

## New Zealand



### ANALYSIS

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### 1940, No. 6—*Local and Personal*

Title.	<p>AN ACT to provide for the Dissolution of the Waitara Harbour Board and to make certain Incidental Provisions. <span style="float: right;">[6th December, 1940</span></p> <p>BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—</p>
Short Title and commencement.	<p>1. This Act may be cited as the Waitara Harbour Act, 1940, and shall come into force on the first day of April, nineteen hundred and forty-one.</p>
Interpretation.	<p>2. In this Act, unless the context otherwise requires,—</p> <p style="padding-left: 2em;">“Board” means the Waitara Harbour Board constituted under the Harbours Act, 1923:</p>

“ Corporation ” means the corporation of the Borough of Waitara:

“ Council ” means the Waitara Borough Council.

3. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1923. Special Act.

4. The Waitara Harbour Board is hereby dissolved. Dissolution of Waitara Harbour Board.

5. (1) With the exception of the lands described in the First Schedule hereto, all property, real and personal, belonging to the Board is hereby vested in the Corporation for municipal purposes subject to the provisions of section nine hereof. Assets and liabilities of Board transferred to Waitara Borough.

(2) All rents, dues, and other moneys whatsoever payable to the Board shall become payable to the Council.

(3) All proceedings pending by or against the Board may be carried on or prosecuted by or against the Corporation.

(4) All debts, liabilities, or engagements of the Board shall become debts, liabilities, or engagements of the Corporation.

6. (1) The Council shall in respect of the Waitara Harbour and the approaches thereto, as and when required by the Minister of Marine, erect lights, lay down buoys and beacons, and replace, remove, or discontinue any harbour light, signal, buoy, beacon, or other sea-mark, or make any variation in the character of the same or in the mode of exhibiting the same. Waitara Borough Council to maintain harbour lights.

(2) If the Council fails or neglects to comply with such requisition within a reasonable period after receiving the same, the Minister of Marine may take all such steps and do all such acts as may be necessary to give effect to such requisition, and the cost and charges of so doing shall be a debt due from the Council to the Crown, and may be recovered accordingly.

7. The lands described in the First Schedule hereto are hereby vested in the New Plymouth Harbour Board in fee-simple as a foreshore endowment in trust for harbour purposes: Foreshore endowments vested in New Plymouth Harbour Board.

Provided that the Council shall be entitled at all times to enter upon the said lands and to take and remove stone, shingle, and gravel therefrom for the purposes of the Council without payment for any material taken or liability for compensation for any injury done.

Registration  
of title.

8. In respect of any real property vested in the Corporation and the New Plymouth Harbour Board respectively pursuant to sections five and seven hereof the following provisions shall apply:—

- (a) It shall be the duty of the District Land Registrar or the Registrar of Deeds, as the case may be, on application by the Council or the New Plymouth Harbour Board, and without payment of any fee, to register the Corporation or the New Plymouth Harbour Board, as the case may be, as the proprietor thereof:
- (b) No stamp duty under the Stamp Duties Act, 1923, shall be payable in respect of the vesting of such real property in the Corporation or the New Plymouth Harbour Board.

Application of  
revenue from  
endowments.

9. (1) All moneys received by the Council in respect of any lands hereby vested in the Corporation shall be placed to the credit of a separate account and, after payment thereof of the costs and expenses of collecting, receiving, and administering the same and any costs incurred in connection with the promotion and passing of this Act, and the maintenance and improvement of such lands, shall be applied in and towards the following purposes:—

- (a) The prevention of erosion by the Waitara River within the Borough of Waitara, with power to construct and maintain works within and outside the said borough for such purpose:
- (b) The maintenance and reconstruction of any bridge over the Waitara River within the said borough:
- (c) The payment of interest and principal on the loans heretofore raised in connection with any such bridge:
- (d) The payment of the costs and charges incurred by the Council in complying with the provisions of section six of this Act:
- (e) The payment of a retiring-allowance of one hundred pounds per annum to the Secretary and Harbourmaster of the Board for a term of four years.

(2) The Governor-General in Council may at any time after the first day of April, nineteen hundred and sixty-one, and from time to time thereafter, if it appears that there are surplus moneys in the separate account which may not be required by the Council for the purposes set out in the last preceding subsection, appoint any person or persons to be a Commission under the Commissions of Inquiry Act, 1908, to determine whether the whole or any part of those moneys is required by the Council for the purposes set out in the last preceding subsection. If the Commission determines that the whole or any part of the surplus moneys is not so required by the Council, the surplus moneys, or so much thereof as the Commission shall determine, shall be paid by the Council out of the separate account to the New Plymouth Harbour Board for general harbour purposes.

(3) The costs of any such inquiry, or such part thereof as may be fixed by the Commission, may be paid out of the separate account.

