 789·8 links at a bearing of 152° 39'.

SIXTH SCHEDULE

BARGE LANDING SITE

ALL that area in the North Auckland Land District contained in part Section 16, Block IX, Whangarei Survey District, being part Whangarei Harbour Board Endowment Land (Whangarei Harbour Act 1907) comprised in certificate of title, Volume 1011, folio 186, Auckland Registry, containing an area of 2 roods 25 perches, more or less, and bounded commencing at a point at mean high-water mark on the north-east boundary of Lot 3, Deposited Plan 47845; thence generally in a northerly direction for a distance of 150 links; thence generally in an easterly direction for a distance of 400 links; thence generally in a southerly direction for 170 links to the north-east corner of Lot 5; thence generally in a westerly direction along the line of mean high-water mark along the northern boundary of Lots 5 and 4, Deposited Plan 47845.
