

Hon. Mr McKay

**WHANGAREI HARBOUR BOARD VESTING AND
EMPOWERING**

[LOCAL]

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A BILL INTITULED

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

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

1. Short Title—This Act may be cited as the Whangarei Harbour Board Vesting and Empowering Act 1963.

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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 the land in the Whangarei Harbour, being the land described in the Third Schedule 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 two hundred and fifty-eight 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 seven-sixteenths of a penny 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 forty-four thousand 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
10 but 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 to
15 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 borrowed under this Act, the Board may levy or direct the levy of such
25 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, and Sixth Schedules to this Act are hereby vested in the Board as an estate in fee simple in trust for harbour purposes.

10. Power to lease certain land—Notwithstanding the provisions of sections 151 and 154 of the Harbours Act 1950 it
35 shall be lawful for the Board to lease, but subject to the provisions of section 155 of the Harbours Act 1950, for a term of twenty-one years with perpetual rights of renewal that part of the land described in the Seventh Schedule to this Act on
40 which, in accordance with section 178 of the Harbours Act 1950, a wharf is for the time being constructed by the New Zealand Refining Company Limited.

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11. 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 Seventh Schedule to this Act.

12. Control of Pataua Harbour to vest in the Board—From 5 and after the passing of this Act, the Pataua Harbour, the limits of which are defined in the Eighth Schedule to this Act, shall be under the control and management of the Board, and the Board shall thereupon have and may exercise all the 10 powers, authorities, functions, and jurisdiction in relation to the said harbour that it has or can or may exercise in relation to the Harbour of Whangarei under or by virtue of any statutory enactment for the time being in force, and shall also be subject to such duties in relation to the said Pataua Har- 15 bour as are imposed upon Harbour Boards by the provisions of such enactments.

13. Certificates of title—The District Land Registrar for the Land Registration District of Auckland is hereby author- 20 ised 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 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

Sections 4 (1), 5

FIRST SCHEDULE

AUTHORISED WORKS

(a) Provision of further requirements arising out of establish- ment of an oil refinery at Marsden Point, Whangarei:	£
(1) Shipping offices and watersiders' amenities	24,000
(2) Additions to wharf	10,000
(3) Supply of water	90,000
(4) Foam supplies	14,000
(5) Roading and land development	12,000
(b) Widening Waiarohia Canal	16,000
(c) Subway under railway at Kioreroa	18,000
(d) Hopper barge	45,000
(e) Filling for industrial development	5,500
(f) Contingencies	23,500
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	£258,000

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SECOND SCHEDULE Section 7

REFUND OF MONEY EXPENDED

	£
Additions to wharf	10,000
Supply of water	20,000
Foam supplies	14,000
	£44,000
	£44,000

THIRD SCHEDULE Sections 4 (2), 9

LAND TO BE RECLAIMED AND VESTED

ALL that area situated in Block XIII, Whangarei Survey District, containing by admeasurement 8 acres 3 roods 30 perches, more or less, being part Lot 2 shown on Land Transfer Plan 26588, and land below mean high-water mark, Whangarei Harbour, bounded by a line commencing at the south-western corner of Section 25, Block IX, Whangarei Survey District; thence easterly for a distance of 851.1 links on a bearing of 103° 06' 50"; thence southerly for a distance of 1684.5 links on a bearing of 179° 13' 30"; thence westerly for a distance of 430 links on a bearing of 269° 13' 30"; thence northerly for a distance of 894.9 links on a bearing of 359° 13' 30"; thence north-westerly for a distance of 351.3 links on a bearing of 324° 12'; thence northerly for a distance of 326.4 links on a bearing of 1° 58'; thence north-westerly for a distance of 386.1 links on a bearing of 324° 12' to the point of commencement.

