

Mr. Millar.

DUNEDIN CITY AND SUBURBAN TRAMWAYS AND WATER-POWER.

[LOCAL BILL.]

ANALYSIS.

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| <ul style="list-style-type: none"> <li>Title.</li> <li>Preamble.</li> <li>1. Short Title.</li> <li>2. Prior Acts to be read with this Act.</li> <li>3. Liability of Corporation for damage done.</li> <li>4. Power of Corporation to acquire water-rights, &amp;c.</li> <li>5. Mining privileges.</li> <li>6. Purposes for which water may be used.</li> <li>7. No rent or fees payable to Crown.</li> <li>8. Miner's right vested in Corporation.</li> <li>9. Licenses to continue in force.</li> <li>10. Control of licenses vested in Corporation.</li> <li>11. Dams, &amp;c., deemed waterworks, &amp;c. Exceptions.</li> <li>12. Power to use streams for generating electricity.</li> <li>13. Power to construct reservoirs, &amp;c. Proviso.</li> <li>14. Power to Corporation to supply electric power to adjacent boroughs.</li> </ul> | <ul style="list-style-type: none"> <li>15. Authority of Warden to be given to construct dam upon new site.</li> <li>16. Corporation empowered to construct a race on west side of the Taieri River, in lieu of one described in Schedule as 16, W.R.</li> <li>17. Two crossings to be made in connection with land adjoining Taieri River. Warden to determine.</li> <li>18. Warden and Assessors empowered to hear and determine claim for compensation.</li> <li>19. Where road encroached on, Corporation and local authority may agree to diversion of such road.</li> <li>20. Deed of covenant made 28th April, 1903, nor any similar deed, not prejudicially affected by the Act.</li> <li>21. Opinion of Auditor-General may be obtained on apportionment of any loan.</li> </ul> |
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A BILL INTITULED

AN ACT to define and extend the Authority of the City of Dunedin with reference to Water-power and Waters and Works connected therewith, the Generation and Use of Electricity, and other Matters. Title.

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WHEREAS the Corporation of the Mayor, Councillors, and Citizens of the City of Dunedin has by application acquired and is the holder in its corporate name of the several mining privileges in the Schedule hereto set forth, which said mining privileges are held under licenses granted pursuant to the provisions of "The Mining Act, 1898," for the term of forty-two years from the third day of April, one thousand nine hundred and three: And whereas the said Corporation may from time to time apply for and may acquire, either by application or otherwise, further mining privileges, and further and other rights of like kind: And whereas it is desirable that such privileges and rights shall be held with the rights and subject to the liability on the part of the said Corporation herein expressed: Preamble.

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

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1. The Short Title of this Act is "The Dunedin City and Suburban Tramways and Water-power Act, 1903." Short Title.

Prior Acts to be read with this Act.

2. This Act shall be deemed to amend and extend "The Dunedin City and Suburban Tramways Act, 1900" (herein called "the principal Act"), and the principal Act and all Acts incorporated therewith, together with this Act, shall be read as one Act.

Liability of Corporation for damage done.

3. In respect of such of the said licenses as confer on the Corporation of the Mayor, Councillors, and Citizens of the City of Dunedin (in this Act called "the said Corporation") the power to construct a dam or weir, the said Corporation shall, as from the date when it commences to construct the dam or weir which it is thereby empowered to construct, be deemed to be liable to all persons and bodies corporate and politic, including His Majesty the King, for any damage which may be caused through the construction, breaking-away, or other failure of the proposed works.

Power of Corporation to acquire water-rights, &c.

4. The said Corporation shall have full power to take up and acquire by application under the provisions of "The Mining Act, 1898," or to purchase or acquire in any other manner, all such dams or weirs, water-races, water-rights, and privileges in respect of water as it shall think fit, and whether within the Otago Mining District or elsewhere in the Provincial District of Otago.

Mining privileges.

5. All the mining privileges in the Schedule hereto set forth (in this Act called "the said mining privileges") shall as against the Crown and all bodies and persons whatsoever be for all purposes deemed to be, and as from the date of the license thereof to have been, valid notwithstanding any defect therein or in the jurisdiction of the Warden to grant the same.

Purposes for which water may be used.

