

## New Zealand



### ANALYSIS

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### 1946, No. 12—*Local and Personal*

AN ACT to authorize the Napier Borough Council to raise a Special Loan or Loans for the Purpose of developing a certain Portion of the Marewa Area in the Borough of Napier to Borough Standards by the Provision of the Works defined in the First Schedule hereto; to make Provision with respect to the Amount of the Annual Loan Charges to be contributed each Year by the said Portion of the Marewa Area on the one Hand and the Borough of Napier (excluding Westshore) on the other Hand.

[9th October, 1946

WHEREAS a certain portion of the Marewa Area within the Borough of Napier is part of an endowment reserved and set aside for the use, benefit, and endowment of and is vested in the Napier Harbour Board

(hereinafter referred to as the Board): And whereas by lease and agreement supplemental to the said lease entered into by and between the Board and the Mayor, Councillors, and Burgesses of the Borough of Napier (hereinafter referred to as the Corporation) pursuant to the Napier Harbour Board and Napier Borough Enabling Act, 1933, it was agreed that the Corporation should develop to certain standards the Marewa Area: And whereas the Corporation has carried out its obligations under the said agreement with respect to the said portion of the Marewa Area: And whereas by requisition issued by the Department of Health under the Health Act, 1920, the Corporation was called upon to provide sewerage for the said portion of the Marewa Area: And whereas it has been found desirable, in addition to providing sewerage, to develop the said portion of the Marewa Area to borough standards in other respects as set out in the First Schedule hereto: And whereas for the purpose of carrying out the works required the Corporation desires to raise a sum not exceeding sixty-five thousand pounds by way of a special loan or loans: And whereas the Corporation has taken steps to raise a loan of twenty-seven thousand pounds under the authority of the Health Act, 1920, for the purpose of sewerage, such purpose being part of the works set out in the First Schedule hereto: And whereas it is intended that the said loan of twenty-seven thousand pounds shall be subject to all the provisions of this Act and shall form part of the said loan not exceeding sixty-five thousand pounds: And whereas the cost of carrying out the works is such that the charging of the whole of the cost to the said portion of the Marewa Area would create hardship and would be inequitable: And whereas it is desirable that the remainder of the Borough of Napier should bear part of the cost.

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

Short Title.

1. This Act may be cited as the Napier Borough (Marewa Area) Empowering Act, 1946.

2. In this Act, unless the context otherwise requires,— Interpretation.

“ The borough ” means the Borough of Napier:

“ The Council ” means the Council of the Borough of Napier:

“ The Corporation ” means the Mayor, Councillors, and Burgesses of the Borough of Napier:

“ The said portion of the Marewa Area ” means the lands described in the Second Schedule hereto.

3. For the purpose of enabling the Council to carry out in and upon the lands comprised and described in the Second Schedule hereto the works set forth and described in the First Schedule hereto the Council may, by special order, raise a sum not exceeding sixty-five thousand pounds by way of special loan or loans under the provisions of the Local Bodies' Loans Act, 1926, without taking the steps prescribed by sections nine to thirteen of that Act, such special loan or loans to be secured by a special rate or rates to be made and levied over the whole of the rateable property in the borough.

Power to borough to borrow moneys.

4. Notwithstanding the steps taken by the Corporation to raise a loan of twenty-seven thousand pounds under the authority of the Health Act, 1920, for the purposes of sewerage reticulation in the said portion of the Marewa Area, the installation of a pumping-station, including all necessary equipment, and the construction of a rising sewer main or mains, such loan shall be deemed to form part of the loan to be raised under the authority of section three hereof and shall be subject to all the provisions of this Act.

Sewerage loan of £27,000 subject to this Act.

5. Notwithstanding the provisions of section three hereof but without prejudice to the remedies of any lender or lenders in the event of default in respect of the payment of any special loan or loans raised under the authority of that section, the Corporation shall in each year during the subsistence of any such special loan or loans make, levy, and collect separate rates sufficient to meet the annual charges in respect of the special loan or loans apportioned and calculated

Loan charges to be apportioned.

as provided in section six hereof, in lieu of collecting the special rate or rates referred to in section three hereof.

Basis of  
apportionment.

