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1951, No. 9—*Local*

AN ACT to authorize the New Plymouth Harbour Board to raise a loan. Title.
[9 November 1951]

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

1. This Act may be cited as the New Plymouth Harbour Board Empowering Act 1951. Short Title.

2. This Act shall for all purposes be deemed to be a special Act within the meaning of the Harbours Act, 1950. Special Act.

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

“ Board ” means the New Plymouth Harbour Board:

“ Harbour district ” means the area defined in the First Schedule to this Act.

4. In addition to the authorities conferred on the Board by the New Plymouth Harbour Board Empowering Act 1908, the New Plymouth Harbour Board Empowering Act 1918, and the New Plymouth Power to borrow.

Harbour Board Empowering Act 1924, 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 Government Loans Board Act 1926, such sum or sums not exceeding in the whole the sum of one hundred and eighty-five thousand pounds for the purpose of carrying out, subject to the Harbours Act 1950, the works specified in the Second Schedule to this Act.

Local Bodies' Loans Act may be applied.

5. The Board may by resolution decide to raise such loan as aforesaid under the Local Bodies' Loans Act 1926, in which case the Board may from time to time raise the moneys in accordance with the provisions of Part I of that Act, and the provisions of that Act shall apply as if the Board were a local authority, the harbour district were a district, and the said works were public works within the meaning of that Act:

Provided that, for the purposes of the poll to be taken under that Act, a majority of the total valid votes recorded shall suffice to carry the proposal.

Expenses may be paid out of borrowed money.

6. The Board may out of moneys borrowed pursuant to the authority conferred by this Act repay to any account any sum or sums, or any portion of any sum or sums, advanced therefrom and applied before the passing of this Act to the purposes for which such moneys are authorized to be borrowed.

Security for loan.

7. In addition to the charge on the Harbour Fund created by the Harbours Act 1950, the Board may, if the loan is being or has been raised in accordance with the provisions of the Local Bodies' Loans Act 1926, make and levy as further security for the moneys authorized to be borrowed under this Act a special rate on all rateable property in the harbour district.

Returning officer.

8. The Board shall appoint some person to be a Returning Officer for the conduct of any poll required to be taken under the Local Bodies' Loans Act 1926.

Ratepayers' roll.

9. (1) For the purposes of the said poll the rolls of ratepayers of the boroughs, town districts (not being parts of any county), counties, and any part of a county, comprised in the harbour district shall be deemed to be the roll of ratepayers of the harbour district.

(2) It shall be the duty of the Clerk of the local authority of each such district comprised wholly or in part within the harbour district, whenever requested

so to do by the Board, to supply to the Board a certified roll of the ratepayers of such district or of the part thereof within the harbour district, together with as many copies as the Board may require.

(3) The cost of preparing any roll of ratepayers for the purposes of this section and of supplying copies thereof shall be paid by the Board.

10. (1) If the loan is being or has been raised in accordance with the provisions of the Local Bodies' Loans Act 1926, 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 (exclusive of any rate to be levied under this Act) and the anticipated expenditure of the year (including the annual payment or payments to be made, including interest, with respect to the moneys borrowed under the authority of this Act, but exclusive of capital expenditure on any loan account), and shall upon such estimate determine the deficiency of the revenue to meet the expenditure.

Estimate of
revenue and
expenditure.

(2) Any credit or debit balance of the Board's General Account at the close of each year shall be carried forward to the account of the next succeeding year for the purpose of the estimate of that succeeding year and the determination of the deficiency of the revenue of that succeeding year to meet the expenditure thereof.

(3) The Board may levy or direct the levy, in accordance with the Harbours Act 1950, in each year of such part of the said special rate as is sufficient to provide for the deficiency.

(4) The Board may for the purposes of the levy, or of such direction and levy, adopt some convenient fraction of a penny, notwithstanding that the sum produced thereby may exceed the said deficiency.

11. The special rate that may be levied under the authority of this Act shall not exceed one penny in the pound upon the capital value of all rateable property in the area described in the Third Schedule to this Act (which area shall be known as Rating Area No. 1), and shall not exceed two-thirds of a penny in the pound upon the capital value of all rateable property in the area described in the Fourth Schedule to this Act (which

Levy of
special rate.

area shall be known as Rating Area No. 2), and shall not exceed one-third of a penny in the pound upon the capital value of all rateable property in the area described in the Fifth Schedule to this Act (which area shall be known as Rating Area No. 3); and all rates levied by the Board hereunder shall be levied in the like proportions.

Prior securities
not affected.

12. Nothing in this Act or in any debentures issued in pursuance thereof shall affect or prejudice the rights of the holders of any debentures heretofore executed or issued by the Board pursuant to the provisions of the New Plymouth Harbour Board Empowering Act 1908, the New Plymouth Harbour Board Empowering Act 1918, or the New Plymouth Harbour Board Empowering Act 1924.

Schedules.

