

**NEW ZEALAND****ANALYSIS**

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1952, No. 24—*Local***Title.**

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. [23 October 1952]

Preamble.

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 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:—

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

Short Title.

2. (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.

Price and terms.

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 five pence 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:

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.

Power to levy rates.

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 Board referred to in section three of this Act, or 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.

(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.

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.

6. (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 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 Fourth Schedule to this Act.

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.

Provisions as
to Board's
liabilities on
undertaking.

Power to
raise loans.

Conditions of
supply to
Board.

Arbitration.

Repeals.

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.

Schedules.

SCHEMES

FIRST SCHEDULE
LANDS VESTED IN CORPORATION

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

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.

FIRST SCHEDULE—continued

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**LAND 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 east 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.

FOURTH SCHEDULE

Section 7

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.

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.

FOURTH SCHEDEULE—*continued*

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.
