

Hon. Sir J. G. Findlay

HAWKE'S BAY RIVERS AMENDMENT.

[LOCAL BILL.]

ANALYSIS.

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| <ul style="list-style-type: none"> Title. Preamble. 1. Short Title. 2. Commencement of Act. 3. Interpretation. 4. Enlargement of district. Clive Ward enlarged. New wards. 5. Hastings Suburban Ward abolished. 6. Napier South to be included in Napier Borough Ward. 7. Repeal. 8. Constitution of Board. | <ul style="list-style-type: none"> 9. Repeal. 10. First election of members for new wards. 11. Differential rating. 12. Board may accept composition for rates leviable in Hastings Borough Ward, and Napier Borough Ward. 13. Section 7 of Hawke's Bay Rivers Amendment Act, 1912, amended. 14. Reserve vested in Board. 15. Extension of borrowing-powers. 16. Board to pay costs of promoting Act. Schedules. |
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A BILL INTITULED

AN ACT to amend the Hawke's Bay Rivers Act, 1910, and the Hawke's Bay Rivers Amendment Act, 1912, and to vest certain Land in the Hawke's Bay Rivers Board and to extend the Borrowing-powers of the said Board.

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Struck out.

WHEREAS on or about the seventeenth day of February, nineteen hundred and sixteen, the Hawke's Bay Rivers Board, acting under and in pursuance of section four of the River Boards Amendment Act, 1913, presented a petition to His Excellency the Governor praying that certain areas of land defined in the Schedule to the petition be included in the Hawke's Bay Rivers District: And whereas certain counter-petitions were afterwards presented to His Excellency objecting to the inclusion of the said areas respectively: And whereas on the twentieth day of June, nineteen hundred and sixteen, His Excellency did by Warrant under his hand appoint William Fairchild Marsh, Commissioner of Crown Lands for the Land District of Hawke's Bay, Gordon Heathfield Lloyd, officer in charge of the valuation district in which the said areas are situate, and John Thomas Blake, of Hastings, Esquire, to be a Commission for the purpose of inquiring into and reporting on the allegations contained in the said petition: And whereas the said Commission sat at Hastings on the fourth, fifth, and sixth days of September, nineteen hundred and sixteen, and at Napier on the twelfth and

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Title.

Preamble.

thirteenth days of the same month, and heard evidence in support of the said petition and counter-petitions respectively; and personally viewed each one of the said areas: And whereas on the twenty-fifth day of the said month of September the said Commission made their report to His Excellency the Governor recommending that the areas described in the *First* Schedule hereto under the headings A, B, and C respectively should be included in the Hawke's Bay Rivers District, and it is expedient that their recommendation should be carried into effect: And whereas it is necessary for the more effectual control of the Tukituki and Ngaruroro Rivers that a certain area of land within the said rivers district extending along the seashore from the mouth of the Tukituki to the mouth of the Ngaruroro should be vested in the said Board as a river-improvement reserve: And whereas the said Board have undertaken to construct certain necessary protective works and have agreed to purchase certain areas of land required for the construction of the same, but for lack of funds they are unable at the present time to carry out their undertakings and agreements, and it is desirable that their borrowing-powers should be enlarged and extended and their rating-powers more exactly defined:

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

New.

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 Hawke's Bay Rivers Amendment Act, 1917, and it shall form part of and be read with the Hawke's Bay Rivers Act, 1910 (hereinafter referred to as the principal Act).

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Commencement of Act.

2. This Act shall come into force on the first day of January, nineteen hundred and *eighteen*.

Interpretation.

3. In this Act—

“The Board” means the Hawke's Bay Rivers Board:

“The district” means the Hawke's Bay Rivers District:

The expression “special order” has the meaning assigned thereto in section ten of the principal Act.

New.

Governor-General may appoint Commissioners to consider certain matters, viz. :—

3A. (1.) Notwithstanding anything in the principal Act or in any other statute contained, the Governor-General may, if he thinks fit, at any time after the passing of this Act, appoint any five competent persons to be Commissioners, with all the powers of a Commission appointed by the Governor-General in Council under the Commissions of Inquiry Act, 1908, for the purpose of inquiring into and determining the following questions, that is to say:—

Enlargement or curtailment of district.

(a.) Whether any, and if any, then what areas shall be added to or excluded from the district?

Creation and abolition of wards and alterations of ward-boundaries.

