



ANALYSIS

Title	4. Streams excluded from operation of Mining Act 1926
Preamble	5. Powers in relation to water-supply works
1. Short Title	6. Consents required to certain works
2. Authority to take water	7. Exemption from rating
3. Right of holder of mining privilege to take water	8. Application of Municipal Corporations Act 1954

1962, No. 5—*Local*

An Act to enable the Te Aroha Borough Council to take, divert, and impound water in certain streams in the Hauraki Mining District for supplying water to the Borough of Te Aroha and elsewhere [27 August 1962]

WHEREAS it is expedient to enable the Te Aroha Borough Council to take, divert, and impound the waters flowing into and in the streams in the Borough of Te Aroha, and the Counties of Ohinemuri and Piako in the Hauraki Mining District, called the Omahu, Tunakohoia, Moonlight, Tutumangao, and Waiorongomai Streams, for the purpose of supplying water to the citizens of the Borough of Te Aroha and the inhabitants of adjoining districts, and for the same purpose to empower such Council to lay mains and pipes from such streams to the Borough of Te Aroha and beyond over reserves and roads and across the Waihou 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:

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 Te Aroha Borough Water-Supply Empowering Act 1962.

2. Authority to take water—Subject to the provisions of this Act, the Te Aroha Borough Council is hereby empowered to take, divert, and impound, from the water flowing into and in the following streams, situated in Blocks VI, IX, and XII of the Aroha Survey District:

- (a) The Omahu Stream, a quantity of water not exceeding fifty-five thousand gallons in any day:
- (b) The Tunakohoa Stream, a quantity of water not exceeding one hundred and five thousand gallons in any day:
- (c) The Moonlight Stream, a quantity of water not exceeding ten thousand gallons in any day:
- (d) The Tutumangao Stream, a quantity of water not exceeding thirty thousand gallons in any day:
- (e) The Waiorongomai Stream, a quantity of water not exceeding five hundred and thirty-eight thousand gallons in any day,

in such a manner as to the Te Aroha Borough Council shall seem expedient for the purpose of supplying the same to the citizens of the Borough of Te Aroha, and, if an agreement is made with any other local authority, to inhabitants in the district of that local authority, and the Te Aroha Borough Council is hereby empowered to lay mains and pipes from the said streams to or from the reservoirs or service pipes through parts of the Borough of Te Aroha and also the Counties of Ohinemuri and Piako, along roads, forest reserves and other lands, and across the Waihou River, and to convey water through such mains and pipes.

3. Right of holder of mining privilege to take water—The Te Aroha Borough Council shall permit the holder of any mining privilege to take such water as he may reasonably require from the said streams, being water that is not reasonably required by the Council for the purposes specified in section 2 of this Act or by riparian owners who may be affected by the taking of the water, upon such terms as may be agreed upon by the said Borough Council and the holder of the mining privilege. If the said Borough Council and the holder of the said privilege are unable to agree, either as to the said terms or the amount of water which may be so taken, the matter may be referred by either party to a warden appointed under the Mining Act 1926, who shall give the other

party an opportunity to be heard, and whose decision shall be final and binding on the parties.

4. Streams excluded from operation of Mining Act 1926—(1) It is hereby declared that—

- (a) The Omahu Stream to the north and east of the southern boundary of section 29A, Block IX, Aroha Survey District (S.O. Plan 1966) ;
- (b) The Tunakohoa Stream to the north of the northern boundary of part Lot 1, D.P. 12296, situated in Block IX, Aroha Survey District;
- (c) The Moonlight Stream to the west of the western boundary of Section 130, Block IX, Aroha Survey District (S.O. Plan 31916) ;
- (d) The Tutumangoa Stream to the west of the western boundary of Section 122, Block IX, Aroha Survey District (S.O. Plan 19042) ;
- (e) The Waiorongomai Stream to the north-east of the north-eastern boundary of Section 66, Block XII, Aroha Survey District (S.O. Plan 36472) ;

and all tributaries of the said streams, upstream from the intersections of those streams with the aforesaid boundaries, shall be deemed removed from the operation 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 parts of the Omahu, Tunakohoa, Moonlight, Tutumangao, and Waiorongomai Streams or any of their said tributaries shall be granted or created, and such parts of the Omahu, Tunakohoa, Moonlight, Tutumangao, and Waiorongomai Streams and such tributaries shall not, nor shall any of them thereafter, be proclaimed tail races or watercourses into which tailings, mining debris, or waste water may be discharged.

5. Powers in relation to water-supply works—(1) The Te Aroha Borough Council is hereby empowered from time to time, in or adjacent to those parts of the Omahu, Tunakohoa, Moonlight, Tutumangao, and Waiorongomai Streams 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:

Provided that it shall not sink any such wells or shafts, or make, construct, or install any such works or appliances, without the prior consent in writing of the Minister of Works.

(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 of this Act are laid or proposed to be laid, be made subject to the right of the said Te Aroha 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.

6. Consents required to certain works—(1) Nothing in the foregoing provisions of this Act shall authorise the Te Aroha Borough Council to lay or maintain pipes or construct or maintain any other waterworks whatsoever across the Waihou River or along or across the Hamilton-Paeroa railway line or on or through any State forest land for any of those purposes, except with the consent and previous approval of the Minister of Marine, and the Minister of Works in respect of the said river, the Minister of Railways in respect of the railway, the Minister of Forests in respect of State forest land, or the Minister of Lands in respect of Crown land or public reserves.

(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.

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 1954—The powers conferred by this Act on the Te Aroha Borough Council 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 Te Aroha Borough Council of the powers hereby conferred as if the powers hereby conferred had been conferred by that Act.
