

Manawatu-Oroua River District Act 1923

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An Act to make Provision for the Improvement of the Waterways of the Manawatu River and the Oroua River, and for the Protection from Damage by Water of certain Lands in the Wellington District.

BE IT 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 Manawatu-Oroua River District Act 1923.

- 2 Interpretation**
In this Act, if not inconsistent with the context,—

District means the river district constituted under this Act

Local authority means any Council, Board, Trustees, Commissioners, company, body, or persons empowered to make and levy rates, other than and not being a Harbour Board

Low-lying land means lands of which the greater portion is not more than ten feet above the level of ordinary spring tides

Protection-works includes all banks, drains, erections, and other works constructed to prevent damage to land by water

Ratepayer means any person whose name for the time being is on the ratepayers list of the district

River and stream includes all artificial channels and drains constructed by the River Board

River Board means the Manawatu-Oroua River Board

River-works means the undertaking of the River Board, and includes all land, works, assets, and other things owned or in course of construction by or under the control of the River Board

Tidal land means any parts of the bed, shore, or banks of a tidal water which are covered and uncovered by the flow and ebb of the tide at ordinary spring tides

Tidal water means any part of the sea or of a river within the ebb and flow of the tide at ordinary spring tides

Waste land means land the capital value of which does not exceed four dollars per acre

The words "four dollars" was substituted, as from 10 July 1967, for the words "two pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Watercourse includes all overflow and other artificial channels, and notwithstanding that water flows through such channels intermittently.

3 Constitution of district

(1) The area described in Schedule 1 hereto is hereby constituted and declared to be a special river district, to be called the Manawatu-Oroua River District (hereinafter referred to as the district).

(2)

- (3) The Manawatu-Oroua River District constituted under the River Boards Act 1908, by Proclamation dated the first day of September, nineteen hundred and twenty-two, is hereby abolished.

Subsection (2) was repealed, as from 21 September 1925, by section 3(3) Manawatu-Oroua River District Amendment Act 1915 (1925 No 4(L)).

4 Constitution of Board

- (1) There shall be for the district hereby constituted a River Board to be called the Manawatu-Oroua River Board, consisting of nine members, of whom one member shall be elected by the ratepayers of the Oroua Subdivision of the district, two members shall be elected by the ratepayers of the Kairanga Subdivision of the district, three members shall be elected by the ratepayers of the Makerua Subdivision of the district, one member shall be elected by the ratepayers of the Kopuataroa Subdivision of the district, and two members shall be elected by the ratepayers of the Moutoa Subdivision of the district.
- (2) The members elected on the twenty-first day of September, nineteen hundred and twenty-two, as the Board (hereinafter referred to as the late Board) of the district abolished under the last preceding section shall continue to be the members of the Manawatu-Oroua River Board constituted under this Act as if they had been duly elected thereto, and shall represent thereon the subdivisions of the district corresponding to those of the district hereby abolished which they were elected to represent, and such members shall continue in office until the election of their successors under the provisions of the River Boards Act 1908, hereinafter applied.
- (3) The Chairman of the late Board shall continue to be Chairman of the River Board until the next election of a Chairman under the provisions of the River Boards Act 1908, hereinafter applied.
- (4) The Board of the Manawatu-Oroua River District abolished under the last preceding section is hereby dissolved.
- (5) The River Board hereby constituted shall be deemed to be a River Board under the River Boards Act 1908, and shall have all the powers conferred on a River Board by that Act, and all the provisions of that Act, except in so far as any of

such provisions are expressly or impliedly extended, varied, or repealed by this Act, shall apply accordingly.

5 Confirming exercise of powers and appointments

- (1) All powers heretofore exercised and all appointments heretofore made by the late Board which might lawfully have been exercised or made by a River Board constituted under the River Boards Act 1908, are hereby declared to have been lawfully exercised or made, and all moneys heretofore borrowed and all loans heretofore raised by the late Board are hereby declared to have been lawfully borrowed or raised.
- (2) On the passing of this Act all property of the Board dissolved as aforesaid shall become vested in the Manawatu-Oroua River Board constituted by this Act, and all liabilities and engagements of the Board so dissolved shall become the liabilities and engagements of the River Board, and all rates and other money payable to the Board so dissolved shall become payable to the River Board, and all actions and proceedings which are then pending or which might thereafter have been instituted by or against the Board so dissolved if it had continued to exist may be carried on or instituted by or against the River Board.

6 General powers of Board

The River Board shall have full power, subject only to the provisions in respect to local authorities and Harbour Boards herein contained, to execute all such works and do all such things as may, in its opinion, be necessary to effectively prevent or minimize the flooding of the district either from surface water, or by floods and freshes in the Manawatu and Oroua Rivers, or any of their tributaries.

7 Special powers

In particular, and without restricting the general powers hereby given, the Board shall, subject to the provisions in respect to local authorities and Harbour Boards herein contained, have and possess the following powers, that is to say:—

- (a.) It may divert any drain, stream, or river, and close up any outlet or inlet to or from the same.

