

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 14 November 1951

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

Mr. Connolly

DUNEDIN WATERWORKS (TAIERI RIVER
SUPPLY) EXTENSION

[LOCAL BILL]

ANALYSIS

Title.	3. Power to construct works on lands, reserves, roads, and streets.
Preamble.	
1. Short Title.	4. Provisions of Municipal Corporations Act 1933 to apply to extended powers conferred by this Act.
2. Power to take water from the Taieri River and tributaries thereof.	

A BILL INTITULED

AN ACT to enable the Dunedin City 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 City of Dunedin water from the Taieri River *[and the tributaries thereof]*.

WHEREAS it is expedient to enable the Dunedin City Council to take, divert, impound, collect, use, and convey water from the Taieri River *[and the tributaries thereof]* for the purpose of increasing the supply of water for the use of the inhabitants of the said city 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:

2 *Dunedin Waterworks (Taieri River Supply)*
Extension

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 Dunedin Waterworks (Taieri River Supply) Extension Act 1951. 5

Power to take water from Taieri River and tributaries thereof.

2. The Dunedin City 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 city water from Taieri River [*and the tributaries thereof*], the catchment or gathering area of the said river [*and tributaries*] being shown approximately on the plan marked No. 6360, deposited in the office of the Town Clerk at the Municipal Chambers at Dunedin and at the Magistrate's Court at Dunedin: 10 15

New

Provided that the quantity of water which may be taken from the said river shall not, save for the purposes of section *two*^A of this Act, exceed fifteen million gallons a day. 20

Power to supply water in bulk to adjacent local authorities.

2A. (1) The Council shall have full power to contract with any Borough Council or County Council for the supply to such local bodies 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 such supply shall be given, to be determined in default of mutual agreement by arbitration in manner provided by the Arbitration Act 1908; and the local body to which 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 such supply; and any contract which the Council is hereby empowered to make with any local body may in like manner be entered into by such local body with the Council. 25 30 35

(2) Notwithstanding anything to the contrary in section *two* of this Act, 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 *two*. 40

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

3. 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, 5 aqueducts, tanks, drains, pipes, culverts, bridges, buildings, machinery, settling tanks, treatment plant, pumping stations, 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 10 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 said catchment or gathering area to the City of Dunedin, and may with any such water main cross and 15 recross any railway, stream, or river, and may, **subject to the provisions of section three A of this Act**, discharge water from any overflow pipe or other appliance into any natural watercourse along the route of such water main, water race, aqueduct, or other work, and [*may*] 20 discharge into the said river [*or any tributary thereof sludge*] **effluent** from any settling tank or other work hereby authorized to be constructed:

Provided that before the Council shall exercise any of the powers authorized by this section the following 25 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 30 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, **and to the Otago Catchment Board**, of its intention 35 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 40 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 45 twice in some newspaper circulating in the said city:

(c) If within one 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, **or the Otago Catchment Board**, 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: 5

(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: 10 15

New

(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 fourteen days of receiving notice of the decision appeal to the Minister of Works, whose decision shall be final. 20

Approval of Otago Catchment Board required to certain acts.

3A. 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: 25 30

Provided that such approval 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. 35

Preserving powers of the Otago Catchment Board.

3B. 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. 40

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

4. 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. 45