

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]
House of Representatives, 17 October 1952

Words struck out by Local Bills Committee are shown in italics within bold brackets or in roman enclosed in panel; words inserted are shown in black or in roman with rule down side.

[AS A SECOND TIME REPORTED FROM THE LOCAL BILLS
COMMITTEE]
House of Representatives, 22 October 1952

Further amendments of Local Bills Committee shown with double bar down margin.

Mr. Herron

BLUFF BOROUGH COUNCIL AND BLUFF
HARBOUR BOARD EMPOWERING

[LOCAL BILL]

ANALYSIS

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A BILL INTITULED

AN ACT to vest the assets of the waterworks undertaking of the Bluff Harbour Board in the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Bluff, defining the terms on which such assets shall become the property of the said Corporation, and conferring incidental powers on the Bluff Borough Council. Title.

WHEREAS the Bluff Harbour Board (hereinafter called the Board) and the Bluff Borough Council (hereinafter called the Council), being unable to agree on the interpretation and operation in certain respects of the agreement made between the Board and the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Bluff (hereinafter called the Corporation) on the Preamble.

seventh day of November, nineteen hundred and thirty-three, and validated by the Bluff Harbour Board and Bluff Borough Council Empowering Act 1933, and as to the supply of water to each for its own purposes, jointly submitted to the Minister of Internal Affairs (hereinafter called the Minister) an order of reference for submission to the Local Government Commission (hereinafter called the Commission) and agreed to abide by and implement the decisions and recommendations of the Commission in regard to such water supply: And whereas the Minister referred to the Commission the question of the said agreement and the said order of reference: And whereas the Commission, having heard and read evidence submitted on behalf of the Board and the Council respectively, and having inspected the water supply undertaking and having considered all relevant matters, issued its findings and recommendations on the twelfth day of May, nineteen hundred and fifty-two, under which the Commission found that the ownership of the waterworks undertaking should be transferred to the Corporation: And whereas legislative authority is necessary to implement the said findings and to give the Council further powers:

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

Short Title.

1. This Act may be cited as the Bluff Borough Council and Bluff Harbour Board Empowering Act 1952.

Struck out

Waterworks
vested in
Corporation.

2. With the exception of the parts expressed to be excluded in the *First* Schedule to this Act, the waterworks undertaking owned by the Board, including all the lands and other assets enumerated in the said Schedule, all plant, tools, and stocks of materials used by the Board in connection with the waterworks undertaking and to be set out in the Board's annual statement as at the thirtieth day of September, nineteen hundred and fifty-two, and including the benefit of all contracts and engagements entered into and all rights and authorities of the Board in respect of the said undertaking, are by virtue of this Act vested in the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Bluff as from the first day of October, nineteen hundred and fifty-two.

New

2A. (1) With the exception of the works expressed to be excluded in the *Third* Schedule to this Act, the waterworks undertaking owned by the Board, including the lands and other assets described in the First and *Third* Schedules to this Act, and all plant, tools, and stocks of materials used by the Board in connection with the waterworks undertaking and to be specified in the Board's annual statement as at the thirtieth day of September, nineteen hundred and fifty-two, and including also the benefit of all contracts and engagements entered into and all rights and authorities of the Board in respect of the waterworks undertaking, are hereby declared to have been vested in the Corporation on the first day of October, nineteen hundred and fifty-two.

Waterworks undertaking vested in Corporation.

(2) The land described in the *Second* Schedule to this Act (being the land vested in the Board, in trust for a signal station, by the Bluff Harbour Endowment Act 1878) is hereby declared to have been vested in the Corporation, on the first day of October, nineteen hundred and fifty-two, to be held by the Corporation in trust as a reserve for water conservation purposes under and subject to the provisions of Part I of the Public Reserves, Domains, and National Parks Act 1928.

(3) The Bluff Harbour Endowment Act 1878 is hereby consequentially amended, as from the thirtieth day of September, nineteen hundred and fifty-two, by repealing the first paragraph of the Schedule thereto.

3. The price to be paid by the Corporation to the Board as the purchase price of the portion of the said undertaking to be vested in the Corporation, including the pipes and fittings purchased by the Board to replace the existing Slaney Street main, is thirty-four thousand pounds, which shall be paid by the Corporation to the Board by fifty half-yearly instalments of nine hundred and ninety-eight pounds nine shillings and fivepence each including interest at the rate of three pounds five shillings per cent per annum, such instalments being payable on the last day of the months of March and September in each year, the first such payment to be made on the thirty-first day of March, nineteen hundred and fifty-three:

Price and terms.

Provided that if the price of the said pipes to the Board shall exceed four thousand and fifty-one pounds five shillings the Corporation shall pay the amount of the excess to the Board.

4. (1) The Council is hereby authorized and empowered from time to time to make and levy special rates on the capital value of all rateable property in the Borough of Bluff to meet the instalments payable to the

Power to levy rates.

