

Version
as at 17 February 2024



Paeroa Borough Water-supply Empowering Act 1947

Local Act	1947 No 5
Date of assent	26 September 1947
Commencement	26 September 1947

Paeroa Borough Water-supply Empowering Act 1947: repealed, on 17 February 2024, by section 11 of the Water Services Acts Repeal Act 2024 (2024 No 2).

Contents

	Page
Title	1
Preamble	
1 Short Title	2
2 Authority to take water	2
3 Stream excluded from operation of Mining Act 1926	2
4 Powers in relation to water supply works	3
5 Consents required to certain works	3
6 Loan proposal to be carried	3
7 Exemption from rating	4
8 Application of Municipal Corporations Act 1933	4

An Act to enable the Paeroa Borough Council to take, divert, and impound water in a certain stream in the Hauraki Mining District for supplying water to the Borough of Paeroa

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

Preamble

Whereas it is expedient to enable the Paeroa Borough Council to take, divert, and impound the waters flowing into and in the stream in the County of Ohinemuri in the Hauraki Mining District, called Waitawheta Stream, for the purpose of supplying water to the inhabitants of the Borough of Paeroa, and for the same purpose to empower such Council to lay mains and pipes from such stream to the Borough of Paeroa over reserves and roads and along and across the Waihi–Paeroa railway line and across the Ohinemuri River, which powers are not presently vested in such Council in respect of lands within a mining district:

And whereas there is no source of water suitable for the aforesaid purpose available except in the Hauraki Mining District above mentioned.

1 Short Title

This Act may be cited as the Paeroa Borough Water-supply Empowering Act 1947.

2 Authority to take water

Subject to the provisions of this Act, the Paeroa Borough Council is hereby empowered to take, divert, and impound from the water flowing into and in the Waitawheta Stream, situated in Blocks II, VI, and VII of the Aroha Survey District, a quantity of water, not exceeding 1 500 000 gallons in any day, in such manner as to the Paeroa Borough Council shall seem expedient for the purpose of supplying the same to inhabitants in the Borough of Paeroa, and, if an agreement is made with any other local authority, to inhabitants in the district of that local authority, and the Paeroa Borough Council is hereby empowered to lay mains and pipes from the said stream to the Borough of Paeroa through part of the County of Ohinemuri in the Hauraki Mining District, along roads, provisional State forests, and other land, and along and across the Waihi–Paeroa railway line, and across the Ohinemuri River, and to convey water through such mains and pipes.

3 Stream excluded from operation of Mining Act 1926

- (1) That part of the said Waitawheta Stream above the confluence of the Dubbo Stream with the said Waitawheta Stream, and all tributaries of the said Waitawheta Stream, which join the said Waitawheta Stream above that confluence, shall be deemed removed from the operations of the Mining Act 1926 as from the date of the passing of this Act.
- (2) From the date of the passing of this Act no mining rights, licences, or easements over such part of the Waitawheta Stream or any of its said tributaries shall be granted or created, and such part of the Waitawheta Stream and such tributaries shall not, nor shall any of them thereafter, be proclaimed tailraces or

watercourses into which tailings, mining debris, or waste water may be discharged.

4 Powers in relation to water supply works

- (1) The Paeroa Borough Council is hereby empowered from time to time, in or adjacent to that part of the Waitawheta Stream mentioned in subsection (1) of the last preceding section, to sink such wells or shafts and make, construct, install, maintain, procure, and alter such reservoirs, dams, weirs, bridges, buildings, machinery, waterworks, cisterns, tanks, filters, purifiers, aqueducts, tunnels, cuts, excavations, races, sluices, pipes, culverts, drains, engines, pumps, and other works and appliances as may be necessary or incidental to the water supply works above mentioned.
- (2) Every mining privilege granted after the passing of this Act shall, if it should cross, overlap, or otherwise affect the land on which the mains and pipes referred to in section 2 are laid or proposed to be laid, be made subject to the right of the said Paeroa Borough Council to enter upon the said land to lay and repair the mains and pipes, and shall be made subject to such conditions as shall be necessary for the protection of the mains and pipes, notwithstanding that they may not have been laid.

5 Consents required to certain works

- (1) Nothing in the foregoing provisions of this Act shall authorise the Paeroa Borough Council to lay or maintain pipes or construct or maintain any other waterworks whatsoever across the Ohinemuri River or along or across the Waihi-Paeroa railway line or on or through any land subject to the Forests Act 1921–22 or to enter upon or occupy any railway land or any land subject to the said Act for any of those purposes, except with the consent and previous approval of the Minister of Marine and Minister of Works in respect of the said river, the Minister of Railways in respect of the railway, or the Commissioner of State Forests in respect of land subject to the Forests Act 1921–22.
- (2) In giving consent and approval under the last preceding subsection any Minister may impose such conditions as he thinks fit in the public interest, and the Borough Council shall comply therewith.

6 Loan proposal to be carried

The powers conferred by the foregoing provisions of this Act shall not be exercised by the Paeroa Borough Council until loan proposals for the construction of the water supply works aforesaid shall have been sanctioned by the Local Government Loans Board pursuant to the provisions of the Local Government Loans Board Act 1926, and the first or some subsequent poll of the ratepayers in the Borough of Paeroa intended to be reticulated or supplied with water from the aforesaid source shall have been taken pursuant to the Local Bodies' Loans Act 1926 upon and resulted in favour of such loan proposals.

7 Exemption from rating

The rights and powers created by this Act shall not be assessable for rating or subject to payment of any licence fees or rentals under the Mining Act 1926.

8 Application of Municipal Corporations Act 1933

The powers conferred by this Act on the Paeroa Borough Council 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 Paeroa Borough Council of the powers hereby conferred as if the powers hereby conferred had been conferred by that Act.

Notes

1 *General*

This is a consolidation of the Paeroa Borough Water-supply Empowering Act 1947 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Water Services Acts Repeal Act 2024 (2024 No 2): section 11