

*License authorizing the Tauranga Borough Council to use Water from the Mangapapa Stream for the Purpose of generating Electricity.*

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 4th day of December, 1922.

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 by an Order in Council dated the fifth day of October, one thousand nine hundred and fourteen, and published in the *New Zealand Gazette* of the eighth day of the same month, the Tauranga Borough Council was authorized to use water for the purpose of generating electricity and to erect electric lines within the Borough of Tauranga and portion of the Tauranga County, in terms of section five of the Public Works Amendment Act, 1908, and section two of the Public Works Amendment Act, 1911 :

And whereas the said Tauranga Borough Council (hereinafter, with its successors and assigns, referred to as "the licensee") has applied for a license under section five of the Public Works Amendment Act, 1908, to take and use water from the Mangapapa Stream, in the Land District of Auckland (hereinafter referred to as "the said stream"), 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 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, and to the regulations dated the ninth day of October, one thousand nine hundred and twenty-two, and published in the *New Zealand Gazette* of the twelfth day of October, one thousand nine hundred and twenty-two, or any regulations hereafter made in amendment thereof or in substitution thereof (hereinafter collectively referred to as "the regulations"), and which regulations shall be deemed to be incorporated herein—a license to take and use from the stream aforesaid, for the purposes hereinafter set forth, a stream of water (hereinafter referred to as "the said water") not exceeding five hundred cubic feet per second at any one time, but nothing herein shall be held to guarantee that the said stream contains sufficient water to supply five hundred cubic feet per second hereinbefore mentioned.

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 weir and dam.
- (b.) Drawings showing how and in what manner the water is diverted.
- (c.) 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, and shall be returned to the Wairoa River.

3. LOCATION OF HEADWORKS.

The said water shall be taken from the said stream at the headworks, situated in Section 475, Block V, Otanewainuku

Survey District, at a point indicated on the plan marked P.W.D. 50683, deposited in the office of the Minister at Wellington, in the Land 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. 50683 and P.W.D. 54278, deposited in the office of the Minister at Wellington, in the Wellington Land District :—

- (a.) Headworks consisting of a dam, headgates, screens, and necessary intake.
- (b.) Tunnel and conduits leading from such intake to the power-house.
- (c.) Tail-race leading from the power-house to the Wairoa River.
- (d.) A power-house with all necessary equipment, including water turbines, generators, transformers, lightning-arresters, switchboards, switches, exciters, and other appliances for generating electricity.
- (e.) A transmission-line to connect the above power-house with the existing power-house at Omanawa Falls, and to Tauranga.

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. 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.

8. 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 water-channels, control-gates, races, pipe-lines, or other things as are required for the generation of electricity in pursuance of this license.

9. DURATION OF LICENSE.

This license shall, unless sooner determined in accordance with the provisions hereinafter expressed, continue in force until the 1st day of October, 1956. 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, Tauranga, or otherwise as the Minister may from time to time require, a rental at the rate of 1s. per year per kilowatt of maximum output occurring during the year as recorded by a wattmeter to be installed by the licensee in the power-house, with a minimum payment of £10 per annum.

11. CHARGES FOR ELECTRICAL ENERGY.

The charges for electrical energy shall not exceed 9d. per unit for lighting purposes and 4½d. per unit for motor-power, heating, or cooking purposes ; provided that "lighting purposes" shall include the operation of motor generators for lighting purposes. In the case of wholesale supply the charge shall not exceed £16 per K.V.A. per annum, plus ½d. per unit. "Wholesale supply" for this purpose shall be held to be a supply in respect of which the consumer shall guarantee to pay not less than £180 per annum.

12. 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 stream, 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