

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
23rd October, 1947.*

Mr. Bowden

WELLINGTON CITY AND SUBURBAN WATER-
SUPPLY AMENDMENT

[LOCAL BILL]

ANALYSIS

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A BILL INTITULED

AN ACT to amend the Wellington City and Suburban **Title.**
Water-supply Act, 1927.

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

No. 26—3

2 *Wellington City and Suburban Water-supply
Amendment*

Short Title.

1. This Act may be cited as the Wellington City and Suburban Water-supply Amendment Act, 1947, and shall be read together with and deemed part of the Wellington City and Suburban Water-supply Act, 1927 (hereinafter referred to as the principal Act).

5

Section 2 of
the principal
Act amended.

2. Section two of the principal Act is hereby amended as follows:—

(a) By omitting from the definition of the term “contributory local authority” the words “suburban area”, and substituting the words “Wellington Metropolitan Area”:

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(b) By repealing the definition of “water-collection area”, and substituting the following definition:—

“ ‘Water-collection area’ includes any land in the Wellington Metropolitan Area within a catchment area set aside for water-supply development by the Board: ”

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(c) By repealing the definition of “waterworks”, and substituting the following definition:—

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“ ‘Waterworks’ includes all streams and water and rights appertaining thereto and all lands, watersheds, catchment areas, reservoirs, dams, tanks, pipes, and all buildings, plant, machinery, and appliances of every kind acquired, constructed, or operated by the City Council for the purposes of this Act: ”

25

(d) By adding at the end thereof the following definitions:—

“ ‘Wellington Metropolitan Area’ means the City of Wellington, the County of Hutt, the County of Makara, the Borough of Upper Hutt, the Borough of Eastbourne, and the Town District of Johnsonville as existing from time to time and any additional area included therein under the provisions of this Act:

30

“ ‘Minister’ means the Minister of Works: ”.

3. Section three of the principal Act is hereby amended by repealing subsections two to twelve inclusive, as enacted by section two of the Wellington City and Suburban Water-supply Amendment Act, 1935, and
5 substituting the following subsections:—

Provisions relating to the constitution of the Board of Control.

“(2) The Board shall consist of ten members, namely—

“(a) The Mayor for the time being of the City of Wellington;

10 “(b) Five members, one being a Councillor of and appointed by the Eastbourne Borough Council, one being a Councillor of and appointed by the Upper Hutt Borough Council, one being a Councillor of and
15 appointed by the Hutt County Council, one being a Councillor of and appointed by the Makara County Council, and one being a Commissioner of and appointed by the Johnsonville Town Board; and

20 “(c) Four Councillors of the Wellington City Council appointed by the City Council:

“(3) The Mayor of Wellington may at any time authorize any Councillor of the Wellington City Council to act as his delegate at any meeting and to exercise
25 all the powers exerciseable by him and to act as Chairman of the Board.

“(4) Any other member may at any time appoint as his delegate any person who could have been appointed by his appointor.

30 “(5) In the month of January, nineteen hundred and forty-eight, and in the same month in every third year thereafter, the Councils and the Town Board entitled to make appointments under paragraphs (b) and (c) of subsection *two* of this section shall make
35 such appointments, and the persons so appointed shall come into office from the first day of February following, and shall hold office until their successors come into office, but shall be capable of being reappointed.

40 “(6) The members of the Board holding office on the passing of this Act shall remain in office until the first day of February, nineteen hundred and forty-eight, but shall be capable of being reappointed.

