

New Zealand.



ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.
2. Interpretation.
3. Empowering diversion of certain loan-moneys to other works in special loan area.
4. Empowering diversion of certain loan-moneys to other works in whole county.
5. Authorizing levying of special rate over whole county.</p> | <p>6. Authorizing refund from county General Account to Taneatua and Opouriao Riding accounts.
7. Empowering Council to limit contribution of Galatea Riding towards general expenses of county.
8. Validating expenditure in connection with certain polls of ratepayers.
Schedules.</p> |
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1927, No. 2.—*Local and Personal.*

AN ACT authorizing the Whakatane County Council to apply certain Title.
Loan-moneys borrowed for specific Road and Bridge Works in the Matata, Rangitaiki, Tarawera, Omataroa, and Galatea Ridings to certain other Road and Bridge Works within those Ridings; and to apply certain Loan-moneys borrowed for specific Road and Bridge Works in the Waimana, Taneatua, Opouriao, and Nukuhou Ridings to certain other Road and Bridge Works over the Whole County; and authorizing the Levying of a Special Rate over the Whole County; and authorizing the Refund to the Taneatua and Opouriao Riding Accounts of certain Sinking-fund Payments; and empowering the Council to limit the Contribution of the Galatea Riding towards the General Expenses of the County; and validating the Expenditure incurred in taking certain Polls of Ratepayers.
[21st September, 1927.]

WHEREAS on the fourth day of October, nineteen hundred and Preamble.
nineteen, the Whakatane County Council submitted to a poll of the ratepayers of the Matata, Rangitaiki, Tarawera, and Omataroa Ridings of the Whakatane County a proposal to borrow by way of special loan under the Local Bodies' Loans Act, 1913, the sum of forty-nine thousand six hundred pounds, to be allocated in the manner set out in the said loan proposal amongst certain works in the said ridings: And whereas the area comprising the said four ridings has since been divided into

five ridings by the creation of a new riding called the Galatea Riding: And whereas in the said loan proposal the sum of six thousand four hundred and eighty-two pounds was allocated for the purpose of improving and laying down permanent road in tar grouting from Whakatane Borough Boundary to Railway-station at Awakeri, and the sum of seven hundred pounds was allocated for the purpose of providing a bridge over Seccombe's drain, and road formation and approaches: And whereas the said loan proposal was duly carried, and the said special loan (known as the Whakatane County Council, Matata, Tarawera, Rangitaiki, and Omataroa Ridings Loan of £49,600) was duly raised by the said Council: And whereas the works for which the said sum of six thousand four hundred and eighty-two pounds was allocated in the said loan proposal have not been commenced, and are not now proposed to be carried out by the said Council: And whereas the works for which the said sum of seven hundred pounds was allocated in the said loan proposal have been completed at a less cost than the amount of such allocation, leaving a balance of three hundred and forty-six pounds of such allocation unexpended: And whereas the said Council is now desirous of expending the said sums of six thousand four hundred and eighty-two pounds and three hundred and forty-six pounds in or towards other works in the said Matata, Rangitaiki, Tarawera, Omataroa, and Galatea Ridings of the said county: And whereas on the said fourth day of October, nineteen hundred and nineteen, the said Council submitted to a poll of the ratepayers of the Waimana, Taneatua, Opouriao, and Nukuhou Ridings of the said county a proposal to borrow by way of special loan under the Local Bodies' Loans Act, 1913, the sum of thirty thousand four hundred pounds, to be allocated in the manner set out in the said proposal therefor amongst certain works in the said Waimana, Taneatua, Opouriao, and Nukuhou Ridings: And whereas in the proposal for the said special loan of thirty thousand four hundred pounds the sum of nine thousand pounds was allocated for the purpose of improving and laying down permanent road in tar grouting or concrete from the boundary of the Whakatane Borough to Ruatoki, and the sum of six hundred pounds was allocated for building bridges, widening and improving Awahou Road: And whereas the said proposal for the said special loan of thirty thousand four hundred pounds was duly carried, and the said special loan (known as the Whakatane County Council, Waimana, Taneatua, Opouriao, and Nukuhou Ridings Loan of £30,400) was duly raised by the said Council: And whereas the works for which the said sum of nine thousand pounds was allocated have not been commenced, and are not now proposed to be carried out by the said Council: And whereas the works for which the said sum of six hundred pounds was allocated as aforesaid have been completed at a less cost than the amount of such allocation, leaving a balance of three hundred and thirty-five pounds of such allocation unexpended: And whereas the said Council is now desirous of expending the said sums of nine thousand pounds and three hundred and thirty-five pounds in or towards other works throughout the whole of the said county: And whereas it is expedient that a special rate in respect of the last-mentioned sums of nine thousand pounds and three hundred and thirty-five pounds be levied over the whole of the