(b.) Whether any new wards or subdivisions of the district shall be created or any existing wards abolished, and whether it is necessary or desirable to make any, and, if any,

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what alterations in the boundaries of any existing ward on account of the addition of any area to or the exclusion of any area from the district or on any other account or for any other reason whatsoever?

(c.) Whether the Board shall continue to consist of ten members, or whether that number shall be increased or reduced, and in what manner the members shall be distributed among the several wards?

Number of members of Board, and representation of wards.

(d.) Whether general and special rates shall be levied on a uniform scale throughout the district, or whether such rates shall be levied on a graduated scale either—

Rating, whether to be uniform or graduated.

(i.) According to wards, and so that the rate levied in any one ward while levied equally upon all rateable property within that ward may differ in amount from the rate levied in any other ward; or

(ii.) According to the local situation of the property rated irrespective of ward boundaries; or

(iii.) According to the benefit directly or indirectly receivable by the property rated from any river-works constructed or maintained, or proposed to be constructed by the Board; or

(iv.) According to any other method of classifying the property rated:

And if such rates ought to be levied on a graduated scale, then upon what scale they should be levied as between the several wards or the several classes of property, as the case may be, or in what proportions each such rate should be imposed upon the several wards or the said several classes respectively?

(e.) Whether all general and special rates leviable in any ward may be compounded for by the local authority having jurisdiction in that ward for borough, town, or county purposes, and what sum of money (if any) the Board may accept from any such local authority by way of composition for any general or special rate of a given amount, or in what manner any such composition is to be calculated and assessed?

Composition for rates.

(2.) Of the said Commissioners one may be a Judge of the Supreme Court, and two others at the least shall be civil engineers of repute.

Personnel of Commission.

(3.) In case any such Judge as aforesaid shall be appointed a Commissioner he shall *ex officio* be Chairman of the Commission; but if no such Judge shall be so appointed, the Commissioners may elect any Governor-General shall appoint one of their number to be Chairman.

Chairmanship of Commission.

(4.) The Commissioners shall sit to hear evidence in Napier and Hastings, and may at their pleasure sit for the like purpose in any other place or places either within or without the district.

Commissioners to take evidence.

(5.) So soon as practicable after the date of their appointment the Commissioners shall make to the Governor-General a report in writing under their hands wherein they shall set out their decisions touching the several questions referred to them, and upon

Report of Commissioners.

Decisions of Commissioners to have force of law. 5
 To override existing statutory provisions. 10
 Present Board need not fill up vacancies. 15
 Postponement of general election in certain case. 20
 (9.) The fees of the Commissioners, their personal expenses, and 25
 all other expenses incurred by them in or about the prosecution of
 the said inquiry shall be chargeable against and shall be paid by the
 Board, but this provision is without prejudice to the general
 discretion of the Commissioners to award costs to or against any
 party to the inquiry. 30

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Enlargement of district.	4. (1.) The areas described in the <i>First</i> Schedule hereto under the headings A, B, and C respectively shall be and the same are hereby included in the district.	35
Clive Ward enlarged. New wards.	(2.) The area described in the <i>First</i> Schedule hereto under the heading A shall form part of the Clive Ward of the district; the area described in the same Schedule under the heading "B" shall form a new ward under the name of the Hastings Borough Ward; and the area described in the same Schedule under the heading C shall form part of a new ward to be called the Napier Borough Ward.	40
Hastings Suburban Ward abolished.	5. The Hastings Suburban Ward is hereby abolished, and the area heretofore comprised in that ward is hereby included in and shall from henceforth form part of the Pukahu Ward.	
Napier South to be included in Napier Borough Ward.	6. The area known as Napier South, being that portion of the Meanee Ward which has since the constitution of the district become part of the Borough of Napier is hereby severed from the Meanee Ward, and shall from henceforth be included in the Napier Borough Ward hereinbefore mentioned.	45
Repeal.	7. The Schedule to the Hawke's Bay Rivers Amendment Act, 1912, is hereby repealed and the <i>Second</i> Schedule hereto is hereby substituted therefor.	50

8. The Board shall continue to consist of ten members, two for the Pukahu Ward as hereby reconstituted and one for each of the other wards.

Constitution of Board.

9. Section two of the Hawke's Bay Rivers Amendment Act, 1912, is hereby repealed in so far as the provisions thereof are inconsistent with the foregoing provisions of this Act.

Repeal.

10. The first election of members for the new wards created by this Act shall take place on the day appointed for the next general election of all the members of the Board—that is to say, the second Tuesday in January, nineteen hundred and *eighteen*.

