

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 24 August 1960

Words struck out by the Local Bills Committee are shown in roman enclosed in panel: words inserted are shown with double rule down side.

*Hon. Mr Shand*

## MARLBOROUGH HARBOUR AMENDMENT

[LOCAL]

### ANALYSIS

Title	8. Power to reclaim lagoon
1. Short Title	9. Investment by trustee
2. Special Act	10. Refund of money expended
3. Authority to carry out harbour works	11. The vesting in the Board of land hitherto vested in the Crown
4. Authority to borrow	12. The vesting in the Board of land hitherto vested in the Picton Borough Council
5. Expenditure on harbour works	13. Authority to District Land Registrar to issue certificate of title Schedule
6. Security for loan	
7. Estimate of revenue and expenditure	

### A BILL INTITULED

#### An Act to amend the Marlborough Harbour Act 1958

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 Marlborough Harbour Amendment Act 1960, and shall be read together with and deemed part of the Marlborough Harbour Act 1958 (hereinafter referred to as the principal Act).
- 10 2. **Special Act**—This Act shall be deemed a special Act within the meaning of the Harbours Act 1950.
- 15 3. **Authority to carry out harbour works**—The Board is hereby authorised, subject to the provisions of the Harbours Act 1950, to construct and carry out the harbour works specified in the Schedule to this Act.

**4. Authority to borrow**—It shall be lawful for the Board from time to time as it may require to borrow, in addition to the sums authorised by any previous Acts, subject to the provisions of the Harbours Act 1950, the Local Authorities Loans Act 1956, and this Act, a sum or sums of money not exceeding the sum of three hundred and fifty thousand pounds. 5

**5. Expenditure on harbour works**—All money borrowed under and by the authority of this Act shall be applied and expended in the construction of the harbour works and for the other purposes specified in the Schedule to this Act. 10

**6. Security for loan**—The Board may make as security for the money authorised to be borrowed under this Act a special rate on all rateable property in the harbour district not exceeding one-quarter of a penny in the pound on the capital value of all rateable property in the harbour district. 15

**7. 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) and the anticipated expenditure of the year (including the annual payment or payments to be made, including interest, with respect to the money borrowed under the authority of this Act, but exclusive of capital expenditure on any loan account), and shall upon such estimate determine the deficiency of the revenue to meet the expenditure. 20 25

(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 that succeeding year and the determination of the deficiency of the revenue of that succeeding year to meet the expenditure thereof. 30

(3) The Board may in each year, in accordance with the Harbours Act 1950, levy or, except in the case of that portion of the Sounds County other than the Kenepuru Road District, direct the levy of such part of the said special rate as is sufficient to provide for the deficiency: 35

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 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 said deficiency.

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*Struck Out*

**8. Power to reclaim lagoon**—The Board is hereby empowered to reclaim an area in the Picton Harbour of sixteen acres one rood ten perches, or thereabouts, being part of the Waitohi Lagoon.

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*New*

**8. Power to reclaim lagoon**—(1) The Board is hereby empowered to reclaim from the waters of Picton Harbour those portions of the Waitohi Lagoon described in subsection (2) of this section.

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(2) This section relates to the following lands:

Firstly, all that area in the Marlborough Land District containing five acres, more or less, being part Section 50, Block XII, Linkwater Survey District.

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Secondly, all that area in the Marlborough Land District containing eight acres one rood ten perches, more or less, being part Reserve D, Town of Picton, and being a reserve for purposes of public utility in connection with the improvement of the harbour of Picton vested in the Board in trust under the provisions of the Public Reserves and Domains Act 1953

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by notice under the hand of the Minister of Lands dated the first day of December, nineteen hundred and fifty-nine, and published in the *Gazette* of the third day of that month.

Thirdly, all that area in the Marlborough Land District containing two acres and eight perches, more or less, being

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Section 1213 (formerly part Section 1161), Town of Picton.

**9. Investment by trustee**—It shall be lawful for a trustee, and shall be deemed always to have been lawful, unless expressly forbidden by the instrument (if any) expressly creating the trust, to invest any trust funds in his hands in any debentures or other securities issued or created by the Board, if repayment of the loan to which those debentures or other

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securities relate and interest thereon is or was secured by a special rate made and levied by the Board for the purposes of the loan.

**10. Refund of money expended**—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 construction of the harbour works set out in the Schedule to this Act; and any amount so refunded shall be deemed to have been applied or expended for that purpose.

*Struck Out*

**11. The vesting in the Board of land hitherto vested in the Crown**—There is hereby vested in the Board an area of seven acres two roods fifteen perches, or thereabouts, being part of the foreshore and bed of the Picton Harbour and before the commencement of this Act vested in the Crown, and being more particularly delineated on a plan deposited in the office of the Chief Surveyor at Blenheim numbered S.O. 4498 and therein outlined in red.

*New*

**11. Vesting of land in the Board**—(1) The vesting in Her Majesty of the land described in subsection (2) of this section is hereby cancelled, and the said land is hereby declared to be vested in the Board.

(2) This section relates to the following land:

All that area in the Marlborough Land District containing seven acres two roods fifteen perches, more or less, being portion of the foreshore and bed of the Picton Harbour: as the same is more particularly delineated on the plan deposited in the office of the Chief Surveyor at Blenheim under number S.O. 4498, and thereon bordered red.

*Struck Out*

**12. The vesting in the Board of land hitherto vested in the Picton Borough Council**—There is hereby vested in the Board an area of eight acres one rood five perches, or thereabouts, being part of the foreshore and bed of the Picton Harbour and before the commencement of this Act vested in the Picton Borough Council, and being more particularly delineated on a plan deposited in the office of the Chief Surveyor at Blenheim numbered S.O. 4498 and therein outlined in red, to be held by the Board subject to the provisions of the Harbours Act 1950 as a site for aquatic purposes and a boat anchorage freed and discharged from any existing reservations and encumbrances heretofore affecting the same.

*New*

5 **12. Vesting of further land**—(1) The vesting in the Picton Borough Council under the provisions of the Picton Recreation Reserve Act 1896 for the purposes of a recreation reserve of the land described in subsection (2) of this section and the reservation of the said land for recreation purposes are hereby cancelled, and the said land is hereby declared to be vested in the Board to be held by the Board subject to the provisions of the Harbours Act 1950 as a site for aquatic purposes and  
10 a boat anchorage freed and discharged from all trusts, reservations, and other encumbrances heretofore affecting the same.

(2) This section relates to the following land:

15 All that area in the Marlborough Land District containing eight acres one rood five perches, more or less, being portion of the foreshore and bed of the Picton Harbour: as the same is more particularly delineated on the plan deposited in the office of the Chief Surveyor at Blenheim under number S.O. 4498, and thereon bordered red.

20 **13. Authority to District Land Registrar to issue certificate of title**—The District Land Registrar is hereby authorised and directed, on the deposit with him of such plans and documents as he may require, to issue to the Board a certificate of title or certificates of title in respect of the land so vested in the Board in pursuance of sections 11 and 12 of this Act and  
25 to make such entries in the register books and do all such things as may be necessary to give effect to the provisions of the said sections.

SCHEDULE

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Additional costs of wharf extensions, strengthening, lighting, and fendering .....	13,000
Construction of ferry terminal, approach road, bridge, wharf buildings, and reclamation works (including the reclamation of the portion of the Waitohi Lagoon vested in the Board) .....	297,000
Development of boating facilities .....	25,000
Contingencies .....	15,000
	£350,000