



ANALYSIS

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1974, No. 11—*Local*

An Act to authorise the Wanganui Harbour Board to borrow money for the purpose of proceeding with certain works, and to authorise the Wanganui Harbour Board to deal with such works
[11 October 1974]

WHEREAS the Wanganui Harbour Board (hereinafter called the Board) is desirous of developing the lands vested in it pursuant to the Wanganui Harbour and River Conservators Board Act 1876 and the Wanganui Harbour and River Conservators Board Grant Act 1880 and land otherwise acquired by the Board, and of erecting thereon commercial and industrial premises and of borrowing money from time to time: And whereas the Board is desirous of entering into contracts to lease the said commercial and industrial premises from time to time:

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 Wanganui Harbour Board Land Development Act 1974.

2. Special Act—This Act shall be deemed to be a special Act within the meaning of 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, in addition to any money heretofore authorised to be borrowed by the Board under any other Act, money for the purposes set out in section 7 of this Act.

4. Authority to make and levy a special rate—(1) Subject to the provisions of the Local Authorities Loans Act 1956, the Board may make and levy, for securing repayment of the money authorised to be borrowed by this Act and interest thereon, such special rate on the land value of all rateable property in the Wanganui Harbour District as may be approved by the Local Authorities Loans Board, or may give such other security for the repayment of such money and interest as the Local Authorities Loans Board shall approve.

(2) Nothing in this section or in any debentures or stock issued in respect of any such loan shall affect or prejudice the rights of the holders of any debentures or stock executed by the Board before that loan is raised.

5. Returning Officer—Where, pursuant to subsection (2) of section 34 of the Local Authorities Loans Act 1956, the prior consent of the ratepayers of the Wanganui Harbour District is required to the raising of any loan referred to in section 3 of this Act, the Board shall appoint some person to be the Returning Officer for the purposes of the poll required to be taken on the proposal to raise the loan and the provisions of the Local Elections and Polls Act 1966 (including the provisions of subsections (2) to (5) of section 9 of that Act) shall apply accordingly, with such modifications as may be necessary.

6. Ratepayers roll—The rolls of ratepayers of the constituent districts of the Wanganui Harbour District shall be the rolls for the purposes of any such poll.

7. Authority to develop land and erect premises—

(1) Subject to the provisions of this Act, the Board is hereby empowered to develop and from time to time to redevelop the whole or any part or parts of the land vested in it by the Wanganui Harbour and River Conservators Board Act 1876 and the Wanganui Harbour and River Conservators Board Grant Act 1880 and land otherwise acquired by or vested in the Board for the purposes of commercial or industrial development, and to erect thereon commercial and industrial premises:

Provided that before the development of any land or the erection of premises on any land commences, the Board shall enter into an agreement for the leasing of the land or premises, as the case may require.

(2) Without limiting the general powers of development and erection of premises conferred on the Board by subsection (1) of this section, the Board may in respect of any such land or any part or parts thereof, as the case may require,—

(a) Subdivide and resubdivide the whole or any part or parts of such land into suitable allotments for the purpose of the development thereof and the erection of premises thereon:

Provided that any such subdivision shall be subject to the appropriate provisions of the Town and Country Planning Act 1953 and the Municipal Corporations Act 1954:

(b) Construct or provide such works, buildings, and amenities as may be deemed necessary or desirable for the use and enjoyment of such land for the purposes authorised by this section and also construct or provide all or any of the following works:

(i) Streets, service lanes, access ways, waterways and other means of communication or access:

(ii) Services for water supply, drainage, sewerage, electric lighting, power, gas, and all other works and amenities:

(iii) All works necessary to comply with any lawful requirement of any local or public authority.

(3) For the purpose of carrying out the development and erection of premises and other works authorised by this section and in addition to any powers contained in this Act, the Board may exercise any of the powers conferred on it by the Harbours Act 1950 and any other Act.

8. Authority to lease—(1) It shall be lawful for the Board, on completion of any commercial or 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 may be approved by the Board.

(2) It shall be lawful for the Board on leasing any such commercial or industrial premises or any part thereof as aforesaid to lease to the lessee thereof the land on which such premises have been erected 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.

(3) Sections 7, 8, 18, and 19 of the Public Bodies Leases Act 1969 shall not apply to the leasing by the Board or to any lease granted by the Board pursuant to this section, and any other provision of that Act, or any other Act, which is inconsistent with the provisions of this section shall be deemed to be modified to the extent of such inconsistency.