First election of members for new wards.

11. (1.) Whenever the Board makes and levies any general rate or makes and levies any special rate throughout the district it shall make and levy such rate on a uniform scale in seven subdivisions or wards—to wit, the Taradale Ward, the Meanee Ward, the Papakura Ward, the Karamu Ward, the Clive Ward, the Omaraenui Ward, and the Napier Borough Ward; but it shall not be lawful for them to levy in either of the remaining wards—that is to say, the Pukahu Ward, and the Hastings Borough Ward—any rate exceeding one-fifth part of the amount of the rate levied by them in the seven wards above mentioned.

Differential rating.

(2.) It shall not be incumbent on the Board when making and levying any rate as aforesaid to levy one rate of uniform amount on all rateable property situate within the Pukahu Ward and the Hastings Borough Ward respectively, but the Board may, if it thinks fit, levy a rate of one amount within the Pukahu Ward and a rate of another amount within the Hastings Borough Ward.

(3.) Section six of the Hawke's Bay Rivers Amendment Act, 1912, is hereby repealed.

12. (1.) It shall be lawful for but not incumbent on the Board when making and levying any general or special rate throughout the district, or any separate rate within the Hastings Borough Ward or the Napier Borough Ward, or any special rate within any portion of the district comprising the Hastings Borough Ward or the Napier Borough Ward, in lieu of collecting such rate within those wards or the one or the other of them to accept from the Hastings Borough Council and the Napier Borough Council, or from either of the said Councils, a composition in money equal or estimated to be equal to the net amount which could or might be produced by the collection of the rate in the Hastings Borough Ward or the Napier Borough Ward, as the case may be, anything in any statute to the contrary notwithstanding:

Board may accept composition for rates leviable in Hastings Borough Ward and Napier Borough Ward.

Provided always that, except where the rate so compounded for is a separate rate, the Board may, if it thinks fit, accept by way of composition any lesser sum than the net amount aforesaid.

(2.) In this section the expression "net amount" means the actual sum which could or might be produced by such collection as aforesaid, less the estimated cost of collecting that sum.

(3.) In determining the net amount which could or might be produced by such collection as aforesaid regard shall be had to the limit of the Board's rating-power in respect of the Hastings Borough Ward.

Section 7 of
Hawke's Bay Rivers
Amendment Act,
1912, amended.

Reserve vested in
Board.

Extension of
borrowing-powers.

Board to pay costs
of promoting Act.

Schedules.

13. Section seven of the Hawke's Bay Rivers Amendment Act, 1912, is hereby amended as follows:—

(a.) By striking out the word "Suburban" wherever that word appears in the said section, and inserting the word "Borough" in lieu of the word so struck out.

(b.) By striking out in the second line of subsection three the words "the special rate" and the words "the loan," and inserting in lieu thereof respectively the words "a special rate" and "a loan."

14. The parcel of land known as Section 3, Block II, Clive Survey District, containing one hundred and twenty-two acres three roods, more or less, and extending along the seashore from the mouth of the Tukituki River to the mouth of the Ngaruroro River is hereby ~~granted to~~ vested in the Board in fee-simple as a river-improvement reserve.

15. (1.) For the purpose of completing the purchase of all or any lands which the Board has ~~have~~ prior to the passing of this Act agreed to acquire as reserves for river-works, ~~and for the purpose of constructing river works thereon,~~ the Board may by special order raise a special loan under the Local Bodies' Loans Act, 1913, without taking any of the steps described in sections eight to twelve of that Act.

(2.) For the purposes aforesaid the Board may from time to time borrow money at any rate of interest ~~for the time being current approved by the Minister of Finance~~ on the security of the rents and profits of the reserves vested in ~~it~~ them, or any of those reserves.

16. All costs and expenses of and incidental to the promotion of this Act shall be chargeable against the Board and shall be paid out of moneys belonging to the Board.

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SCHEDULES.

FIRST SCHEDULE.

A.

