

2. To divert the waters of the Fork Stream as required, by a channel from the vicinity of the place marked "A" on the said plan to the vicinity of the place marked "B" on the said plan.

3. To continue to dam the waters of Lake Tekapo, by a dam in the vicinity of the place marked "C" on the said plan, at a maximum controlled level of about 2,333 ft above sea level and a maximum flood level of about 2,340 ft above sea level, with the right to exceed those levels temporarily in exceptional circumstances, for use in the existing powerhouse, at the place marked "D" on the said plan, and thence to discharge those waters into a canal in the vicinity of the place marked "E" on the said plan.

4. To divert water by a canal and tunnel system from the vicinity of the place marked "E" on the said plan to the vicinity of the place marked "G" on the said plan, for use in two powerhouses to be constructed in the vicinity of the places marked "F" and "G" on the said plan, and thence to discharge the water into Lake Pukaki in the vicinity of the said place marked "G".

5. To continue to dam the waters of Lake Pukaki, by a dam in the vicinity of the place marked "H" on the said plan, at a maximum controlled level of about 1,751 ft above sea level and a maximum flood level of about 1,761 ft above sea level, with the right to exceed those levels temporarily in exceptional circumstances, and to discharge the waters into a canal in the vicinity of the place marked "I" on the said plan for use in a powerhouse to be constructed in the vicinity of the place marked "J" on the said plan.

6. To dam the waters of Lake Ohau, by control works constructed in the vicinity of the places marked "L" and marked "M" on the said plan, at a maximum controlled level of about 1,707 ft above sea level and a maximum flood level of about 1,716 ft above sea level, with the right to exceed those levels temporarily in exceptional circumstances.

7. To divert water from Lake Pukaki, by a canal from the vicinity of the place marked "J" on the said plan, to the vicinity of the place marked "K" on the said plan and to divert water from Lake Ohau, by a canal from the vicinity of the place marked "M" on the said plan, to the vicinity of the said place marked "K" on the said plan, for use in a powerhouse to be constructed in the vicinity of the said place marked "K", and thence to discharge the water into the natural bed of the Ohau River in the vicinity of the said place marked "K".

8. To dam the waters of the Ohau River in the vicinity of the place marked "N" on the said plan; to dam waters, by control works in the vicinity of the place marked "O" on the said plan; to divert water, by a canal from the vicinity of the said place marked "O" to the vicinity of the place marked "Q" on the said plan, for use in two powerhouses to be constructed in the vicinity of the places marked "P" and marked "Q" on the said plan; and thence to discharge the water into Lake Benmore in the vicinity of the said place marked "Q".

9. To discharge waters, as required from time to time, into the natural channels of the Fork Stream, the Tekapo River, the Pukaki River, and the Ohau River.

#### SECOND SCHEDULE

THE rights hereby conferred on the Minister of Electricity are granted for a period of 21 years from the date of this Order in Council, with successive rights of renewal for further periods of 21 years for so long as the Minister of Electricity requires the use of the water for the generation of electricity.

#### THIRD SCHEDULE

1. The rights hereby conferred on the Minister of Electricity are granted in respect of all the waters declared by the aforesaid Order in Council, dated the 11th day of November 1968, to be of national importance; except that the Regional Water Board may from time to time grant the following rights:

- (a) Rights to dam, use, discharge, divert, and take water for irrigation purposes may be granted up to a maximum of 520 cusecs and a total volume of 140,000 acre-feet during any one irrigation season.
- (b) Rights to dam, use, discharge, divert, and take water up to a total of 20 cusecs may be granted for purposes other than domestic needs, the needs of animals, and irrigation.
- (c) Rights without limit may be granted to the use of water if it is returned to the source from which it was taken at substantially the same level:

Provided that the rights do not prejudice the exercise of any right hereby granted to the Minister of Electricity.

(d) Rights to take or divert water into systems for distribution for domestic needs and the needs of animals may be granted up to a total of 140 cusecs.

2. The Minister of Electricity shall facilitate the construction of works enabling the holder of rights granted by the Regional Water Board under clause 1 of this Schedule to obtain water from canals or ponding areas subject to the costs involved being met by the holder, except as may otherwise be agreed with the Minister of Electricity.

3. The rights hereby conferred on the Minister of Electricity are subject always to the proviso that any person may take or use any of the water available that is reasonably required for his domestic needs and the needs of animals for which he has any responsibility and for, or in connection with, fire-fighting purposes.

P. J. BROOKS, Clerk of the Executive Council.

(P.W. 74/60/5)

#### The New Plymouth Foreshore Control Order 1969

ARTHUR PORRITT, Governor-General

#### ORDER IN COUNCIL

At the Government House at Wellington this 4th day of August 1969

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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 makes the following order.

#### ORDER

1. (1) This order may be cited as the New Plymouth Foreshore Control Order 1969.

(2) This order shall come into force on the date of its publication in the *Gazette*.

2. In this order—

"Council" means the New Plymouth City Council.

"Foreshore" means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides.

"Minister" means the Minister of Marine, and includes any officer, person, or authority acting by, or under the direction or authority of the Minister.

3. There is hereby granted to the Council, for a period of 21 years from the commencement of this order, the control of the foreshore described in the First Schedule to this order, subject to the provisions of section 165 of the Harbours Act 1950, and to the conditions specified in the Second Schedule to this order.

#### FIRST SCHEDULE

#### DESCRIPTION OF FORESHORE

ALL that area in the Taranaki Land District comprising that part of the foreshore (being also part New Plymouth Harbour Reserve A comprised in deeds index 4, folio 585) bounded to the east by a line being the production of the south-western boundary of Section 200, Hua District, and to the west by a line being the production of the south-western side of Belt Road in the City of New Plymouth; part of the said area being also part of the New Plymouth Harbour Roadstead, contained in certificate of title, Volume 102, folio 148, Taranaki Registry.

#### SECOND SCHEDULE

#### CONDITIONS

1. 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, over, and out of the foreshore described in the First Schedule to this order.

2. Nothing in this order shall authorise the Council to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs or any provision of the Harbours Act 1950 that is or may hereafter be in force.

3. The rights, powers, and privileges conferred by this order shall not apply to those portions of the foreshore described in the First Schedule to this order required for securing the shore ends of any telegraph cables that are at the commencement of this order or may be at any time subsequently laid down within that foreshore.