

Vesting the Control of the Foreshore in the County of Hawera in Trustees

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 1st day of May 1957.

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Harbours Act 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby grants to the persons named in the First Schedule hereto, as trustees for the inhabitants of the locality (hereinafter called the trustees, which term shall include their successors or assigns, unless the context requires a different construction), the control of the foreshore described in the Second Schedule hereto, subject to the terms and conditions set out in the Third Schedule hereto.

FIRST SCHEDULE

TRUSTEES

Frank Muggeridge,
Arthur Malcolm Brown,
Raymond Roberts Henderson.
Rangi Jack Phillips.

SECOND SCHEDULE

DESCRIPTION OF FORESHORE

ALL the foreshore in the County of Hawera, commencing opposite the Inaha Road to the west and extending to the Manawapou Stream to the south-east, as shown on plan marked M.D. 9534 and deposited in the Marine Department at Wellington.

THIRD SCHEDULE

TERMS AND CONDITIONS

1. In these conditions the term—

“Foreshore” means all land between high-water mark and low-water mark of ordinary spring tides.

“Minister” means the Minister of Marine as defined by the Shipping and Seamen Act 1952, 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 foreshore as defined in the First Schedule hereto.

3. Her Majesty or the Governor-General, and all officers in the Government service acting in the execution of their duty, shall at all times have free ingress, passage, and egress into, out, and over the said foreshore without payment.

4. Nothing herein contained shall authorise the trustees to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or with any regulation of the Minister of Customs, or with any provision of the Harbours Act 1950 or its amendments, or any regulations made thereunder and that are or may hereafter be in force.

5. The rights, powers, and privileges conferred by this Order in Council shall not apply to those portions of the foreshore required for securing the shore-ends of any telegraph cables that are at present or may be at any time laid down within the said area of foreshore.

6. The trustees may enclose any part or parts of the foreshore described in the Second Schedule hereto for the purpose of holding athletic sports or games, and may by bylaw fix a charge for admission to such enclosed part or parts: Provided that the total number of days on which such enclosures are made shall not exceed six in any one year.

7. The trustees may, subject to the provisions of section 178 of the Harbours Act 1950, erect, or license, or permit the erection of, bathing sheds or boat sheds on the foreshore described in the Second Schedule hereto, and may make bylaws regulating the use thereof, and may fix charges for such use: Provided that the funds so received shall be expended in improving the foreshore for the benefit of the public.

8. Nothing herein contained shall authorise the trustees to remove, or cause to be removed, any stone, sand, shingle, or shells without the consent of the Minister being first obtained.

9. Bylaws made by the trustees under the said Act in respect of the foreshore shall not have any effect unless and until approved in writing by the Minister.

10. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for ten years from the date hereof, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority.

11. The said rights, powers and privileges may be at any time resumed by the Governor-General, without payment of any compensation whatever, on giving to the trustees six calendar months' previous notice in writing. Any such notice shall be sufficient if given by the Minister and delivered at or posted to the last known address of the trustees in New Zealand.

T. J. SHERRARD, Clerk of the Executive Council.

(M. 4/864)

Authorising Desmond Garland Doyle, of Waipu, Farmer, to Use Water for the Purpose of Generating Electricity and to Erect Certain Electric Lines

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 1st day of May 1957

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Public Works Act 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby grants to Desmond Garland Doyle, of Waipu, farmer (hereinafter referred to as the licensee), a licence, subject to the conditions hereinafter set forth, to take and use from an unnamed stream (hereinafter referred to as the said stream), situated in Section 7, Block X, Waipu Survey District, in the County of Whangarei, for the purpose hereinafter set forth, a stream of water not exceeding one cubic foot per second at any one time, and to lay, construct, put up, place, and use the electric lines hereinafter described.

CONDITIONS

IMPLIED CONDITIONS

1. The conditions directed to be implied in all licences by the Water Power Regulations 1934 and the Electrical Supply Regulations 1935 shall be incorporated in and shall form part of this licence except in so far as the same may be inconsistent with the provisions hereof.

LICENCE SUBJECT TO REGULATIONS

2. This licence is issued under the Water Power Regulations 1934, and is subject thereto, and to the Electrical Supply Regulations 1935, the Electrical Wiring Regulations 1935, the Radio Interference Regulations 1934, and to all regulations hereafter made in amendment thereof or in substitution therefor respectively.

UTILISATION OF WATER AND LOCATION OF HEADWORKS

3. Water shall be used under this licence solely for the purpose of generating electricity and shall be taken from the said stream at the point in Section 7, Block X, Waipu Survey District, indicated on the plan marked P.W.D. 93529 deposited in the office of the State Hydro-electric Department at Wellington.

GENERAL DESCRIPTION OF WORKS

4. The licensee is hereby authorised, subject to the conditions hereof, to construct, maintain, and use the following works for the purpose of this licence, the positions of the said works being indicated on the said plan P.W.D. 93529.

- (a) Headworks consisting of a dam and intake with a water race and pipelines leading to the powerhouse hereinafter referred to giving a static head of approximately 70 ft.
- (b) Water wheel and powerhouse with all necessary equipment for generating electricity situated in Section 7, Block X, Waipu Survey District.
- (c) Tail race leading from the said water wheel back to the said stream.
- (d) Electric lines leading from the said powerhouse generally in a south-easterly direction across a public road to the licensee's premises, situated on Section 350, Block XI, Waipu Survey District, the said lines and buildings being more particularly shown on the said plan P.W.D. 93529.

SYSTEM OF SUPPLY

5. The system of supply shall be an alternating-current system as described in paragraph (d) of regulation 21-01 of the Electrical Supply Regulations 1935.

DURATION OF LICENCE

6. Unless sooner lawfully determined, this licence shall continue in force until the 31st day of March 1978.

RENTAL

7. For the purposes of assessing the rental or annual sum payable in respect of this licence, the maximum generating capacity of the plant at the commencement of this licence is 0.46 kilowatts.

NO RIGHT TO WATER CONFERRED

8. Nothing in this licence shall of itself confer upon the licensee any right to water.

T. J. SHERRARD, Clerk of the Executive Council.

(S.H.D. 11/20/122)