

Consent to Generation of Electricity by Use of Water

I, William Francis Birch, Minister of Energy, hereinafter called "the Minister" acting pursuant to section 25 of the Electricity Act 1968, hereby consent to Robert William Brown, farmer, Ben Nevis Station, generating electricity by the use of water, subject to the following conditions:

CONDITIONS

1. This consent is subject to compliance with the Electricity Act 1968 and the Water and Soil Conservation Act 1967 and the Electricity Supply Regulations 1976, the Electrical Wiring Regulations 1976, the Water and Soil Conservation Regulations 1968, the Fish Pass Regulations 1947, and all Acts or Regulations hereinafter made in amendment of or substitution for any of those regulations together with all other enactments and regulations which may be in force.

Provided that where there is continued non-compliance with any of the aforementioned acts and regulations the Minister may withdraw this consent to the generation of electricity.

2. The generation of electricity by the use of water pursuant to this consent shall be carried out only by means of the works described in the Schedule hereto.

3. The consent shall, unless it is sooner lawfully determined, continue in force until the 31st day of March 2004, or until such time as the grantee disposes of the works whichever is the sooner.

4. This consent confers no rights to water under the Water and Soil Conservation Act 1967 or otherwise.

5. For the purposes of assessing the rental or annual sum payable in respect of this consent the maximum generating capacity of the plant at the date of this consent is 43 kW.

6. (1) For the rights conferred by this consent the grantee shall pay a rental or annual sum assessed in accordance with the following provisions:

(a) The rental shall be at the rate of 25c per annum for each kilowatt or part of a kilowatt of maximum demand.

(b) For the purpose of assessing the rental payable, the grantee may install a suitable maximum demand indicator to the satisfaction of the Deputy Secretary of the Ministry of Energy, Electricity Division, and failing such an installation the maximum demand shall be deemed to be the maximum generating capacity of the plant installed.

(2) Notwithstanding anything in subclause (1) of this clause, the rental shall not be less than \$1.25 per annum.

7. Every rental or annual sum payable under this consent shall be payable for the financial year ending on the 31st day of March in every calendar year.

8. Every annual sum or rental payable under the consent shall fall due and be paid on the 14th day of April in every year following the period for which the same is payable and shall be recoverable as a debt due to the Crown and may be paid to the District Manager of the Ministry of Energy (Electricity Division) or otherwise as the Minister may by notice in writing to the grantee direct.

9. Except so far as may be expressly set out in this consent, this consent shall not be deemed to authorise the generation of electricity by the use of water for consumption by any person other than the grantee or consumption on any premises other than premises occupied by the grantee.

10. The grantee shall at all times maintain all works for the time being in use so as to be in good and proper working order in accordance with the requirements of the regulations and at all times maintain all works erected by the grantee pursuant to the consent whether in use or not in such good and safe condition as in the opinion of the Minister to be unlikely to cause any danger to life or property.

11. It shall be lawful for any person acting as an Inspecting Engineer of the Ministry of Energy (Electricity Division) at all times after the grant of the consent whether during or after the construction of any works to enter upon and inspect such works for the purpose of ascertaining whether these conditions are complied with, and for that purpose to require that any motive machinery be set in motion and to take specimens of material, make tests and measurements, and do all other things reasonably necessary or convenient for the purposes of such inspection, and the grantee will at all times comply with the reasonable requirements of any such person in the premises.

12. If the parties so agree it shall be lawful at any time for the grantee to surrender this consent and the Minister to accept such surrender subject to such terms and conditions as may be agreed upon.

13. Neither the granting of the consent nor anything in the consent expressly or by implication contained shall affect or prejudice any liability imposed by law on the grantee to pay compensation or damages to any person arising by reason of the exercise by the grantee of the powers conferred by the consent.

14. The rights granted by the consent shall be subject to all existing rights theretofore granted and validly held and enjoyed under any enactment or otherwise.

15. If at any time during the continuance of the consent the grantee fails or neglects to observe, perform, and comply with any of the provisions in the consent expressly or by implication contained, or otherwise makes default in complying with the terms of the consent, then the Minister may forthwith by notice in writing to the grantee revoke and determine the consent.

16. The grantee of this consent must give notice to the Ministry of Energy (Electricity Division) Wellington of any change of address of the grantee, or of the registered office, or usual place of business of the grantee.

17. (a) Any notice to be given to the grantee shall be sufficient if served personally on the grantee or (in the case of the grantee being a corporate body) delivered at the registered office or usual place of business of the grantee to a person appearing to have for the time being the control of such premises, or sent by registered post letter addressed to the grantee at the postal address set out in the application for a consent or any subsequent address notified by the grantee to the Minister.

(b) Any notice to be given on the part of the Minister shall be sufficient if given in writing signed by the Minister or by any person purporting to act on behalf of or under the authority of the Minister.

(c) Any notice to be given to the Minister shall be sufficient if given in writing delivered to or sent by registered post letter addressed to the Deputy Secretary, Ministry of Energy, Electricity Division, Private Bag, Wellington.

SCHEDULE

Location and General Description of Works

- (a) Headworks consisting of an intake on Branch Creek and a 3000 metre race to another race for a farm water scheme and pipelines to a generator.
- (b) A generator having capacity of 43 kW powered by water with a head of 120 metres.
- (c) Water being discharged into a race to Scotchman's Creek and thence to Nevis River.

As shown on the plan marked NZE 2060, deposited in the office of the Electricity Division, Ministry of Energy, Wellington.

Signed at Wellington this 12th day of December 1983.

W. F. BIRCH, Minister of Energy.

(11/20/4129)

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Consent to Generation of Electricity by Use of Water

I, William Francis Birch, Minister of Energy, hereinafter called "the Minister" acting pursuant to section 25 of the Electricity Act 1968, hereby consent to Hugh Aaron Radford, farmer, of Mount Creighton Station, Queenstown, generating electricity by the use of water, subject to the following conditions:

CONDITIONS

1. This consent is subject to compliance with the Electricity Act 1968 and the Water and Soil Conservation Act 1967 and the Electricity Supply Regulations 1976, the Electrical Wiring Regulations 1976, the Water and Soil Conservation Regulations 1968, the Fish Pass Regulations 1947, and all Acts or Regulations hereinafter made in amendment of or substitution for any of those regulations together with all other enactments and regulations which may be in force.

Provided that where there is continued non-compliance with any of the aforementioned acts and regulations the Minister may withdraw this consent to the generation of electricity.

2. The generation of electricity by the use of water pursuant to this consent shall be carried out only by means of the words described in the Schedule hereto.

3. The consent shall, unless it is sooner lawfully determined, continue in force until the 31st day of March 2004, or until such time as the grantee disposes of the works whichever is the sooner.

4. This consent confers no rights to water under the Water and Soil Conservation Act 1967 or otherwise.

5. For the purposes of assessing the rental or annual sum payable in respect of this consent the maximum generating capacity of the plant at the date of this consent is 16 kW.