

# Whangarei Harbour Board Empowering Act 1960

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**An Act to authorise the Whangarei Harbour Board to borrow the sum of eight hundred and fifty thousand pounds for the purpose of further proceeding with certain harbour works already authorised and for the further purpose of carrying out certain other works, and to authorise the Whangarei Harbour Board to deal with such other works**

WHEREAS by the Whangarei Harbour Board Vesting and Empowering Act 1950 (hereinafter called the empowering Act) the Whangarei Harbour Board (hereinafter called the Board) was authorised to carry out certain harbour works specified in the

Second Schedule to the empowering Act, and the Board was empowered, subject to the provisions of the Harbours Act 1923 and the Local Government Loans Board Act 1926, from time to time to borrow a sum or sums not exceeding in the whole the sum of five hundred and ninety-three thousand pounds (in addition to any money theretofore authorised to be borrowed by the Board under or by virtue of any other Act) for the purpose of carrying out the said works: And whereas it was provided by the empowering Act that in addition to the charge on the Harbour Fund created by the Harbours Act 1923 the Board might make and levy as further security for the money authorised to be borrowed by the empowering Act a special rate or special rates not exceeding in all threepence and one farthing in the pound (unimproved value) on all rateable property in the Whangarei Harbour District: And whereas the said works have been carried out in part: And whereas the Board is desirous of completing the said works: And whereas the said sum of five hundred and ninety-three thousand pounds is insufficient to enable the Board to complete the said works and a further sum of two hundred and thirty-five thousand five hundred pounds is required for the purpose: And whereas the Board is desirous of purchasing a tug for use in the Whangarei Harbour and elsewhere and of borrowing for that purpose the sum of forty thousand pounds: And whereas the Board, pursuant to the powers vested in it by section 173 of the Harbours Act 1950, is desirous of erecting cool chambers on the lands described in the First Schedule to this Act and of borrowing for that purpose the sum of four hundred and forty-six thousand two hundred and fifty pounds: And whereas the Board is desirous of erecting industrial premises on the lands described in the Second Schedule to this Act and of borrowing for that purpose the sum of one hundred and twenty-eight thousand two hundred and fifty pounds: And whereas the Board is desirous of entering into contracts to lease or to sell the said cool chambers and the said industrial premises:

**Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:**

**1 Short Title**

This Act may be cited as the Whangarei Harbour Board Empowering Act 1960.

**2 Special Act**

This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950 and the Local Authorities Loans Act 1956.

**3 Power to borrow**

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 Authorities Loans Act 1956, the following sums (in addition to any money heretofore authorised to be borrowed by the Board under or by virtue of the empowering Act or any other Act) for the purposes hereinafter appearing:

- (a) For the purpose of proceeding with the harbour works specified in the Second Schedule to the empowering Act, a sum or sums not exceeding in the whole the sum of two hundred and thirty-five thousand five hundred pounds:
- (b) For the purpose of purchasing a tug for use in the Whangarei Harbour and elsewhere, a sum or sums not exceeding in the whole the sum of forty thousand pounds:
- (c) For the purpose of erecting cool chambers on the land described in the First Schedule to this Act, a sum or sums not exceeding in the whole the sum of four hundred and forty-six thousand two hundred and fifty pounds:
- (d) For the purpose of erecting industrial premises on the land described in the Second Schedule to this Act, a sum or sums not exceeding in the whole the sum of one hundred and twenty-eight thousand two hundred and fifty pounds.

#### **4 Security for loan**

The Board may make and levy as security for the money authorised to be borrowed by this Act a special rate or special rates not exceeding in all one and nine-sixteenths pence in the pound (unimproved value) in the year on all rateable property in the Whangarei Harbour District.

#### **5 Estimate of revenue and expenditure**

- (1) 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 or any previous Act), and the anticipated expenditure of the year (including the annual payment or payments to be made, including interest, in respect of all money borrowed by the Board under the authority of this Act or any previous Act, but exclusive of capital expenditure on any loan account), and shall upon such estimate determine the deficiency of such revenue to meet 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 such succeeding year and the determination of the deficiency of the revenue of such succeeding year to meet the expenditure thereof.
- (3) The Board may in each year, in accordance with the Harbours Act 1950, levy or direct the levy of such part of the said special rate as is sufficient to provide for the deficiency:

Provided that, if the deficiency exceeds the amount of the annual charges for that year in respect of the money borrowed under this Act, the Board may levy or direct the levy of such part only of the said special rate as is sufficient to provide for those annual charges.

- (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 deficiency.

