



## ANALYSIS

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1963, No. 3—*Local*

**An Act to enable the Mosgiel Borough 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 Borough of Mosgiel water from the Taieri River**  
*[16 August 1963]*

WHEREAS it is expedient to enable the Mosgiel Borough Council to take, divert, impound, collect, use, and convey water from the Taieri River for the purpose of increasing the supply of water for the use of the inhabitants of the said borough 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:

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

**1. Short Title**—This Act may be cited as the Mosgiel Waterworks (Taieri River Supply) Act 1963.

**2. Power to take water from Taieri River**—The Mosgiel Borough 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 borough water from the Taieri River, the point of intake being shown approximately on the plan marked Number 2990/1 deposited in the office of the Town Clerk at the Municipal Chambers at Mosgiel and at the Magistrate's Court at Dunedin:

Provided that the quantity of water which may be taken from the said river shall not, save for the purposes of section 3 of this Act, exceed three million gallons a day.

**3. Power to supply water in bulk to adjacent local authorities**—(1) The Council shall have full power to contract with any Borough Council or County Council for the supply to the local body 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 any 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 any 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 the supply; and any contract which the Council is hereby empowered to make with any local body may in like manner be entered into by the local body with the Council.

(2) Notwithstanding anything to the contrary in section 2 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 2.

**4. Power to construct works on lands, reserves, roads, and streets**—The Council is hereby empowered from time to time, upon or under any land, reserve, road, street, or public place, to sink wells or shafts, and to provide, construct, procure, or alter such reservoirs, dams, weirs, aqueducts, tanks, drains, pipes, culverts, bridges, buildings, machinery, settling tanks, treatment plant, pumping stations, and other works and

appliances as the said Council thinks proper for the purpose of giving effect to this Act; and, in particular, the Council may lay water mains of such size and of such material, or construct water races, aqueducts, or other works as it thinks fit for the purpose of conveying water from the said point of intake to the Borough of Mosgiel, and may, subject to the provisions of sections 55 and 56 of the Government Railways Act 1949, with any such water main cross and recross any railway, stream, or river, and may, subject to the provisions of section 5 of this Act, discharge water from any overflow pipe or other appliance into any natural watercourse along the route of any such water main, water race, aqueduct, or other work, and discharge into the said river effluent from any settling tank or other work hereby authorised to be constructed:

Provided that before the Council exercises any of the powers authorised 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 borough:
- (b) The Council shall give notice in writing to the occupier and owner of any 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 to construct the proposed works, and shall refer in the notice to the plan and description and state where the same are open for public inspection. The 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 borough:
- (c) If within one month after the date of the giving of the notice the said occupier or owner in the case of 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 the 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 the person making the 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 every 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:

Provided also that the exercise by the Council on any public reserve within the meaning of the Reserves and Domains Act 1953 of any of the powers authorised by this section shall be subject to the consent of the Minister of Lands first had and obtained.

**5. Approval of Otago Catchment Board required to certain acts**—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:

Provided that the approval of the Board 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.

**6. Preserving powers of Otago Catchment Board**—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.

**7. Preserving rights of Dunedin City Council**—Nothing in this Act shall derogate or be deemed to derogate from the powers and rights exercisable by the Dunedin City Council under the provisions of the Dunedin Waterworks (Taieri River Supply) Extension Act 1951 or any other Act giving to

the said Council powers and rights over the waters of the Taieri River and the tributaries thereof or the catchment or gathering areas of the said river and tributaries.

**8. Provisions of Municipal Corporations Act 1954 to apply to extended powers**—The powers conferred by this Act are additional to those conferred by the Municipal Corporations Act 1954, 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.

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