

Hon. Mr. Coates.

ASHLEY RIVER IMPROVEMENT.

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A BILL INTITULED

AN ACT to make Better Provision for the Improvement of the Waterway of the Ashley River, and the Protection of certain Land in Canterbury. Title.

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

1. This Act may be cited as the Ashley River Improvement Act, 1925, and shall come into force on a date to be fixed in that behalf by the Governor-General by Order in Council. Short Title and commencement.

2. (1.) The area described in the *First* Schedule hereto is hereby constituted and declared to be a special river district to be called the Ashley River Trust District (hereinafter referred to as the district). Ashley River Trust District constituted.

(2.) The district is hereby divided into four subdivisions, to be known respectively as the Kowai Subdivision, the Rangiora County Subdivision, the Rangiora Borough Subdivision, and the Ashley-Oxford Subdivision, as the same are respectively described in the *Second* Schedule hereto.

(3.) All lands within the area described in the *First* Schedule hereto which at the commencement of this Act form part of the Waimakariri River Trust District shall thereupon cease to form part of that district, and the Governor-General shall by notice in the *Gazette* define the boundaries of that district as so altered.

Ashley River Trust
constituted.

3. (1.) There shall be constituted for the district a trust under the name of the Ashley River Trust (hereinafter referred to as the Trust) which shall consist of seven Commissioners, of whom—

(a.) Two shall be elected by the ratepayers of the Kowai Subdivision ;

(b.) Two shall be elected by the ratepayers of the Rangiora County Subdivision ;

(c.) One shall be elected by the ratepayers of the Rangiora Borough Subdivision ;

(d.) One shall be elected by the ratepayers of the Ashley-Oxford Subdivision ; and

(e.) One shall from time to time be appointed by the Minister of Public Works.

(2.) The said Minister may from time to time revoke the appointment of the member appointed by him as aforesaid, and thereupon such Commissioner shall cease to be a member of the Trust. The Commissioner appointed by the Minister shall be the Chairman of the Trust.

Trust incorporated.

4. The Trust shall be a body corporate under the name of the Ashley River Trust, with perpetual succession and a common seal, and shall be capable of holding real and personal property, and of doing and suffering all that bodies corporate may do and suffer.

Election of
Commissioners.

5. The first elective Commissioners of the Trust shall come into office on the day of their election.

First election.

6. (1.) The Governor-General shall appoint a day for the first election of the elective Commissioners, and shall appoint a Returning Officer, and make such other appointments as may be necessary, and generally do all things necessary in or towards the carrying-out of such election.

(2.) For the purposes of the first election of Commissioners every person who immediately before the commencement of this Act was entitled to vote, by virtue of his being a ratepayer, at an election for any riding of a county, or for any road district, town district, or borough, or for any part thereof respectively which is included in the district, shall be entitled to be enrolled as a ratepayer.

(3.) Such person as the Governor-General appoints for the purpose shall make a roll of ratepayers for the district by placing thereon the names of all persons entitled to be enrolled as aforesaid, and in such roll shall assign to each ratepayer the number of votes he would be entitled to exercise if he were a ratepayer voting at an election under the River Boards Act, 1908 ; and, in any case where a property lies partly within and partly outside the district, may apply to the Valuer-General to be furnished with an assessment of such first-mentioned part of such property to enable him to complete the roll.

(4.) The first meeting of the Trust shall be held at such place and at such time as the Governor-General may, by notice in the *Gazette*, appoint in that behalf.

Application of
certain provisions
of River Boards
Act and Land
Drainage Act.

7. The enactments specified in the *Third* Schedule hereto shall be deemed to be incorporated with and to form part of this Act, and for the purposes of this Act references in any of the said enactments to a Board, or to any member or members of a Board, shall be construed as references to the Trust and to a Commissioner or to Commissioners, as the case may require.

8. Notwithstanding anything to the contrary in this or any other Act, the Trust may, in addition to exercising any other rating-power conferred on it, make and levy on a uniform scale a rate, to be called an administrative rate, over all rateable property in the district to provide for the payment of the general expenses of administration of this Act and of the cost of making surveys :

Trust may make and levy an administrative rate.