Board referred to in section *three* of this Act, or [*interest and principal repayments on funds raised for the purpose of extensions and improvements to*] **as security for the repayment of moneys borrowed, and interest on moneys borrowed, for the purpose of extending and improving** the said waterworks and reticulation. 5

New

(2) Notwithstanding anything in subsection *one* of this section, not less than fifteen per cent of the ratepayers of the borough may at any time, by writing under their hands delivered to the Town Clerk, require the Council to take a poll of the ratepayers of the borough on a proposal to adopt, for the purpose of making and levying the rate authorized by this section, the system of rating on the unimproved value. In every such case the poll shall be taken in the same manner as a poll for the adoption of that system under the Rating Act 1925, and the provisions of that Act shall, as far as they are applicable and with the necessary modifications, apply accordingly. 10 15 20

Provisions as to Board's liabilities on undertaking.

5. The existing net loan liability of the Board in respect of the waterworks undertaking, amounting as at the thirtieth day of September, nineteen hundred and fifty-one, to eleven thousand and fifty-five pounds fifteen shillings and fourpence, shall remain with the Board and be discharged by it in accordance with the terms of the loans raised in respect thereof, and all other liabilities of the Board in connection with the said undertaking shall be taken over by the Corporation. 25 30

Struck out

Power to raise loans.

6. For the purpose of the development and extension of the waterworks undertaking and the replacement of mains, the Council is hereby authorized and empowered from time to time to raise [*by special order, and, notwithstanding anything in section nine of the Local Bodies' Loans Act 1926, without the prior consent of the ratepayers,*] **by way of special loan under the Local Bodies' Loans Act 1926** a sum or sums not exceeding forty thousand pounds [*by way of special loans under the said Act*]. 35 40

New

Power to raise loans.

6A. (1) For the purposes of the development and extension of the waterworks undertaking and the replacement of mains, the Council is hereby authorized and empowered from time to time to borrow by way of special loan under the Local Bodies' Loans Act 1926, by special order, and, notwithstanding anything in section 45

nine of that Act, without obtaining the prior consent of the ratepayers of the borough, a sum or sums not exceeding in the aggregate forty thousand pounds.

(2) Nothing in this section shall be construed to limit the powers of the Council, under any enactment other than this Act, to borrow for the said purposes any moneys in addition to the said sum of forty thousand pounds, subject to the provisions of the Local Bodies' Loans Act 1926.

7. The Corporation shall supply water to the Board in accordance with the terms and conditions set out in the [*Second*] **Fourth** Schedule to this Act. Conditions of supply to Board.

8. In the event of any dispute arising between the Corporation and the Board concerning the waterworks or any matter arising out of this Act, the dispute shall be determined pursuant to the provisions of the Arbitration Act 1908, and if the Corporation and the Board shall be unable to agree on the appointment of an arbitrator the Minister of Internal Affairs shall appoint an arbitrator, and the decision of the arbitrator shall be final. Arbitration.

9. The Bluff Harbour Board and Bluff Borough Council Empowering Act 1933 and the **Bluff Harbour Board and Bluff Borough Council Empowering Amendment Act 1934** and the Bluff Harbour Board and Bluff Borough Council Empowering Amendment Act 1939 are hereby repealed. Repeals.

SCHEDULES

Schedules.

Struck out

FIRST SCHEDULE

Section 2

PROPERTY VESTED IN CORPORATION

(a) Land: All those pieces of land situated in the Borough of Bluff, containing 1 acre 8 poles, more or less, being Lots 24 and 29 on Deeds Plan No. 25, being also parts of Section 4, Block I, Campbelltown Hundred, and being all the land comprised in certificate of title, Volume 134, folio 222, Southland Registry, limited as to parcels:

Also all those pieces of land situated in the Borough of Bluff, containing 2 acres 16 poles, more or less, being Lots 25, 27, 28, and 30 on a plan of subdivision of part of Section 4, Block I, Campbelltown Hundred, as appears on plan drawn on certificate of title, Volume 10, folio 23, which said section is delineated in Crown grant record map of said hundred deposited in office of Chief Surveyor at Invercargill, and being all the land comprised in certificate of title, Volume 10, folio 23, Southland Registry:

Also all that piece of land situated in the Borough of Bluff, containing 2 rods 4 poles, more or less, being Lot 26 on Deeds Plan No. 25, being also part of Section 4, Block I, Campbelltown Hundred, and being all the land comprised in certificate of title, Volume 134, folio 219, Southland Registry, limited as to parcels:

FIRST SCHEDULE—continued

Also all those pieces of land situated in the Borough of Bluff, containing 1 acre 2 roods 12 poles, more or less, being Lots 31 and 35 on plan of subdivision of Section 4, Block I, Campbelltown Hundred, deposited in the office of the District Land Registrar at Invercargill as No. 15, and being all the land in certificate of title, Volume 10, folio 106, Southland Registry:

