

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 15 August 1962

Words struck out by the Local Bills Committee are shown in italics within bold round brackets.

Hon. Mr McKay

WHANGAREI HARBOUR BOARD VESTING AND EMPOWERING

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to authorise the Whangarei Harbour Board to borrow the sum of eight hundred and forty-one thousand pounds for harbour works and other purposes; to vest in the Board certain parts of the foreshore of the Whangarei Harbour; and to vest certain powers in the Board

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

10 **1. Short Title**—This Act may be cited as the Whangarei Harbour Board Vesting and Empowering Act 1962.

2 *Whangarei Harbour Board Vesting and
Empowering*

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. 5

4. Authority to carry out works—(1) 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. 10

(2) The Board is hereby authorised, notwithstanding anything contained in section 175 of the Harbours Act 1950, but subject to the provisions of sections 176 to 182 of that Act, to reclaim lands in the Whangarei Harbour, being the lands described in the Third, Fifth, and Seventh Schedules to this Act. 15

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 eight hundred and forty-one 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. 20

6. Security for loan—The Board may make and levy as security for the money authorised to be borrowed by this Act a special rate or special rates not exceeding in all one and one-half pence in the pound (unimproved value) in the year on all rateable property in the Whangarei Harbour District. 25

7. Refund to Harbour Fund Account—The Board is hereby authorised to refund to its Harbour Fund Account, from money borrowed under authority of this Act, the amount of any money expended, not exceeding thirty-one thousand eight hundred and twenty pounds, whether before the passing of this Act or within six months thereafter, for the purposes specified in the Second Schedule to this Act, and any amount so refunded shall be deemed to have been applied or expended for that purpose. 30 35

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
5 (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
10 exclusive of capital expenditure on any loan account), and shall upon such estimate determine the deficiency of such revenue to meet the expenditure.

(2) Any credit or debit balance of the Board's General Account at the close of each year shall be carried forward
15 to the account of the next succeeding year for the purposes 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
20 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
25 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
30 notwithstanding that the sum produced thereby may exceed the deficiency.

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

10. Section 3 of Whangarei Harbour Board Vesting Act 1932–33 amended—The Whangarei Harbour Board Vesting Act 1932–33 is hereby amended by repealing the proviso to section 3.

11. Application of Counties Amendment Act 1961—The provisions of section 29 of the Counties Amendment Act 1961 shall not apply and shall be deemed never to have applied to the whole or any part of the land described in the Eighth Schedule to this Act.

5

12. Power to transfer land to Whangarei Borough Council in satisfaction of reserve contribution on subdivision—

(1) Notwithstanding anything contained in any Act, the Board is hereby empowered to transfer to the body corporate called the Mayor, Councillors, and Citizens of the Borough of Whangarei, without consideration, the land described in the Ninth Schedule to this Act, as a reserve for recreation purposes to be held by the said body corporate in trust subject to the provisions of the Reserves and Domains Act 1953, and on the transfer of the said land any trust, reservation, or restriction heretofore affecting the same shall be deemed to be cancelled:

Provided that while the said land is held in trust as a reserve for recreation purposes no building of any description or other structure or erection of any kind shall be placed or constructed on that portion of the said land comprised in a strip of land one chain in width along the mean high-water mark bounding the said land:

Provided also that while the said land is held in trust as aforesaid, but subject to the provisions of paragraph (d) of subsection (1) of section 32 and of section 33 of the Reserves and Domains Act 1953, the access of the Board or any agent, servant, or licensee of the Board or any person having lawful business with the Board over and along the aforesaid portion of the said land shall not in any way be obstructed or impeded.

(2) The District Land Registrar for the Land Registration District of Auckland is hereby authorised and directed to accept such documents for registration, to make such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.

(3) Upon the transfer of the land pursuant to subsection (1) of this section and notwithstanding the provisions of sections 351A and 351c of the Municipal Corporations Act 1954 (which sections were inserted by section 28 of the Municipal Corporations Amendment Act 1959) and of section 28 of the Counties Amendment Act 1961, the Board shall not be required and shall be deemed never to have been required, in respect of any subdivision of the whole or any

part of the land described in the Tenth Schedule to this Act to make any provision of reserves for public purposes, or pay any money in lieu thereof, or enter into any contract or bond to pay such money.

- 5 **13. Power to dedicate land for streets**—Notwithstanding anything contained in any Act, the Board is hereby empowered to transfer and dedicate as and for a public road or street any endowment land vested in the Board.

- 10 **14. (Authority to District Land Registrar to issue) Certificates 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
- 15 section 9 of this Act, and to make such entries in the register books and do all such other things as may be necessary to give effect to the provisions of this section.