## **6 Power to lease or sell cool chambers**

- (1) It shall be lawful for the Board, on completion of the cool chambers hereinbefore referred to, to lease by private contract or otherwise the said cool chambers to a company having as its business the operating of cool chambers on such terms and conditions as are approved by the Board, but at a rental of not less than such amount as is sufficient to cover the annual payment or payments to be made, including interest, in respect of all money borrowed by the Board for the purpose of erecting the said cool chambers.
- (2) It shall be lawful for the Board, subject to the terms of any lease thereof, to sell by private contract or otherwise the said cool chambers to any such company at a price not less than the total cost of erection of the said cool chambers and the cost of raising and repaying the money hereinbefore authorised to be borrowed for the purpose of erecting the said cool chambers.
- (3) It shall be lawful for the Board on leasing or selling the said cool chambers as aforesaid to lease to the lessee or purchaser of the said cool chambers the lands described in the First Schedule hereto or any part thereof on such terms and conditions and at such rental or rentals and for such period or periods (including a term with perpetual rights of renewal) as are approved by the Board.

## **7 Power to erect and to lease or sell industrial premises**

- (1) It shall be lawful for the Board, on the acquisition by it of the land described in the Second Schedule to this Act, to erect industrial premises on the said land.
- (2) It shall be lawful for the Board on completion of the said industrial premises to lease by private contract or otherwise the same or any part thereof on such terms and conditions and at such rental or rentals as are approved by the Board.
- (3) It shall be lawful for the Board, subject to the terms of any lease or leases thereof, to sell by private contract or otherwise the said industrial premises or any part thereof.
- (4) It shall be lawful for the Board on leasing or selling the said industrial premises or any part thereof as aforesaid to lease to the lessee or purchaser of the said industrial premises or part thereof the lands described in the Second Schedule hereto or any part thereof on such terms and conditions and at such rental or rentals and for such period or periods (including a term with perpetual rights of renewal) as are approved by the Board.

## **8 Application of Public Bodies' Leases Act 1908**

Sections 8 and 9 of the Public Bodies' Leases Act 1908 shall not apply to the leasing by the Board of the said cool chambers or industrial premises or part

thereof or to the leasing by the Board of the land or part of the land on which the same are erected.

## SCHEDULES

### FIRST SCHEDULE

#### Land for Cool Chambers

All that piece of land situated in the County of Whangarei, containing 6 acres 1 rood 34 perches, more or less, being part of Whangarei Harbour Board Endowment "C" vested in the Whangarei Harbour Board by the Whangarei Harbour Board Vesting Act 1917, part of the land vested in the said Board by the Whangarei Harbour Board Vesting and Empowering Act 1950, and part of the land vested in the said Board by Order in Council published in the *Gazette* on the 12th day of August 1954 at page 1297, bounded—commencing at a point bearing  $179^{\circ} 13' 30''$  distant 1060·61 links from the south-east corner of that portion of the public road shown on Survey Office Plan No. 28103 which contains 4 acres 1 rood 0·1 of a perch, more or less; thence easterly on a bearing of  $89^{\circ} 13' 30''$  for a distance of 681·82 links; thence south-easterly on a bearing of  $154^{\circ} 44'$  for a distance of 832·42 links; thence westerly on a bearing of  $269^{\circ} 13' 30''$  for a distance of 981·52 links; thence northwesterly on a bearing of  $314^{\circ} 13' 30''$  for a distance of 64·27 links; thence northerly on a bearing of  $359^{\circ} 13' 30''$  for a distance of 712·12 links to the point of commencement.

### SECOND SCHEDULE

#### Land for Industrial Premises

All that piece of land situated in the Borough of Whangarei, containing 5 acres 2 roods 35 perches, more or less, being part of Section 16 of Block IX in the Whangarei Survey District, being part of the land comprised in certificate of title, Volume 1011, folio 186, Auckland Registry, and part of Okara Block, being part of the land comprised in certificate of title, Volume 682, folio 143, Auckland Registry, bounded—commencing at the north-eastern point of intersection of Port Road with a street proclaimed by Proclamation No. 17258 and shown as Lot 4 on a plan lodged for deposit in the Land Registry Office at Auckland under No. 46338; thence on a bearing of  $100^{\circ} 58' 40''$  for a distance of 583·35 links; thence on a bearing of  $190^{\circ} 59'$  for a distance of 784·87 links; thence on a bearing of  $280^{\circ} 58' 40''$  for a distance of 45·45 links; thence on a bearing of  $190^{\circ} 59'$  for a distance of 172·73 links; thence on a bearing of  $280^{\circ} 58' 40''$  for a distance of 560·62 links; thence on a bearing of  $9^{\circ} 25'$  for a distance of 81·82 links; thence on a bearing of  $10^{\circ} 59'$  for a distance of 847·87 links; thence on a bearing of  $55^{\circ} 58' 30''$  for a distance of 35·35 links to the point of commencement.