

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 1 October 1963

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

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 *(two hundred and fifty-eight thousand pounds)* two hundred and fifty 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 and to make special provision in respect of a water supply area

10 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 1963.

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

Struck Out

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

New

4. Authority to carry out works—The Board is hereby authorised, subject to the provisions of the Harbours Act 1950 and of sections 55 and 56 of the Government Railways Act 1949, to construct and carry out the works and do the things specified in the First Schedule to this Act. 20

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)~~ two hundred and fifty 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. 25 30

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. 35

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. 40

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.

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.

New

**12A. Authorising Maori Land Court to fix boundaries of
and assess compensation in respect of certain land**—(1) Not-
withstanding anything contained in the Public Works Act 20
1928 or in any other Act, the Maori Land Court in respect
of any part of the land described in the Ninth Schedule to
this Act that may be taken or otherwise acquired or injuriously
affected by the Board or that may suffer any damage from 25
the exercise by the Board of its powers for the purpose of
the supply of water mentioned in item (3) of paragraph (a) of
the First Schedule to this Act, and whether the land is Maori
land or European land, is hereby empowered:

- (a) To determine the exact boundaries of the land required 30
by the Board for the purpose of the supply of water
as aforesaid should the owner or owners of the land
be unable to agree with the Board as to the exact
determination of those boundaries; and
- (b) To assess the compensation payable by the Board in 35
respect of any part or parts of the land required
by the Board as aforesaid should the owner or owners
of that land be unable to agree with the Board as
to the amount of the compensation.

(2) Subject to the provisions of subsection (1) of this section
the provisions of Parts II and III of the Public Works Act 40
1928 shall apply in respect of the taking or acquisition of the
land required by the Board as aforesaid and to the assessment
of the compensation therefor.

5 13. **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 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

Sections 4 (1), 5

AUTHORISED WORKS

(a) Provision of further requirements arising out of establishment 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) <u>(Hopper barge) Purchase of hopper barge</u>	45,000
<i>((c) Filling for industrial development</i>	5,500)
(f) Contingencies	(23,500) 21,000
	<u>£258,000</u> £250,000

SECOND SCHEDULE

Section 7

REFUND OF MONEY EXPENDED

	£
Additions to wharf	10,000
Supply of water	20,000
Foam supplies	14,000
	<u>£44,000</u>

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Section 9

THIRD SCHEDULE

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 $103^{\circ} 06' 50''$; thence southerly for a distance of 1684.5 links on a bearing of $179^{\circ} 13' 30''$; thence westerly for a distance of 430 links on a bearing of $269^{\circ} 13' 30''$; thence northerly for a distance of 894.9 links on a bearing of $359^{\circ} 13' 30''$; thence north-westerly for a distance of 351.3 links on a bearing of $324^{\circ} 12'$; thence northerly for a distance of 326.4 links on a bearing of $1^{\circ} 58'$; thence north-westerly for a distance of 386.1 links on a bearing of $324^{\circ} 12'$ to the point of commencement.

Section 9

FOURTH SCHEDULE

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 $160^{\circ} 6'$, a distance of 1092.5 links on a bearing of $145^{\circ} 32'$, a distance of 1294.4 links on a bearing of $165^{\circ} 11' 20''$, thence westerly for a distance of 1189.2 links on a bearing of $269^{\circ} 13' 30''$; thence northerly for a distance of 2928.8 links on a bearing of $359^{\circ} 13' 30''$ to the point of commencement.

Section 9

FIFTH SCHEDULE

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.

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.

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SEVENTH SCHEDULE

Sections 10, 11

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.

EIGHTH SCHEDULE

Section 12

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.

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.

New

Section 12A

NINTH SCHEDULE

WATER SUPPLY AREA

ALL that area in the Whangarei County, bounded by a line commencing at the northernmost corner of Allotment 142, Ruakaka Parish, situated in Block VI, Ruakaka Survey District, and proceeding northerly generally along the eastern boundaries of Lot 2, D.P. 21261, and part Takahiwai No. 3 Block, to a point in line with the southern boundary of Takahiwai No. 4D 5; thence easterly generally along a right line to and along that southern boundary and the southern boundaries of Takahiwai No. 4D 3 and No. 4D 2, to the southernmost corner of the said Takahiwai No. 4D 2; thence along a right line to the road angle west of peg XXXVIII shown on Survey Office Plan 17972, on the western side of a public road crossing part Takahiwai No. 7c; thence southerly generally along that western roadside to its junction with the south-eastern boundary of Takahiwai No. 7c; thence north-easterly along a right line across the aforesaid road, to and along another part of the south-eastern boundary of Takahiwai No. 7c and that boundary produced to the middle of the Takahiwai Stream; thence south-easterly generally up the middle of that stream to the northern boundary of Lot 2, D.P. 22433; thence easterly, southerly, and westerly along the northern, eastern, and southern boundaries of Lot 2, D.P. 22433 aforesaid, to the southernmost corner of that lot, situated in Block VII, Ruakaka Survey District; thence north-westerly along a right line to the easternmost corner of Lot 4, D.P. 919, and along the north-eastern boundaries of that lot and Allotment 142, Ruakaka Parish, to the point of commencement.