

*Mr Donald*

## WAIRARAPA CATCHMENT BOARD EMPOWERING

[LOCAL]

### ANALYSIS

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### A BILL INTITULED

**An Act to authorise the Wairarapa Catchment Board to levy special charges on certain lands in the Board's district**

5 WHEREAS the Wairarapa Catchment Board proposes to undertake land drainage, stream and river control works, the construction of defences against water, and reclamation of lands on the shores of Lake Wairarapa, Lake Onoke, and the Ruamahanga River, and on marginal lands adjacent thereto in pursuance of a scheme prepared by the Board and  
10 styled the Lower Wairarapa Valley Development Scheme: And whereas the owners or occupiers of certain of the marginal lands to be affected by the scheme desire to retain their ownership and occupancy of all or part of the said marginal lands which under the said scheme were intended to be  
15 acquired for development by the Crown: And whereas it is considered that the carrying out of the said land drainage, stream and river control works, and the construction of defences against water in pursuance of the Lower Wairarapa

No. 50—1

*Price 6d.*

Valley Development Scheme as aforesaid will increase the value of the said marginal lands described in the First Schedule to this Act: And whereas the Wairarapa Catchment Board has completed a classification of all of the rateable property affected by the Lower Wairarapa Valley Development Scheme, including the said marginal lands: And whereas it is considered that the classification into Class A and B of the said marginal lands because of the relationship of the potential benefit and the present valuation of the said marginal lands which benefit cannot operate equitably: And whereas it is considered that it would be just and equitable that the owners and occupiers of all or part of the said marginal lands classified A and B receiving such increment in value should contribute proportionately towards the cost of construction and carrying out of the said works in addition to such other rates and payments as may be lawfully payable.

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

**1. Short Title**—This Act may be cited as the Wairarapa Catchment Board Empowering Act 1964.

**2. Interpretation**—In this Act, unless the context otherwise requires,—

“Board” means the Wairarapa Catchment Board: 25

“Marginal lands” mean the lands described in the First Schedule to this Act:

“Works” mean the Works described in the Second Schedule to this Act:

“The principal Act” means the Soil Conservation and Rivers Control Act 1941; and includes any amendments thereto: 30

“Occupier”, in relation to any marginal lands, means the person whose name appears for the time being on the valuation roll as the occupier of that land; and, where the name of no person so appears, means every person who would be an occupier within the meaning of the Rating Act 1925 if the land were rateable property: 35

5 “Owner”, in relation to any marginal lands, means the person whose name appears for the time being on the valuation roll as the owner of that land; and, where the name of no person so appears, means the owner of the land within the meaning of the Valuation of Land Act 1951:

“Scheme” means the Lower Wairarapa Valley Development Scheme as formulated by the Board.

10 **3. Right of entry**—The Board is hereby empowered from time to time, notwithstanding the provisions of section 137 of the principal Act, to enter upon the lands described in the First Schedule to this Act and undertake and carry out the works described in the Second Schedule to this Act and the maintenance thereof.

15 **4. Determination of annual acreage rate**—(1) Where any works are being executed or are proposed to be executed by the Board under this Act and it appears that it is just and equitable, having regard to the matters referred to in subsection (2) of this section, that the owner or occupier of any  
20 marginal land described in the First Schedule to this Act should pay or contribute to the Board towards the cost of such works, the Board may, for defraying the expenses incurred in executing the works, by resolution at any meeting of the Board, determine on an acreage basis the amount payable  
25 in each year for a period of ten years from and inclusive of nineteen hundred and sixty-four by any owner or occupier of all or part of the marginal lands described in the First Schedule to this Act to the Board in respect of the works executed or to be executed and the maintenance thereof.

30 (2) The following matters shall be taken into consideration by the Board in determining the amount payable to the Board under subsection (1) of this section:

35 (a) Benefit to lands as defined in subsection (2A) of section 102 of the Soil Conservation and Rivers Control Act 1941:

(b) The present and prospective amounts by which the value of the said marginal lands and any other lands in the area affected by the works in the Scheme will be enhanced by reason of the works:

40 (c) The extent to which the value of the land will be maintained by the works:

(d) The depreciation which would be likely to occur in the present value of the land had the works not been executed:

(e) The amount of contribution to be made by the Crown towards the cost of the works in the area affected by and pursuant to the Scheme. 5

(3) No amount shall be payable to the Board under this section in respect of the lands classified otherwise than A and B in the existing classification of the Board.