SCHEDULES

FIRST SCHEDULE

AUTHORISED WORKS

	£
Subdividing land	237,040
Extending overseas berths at Port Whangarei wharf and approaches	208,957
Deepening main channel Hatea River and Town Basin, widening swinging basin and placing reclamations	286,815
Completing barge landing site	10,000
Constructing landing for fertiliser works	4,000
Providing motor vehicle and cargo ferry terminals	23,950
Contingencies	70,238
	£841,000

SECOND SCHEDULE

REFUND OF MONEY EXPENDED

(a) Deepening Hatea River and Town Basin and placing reclamations	£ 24,570
(b) Acquiring land for barge landing	3,250
(c) Constructing landing for fertiliser works	4,000
	£31,820

THIRD SCHEDULE

LAND VESTED

ALL that area in the North Auckland Land District in Block XIV, Whangarei Survey District, containing by admeasurement 15 acres 2 roods 30 perches, more or less, being Section 1 on Survey Office Plan 40675, bounded commencing at peg III, Land Transfer Plan 44384; thence generally in a northerly direction following the line of mean high-water mark; thence generally in an easterly direction for a distance of 380 links for a bearing of $85^{\circ} 32' 20''$, and 315.7 links at a bearing of $86^{\circ} 45' 30''$; thence generally in a south-easterly direction following the line of mean high-water mark; thence generally in a westerly direction for a distance of 635.6 links at a bearing of $271^{\circ} 15'$; thence generally in a north-westerly direction for a distance of 1298 links for a bearing of $325^{\circ} 42'$ to the point of commencement.

FOURTH SCHEDULE

LAND VESTED

ALL that area in the North Auckland Land District in Block IX, Whangarei Survey District, containing by admeasurement 17 perches, more or less, being land below mean high-water mark, bounded commencing at the north-west corner of Endowment K with mean high-water; thence generally in a westerly direction along the line of mean high-water mark; thence generally in a north-easterly direction for a distance of 40 links at a bearing of $32^{\circ} 03'$; thence generally in a south-easterly direction for a distance of 395 links at a bearing of $122^{\circ} 03'$ to the point of commencement.

FIFTH SCHEDULE

LAND VESTED

ALL that area in the North Auckland Land District in Block IX, Whangarei Survey District, containing by admeasurement 16 acres 2 roods, more or less, being land below mean high-water mark and reclaimed land, bounded commencing at a point generally in a south-easterly direction from peg II shown on Survey Office Plan 14564 at a distance of 150 links at a bearing of $147^{\circ} 52' 30''$; thence generally in a south-easterly direction for a distance of 800 links at a bearing of 122° ; 700 links at a bearing of $129^{\circ} 00'$; 1,000 links at a bearing of 145° ; and 600 links at a bearing of 155° ; thence generally in a southerly direction for a distance of 500 links at a bearing of 173° ; thence generally in a south-westerly direction for a distance of 350 links at a bearing $208^{\circ} 00'$; thence generally in a north-westerly direction for a distance of 1,100 links at a bearing of $319^{\circ} 00'$, and a distance of 300 links at a bearing of 304° to peg XIV on Survey Office Plan 17229^s; thence generally in a northerly direction for a distance of 490.6 links at a bearing of $13^{\circ} 47' 30''$, and a distance of 404.65 links at a bearing of $340^{\circ} 58'$; thence generally in a north-westerly direction for a distance of 554 links at a bearing of $307^{\circ} 32' 30''$, and a distance of 984.55 links at a bearing of $327^{\circ} 52' 30''$ to the point of commencement.

FIFTH SCHEDULE—*continued*

All that area in the North Auckland Land District in Block IX, Whangarei Survey District, containing by admeasurement 3 roods 25 perches, more or less, being land below mean high-water mark and reclaimed land, bounded commencing at peg XV on Survey Office Plan 17229⁹; thence generally in a south-easterly direction for a distance of 9243 links at a bearing of 144° 39' 30", and 502 links at a bearing of 167° 40' 30"; thence generally in a north-westerly direction for a distance of 1401·0 links at a bearing of 332° 43' to the point of commencement.

SIXTH SCHEDULE

LAND VESTED

ALL that area in the North Auckland Land District in Blocks IV and VIII, Ruakaka Survey District, containing by admeasurement 100 acres more or less, being land below mean high-water mark, bounded commencing at the intersection of the line of mean low water with a line bearing 30° 00' from the north-western corner of an area of 7 acres 1 rood 16 perches (road to be closed) shown on Survey Office Plan 43475, and proceeding north-easterly on that bearing for a distance of 2,800 links; thence south-easterly on a bearing of 120° 00' for a distance of 6,900 links; thence south-easterly on a bearing of 247° 32' to and along the line of mean low water to the point of commencement.

