

## New Zealand



### ANALYSIS

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2. Power to construct works on private lands, reserves, roads, and streets.  
3. Provisions of Municipal Corporations Act, 1933, to apply to extended powers conferred by this Act.

1945, No. 6—*Local and Personal*

AN ACT to confer certain Further Powers upon the Title.

Dunedin City Council in connection with the Water-supply from the Silverstream and its Tributaries and certain other Streams. [24th October, 1945]

WHEREAS by a Proclamation under the Public Works Act, 1876, made on the twenty-seventh day of October, eighteen hundred and seventy-eight, certain lands particularly described in the Schedule thereto were taken and vested in the Corporation of the City of Dunedin for the purpose of the construction of certain works therein described: And whereas by a further Proclamation under the Public Works Act, 1882, made on the twenty-second day of November, eighteen hundred and eighty-two, the waters of the Silverstream and its tributaries and other smaller streams described in the Schedule thereto were taken for the purposes of

Preamble.

the aforesaid works and vested in the said Corporation: And whereas difficulties have arisen in connection with the water-race or aqueduct known as the Silverstream Race owing to the unsatisfactory nature of portions of the ground on which the same is constructed, and it has become necessary and desirable in consequence thereof and in the interests of public health to convey the water for the purposes of the city's water-supply by means of pipes over lands, some of which are not vested in the said Corporation:

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 (*Silverstream Supply*) Extension Act, 1945.

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

2. The Dunedin City Council (hereinafter called 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, aqueducts, tanks, drains, pipes, culverts, bridges, buildings, machinery, 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-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 catchment or gathering area of the streams referred to in the aforesaid Proclamation of the twenty-second day of November, eighteen hundred and eighty-two, to the City of Dunedin, and may with any such water-main cross and recross any railway, stream, or river, and may discharge water from any overflow pipe or other appliance into any natural water-course along the route of such water-main, water-race, aqueduct, or other work:

Provided that before the Council shall exercise any of the powers authorized by this section the following 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 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 of its intention 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 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 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 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:
- (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.
- (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.

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(f) In the case of lands held for any public purpose within the meaning of section two of the Public Reserves, Domains, and National Parks Act, 1928, the consent of the controlling authority shall be obtained by the Council, but such consent shall not be unreasonably or arbitrarily withheld.

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

3. 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.