

Hawke's Bay Rivers Amendment Act 1930

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An Act to amend the Hawke's Bay Rivers Act, 1919.

Preamble.

WHEREAS the Board is authorized by the Hawke's Bay Rivers Act, 1919, to borrow by way of special loan a sum or sums not exceeding in the whole one hundred and

fifty thousand pounds for the purpose of carrying into effect a general scheme of flood-prevention after the approval of the same by the Minister of Public Works: And whereas the Board has decided upon a general scheme of flood-prevention for the district, prepared by a qualified engineer, the estimated cost of which scheme is two hundred and fifty thousand pounds: And whereas extended powers as hereinafter appear are required by the said Board for the more effective exercise of its functions:

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 Hawke's Bay Rivers Amendment Act, 1930, and shall be read together with and deemed part of the Hawke's Bay Rivers Act, 1919 (hereinafter called the principal Act).

2 Board authorized to carry out general scheme.

The Board is authorized to execute and carry out the general scheme of flood-prevention described in the Schedule hereto, and, as part of and for the purpose of such general scheme, to acquire such lands and to execute and do such ancillary works and things as the Board may consider proper.

3 Power to vary scheme.

The Board may from time to time, with the approval of the Minister of Public Works, vary the said scheme, and the description contained in the Schedule hereto shall be read subject to every variation so approved.

4 Scheme to be carried out in accordance with approved plans.

Before the Board proceeds to execute any works for the purpose of carrying out the said scheme or any part thereof it shall submit plans of such works to the Minister of Public Works for his approval. The Minister may withhold his approval until such alterations as he may require are made in such plans, and it shall not be lawful for the Board to execute such works save in accordance with plans approved by the Minister.

5 Railway works, &c., not to be interfered with.

- (1) Nothing in this Act shall authorize the Board to execute any work upon or affecting any railway work or railway land, except with the previous consent and approval of the Minister of Railways.
- (2) In giving his consent and approval as aforesaid the Minister of Railways may impose such conditions as he thinks fit for the protection and safety and generally in the interests of the railway.

6 Power to borrow £250,000.

For the purpose of carrying into effect the said scheme or any part thereof the Board may borrow by way of special loan under the Local Bodies' Loans Act, 1926, any sum, or from time to time any sums, not exceeding in the whole two hundred and fifty thousand pounds.

7 On poll, majority of votes carries proposal.

On the taking of any poll of ratepayers on a proposal to borrow the said sum of two hundred and fifty thousand pounds or any portion thereof, a majority of the valid votes recorded shall suffice to carry the proposal.

8 Board to have power to sell, lease, or otherwise dispose of lands.

- (1) The Board shall have power to sell, lease, or otherwise dispose of any land from time to time belonging to it.
- (2) Subject to the next succeeding subsection all proceeds derived by the Board from any such sale, lease, or other disposition shall be applied, in the discretion of the Board, towards one or more of the following purposes:—
 - (a) The partial or total redemption of the principal or interest of any special loan raised by the Board under the Local Bodies' Loans Act, 1926.
 - (b) The payment for any new river-works to be thereafter executed by the Board.
 - (c) The payment of compensation or the purchase price for any land taken or purchased or to be taken or purchased by the Board.
 - (d) The payment of compensation for damaging or injuriously affecting any land or property in the exercise of its powers.
- (3) Where any land is sold under the power given by this section which was at the time of such sale held by the Board for the purpose of any public work, or for any particular purpose or purposes, and such public work has not been carried out, or such particular purpose or purposes have not been fulfilled, all moneys received by the Board upon such sale shall be applied to the purchase of other lands to be held for the same purposes as affected the lands so sold, or in the reduction of any loan out of which such lands were purchased.

9 Term of office of members of Board.

- (1) The members of the Board in office on the passing of this Act shall continue to hold office until the second Wednesday in May, nineteen hundred and thirty-two, and on that day and on the third Wednesday in May in every third year thereafter all the elective members of the Board shall go out of office and a general election of members shall take place.

Repeal.

- (2) Section nine of the principal Act is hereby repealed.

