

Mr Aderman

TARANAKI HARBOUR BOARD

[LOCAL BILL]

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A BILL INTITULED

AN ACT to change the name of the New Plymouth Harbour Board and of the New Plymouth Harbour District and to reconstitute the Board, and to alter the boundaries of the harbour district. Title.

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

10 1. (1) This Act may be cited as the Taranaki Harbour Board Act 1954. Short Title and commencement.

(2) This Act shall come into force on the first day of October, nineteen hundred and fifty-four.

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

Interpretation.

3. Hereinafter in this Act, unless the context otherwise requires, the expression "special Act" has the same meaning as in section two of the Harbours Act 1950, and includes in addition to this Act the New Plymouth Harbour Board Empowering Act 1908 (hereinafter referred to as the 1908 Empowering Act), the New Plymouth Harbour Board Empowering Act 1918 (hereinafter referred to as the 1918 Empowering Act), the New Plymouth Harbour Board Empowering Act 1924 (hereinafter referred to as the 1924 Empowering Act), the New Plymouth Harbour Board Empowering Act 1951 (hereinafter referred to as the 1951 Empowering Act), and the New Plymouth Harbour Board Empowering Amendment Act 1952.

Change of name of Board and harbour district.

4. (1) The New Plymouth Harbour Board shall hereafter be called the Taranaki Harbour Board, and the New Plymouth Harbour District shall hereafter be called the Taranaki Harbour District.

(2) The Taranaki Harbour Board is hereby declared for all purposes to be the same body corporate as the New Plymouth Harbour Board existing immediately before the commencement of this Act.

(3) All references to the New Plymouth Harbour Board or to the New Plymouth Harbour District in any Act, Proclamation, regulation, rule, by-law, order, or other enactment, or in any contract, agreement, deed, instrument, register, title, licence, list, roll, rate book, or other document whatsoever, shall hereafter be read as references to the Taranaki Harbour Board or, as the case may require, the Taranaki Harbour District.

(4) Where the title of the New Plymouth Harbour Board or of the New Plymouth Harbour Board Sinking Fund Commissioners to any real or personal property or right is or should have been entered in any register required by law to be kept, the Registrar or other person whose duty it is to keep that register shall, on the request in writing of the Taranaki Harbour Board or, as the case may require, the Taranaki Harbour Board Sinking Fund Commissioners, without payment of any fee, make such entries in the register as may be necessary to give effect to the provisions of this section.

5. (1) The Taranaki Harbour Board shall hereafter consist of twelve members, who shall, subject to the provisions of this section, be elected in accordance with the Harbours Act 1950, as amended by this section.

Altering
constitution
of Board.

5 (2) The First Schedule to the Harbours Act 1950, as amended by section ten of the Harbours Amendment Act 1952, is hereby amended by repealing so much thereof as relates to the New Plymouth Harbour Board.

10 (3) The said First Schedule is hereby further amended by inserting, after the reference to the Patea Harbour Board, the following words:

“Taranaki Harbour Board. Twelve members. Three by the electors of the City of New Plymouth; two by the electors of the County of Taranaki; one by the electors of the County of Inglewood and of the Borough of Inglewood; one by the electors of the County of Egmont and of the Borough of Opunake; one by the electors of the boroughs of Stratford and Eltham; one by the electors of the parts of the counties of Stratford and Whangamomona within the harbour district; one by the electors of the Borough of Waitara and of the parts of the counties of Clifton and Ohura within the harbour district; one by the electors of the Town District of Kaponga and of the part of the County of Eltham within the harbour district; and one by the electors of the County of Waimate West and of the Town District of Manaia and of the part of the County of Hawera within the harbour district.”

40 (4) Section ten of the Harbours Amendment Act 1952 is hereby consequentially repealed.

- (5) Notwithstanding anything in this section,—
- (a) Every person holding office as a member of the New Plymouth Harbour Board at the commencement of this Act shall, unless his office sooner becomes vacant, continue in office as a member of the Taranaki Harbour Board until the election of members of that Board at the general election of members that is held, pursuant to the Harbours Act 1950, next following the commencement of this Act, and shall be capable of re-election:
- (b) Any vacancy that may arise before such next general election as aforesaid shall be filled in accordance with the Harbours Act 1950 as if subsections *one to four* of this section had not been passed.

