

**Reprint  
as at 6 July 1990**



**National Water Conservation  
(Ahuriri River) Order 1990**  
(SR 1990/156)

Paul Reeves, Governor-General

**Order in Council**

At Wellington this 2nd day of July 1990

Present:  
His Excellency the Governor-General in Council

Pursuant to section 20D of the Water and Soil Conservation Act 1967, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This order is administered by the Ministry for the Environment.**

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## Order

### 1 Title and commencement

- (1) This order may be cited as the National Water Conservation (Ahuriri River) Order 1990.
- (2) This order shall come into force on the 28th day after the date of its notification in the *Gazette*.

### 2 Interpretation

In this order, unless the context otherwise requires,—

**Act** means the Water and Soil Conservation Act 1967

**gorge flow** means the daily mean flow of the Ahuriri River as estimated by the Department of Scientific and Industrial Research from measurements at the South Diadem recorder site maintained by that department at the Ahuriri River (map reference NZMS 1 S108 458406)

**lake** includes pond, tarn, and lagoon; but does not include swamp, marsh, bog, or other wetland

**protected waters** means—

- (a) the Ahuriri River, excluding the east branch, from its source at map reference NZMS 1 S99 400883 to its entry into Lake Benmore; and
- (b) the Omarama Stream downstream of the bridge at map reference NZMS 1 S116 579310; and
- (c) all rivers, streams, and lakes which are situated—

- (i) between the Ahuriri River and a line drawn 400 metres from its true left bank commencing at map reference NZMS 1 S99 366745 and continuing to Lake Benmore; and
- (ii) between the Ahuriri River and a line drawn 400 metres from the true right bank commencing at map reference NZMS 1 S99 364745; then along the formed Birchwood Road to its junction with State Highway 8; then along State Highway 8 to map reference NZMS 1 S116 558361; then along a line drawn 400 metres from the true right bank and continuing to Lake Benmore.

### **3 Outstanding characteristics and features**

It is hereby declared that the Ahuriri River and its tributaries include and provide for outstanding wildlife habitat, outstanding fisheries, and outstanding angling features.

### **4 Retention of natural waters in a natural state**

Because of the outstanding features specified in clause 3, the quantity and level of natural water in all lakes, ponds, tarns, lagoons, and streams (other than the Omarama Stream) forming part of the protected waters shall be retained in their natural state.

### **5 Partial retention of natural waters**

- (1) At all times when the gorge flow exceeds 25 cubic metres per second, the minimum flow in the Ahuriri River shall be 3 cubic metres per second less than the gorge flow.
- (2) At all times when the gorge flow exceeds 15 cubic metres per second but does not exceed 25 cubic metres per second, the minimum flow in the Ahuriri River shall be 2 cubic metres per second less than the gorge flow.
- (3) At all times during each period commencing on 1 May and ending with 31 January next following—
  - (a) when the gorge flow does not exceed 12 cubic metres per second, the minimum flow in the Ahuriri River shall be the gorge flow:

- (b) when the gorge flow exceeds 12 cubic metres per second but does not exceed 15 cubic metres per second—
  - (i) the minimum flow in that part of the Ahuriri River between map references NZMS 1 S108 458406 (South Diadem) and NZMS 1 S109 684415 (State Highway 8) shall be 0.6 cubic metres per second less than the gorge flow; and
  - (ii) the minimum flow in that part of the Ahuriri River between map reference NZMS 1 S109 684415 (State Highway 8) and Lake Benmore shall be 1.2 cubic metres per second less than the gorge flow.
- (4) At all times during each period commencing on 1 February and ending with 30 April next following—
  - (a) when the gorge flow does not exceed 10 cubic metres per second, the minimum flow in the Ahuriri River shall be the gorge flow:
  - (b) when the gorge flow exceeds 10 cubic metres per second but does not exceed 15 cubic metres per second—
    - (i) the minimum flow in that part of the Ahuriri River between map references NZMS 1 S108 458406 (South Diadem) and NZMS 1 S109 684415 (State Highway 8) shall be 0.6 cubic metres per second less than the gorge flow; and
    - (ii) the minimum flow in that part of the Ahuriri River between map reference NZMS 1 S109 684415 (State Highway 8) and Lake Benmore shall be 1.2 cubic metres per second less than the gorge flow.
- (5) Because of the outstanding characteristics and features specified in clause 3 and for their protection, the minimum flow (as defined in subclauses (1) to (4)) shall be retained in the Ahuriri River; and, while the flow does not exceed that minimum flow, the flow in the Ahuriri River shall not be reduced by abstraction or diversion.
- (6) Notwithstanding subclauses (1) to (5), it shall be lawful at all times for the flow of the Ahuriri River to be reduced by not more than a further 0.5 cubic metres per second for the purposes of augmenting the waters of the Omarama Stream or

any of its tributaries for management purposes, so that fisheries and wildlife values can be maintained.

- (7) Nothing in this clause shall be construed as preventing the reduction of flow in the Quail Burn or its tributaries.