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“(7) If any member holding office under subsection *two* of this section ceases to hold the necessary qualifications as Mayor or Councillor or Commissioner, as the case may be, he shall thereupon cease to be a member of the Board. Any member of the Board, except the Chairman, may resign his office by writing addressed to the Clerk of the Board and shall thereupon cease to be a member of the Board. 5

“(8) If any appointed member ceases to be a member of the Board, the local authority entitled to appoint such member shall appoint a qualified person in his stead who shall hold office for the residue of the term of his predecessor in office. 10

“(9) The validity or legality of acts done by the Board without knowledge that a member of the Board appointed under this section was not qualified to be appointed or to continue in office shall not be affected by reason of that fact, nor shall the validity or legality of any acts of the Board be affected by reason of the fact that after the coming into existence of the Board any member had vacated his seat and his successor had not come into office. 15 20

“(10) The Mayor of Wellington or his delegate shall be Chairman of the Board and shall have a deliberative vote and, in any case in which the votes are equal, shall also have a casting vote. 25

“(11) The Town Clerk of the Wellington City Council shall be the Clerk of the Board and may convene a meeting of the Board whenever necessary, and shall convene a meeting whenever required in writing by any member of the Board. 30

“(12) At every meeting of the Board five members shall form a quorum. For as long as the local authority which appointed any one or more of the aforesaid members shall not contribute to or be a party to any scheme for the supply of water under this Act, that member or those members shall not be entitled to vote on any question directly connected with that scheme.” 35

4. Section four of the principal Act is hereby amended as follows:— 40

(a) By repealing paragraph (a) of subsection one, and substituting the following paragraph:—
“(a) Water-supply purposes:”:

Section 4 of
the principal
Act amended.

(b) By repealing paragraph (d) of subsection one, and substituting the following paragraph:—

5 “(d) For soil conservation and rivers control and for any other purpose provided for by this Act:

10 “ Provided that no timber shall be felled on the land eighthly described in the First Schedule hereto without the previous written consent of the Minister charged with the administration of the Scenery Preservation Act, 1908:

15 “ Provided also that nothing herein shall be deemed to constitute the City Council a Catchment Board within the meaning of the Soil Conservation and Rivers Control Act, 1941.”

5. Section five of the principal Act is hereby amended by adding at the end of subsection one the words “ and shall be entitled to the same exemptions
20 and privileges in relation to fencing as apply to unalienated Crown lands, except where the Board resolves or the Minister of Lands decides that a fence is necessary for the proper farming of the adjacent land.”

Exemption
from fencing.

25 6. Section six of the principal Act is hereby amended as follows:—

Powers of the
Council
extended.

(a) By repealing paragraph (c), and substituting the following paragraph:—

30 “(c) Accept gifts or acquire or purchase or exchange and give or receive any moneys by way of equality of exchange or take in the manner provided by the Public Works Act, 1928, and hold any land situate in the suburban area or in the Wellington Metropolitan Area or any land adjoining or
35 adjacent thereto which may be necessary or convenient for the purposes of or in connection with any public works which the City Council is empowered to undertake, construct, or provide under the provisions of this Act
40 or which may be necessary or convenient for the carrying-out of any of the purposes of this Act:

“ Provided that the power to exchange hereby conferred shall not be exercised in any case unless the land to be received in exchange is more suitable for the purposes of the principal Act than the land to be given in exchange.” 5

(b) By adding the following paragraphs:—

“(e) Enter into any agreement, either under section thirty-one of the Finance Act (No. 3), 1944, or otherwise, with the Minister of Works or any local authority for the constructing and carrying-out of any operation authorized by this Act, including the supply and distribution of water, on such terms and conditions as may be mutually agreed upon: 15

“(f) From time to time, with the consent of the Governor-General in Council first had and obtained, sell any land vested in the City Corporation under this Act in such manner, at such prices, and subject to such terms and conditions as the Minister of Lands may approve. Subject to the approval of the said Minister, the whole or any part of the net proceeds from any such sale shall be applied to the purchase of other land to be held by the said Corporation under this Act or otherwise appropriated for the purposes of this Act, as the Board may determine.” 20 25

Section 9 of
the principal
Act amended.

7. Section nine of the principal Act is hereby amended by omitting from subsection one the words “ County of Makara ”, and substituting the following words: “ Wellington Metropolitan Area ”. 30

Council may
construct
waterworks.

