

**Reprint
as at 1 July 1997**



**Mosgiel Waterworks (Taieri River
Supply) Act 1963**

Local Act 1963 No 3
Date of assent 16 August 1963
Commencement 16 August 1963

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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.

An Act to enable the Mosgiel Borough Council to take, divert, impound, collect, use, convey, and appropriate for the purpose and as part of the waterworks for the time being of the Borough of Mosgiel water from the Taieri River

Preamble

Whereas it is expedient to enable the Mosgiel Borough Council to take, divert, impound, collect, use, and convey water from the Taieri River for the purpose of increasing the supply of water for the use of the inhabitants of the said borough and its environs; and for that purpose to empower the said Council to extend and lay mains and pipes from its present waterworks to connect with the waters of the said river.

1 Short Title

This Act may be cited as the Mosgiel Waterworks (Taieri River Supply) Act 1963.

2 Power to take water from Taieri River

The Mosgiel Borough Council (hereinafter called the **Council**) is hereby empowered to take, divert, impound, collect, use, convey, and appropriate for the purpose and as part of the waterworks for the time being of the said borough water from the Taieri River, the point of intake being shown approximately on the plan marked Number 2990/1 deposited in the office of the Town Clerk at the Municipal Chambers at Mosgiel and at the District Court at Dunedin:

provided that the quantity of water which may be taken from the said river shall not, save for the purposes of section 3, exceed 3 million gallons a day.

Section 2: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

3 Power to supply water in bulk to adjacent local authorities

(1) The Council shall have full power to contract with any Borough Council or County Council for the supply to the local body of water in bulk from the waters of the said river, the price to be paid to the Council for any such supply, and the

point at which any such supply shall be given, to be determined in default of mutual agreement by arbitration, in manner provided by the Arbitration Act 1996; and the local body to which any such supply is to be given shall make all necessary arrangements with any adjoining local body having control of the district through which the proposed supply main shall pass for permission to lay the said main and to construct any works and install any plant and erections which may be required for the purposes of the supply; and any contract which the Council is hereby empowered to make with any local body may in like manner be entered into by the local body with the Council.

- (2) Notwithstanding anything to the contrary in section 2, any water supplied pursuant to the provisions of this section may be drawn from the said river in addition to the maximum daily quantity prescribed by the said section 2.

Section 3(1): amended, on 1 July 1997, pursuant to section 18 of the Arbitration Act 1996 (1996 No 99).

4 Power to construct works on lands, reserves, roads, and streets

The Council is hereby empowered from time to time, upon or under any land, reserve, road, street, or public place, to sink wells or shafts, and to provide, construct, procure, or alter such reservoirs, dams, weirs, aqueducts, tanks, drains, pipes, culverts, bridges, buildings, machinery, settling tanks, treatment plant, pumping stations, and other works and appliances as the said Council thinks proper for the purpose of giving effect to this Act; and, in particular, the Council may lay water mains of such size and of such material, or construct water races, aqueducts, or other works as it thinks fit for the purpose of conveying water from the said point of intake to the Borough of Mosgiel, and may, subject to the provisions of sections 55 and 56 of the Government Railways Act 1949, with any such water main cross and recross any railway, stream, or river, and may, subject to the provisions of section 5, discharge water from any overflow pipe or other appliance into any natural watercourse along the route of any such water main, water race, aqueduct, or other work, and discharge into the said river effluent from

any settling tank or other work hereby authorised to be constructed:

provided that before the Council exercises 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 borough:
- (b) the Council shall give notice in writing to the occupier and owner of any lands, and the local authority having the control of any road, street, or public place, upon which the proposed work would be situate, and to the Otago Catchment Board, of its intention to construct the proposed works, and shall refer in the notice to the plan and description and state where the same are open for public inspection. The 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 borough:
- (c) if within 1 month after the date of the giving of the notice the said occupier or owner in the case of lands or the local authority in respect of any road, street, or public place, or the Otago Catchment Board, serves on the Council a written objection to the proposed work, the Council shall appoint a day for hearing the 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 the person making the 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 every 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:

provided also that the exercise by the Council on any public reserve within the meaning of the Reserves Act 1977 of any of the powers authorised by this section shall be subject to the consent of the Minister of Lands first had and obtained.

Section 4 second proviso: amended, on 1 April 1978, pursuant to section 125(1) of the Reserves Act 1977 (1977 No 66).

5 Approval of Otago Catchment Board required to certain acts

The power hereinbefore conferred upon the Council to discharge water from any overflow pipe or other appliance into any natural watercourse, and the power to discharge effluent into the said river shall be exercised by the Council only with the approval of the Otago Catchment Board:

provided that the approval of the Board shall not be unreasonably or arbitrarily withheld:

provided also that in the event of any dispute arising between the Council and the Board in regard thereto the same shall be referred to the Minister of Works, whose decision shall be final.

6 Preserving powers of Otago Catchment Board

Save for the exercise by the Council of the powers hereinbefore contained, nothing in this Act shall derogate or be deemed to derogate from the powers exercisable by the Otago Catchment Board in respect of the watershed of the Taieri River.

7 Preserving rights of Dunedin City Council

Nothing in this Act shall derogate or be deemed to derogate from the powers and rights exercisable by the Dunedin City Council under the provisions of the Dunedin Waterworks (Taieri River Supply) Extension Act 1951 or any other Act giving to the said Council powers and rights over the waters of the Taieri River and the tributaries thereof or the catchment or gathering areas of the said river and tributaries.

8 Provisions of Municipal Corporations Act 1954 to apply to extended powers

The powers conferred by this Act are additional to those conferred by the Municipal Corporations Act 1954, 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 Mosgiel Waterworks (Taieri River Supply) Act 1963. The reprint incorporates all the amendments to the Act as at 1 July 1997, 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)***

Arbitration Act 1996 (1996 No 99): section 18

District Courts Amendment Act 1979 (1979 No 125): section 18(2)

Reserves Act 1977 (1977 No 66): section 125(1)
