

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 13 September 1967.

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Mr Walsh

TAURANGA HARBOUR BOARD LOAN AND EMPOWERING

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to confer certain powers on the Tauranga Harbour Board

5 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 Tauranga Harbour Board Loan and Empowering Act 1967.

10 2. **Interpretation**—In this Act, unless the context otherwise requires, the term “Board” means the Tauranga 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.

No. 64—2

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4. Authority to carry out harbour works—(1) The works and matters specified in the Schedule to this Act shall, for the purposes of the Harbours Act 1950, or any other Act, be deemed to be harbour works. 5

(2) The Board is hereby authorised, subject to the Harbours Act 1950, to construct and carry out such harbour works.

5. Authority to reclaim land—The Board is hereby authorised, notwithstanding anything in section 175 of the Harbours Act 1950, but subject to the provisions of sections 176 to 182 of that Act, to reclaim the following area: 10

All that area in the South Auckland Land District Tauranga County, situated in Blocks VI and X, Tauranga Survey District, containing by admeasurement 77 acres 3 roods 20 perches, (*being part of the Tauranga Harbour as shown bordered in red on Survey Office Plan 44066 deposited in the Office of the Marine Department, Wellington*) more or less, being part tidal land vested in the Board and part harbour bed vested in the Crown; as the same is shown bordered red on plan marked M.D. 12677 (S.O. 44066) deposited in the office of the Marine Department, Wellington. 15 20

6. Issue of title to reclaimed land—The District Land Registrar for the South Auckland Land Registration District, on receipt of written notice from the Minister of Marine that the whole of the land comprised in the areas of tidal and harbour bed land described in section 5 of this Act has been effectively reclaimed from the sea, and on the deposit of such plans as he may require, may issue a certificate of title in the name of the Board for the said land, which shall then be held by the Board for the purposes of the Harbours Act 1950. 25 30

7. Authority to borrow—It shall be lawful for the Board from time to time to borrow, in addition to the sums authorised by any previous Acts, and subject to the provisions of the Harbours Act 1950 and of this Act, and of the Local Authorities Loans Act 1956, any sum or sums not exceeding in the aggregate the sum of eight hundred thousand dollars to be applied and expended, subject to the provisions of the Harbours Act 1950, in the construction of the harbour works and for the other purposes specified in the Schedule to this Act and in meeting the expenses of the loan. 35 40

8. **Investment by trustees**—It shall be lawful for a trustee, 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 that may be issued or created by the Board in respect of the borrowing by the Board of any of the money authorised by this Act to be borrowed.

9. **Validating lease of land to Auckland Farmers' Cold Storage Company Limited for purpose of erection thereon a cool store**—Whereas (*inter alia*) the land described in subsection (3) of this section is vested or is to be vested in the Tauranga Harbour Board:

And whereas the Board has entered into an instrument dated the 4th day of August 1967 with Auckland Farmers' Cold Storage Company Limited, a duly incorporated company having its registered office at Auckland (in this section referred to as the company) for the leasing of all or some of the land by the Board to the company and in respect of other matters set forth in such instrument.

And whereas a copy of the said instrument is deposited at the Head Office of the Department of Lands and Survey at Wellington as "South Auckland Deed Number 5571".

And whereas it is expedient that the said instrument be authorised and validated: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in any Act or rule (or) of law the said instrument is hereby declared to be and to have always been valid and binding in all respects and in full force and effect according to its tenor and the parties thereto (*thereby*) shall be deemed to have had all powers and authorities necessary to enter into and execute the same and to have had and to possess full power to bind themselves according to the tenor of the same and to do all things requisite for the carrying out of the terms and conditions thereof.

(2) The District Land Registrar for the Land Registry of South Auckland is hereby authorised and directed to deposit such plans, to accept such documents for registration, and to do all such other things as may be necessary to give effect to the provisions of this section and to the provisions of the said instrument and all other instruments executed in pursuance of such instrument.

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(3) The land to which this section relates is described in the Schedule to the said instrument as follows:

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First Schedule: That piece of land containing by measurement 2 acres 3 roods 01 perches more or less as shown in a scheme plan of subdivision approved by the Mount Maunganui Borough Council of the 18th day of July 1967 under No. 5/2/209 and being part of section 25 and 94 of Block VII of the Tauranga Survey District reserving to the Board the right of way shown on the said scheme plan. 5

Second Schedule: Those pieces of land containing by measurement 6 acres 1 rood 08 perches more or less being part of section 25 of Block VII, Tauranga Survey District comprising 2 roods and as provided for in subclause 2 (H) (II) of the above-mentioned instrument. 10

New

(3) The land to which this section relates is described as follows: 15

All those areas in the South Auckland Land District, Tauranga County and Mount Maunganui Borough being firstly, that area containing 2 acres 3 roods and 01 perches, being part Sections 25 and 94, Block VII, Tauranga Survey District, and part of the Tauranga Harbour bed, situated in Block VII, Tauranga Survey District, and being part of the land in certificate of title, Volume 7A, folio 191 and part of the land in certificate of title, Volume 7B, folio 344 (South Auckland Land Registry), and secondly, that area containing 6 acres 1 rood and 08 perches, being part Section 25, Block VII, Tauranga Survey District, and part of the Tauranga Harbour bed, situated in Block VII, Tauranga Survey District, and being part of the land comprised and described in certificate of title, Volume 7A, folio 191 (South Auckland Land Registry); as shown on plan 44,211 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red. 20 25 30

Sections 4, 7**SCHEDULE****HARBOUR WORKS**

	\$
Development dredging and reclamation	400,000
Reclamation walls	74,000
Balance cargo shed	100,000
Mechanical equipment	120,000
Miscellaneous works and contingencies	106,000
	\$800,000