



ANALYSIS

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. General classification of land. 3. Appeal in respect of classification list. | <ol style="list-style-type: none"> 4. Schemes of works to be prepared by Boards and approved by Minister and Council. 5. Local Government Commission to review final scheme for constitution of Marlborough Catchment District. |
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1954, No. 80

Title. AN ACT to amend the Soil Conservation and Rivers Control Act 1941. [1 October 1954]

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

Short Title. 1. This Act may be cited as the Soil Conservation and Rivers Control Amendment Act 1954, and shall be read together with and deemed part of the Soil Conservation and Rivers Control Act 1941 (hereinafter referred to as the principal Act).

1941, No. 12

General classification of land. 2. (1) Section one hundred and two of the principal Act is hereby amended by repealing subsections one to three, and substituting the following subsections:

“(1) Subject to the provisions of section one hundred and one of this Act, for the purpose of financing the construction and maintenance of all works for which the Board of the district is responsible, and for the purposes of this Act other than the making of an administrative rate, all lands in the district that are liable to be rated

under this Act for the purposes for which the rate is to be levied shall be so classified as to provide a basis of rating that is equitable as between ratepayers and as between groups of ratepayers. The Board may from time to time appoint one or more fit persons who shall, subject to any directions which the Board may give from time to time, so classify all such lands.

“(2) Subject to the provisions of subsection one of this section, all such lands shall be classified according to the degree of direct and indirect benefit received or likely to be received from works carried out or to be carried out by the Board or for the maintenance of which the Board is responsible; and there shall be not less than two nor more than six classes named A, B, C, D, E, and F respectively, and where, in the opinion of the Board, any land cannot reasonably be classed as receiving or being likely to receive any benefit direct or indirect from the works, that land shall be placed in another class named Class G:

“Provided that where in the opinion of the Board, because of the relationship between the costs of any benefit and the valuation of the land which benefits, or for other good reason, urban land may not equitably be placed in the same class as rural land, the land which benefits may be placed in a higher or a lower class.

“(2A) For the purposes of this Act,—

“(a) In respect of works for the protection of land from flood or erosion or for the conservation of soil or water, the degree of direct benefit shall be assessed by reference to the frequency, depth, severity, and likelihood of flooding and erosion, and to the likelihood, frequency, and extent of damage to land and improvements thereto, and to the improvement of drainage, each factor being assessed in relation to the actual and potential uses of the land, and by reference to the advantages accruing from and the responsibility for any soil and water conservation works included in the scheme; and indirect benefit shall be assessed by reference to the establishment or preservation of economic units of land, the protection or establishment of water, sewerage, drainage,

REP. 1960
No. s.
Substitutn.

electrical, gas, and other services, and of works, services, and amenities to which rates from the lands may be applied, and of communications, and of any other property, service, or amenity within or benefiting the lands being classified; and

“(b) In respect of other works, direct and indirect benefit shall be assessed by such other standards as may from time to time be specified by regulations made under this Act and in the absence of regulations as the Board shall determine.

“(2B) Where works already exist for the benefit of some or all of the same lands, the Board shall in the classification apply the method and extent of compensation or adjustment approved by the Minister and Council under section one hundred and twenty-eight of this Act, and these shall not be subject to appeal or to amendment on or in connection with any appeal.

“(3) The classification shall also name the proportions in which the rates shall be imposed on the several classes; but lands classified as Class G lands shall not be liable to bear any proportion of the rates.”

(2) Where any classification has been prepared or partly prepared under any provision of the principal Act that is repealed by this section, the classification may be completed under the provisions of the principal Act as modified by this Act, and anything done under any provision so repealed which could have been done under the provisions of the principal Act as modified by this Act shall have effect as if it had been done under the last mentioned provisions.

3. (1) Section one hundred and three of the principal Act, as set out in section sixteen of the Soil Conservation and Rivers Control Amendment Act 1952, is hereby amended by inserting, after subsection two, the following subsection:

“(2A) Where any question arises as to whether the classification provides a basis of rating that is equitable as between groups of ratepayers, or as to whether any urban land and any rural land should be placed in the

Appeal in
respect of
classification
list.
1952, No. 38

REP. 1960
No. s.

same class, or as to whether any such land should be placed in a higher class or a lower class, any person who represents not less than ten per cent of the persons in a specified area who are entitled to appeal in the matter shall have a right to appeal in respect of those questions on behalf of the persons whom he represents as if he were an aggrieved person, and the appeal may in the discretion of the Magistrate be treated as an appeal by all persons in the area or any part thereof."

(2) The said section one hundred and three of the principal Act is hereby further amended by repealing subsection six, and substituting the following subsection:

"(6) On the hearing of any such appeal, the Magistrate shall either confirm the classification list or amend the classification list or any detail therein in such manner as he thinks reasonable to give effect to his decision upon any appeal, and shall sign the list as so amended and every amendment made by him."

4. Section one hundred and twenty-eight of the principal Act is hereby amended by repealing subsection four, and substituting the following subsection:

"(4) Before the Board proceeds to execute any works for the purpose of carrying out its scheme or any part thereof, it shall submit plans and details of the works to the Minister and the Council for their approval, and shall, where works already exist for the benefit of some or all of the same lands, set forth and describe in the plans and details the method by and extent to which it is proposed that compensation or adjustment in connection with the classification of lands for rating purposes shall be made in respect of those works. The Minister and the Council may withhold their approval until such alterations as they may require are made in the plans and details; and it shall not be lawful for the Board to execute the works or (in a case where works already exist for the benefit of some or all of the same lands) to make the classification, save in accordance with the plans and details approved by the Minister and the Council, and with such conditions as may be prescribed under this section jointly by the Minister and the Council.

Schemes of works to be prepared by Boards and approved by Minister and Council.

Local
Government
Commission to
review final
scheme for
constitution
of Marlborough
Catchment
District.
1953, No. 110

5. (1) Notwithstanding anything in the Local Government Commission Act 1953, the reorganization scheme that was finally approved by the Local Government Commission on the fifth day of November, nineteen hundred and fifty-three, providing for the constitution of a Marlborough Catchment District under the principal Act is hereby referred back to the Commission for further consideration.

(2) The Local Government Commission, in further considering the scheme, may hold a further public inquiry and may hear such further evidence submitted as the Commission considers relevant, and the Commission may recommend that the scheme be proceeded with in whole or in part or be not proceeded with or may decide to consider whether some alternative proposal should be investigated or may make such other recommendation in relation to the scheme or any part thereof as in the circumstances it thinks fit.