Also all those pieces of land situated in the Borough of Bluff, containing 3 acres 16 poles, more or less, being Lots 32, 33, 34, and 36 on a plan of subdivision of part of Section 4, Block I, Campbelltown Hundred, bounded as appears in plan drawn on certificate of title, Volume 10, folio 22, which said section is delineated in the Crown grant record map of said hundred deposited in office of Chief Surveyor at Invercargill, and being all the land comprised in certificate of title, Volume 10, folio 22, Southland Registry:

Also all those pieces of land situated in the Borough of Bluff, containing together 25 acres 3 roods 20 poles, more or less, being Lot 3, on Deposited Plan No. 3037, being also part Section 5, Block I, Campbelltown Hundred, and being all the land comprised in certificate of title, Volume 142, folio 248, Southland Registry:

Also all those pieces of land situated in the Borough of Bluff, containing 25 acres 2 roods 20 poles, more or less, being Lot 4 on Deposited Plan No. 3037, being also part Section 5, Block I, Campbelltown Hundred, and being all the land comprised in certificate of title, Volume 142, folio 250, Southland Registry:

Also all those pieces of land situated in the Borough of Bluff, containing 141 acres 1 rood 25 poles, more or less, being part of Section 6, Block I, Campbelltown Hundred, and being all the land comprised in certificate of title, Volume 28, folio 100, Southland Registry:

Also all those pieces of land situated in the Borough of Bluff, containing 169 acres 2 roods 22·8 poles, more or less, being parts of Section 7 and closed road Block I, Campbelltown Hundred; portion of the said land is more particularly shown as Lots 6 and 7 on Deposited Plan No. 1483, and being all the land comprised in certificate of title, Volume 143, folio 126, Southland Registry:

Also all those pieces of land situated in the Borough of Bluff, containing 59 acres 3 roods 7 poles, more or less, being parts of Section 7, Block I, Campbelltown Hundred; the said pieces of land are more particularly shown on plan a copy of which is filed in the Land Registry Office at Invercargill with copy Proclamation No. 1485, and being all the land comprised in certificate of title, Volume 144, folio 242, Southland Registry:

Also all that piece of land situated in the Borough of Bluff, containing 51 acres 2 roods 31 poles, more or less, being part of Section 8, Block I, Campbelltown Hundred, and being all the land comprised in certificate of title, Volume 135, folio 147, Southland Registry, limited as to parcels:

FIRST SCHEDULE—continued

And also all that piece of land situated in the Borough of Bluff, containing 19 acres 1 rood 15 poles, being part of Section 8, Block I, Campbelltown Hundred; the said piece of land is more particularly shown on plan filed in the Land Registry Office at Invercargill as No. 396 (red), and being all the land comprised in certificate of title, Volume 143, folio 63, Southland Registry:

And also all that piece of land situated in the Borough of Bluff, containing 9 acres 2 roods 35 poles, more or less, being Section 25, Block I, Campbelltown Hundred, being the land vested in the Bluff Harbour Board by the Bluff Harbour Endowment Act 1878, Section 2, for the purpose of a signal station reserve:

And also the water rights created by memorandum of Transfer No. 71376 over all those parcels of land situated in the Borough of Bluff, containing 181 acres and 4 poles, being parts of Sections 3 and 4, Block I, Campbelltown Hundred, and being all the land comprised in certificate of title, Volume 149, folio 40, Southland Registry.

(b) All water races leading to the reservoirs.

(c) The main known as the Slaney Street main, including the bulk meter, the meter north of Gore Street, and the cast iron main to the point at which it joins the 5 in. Everite main, but excluding the said Everite main laid to the wharf, and excluding also the wharf reticulation.

(d) The filtration plant.

New

FIRST SCHEDULE

LANDS VESTED IN CORPORATION

Area.	Certificate of Title.
A. R. P.	Title.
(a) 1 0 8	being Lots 24 and 29, D.R.P. 134/222 limited 25 (D.P. 15), being part as to parcels Section 4
2 0 16	being Lots 25, 27, 28, and 30, 10/23 D.P. 15, being part Section 4
0 2 04	being Lot 26, D.R.P. 25 (D.P. 15), being part Section 4 134/219 limited as to parcels
1 2 12	being Lots 31 and 35, D.P. 15, 10/106 being part Section 4
3 0 16	being Lots 32, 33, 34, and 36, 10/22 D.P. 15, being part Section 4
25 3 20	being Lot 3, D.P. 3037, being 142/248 part Section 5
25 2 20	being Lot 4, D.P. 3037, being 142/250 part Section 5
141 1 25	being part Section 6 28/100
169 2 22·8	being part Section 7 and closed 143/126 road and Lots 6 and 7, D.P. 1483, being part Section 7
59 3 07	being part Section 7 144/242
51 2 31	being part Section 8 135/147 limited as to parcels
19 1 15	being part Section 8, as shown 143/63 on plan 396, lodged in the Land Registry Office, Inver- cargill

