

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]
House of Representatives, 22nd August, 1947.

Mr. Sutherland

PAEROA BOROUGH WATER-SUPPLY
EMPOWERING

[LOCAL BILL]

ANALYSIS

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A BILL INTITULED

AN ACT to enable the Paeroa Borough Council to take, divert, and impound Water in a certain Stream in the Hauraki Mining District for supplying Water to the Borough of Paeroa. Title.

5 WHEREAS it is expedient to enable the Paeroa Borough Council to take, divert, and impound the waters flowing into and in the stream in the County of Ohinemuri in the Hauraki Mining District, called 10 Waitawheta Stream, for the purpose of supplying water to the inhabitants of the Borough of Paeroa, and for the same purpose to empower such Council to lay mains and pipes from such stream to the Borough Preamble.

of Paeroa over reserves and roads and along and across the Waihi-Paeroa Railway-line and across the Ohinemuri 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: 5

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 10

Short Title.

1. This Act may be cited as the Paeroa Borough Water-supply Empowering Act, 1947.

Authority to take water.

2. *Subject to the provisions of this Act*, the Paeroa Borough Council is hereby empowered to take, divert, and impound *from* the water flowing into and in the Waitawheta Stream, situated in Blocks II, VI, and VII of the Aroha Survey District, *a quantity of water, not exceeding one and one-half million gallons in any day*, in such manner as to the Paeroa Borough Council shall seem expedient for the purpose of supplying the same to inhabitants in the Borough of Paeroa, and, *if an agreement is made with any other local authority, to inhabitants in the district of that local authority, and the Paeroa Borough Council is hereby empowered* to lay mains and pipes from the said stream to the Borough of Paeroa through part of the County of Ohinemuri in the Hauraki Mining District, along reserves ~~and roads~~ *roads, provisional State forest, and other land*, and along and across the Waihi-Paeroa Railway-line, and across the Ohinemuri River, and to convey water through such mains and pipes. 15 20 25 30

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<p>Provided that the authority hereby conferred to lay pipes across the said railway-lines and the said river shall be exercised only with the consent of and in a manner approved by the Minister of Railways in respect of the railway, and the Minister of Marine and the Minister of Public Works in respect of the river.</p>	35
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Stream excluded from operation of Mining Act, 1926.

3. (1) That part of the said Waitawheta Stream above ~~a point ten chains down stream from~~ the confluence of the Dubbo Stream with the said Waitawheta Stream, and all tributaries of the said Waitawheta 40

Stream ~~above such point,~~ which join the said Waitawheta Stream above that confluence, shall be deemed removed from the operations of the Mining Act, 1926, as from the date of the passing of this Act.

5 (2) From the date of the passing of this Act no mining rights, licences, or easements over such part of the Waitawheta Stream or any of its said tributaries shall be granted or created, and such part of the Waitawheta Stream and such tributaries shall not, nor
10 shall any of them thereafter be, proclaimed tailraces or watercourses into which tailings, mining debris, or waste water may be discharged.

4. (1) The Paeroa Borough Council is hereby empowered from time to time, in or adjacent to that
15 part of the Waitawheta Stream mentioned in subsection one of ~~this section~~ the last preceding section, to sink such wells or shafts and make, construct, install, maintain, procure, and alter such reservoirs, dams,
20 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.

Powers in relation to water-supply works.

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(2) The Paeroa Borough Council is hereby empowered to occupy a strip of land not exceeding twenty-five feet wide along the entire length of the course or the proposed course of any water-race or
30 pipe-line which may be constructed pursuant to the powers hereby conferred; and

Every mining privilege granted after the passing of this Act shall, if it should cross, overlap, or otherwise affect the ~~said strip of~~
35 land on which the mains and pipes referred to in section two of this Act are laid or proposed to be laid, be made subject to the right of the said Paeroa Borough Council to

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occupy the said strip of land and subject to such conditions as shall be necessary for the protection of any such water-race or pipe-line, notwithstanding that the said pipe-line or water-race may not then have been constructed nor the said strip of land marked out. 5

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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. 10

Consents required to certain works.

4A. (1) Nothing in the foregoing provisions of this Act shall authorize the Paeroa Borough Council to lay or maintain pipes or construct or maintain any other waterworks whatsoever across the Ohinemuri River or along or across the Waihi-Paeroa Railway-line or on or through any land subject to the Forests Act, 1921-22, or to enter upon or occupy any railway land or any land subject to the said Act for any of those purposes, except with the consent and previous approval of the Minister of Marine and Minister of Works in respect of the said river, the Minister of Railways in respect of the railway, or the Commissioner of State Forests in respect of land subject to the Forests Act, 1921-22. 15 20 25

(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. 30

Loan proposal to be carried.

5. The powers conferred by the foregoing provisions of this Act shall not be exercised by the Paeroa Borough Council until loan proposals for the construction of the water-supply works aforesaid shall have been sanctioned by the Local Government Loans Board pursuant to the provisions of the Local Government Loans Board Act, 1926, and the first or some subsequent poll of the ratepayers in the Borough of Paeroa intended to be reticulated or supplied with water from the aforesaid source shall have been taken pursuant to the Local Bodies' Loans Act, 1926, upon and resulted in favour of such loan proposals. 35 40

6. The rights and powers created by this Act ~~or~~ ^{Exemption}
~~under any agreement hereby authorized or validated~~ ^{from rating.}
shall not be assessable for rating or subject to pay-
ment of any licence fees or rentals under the Mining
5 Act, 1926.

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7. The Paeroa Borough Council is hereby em- ^{Power to sell}
powered to sell water derived from the said stream at ^{water.}
such price, in such manner, and subject to such terms
10 and conditions as it shall consider expedient.

8. The powers conferred by this Act on the Paeroa ^{Application of}
Borough Council are additional to those conferred by ^{Municipal}
the Municipal Corporations Act, 1933, and the pro- ^{Corporations}
visions of that Act shall, so far as the same are ^{Act, 1933.}
15 applicable, apply to the exercise by the Paeroa Borough
Council of the powers hereby conferred as if the
powers hereby conferred had been conferred by that
Act.