6. The dams or weirs, and the water-races and other mining privileges, and the water thereby acquired, stored, and utilised, may be used by the said Corporation for all or any of the following purposes: namely, the generation of electric power for the use of the said Corporation, or for the sale by it of motive power and electric light, and for the supply of water for power, irrigation, agricultural, mining, or other purposes, and for all other purposes for or to which any person or corporation may lawfully use or apply water or water-power; and the rights conferred by the said mining privileges shall not be liable to loss of priority, diminution in amount, cancellation, forfeiture, or surrender under or by virtue of the mining laws of New Zealand, and shall not be liable to forfeiture or be deemed to be abandoned on the ground that such dams, weirs, or water-races have not been prior to the coming into operation of this Act or may not hereafter be constructed or commenced within the time limited in that behalf by law; and the foregoing shall apply to any race or races hereafter constructed pursuant to any power or permission given or purporting to be given by any Warden to alter or extend the course of any water-race, whether granted by indorsement or by separate instrument.

No rent or fees payable to Crown.

7. No rent or fees shall be payable to the Crown or otherwise in respect of the said mining privileges or other rights acquired or held under the provisions of this Act.

Miner's right vested in Corporation.

8. It shall not be necessary for the Corporation to hold a miner's right, but it shall nevertheless have the rights, powers, and privileges of a holder of a miner's right.

9. It shall not be necessary to renew any of the said licenses, but the same shall continue in force notwithstanding the expiration of the nominal term thereof.

Licenses to continue in force.

5 10. The Council of the said Corporation shall have authority and control over the entire area and length of the said dams, weirs, and water-races held under the said licenses notwithstanding that the same are without the city.

Control of licenses vested in Corporation.

10 11. The said dams, weirs, and water-races, and all works and property pertaining thereto, shall be deemed to be waterworks belonging to and under the control of the City Council of Dunedin, within the meaning of "The Municipal Corporations Act, 1900," save that any obligation in section two hundred and ninety to supply pure water shall not apply thereto; nor shall the following subsections of section three hundred and four—namely, subsections numbered three, six, eight, ten, eleven, twelve, and thirteen—apply thereto; nor shall section three hundred and three apply thereto, save if and when the Act complained of shall have the effect of infringing the rights of the said Corporation as appearing in the respective licenses held by it, nor shall this section be held to restrict mining operations in or upon any stream in or upon which mining was carried on at the date of the passing of this Act.

Dams, &c., deemed waterworks, &c.

Exceptions.

15 12. The said Corporation shall have full power to use and apply all streams or waters owned or held by it, whensoever and howsoever acquired, to the purpose of generating electricity to be used for the purpose of producing power and light, and to lead such streams into other streams so as to increase the volume thereof, and to store water in dams, and to carry streams and waters in races, tunnels, flumes, conduits, and other appliances, and to construct, erect, instal, and use within and beyond the limits of the city all such works and appliances as it shall think necessary for generating, transmitting, and utilising electricity for producing electric power and light.

Power to use streams for generating electricity.

25 13. The Corporation shall have power with respect to the said mining privileges and the waters and streams owned or held thereunder pursuant to the provisions thereof, and for whatever purpose the same may have been acquired, to construct all such reservoirs, waterworks, and other works as it shall find necessary or convenient for taking, storing, conducting, distributing, and otherwise utilising such waters and streams: Provided that whenever it is proposed to construct any dam or weir of greater height than is authorised by the license it shall be necessary to submit the plans thereof to the Governor in Council for his approval before constructing the same.

Power to construct reservoirs, &c.

Proviso.

40 14. The Corporation shall have full power to contract with the Councils of other boroughs, and with County Councils, Road Boards, Town Boards, Drainage Boards, and Sewerage Boards, and all other local authorities and public bodies whatsoever, for the supply to such bodies and the inhabitants of the local districts thereof of electric power and electric light; and with the consent of any such local authority or public body to erect and instal in the district over which it has authority, and in the streets and public places therein, and with the consent of the local authority having control thereof, such works, plant, and erections as may be necessary and convenient for such purposes, and any contract which the said Corporation is

Power to Corporation to supply electric power to adjacent boroughs.

empowered to make with any local authority or public body may in like manner be entered into by such local authority or public body with the said Corporation.

Authority of Warden to be given to construct dam upon new site.