said county : And whereas since the date of raising the said Whakatane County Council, Waimana, Taneatua, Opouriao, and Nukuhou Ridings Loan of £30,400 the ridings of Taneatua and Opouriao have provided the sinking-fund payments due from time to time on the said sums of nine thousand pounds and three hundred and thirty-five pounds, but have not received any benefit from such sums, and it is now expedient to repay to the Riding Accounts of the said Taneatua and Opouriao Ridings out of the General Account of the said county the sum of six hundred and fifty-three pounds nine shillings, being the sinking-fund payments as aforesaid : And whereas there is no vehicular road access between the Galatea Riding of the Whakatane County and any other portion of the said county : And whereas the said Galatea Riding does not benefit by moneys spent by the said Council on roads in the said county which are outside the said Galatea Riding : And whereas the amount collected by way of rates in the said Galatea Riding is greatly in excess of the amount expended therein : And whereas it is desirable to empower the said Council in any year to limit the amount of the annual contribution of the said Galatea Riding towards the General Account Fund of the said county to a reasonable annual amount, and to authorize the said Council to expend any surplus general-rate moneys collected from the said Galatea Riding on works in the said Galatea Riding : And whereas on the twenty-third day of March, nineteen hundred and twenty-seven, the said Council submitted to a poll of the ratepayers of the said Matata, Rangitaiki, Tarawera, Omataroa, and Galatea Ridings the hereinbefore-recited proposal to expend the sums of six thousand four hundred and eighty-two pounds and three hundred and forty-six pounds on other works in those ridings, which poll was duly carried by the said ratepayers : And whereas on the said twenty-third day of March, nineteen hundred and twenty-seven, the said Council submitted to a poll of all the ratepayers in the said county the hereinbefore-recited proposal to expend the sums of nine thousand pounds and three hundred and thirty-five pounds in or towards other works throughout the whole of the said county, which poll was duly carried by the said ratepayers : And whereas there is no statutory authority for the said Council to incur the expenditure necessary in taking the said polls, and it is desirable that all such expenditure should be expressly validated :

BE IT THEREFORE 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 Whakatane County Council Empowering and Loan-moneys Diversion Act, 1927. Short Title.

2. In this Act—

“ Council ” means the Whakatane County Council :

“ County ” means the Whakatane County :

“ Special Loan No. 1 ” means the Whakatane County Council, Matata, Tarawera, Rangitaiki, and Omataroa Ridings Loan of £49,600 :

“ Special Loan No. 2 ” means the Whakatane County Council, Waimana, Taneatua, Opouriao, and Nukuhou Ridings Loan of £30,400. Interpretation.

Empowering
diversion of certain
loan-moneys to
other works in
special loan area.