- (b.) It may from time to time make, maintain, alter, or discontinue in, on, over, through, or across any land within the district such overflow or other channels as the Board may consider necessary for the purpose of carrying out its operations.
- (c.) It may out of any special loan raised for that purpose purchase from any local authority or ratepayer within the district any portion of the protection-works erected by such local authority or ratepayer, without purchasing the land on which such protection-work is erected, and with or without any easement over the land on which such protection-works are erected, or any machinery or other assets of such local authority or ratepayer which in the opinion of the Board are or are likely to be required for the efficient carrying out of the River Board's operations under this Act. In such case the following provisions shall apply:—
 - (i.) If the River Board and such local authority or ratepayer cannot agree as to the price to be paid for such protection-works, machinery, or assets, which price shall be such part of the sum actually paid by such local authority or ratepayer for such protection-works, machinery, or assets as represents the value to the River Board thereof as part of its undertaking, the dispute shall be referred to the determination and award of two arbitrators and their umpire, pursuant to and so as to have all the incidents and consequences of an arbitration under the Arbitration Act 1996.
 - (ii.) In case such purchase is made from a local authority the River Board, in lieu of paying for such protection-works, machinery, or assets, may either take over and assume, as substitute for such local authority, the liability for a proportionate part or the whole, as the case may be, of the special loan out of which the protection-works, machinery, or assets were paid for by such local authority, but subject always to the consent of the lender; or may issue debentures to such local au-

thority on the same terms as to redemption and rate of interest as such local authority has contracted for in respect of such special loan; and any such local authority is hereby authorized to accept any such debentures in payment for such protection-works, machinery, or assets.

- (iii.) In case such purchase is made from a ratepayer the River Board, in lieu of paying for such protection-works, machinery, or assets, may issue debentures to such ratepayer for such period, on such terms, and at such rate of interest as the River Board and such ratepayer shall agree.
- (iv.) Nothing herein contained shall authorize the River Board to issue any debentures, save in accordance with subsections two, three, and four of section twenty-six and subsections one and two of section twenty-seven of the Local Bodies' Loans Act 1913.
- (d.) It may acquire any low-lying, tidal, or waste land, not being the property of or under the control of a local authority or Harbour Board, whether within the river district, or within three miles of the boundaries thereof, that can, in the opinion of the River Board, be advantageously reclaimed in the course of the Board's operations, and may reclaim the same.
- (e.) It may order the occupier, or in case there is no occupier, then the owner, of any land on the bank of any river or stream within its jurisdiction to remove anything whatsoever, whether in such river or stream or (except in the case of buildings) within half a chain from the nearest margin of such river or stream, which obstructs or impedes the free flow of such river or stream, or damages or is likely, in the opinion of the Board, to damage the bed or banks thereof, or which has constricted or will be likely, in the opinion of the Board, to constrict the channel of such river or stream in such manner as to impede the free flow of the water. The power of the Board herein shall extend for the space of one mile beyond the up-stream boundary of the district.

- (f.) It may, where it considers it expedient for the satisfactory carrying-out of its operations either on land acquired by it, or, subject to the consent of the owner, on any other land, plant or sow such shelter-belts of trees, shrubs, or grasses, or otherwise take such steps, as it may think desirable to check or prevent sand-drifts and minimize the damage resulting therefrom.
- (g.) No person shall do anything to destroy or damage any such shelter-belt, trees, shrubs, grasses, or other works provided in paragraph (f) hereof, or any fences or other protection in connection therewith.

The reference to the Arbitration Act 1996 was substituted, as from 1 July 1997, for a reference to the Arbitration Act 1908 pursuant to section 18 of the 1996 Act.

8 Board to give notice before exercising certain powers

- (1) Before exercising its powers under paragraphs (a), (b) and (e) of section seven hereof, or under paragraphs (c), (d), and (f) of section seventy-six of the River Boards Act 1908, the River Board shall send to the occupier or, if there is no occupier, then the owner of any land, drain, or other work affected, one month's notice of its intention to exercise any of the powers conferred upon it by any such section.
- (2) Such notice shall specify in general terms the work contemplated by the Board, and shall name a time and place where the Board will hear any objection to such work.
- (3) The decision of the Board, after hearing any such objection, or if such occupier or owner shall not appear, shall be final.

Subsection (1) was amended, as from 21 September 1925, by substituting the reference to "(a), (b) and (e)" for a reference to "(a), (b) and (c)" pursuant to section 5 Manawatu-Oroua River District Amendment Act 1925 (1925 No 4(L)).

9 Failure to send notice

- (1) The omission to send any such notice or to hear any such objection shall not render illegal the exercise by the Board of any such powers.
- (2) Nothing in the foregoing section shall apply in respect of the carrying-out by the River Board of any urgent work to meet any emergency.