SCHEDULES

FIRST SCHEDULE

NEW PLYMOUTH HARBOUR DISTRICT

ALL that area in the Taranaki Land District bounded towards the north by the confiscation line from the sea at the southern boundary of Mohakatino-Parininihi 3b No. 2 Block, Block III, Mimi Survey District, to a point where such line is intersected by a right line running from the mouth of the Mokau River to the point on the Wanganui River where it is intersected by the thirty-ninth parallel of south latitude; thence towards the north-east by the said right line to the Wanganui River; thence towards the south-east generally by the Wanganui River to where it is met by the Taumatamahoe Path; thence towards the south-east by a right line to the northernmost corner of Section 320, Patea District, situated in Block I, Hawera Survey District; thence north-westerly by the Onewhaia Road to the Waingongoro River; thence generally northerly by the Waingongoro River to the Skeet Road; thence in a general westerly direction along the Skeet Road to its junction with the Hunter Road; thence in a northerly direction along the Hunter Road to a point where such road becomes the Hastings Road; thence along the Hastings Road to its junction with the Barclay Road; thence south-westerly along the Barclay Road to its junction with the Palmer Road; thence north-westerly along the Palmer Road to the boundary of the Egmont National Park; thence in a westerly direction along the south-eastern and south-western boundary of the Egmont National Park to the Ngariki Road; thence along

the Ngariki Road to the Main South Road; thence along the Main South Road to the Manihi Road; thence along the Manihi Road to the sea; thence generally towards the west and north-west by the Tasman Sea to the southern boundary of Mohakatino-Parininihi 3d No. 2 Block, Block III, Mimi Survey District, the point of commencement; the whole of the said area being more particularly delineated on the plan marked M.D. 9210, and deposited in the office of the Marine Department, Wellington, and thereon edged blue.

SECOND SCHEDULE

WORKS FOR WHICH MONEYS MAY BE BORROWED

THE demolition of the Board's existing Moturoa Wharf and the construction of a new wharf in its place as shown on the plan marked M.D. 9091, deposited in the office of the Marine Department, Wellington, including the dredging of the site and approaches and the provision of necessary equipment and plant.

THIRD SCHEDULE

RATING AREA No. 1

ALL that area in the Taranaki Land District bounded towards the north-west by the Tasman Sea from the mouth of the Waiongana River to the south-western corner of the Wairau Survey District; thence towards the south by the southern boundaries of the Wairau, Paritutu, and Waitara Survey Districts to the point where the southern boundary of the Waitara Survey District meets the Waitara River; thence generally towards the north-east by the Waitara River to its junction with the Manganui Stream; thence towards the west by the Manganui Stream to the south-east corner of Section 182, Huirangi District; thence by the southern boundary of the said Section 182 to Everett Road, by the east side of Everett Road to its intersection with Roddy Road; by the north side of Roddy Road to its junction with York Road, by the east side of York Road to its junction with Thorpe Road, by the north side of Thorpe Road to its junction with Kelly Road, by the east side of Kelly Road to its junction with Cross Road, by the north side of Cross Road to its junction with Richmond Road, by the east side of Richmond Road to the southern boundary of Lepperton Township, by the southern and western boundaries of Lepperton Township to Manutahi Road, by the north side of Manutahi Road to its junction with Lepper Road, by the east side of Lepper Road to its junction with Devon Road, by the southern side of Devon Road to its junction with Mahoetahi Road, by the east side of Mahoetahi Road and Brown Road to the Waiongana River, by the east side of the Waiongana River to its mouth,

the point of commencement; the whole of the said area being more particularly delineated on the plan marked M.D. 9210, and deposited in the office of the Marine Department, Wellington, and thereon edged green.

FOURTH SCHEDULE

RATING AREA NO. 2

ALL that area in the Taranaki Land District bounded towards the north by the southern boundaries of the Wairau, the Paritutu, and the Waitara Survey Districts from the sea to the point where the southern boundary of the Waitara Survey District is met by the Waitara River; thence generally towards the north-east by the Waitara River to a point where it is met by the west boundary of the Ngatimaru Survey District; thence towards the east by the west boundaries of the Ngatimaru and Omoana Survey Districts to the Toko Road; thence generally towards the south by the north side of the Toko Road to the Waihapa Road, by the west side of the Waihapa Road to the Robson Road, by the north side of the Robson and Bird Roads to the Mountain Road, by the east side of the Mountain Road to the Brookes Road, by the north and west sides of the Brookes Road to the Climie Road, by the north side of the Climie Road to the Opunake Road, by the south side of the Opunake Road to the east boundary of the Kaupokonui Survey District, by the east and north boundaries of the Kaupokonui Survey District to the east boundary of the Egmont National Park, by the east, north, and west boundary of the Egmont National Park to the Puniho Road and by the south side of the Puniho Road and the north boundary of Section 26, Block IV, Cape Survey District, to the Tasman Sea; thence towards the north-west by the Tasman Sea to the south-western corner of the Wairau Survey District, the point of commencement.