3. Notwithstanding anything contained in the Local Bodies' Loans Act, 1926, or any other statute, the Council may and is hereby authorized and empowered to expend and apply the said sum of six thousand four hundred and eighty-two pounds (provided in the said "Special Loan No. 1 for the purpose of improving and laying down of permanent road in tar grouting from the Whakatane Borough Boundary to the Awakeri Railway-station), together with the said sum of three hundred and forty-six pounds (the unexpended surplus of the said allocation of seven hundred pounds for a bridge over Seccombe's drain, and road formation and approaches thereto), in or towards the purposes set out in the First Schedule hereto, being works required in the said ridings of Matata, Rangitaiki, Tarawera, Omataroa, and Galatea of the said county, in the proportionate amounts set out in the said First Schedule :

Provided that the amount allocated to each of the works set out in the said First Schedule shall be deemed to be the maximum amount therefor, and any surplus moneys remaining after the completion of any of those works may be applied in the completion of any other of the said works if the amount appropriated to that work is not sufficient for its completion.

Empowering
diversion of certain
loan-moneys to
other works in
whole county.

4. Notwithstanding anything contained in the Local Bodies' Loans Act, 1926, or any other statute as aforesaid, the Council may and is hereby authorized and empowered to expend and apply the sum of nine thousand pounds (provided in the said Special Loan No. 2 for the purpose of improving and laying down of permanent road in tar grouting or concrete from the boundary of the Whakatane Borough to Ruatoki), together with the sum of three hundred and thirty-five pounds (the unexpended surplus of the said allocation of six hundred pounds for building bridges and widening and improving Awahou Road), in or towards the purposes set out in the Second Schedule hereto, being works required over the whole of the said county, in the proportionate amounts set out in the said Second Schedule :

Provided that the amount allocated to each of the works set out in the said Second Schedule shall be deemed to be the maximum amount therefor, and any surplus moneys remaining after the completion of any of those works may be applied in the completion of any other of the said works if the amount appropriated to that work is not sufficient for its completion.

Authorizing levying
of special rate over
whole county.

5. The Council is further authorized and empowered to make and levy, and shall, so long as the sums of nine thousand pounds and three hundred and thirty-five pounds mentioned in section four hereof, or any part of such sums, remain owing by the Council, so make and levy an annual recurring special rate of one-sixth of a penny in the pound upon the rateable value of all rateable property within the said county, to provide the sinking fund, interest, and other charges in respect of the said sums of nine thousand pounds and three hundred and thirty-five pounds ; and as the said new special rate is intended to provide the said sinking fund, interest, and other charges the same need not be provided for out of the existing special rate levied in respect of the said Special Loan No. 2 on the rateable property in the said ridings of Waimana, Taneatua, Opouriao, and Nukuhou :

Provided that the provisions of section twenty-three of the Local Bodies' Loans Act, 1926, shall apply to the said new special rate.

6. The Council is further authorized and empowered to pay out of the General Account of the said county to the accounts of the Taneatua and Opouriao Ridings of the said county, in proportion to the total unimproved value of the rateable property in each of the said ridings, the sum of six hundred and fifty-three pounds nine shillings, being the sinking-fund charges provided by the said ridings since the date of raising the said Special Loan No. 2.

Authorizing refund from county General Account to Taneatua and Opouriao Riding accounts.

7. (1) At the meeting fixed for the apportionment of the gross estimated income of the county pursuant to section one hundred and thirty-one of the Counties Act, 1920, the Council may in any year, by resolution, limit the amount to be provided in that year from the general rate of the Galatea Riding for the purposes mentioned in paragraphs (a), (b), (c), and (d) of subsection one of the said section one hundred and thirty-one to such amount (being not less than two hundred pounds) as is set out in such resolution; and for the purposes of the general rate to be made and levied in the Galatea Riding pursuant to section one hundred and twenty-one of the Counties Act, 1920, the proportionate part referred to in paragraph (b) of subsection two of the said section one hundred and twenty-one shall be deemed to be the amount so limited by resolution. And further for the purpose of ascertaining the said proportionate part of each of the remaining ridings such proportion shall be calculated by reference to the total rateable value of the property in the remaining ridings in lieu of, as provided by subsection three of the said section one hundred and twenty-one of the Counties Act, 1920, the total rateable value of the property in the county.

Empowering Council to limit contribution of Galatea Riding towards general expenses of county.

