

And whereas it is desirable to grant the license applied for :
Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the power and authority vested in him by the said Act, and of all other powers and authorities enabling him in that behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the purpose or object for which the said license is required by the company as aforesaid ; and, in further pursuance and exercise of the said power and authority, and with the like advice and consent as aforesaid, doth hereby license and permit the company to use and occupy that part of the land below low-water mark which is particularly shown and delineated in red on the plan so deposited as aforesaid for the purpose of taking away the sand deposited thereon, such license to be held and enjoyed by the company upon and subject to the terms and conditions set forth in Schedule No. 2 hereto.

SCHEDULE NO. 1.

ALL that area of land below low-water mark, ordinary spring tides, at Whangapoua, situate to the eastward of a straight line drawn from point D to point E on plan M.D. 6775, which points (D) and (E) are on the shore-ends of a line joining Trig. Stations J.J. and K.K. : as same is shown coloured red on plan marked M.D. 6775.

SCHEDULE NO. 2.

1. In these conditions the term—

“ Low-water mark ” means low-water mark at ordinary spring tides :

“ Minister ” means the Minister of Marine as defined by the Shipping and Seamen Act, 1908, and includes any officer, person, or authority acting by or under the direction of such Minister.

2. The concessions and privileges conferred by this Order in Council shall extend and apply only to that part of the land below low-water mark necessary for the purposes hereinbefore mentioned, as shown in red on the plan marked M.D. 6775, deposited in the office of the Marine Department as aforesaid, and specified in Schedule No. 1.

3. In consideration of the concessions and privileges granted by this Order in Council, the company shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter shall deposit annually the sum of £25, to be applied as hereinafter provided, payable on the 1st day of April each year ; provided that in respect of the period from the date hereof until the 31st day of March, 1936, the amount to be deposited shall be an amount proportionate to the said period at the rate of £25 per annum, to be deposited on the company being supplied with a copy of this Order in Council.

4. The royalty payable by the company in consideration of the concessions and privileges hereby granted shall be at the rate of 3d. per cubic yard on all sand dredged. If in any year the company fails to remove any sand the deposit hereinbefore referred to shall be appropriated by the Minister as flat rental in respect of that year ; but if, during any year, the company removes any sand, the deposit shall, in proportion to the amount of sand so removed, be applied as royalty at the rate hereinbefore mentioned, but so that the minimum amount payable as combined royalty and flat rent in any one complete year shall be not less than £25. All such payments shall be made to the Superintendent of Mercantile Marine at Auckland, or such other person as the Minister may direct.

5. His Majesty or the Governor-General, and all other officers in the Government service acting in the execution of their duties, shall at all times have free ingress, passage, and egress into, through, and out of the said land without payment.

6. Nothing herein contained shall authorize the company to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs or any regulation of the Minister of Customs, or with any provisions of the Harbours Act, 1923, or its amendments, or any regulations made thereunder and that are now or may hereafter be in force.

7. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for the term of fourteen years computed from the date hereof, unless in the meantime such rights, powers, and privileges are altered, modified, or revoked by competent authority ; and the company shall not assign, charge, or part with any such right, power, or privilege without the written consent of the Minister first obtained.

8. The rights, powers, and privileges hereby granted and conferred may be at any time resumed by the Governor-General, without payment of any compensation whatsoever, on giving to the company three calendar months' previous notice in writing. Such notice shall be sufficient if given by the Minister and delivered at or posted to the last known registered office of the company in New Zealand.

9. The company shall keep a strictly accurate record of all sand removed, and shall submit the same for inspection immediately at the end of each month to the Superintendent of Mercantile Marine at Auckland or such other officer as may be appointed by the Minister ; and shall at the same time pay to the Superintendent or other officer as aforesaid the amount of royalty due to the Minister.

10. In case the company shall—

- (1) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them ;
- (2) Be in any manner wound up or dissolved ; or
- (3) Fail to pay the sums specified in clauses 3 and 4 of these conditions—

then, and in any such case, this Order in Council, and every license, right, power, or privilege thereby conferred, may be revoked and determined by the Governor-General in Council without any notice to the company or other proceedings whatsoever ; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the company, and to all persons concerned or interested, that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

11. Payment by the company of any of the sums hereinbefore mentioned shall be sufficient evidence of the acceptance by the company of the terms and conditions of this Order in Council.

C. A. JEFFERY,
Clerk of the Executive Council.

License authorizing Alfred James Winchester, of Naseby, Hotelkeeper, to use Water for the Purpose of generating Electricity.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of October, 1935.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Public Works Act, 1928, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council, doth hereby grant to Alfred James Winchester, of Naseby, Hotelkeeper (hereinafter referred to as “ the licensee ”), a license subject to the conditions hereinafter set forth to take and use for the purposes hereinafter set forth a stream of water not exceeding one-half of a cubic foot per second at any one time.

CONDITIONS.

I. IMPLIED CONDITIONS.

THE conditions directed to be implied in all licenses by the Water-power Regulations, 1934, shall be incorporated in and shall form part of this license, except in so far as the same may be inconsistent with the provisions hereof.

2. LICENSE SUBJECT TO REGULATIONS.

This license is issued under the Water-power Regulations, 1934, and is subject thereto and to any regulations made in amplification or amendment thereof or in substitution therefor.

3. UTILIZATION OF WATER AND LOCATION OF HEADWORKS.

Water shall be used under this license solely for the purpose of generating electricity, and shall be taken from a pipe-line situated in Leven Street, opposite Section 25, Block I, in the Borough of Naseby, as indicated on the plan marked P.W.D. 90026, deposited in the office of the Minister of Public Works.

4. GENERAL DESCRIPTION OF WORKS.

The licensee is hereby authorized, subject to the conditions hereof, to construct, maintain, and use the following works for the purposes of this license, the positions of the said works being indicated on the said plan P.W.D. 90026 :—

- (a) Pipe-line leading from the intake to the power-house hereinafter referred to ; also tail-race from the power-house to the borough drain.
- (b) A power-house situated on Section 109, Block I, Borough of Naseby, with all necessary equipment, including water turbines, generators, transformers, lightning-arresters, switchboards, switches, exciters, and other appliances for generating electricity.