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Provided that until the lands within the district are classified in accordance with the provisions of section nine of the River Boards Amendment Act, 1913, as applied by this Act, such rate may be made and levied over all such lands.

9. In any case where the Trust proposes to carry out works, and for that purpose to raise a special loan on the security of a special rate over a special rating area, the Trust, in classifying the lands in such area for the purpose of such special rate may—

Classification and rating by the Trust in the case of certain lands.

- (a.) Take into account the extent to which it will be relieved from incurring expenditure in connection with the proposed works by the existence of works which were constructed by any local authority or other public body and in respect of which a special rate is being levied on any such lands ; and
- (b.) So classify such lands that to the extent the Trust deems equitable they will bear a smaller proportion of the special rate than they would be called upon to bear if they had been classified strictly in accordance with the provisions of section nine of the River Boards Amendment Act, 1913, as applied by this Act.

10. (1.) The Trust shall have full power to do all such things as may, in its opinion, be necessary to effectively cope with the drainage and the flooding of the district.

Powers of Trust.

(2.) In particular, and without restricting the general powers hereby conferred, the Trust may—

- (a.) Enter upon any land within the district, divert any drain, stream, or river, and close up any outlet or inlet from or to the same, without payment of any compensation for loss of riparian or other water rights :
- (b.) Divert, raise, lower, or alter roads, bridges, and culverts where in the opinion of the Trust they interfere with the proper discharge of flood-waters.

11. All proposals by any person or body for any drain or drains to empty into any river in the district or into any drain or drains under the control of the Trust, and all plans for locks, tide-gates, bridges, ferries, or wharves within the district shall be submitted to and approved by the Trust before being carried into effect. No planting or cutting of willows on the banks of the Ashley River shall be done except by or by direction of the Trust.

Trust to approve proposed works.

12. It shall not be competent for any person to do or to erect 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 Trust.

Obstruction of flow of flood-waters.

13. Every drain, tidal or flood gate, and every box, valve, levee, or other appliance or work constructed or maintained by the Trust shall be deemed to be the property of the Trust ; and any person who does any act whereby any such drain, gate, box, valve, levee, appliance, or work may be damaged, or its efficiency impaired, or who does any work or thing in contravention of this Act, shall be liable to a fine not exceeding five hundred pounds.

Penalty for damage to Trust property.

By-laws.

14. The Trust may from time to time make by-laws concerning the taking or diverting of water from any drain within the district, and may by any such by-laws prescribe a fine not exceeding *fifty* pounds for any breach thereof.

Works to be carried out by Trust.

15. (1.) The Trust shall, so far as its funds will permit, carry out the following works :— **5**

- (a.) Works to protect from erosion the banks on both sides of the Ashley River and the banks of its tributaries :
- (b.) Works to prevent or mitigate damage by flooding from the Ashley River and its tributaries : **10**
- (c.) Works to extend the existing levees along the banks of the Ashley River to protect places where the grade of the highest-known flood rises above the natural bank of the river.

(2.) The Trust shall also define a channel of sufficient width to carry the flood waters of the river without danger, and shall construct the works necessary so to confine the river within that channel and clear and keep clear the river-bed therein, and so far as its funds will permit the Trust shall reclaim the river-bed outside such channel by judicious planting and fencing. **20**

(3.) Levees constructed by the Trust for any of the purposes aforesaid—

- (a.) Shall be constructed to a height not less than two feet above probable flood grade :
- (b.) Shall at the top thereof be if practicable at least six feet wide, but in any case not less than four feet wide, with slopes of at least two to one : **25**
- (c.) Shall not be so constructed as to encroach at any point on the channel defined pursuant to the *last preceding* subsection :
- (d.) Shall on the river side thereof be protected by willow and wire-fence protection. **30**

Additional duties of Trust.