**5. Limitation of amount**—The total amount determined by the Board as hereinbefore set out together with the amount payable by any owners or occupiers pursuant to the existing classification of the said lands for rating purposes shall not exceed one pound one shilling and fourpence per acre per annum: 10 15

Provided that in the event of the existing classification rate producing a rate equivalent to or greater than one pound one shilling and fourpence per acre per annum on any of the said marginal lands, then the Board shall not be empowered to make or levy any determination under this Act in respect of that marginal land from thenceforth. 20

**6. Notice of charge**—The Board shall forthwith after the passing of this Act and upon and after each annual determination give written notice to each owner and occupier of the marginal lands described in the First Schedule to this Act showing the amount so determined by the Board as payable by him to the Board in pursuance of subsection (1) of section 4 of this Act. 25

**7. Recovery of charge**—Subject to the provisions of the Rating Act 1925, the Board from time to time may in any Court of competent jurisdiction recover the amount of such determination from the owners or occupiers of the lands described in the First Schedule to this Act as debts due by the respective owners or occupiers to the Board in the same manner as if the payment due were a rate levied under the provisions of the Rating Act 1925. 30 35

**8. Existing scheme rates to apply**—The amount of such determination payable under the provisions of this Act shall, subject to the provisions of section 5 of this Act, be in addition to any rates payable to the Board by the owners or occupiers of the lands described in the First Schedule to this Act pursuant to the existing classification of the said lands for rating purposes in pursuance of the provisions of the principal Act.

**9. Act not to affect property of the Crown**—Except as expressly provided in this Act, nothing in this Act shall in any way affect the interest of the Crown in any property of any kind belonging to or vested in the Crown:

Provided that this Act shall apply to the interest of any lessee, licensee, or other person claiming an interest in any property of the Crown in the same manner as it applies to private property.

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## SCHEDULES

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### FIRST SCHEDULE

Sections 2, 3, 4, 6, 7, 8

#### MARGINAL LANDS

ALL that area of land in the Wellington Land District situated in Blocks VII, X, XI, XIII, and XIV, Wairarapa S.D., and Block I, Haurangi S.D., bounded as follows:

Commencing at the westernmost corner of Section 17, Kahutara District, situated in Block XIII, Wairarapa S.D., and thence proceeding in a northerly direction along the western boundaries of Sections 17 and 44, Kahutara District, to and across a road, and thence along the western boundary of Section 45, Block XIV, Wairarapa S.D.; thence in a general north-easterly direction along the north boundary of Section 45 aforesaid, and the north-western boundaries of Lots 1 and 2, D.P. 3500, Section 44, Block XIV, Wairarapa S.D., Section 1, Block X, Wairarapa S.D., Lots 1 and 2, D.P. 4547, Section 25, Block XI, Wairarapa S.D., and Section 46, Block VII, Wairarapa S.D., to an angle 2569·6 links from Donalds Road; thence from the said angle by a straight line bearing 122° to the lagoon boundary of Section 46 aforesaid; thence northerly, easterly, and southerly along the lagoon boundary of Section 46 aforesaid, and Section 25, Block XI, Wairarapa S.D.; thence generally in a south-westerly direction along the western boundary of Lot 2, D.P. 14545, the Tauherenikau River boundary of Section 25, Block XI, Wairarapa S.D., the south-eastern boundaries of Lots 1, 2, and 3, D.P. 4547, the northern boundary of Section 33, Kahutara

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District, the south-eastern boundaries of Sections 33, 34, and 35, Kahutara District, the south-western boundary of Section 35, the north-eastern boundary of Section 19 and the south-eastern boundaries of Sections 19 and 39 to the northernmost corner of Section 16, Kahutara District; thence by a straight line across Section 16 aforementioned to the angle in Kahutara Road in that section; thence along the western side of Kahutara Road to Lot 1, D.P. 24517; thence by straight lines joining the following survey marks shown on D.P. 24517—namely, peg 98·9 links from Iron Tube III, peg 8·8 links from Iron Tube VIII, peg 32·1 links from Iron Tube IX, peg 19·4 links from Iron Tube X, Iron Tubes XI, XIII, XIV, and XV, and Old Peg 1587·6 links from the northernmost corner of Lot 1, D.P. 24517; thence in a north-westerly direction along the south-western boundaries of Sections 38 and 17, Kahutara District, to the point of commencement.

### *Second Part*

ALL that area of land in Wellington Land District, being part of Section 48, Block XIII, Wairarapa Survey District, bounded as follows:

Commencing at the eastern end of the northern boundary of Section 48 aforesaid and thence proceeding in a westerly and south-westerly direction along the boundaries of the said section for the following linkages: 1130, 8250, and 4700; thence south-easterly across the said section by a straight line bearing  $150^{\circ} 09'$  to the south-eastern boundary of the said section; thence north-easterly along the south-eastern boundaries of the said section to the northern end of boundary linkage 3383; thence by a straight line across the said section to the point of commencement.