8. The principal Act is hereby further amended by repealing section ten, and substituting the following section:— 35

“ 10. (1) The City Council may, with the consent of the Board, on any land situate in the suburban area or in the Wellington Metropolitan Area or on any land adjoining or adjacent thereto (being in either case land vested in the City Corporation for the purposes of this Act), construct waterworks for the supply and distribution of water for the use of the inhabitants of the 40

Wellington Metropolitan Area or of the shipping in any harbour adjoining thereto, and may keep and maintain the same in good repair, and may from time to time do all things necessary thereto, and may lay,
5 repair, renew, maintain, and inspect all such mains, pipes, buildings, machinery, meters, plant, equipment, and appliances as may be necessary to carry such water from any water-collection area to consumers or to the points at which water is to be delivered for distribution,
10 and therein especially may do the following things:—

“(a) May, subject to the provisions of this Act and to any right granted under any prior Act, take the water from any river, stream, lake, or pool in the Wellington Metropolitan
15 Area:

“(b) May develop any potential source of supply or may treat or protect any waters to improve its quality within the Wellington Metropolitan Area:

“(c) May construct and maintain drains, water-works, and other works for intercepting, treating, or disposing of any foul water arising or flowing on any land in the Wellington Metropolitan Area or for
25 preventing the pollution of any water:

“(d) May break up or dig into the surface of any road, street, private street, or public place within the suburban area or the Wellington Metropolitan Area:

“(e) May, with the consent of the local authority or public body having control thereof, or, if such consent is refused, with the approval of the Minister of Works, alter any drain, sewer, gas-pipe, or power or telegraph pole
35 on or under any such road, street, private street, or public place as aforesaid:

“(f) May prospect for water by boring or by the erection of measuring or other testing devices, whether within or beyond the
40 Wellington Metropolitan Area:

“(g) May impose conditions under which any local authority or consumer may connect to the water-supply, and may also impose conditions as to the use of the water so provided. 5

“(2) The provisions of sections two hundred and forty-eight, two hundred and forty-nine, and two hundred and fifty of the Municipal Corporations Act, 1933, shall apply to the City Council in the exercise of its functions under this Act. 10

“(3) The powers granted by this Act in respect of the construction of waterworks shall be deemed to include the power of extending or enlarging any such waterworks.

“(4) All such waterworks shall, when constructed, 15 vest in the City Corporation in trust for the purposes of this Act; but the City Corporation is hereby empowered to sell or transfer, free of any trust, the fee-simple of any area approved by the Board containing a service reservoir to the Minister or to the 20 local authority whose area is supplied from that reservoir.”

Supply of
water to local
authorities in
Wellington
Metropolitan
Area.

9. The principal Act is hereby further amended by repealing section twelve, and substituting the following section:— 25

“12. (1) The City Council shall, if and when water is available under the operation of this Act, and with the consent of the Board, supply water to any local authority applying for such water in the Wellington Metropolitan Area upon the following terms:— 30

“(a) Every supply given under this section shall be delivered, at a point or points to be agreed upon between the Board and the local authority to be supplied, within the district of that local authority: 35

“(b) The price to be charged for water shall be fixed by the Board.

“(2) The City Council may, if and when water is available under the operation of this Act, take and use water for its own water-supply, and in such case the 40 City Council shall pay into the separate account hereinafter provided in respect of such water-supply such sum as may be fixed by the Board.

“ (3) All works, equipment, and fittings installed and provided in connection with the proposed distribution of water to be received from the Board shall conform to the standards laid down by or approved by the
5 Board in every respect as to design, materials, workmanship, repair, and maintenance. The Board may restrict any supply of water or disconnect any service in respect of which this requirement is not observed or performed, provided that reasonable notice has first
10 been given of its intention so to do.