10 River Board to approve of drains and other works

- (1) No person and no local authority, save as herein provided, either within the district or within two miles beyond the up-stream boundary, shall cause, or shall in any case where the River Board shall have notified its intention in the manner provided by section eight permit, any drain or drains to empty into any river or stream or into any drain or drains under the control of the River Board, or shall make or erect in or adjoining such river or stream any lock, tide-gate, bridge, ferry, wharf, or other works, which drains, erections, or works might prejudicially affect the effective carrying-out of the Board's operations, unless and until the River Board shall have approved thereof.
- (2) In case any such local authority desires to make, erect, or maintain all or any of the matters in this section mentioned it shall give not less than fourteen days' notice to the River Board, and therewith shall supply full particulars of the work to be made, erected, or maintained.
- (3) Nothing in this section shall give the River Board jurisdiction over any of the matters therein mentioned which are under the control of any Harbour Board.

11 Obstruction of flow of waters

- (1) No person and no local authority, save as herein provided, shall make, erect, or maintain anything that will obstruct or will be likely to obstruct the free flow of flood-waters over any land within the district unless with the written consent of the River Board.
- (2) In case any such local authority desires to do all or any of the matters in this section specified it shall give not less than fourteen days' notice to the River Board, and therewith shall supply full particulars of the work to be carried out.

12 Property works, &c, vested in Board

Every protection-bank, drain, overflow-channel, tidal or flood gate, or box or valve, or levee, or other appliance, or any other work, property, or thing carried out, acquired, constructed, or maintained by the River Board, shall be deemed to be the property of the River Board.

13 Penalty for damaging property or doing act in contravention of the Act

Any person doing any act whereby anything specified in the last preceding section may be damaged or its efficiency impaired, or doing any act, work, or thing forbidden by the provisions of this Act, shall be liable to a penalty of two hundred dollars.

The words “two hundred dollars” were substituted, as from 10 July 1967, for the words “one hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

14 Penalty for failing to comply with Board’s order

(1) Any person failing to comply with any order that the Board is hereby empowered to make within fourteen days from the receipt thereof shall be liable to a fine of ten dollars per day for every day during which such order is not obeyed, and the Board may itself do anything by such order directed to be done, and may recover the cost thereof from such person as a debt due to the Board.

(2) Any order of the Board sent by registered letter addressed to the last known address of such person shall be deemed to have been received by him within twenty-four hours after its arrival at the post-office of address.

The words “ten dollars” were substituted, as from 10 July 1967, for the words “five pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

15 Board to keep hydrological records

It shall be the duty of the River Board to take all necessary observations and keep records that will assist in the study of the hydrology of the Rivers Manawatu and Oroua and their tributaries, changes in their regimen, height and duration of floods, rainfall, or any other information that will be of service to the Board.

16 Power to enter on lands

The River Board may for any of the purposes authorized by the River Boards Act 1908, or by this Act, at all reasonable times, by itself, its servants or workmen, and with or without carriages loaded or unloaded, enter into and pass through and

over any lands within the district for the purpose of carrying out any works to be constructed under this Act, and for the purpose of maintaining and repairing any existing works, doing thereby no unnecessary or avoidable damage to such lands.

17 Board may purchase land

In lieu of paying compensation to the owner or occupier of any land that may be damaged or injuriously affected by any work carried out under the provisions of this Act, the River Board is hereby empowered to purchase any such land.

18 Price may be fixed by arbitration

If the owner of any such land and the River Board cannot agree as to the price to be paid for such land, the dispute shall be referred to the determination and award of two arbitrators and their umpire, pursuant to and so as to have all the incidents and consequences of an arbitration under the Arbitration Act 1996.

The reference to the Arbitration Act 1996 was substituted, as from 1 July 1997, for a reference to the Arbitration Act 1908 pursuant to section 18 Arbitration Act 1996 (1996 No 99).

19 Power to sell and lease lands

- (1) The River Board shall have the power to lease or sell, convey, and transfer any land from time to time belonging to it.
- (2) All proceeds derived by the River Board from any such leases or sales shall be applied, in the discretion of the River 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 River Board under the Local Authorities Loans Act 1956:
 - (b.) The payment for any new river-works to be thereafter executed by the River Board:
 - (c.) The payment of compensation for any land previously compulsorily taken or thereafter to be compulsorily taken by the River Board in the exercise of its powers, or purchased by the Board under section twenty hereof:

- (d.) The payment of compensation for damaging or injuriously affecting any land or property in the exercise of its powers.

The reference to the Local Bodies Loans Act 1926 was substituted, as from 1 October 1926, for a reference to the Local Bodies Loans Act 1913 pursuant to section 126(1) of the Local Bodies Loans Act 1926 (1926 No 14). That Act was in turn substituted, as from 1 April 1957, pursuant to section 135(1) Local Authorities Loans Act 1956 (1956 No 63).

