

Hon. Mr Macfarlane

CHRISTCHURCH DISTRICT DRAINAGE AMENDMENT

[LOCAL]

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A BILL INTITULED

An Act to amend the Christchurch District Drainage Act 1951

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

1. **Short Title**—This Act may be cited as the Christchurch District Drainage Amendment Act 1968, and shall be read together with and deemed part of the Christchurch District
10 Drainage Act 1951 (hereinafter referred to as the principal Act).

2. Right to charge for services rendered to non-rateable property—The Board shall be at liberty to levy by way of charge upon any person or body, being the owner or occupier (within the meaning of the Rating Act 1967) of any land or buildings within the district which shall for the time being be exempt from rating as not being rateable property, a sum in respect of services rendered to such owner or occupier for sewerage purposes not exceeding the reasonable cost thereof. Such charge may include the reasonable cost of inspections and shall be deemed to be a separate rate. 5 10

3. Right to fix fee for reception of cooling or condensing water—The Board shall be at liberty to fix a fee equivalent to the reasonable cost of reception into the Board's drainage or sewerage system of waters used by owners or occupiers for the purpose of cooling or "condensing water" as defined in the Waters Pollution Act 1953, and every such fee shall be deemed to be a separate rate. 15

4. Right to lead surface water into watercourse—The Board may lead any surface water into any watercourse within the district whether covered or open. 20

5. Insurance of Board members—The Board may from time to time enter into contracts of insurance insuring members of the Board against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members of the Board and pay the premiums payable in respect of those contracts. 25

6. Amending definition of "watercourse"—Section 2 of the principal Act is hereby amended by repealing the definition of "watercourse", and substituting the following definition:
"Watercourse" includes every river, stream, passage, channel, drain, or sewer on or under the ground, whether natural or not, through which water flows, whether continuously or intermittently. 30

7. Definition of electors in respect of poll—Section 3 of the principal Act is hereby amended by adding to subsection (3) the words "or if the area to which the proposal relates were a county would be qualified to be enrolled as an elector of the county." 35

8. Maintenance of works outside Board's district—Section 28 of the principal Act is hereby amended by inserting in paragraph (g), after the word “within”, the words “or without.”

5 **9. Extension of Board's powers re dams**—Section 46 of the principal Act is hereby amended by adding the words “whether or not such dam was made or erected by the Board in exercise of the powers conferred upon it by section 45 of the Act or otherwise or by any other person or body.”

10 **10. New sections substituted**—The principal Act is hereby amended by repealing section 54 (as amended by section 10 of the Christchurch District Drainage Amendment Act 1966), and substituting the following sections:

15 **“54. Subdivision plans to be approved**—(1) Where any person holding any land in the district proposes to subdivide the same and the plan of subdivision is required to be approved in accordance with the Municipal Corporations Act 1954 or the Counties Act 1956 or any other Act then such plan shall be submitted to the Board and approved by the Board before
20 the subdivision is made.

“ (2) Where any plan of subdivision is so submitted to the Board for its approval the Board may—

25 “ (a) Refuse to approve the plan if it is of opinion that in the case of any allotment adequate provision has not been made or is not practicable for drainage or the disposal of sewage, or that such provision as has been made or is proposed to be made may adversely affect the drainage of adjoining properties:

30 “ (b) Refuse to approve the plan if it is of opinion that danger may exist of the land proposed to be subdivided being inundated by the sea or by a river or lake or, before approving the plan, require the owner to make such provision for the protection of the land from inundation as the Board thinks fit:

35 “ (c) Require a new plan to be submitted:

40 “ (d) Approve the plan subject to the condition that drains and sewers be provided and laid in any road or street, or in some part of the land being subdivided other than or as well as any road or street, in any case to the satisfaction of the Board, or that other provision is made for drainage and sewerage to the satisfaction of the Board whether by way of easement over adjoining lands or otherwise:

“(e) Approve the plan subject to the condition that where a drainage or sewerage disposal system or systems of the Board is or are reasonably available such drains or sewers as aforesaid shall be connected to such system or systems of the Board to the satisfaction of the Board: 5

“(f) Approve the plan subject to the condition that any specified easements shown on the plan shall be duly granted or reserved including easements in gross in favour of the Board: 10

“(g) Approve the plan subject to all or any of the conditions that any specified drainage system, sewerage system, or sewage treatment plant be provided to serve the subdivision:

“(h) Approve the plan subject to such other fair and reasonable conditions of any kind whatever relating to drainage or sewage disposal as the Board thinks fit. 15

“(3) Instead of approving the plan subject to such conditions as are referred to in paragraphs (d), (e), (g), and (h) of subsection (2) of this section the Board may require the owner to pay or enter into a binding contract to pay to the Board such amount as the Board considers fair and reasonable for or towards the cost of any such matter as is referred to in any such paragraph. Wherever the Board shall require such payment or contract to pay as aforesaid the Board shall itself carry out such works in respect of which payment or a contract to pay is made at such time as may be convenient to it. 20

“(4) Where any drainage system, sewerage system, or sewage treatment plant is installed as aforesaid and such system or systems or treatment plant will serve any other lands not forming part of the subdivision, then the Board may whenever a plan of subdivision of such other lands is submitted to it for approval require the owner of those other lands to pay or enter into a binding contract to pay to the Board such amount as the Board considers fair and reasonable for or towards the cost of that system or systems or that treatment plant. 35

“(5) Where the Board approves a plan of subdivision conditional on any drainage or sewerage easements or both shown on the plan being duly granted or reserved, not being easements in gross to the Board, the provisions of section 351E of the Municipal Corporations Act 1954 shall apply to the same as if the Board were the Council. 40 45

“(6) Any person aggrieved by any decision of the Board under this section may appeal in the prescribed manner to the Town and Country Planning Appeal Board constituted under the Town and Country Planning Act 1953 and the decision
5 of that Board shall be final.”

“**54A. Subdivision plans not to be deposited until approved**—In no case shall—

10 “(a) The survey plan of any land in the district which it is proposed to subdivide, being a subdivision to which provisions of section 54 of this Act apply, be deposited under the Land Transfer Act 1952 or in the Deeds Register Office; or

15 “(b) The transfer or conveyance or lease of any allotment or subdivision of any such land be registered under the Land Transfer Act 1952, or the Deeds Registration Act 1908; or

“**(c)** Any certificate of title be issued, in respect of any such allotment or subdivision—
unless the plan has been duly approved under section 54 of
20 this Act.”

11. Expenses of Board’s officers in respect of study and training courses—Section 66 of the principal Act is hereby amended by adding the following proviso:

25 “Provided and it is hereby declared that the expression ‘salaries and allowances’ shall be deemed to include allowances and travelling expenses in respect of attendances at any conference or meeting or any course of study or training that in the opinion of the Board will render such officers better fitted to carry out their duties.”

30 **12. Bylaws**—Section 80 of the principal Act (as amended by section 9 of the Christchurch District Drainage Amendment Act 1966) is hereby further amended by adding the following paragraph—

35 “(k) To provide for the payment of reasonable fees for inspections and other services, and to provide that where such inspections and other services in respect of which a fee has been paid have not been made or given the Board may refund any such fee or portion thereof as it may determine.”