Also all that area, being the Borough of Waitara and portions of the Taranaki and Clifton Counties bounded as follows: commencing at the mouth of Waiongana River; thence generally towards the north and north-west by the Tasman Sea to the mouth of Onaero River; thence towards the east by Onaero River to the south-eastern corner of Section 99, Block VII, Waitara Survey District; thence generally towards the south by the north side of an unnamed road and Ohanga Road to its junction with Waiau Road; thence towards the west by the Waiau Road to the south-east corner of Ngatirahiri 8B 1 Block; thence towards the south by the southern boundaries of Ngatirahiri 8B 1 and 8D Blocks, Block VI, Waitara Survey District; thence towards the east by the Allen Road to its junction with the Tikorangi Road; thence generally towards the south-east by the northern boundary of Tikorangi Road to the point where it crosses Waitara River; thence generally towards the east and south by Waitara River to its junction with Manganui Stream;

thence towards the east by Manganui Stream to the south-eastern corner of Section 182, Huirangi District; thence by the southern boundary of the said Section 182 to Everett Road, by the east side of Everett Road to its intersection with Roddy Road, by the north side of Roddy Road to its junction with York Road, by the east side of York Road to its junction with Thorpe Road, by the north side of Thorpe Road to its junction with Kelly Road, by the east side of Kelly Road to its junction with Cross Road, by the north side of Cross Road to its junction with Richmond Road, by the east side of Richmond Road to the southern boundary of Lepperton Township, by the southern and western boundaries of Lepperton Township to Manutahi Road, by the north side of Manutahi Road to its junction with Lepper Road, by the east side of Lepper Road to its junction with Devon Road, by the southern side of Devon Road to its junction with Mahoetahi Road, by the east side of Mahoetahi and Brown Roads to Waiongana River, by the east side of Waiongana River to its mouth, the point of commencement; the whole of the said area being more particularly delineated on the plan marked M.D. 9210, and deposited in the office of the Marine Department, Wellington, and thereon edged red.

FIFTH SCHEDULE

RATING AREA No. 3

ALL that area in the Taranaki Land District bounded towards the north by the confiscation line from the sea at the southern boundary of Mohakatino-Parininihi 3d No. 2 Block, Block III, Mimi Survey District, to a point where such line is intersected by a right line running from the mouth of the Mokau River to the point on the Wanganui River where it is intersected by the thirty-ninth parallel of south latitude; thence towards the north-east by the said right line to the Wanganui River; thence towards the south-east generally by the Wanganui River to where it is met by the Taumatamahoe Path; thence towards the south-east by a right line to the northernmost corner of Section 320, Patea District, situated in Block I, Hawera Survey District, thence north-westerly by the Onewhaia Road to the Waingongoro River; thence generally northerly by the Waingongoro River to the Skeet Road; thence in a general westerly direction along the Skeet Road to its junction with the Hunter Road; thence in a northerly direction along the Hunter Road to a point where such road becomes the Hastings Road; thence along the Hastings Road to its junction with the Barclay Road; thence south-westerly along the Barclay Road to its junction with the Palmer Road; thence north-westerly along the Palmer Road to the boundary of the Egmont National Park; thence to the west by the boundary of the Egmont National Park to a point where it is met by the boundary of the Kaupokonui Survey District; thence by

the north and east boundaries of the Kaupokonui Survey District to the south side of the Opunake Road; thence along the south side of the Opunake Road to its junction with the Climie Road; thence by the north side of the Climie Road to the Brookes Road; thence by the west and north sides of the Brookes Road to Mountain Road, by the east side of Mountain Road to Bird Road, by the north side of Bird and Robson Roads to Waihapa Road, by the west side of Waihapa Road to the Toko Road, by the north side of the Toko Road to the western boundary of the Omoana Survey District; thence generally towards the west by the west boundaries of the Omoana and the Ngatimaru Survey Districts to the Waitara River; thence generally towards the south-west by the Waitara River to a point where it is crossed by the Tikorangi Road; thence generally towards the north-west by the north side of Tikorangi Road to its junction with the Allen Road, by the east side of Allen Road to the southern boundary of Ngatirahiri 8D, Block VI, Waitara Survey District; thence towards the north by the southern boundaries of Ngatirahiri 8D and 8B 1, Block VI, Waitara Survey District, to the Waiau Road, by the east side of Waiau Road to the Ohanga Road; thence generally towards the north by the north side of Ohanga Road and an unnamed road to the south-eastern corner of Section 99, Block VII, Waitara Survey District; thence generally towards the west by the Onaero River to the Tasman Sea; thence generally towards the north-west by the Tasman Sea to the southern boundary of Mohakatino-Parininihi 3D No. 2 Block, Block III, Mimi Survey District, the point of commencement.

Also all that area in the Taranaki Land District bounded towards the north by the north boundary of Section 26, Block IV, Cape Survey District, and the southern side of Puniho Road to the western boundary of the Egmont National Park; thence generally southerly along the west boundary of the Egmont National Park to the Ngariki Road; thence by the middle of the Ngariki Road to the middle of the Main South Road; thence along the middle of the Main South Road to the Manihi Road; thence along the middle of the Manihi Road to the sea; thence generally by the sea to the northern boundary of Section 26, Block IV, Cape Survey District, the point of commencement; the whole of the said area being more particularly delineated on the plan marked M.D. 9210, and deposited in the office of the Marine Department, Wellington, and thereon edged yellow.