20 Notice to be given to local authority of works likely to interfere with roads, &c

If any works of the River Board will be likely to interfere with any road, bridge, or culvert or other work vested in any local authority, or if in the execution of any such works the River Board requires to lower or alter any such road, bridge, or culvert, or interfere with such work, then the River Board shall give not less than fourteen days' notice to such local authority, and therewith shall supply full particulars of the work to be carried out.

21 Notice to be given to Drainage Board before construction of work in drainage district

Before the River Board commences any construction-work in any portion of its district which is also comprised within a land-drainage district it shall give not less than fourteen days' notice to the Board of such drainage district, and therewith shall supply full particulars of the work to be carried out.

22 Notice to be given by Drainage Board before construction of new work

Before the Board of any of the land-drainage districts comprised in whole or in part within the river district commences any new work in the district it shall give not less than fourteen days' notice to the River Board, and therewith shall supply full particulars of the work to be carried out.

23 Saving of work under construction of and maintenance

Nothing in the last preceding section shall apply to work in course of construction on the thirty-first day of October, nineteen hundred and twenty-two, or to any work of

maintenance, repair, improvement, or reconstruction, or to the construction of subsidiary drains linking up with existing drains.

24 If no objection to notice, work may proceed

If the River Board or local authority giving fourteen days' notice as provided by this Act does not within the time specified therein receive any objection in writing from the local authority or River Board to which such notice was given, it may forthwith proceed with or maintain the work.

25 If objection and no agreement, matter referred to Public Works Engineer-in-Chief

If any objection is made in writing and an agreement between the River Board and any local authority concerned cannot be reached, the River Board or local authority proposing to carry out or maintain the work shall refer the matter to the Engineer-in-Chief of the Public Works Department for decision.

26 Engineer-in-Chief to decide

The Engineer-in-Chief, or some other Engineer of the Department appointed by him, after making such inquiry as he thinks fit, shall determine whether the work shall be carried out or maintained as proposed by the River Board or local authority or with any modification indicated by him.

27 Decision of Engineer-in-Chief authority for work, &c

If in accordance with the last preceding section it is determined that the work or the work with modifications indicated should be carried out or maintained, the River Board or local authority which submitted the matter for determination may forthwith proceed to carry out or maintain the work in accordance with the determination.

28 Exception as to urgent work

Nothing herein shall apply in respect of the carrying-out by the River Board or any local authority of any urgent work to meet any emergency.

29 Section 73(2) of River Boards Act 1908, not to deprive Board of jurisdiction

Nothing in subsection two of section seventy-three of the River Boards Act 1908, shall be so construed as to deprive the River Board of jurisdiction over any part of the river district.

30 Board not to construct work on tidal waters without Governor-General's consent

- (1) Nothing in this Act shall authorize the River Board to commence or construct any river-works or place any pile or other structure in, on, over, through; or across tidal lands or a tidal water without the sanction of the Governor-General in Council first obtained.
- (2) The provisions of sections 148 to 155 of the Harbours Act 1908, shall apply to all applications for sanction to do such works and to all such works as may be executed under this Act.

31 Ratepayers list

The Clerk of the River Board shall prepare for each subdivision a ratepayers list, and shall insert opposite the names of each ratepayer the total area of rateable land held by him within the subdivision in addition to the value thereof.

32 Special powers of rating

The River Board is hereby empowered to make and levy the following rates:—

- (a.) An administrative rate over the whole of the rateable land in the district to provide for the payment of general administrative charges that are of common interest to the district, but pending a classification or classifications of the land as herein provided, such rate may be made and levied on all the lands in the district.

- (b.) Maintenance rates over the whole of the rateable land in the district to provide for—
 - (i.) The cost of maintenance and repair of all works carried out or acquired under this Act, and all works and other property which at any time hereafter shall be owned by or have become subject to the control of the River Board.
 - (ii)
- (c.) Compensation rates over the whole of the rateable land in the district to provide for compensation for damaging or injuriously affecting any land or work in execution of the River Board's powers.

Section 32 was amended, as from 1 November 1929, by repealing subparagraph (ii) of paragraph (b) and inserting paragraph (c) pursuant to section 2 Manawatu-Oroua River District Amendment Act 1929 (1929 No 10(L)).

33 Board may direct separate rates

- (1) A separate rate may be made and levied within the subdivisions or any defined part of any subdivision (whether called by a distinctive name or not) affected either in lieu of, or in addition to, any maintenance, compensation or administrative rates for any work undertaken by the River Board for the benefit of such separate area, or any of the purposes for which such maintenance or compensation or administrative rates may be made and levied.
- (2) Separate rates shall be made and levied upon all rateable property within every or any subdivision or defined part of a subdivision of such river district, and so that the separate rates to be levied in one subdivision or defined part of a subdivision may vary from those in other subdivisions or defined parts.
- (3) Before directing such separate rate to be made the River Board shall cause an estimate to be prepared of the proposed expenditure of such rate, the period for which the rate is to be made, showing any sums already available for such purpose, the additional sum required, the total rateable property within the subdivision or defined part of a subdivision affected, and the rate thereon necessary to raise the money required; and such estimate, being approved by the Board, shall, for at least fourteen days before directing the proposed rate to be made,

be left at the office of the Board, or at some other place in the district to be publicly notified, and be open for inspection of all ratepayers.