Area in *First*
Schedule
included in
harbour
district.

6. (1) Subject to the provisions of subsection *two* of this section, the area described in the *First* Schedule to this Act shall, notwithstanding the provisions of the 1908 Empowering Act, the 1918 Empowering Act, the 1924 Empowering Act, and the 1951 Empowering Act, be deemed to form part and to have always formed part of the harbour district as defined in any special Act enacted before the commencement of this Act, and also of the rating areas described in the Fourth Schedule to the 1908 Empowering Act, the First Schedule to the 1918 Empowering Act, the Fourth Schedule to the 1924 Empowering Act, and Rating Area No. 3 described in the Fifth Schedule to the 1951 Empowering Act.

(2) In addition to the liability under the 1908 Empowering Act, the Local Bodies' Loans Act 1926, and the Local Authorities Interest Reduction and Loans Conversion Act 1932-33 of the rateable property in the area described in the *First* Schedule to this Act as security for the repayment of all money borrowed under the 1908 Empowering Act, together with interest on such money, including money borrowed for the renewal or conversion of any loan or part of any loan originally borrowed under the 1908 Empowering Act, such rateable property shall be liable as security for the repayment of all money, together with the payment of interest thereon, which at any time after the first day of January, nineteen

hundred and fifty-four, may have been or may be borrowed by the New Plymouth Harbour Board or the Taranaki Harbour Board under any special Act, or under any power or authority which may hereafter be conferred on the Taranaki Harbour Board by any special Act:

Provided that nothing in this Act shall make such rateable property liable as security for the repayment of any money which has been borrowed by the New Plymouth Harbour Board before the first day of January, nineteen hundred and fifty-four, other than money borrowed under the 1908 Empowering Act and money borrowed for the renewal or conversion of any loan or part of any loan originally borrowed under the 1908 Empowering Act.

7. (1) Notwithstanding the provisions of the Opunake Harbour Act 1908 and of the Opunake Harbour Act 1938, the area described in the *Second* Schedule to this Act (being the same area as the area described in the Schedule to the Opunake Harbour Act 1908) shall be deemed to form part and to have always formed part of the harbour district as defined in any special Act enacted before the commencement of this Act, and also of the rating areas described in the Fourth Schedule to the 1908 Empowering Act, the First Schedule to the 1918 Empowering Act, the Fourth Schedule to the 1924 Empowering Act, and Rating Area No. 3 described in the Fifth Schedule to the 1951 Empowering Act.

Area in *Second* Schedule included in harbour district.

(2) All rateable property in the area described in the *Second* Schedule to this Act shall on the commencement of this Act be liable as security for the repayment of all money, together with the payment of interest thereon, which has been borrowed by the New Plymouth Harbour Board under any special Act, or which may at any time be borrowed by the Taranaki Harbour Board under any special Act or under any power or authority which may hereafter be conferred on the Taranaki Harbour Board by any special Act.

(3) The liability of the Corporation of the Borough of Opunake in respect of the loan raised pursuant to the authority contained in the Opunake Harbour Board Loans Conversion Order 1936, published in the *Gazette* of the 30th day of July 1936 at page 1480 (which loan is hereinafter referred to as the Opunake Harbour Loan),

and interest thereon, shall as from the commencement of this Act cease to be the liability of the said Corporation and become the liability of the Taranaki Harbour Board and be apportionable accordingly.