(4) The Council and the New Plymouth Harbour Board may from time to time after the first day of April, nineteen hundred and sixty-one, agree upon the amount of any surplus moneys which may be available and not required by the Council for the purposes set out in subsection one of this section, and the Council may with the consent of the Governor-General in Council pay such amount to the New Plymouth Harbour Board for general harbour purposes.

**10.** The Waitara Harbour District is hereby abolished. From and after the commencement of this Act the said district as defined in the Waitara Harbour District and Empowering Act, 1907, shall constitute part of the New Plymouth Harbour District as defined in the First Schedule to the New Plymouth Harbour Board Empowering Act, 1924, and the said First Schedule is amended accordingly.

Abolition of  
harbour district.

**11.** (1) For the purpose of providing additional security for the repayment of moneys already borrowed or which may hereafter be borrowed by the New Plymouth Harbour Board in exercise of the borrowing-powers conferred on that Board by statute, and interest thereon, that portion of the Waitara Harbour District hereby abolished described in the Second Schedule

Rating areas of  
New Plymouth  
Harbour Board  
amended.

hereto shall be incorporated in and form part of the rating area described in the Third Schedule to the New Plymouth Harbour Board Empowering Act, 1908, and the Third Schedule to the New Plymouth Harbour Board Empowering Act, 1924, and the remaining portion of the said harbour district shall be incorporated in and form part of the rating area described in the Fourth Schedule to the New Plymouth Harbour Board Empowering Act, 1908, the First Schedule to the New Plymouth Harbour Board Empowering Act, 1918, and the Fourth Schedule to the New Plymouth Harbour Board Empowering Act, 1924.

(2) All special rates heretofore made and levied by the New Plymouth Harbour Board on the rateable properties comprised in the said several rating areas shall be deemed to extend and apply to the rateable properties comprised in the lands hereby incorporated in such rating areas as if the special rates had been made and levied on the date of the commencement of this Act.

Amendment of  
constitution of  
New Plymouth  
Harbour Board.

**12.** (1) From and after the commencement of this Act the New Plymouth Harbour Board shall consist of eleven members instead of nine. One of the additional members shall be elected by the electors of the Borough of Waitara and one by the electors of the Clifton County, and that portion of the First Schedule to the Harbours Act, 1923, relating to the New Plymouth Harbour Board is amended accordingly.

(2) The first election for the additional members of the New Plymouth Harbour Board shall be held in accordance with the Harbours Act, 1923, on the date when the next general election, after the commencement of this Act, of members of the Waitara Borough Council and of the Clifton County Council is held.

Repeals.

**13.** The enactments mentioned in the Third Schedule hereto are hereby repealed.

## SCHEDULES.

Schedules.

## FIRST SCHEDULE.

FIRSTLY, all that area in the Taranaki Land District containing approximately twenty-nine (29) acres, known as A 2 of Part A, Waitara West District, Block I, Paritutu Survey District, being part of the land included in certificate of title, Volume 110, folio 148, bounded towards the west by A 1 Part A, towards the north generally by the low-water mark of the sea to the Waitara River; towards the north-east by the said river to the training-wall on the left bank of the Waitara River; thence by the said training-wall to high-water mark; thence towards the south generally by the high-water mark of the sea to the point of commencement.

Secondly, all that piece of land in the Waitara East District, Block I, Waitara Survey District, situated between high-water mark and low-water mark and extending from the east bank of the Waitara River to the Waihi Stream.

## SECOND SCHEDULE.

THE Borough of Waitara and portions of the Taranaki and Clifton Counties bounded as follows: Commencing at the mouth of Waiongona 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 Ohanga Road to its junction with Waiiau Road; thence towards the south by the southern boundaries of Sections known as 8b and 8d, Block VI, Waitara Survey District; 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 generally towards the south-south-west and west 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 Waiongona River, by the east side of Waiongona River to its mouth, the point of commencement.

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### THIRD SCHEDULE.

- 1879, No. 12 (Local).—The Waitara Harbour Board Land and Borrowing Act, 1879.
- 1881, No. 7 (Local).—The Waitara Harbour Board Loan Act, 1881.
- 1883, No. 13 (Local).—The Waitara Harbour Board Loan Act, 1883.
- 1904, No. 15 (Local).—The Waitara Harbour Board Foreshore Endowment Act, 1904.
- 1907, No. 17 (Local).—The Waitara Harbour District and Empowering Act, 1907.
- 1910, No. 18 (Local).—The Waitara Harbour Board and Borough Empowering Act, 1910.
- 1914, No. 17 (Local).—The Waitara Harbour Board Empowering Act, 1914.
- 1915, No. 68.—The Reserves and other Lands Disposal and Public Bodies Empowering Act, 1915: Section 46.
- 1923, No. 40.—The Harbours Act, 1923: So much of the First Schedule as relates to the Waitara Harbour Board.
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