Subsection (1) was amended, as from 21 September 1925, by inserting the words “or any defined part of any subdivision (whether called by a distinctive name or not)” after the words “subdivisions” pursuant to section 8 Manawatu-Oroua River District Amendment Act 1925 (1925 No 4(L)).

Subsection (2) was amended, as from 21 September 1925, by omitting the word “equally”, and inserting the words “or defined part of a subdivision”, after a reference to “subdivision”, “and or defined parts” after “subdivisions” pursuant to section 9 Manawatu-Oroua River District Amendment Act 1925 (1925 No 4(L)).

Subsection (1) was again amended, as from 1 November 1929, by inserting the word “compensation”, and adding the words “for any work undertaken by the River Board for the benefit of such separate area, or any of the purposes for which such maintenance or compensation or administrative rates may be made and levied.” pursuant to section 2(2) Manawatu-Oroua River District Amendment Act 1929 (1929 No 10(L)).

Subsection (3) was amended, as from 1 November 1929, by inserting the words “or defined part of a subdivision” after the word “subdivision” pursuant to section 5 Manawatu-Oroua River District Amendment Act 1929 (1929 No 10(L)).

34 Classification of land

Before making and levying any rate other than as is provided in paragraph (a) of section thirty-two hereof the River Board shall cause the land to be classified into two classes, namely,—

- (a.) Land receiving or likely to receive a benefit from the works and operations carried out or proposed to be carried out by the River Board, which lands shall be rateable on the basis provided by section 37; and
- (b.) All other lands, which shall be non-rateable: or, at the River Board’s option, into four or more classes by reference to the degree, if any, to which those lands have received or are likely to receive either an increase in value or an indirect benefit from the works and operations carried out or proposed to be carried out by the River Board. In the event of the second method of classification being adopted the rates shall be levied upon all the said classes of land (other than lands classified as not having received and not being likely to receive any increase in value or any indirect benefit from the

said works and operations) in such proportions as the River Board in each case approves.

Paragraph (b) was amended, as from 21 September 1925, pursuant to section 2 Manawatu-Oroua River District Amendment Act 1925 (1925 No 4(L)).

35 Appeals against classification

- (1) Every classification shall be dealt with by the River Board, and every person who thinks himself aggrieved thereby may appeal against the same in the manner provided by the River Boards Act 1908.
- (2) All appeals against any classification shall be decided by a District Court Judge sitting with two assessors, one of whom shall be appointed by the River Board and the other by the Minister of Public Works.
- (3) Every classification list, when signed by the River Board in case there is no appeal, and when signed by the District Court Judge and assessors after any appeal, shall, for the purpose of any proceedings for the recovery of rates payable under this Act, be conclusive evidence of the liability of the owner or occupier for the time being of the property described therein, and every such list shall remain in force until another is made by direction of the Board.

The words "District Court Judge" were substituted, as from 1 April 1980, for the words "Stipendiary Magistrate" and "Magistrate" pursuant to section 18(2) District Courts Amendment Act 1979 (1979 No 125).

36 Separate accounts to be kept

The River Board shall cause separate accounts to be kept for all administrative, maintenance, compensation, separate, and special rates made and levied.

Section 36 was amended, as from 1 November 1929, by inserting the word "compensation" after the word "maintenance" pursuant to section 8 Manawatu-Oroua River District Amendment Act 1929 (1929 No 10(L)).

37 Rating to be on acreage basis

All rates whatsoever of the River Board shall be made and levied on an acreage basis.

38 Consent of ratepayers before special loan

Before raising a special loan the consent thereto of the ratepayers in the district or subdivision or defined part affected shall be obtained in the manner provided by the Local Authorities Loans Act 1956, provided that a majority of the valid votes recorded shall suffice to carry the proposal.

Section 38 was amended, as from 21 September 1925, by inserting after the word “district”, the words “or subdivision or defined part” pursuant to section 10 Manawatu-Oroua River District Amendment Act 1925 (1925 No 4(L)).

The reference to the Local Bodies Loans Act 1926 was substituted, as from 1 October 1926, for a reference to the Local Bodies Loans Act 1913 pursuant to section 126(1) of the Local Bodies Loans Act 1926 (1926 No 14). That Act was in turn substituted, as from 1 April 1957, pursuant to section 135(1) of the Local Authorities Loans Act 1956 (1956 No 63).