### *Third Part*

ALL that area of land in the Wellington Land District, being the part of Section 47, Block XIII, Wairarapa S.D., south of a straight line joining peg 19, Survey Office Plan 10683, and the boundary angle adjacent to peg XXXI, Survey Office Plan 15902, the said plans being lodged in the office of the Chief Surveyor at Wellington.

### *Fourth Part*

ALL that area of land in the Wellington Land District situated in Blocks I and II, Haurangi S.D., bounded as follows:

Commencing at the westernmost corner of Lot 8, D.P. 7583, situated in Block I, Haurangi S.D., and thence proceeding in a general north-easterly direction along the north-western and north boundaries of Lot 8, D.P. 7583, the north-western boundaries of Lot 9, D.P. 7583, Section 94, Turanganui District, Section 1, Block I, Haurangi S.D., and the north-western boundary of Section 94, Turanganui District, and its production to the left bank of the Ruamahanga River; thence easterly along the left bank of the Ruamahanga River to the production of the eastern boundary of Section 94, Turanganui District; thence in a general south-westerly direction to and along the eastern boundary of Section 94, Turanganui District, and the south-eastern boundaries of Section 1, Block II, Haurangi S.D., to the southernmost corner of the said Section 1; thence by a straight line across Section 94, Turanganui

District, to the angle in Tauanui Road 4722·3 links north of Turanganui Road junction; thence across Tauanui Road to the opposite angle; thence by a straight line across Lots 9, 7, and 8, D.P. 7583, to the northernmost corner of Lot 8, D.P. 6129; thence along the north-western boundaries of Lots 8 and 7, D.P. 6129; thence in a north-westerly direction along the south-west boundary of Lot 8, D.P. 7583, to the point of commencement.

*Fifth Part*

ALL that area of land in the Wellington Land District situated in Block VII, Onoke S.D., bounded as follows:

Commencing at Trig. Station South Base on the south-eastern boundary of Lot 7, D.P. 20901, and thence proceeding in a north-easterly direction along the south-eastern boundaries of Lots 7 and 8, D.P. 20901; thence in a westerly direction for 1940 links along the north boundary of Lot 8, D.P. 20901; thence in north-easterly direction by a straight line to the angle in Western Lake Road adjacent to peg LXXI, D.P. 6775; thence along the eastern side of Western Lake Road, to and along the north-west boundary of Lot 12, D.P. 6775; thence in an easterly direction along the northern boundary of Lot 12, D.P. 6775, to the right bank of the Ruamahanga River; thence in a general south-westerly direction along the right bank of the Ruamahanga River to the boundary line of certificate of title, Volume 424, folio 136, Wellington Registry; thence westerly along that boundary to Trig. Station South Base, the point of commencement.

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SECOND SCHEDULE

Sections 2, 3

LOWER WAIRARAPA VALLEY DEVELOPMENT SCHEME

THE aim of the Lower Wairarapa Valley Development Scheme is to improve the flood routing of the Ruamahanga River so that certain lands can be reclaimed from the beds of Lake Onoke and Lake Wairarapa, other lands will be protected from the threat of flood, other lands will be subjected to flooding to a lesser degree than now, and still other other lands will be available for development after pump drainage.

This improved flood routing will be achieved in the following manner:

1. The development of a natural channel through Lake Onoke.
2. Deepening, widening, and stopbanking the channel of the Lower Ruamahanga River upstream of Lake Onoke for a distance of approximately 5 miles.
3. The excavation of a diversion channel across the Kumenga peninsula to connect with the Ruamahanga River near Te Hopai. This diversion channel will be stopbanked on both sides and the present channel at Te Hopai will be blocked by an embankment to direct flows down the diversion channel.
4. The installation of a barrage of floodgates across the outlet of Lake Wairarapa into the improved Lower Ruamahanga River channel.
5. From Te Hopai to the Martinborough Bridge the Ruamahanga River will be widened where required, stopbanked and overland floodways provided across sharp bends in the sinuous channel immediately downstream of Martinborough Bridge.

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6. From the Martinborough Bridge to the confluence of the Waiohine River minor stopbanking will be constructed and the channel will be trained to a desirable single thread alignment.
7. In addition both banks of the Ruamahanga River from Lake Onoke to the Waiohine confluence will be protected from erosion, if and when required, by suitable protective works.
8. An overland floodway which will confine overflows from the improved Ruamahanga River channel and will extend from Lake Wairarapa to Moiki via Kahutara, Pukio, Pahautea, and Tawaha will be constructed. The flows will be contained by stopbanks or natural features, and will follow generally the path of present overflows. This floodway will operate infrequently and for a short duration. The land situated within the floodway therefore will be inundated to a lesser degree than it does at present.
9. Stopbanks will be constructed to define and protect the limits of the areas to be reclaimed from Lake Onoke and Lake Wairarapa.
10. All other necessary engineering works to supplement and augment those described above will be carried out.