15. It shall be lawful for the Corporation in constructing any dam or weir to obtain authority, which the Warden is hereby authorised to grant, to construct the same upon any other site which in its opinion will prove more suitable than that mentioned in the license, but not more than half a mile from the last-mentioned site, without loss of its right or of priority; and the site upon which the same shall be constructed shall be deemed to be granted by the existing license and to be subject to the conditions thereof; and an amended description of the new site of such dam shall be indorsed or minuted upon the license by the Warden without any formal application in that behalf whenever he shall be satisfied, by means of a plan signed by an authorised surveyor, as to the position of such new site. 5 10 15

Corporation empowered to construct a race on west side of the Taieri River, in lieu of one described in Schedule as 16, W.R.

16. It shall be lawful for the Corporation to obtain authority, which the Warden is hereby authorised to grant, to construct, in lieu of the race described in the Schedule as 16, W.R., a race on the west side of the Taieri River to carry the same number of heads of water; and such authorisation shall be indorsed or minuted on the license for the said race, and shall be deemed to alter the site and course thereof only, and not to affect the right to divert water thereby granted; and thereafter the provision of this Act and those of the deed of covenant of the twenty-eighth day of April hereafter mentioned shall apply to the said race and the water thereby diverted in the same manner and to the same extent to which the same apply to the race so described in the Schedule as 16, W.R.; and the provisions of this section shall apply notwithstanding any alteration in the site of the dam described in the Schedule as No. 5, dam, and consequent alteration in the position or course of the said race. 20 25 30

Two crossings to be made in connection with land adjoining Taieri River.

17. With respect to the water-race described as 16, W.R., the Corporation shall, in constructing the same, provide at least two permanent crossings for the passage of persons, stock, and vehicles between the adjoining land and the Taieri River, so that the owners and occupiers of such land, and all persons claiming under them, may have free access to the said river; and the Warden and Assessors, sitting as a Compensation Court constituted under "The Mining Act, 1898," section ninety-nine, subsection five, shall have jurisdiction to determine any compensation claim arising out of the construction of the said water-race, and may, in granting compensation or in lieu of compensation, define the limits of such crossings and the mode in which they are to be constructed and maintained, and may grant further crossings and similarly define them; and it shall be obligatory upon the Corporation at all times to maintain such crossings in good order and repair. 35 40 45

Warden to determine.

Warden and Assessors empowered to hear and determine claim for compensation.

18. Any Warden and Assessors empowered to hear and determine compensation claims in respect of the construction of works pursuant to the licenses in the Schedule hereto mentioned shall have the authority conferred by section eighty-four of "The Public Works Act, 1894," upon Compensation Courts, as if the said section had been incorporated with "The Mining Act, 1898." 50

19. In case any road or reserve under the control of any County or Borough Council or other local or other authority shall or may be interfered with or encroached upon by any work or building constructed or to be constructed by the said Corporation, it shall be  
5 competent for the Council and such local or other authority to make an agreement for the diversion of such road, and any such agreement when duly executed shall effectually divert the same: Provided that should any such diversion involve taking or using the land of any person or body, the same may be taken under the provisions of  
10 "The Public Works Act, 1894," and due compensation shall be made to such person or body.

Where road encroached on, Corporation and local authority may agree to diversion of such road.

20. Nothing in this Act contained shall prejudicially affect the operation of a deed of covenant made on the twenty-eighth day of April, one thousand nine hundred and three, between the Corporation  
15 of the Mayor, Councillors, and Citizens of the City of Dunedin of the one part, and the Corporation of the Chairman, Councillors, and Inhabitants of the County of Taieri of the other part, relating to the construction of water-races, or any similar deed which may have been or may hereafter be entered into with respect to the construction of  
20 dams or water-races.

Deed of covenant made 28th April, 1903, nor other deed, not prejudicially affected by the Act.

21. For the purpose of any adjustment of expenditure under the foregoing sections it shall be lawful for the City Council to obtain in anticipation the opinion of the Auditor-General on any question as to the apportionment of any loan or expenditure, and to act on such  
25 opinion.

Opinion of Auditor-General may be obtained on apportionment of any loan.

6 *Dunedin City and Suburban Tramways and Water-power.*

Schedule.