39 Power to make by-laws

The River Board may from time to time by special order make by-laws—

- (a.) To regulate the use of any river-works;
- (b.) To determine the conditions on which other constructed public or private drains may be connected or continue to be connected with any river, stream, or constructed drain under the control of the River Board, including in such conditions the payment to the River Board of any annual or other charges;
- (c.) To compel owners of properties on or adjoining which there are any watercourses or drains under the control of the River Board to construct, maintain, and renew crossings thereover at places and in manner approved by the River Board;
- (d.) To regulate the construction and maintenance of crossings over any river-works, watercourses, and drains;
- (e.) To provide that, in the case of specified watercourses or drains or parts thereof, such crossings shall be bridges or culverts constructed at places and in manner approved by the River Board;
- (f.) To prohibit the passing over any of the works or things specified in section twelve hereof, or over any water-course or drain, except at appointed crossings;

- (g.) To protect rangers and other persons employed by the River Board in connection with river-works in the discharge of their duties;
- (h.) To regulate the use of any of the works or things specified in section twelve hereof, and, in particular, to order such fencing or other protection of any of such works to be done by any adjoining owner as the River Board in each particular case shall consider essential;
and may by any such by-law impose a fine not exceeding twenty dollars for any breach thereof:

Provided always that no such by-law shall contravene any of the provisions herein contained with regard to local authorities and Harbour Boards.

The words "twenty dollars" were substituted, as from 10 July 1967, for the words "ten pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

40 When works affect railways consent of Minister required

- (1) When any works authorized by this Act or any other Act, and contemplated by the Board, interfere with or affect any railway-work the property of His Majesty the King, the Board shall, before commencing the same, give notice of its intention so to do to the Minister of Railways, together with a plan and section showing the nature of such interference.
- (2) It shall not be lawful for the Board to execute any work upon or affecting any railway in any part of the district, except with the previous consent and approval in writing of the Minister of Railways, who may impose such conditions for the protection and safety of the railway as he may think fit.

Schedule 1 **Manawatu-Oroua River District.**

ALL that area in the Wellington Land District, containing by ad-measurement 73,000 acres, more or less, situated in the Kairanga, Manawatu, and Horowhenua Counties, and bounded by a line as follows: commencing at the north-western corner of Allotment 20A on plan No 514, deposited in the office of the District Land Registrar at

Wellington, and proceeding in an easterly direction along the southern side of the Rongotea-Palmerston Road to a point opposite the south-western corner of Section 12S, Kopane Settlement; thence towards the north by a right line across the aforesaid road, and by the western boundary-lines of the said Sections 12S and 11S, Kopane Settlement, to the north-western corner of the last-mentioned section; thence towards the east by the northern boundary of the said Section 11S to the western boundary-line of Section 13S; again towards the north by the western boundary-line of the said Section 13S, across the Kopane Road, and by the western boundary-line of Section 5S to its north-western corner; again towards the east by the northern boundary-line of Sections 5S, 6S, and 7S, Kopane Settlement, to the Oroua River; again towards the north by the right bank of the Oroua River to a point opposite the northern boundary-line of Subdivision 24, Aorangi No 1 Block; thence towards the east by a right line across the Oroua River to and by the northern boundary-line of the said Subdivision 24 to the Aorangi Road; thence towards the south and east generally by a right line across the aforesaid road, the northern boundary-lines of Sections 23 and 22, Aorangi No 1 Block, the western boundary-lines of Subdivisions 1F 6, 1F 7, 1F 8, 1F 9A 1, 1F 9A 2B, and the southern boundary-lines of 1F 9A 2B and 1F 9A 2A, Taonui-Ahuaturanga Block, to the south-eastern corner of the last-mentioned subdivision; thence towards the south-west by the road forming the south-eastern boundary-line of Subdivision 1F 9B, Taonui-Ahuaturanga Block, to the Taonui Stream; thence towards the north by the right bank of the said stream to a point opposite the southern boundary-line of Section 1541, Block V, Kairanga Survey District; thence towards the east by the aforesaid boundary-line to Newbury Line; again towards the south-west by the said Newbury Line to a point opposite the western corner of Section 1610, Block IX, Kairanga Survey District; again towards the south and east generally by a right line across Newbury Line to and by the southern and eastern boundary-lines of the aforesaid Section 1610, across a road, and by the southern boundary-line of Section 1607, across Bunnythorpe Line, the southern boundary-line of Section 1581, the western boundary-lines of Sections 1583 and 1584, and the southern boundary-line of the last-mentioned section to Kairanga No 1 Line; thence towards the south-west by the said Kairanga No 1 Line to a point in line with the southern boundary-line of Section 8, Block XIII, Kairanga Sur-