16. In addition to any other duties of the Trust under this Act, it shall be the duty of the Trust—

- (a.) To have detail surveys, plans, estimates, and specifications made for carrying out the works hereinbefore prescribed, and to submit such plans for approval to the Commissioner appointed by the Minister of Public Works : **35**
- (b.) To carry out the necessary works, either by contract or direct labour, in as expeditious a manner as possible :
- (c.) To maintain the works efficiently, and to do whatever extra work may be necessary to improve the regimen of the Ashley River and secure the fullest protection for the district from floods : **40**
- (d.) To take all necessary observations and keep records that will assist in the study of the hydrology of the river, changes in its regimen, heights and duration of floods, and the nature and extent of damage done and loss occasioned thereby, rainfalls, and other information that will be of service to the Trust : **45**
- (e.) To forward annually to the Minister of Public Works, at such time as he may fix, a statement of works proposed to be carried out by the Trust together with such plans and specifi- **50**

cations as he may require, the levels on every such plan being referred to a datum approved by the Minister.

17. In constructing any works under this Act the Trust shall not cut off from the Ashley River or otherwise interfere with the supply of water to the Borough of Rangiora or to any water-races subject to the Water-supply Act, 1908.

Existing water-races protected.

18. (1.) 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 Trust is hereby empowered to purchase any such land.

In lieu of paying compensation Trust may purchase land injuriously affected by its operations.

(2.) If the owner of any such land and the Trust cannot agree as to the price to be paid therefor, the Trust shall pay compensation which shall be determined in the manner provided by Part III of the Public Works Act, 1908.

(3.) The Trust shall have the power to lease or to sell, convey, and transfer any lands (other than endowments) belonging to it.

19. (1.) Save as otherwise expressly provided in this Act the bed of the Ashley River is hereby vested in the Trust as an endowment.

Certain land vested in Trust as endowment.

(2.) The Trust may lease any part of such endowment or any other endowment lands or reserves which are for the time being vested in the Trust, and with respect to all such lands shall be a leasing authority within the meaning of the Public Bodies' Leases Act, 1908.

20. Nothing in this Act shall affect the title to the areas of land described in the *Fourth* Schedule hereto or the right of His Majesty, through his officers or servants, at any time to enter upon Reserve 1921, situated in Block VI, Rangiora Survey District, in the Canterbury Land District, for the purpose of repairing and maintaining protective works erected thereon, or to erect any further protective works which may be considered necessary for the protection of the railway, or the right of His Majesty, his officers or servants, to use for the purpose of a rifle range all that area of land, containing five hundred and forty-seven acres one rood, situated in Blocks V and VI, Rangiora Survey District, Canterbury Land District, and marked "Rangiora Rifle Range Reserve" on the lithographic plan marked P.W.D. 63785 deposited in the office of the Minister of Public Works at Wellington.

Saving of certain proprietary rights of Crown.

21. (1.) The Sefton-Ashley Drainage Board is hereby dissolved, and the Sefton-Ashley Drainage District is hereby abolished.

Sefton-Ashley Drainage District abolished.

(2.) All loans heretofore raised by the said Board are hereby declared to have been legally raised, and all rates made as security for such loans are hereby declared to have been legally made.

(3.) On the dissolution of the said Board all its property shall, subject to the *next succeeding* subsection become the property of the Trust, and all the liabilities and engagements of the Board shall become liabilities and engagements of the Trust, and all proceedings and actions pending by or against the Board may be carried out and prosecuted by or against the Trust, and all rates payable to the Board shall be payable to and may be recovered by the Trust. Where the Board has made and levied any special rates that have not been collected, the Trust shall collect the same according to the classification in force on the coming into operation of this Act, and such classification shall continue in force

for the purpose of the levying and collection of the said special rates until the loans in respect of which they are made have been paid off.

(4.) The Trust shall cause a valuation to be made of all the saleable assets of the Board, and shall credit the General Account of the Board with the amount of such valuation.

(5.) If after such amount has been so placed to the credit of the General Account there remains a credit balance in the account, then such credit balance shall be applied to the interest account in respect of one of the loans of the Board.