FIRST SCHEDULE—continued

All of the above described areas being in Block I, Campbelltown Hundred, in the Southland Land District; as the same are shown on plan numbered S.O. 6066, lodged in the office of the Chief Surveyor, Invercargill, and thereon edged red, save and excepting all public roads within the said area, and also the two areas bordered red on the plan numbered S.O. 6067 lodged as aforesaid and containing respectively 25 acres 3 roods 6 perches and 13 acres 1 rood 37.5 perches, approximately, and being portion of the lands contained in certificate of title, Volume 135, folio 147, limited as to parcels, and Volume 143, folio 126.

All the above mentioned certificates of title being in the Southland Land Registry Office.

(b) Also water rights created by Transfer No. 71376 over part Section 4 and Lot 3, D.P. 3368, being part Section 3, Block I, Campbelltown Hundred, being all the land comprised in certificate of title, Volume 149, folio 40, Southland Land Registry Office; as the same is shown on plan numbered S.O. 6066 in the office of the Chief Surveyor, Invercargill, and thereon edged blue.

(c) And also pipe line rights over part Slaney Street South shown on D.P. 256, Southland Land Registry Office, created by Deed of Conveyance No. 15808; as the same is shown on plan numbered S.O. 6066 in the office of the Chief Surveyor, Invercargill, by a blue pecked line.

(d) All water races leading to the reservoir within the area coloured red on plan numbered S.O. 6066 in the office of the Chief Surveyor, Invercargill, and thereon coloured yellow, together with the portion of the water race through section 24, Block I, Campbelltown Hundred; coloured purple on the above plan.

SECOND SCHEDULE

LANDS VESTED IN CORPORATION AS A RESERVE

Section 25, Block I, Campbelltown Hundred, 9 acres 2 roods 35 perches, as the same is shown on plan numbered S.O. 6066 in the office of the Chief Surveyor, Invercargill, and thereon edged green.

THIRD SCHEDULE

WORKS VESTED IN CORPORATION

The main known as the Slaney Street main, including the bulk meter, the meter north of Gore Street, and the cast iron main to the point at which it joins the 5 inch Everite main, but excluding the said Everite main laid to the wharf, and excluding also the wharf reticulation.

The filtration plant.

Section 7

[SECOND] FOURTH SCHEDULE

CONDITIONS OF SUPPLY BY CORPORATION TO BOARD

1. The Corporation shall be obliged to supply water to the Board for shipping and harbour purposes, and shall restrict such supply only in the same proportion as any general restriction is imposed on other consumers.

[SECOND] FOURTH SCHEDULE—continued

2. The Corporation shall utilize all the available catchment areas on the Bluff Hill capable of development to ensure that there will be no unnecessary restrictions on the consumption of water.

3. For the Board's normal requirements, including sales to shipping, the Council shall supply up to 4,000,000 gallons per annum for a term of twenty-five years at a price of 28-1d. per thousand gallons.

The Board shall have the right to a supply, subject to review at the beginning of each period of the price to be paid and the quantities to be made available, for seven further terms each of ten years, after the expiry of the first term of twenty-five years.

Any amount of water supplied in excess of 4,000,000 gallons shall be at a price to be computed on the following basis:—

(a) The known costs of the production of water for the preceding year, comprising working expenses and interest on capital involved, including that on new capital for additional development works, but not including that on borough reticulation, other than the Slaney Street main. (Contributions to sinking funds, loan repayments, transfers from the waterworks accounts, or capital expenditure shall not be treated as part of the annual costs of production):

(b) Depreciation on existing assets of the amounts and at the rates set out hereunder for the year ending on the thirty-first day of March, nineteen hundred and fifty-four, namely:—

On £8,000 at £5 per cent:

On £9,000 at £2 10s. per cent:

On £17,000 at £1 per cent:

And thereafter on the reduced amounts after deducting the respective amounts of depreciation for each preceding year.

(c) A sum equal to 5 per cent per annum on operating costs for administration and engineering.

For the purpose only of arriving at the cost of water on the aforementioned basis it will continue to be necessary to measure the quantity of water entering the Slaney Street main. The aforesaid costs shall be computed after the end of each financial year and be subject to examination by the executive officers of each authority. In the event of failure to agree to these costs, the item or items in dispute shall be submitted to arbitration.

For the purpose of the period from the first day of October, nineteen hundred and fifty-two, to the thirty-first day of March, nineteen hundred and fifty-three, all water supplied to the Board shall be at the price of 28-1d. per thousand gallons.