vey District; thence towards the south-east to and by the southern boundary of the said Section 8 to the Foxton - Palmerston North Road and railway-line; again towards the south-west by the said road and railway-line to a point opposite the south-western boundary-line of Section 31, Block XIII, Kairanga Survey District; thence towards the north and north-east generally by a right line across the aforesaid road and railway-line to and by the south-western and south-eastern boundary-lines of the said Section 31, the south-eastern boundary-line of Section 30, across the Karere Road, the south-western and south-eastern boundary-lines of Section 24, and by a right line bearing 117° to the North Island Main Trunk Railway line; thence towards the south-east and south-west generally by the said railway-line to its intersection with the left bank of the Manawatu River; thence by the left bank of the Manawatu River to the westernmost corner of Section 77, Block XIV, Kairanga Survey District; thence by the south-western boundary-line of the said Section 77 to the aforesaid railway-line, and again by the said railway-line to a point opposite the south-western corner of Section 24, Block V, Arawaru Survey District; again towards the east and south-east generally by a right line across the aforesaid railway-line to and by the southern boundary-line of the said Section 24 to Victoria Road; thence by Victoria Road and the road forming the south-eastern boundary-lines of Sections 5, 6, and 7, Block VIII, Mount Robinson Survey District; thence by a right line across the aforesaid railway-line and by the said line to a point opposite the western corner of Section 3, Block XII, Mount Robinson Survey District; thence towards the south-east and south-west generally by a right line across the aforesaid railway-line to and by the southern boundary-line of the aforesaid Section 3; thence by the south-eastern boundary-lines of Sections 4, 5, 9, 10, 6, 7, and 8 of Block XII, Mount Robinson Survey District, to the southernmost corner of the last-mentioned section; thence towards the north-west by the south-western boundary of the said Section 8 and its production to the north-western side of the railway-line; again towards the south-west by the railway-line to the northern boundary of the Borough of Shannon as described in New Zealand Gazette No 18, of the 7th February, 1918, page 459; thence by the northern, western, and part of the southern boundaries of the said borough to its intersection with the south-eastern boundary-line of Section 704, Township of Shannon, as shown on plan No 369, deposited in the office of the District Land Registrar

at Wellington; thence by the said boundary-line to the North Island Main Trunk Railway line; thence towards the west by the said railway-line to its intersection with the western side of the road forming the eastern boundary of Section 2, Block X, Mount Robinson Survey District; thence towards the south-east and south-west generally by a right line across the aforesaid railway-line to and by the north-eastern and south-eastern boundary-lines of Section 3, Block X, Mount Robinson Survey District, part of the northern, eastern, and southern boundary-lines of Subdivision No 3 No 2E 4, Manawatu-Kukutauaki Block, and by the eastern boundary-line of Subdivision 3 No 1B 2A, Manawatu-Kukutauaki Block; thence by a right line to the north-eastern corner of Subdivision 3 No 1A 4, Manawatu-Kukutauaki Block; thence by the eastern and part of the southern boundary-lines of the last-mentioned subdivision and the eastern boundary-lines of Subdivision 3, Takapau No 1 Block, to the southernmost corner thereof; thence towards the north-west by the south-western boundary-line of the said Subdivision 3 to the aforesaid railway-line; thence towards the north-east by the railway-line to the north-western corner of Subdivision No 3 No 2E 5, Manawatu-Kukutauaki Block; again towards the north-west by a right line to and by the northern boundary-lines of Subdivision 3 No 2A Nos 6, 5, and 4, Manawatu-Kukutauaki Block, and Subdivisions 5, 4, and 3, Opaekete Block; thence towards the south-west and west generally by the south-eastern and south-western boundary-lines of Opaekete No 1 Block and the western boundary-line of Ohinekakeao No 1 Block to its south-western corner; thence by a right line across the Kereru-Foxton Road to and by the north-western boundary-line of Allotment 6 on plan No 1922, deposited in the office of the District Land Registrar at Wellington, to its intersection with the south-western boundary-line of Subdivision 9 of Manawatu-Kukutauaki 7D No 1 Block; thence towards the north-west and north-east generally by the south-western and north-western boundary-lines of the said Subdivision 9, by a right line to and by the south-eastern boundary-line of Subdivision 3C, Waimakaira Block, and that line produced to the northern side of the Kereru-Foxton Road; again towards the north-west and north-east by the northern side of the said road and the western boundary-line of Subdivision 4, Aratangata Block, to its intersection with the southern boundary-line of Subdivision 2B of the said block; thence towards the west by the last-mentioned boundary-line to the Levin-Foxton