10 Allowance to Chairman.

The Chairman may be paid such annual allowance, not exceeding one hundred pounds, out of the funds of the Board as the Board from time to time fixes in addition to any refund of expenses under section twenty-three of the principal Act.

11 Board may pay expenses of Bill.

The Board may pay out of the revenues of the Board all costs and expenses incurred by it of and incidental to the promotion and the preparation and passing through Parliament of any Bill which affects or concerns the rights, powers, and authorities of the Board or any scheme for flood-prevention within the Board's district.

12 Governor-General may appoint Commission to determine whether or not graduated scale on which general or special rates are levied should be altered.

- (1) The Governor-General may appoint any person or persons to be a Commission under the Commissions of Inquiry Act, 1908, to inquire into and determine whether the graduated scale prescribed by section eleven of the principal Act with respect to the levy of general and special rates made by the Board should be varied.
- (2) The Commission, after making due inquiry, may vary the said scale to such extent as it deems proper or prescribe a new scale and report its decision to the Minister of Internal Affairs, who shall publish such varied scale or new scale in the *Gazette* and forward to the Board a copy of the report of the Commission.
- (3) Every rate to which section eleven of the principal Act applies made after the date of the publication in the *Gazette* of the varied scale or new scale shall be levied in accordance therewith as if it were the scale prescribed by that section.

13 Repeal.

Section twenty of the principal Act and section three of the Hawke's Bay Rivers Amendment Act, 1920, are hereby repealed.

Schedule

Ngaruroro Flood-control Works

The works are designed to increase the discharge-capacity of the Ngaruroro, and provide a spillway so that the whole of the flood-waters will be retained in defined channels to the sea.

From a point 2 miles up-stream of the Fernhill Bridge to the bridge itself works for the control of the travel of shingle and for the regulation of the river-channel are to be constructed.

From Fernhill Bridge to river chainage 5 miles 50 chains, stop-banks 1,100 ft. apart are to be built on each side of the river.

At river chainage 5 miles 50 chains the left stop-bank swings to the north and forms the western bank of a flood overflow-channel or spillway. The eastern bank of the spillway leaves the left bank of the Ngaruroro at river chainage 4 miles 70 chains. All flood-waters rising above the level of the natural bank of the river between 4 miles 70 chains and 5 miles 50 chains spill down the overflow-channel into the overflow-channel of the Tutaekuri, and thence under the Waitangi Bridge to the sea.

Below 4 miles 70 chains the existing channel of the Ngaruroro is to be stop-banked and improved in alignment. The Whakatu Railway-bridge is to be lengthened 250 ft. and raised 2 ft. or otherwise altered to improve its discharging-capacity.

Tutaekuri Flood-control works

The works are designed to improve the discharging-capacity of the Tutaekuri River, to protect the banks and rectify the alignment of the present course from Moteo miles) to Powdrell's Bend (3 miles 40 chains). At Powdrell's Bend it is proposed to spill the surplus flood-waters of the Tutaekuri River southwards by a new channel, by which these flood-waters will be discharged under the Waitangi Bridge into the sea. The work at Moteo consists of stop-banking the right bank from Puketapu Bridge 140 chains up-stream and improving the channel. Below Puketapu and down to Redcliff Bridge works for protecting the banks and improving the alignment of the river are proposed. From Redcliff Bridge (5 miles 42 chains) to Powdrell's Bend (3 miles 48 chains) the existing channel is to be improved by the building of stop-banks, by clearing willows, protecting the banks, and rectifying the alignment.

The channel below Powdrell's Bend will be maintained so as to take all the flood-waters which can pass the Meanee Bridge.

Tukituki, Old Ngaruroro, Awanui, and Tutaekuri-Waimate Improvement Works

The works include straightening stop-banks on the Tukituki River, lowering and straightening the old Ngaruroro River bed and the Awanui Stream, lowering and straightening the course of the Tutaekuri-Waimate Stream.

General

All other works necessary for and incidental to the above scheme, including (but without restricting other general or specific powers of the Board) provision for bridging, roading, drainage, and establishment of plantations for flood-protection purposes.