## SCHEDULE.

No. of License.	Date of Registration.	Where granted.	Warden.	Particulars of Privilege.
15, W.R. ...	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	License for a water-race to divert 40 heads of water by means of a tunnel 6 ft. high by 4 ft. wide and a pipe-line with 30 in. pipes, to be used for the purpose of generating electricity for transmission of power and electric lighting; such race having a length of about four miles (more or less) in a south-easterly direction from Lee Stream to Taieri River. The race commences on the Lee Stream, in Section 2, Block X., Mount Hyde District, at a dam-site granted to applicant, 40 chains above its junction with Fortification Creek, and traverses the right bank of the Lee Stream for a distance of 20 chains, to a point in Section 4, Block X., Mount Hyde District, by a pipe-line; thence by a tunnel for a distance of 120 chains underground through Section 4, Block X., and Section 3, Block XI., Mount Hyde District, and Section 2, Block XVI., Maungatua District, to a point on Missing Link Creek; thence by a pipe-line through said Section 2, Block XVI., Maungatua District, and under public road intersecting said Section 2, a distance of 110 chains, to a road-line between said Section 2 and Section 31 (bush reserve), Block VII., Maungatua District, and under said road; thence through said Section 31 (bush reserve), terminating at a point on the bank of the Taieri River 37 chains below its junction with the Lee Stream.
16, W.R. ...	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	License for a water-race to divert 600 heads of water by means of a race 7 ft. 3 in. deep by 7 ft. 3 in. in breadth, to be used for the purpose of generating electricity for transmission of power and electric lighting; such race having a length of 5,000 ft. along eastern bank of the Taieri River. The race commences on the Taieri River at dam-site granted to applicant at northernmost corner of Section 17, Block I., Dunedin and East Taieri District; thence in a southerly direction along the eastern bank of the Taieri River through Sections 17 and 1 of 18, Block I., Dunedin and East Taieri District; thence across public road, terminating at power-site, situated on Section 37 (bush reserve), Block I. aforesaid.

SCHEDULE—continued.

No. of License.	Date of Registration.	Where granted.	Warden.	Particulars of Privilege.
17, W.R. ...	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	License for a water-race to divert 10 heads of water by means of a pipe-line with 12 in. pipes, to be used for the purpose of generating electricity for transmission of power and electric lighting; such race having a length of 26 chains, and commences on the right bank of Fortification Creek at a point 6 chains above its junction with the Lee Stream at a dam-site granted to applicant, and traverses the right bank of Fortification Creek to its junction with the Lee Stream; thence across the Lee Stream and along the bank of the Lee Stream up-stream a distance of 20 chains to tunnel-mouth in Section 4, Block X., Mount Hyde District.
No. 5, dam	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	License for a dam situated across the Taieri River at northernmost point of Section 17, Block I., Dunedin and East Taieri District, having a dam-wall 80 yards in length, with a maximum height of 11 ft. and a breadth of 25 ft. at the base; the length and width of the water-area being half a mile long and 100 yards wide. Such dam to be used to store water for the purpose of generating electricity for transmission of power and electric lighting.
No. 6, dam	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	License for a dam situated across the Lee Stream 40 chains below the junction of the Lee Stream and South Rock Creek, having a dam-wall 100 ft. in length, with a maximum height of 40 ft. and a breadth of 200 ft. at the base; the length and width of the water-area being 70 chains by 10 chains. Such dam to be used to store water for the purpose of generating electricity for transmission of power and electric lighting.
No. 7, dam	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	License for a dam situated across Fortification Creek at a point 6 chains above its junction with the Lee Stream, having a dam-wall 15 ft. in length, with a maximum height of 8 ft. and a breadth of 8 ft. at the base; the length and width of the water-area being 5 chains by 20 ft. Such dam to be used to store water for the purpose of generating electricity for transmission of power and electric lighting.

SCHEDULE—*continued.*

No. of License.	Date of Registration.	Where granted.	Warden.	Particulars of Privilege.
No. 8, dam	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	License for a dam situated across the Lee Stream at a point 40 chains above its junction with Fortification Creek, having a dam-wall 70 ft. in length, with a maximum height of 15 ft. and a breadth of 15 ft. at the base; the length and width of the water-area being 40 chains by 45 ft. Such dam to be used to store water for the purpose of generating electricity for transmission of power and electric lighting.
No. 4, special site	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	License for a special site situated on Section 31 (bush reserve), Block VII., Maungatua District, 37 chains below the junction of the Taieri River with the Lee Stream, extending 2 chains along the Taieri River by 1 chain wide. To be used in connection with Water-race No. 15 as a site for an electric-power station.
No. 5, special site	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	License for a special site situated on and being part of Section 37 (bush reserve), Block I., Dunedin and East Taieri District, at the terminal point of Water-race No. 16, extending 120 ft. along the Taieri River by 50 ft. wide, containing about 22 perches. To be used in connection with Water-race No. 16 as a site for an electric-power station.