“ (4) Each local authority shall submit for the approval of the Board by-laws necessary to control the installation of services to consumers. Such by-laws shall include provisions—

15 “ (a) Prescribing the size, nature, materials, strength, and workmanship and the mode of arrangement, connection, disconnection, alteration, and repair of the water fittings to be used:

20 “ (b) Forbidding the use of any water fittings which in the opinion of the Board are of such nature or are so arranged or connected as to cause or permit or be likely to cause or permit waste, undue consumption, misuse,
25 erroneous measurement, or contamination of water, or reverberation in pipes.

“ (5) No consumer shall receive water from the Board otherwise than by way of a feeder main coming from a service reservoir controlled by the Minister or
30 by a local authority or by the Board, except in any special case which is recommended by the Board’s Engineer and approved by the Board, and then only upon compliance with such conditions as the Board’s Engineer shall prescribe.

35 “ (6) The City Council may, at the request of any local authority within the Wellington Metropolitan Area, and with the consent of the Board, construct, operate, repair, and maintain waterworks necessary to distribute water to consumers within such area upon
40 such terms and conditions as may be agreed upon between the Board and the local authority concerned.”

10 *Wellington City and Suburban Water-supply
Amendment*

Section 13 of
principal Act
amended.

10. Section thirteen of the principal Act is hereby amended as follows:—

(a) By omitting from subsection one the words
“suburban area” wherever they occur, and
substituting in both places the words 5
“Wellington Metropolitan Area”:

(b) By omitting from subsection three the words
“suburban area”, and substituting the words
“Wellington Metropolitan Area”.

Offences.

11. Section fifteen of the principal Act is hereby 10
amended by adding the following paragraphs:—

“(i) Fails, on the written request of the Board, to
remove any building, erection, or structure
or anything which such person has placed
or assisted in placing on any land vested in 15
the City Corporation for the purposes of
this Act:

“(j) Fells, cuts, injures, destroys, or removes any
trees or forest produce in, on, or from any
land vested in the City Corporation for the 20
purposes of this Act, and on summary con-
viction there may be imposed a penalty
equal to three times the stumpage value of
the trees or forest produce the subject-
matter of the proceedings.” 25

Section 20 of
the principal
Act amended.

12. Section twenty of the principal Act is hereby
amended by omitting the words “other than the milling
of timber”.

Section 21 of
the principal
Act amended.

13. Section twenty-one of the principal Act is hereby
amended by omitting from subsection twelve the word 30
“April”, and substituting the word “June”.

Section 26 of
the principal
Act amended.

14. Section twenty-six of the principal Act is hereby
amended by adding, after the word “buildings”
wherever that word occurs in subsection three, the
words “plant, or machinery”. 35

Separate
accounts.

15. Sections twenty-eight and twenty-nine of the
principal Act are hereby repealed, and the following
sections substituted:—

“28. (1) The City Council shall pay all moneys
received by it under the provisions of this Act into a 40
separate banking account to be called ‘The Wellington
City and Suburban Water-supply Act Account’.

“(2) Separate accounts shall be kept for such moneys designated as under:—

5 “(a) General Account, relating to forestry and general improvement of the land vested in the City Council under this Act, investigation into water schemes, and general activities in connection with waterworks and incidental thereto:

10 “(b) Water accounts, relating to any specific water-supply scheme approved by the Board:

“ (c) Soil Conservation and Rivers Control Account, relating to matters of soil conservation and rivers control.

15 “(3) All expenses exclusively connected with the construction or operation of a specific water-supply scheme under this Act shall be charged to the water account in question and shall be met by charges made by the Board. A profit and loss account shall be kept in respect of every such account.

20 “(4) All expenses exclusively connected with matters relating to soil conservation and rivers control shall be charged to the Soil Conservation and Rivers Control Account and shall be met by contributions received from the contributory local authorities under
25 this Act.