## **6 Rates of flow of Omarama Stream**

- (1) Because of the outstanding features specified in clause 3, the rates of flow of the Omarama Stream shall be retained in accordance with subclauses (2) and (3).
- (2) In respect of the section of the Omarama Stream between map references NZMS 1 S116 578324 and NZMS 1 S116 644361 (the mid reach), the minimum flow to be retained shall be—
- (a) during each period commencing on 1 November and ending with 30 April next following, 250 litres per second; and
  - (b) during each period commencing on 1 May and ending with 31 October next following, 750 litres per second.
- (3) In respect of the section of the Omarama Stream between map references NZMS 1 S116 644361 and NZMS 1 S109 676405 (the lower reach), the minimum flow to be retained shall be—
- (a) during each period commencing on 1 November and ending with 30 April next following, 500 litres per second; and
  - (b) during each period commencing on 1 May and ending with 31 October next following, 1,200 litres per second.
- (4) For the purposes of this clause—
- (a) the stream flows in respect of the mid reach of the Omarama Stream shall be measured at Twin Peaks (approximate map reference NZMS 1 S116 585329); and
  - (b) the stream flows in respect of the lower reach of the Omarama Stream shall be measured at Omarama Station Bridge (approximate map reference NZMS 1 S117 655385).

## **7 Right to dam not to be granted**

- (1) A right to dam any river or stream forming part of the protected waters shall not be granted under section 21 of the Act if the

effect of such a grant would be that the provisions of this order could not be observed without those provisions being changed or varied.

- (2) Any right granted under section 21 of the Act to dam any tributary of the Ahuriri River not forming part of the protected waters shall be granted subject to such conditions as will ensure that the taking or diversion of water to fill the dam will not prejudice the maintenance of the rates of flow specified in clauses 5 and 6.

## **8 General provisions relating to water rights and general authorisations**

- (1) Subject to subclause (3), a water right shall not be granted under section 21 of the Act and a general authorisation shall not be made under section 22 of the Act in respect of—
- (a) any lake forming part of the protected waters, if the combined effect of the grant or authorisation and of existing rights and authorisations would be that the provisions of this order could not be observed without those provisions being changed or varied; or
  - (b) any river or stream forming part of the protected waters, if the effect of the grant or authorisation would be to prejudice the maintenance of the rates of flow specified in clauses 5 and 6.
- (2) A water right shall not be so granted and a general authorisation shall not be so made for any discharge into the protected waters if the effect of the discharge on the protected waters would be to breach the following provisions and standards:
- (a) any discharge is to be substantially free from suspended solids, grease, and oil;
  - (b) after allowing for reasonable mixing of the discharge with the receiving water—
    - (i) the waters shall not be tainted so as to make them unpalatable, nor shall they contain toxic substances to the extent that they are unsafe for consumption by humans or farm animals, nor shall they emit objectionable odours:

- (ii) there shall not be any destruction of natural aquatic life by reason of a concentration of toxic substances:
  - (iii) the natural colour and clarity of the waters shall not be changed to a conspicuous extent.
- (3) A water right may be so granted and a general authorisation may be so made in respect of any part of the protected waters for all or any of the following purposes:
  - (a) the maintenance or protection of roads, bridges, pylons, and other necessary public utilities:
  - (b) soil conservation and related matters undertaken pursuant to the Soil Conservation and Rivers Control Act 1941, including—
    - (i) the undertaking of work necessary to prevent or control soil erosion and flooding affecting properties adjacent to the Ahuriri River and the Omarama Stream, including work in the Ahuriri River bed and the Omarama Stream bed such as (but not by way of limitation) the diversion of water and the damming of water to construct river-training works, groynes, and other flood-protection works:
    - (ii) the maintenance of existing flood-protection and erosion-control works both in and adjacent to the Ahuriri River bed and the Omarama Stream bed:
    - (iii) the planting of trees and vegetation in the Ahuriri River bed and the Omarama Stream bed for flood-protection works and erosion-control works:
    - (iv) the works permitted in subparagraphs (i), (ii), and (iii) as emergency works:
  - (c) research into, and enhancement of, fisheries and wildlife habitats:
  - (d) the discharge of settled and screened raw sewage into the Omarama Stream as an emergency overflow in the event of a power failure to the sewage-pumping station in accordance with and on the same terms and conditions as the water right granted to the Waitaki County

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Council for that purpose and in force on the date of the commencement of this order.

**9 Scope of this order**

Nothing in this order shall be construed as limiting the effect of the second proviso to section 21(1) of the Act relating to the use of water for domestic needs, for the needs of animals, and for or in connection with fire-fighting purposes.

Marie Shroff,  
Clerk of the Executive Council.

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**Explanatory note**

*This note is not part of the order, but is intended to indicate its general effect.*

This order declares that the Ahuriri River and its tributaries include and provide for outstanding wildlife habitat, outstanding fisheries, and outstanding angling features.

The order also includes various provisions to preserve and protect those characteristics and features.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 5 July 1990.

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## **Notes**

### **1 *General***

This is a reprint of the National Water Conservation (Ahuriri River) Order 1990. The reprint incorporates all the amendments to the order as at 6 July 1990, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

### **2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

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