ALL that area within Block 9, Te Mata Crown Grant District, containing 900 acres, more or less, bounded—commencing at a point on Danvers Creek on the south-eastern boundary of the Hawke's Bay Rivers District, thence north-easterly along that boundary to the point where it intersects the eastern boundary of the said Block 9; thence south-easterly along that boundary to a county road; thence westerly, southerly, and westerly, along that road to another county road; thence north-easterly and north-westerly along that road to its end; thence north-westerly along the north-eastern boundaries of Lots 4, 18, 4, 3, and 2; thence north-westerly by a straight line to a point on the eastern side of the Mangateretere Road directly opposite the south-eastern corner of Lot 33; thence south-westerly by a straight line to the said south-eastern corner of the said Lot 33; thence again south-westerly by the southern boundaries of the said Lot 33 and of Lot 34; thence southerly along the western boundaries of Lots 36, 38, and 40 to the Mangateretere Stream; thence north-westerly along that stream to its junction with a drain forming the boundary between Lots 22 and 23; thence south-westerly along that drain to Danvers Creek; and thence north-westerly along that creek to the point of commencement.

B.

All that area now included within the boundaries of the Borough of Hastings.

C.

All that area within the Borough of Napier, containing by admeasurement 100 acres, more or less, bounded—commencing at the point where the northern side of Ellison Street intersects the western side of Hastings Street; thence northerly by the western side of the latter street to the southernmost corner of Town Section 568; thence north-westerly by the south-west boundary of that section; thence easterly along the southern boundary of Lot 5A, subdivision of Town Section 313; thence northerly by the eastern boundaries of Lots 5, 6, and 7 of the said Town Section 313; thence westerly by the southern side of a right-of-way intersecting the said Town Section 313 to a point directly opposite the eastern boundary of Lot 9 of the said section; thence northerly across the said right-of-way; and then by the eastern boundary of the said Lot 9 and the eastern boundaries of Lots 11, 10, 9, 8, and 13 of Town Sections 309 and 311 to Sale Street; thence north-westerly across that street by a straight line to the south-west corner of Town Sections 307; thence northerly by the western boundaries of Town Sections 307, 305, 303, 301, and 299 across Edwardes Street and by the western boundaries of Town Sections 297, 295, 293, 291, and 289 to the southern side of Raffles Street; thence north-westerly across that street by a straight line to the intersection of the northern side of that street with the south-western side of Dalton Street; thence north-westerly by the south-western side of Dalton Street to the southern side of Tennyson Street; thence south-westerly by the said southern side of Tennyson Street to the eastern side of Clive Square; thence south-easterly by the eastern side of Clive Square to the southern side of Emerson Street; thence south-westerly by the southern side of the street intersecting Clive Square and by the southern side of Carlyle Street to the boundary of the Hawke's Bay Rivers District; thence generally easterly, south-easterly, and southerly by that boundary to the commencing-point.

SECOND SCHEDULE.

DESCRIPTION OF WARDS.

1. *Taradale Ward*.—All that portion of the district containing 1,200 acres, more or less, being the Taradale Town District as described in the *New Zealand Gazette*, 1886, Vol. ii, pages 1536-37.

2. *Meanee Ward*.—All that portion of the district containing 6,250 acres, more or less, bounded—commencing at the south-western corner of Meanee Suburban Section 60; thence by the western and northern boundaries of the district to the Napier Borough Ward; thence south-easterly by the south-western boundary of that ward to the eastern boundary of the district; thence southerly by the eastern boundary of the district to Awatoto; thence westerly along the Awatoto-Meanee Road to the Meanee Bridge; thence south-westerly and north-westerly along the Tutaekuri River to the south-easternmost point of the Taradale Ward; thence northerly and westerly by the eastern and northern boundaries of the Taradale Ward to the point of commencement.

3. *Napier Borough Ward*.—All that portion of the district, containing 350 acres, more or less, bounded—commencing at the point where the eastern boundary of the district intersects the southern boundary of the Borough of Napier; thence north-westerly by the south-western boundary of that borough to the northern boundary of the district; thence north-easterly, south-easterly, and southerly by the boundary of the district to the point of commencement.

4. *Papakura Ward*.—All that portion of the district, containing 10,000 acres, more or less, bounded—commencing at the south-easternmost point of the Meanee Ward, thence by the eastern boundary of the district to the mouth of the Ngaruroro River; thence westerly along the Ngaruroro River to the south-eastern corner of Waipiro-iro No. 4 Block; thence north-westerly by the north-eastern boundary of that block to the Fernhill-Napier Road; thence easterly by that road to the Redcliffe Bridge over the Tutaekuri River; thence by the southern boundaries of the Taradale and Meanee Wards to the point of commencement.

