

**Reprint
as at 19 February 1993**



**Water Conservation (Rangitikei
River) Order 1993**

(SR 1993/15)

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 15th day of February 1993

Present:

The Right Hon D C McKinnon presiding in Council

Pursuant to section 214 of the Resource Management Act 1991, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

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 Water Conservation (Rangitikei River) Order 1993.
- (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 Resource Management Act 1991

Middle River means—

- (a) the Rangitikei River itself from its confluence with the Makahikatoa Stream (approximate map reference Infomap 260 U21/725 888) to the Mangarere Bridge (approximate map reference Infomap 260 T22/483 496); and
- (b) the Whakaurekau River plus all its tributaries and the Kawhatau River plus its following tributaries, namely, the Pouranaki River and the Mangakokeke Stream:

river flow means for any given point on the Middle River and Upper River—

- (a) the mean daily flow occurring at that point; plus
- (b) the sum of abstractions from the Upper and Middle River upstream of that given point expressed as a daily mean, but not including any abstraction from the Moawhango River at the Moawhango Dam (approximate map reference Infomap 260 T20/471 962) for hydroelectric power generation purposes

Upper River means—

- (a) the Rangitikei River itself from its source (approximate map reference Infomap 260 U19/723 313) to its confluence with the Makahikatoa Stream (approximate map reference Infomap 260 U21/725 888); and
- (b) all rivers and streams contributing water to the Rangitikei River upstream of that confluence.

3 Outstanding characteristics and features

- (1) It is hereby declared that the Upper River includes and provides for—
 - (a) outstanding wild and scenic characteristics; and
 - (b) outstanding recreational, fisheries, and wildlife habitat features.
- (2) It is hereby declared that the Middle River includes and provides for—
 - (a) outstanding scenic characteristics; and
 - (b) outstanding recreational and fisheries features.

4 Waters to be protected

Because of the outstanding characteristics and features specified in clause 3, the waters of the Upper River and Middle River are, subject to clause 5, to be protected as follows:

- (a) the quantity and rate of flow of natural water in the Upper River shall be retained in its natural state:
- (b) the rate of flow of the natural waters at any point in the Middle River shall not be less than 95% of the river flow at that point:
- (c) resource consents under the Act shall not be granted to dam the Upper River or the Middle River:
- (d) resource consents under the Act shall not be granted to construct any dam downstream of the Middle River, which has the effect of impounding water in the Middle River upstream of the confluence with the Hautapu River:
- (e) in granting any resource consents under the Act or making a rule in a regional plan, in respect of the Upper River or the Middle River, the regional council shall

ensure that, after allowing for reasonable mixing of the discharge with the receiving water,—

- (i) the natural water temperature shall not be changed by more than 3 degrees Celsius; and
- (ii) the acidity or alkalinity of the water as measured by the pH shall be within the range of 6.0 to 9.0; and within that range the natural pH of the water shall not be changed by more than 1.0 unit; and
- (iii) the concentration of dissolved oxygen shall be not less than 80% of saturation concentration; and
- (iv) there shall be no undesirable biological growths attributable to contaminants.

5 Scope of order

- (1) Nothing in this order shall be construed as limiting any right to the use of water for domestic needs, for the needs of animals, and for or in connection with fire-fighting purposes.
- (2) Nothing in this order shall prevent the renewal of any general authorisation granted under section 22 of the Water and Soil Conservation Act 1967 and deemed to be a provision of a regional plan under section 368 of the Act, or any resource consent under the Act which is current on the commencement of this order, or the granting of resource consents under the Act in substitution for existing use rights which are current on the commencement of this order.
- (3) Nothing in this order shall prevent the granting of resource consents under the Act, or the making of rules in regional plans, in respect of the Upper River or the Middle River, for the purposes of—
 - (a) research into, and enhancement of, fisheries and wildlife habitats; or
 - (b) maintenance and protection of roads, bridges, and other necessary public utilities; or
 - (c) soil conservation, rivers control, or other activities undertaken pursuant to the Soil Conservation and Rivers Control Act 1941.
- (4) Nothing in this order shall prevent the granting of resource consents under the Act for the construction of any dam down-

stream from the Middle River which has the effect of impounding water in the Middle River as far upstream as the confluence with the Hautapu River.

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

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

This order, which comes into force 28 days after its notification in the *Gazette*, declares—

- (a) the waters of the Upper Rangitikei River—
 - (i) to have outstanding wild and scenic characteristics; and
 - (ii) to have outstanding recreational, fisheries, and wildlife habitat features; and
- (b) the waters of the Middle Rangitikei River—
 - (i) to have outstanding scenic characteristics; and
 - (ii) to have outstanding recreational and fisheries features.

The order specifies how the waters are to be protected and the limitations of the protection.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 18 February 1993.

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Notes**1 General**

This is a reprint of the Water Conservation (Rangitikei River) Order 1993. The reprint incorporates all the amendments to the order as at 19 February 1993, 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)*