(4) All money standing as at the date of the commencement of this Act to the credit of the separate account known as the Opunake Harbour Account and required by section eleven of the Opunake Harbour Act 1938 to be kept by the Opunake Borough Council, after making any apportionment required under subsection *three* of this section, shall as from the date aforesaid be held by the Council upon trust to apply such money, so far as it shall extend, in payment of all special rates which from time to time may be made and levied by the Taranaki Harbour Board, or which from time to time may by special resolution be directed by the said Board pursuant to section one hundred and twenty-three of the Harbours Act 1950 to be made and levied, on the rateable property in the area described in the *Second* Schedule to this Act in exercise of the powers and authority conferred on the Board by any special Act; and within one month after such special rates shall be made and levied, or within one month after the receipt by the Council of a copy of such special resolution as aforesaid, the Council shall pay to the Board, so far as the said money shall extend, the amount payable for such special rates:

Provided that the amount of such special rates shall be paid to the Board without any deduction for costs and expenses incurred in and about making and levying, collecting, and recovering such rates or for remuneration for clerical or other work or for any other expense whatsoever.

(5) Subject to the provisions of subsection *four* of this section, all real and personal property which formerly belonged to the Opunake Harbour Board and was vested by section six of the Opunake Harbour Act 1938 in the Mayor, Councillors, and Burgesses of the Borough of Opunake shall continue to be so vested, and the revenues received by the Opunake Borough Council therefrom shall not be liable (subject as aforesaid) for any special rates which may be made and levied by the Taranaki Harbour Board from time to time in exercise of the powers and authority conferred on that Board by any special Act:

Provided that nothing in this subsection shall be deemed to exempt any rateable property from liability for any special rates which may be made and levied by the Taranaki Harbour Board or may be directed by the
5 said Board to be made and levied as aforesaid and are not paid pursuant to the said subsection *four* out of the money referred to therein.

(6) The repayment of the Opunake Harbour Loan and interest thereon shall be secured upon all money
10 in the Harbour Fund, excepting money already pledged as security for any loans or appropriated to any special purpose, and also upon a special rate on all rateable property in the Taranaki Harbour District.

(7) The special rate to be levied under subsection
15 *six* of this section shall not exceed one penny in the pound upon the capital value of all rateable property in the area described in Rating Area No. 1 as defined in the 1951 Empowering Act, and shall not exceed two-thirds of a penny in the pound upon the capital value of all
20 rateable property in the area described in Rating Area No. 2 as defined in the said Act, 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 Rating Area
25 No. 3 as defined in the said Act, but subject to the alterations made to the said Rating Area No. 3 by this Act.

(8) The following provisions shall apply with respect to the special rate referred to in subsection *six* of this section:

(a) The Taranaki Harbour Board shall in each year
30 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 subsection *six* of this
35 section) and the anticipated expenditure of the year (including the annual payment or payments to be made, including interest, with respect to the Opunake Harbour Loan), and shall upon such estimate determine the deficiency of the revenue to meet the expenditure:
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(b) Any credit or debit balance of the Taranaki Harbour 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: 5

(c) The Taranaki Harbour Board may levy or direct the levy, in accordance with the Harbours Act 1950, in each year of such part of the special rate to be levied under subsection six of this section as is sufficient to provide for the deficiency: 10

(d) The Taranaki Harbour 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. 15

(9) The Opunake Harbour Act 1908, the Opunake Harbour Amendment Act 1909, and sections four and five, subsections two to four of section six, and sections ten to fourteen of the Opunake Harbour Act 1938 are hereby consequentially repealed. 20

Area in *Third* Schedule excluded from harbour district.

8. (1) The area described in the *Third* Schedule to this Act shall be deemed to be excluded and always to have been excluded from the harbour district as defined in any special Act, and also from the rating areas described in the *Fourth* Schedule to the 1908 Empowering Act, the *First* Schedule to the 1918 Empowering Act, the *Fourth* Schedule to the 1924 Empowering Act, and Rating Area No. 3 described in the *Fifth* Schedule to the 1951 Empowering Act. 25 30

(2) Rateable property in the area described in the *Third* Schedule to this Act shall not be liable as security for the repayment of money heretofore borrowed by the New Plymouth Harbour Board or which may hereafter be borrowed by the Taranaki Harbour Board under any special Act. 35

Taranaki Harbour District.

9. The Taranaki Harbour District as altered by this Act comprises the area described in the *Fourth* Schedule to this Act. 40

SCHEDULES

Schedules.

