

New Zealand.



ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Power to take waters of Roding River. 3. Power to construct works on Stoke Mental Hospital Reserve, private lands, reserves, roads, and streets. 4. Protection of Crown in respect of Stoke Mental Hospital. | <ol style="list-style-type: none"> 5. Provision for protection of railway. 6. Power to contract for the supply of water to the Tahunanui Town Board, the Waimea County Council, and the Richmond Borough Council. 7. Provisions of Municipal Corporations Act, 1933, to apply to extended powers conferred by this Act. |
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1935, No. 5.—*Local and Personal.*

Title.

AN ACT to enable the Nelson City 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 City of Nelson the Waters known as the Roding River, and all and every the Tributaries thereof.
[25th October, 1935.]

Preamble.

WHEREAS it is expedient to enable the Nelson City Council to take, divert, impound, collect, use, and convey the waters of the river called the Roding River, and all and every the tributaries thereof, for the purpose of increasing the supply of water for the use of the inhabitants of the said city; and for that purpose to

empower the said Council to extend and lay mains and pipes to connect the said city 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. This Act may be cited as the Nelson Waterworks **Short Title.**
Extension Act, 1935.

2. The Nelson City 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 city the waters of the Roding River, and all and every the tributaries thereof, the catchment or gathering area of the said river and tributaries being shown approximately on the plan marked P.W.D. 88305 deposited in the office of the Public Works Department at Wellington. **Power to take waters of Roding River.**

3. The Council is hereby empowered from time to time upon or under the Stoke Mental Hospital Reserve, or 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, tunnels, 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 said catchment or gathering area to the City of Nelson, 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 watercourse along the route of such water-main, water-race, aqueduct, or other work : **Power to construct works on Stoke Mental Hospital Reserve, private lands, reserves, roads, and streets.**

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 lands, and the local authority having control of any road, street, or

public place upon or under 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 lands affected, 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.

Protection of
Crown in respect
of Stoke Mental
Hospital.

4. (1) If at any time during or after the construction of any works authorized by this Act any damage attributable to any such works is caused to any water-supply works owned by the Crown, or if, in the opinion of the Minister of Public Works, it becomes necessary or expedient, in consequence of any works undertaken by the Council, to carry out any work for the protection of any water-supply works owned by the Crown, the Council shall forthwith, after receiving notice from the said Minister, proceed to remedy the damage to his satisfaction or to carry out any such protective works as he directs. The Council is hereby authorized to undertake of its own accord any remedial or protective works that the Minister of Public Works could require the Council to undertake, and in such case shall carry out such works to the satisfaction of the said Minister.

(2) In the event of the supply of water to the Stoke Mental Hospital being at any time reduced or cut off through damage to any water-supply works owned by the Crown, or by seepage due to the driving of any tunnel or the construction of other works by the Council, or through any other cause whatever that is attributable to the Council's work, then and in any such case the Council shall forthwith supply to the reservoir of the Stoke Mental Hospital, without charge, such quantity of potable water as will make a flow of one hundred and thirty thousand gallons per diem available if required for the purposes of the said hospital.

(3) For the purpose of giving effect to the last preceding subsection, the Council forthwith, after the construction of any intake dam and pipe-line authorized by this Act, shall connect the pipe-line with the reservoir of the Stoke Mental Hospital by means of a pipe-line capable of supplying the quantity of water specified in the last preceding subsection.

(4) Subsections two and three of this section shall apply and take effect only in the event of the construction by the Council of a tunnel of which some part is within a distance of one hundred and twenty chains from the intake dam of the Stoke Mental Hospital, which dam is shown on the said plan marked P.W.D. 88305, and is marked "A" on the said plan.

(5) The Council shall not construct any tunnel of which any part is within a distance of sixty chains from the said intake-dam of the Stoke Mental Hospital.

(6) If any dispute arises between the Council and the Minister of Public Works in relation to this section, it shall be determined by arbitration by three arbitrators, being an engineer appointed in that behalf by the Minister, the Nelson City Engineer, and a third engineer to be appointed by the other two arbitrators.

5. Nothing in this Act shall authorize the Council to execute any work upon or affecting any railway work or railway land except with the previous consent and approval of the Government Railways Board, which, in giving its consent and approval as aforesaid, may impose such conditions as it thinks fit for the protection and safety and generally in the interests of the railway.

Provision for
protection of
railway.

Power to contract for the supply of water to the Tahunanui Town Board, the Waimea County Council, and the Richmond Borough Council.

6. (1) The Council shall have power to contract for the supply of water from the main works to the Tahunanui Town Board, the Waimea County Council, and the Richmond Borough Council at such price and upon such terms and conditions as the parties may agree upon.

(2) Nothing in this section shall be construed to extend the powers of the said Town Board, County Council, or Borough Council to contract for the supply of water from the said works.

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

7. 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.