6. The annual loan charges in respect of the aforesaid special loan or loans shall be provided partly by a separate rate or rates levied on all rateable property comprised in the Second Schedule hereto and partly by a separate rate or rates levied on all rateable property in the borough, excluding the West-shore Area referred to in section twenty of the Local Legislation Act, 1941, such separate rate or rates to be apportioned and calculated as follows:—

(a) There shall be levied each year in respect of each pound of rateable property (on the basis of the unimproved value) comprised in the Second Schedule hereto a separate rate calculated by taking the product of, first, a fraction of which the numerator is the number of pounds in the rateable value (on the basis of the unimproved value) of the land in the Third Schedule hereto and the denominator is one hundred and twenty; second, the total rates of whatever nature (excluding the rates provided for by paragraph (c) hereof, but including all rates which the borough may collect on behalf of any other rating authority) made and levied by the borough in respect of each pound of rateable property in that part of the borough described in the Third Schedule hereto; and, third, a fraction the numerator of which is two hundred and seventy and the denominator of which is the number of pounds in the rateable value of the lands described in the Second Schedule hereto; adding to such product six per centum thereof; and deducting from the total the amount made and levied for all rates of whatever nature (excepting the rate or rates provided for by this paragraph and paragraph (c) hereof) in respect of each pound of the unimproved value of the rateable property comprised in the lands described in the Second Schedule hereto:

(b) In the event of one two-hundred-and-seventieth part of the rateable value of the land comprised in the Second Schedule hereto being greater in any year than one one-hundred-and-twentieth part of the rateable value of the land comprised in the Third Schedule hereto increased by five per centum thereof, then and in any such case the provisions of paragraph (a) hereof shall be inapplicable, but for that year each pound of the unimproved value of the rateable property in the Second Schedule hereto shall be levied and assessed with same rates of whatever nature (including the separate rate provided for in paragraph (c) hereof) made and levied in respect of each pound of the unimproved value of the rateable property comprised in the Third Schedule hereto:

(c) There shall be levied upon all rateable property in the borough (including the lands described in the Second Schedule hereto but excluding the Westshore Area aforesaid) a separate rate sufficient to pay the annual charges in respect of the aforesaid special loan or loans, or, in any year in which paragraph (a) hereof applies, sufficient to pay the remainder of those charges after allowing for the separate rate levied under that paragraph.

7. For the purpose of this Act no lands in the Second Schedule hereto vested in the Corporation or of which the Corporation is the owner within the meaning of the Rating Act, 1925, shall be deemed to be rateable property within the meaning of section two of that Act.

Certain lands  
not rateable.

Schedules.

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**SCHEDULES**

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**FIRST SCHEDULE**

SURFACING, sealing, kerbing, and channelling streets and foot-paths; the provision of covered storm-water drains; sewerage reticulation, including installation of pumping-station and construction of rising sewerage main to the sewerage tanks at Port Ahuriri; and all other incidental matters, including the making of the necessary plans and specifications and legal and other costs and charges.

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**SECOND SCHEDULE**

ALL the land comprising 108 acres 1 rood, more or less, being part Ahuriri Lagoon Reserve and part Te Whare-o-Maraenui Block, situated in the Borough of Napier, bounded as follows:—

Commencing at a point where the north-eastern boundary of Lot 5 on Deposited Plan 6187 intersects the south-eastern side of Taradale Road; thence in a north-easterly direction along the south-eastern side of Taradale Road to its intersection with the northern side of Alpers Terrace; thence in a south-easterly direction along the northern side of Alpers Terrace to its intersection with the northern side of Douglas McLean Avenue; thence in a south-easterly direction along the northern side of Douglas McLean Avenue to and across Kennedy Road to a point 250 links beyond the south-eastern side of Kennedy Road; thence in a south-westerly direction by a line parallel to and at a distance of 250 links south-east of Kennedy Road to the north-eastern boundary of Lot 5 (Plantation Reserve) on Deposited Plan 6187; thence in a north-westerly direction to and across Kennedy Road along the north-eastern boundary of Lot 5 on Deposited Plan 6187, to the point of commencement.

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**THIRD SCHEDULE**

ALL the land comprising 25 acres 1 rood 9·5 perches, being part of Te Whare-o-Maraenui Block, situated in the Borough of Napier: bounded on the north-west by Winifred Street, on the north-east by Vigor Brown Street, on the south-east by Latham Street, and on the south-west by George's Drive.

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