FOURTH SCHEDULE Section 9

LAND VESTED

ALL that area situated in Block XIII, Whangarei Survey District, containing by admeasurement 19 acres and 1.6 perches, more or less, being Section 5, Block XIII, Whangarei S.D., commencing at the northernmost corner of Section 5 aforesaid; thence generally southerly for a distance of 854.7 links on a bearing of 160° 6', a distance of 1092.5 links on a bearing of 145° 32', a distance of 1294.4 links on a bearing of 165° 11' 20", thence westerly for a distance of 1189.2 links on a bearing of 269° 13' 30"; thence northerly for a distance of 2928.8 links on a bearing of 359° 13' 30" to the point of commencement.

FIFTH SCHEDULE Section 9

FORESHORE VESTED

ALL that area, being the land between mean high-water mark and mean low water mark Whangarei Harbour and Bream Bay, from the point where the northern boundary of Lot 1, Deeds plan 863, intersects mean high-water mark, to the boundary of the Whangarei Harbour limits at Bream Head, excluding the portion previously vested in the Whangarei Harbour Board by the Whangarei Harbour Board Vesting and Empowering Act 1925, as shown on Survey Office Plan 23413.

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Section 9

SIXTH SCHEDULE

LAND VESTED

ALL that area situated in Block I, Ruakaka Survey District, containing by admeasurement 187 acres, more or less, being land below mean high-water mark, Whangarei Harbour, bounded by a line commencing at a point on mean high-water mark, Onemana Point, due east of I.S. XV shown on Survey Office Plan 38865, thence southerly along a right line to a point on mean high-water at the eastern extremity of Allotment 111, Maungatapere Parish, on mean high-water mark; thence generally northerly along the line of mean high-water mark to point of commencement.

Sections 10, 11

SEVENTH SCHEDULE

LAND TO BE LEASED

ALL that area situated in Blocks IV and VIII, Ruakaka Survey District, containing by admeasurement 12 acres and 20 perches, more or less, being land below mean high-water mark vested in the Whangarei Harbour Board by the Whangarei Harbour Board Vesting and Empowering Act 1962, and foreshore vested in the Whangarei Harbour Board by the Whangarei Vesting and Empowering Act 1961, bounded by a line commencing at the point of mean high-water mark, being 274·4 links on a bearing of 60° 26' from I.T. III, Survey Office Plan 43861; thence northerly for a distance of 450 links on a bearing of 30°; thence westerly for a distance of 1050 links on a bearing of 300°; thence northerly for a distance of 540 links on a bearing of 30°; thence easterly for a distance of 2180 links on a bearing of 120°; thence southerly for a distance of 540 links on a bearing of 210°; thence westerly for a distance of 1050 links on a bearing of 300°; thence southerly for a distance of 450 links on a bearing of 210°; to the line of mean high-water mark; thence generally westerly along the line of mean high-water mark to the point of commencement.

Section 12

EIGHTH SCHEDULE

LIMITS OF PATAUA HARBOUR

ALL that area of the Pataua River below mean high-water mark, commencing at the westernmost corner of Pataua Island 2 in Block XII, Whangarei Survey District, and proceeding south-westerly generally along the line of mean high-water mark of the south-eastern bank of the Pataua River, the northern boundary of Section 2, Block XII, Whangarei Survey District, and again the aforesaid bank to and north-easterly generally along the line of mean high-water mark of the north-eastern bank of the Pataua River to the easternmost point of part Allotment 1, Pataua Parish, comprised in certificate of title, Volume 773, folio 213; thence north-easterly along a right line across the Pataua River to the point of commencement.

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Also all that area of the Taiharuru River below mean high-water mark, commencing at the north-eastern corner of Taiharuru 4A in Block I, Taiharuru Survey District, and proceeding south-westerly generally along the line of mean high-water mark of the south-eastern bank of the Taiharuru River to and north-easterly generally along the line of mean high-water mark of the north-western bank of the Taiharuru River, the generally southern boundaries of Section 4, Block XII, Whangarei Survey District, and again along the last-mentioned bank to the easternmost corner of Pataua Island 3 in Block I aforesaid; thence south-easterly along a right line across the Taiharuru River to the point of commencement.