FIRST SCHEDULE**AREA INCLUDED IN TARANAKI HARBOUR DISTRICT**

ALL that area in the Taranaki Land District bounded as follows: commencing at the mouth of the Waingongoro River; thence northerly along 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 northerly 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 westerly along the south-eastern and south-western boundary of the Egmont National Park to the north-western corner of Section No. 10, Block V, Kaipokonui Survey District; thence southerly generally by the western boundaries of Sections 10, 11, and the northern boundary of Part Section 12 of the said Block V to the Oeo Road; thence along the middle of Oeo Road to Opunake Road; thence along the middle of Opunake Road to the boundary line between the Opunake and Kaipokonui Survey Districts; thence by that boundary line to the middle of Skeet Road; thence along the middle of Skeet Road to the middle of the Oeo River; thence along the middle of that river to the sea; thence easterly generally by the sea to the mouth of the Waingongoro River, the point of commencement: the whole of the said area being more particularly delineated on the plan marked M.D. 9678, and deposited in the office of the Marine Department, Wellington, and thereon edged neutral tint.

SECOND SCHEDULE**OPUNAKE AREA INCLUDED IN TARANAKI HARBOUR DISTRICT**

ALL that area in the Taranaki Land District commencing at a point where the Manihi Road meets the Tasman Sea, and bounded towards the north generally by a line along the middle of the Manihi Road from the sea to the Main South Road; thence along the middle of the Main South Road to Ngariki Road; thence along the middle of Ngariki Road to the boundary of the Egmont National Park; thence towards the north-east by the Egmont National Park to the north-western corner of Section No. 10, Block V, Kaipokonui Survey District; thence southerly generally by the western boundaries of Sections Nos. 10, 11, and the northern boundary of Part Section 12 of the said Block V to Oeo Road; thence along the middle of Oeo Road to Opunake Road; thence along the middle of Opunake Road to the boundary line between

SECOND SCHEDULE—continued

the Opunake and Kaupokonui Survey Districts; thence by that boundary line to the middle of Skeet Road; thence along the middle of Skeet Road to the middle of the Oeo River; thence along the middle of that river to the sea; and thence north-westerly by the sea to the point of commencement: the whole of the said area being more particularly delineated on plan marked M.D. 9678, and deposited in the office of the Marine Department, Wellington, and thereon edged sepia.

THIRD SCHEDULE

AREA EXCLUDED FROM TARANAKI HARBOUR DISTRICT

ALL that area, situated in the Taumarunui County, Taranaki Land District, bounded as follows: commencing at a point being the intersection of the thirty-ninth parallel of south latitude with the western bank of the Wanganui River; thence down the said bank of the Wanganui River to a point being the south-western boundary of Koiro No. 3 Block; thence north-westerly along the south-western boundaries of Koiro Nos. 3, 4E, and 5c Blocks to the south-western corner of the last-mentioned Block; thence northerly along the western boundary of 5c, 5B, and 5A Blocks to its north-western corner; thence easterly along the northern boundary of the said No. 5A Block to the point of intersection with the right line running from the mouth of the Mokau River to a point being the intersection of the thirty-ninth parallel of south latitude with the Wanganui River; thence easterly along the said right line to the west bank of the Wanganui River, being the point of commencement: the whole of the said area being more particularly delineated on the plan marked M.D. 9678, and deposited in the office of the Marine Department, Wellington, and thereon edged burnt sienna.

FOURTH SCHEDULE

TARANAKI 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 3D 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 a point on the Wanganui River where it is intersected by the thirty-ninth parallel of south latitude; thence south-easterly along the said line to its intersection with the northern boundary of Koiro 5A Block; thence westerly, southerly, and easterly generally along the northern, western, and southern boundaries of Koiro 5A, 5B, 5c, 4E, and 3 Blocks to the western bank of the Wanganui River; thence towards

FOURTH SCHEDULE—continued

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 southerly down the Waingongoro River to its mouth; thence generally westerly, northerly, and easterly by the Tasman Sea to the southern boundary of Mohakatino-Parininihi 3n 2 Block, being the point of commencement: the whole of the said area being more particularly delineated on the plan marked M.D. 9678, and deposited in the office of the Marine Department, Wellington, and thereon edged blue.