

**Reprint
as at 25 October 1945**



**Dunedin Waterworks (Silverstream
Supply) Extension Act 1945**

Local Act 1945 No 6
Date of assent 24 October 1945
Commencement 24 October 1945

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**An Act to confer certain further powers upon the Dunedin
City Council in connection with the water-supply from the
Silverstream and its tributaries and certain other streams**

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

Preamble

Whereas by a Proclamation under the Public Works Act 1876, made on 27 October 1878, certain lands particularly described in the Schedule thereto were taken and vested in the Corporation of the City of Dunedin for the purpose of the construction of certain works therein described:

And whereas by a further Proclamation under the Public Works Act 1882, made on 22 November 1882, the waters of the Silverstream and its tributaries and other smaller streams described in the Schedule thereto were taken for the purposes of the aforesaid works and vested in the said Corporation:

And whereas difficulties have arisen in connection with the water-race or aqueduct known as the Silverstream Race owing to the unsatisfactory nature of portions of the ground on which the same is constructed, and it has become necessary and desirable in consequence thereof and in the interests of public health to convey the water for the purposes of the city's water-supply by means of pipes over lands, some of which are not vested in the said Corporation.

1 Short Title

This Act may be cited as the Dunedin Waterworks (Silverstream Supply) Extension Act 1945.

2 Power to construct works on private lands, reserves, roads, and streets

The Dunedin City Council (hereinafter called the **Council**) is hereby empowered from time to time, upon or under any private land, reserve, road, street, or public place, to sink wells or shafts, to provide, construct, procure, or alter such reservoirs, dams, weirs, aqueducts, tanks, drains, pipes, culverts, bridges, buildings, machinery, and other works and appliances as the said Council shall think proper for the purpose of giving effect to this Act, and, in particular, may lay water-mains of such size and of such material, or construct water-races, aqueducts, or other works, as the Council may think fit for the purpose of conveying water from the catchment or gathering area of the streams referred to in the aforesaid Proclamation of 22 November 1882, to the City of Dunedin, and may with

any such water-main cross and recross any railway, stream, or river, and may discharge water from any overflow pipe or other appliance into any natural water-course along the route of such water-main, water-race, aqueduct, or other work:

provided that before the Council shall exercise any of the powers authorised by this section the following conditions shall be complied with:

- (a) a plan and description of any work proposed to be done shall be deposited for public inspection at some place within the city:
- (b) the Council shall give notice in writing to the occupier and owner of any private lands, and the local authority having the control of any road, street, or public place, upon which the proposed work would be situate of its intention to construct the proposed works, and shall refer in such notice to such plan and description and state where the same are open for public inspection. Such notice may be given by serving the same personally upon or by leaving the same at the last known place of business or abode of the occupier and owner or local authority respectively, and, if the place of business or abode of any occupier or owner be not known, by publishing the same twice in some newspaper circulating in the said city:
- (c) if within 1 month after such notice the said occupier or owner in the case of private lands or the local authority in respect of any road, street, or public place serves on the Council a written objection to the proposed work, the Council shall appoint a day for hearing such objection and shall give notice of the same to the objector:
- (d) the Council shall hold a meeting on the day so appointed, and may, after hearing any person making such objection, if present, and after considering all such objections, determine to abandon the proposed work or to proceed therewith with or without such alterations as the Council may determine:
- (e) if the Council decides to proceed with the work, either with or without alteration, it shall give notice in writing of its decision to any person who made objection to

the work, and if any such person is dissatisfied with the decision of the Council he may within 14 days of receiving notice of the decision appeal to the Minister of Works whose decision shall be final:

- (f) in the case of lands held for any public purpose within the meaning of section 2 of the Public Reserves, Domains, and National Parks Act 1928, the consent of the controlling authority shall be obtained by the Council, but such consent shall not be unreasonably or arbitrarily withheld.

3 Provisions of Municipal Corporations Act 1933, to apply to extended powers conferred by this Act

The powers conferred by this Act are additional to those conferred by the Municipal Corporations Act 1933, and the provisions of that Act shall, so far as the same are applicable, apply to the exercise by the Council of the powers hereby conferred as if the powers hereby conferred had been conferred by that Act.

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Notes

1 *General*

This is a reprint of the Dunedin Waterworks (Silverstream Supply) Extension Act 1945. The reprint incorporates all the amendments to the Act as at 25 October 1945, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