5. *Karamu Ward*.—All that portion of the district, containing 4,940 acres, more or less, bounded—commencing at the Fernhill Bridge over the Ngaruroro River; thence easterly by the middle line of that river to the Whakatu Railway-bridge on the Wellington-Napier Railway; thence south-westerly by that railway to the north-eastern boundary of the Pukahu Ward; thence north-westerly by the north-eastern boundary of that ward to the Hastings-Fernhill Road; thence northerly by that road to the point of commencement.

6. *Clive Ward*.—All that portion of the district, containing 8,900 acres, more or less, bounded—commencing at the mouth of the Ngaruroro River; thence south-easterly, south-westerly, north-westerly, again south-easterly, again north-westerly, and again south-westerly by the boundary of the district to the bridge over Danvers Creek on the Havelock-Napier Road; thence north-easterly, south-westerly, and northerly by the south-eastern, north-western, and eastern boundaries of the Pakahu Ward to the Wellington-Napier Railway; thence north-easterly by that railway to the Whakatū Railway bridge over the Ngaruroro River; thence north-easterly by the middle line of that river to the point of commencement.

7. *Hastings Borough Ward*.—All that portion of the district, containing 2,700 acres, more or less, being the area included in the Borough of Hastings as described in the *New Zealand Gazette*, 1886, Vol. II, page 985, less the area subsequently severed from the said borough, as the said severed areas are respectively described in the *New Zealand Gazette*, 1908, Vol. I, page 1136; 1909, Vol. I, page 738; and 1909, Vol. II, page 3307.

8. *Pukuhu Ward*.—All that portion of the district comprised within the boundaries hereinafter described (but excepting thereout the whole of the Hastings Borough Ward), which portion contains, after making the exception aforesaid, 33,500 acres, more or less, and is bounded as follows: commencing at the Fernhill bridge, thence south-easterly by the Fernhill Road to a point 15 chains north-easterly from the junction of that road with the Maraekakaho-Fernhill Road; thence south-easterly by a right line to the north-western corner of Lot 3, part Lot 5, Subdivision A, Heretaunga Block, thence south-easterly and north-easterly by the south-western and south-eastern boundaries of the said Lot 3 to the boundary of Lot 4, Subdivision B, Heretaunga Block, thence south-easterly by the south-western boundary of that lot to the Twyford Road; thence south-easterly by a right line across that road and by the north-eastern boundaries of Lots 7 and 1; parts of the said Lot 4, to the south-eastern corner of the said Lot 1; thence north-easterly by the north-western boundaries of the said Lot 1 and of Lots 68, 67, 66, 65, 64, and 63 of the said Lot 4 to the north-eastern corner of the said Lot 63; thence south-easterly by the south-western boundary of Lot 62 of the said Lot 4, by a road reserve, and by the south-western boundaries of Lots 55 and 52 of the said Lot 4 to the south-western corner of the said Lot 52; thence south-easterly by a right line to the westernmost corner of Lot 3 of the Mahora Settlement; thence south-easterly and north-easterly by the south-western and south-eastern boundaries of that lot to a public road; thence north-easterly and south-easterly by that road to the Pakowhai Road; thence north-easterly by that road to the Tomoana Settlement Road, thence south-easterly by that road and by its north-eastern side produced to the boundary of Lot 1, Subdivision D, Heretaunga Block; thence north-easterly by the north-western boundary of that Lot to a public road; thence south-easterly by that road to the Wellington-Napier Railway; thence north-easterly by that railway to a public road in the Karamu Reserve; thence south-easterly by that road to the boundary between Lots 16 and 18 of the Karamu Reserve; thence easterly by that boundary to the north-eastern corner of the said Lot 16; thence southerly by the eastern boundaries of the said Lot 16 and of Lots 14, 12, 10, 8, and 1 of the Karamu Reserve to the Karamu Road; thence north-easterly by that road to its intersection with the Havelock-Napier Road; thence south-westerly by that road to the bridge over Danvers Creek on the south-eastern boundary of the district; thence generally south-westerly, north-westerly, and north-easterly by the boundary of the district to a point on the right bank of the Ngaruroro River opposite the mouth of the Ohiwia Stream; thence easterly by that river to the point of commencement.

9. *Omarauenui Ward*.—All that portion of the district containing 5,500 acres, more or less, and lying to the north and west of a line commencing at the mouth of the Ohiwia Stream, and running thence easterly along the Ngaruroro River to the south-eastern corner of the Waipiropi No. 4 Block; and thence north-westerly along the north-eastern boundary of that block to the Fernhill-Napier Road, and thence north-easterly along that road to the Redcliffe Bridge.