

License authorizing the Akaroa Borough Council to use Water from certain Streams for the Purpose of generating Electricity and to erect Electric Lines within and beyond the Borough of Akaroa.

LIVERPOOL, Governor-General.
ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-fifth day of August, 1917.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by section five of the Public Works Amendment Act, 1908, it is enacted that the Governor-General may from time to time by Order in Council grant to any person or body corporate a license to use water from any fall, river, stream, or other source for the purpose of generating electricity for electric light, mechanical power, or other uses, and to exercise in respect of that purpose any of the powers and authorities specified in that behalf in the said section :

And whereas it is further provided by the said section that any such license may confer upon the licensee a right at any time or times during the continuance of the license (but subject to such conditions and restrictions as are expressed in the license) to enter upon any road, railway, or other land, whether vested in or occupied by the Crown, or any other person or body corporate, and there to construct, erect, lay down, maintain, renew, or repair all such cables, wires, and other things as are required for the transmission of electricity between the fall, river, stream, or other source aforesaid and any place to which the licensee is authorized to transmit electricity in pursuance of the license :

And whereas the Akaroa Borough Council (hereinafter, with its successors and assigns, referred to as "the licensee") has applied for a license under the said section to take and use water from a stream in Section 924, Block IV, Goughs Survey District, and a stream adjoining Section 6508, Block I, Goughs Survey District, in the Provincial District of Canterbury (hereinafter referred to as "the said streams"), for the purpose of generating electricity as aforesaid, and it is expedient to issue such license accordingly :

Now, therefore, in pursuance and exercise of the powers conferred upon him as aforesaid, and of the powers conferred by section two of the Public Works Amendment Act, 1911, and of all other powers in anywise enabling him in that behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby grant to the licensee (subject to the terms and conditions set forth in the Schedule hereto) a license to take and use from the said streams, for the purposes hereinafter set forth, a stream of water (hereinafter referred to as "the said water") not exceeding three cubic feet per second at any one time; and also to erect and maintain electric lines for power, lighting, heating, or other uses within the area of supply hereinafter described, and beyond the borough along the routes hereinafter described, and subject to the regulations published in the *New Zealand Gazette* dated the twenty-ninth day of April, one thousand nine hundred and fifteen, and hereinafter referred to as "the regulations."

SCHEDULE.

1. PLANS.

THE licensee shall, before the works hereby authorized are commenced, forward for the approval of the Minister of Public Works (hereinafter referred to as "the Minister")—

- (a.) Full detailed drawings and specifications of the diverting weirs and dams.
- (b.) Contour-plan showing difference in level of water due to the construction of the headworks.

2. UTILIZATION OF THE WATER.

The said water shall be used solely for the purpose of generating electricity.

3. LOCATION OF HEADWORKS.

The said water shall be taken from the said streams at the headworks, situated in Section 924, Block IV, and adjoining Section 6508, Block I, Goughs Survey District, at a point indicated on the plan marked P.W.D. 39944, deposited in the office of the Minister at Wellington, in the Provincial District of Wellington.

4. GENERAL DESCRIPTION OF WORKS.

The licensee is hereby authorized to construct, maintain, and use the following works for the purposes of this license, the position of the said works being indicated on the plans marked P.W.D. 39944 and 40878 hereinbefore referred to :—

- (a.) Headworks consisting of a dam and necessary intake.
- (b.) Pipe-lines and reservoir between such dams and the power-house hereinafter referred to.
- (c.) A power-house with all necessary equipment, including water-turbines, generators, transformers, lightning-

arresters, switchboards, switches, exciters, and other appliances for generating electricity.

- (d.) Transmission and other lines over the routes shown by means of red lines on the plan marked P.W.D. 40878.
- (e.) Such further transmission and other lines within the area of supply as may from time to time be required within such area of supply, and after compliance with the provisions of clause 49 of the regulations.

5. INSPECTION OF WORKS.

The Inspecting Engineer, both during and after the construction of the works, shall have free access to and liberty at any time to inspect the same so as to ensure that the provisions of this license are given due effect to.

6. MAINTENANCE OF WORKS.

After the said works have been completed, the licensee shall maintain the same in proper working-order during the continuance of this license.

7. RIGHT TO ENTER LANDS, ETC.

The licensee shall have the right at any time or times during the continuance of this license, with the consent of the Minister, to enter upon any road or other land, whether vested in or occupied by the Crown or any other person or body corporate, and there to construct, erect, lay down, maintain, renew or repair all such transmission-lines, poles, or other things as are required for the transmission of electricity between the generating-stations and any of the substations to which this license applies.

8. POWER TO TAKE LAND.

The licensee is hereby empowered to take, under the Public Works Act, 1908, as for a public work such land as may, in the opinion of the Governor-General, be necessary to enable the licensee to construct and maintain the various works authorized by this license.

9. DURATION OF LICENSE.

This license shall, unless sooner determined in accordance with the provisions hereinafter expressed, continue in force for a period of forty-two years from the date hereof. Upon the expiry of the said term, or upon the sooner determination of this license by revocation or otherwise, all rights hereby granted to the licensee shall thereupon cease and determine; but such expiration or determination shall not relieve the licensee of any liability theretofore incurred under this license.

10. RENTAL.

The licensee shall, in respect of this license, pay to the Public Works Engineer for the district, or otherwise as the Minister may from time to time require, a rental of one peppercorn per annum if demanded.

11. GRANTING OF OTHER WATER-RIGHTS.

Nothing herein shall prevent the Governor-General in Council from granting to any person or body corporate other than the licensee a license to take water from any portion of the said streams, except at the place where the licensee is by this license empowered to take it; provided that no such license shall so operate as to reduce the natural fall between the headworks and tail-water, or the volume of the water which the licensee is by this license authorized to take from the said streams.

12. FINES.

If the licensee fails or neglects—

- (a.) To use or maintain the said works, after completion, so as to secure the full benefit of the undertaking; or
- (b.) To observe any of the conditions or obligations herein imposed,—

then and in any such case the licensee shall be liable to a fine of £50 for every week or part of a week during which such default or neglect continues; or the Governor-General may by Order in Council revoke this license.

13. SERVICE OF NOTICE.

Notwithstanding anything in the last preceding clause, this license shall not be revoked, and no proceedings shall be taken for the recovery of a fine in respect of the breach thereof, unless and until notice in writing of the intention so to revoke the license or to take such proceedings has been served upon the licensee, or placed upon some principal or conspicuous part of the works, and default has been made by the licensee in repairing or remedying the breach or breaches specified in the said notice for the following periods :—

- (a.) For any breach which in the opinion of the Governor-General can be met by a fine, for thirty days after the service of such notice.
- (b.) For any breach which in the opinion of the Governor-General is of such a nature as to require the revocation of this license, for ninety days after the service of such notice.

14. VARIATION IN CONDITIONS OF LICENSE.

The terms and conditions of this license may at any time or from time to time, at the request or with the consent in writing of the licensee, be altered by the Governor-General by Order in Council.