(6.) If after such amount has been so placed to the credit of the General Account there is a debit balance in the account, the Trust is hereby empowered to make and levy a separate rate, on the basis of the classification made by the Sefton-Ashley Drainage Board and in force at the time of the coming into operation of this Act, of such an amount as will produce a sum sufficient to liquidate such debit balance.

(7.) The Trust shall, as successor to the said Board, be the Domain Board of the Ashley Domain constituted under Part II of the Public Reserves and Domains Act, 1908, and described in the *Fifth* Schedule hereto, and may in its capacity as the Ashley River Trust apply towards the cost of any works carried out pursuant to this Act the whole or any part of the revenues received by it in its capacity as such Domain Board.

Repeal.

(8.) Section fifty-three of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1922, is hereby repealed.

Railway lands
safeguarded.

22. It shall not be lawful for the Trust, or for any local authority or other public body, or for any other person to execute any work upon or affecting any railway land in any part of the district, except with the previous consent and approval of the Minister of Railways, who may impose such conditions for the protection and safety of the railways as he thinks fit.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

THE ASHLEY RIVER TRUST DISTRICT.

ALL that area in the Land District of Canterbury bounded by a line commencing at the junction of roads at the north-western corner of Section 4, Ashley Gorge Settlement, in Block IV, Oxford Survey District, and proceeding thence north-easterly along a public road known as Ashley Gorge Road, crossing Ashley River, and again along the said Ashley Gorge Road to Rural Section 13872; along the south-western and south-eastern boundaries of that section, across Glentui River, along the south-eastern boundaries of Rural Sections 13874, 24312, and 24313, the north-eastern boundary of the last-named section, and along the north-western boundary of Rural Section 21350, to a public road; northerly along that road, adjoining or passing through Rural Section 25584, Reserve 894, Rural Sections 11565, 23504, 6399, and 24535, to the north-eastern boundary of the last-named section; thence south-easterly along the north-eastern boundary of the said Section 24535, across River Garry, and along the north-eastern

boundaries of Rural Sections 14641, 37062, 32332, and 31223 to the public road along the eastern boundary of the last-named section; thence along public roads adjoining or passing through Rural Sections 11018, 14202, 31220, 37047, R. 2580, 20866, 32215, 32216, and 37044 to the Okuku River, across that river, and along the north-western boundary of Rural Section 32734 to Taaffe's Glen Road; along that road to and across Karetu River; along a public road adjoining or passing through Rural Sections 34921, 21006, 8511, 18194, and the continuation of that road to Grey River; across Grey River and along Stony Flat Road to its junction with Hodgson's Road at the north-western corner of Rural Section 9326; thence easterly along said Hodgson's Road to Main Road, southerly along Main Road to a public road passing through Rural Section 20283; thence easterly along that road, across Makerikeri River, and along the public road forming the south-western boundary of Rural Section 34493 to Makerikeri Road; thence southerly along that road to the western boundary of Rural Section 4136, southerly along that boundary to Dixon's Road, easterly along Dixon's Road and northerly along Boundary Road to the public road passing through Rural Section 8106, easterly along that road to Marshman's Road, and north-easterly along Marshman's Road to its junction with Balcairn-Marshman's Road at the north-western corner of Rural Section 2499; thence south-easterly along the Balcairn-Marshman's Road to and along Brueres Road to Rural Section 3798, south-westerly along the north-western boundary of that section to a public road fronting Rural Section 2726, along that road to and along a public road fronting Rural Sections 14705 and 14398 to its junction with a public road forming the southern boundary of Rural Section 16543; thence south-easterly along the road forming the southern boundary of said Section 16543, and of Rural Sections 23147 and 19659, and along a line being the productior of the centre-line of the last-named road, across a lagoon and beach to the sea; thence southerly along the sea-coast, crossing the mouth of the Ashley River, to the northern boundary of Reserve 4059; thence westerly along a public road fronting or passing through Rural Sections Reserve 4059, Reserves 3731, 13686, 22535, 15535, 16458, 18063, 2574, 774, 704, 1088, 1823, 1259, and 238 to the Cam River; up that river to and along Church Bush Road to the Rangiora-Flaxton Road, northerly along that road to a branch of the Cam River, up that branch to the south-western corner of Rural Section 1029; thence northerly along the western boundary of said Section 1029 to South Brook Road; thence westerly generally along the northern boundary of the Waimakariri River Trust District as defined in the Waimakariri River Improvement Act, 1922, to the place of commencement.