SEVENTH SCHEDULE

LAND VESTED

ALL that area in the North Auckland Land District in Block XIII, Whangarei Survey District, containing by admeasurement 380 acres, more or less, being land below mean high-water mark, bounded commencing at peg XL, Land Transfer Plan 26587; thence generally in an easterly direction for 7992·1 links at a bearing of 93° 39' 40"; thence generally in a southerly direction for a distance of 4950 links at a bearing of 179° 13' 30"; thence generally in a westerly direction for a distance of 7600 links at a bearing of 269° 13' 30", to a point of mean high-water mark at Tapu Point; thence generally in a north-westerly direction for a distance of 2227·7 links at a bearing of 328° 33' 30"; thence generally in a north-easterly direction for a distance of 1514·0 links at a bearing of 49° 15' 20"; thence generally in a north-westerly direction for a distance of 825·6 links at a bearing of 336° 23'; thence generally in a northerly direction for a distance of 1,950 links at a bearing of 356° 00', excluding all that land known as the Otaika River Channel.

EIGHTH SCHEDULE

LAND TO BE EXEMPTED FROM SECTION 29, COUNTIES AMENDMENT
ACT 1961

ALL that area in the North Auckland Land District in Blocks IX and XIII, Whangarei Survey District, containing by admeasurement 1,014 acres 1 rood 28 perches, more or less, being part of Section 26, Block IX, Whangarei Survey District, and being part of the land comprised and described in certificate of title, Volume 1111, folio 139, Auckland Registry, and being parts Lot 12, Deposited Plan 13347 (part Kioreroa Block), and being parts closed road (section 32 (1) of the Reserves and Other Lands Disposal Act 1941) and being Lot 1, Deposited Plan 32339, being the land comprised and described in certificate of title, Volume 1,134, folio 80, Auckland Registry, and being Lot 1, Deposited Plan 37802, and part Lot 1, Deposited Plan 29386 (Whangarei Harbour Board Endowment), being part of the land comprised and described in certificate of title, Volume 727, folio 177, Auckland Registry, and being part of Endowments C and D (Whangarei Harbour Board Vesting Act 1917), and being Whangarei Harbour Endowment Land (Whangarei Harbour Board Vesting and Empowering Act 1950), and Section 5, Block XIII, Whangarei Survey District.

NINTH SCHEDULE

LAND TO BE TRANSFERRED TO WHANGAREI BOROUGH COUNCIL

ALL that area in the North Auckland Land District in Block IX, Whangarei Survey District, containing by admeasurement 93 acres, more or less, being part of Section 23, Block IX, Whangarei Survey District, and being part of the land comprised and described in certificate of title, Volume 1111, folio 139, Auckland Registry, bounded commencing at the north-east road corner of Lot 1, Deposited Plan 50410; thence generally in a south-easterly direction for a distance of 330.3 links at a bearing of 118° 13'; thence generally in a westerly direction for a distance of 42.9 links at a bearing of 253° 13'; thence generally in a south-westerly direction for a distance of 769.7 links at a bearing of 208° 13'; thence generally in a southerly direction for a distance of 210 links at a bearing of 163° 13'; thence generally in a south-easterly direction for a distance of 2560.1 links at a bearing of 118° 13'; thence generally in a north-easterly direction for a distance of 919.7 links at a bearing of 28° 13'; thence generally in a northerly direction for a distance of 42.9 links at a bearing of 343° 13'; thence generally in a south-easterly direction for a distance of 160.6 links at a bearing of 118° 13'; thence generally in a westerly direction for a distance of 42.9 links at a bearing of 253° 13'; thence generally in a south-westerly direction for a distance of 919.7 links at a bearing of 208° 13'; thence generally in a south-easterly direction for a distance of 1,920 links at a bearing of 118° 13'; thence generally in a south-westerly and north-westerly direction along the line of mean high-water mark to the boundary of Lot 1, Deposited Plan 50410; thence generally in a north-easterly direction for a distance of 869.8 links at a bearing of 44° 53' to the point of commencement.

TENTH SCHEDULE

SUBDIVISIONAL LANDS IN RESPECT OF WHICH NO RESERVE CONTRIBUTION
REQUIRED

ALL that area in the North Auckland Land District in Blocks IX and XIII, Whangarei Survey District, containing by admeasurement 1,473 acres, more or less, as shown on plan lodged with the Chief Surveyor, Auckland, and known as Scheme Plan 8796.