“ (5) All other expenses shall be charged to the General Account and shall be met by receipts payable to this account and by contributions from the contributory local authorities under this Act.

30 “(6) The provisions of sections seventy-three, seventy-four, one hundred and twelve, one hundred and fourteen, one hundred and twenty-eight to one hundred and thirty-three, and three hundred and sixty-two of the Municipal Corporations Act, 1933, shall,
35 with the necessary modifications, apply to the funds and accounts of the City Council under the provisions of this Act.

40 “ 29. (1) The City Council shall, with the approval of the Board, for each financial year make an estimate of the amount of its expenditure in connection with the General Account and the Soil Conservation and Rivers Control Account and of its corresponding receipts for

that year. Such estimates shall show the amount of expenditure exclusive of capital expenditure, but inclusive of interest and sinking fund. Loan-moneys shall not be included in receipts.

“(2) The estimates shall be submitted to the Board not later than the thirty-first day of May in each year to which the estimate relates. 5

“(3) In this section ‘receipts’ shall include all moneys subject to the provisions of this Act in the hands of the City Council at the commencement of the financial year. 10

“(4) The City Council is hereby empowered to establish depreciation funds and reserve funds in terms of sections one hundred and seventeen to one hundred and twenty-seven inclusive of the Municipal Corporations Act, 1933, in respect of any separate water account established under paragraph (b) of subsection two of the last preceding section.” 15

Section 32 of
the principal
Act amended.

16. Section thirty-two of the principal Act, as amended by section two of the Wellington City and Suburban Water-supply Amendment Act, 1929, is hereby further amended as follows:— 20

(a) By omitting from subsection one the words “five thousand pounds”, and substituting the words “eight thousand pounds”: 25

(b) By repealing subsection two:

(c) By adding at the end thereof the following subsections:—

“(4) Notwithstanding anything herein contained, any local authority which is a contributory local authority on the first day of January, nineteen hundred and forty-eight, so long as it is not a party to a water-supply scheme under this Act shall not be required to contribute towards the capital cost of that scheme, and in any such event the district of that local authority shall not form part of the security pledged in respect of any loan raised relating to that water-supply scheme.” 30 35

5 “(5) The Board may require any local
authority which is not a contributory local
authority on the first day of January, nine-
teen hundred and forty-eight, and which
receives water from any portion of the
Wellington Metropolitan Area by virtue of
an agreement with the Minister or otherwise
howsoever to pay to the General Account to
10 cover expenditure on any water-collection
area such amounts as the Board and the local
authority concerned agree upon or, in default
of agreement, as may be determined by the
Minister.”

15 17. The principal Act is hereby further amended **Additional special areas.**
by repealing section thirty-six, and substituting the
following section:—

20 “36. The City Council may, with the consent of
the Board, from time to time by resolution gazetted
extend the Wellington Metropolitan Area by including
therein such other land as the local authority having
jurisdiction in the area effected shall by resolution
verified under seal request the City Council so to
include, and every such resolution of the City Council
shall take effect from the thirty-first day of March
25 next ensuing after the passing of the resolution.”

18. Section thirty-seven of the principal Act is **Borrowing powers.**
hereby amended as follows:—

(a) By repealing subsection one thereof, and sub-
stituting the following:—

30 “(1) For the purpose of constructing and carrying
out any works or operations authorized by this Act and
for purchasing plant, machinery, or equipment in con-
nection therewith or for meeting its obligations to the
Minister or to any local authority, the City Council is
35 hereby authorized, with the consent of the Board, to
raise special loans from time to time for such sums
as may be necessary under the Local Bodies' Loans Act,
1926, for a public work by special order ”:

40 (b) By omitting from subsection two the words
“City of Wellington and suburban area”,
and substituting the words “Wellington
Metropolitan Area ”.

