

Land Notices

Agriculture and Fisheries

Public Works Act 1981

The Maungatapere Irrigation Order 1988

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 12th day of December 1988

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 208 of the Public Works Act 1981, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

Order

1. (1) This order may be cited as the Maungatapere Irrigation Order 1988.
- (2) This order shall come into force on the day after the date of its notification in the *Gazette*.
2. The Minister of Agriculture (hereinafter referred to as the Minister) is hereby authorised to construct, maintain, and control the water supply works described in the Second Schedule hereto to serve the district described in the First Schedule hereto. The Minister shall jointly develop and manage with the Whangarei City Council the irrigation scheme headworks and trunk main, and the City's Poroti headworks for irrigation and for public water supply. Costs shall be apportioned between the Minister and the Whangarei City Council according to benefits received.
3. The area of land described in the First Schedule hereto is hereby constituted as an irrigation district to be known as the Maungatapere Irrigation District (hereinafter referred to as the district).
4. The water which is the subject of the said supply agreement shall be treated for removal of most sediment and organic matter, but will require further filtering or straining on-orchard.
5. The objective of the scheme is to take water from the Wairua River and to maintain a piped supply of irrigation water at a minimum supply pressure of 150 kilopascals to approximately 1,500 hectares of irrigable land in the district for the irrigation of horticultural crops. The headworks shall be capable of supplying water at a maximum rate of 28 cubic metres of water per irrigable hectare over each 24 hour period.
6. The scheme, after construction, is intended to be handed over to local control for management, operation, and maintenance under section 198 of the Public Works Act 1981.
7. The annual water charges for the scheme are set pursuant to section 212A of the Public Works Act 1981 and shall comprise a basic charge and an operating charge.
8. The basic charge is calculated to recover, over 30 years, 30 percent of the costs of development of the water supply works together with interest at an approved rate. This charge will be calculated as a table mortgage where the payments are adjusted annually by an inflation index and also adjusted as necessary to compensate for any change in capital cost, scheme area, or interest rate. The objective of this payment method is for the basic charge to remain constant in real terms.
9. The operating charge is calculated to recover the total costs

of operation and maintenance and may also include allowance for costs and benefits arising from joint use of headworks. The charge shall be subject to annual review and adjusted as necessary to compensate for any change in these costs or in the demand for water. The operating charge is in addition to the basic charge and is levied according to metered usage.

10. The Minister may enter into a water availability agreement with the occupier of any land within the district for the supply of up to 28 cubic metres of water per irrigable hectare per day and on-orchard development shall be compatible with the terms of that agreement.

11. The owners and occupiers of land in the district not subject to a water availability agreement shall be liable for the full basic charge as described in clause 8. However, the said owners or occupiers may elect to defer payment of the basic charge for a maximum of 3 years from the commencement of availability of supply of water. Such unpaid charges and interest accruing thereon may be protected by a charge on the land under section 221 (1) of the Public Works Act 1981, which shall be cleared on the sale of the property, or on entering into a water availability agreement, or, at the latest, 3 years from the commencement of availability of supply.

12. At any time after the commencement of availability of supply, a landowner may elect to pay some or all of the property's share of scheme capital recovery as a lump sum. Thereafter the basic charge for that property shall be varied or eliminated as appropriate.

13. The charges payable shall be levied annually for a period of 30 consecutive seasons commencing at the start of the first year of supply for the scheme as determined and notified according to section 217 of the Public Works Act 1981.

14. The irrigation season shall be the period commencing on the 1st day of July and ending with the 30th day of June next following.

15. The minimum aggregate area of land occupied by any occupier that is to be included in the irrigation district shall be half a hectare (0.5 hectare).

16. If, at any time after the commencement of availability of supply, the Minister is of the opinion that the supply of water from the water supply works is likely to be in excess of the amount to be supplied in accordance with water availability agreements, the Minister may decide terms and conditions, being not more favourable than those applicable to water availability agreements, on which surplus water should be supplied.

17. Notwithstanding the provisions of clauses 10 and 16 of this order, the Minister may supply water from the water supply works to any person on such terms and conditions and for such consideration as the Minister thinks fit, as provided for in section 199 of the Public Works Act 1981.

First Schedule

Maungatapere Irrigation Scheme District

The following properties and all and any further certificates of title, issued from the following certificates of title comprise the land to be included in the irrigation district. The land is in the Purua and Tangihua Survey Districts, Whangarei County, North Auckland Land District.

Certificate of Title	Legal Description
RB51B/688	Section 33, Block XIII.
8C/433	Lot 2, D.P. 56422.
12C/1073	Lot 1, D.P. 57029.
12C/1081	Lot 9, D.P. 57029.
20B/1377	Lot 5, D.P. 56587.