SECOND SCHEDULE.

SUBDIVISIONS OF THE ASHLEY RIVER TRUST DISTRICT.

Kowai Subdivision.

ALL that area in the district described in the First Schedule lying within the Kowai County as at present constituted.

Rangiora County Subdivision.

All that area in the district described in the First Schedule lying within the Rangiora County as at present constituted.

Rangiora Borough Subdivision.

All that area in the district described in the First Schedule lying within the Rangiora Borough as at present constituted.

Ashley-Oxford Subdivision.

All that area in the district described in the First Schedule lying within the Ashley County and Oxford County as at present constituted.

THIRD SCHEDULE.

SECTIONS in River Boards Act, 1908, and its Amendments, and the Land Drainage Act, 1908, and its Amendments.

Title of Act.	Extent of Incorporation.
River Boards Act, 1908	Sections 26 to 46, 49, 51 to 82, 85 to 87, 89 to 92, 95 to 105, 107 (subsection 1), 108, 110 to 117, 121, 122, 124 to 126.
River Boards Amendment Act, 1910 ..	Sections 2, 3, 4, 5, and 7.
River Boards Amendment Act, 1913 ..	Sections 6, 7, 8, 9, 10, and 11.
River Boards Amendment Act, 1917 ..	Sections 2, 3, 4, 5, and 6.
Land Drainage Act, 1908	Sections 17, 18, 19, 23, 26, 50, and 57.

FOURTH SCHEDULE.

ALL that area of land extending for a distance of 1 chain on the eastern side and 3 chains on the western side of the middle line of the Addington-Waiiau Railway, bounded towards the south by road reserve, and towards the north by the northern boundary of Reserve 1380, and coloured green on plan marked P.W.D. 64061 :

Also all that area of land extending towards the east for a distance of 1 chain and towards the west for 3 chains from the middle-line of the Addington-Waiiau Railway, bounded towards the south by the northern boundary of Reserve 1380, and extending in a northerly direction for a distance of about $6\frac{3}{4}$ chains, and coloured blue on plan marked P.W.D. 64061 :

Also all that area of land extending for 1 chain on the east and 3 chains on the west of the middle line of the Addington-Waiiau Railway, bounded towards the north by the riparian road reserve, and extending in a southerly direction for a distance of 102 chains, more or less, and coloured blue on plan marked P.W.D. 64061 :

Also all that area of land bounded towards the south and east by Reserve 1380, towards the west by the western boundary of Reserve 1921, and towards the north-east by a line 1 chain from and parallel to the north-eastern boundary of the Ashley Road, and coloured yellow on plan marked P.W.D. 64061 :

All in Block VI, Rangiora Survey District, Canterbury Land District : as the said areas are more particularly delineated on plan marked and coloured as above mentioned, and deposited in the office of the Minister of Public Works, at Wellington.

FIFTH SCHEDULE.

ASHLEY DOMAIN.

ALL that area in the Canterbury Land District, containing by admeasurement 1,920 acres, more or less, being Reserve 3102, situate in Blocks IV, VI, VII, VIII, Rangiora Survey District, comprising all that portion of the Ashley River bed lying between Reserves 1380 and 1921 on the west and the South Pacific Ocean on the east, save and except thereout Reserves Nos. 896 and 2486 ; also Rural Sections 1833, 10260, 11386, 12160, 14316, 23889, and 35072, which are included within the above-described boundaries, subject also to riparian ownership as regards part of Reserve 91 and Sections 10260, 11201, 11202, 19091, 23889, 33636, and 35072 : as the same is delineated on the plan marked L. 44025, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured pink.