Road; thence towards the north-east by that road to the Manawatu River; thence towards the north generally by the left bank of the Manawatu River to a point opposite the north-western corner of Section 421, Township of Foxton, Block V, Mount Robinson Survey District; thence towards the east by the southern side of the road forming the northern boundary-lines of Sections 421, 420, 419, 428, 429, 430, 431, 432, and 433, Township of Foxton, Block V, Mount Robinson Survey District, and Allotment 7 on plan No 1689, deposited in the office of the District Land Registrar at Wellington; thence towards the east and north-east generally, across a road, and by the southern and eastern boundary-lines of Allotment 5 and the eastern boundary-lines of Allotments 4 and 10 to the north-western corner of Allotment 11 on the aforesaid plan No 1689; thence by the southern side of the road forming the north-eastern boundary-line of the said Allotment 11 and that line produced across a public road to the western boundary-line of Allotment 15 on the said plan No 1689; thence by the eastern side of the road forming the western boundary-lines of the said Allotment 15 and Allotments 49, 47, and 45 to the north-western corner of the last-mentioned allotment; thence by the northern boundary-lines of Allotments 45 and 46 and the production of the last-mentioned line across a public road to the western boundary of part Section 52. Motoa Block, in the Township of Foxton; thence by the roads forming the western and northern boundary-lines of the said part Section 52 and eastern side of the road forming the western boundary-lines of other part of the said Section 52 and Sections 37, 38, and 39, Motoa Block, in the Township of Foxton, and the aforesaid roadside produced to the Manawatu River; thence by the said river to the southernmost corner of Section 73, Motoa Block, in the Township of Foxton; thence by the south-eastern and north-eastern boundary-lines of the said Section 73 and the north-western and northern boundaries of Section 84 of the aforesaid Motoa Block to the Manawatu River; again by the aforesaid river to its intersection with the southern boundary-line of Subdivision 5A 1C, Himatangi Block; thence by the said southern boundary-line of Subdivision 5A 1C and the southern and western boundary-lines of Subdivision 5A 1B, the southern and western boundary-lines of Subdivision 4A No 2, the western and northern boundary-lines of Subdivision 4A No 1, the western boundary-line of Subdivision 3A No 3A, the southern, western, and northern boundary-lines of Subdivision 3A 2B No

1, the western and northern boundary-lines of Subdivision 2B 1C 2, the western and northern boundary-lines of Subdivision 2A 8C, the western and northern boundary-lines of Subdivision 1B, the western and northern boundary-lines of Section 336, Township of Carnarvon, Block III, Mount Robinson Survey District, the western boundary-line of Subdivision 1A, Puketotara Block, and the southern and western boundary-lines of Subdivision B No 3, Rangitikei-Manawatu Block, to the north-western corner of the last-mentioned subdivision; thence by a right line to the south-western corner of Subdivision part 2B No 2, Mangawhero Block; thence by the western boundary-lines of Subdivisions part 2B No 2, No 1, No 3A, and No 3B of the said Mangawhero Block; thence towards the west by the southern boundary-lines of Allotments 74 and 75 on plan No 518, deposited in the office of the District Land Registrar at Wellington; thence towards the north and north-east generally by the road forming the western boundary-lines of Allotments 75, 84, 85, and 86 on the said plan No 518, and by the northern boundary-line of the last-mentioned allotment to the north-eastern corner thereof; thence towards the west by a right line to and by the northern side of the road forming the southern boundary-line of Section 3, Mangawhata Settlement, Block XV, Te Kawau Survey District; thence towards the north by the western boundary-line of the said Section 3, and again towards the west and north-west generally by the southern boundary-line of Section 1, Mangawhata Settlement, and the road forming the western boundary-line of the said Section 1, and thence by the road forming the southern boundary-line of Allotment 99 on plan marked No 517, deposited in the office of the District Land Registrar at Wellington; again towards the north-east by the western boundary-line of the said Allotment 99; thence towards the west by the southern boundary of Allotment 101 to its westernmost corner; thence towards the north-east generally by the road forming the western boundary-lines of Allotments 101, 102, 103, 104, and 105 on the said plan No 517 to the northernmost corner of the last-mentioned allotment; thence towards the south-east by the road forming the eastern boundary-line of the aforesaid Allotment 105 to Sluggish Creek; again towards the north-east generally by the said Sluggish Creek to the road forming the northern boundary-line of Allotment 37 on plan marked No 514, deposited in the office of the District Land Registrar at Wellington; thence by a right line across that road to the south-western corner

of Allotment 25 on the aforesaid plan No 514; again towards the north-east by the road forming the western boundary-lines of Allotments 25, 24, 23, 22, 21, 20, and 20A to the north-western corner of the last-mentioned allotment, the place of commencement.

Schedule 2

Schedule 2 was substituted, as from 21 September 1925, by section 3(2) Manawatu-Oroua River District Amendment Act 1925 (1925 No 4(L)).

Oroua subdivision.

ALL that area in the Manawatu-Oroua River District bounded on the south by the Himatangi No 2 Block, on the west and north by the river-district boundary, and on the east by the Oroua River and the Manawatu River.

Kairanga subdivision.

ALL that area in the Manawatu-Oroua River District bounded on the east by the river-district boundary, on the south by the Manawatu River, and on the west and north by the Oroua River.

Makerua subdivision.

All that area in the Manawatu-Oroua River District bounded on the west and north by the Manawatu River, on the east by the river-district boundary, and on the south by the Otauru Stream.

Kopuataroa subdivision.

All that area in the Manawatu-Oroua River District bounded on the north and north-east by the Manawatu River and Otauru Stream, and on the south-east and south-west by the river-district boundary:

Moutoa subdivision.

All that area in the Manawatu-Oroua River District bounded on the north by Himatangi No 1 Block, on the east and south by the Manawatu River to its junction with the Levin-Foxton Road, thence by the

river-district boundary to the sea-coast, and on the west and north-west again by the river-district boundary.