(2) In any year in which the amount to be provided from the general rate of the Galatea Riding is limited as aforesaid the provisions of paragraph (e) of subsection one of the said section one hundred and thirty-one of the Counties Act, 1920, shall not apply with respect to the Galatea Riding, but the balance of the general rate of that riding in that year, after payment of the amount fixed as aforesaid by resolution, shall be expended on works within the said riding during the same or any subsequent year.

8. It shall be and be deemed to have been lawful for the Council to incur, and out of the General Account of the Council to pay, such expenditure as shall have been necessarily incurred in submitting to the ratepayers of the Matata, Rangitaiki, Tarawera, Omataroa, and Galatea Ridings, and the ratepayers of the whole county respectively, the hereinbefore-recited polls taken on the twenty-third day of March, nineteen hundred and twenty-seven, on the loan-moneys-diversion proposals authorized by sections three and four hereof.

Validating expenditure in connection with certain polls of ratepayers.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

	£
1. Metalling East Bank South Road	850
2. Metalling Eastern Boundary Road	180
3. Metalling Eastern Drain Road	500
4. Metalling McLean's Road	450
5. Building McCracken's Bridge, formation, approaches, and road-filling ..	200
6. Metalling Western Drain Road	300
7. Metalling Huna Road	100
8. Legalization, purchase of land, compensation, formation, fencing, and culverts. Rewatu Road	718
9. Building bridge and metalling Te Toki Road	232
10. Building bridge and metalling White-pine Bush Road	150
11. Legalization, purchase of land, compensation, formation, fencing, and culverts, Foster's Road	500
12. Erection of bridges and formation of Awakeri-Taneatua Road	1,040
13. Protection of road near Whakatane River from Whakatane River erosion in Blocks 28 and 29	150
14. Protection of main highway from Whakatane River erosion near Whakatane concrete bridge	150
15. Metalling Main Ross Road	200
16. Building bridge-culverts on Railway Road at Omeheu and Mexted's ..	130
17. Metalling and culverts on West Bank Road	346
18. Metalling Grieg's Road	200
19. Formation and culverts, Sisley's Road, Te Teko	100
20. Metalling Powell's Road	50
21. Metalling Awakeri - Te Teko (around hills) Main Road	100
22. Repay balance owing on Poroporo Road and bridge loan of £200 ..	182
	£6,828

SECOND SCHEDULE.

MAIN HIGHWAYS.

	£
1. Building bridge at county boundary near Whakatane	100
2. Building Ryan's Bridge at Nukuhou	400
3. Building Black's Bridge, Waimana	320
4. Building bridge-culvert at Platts	115
5. Building bridge at floodgate, Matata	180
6. Building Hereperu Bridge, Otamarakau	334
7. Building Mimihaui Bridge, Otamarakau	550
8. Building Spurr's Bridge, Awakeri Road	35
9. Building Whakaire Bridge on Awakeri-Edgecumbe Road	440
10. Building Eastern Drain Bridge on Awakeri-Edgecumbe Road	90
11. Building Secombe's No. 1 Bridge	105
12. Regrading main highway at Douglas's Hill	400
13. Raising formation, Whakatane-Taneatua Main Highway	500
14. Metalling West Bank Main Highway	646

MAIN ROADS AND BRIDGES.

	£
15. Decking the Taneatua Railway-bridge over Whakatane River	962
16. Mitchell's Bridge, and filling Taneatua-Ruatoki Road	250
17. Building Awakaponga Bridge, Onepu Road	200
18. Building bridge, legalization, purchase of land, fencing, formation, culverts, and metalling Railway Road deviation	420
19. Metalling Wainui Road	300
20. Formation and metalling, Awakaponga Station Road	100
21. Metalling East Bank North Road	100
22. Metalling West Bank Road at Checkley's deviation	300
23. Building Kopuriki Bridge over Rangitaiki River	600

SUNDRY ROADS.

24. Metalling Foster's Road	200
25. Formation of Kirkbride's Road	50
26. Formation, fencing, and metalling Awakeri-Taneatua Road	1,638

£9,335