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Amendment*

- (c) By adding, immediately after the words "sub-urban area" in subsection five, the words "or the Wellington Metropolitan Area".
- By-laws.** 19. Section thirty-eight of the principal Act is hereby amended by adding the following paragraph:— 5
“(n) Regulating, controlling, or prohibiting access to, entry upon, and egress from any land vested in the City Corporation for the purposes of this Act.”
- First Schedule to principal Act amended.** 20. The First Schedule to the principal Act is hereby amended by repealing paragraphs 1 and 7A, and substituting the paragraphs numbered 1 and 7A in the Schedule to this Act. 10
- Repeals.** 21. The Wellington City and Suburban Water-supply Amendment Act, 1929, and the Wellington City and Suburban Water-supply Amendment Act, 1935, are hereby repealed. 15

Schedule.

SCHEDULE

1. All that area in the Wellington Land District, containing approximately 10,000 acres, more or less, situated in Blocks IV and VII, Paekakariki Survey District, and Blocks I, V, and IX, Akatarawa Survey District, and being portion of an area reserved for the growth and preservation of timber by notice published in *Gazette* of 28th July, 1881, page 959: bounded, commencing at the north-western corner of Section 15, Block I, Akatarawa Survey District, in a south-westerly direction along the western boundary of Section 15 aforesaid, and along the western boundaries of Sections 1, 2, 3, 4, and 5, Block V, and Sections 13, 12, and 1, Block IX, Akatarawa Survey District, to the south-western corner of the last-mentioned section; thence in a westerly direction along the northern boundaries of Section 2, Block IX, Akatarawa Survey District, and Sections 6, 5, 4, 3, and 2, Block VII, Paekakariki Survey District, to the north-western corner of the last-mentioned section; thence in a northerly direction generally along the eastern boundaries of Sections 64 and 66, Block VII, Paekakariki Survey District, and the eastern boundaries of Section 102, Blocks VII and IV, Paekakariki Survey District, to its intersection with the main watershed; thence again in a northerly direction generally, along the main watershed passing through Trig Station "Wainui", to its intersection with the south-western boundary of Section 99, Block IV, Paekakariki Survey District; thence in a south-easterly direction along the south-western boundaries of

Sections 99, 98, and 97, Block IV, Paekakariki Survey District, to the southernmost corner of the last-mentioned section; thence in a north-easterly direction along the south-eastern boundaries of Sections 97 and 96, Block IV, Paekakariki Survey District, to the main watershed; thence again north-easterly along the main watershed passing through Trig Station "Titi" and "Maunganui" to its intersection with the south-western boundary of Section 13, Block I, Akatarawa Survey District, and thence in a south-easterly direction along the last-mentioned boundary to the north-western corner of Section 15, Block I, Akatarawa Survey District, the point of commencement.

7A. All that area in the Wellington Land District, Hutt and Featherston Counties, containing approximately 6,830 acres, situated in Blocks II, III, VI, VII, and IX, Rimutaka Survey District, and Block I, Onoke Survey District, being portion of an area reserved for the growth and preservation of timber by notice published in *N.Z. Gazette* of 28th July, 1881, page 959, and portion of a State forest set apart by a Proclamation published in *N.Z. Gazette* of 7th May, 1896, page 715: bounded, commencing at the easternmost corner of Section 2, Block III, Rimutaka Survey District, in a south-easterly direction along the southern boundary of a State forest (*Gazette*, 1898, page 1540), to the summit of the Rimutaka Range; thence in a south-westerly direction generally along the summit of Rimutaka Range through Trigonometrical Station "Baw Baw" to the easternmost corner of Lot 4 on Deposited Plan 3864, being part of Section 13A, Block V, Rimutaka Survey District; and thence in a north-easterly direction along the south-eastern boundaries of Sections 13A and 12A, Block V; Sections 11A, 10A, and 9A, Block VI; Sections 8, 7, 6, 5, 4, and 3, Block II, and Section 2, Block III, all of Rimutaka Survey District, to the point of commencement.