

**Reprint  
as at 19 November 2004**



**Water Conservation (Mohaka  
River) Order 2004**  
(SR 2004/397)

Silvia Cartwright, Governor-General

**Order in Council**

At Wellington this 15th day of November 2004

Present:  
The Right Hon Helen Clark presiding in Council

Pursuant to sections 214 and 423 of the Resource Management Act 1991, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, 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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## Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Outstanding characteristics and features	2
5 Waters to be protected	2
6 Manner of protection	3
7 Scope of order	3

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## Order

- 1 Title**  
This order is the Water Conservation (Mohaka River) Order 2004.
- 2 Commencement**  
This order comes into force on the 28th day after the date of its notification in the *Gazette*.
- 3 Interpretation**  
In this order, unless the context otherwise requires, **Act** means the Resource Management Act 1991.
- 4 Outstanding characteristics and features**  
The Mohaka River and its tributaries include the following outstanding characteristics and features:
- (a) an outstanding trout fishery in the mainstream upstream of the State Highway 5 bridge and in the tributaries; and
  - (b) outstanding scenic characteristics in the Mokonui Gorge; and
  - (c) outstanding scenic characteristics in the Te Hoe Gorge; and
  - (d) an outstanding amenity for water-based recreation from the State Highway 5 bridge to Willow Flat.
- 5 Waters to be protected**  
Because of the outstanding characteristics and features described in clause 4, or because of the contribution of the waters

to those characteristics and features, the following waters of the Mohaka River are protected in the manner specified in clause 6:

- (a) all waters in the areas described in clause 4(a) and (b); and
- (b) all waters described in clause 4(c) and all waters contributing to the waters in the Te Hoe Gorge that are upstream of the northern end of the Te Hoe Gorge; and
- (c) all waters in tributaries not covered in paragraph (b) from the State Highway 5 bridge to the upstream end of the Mokonui Gorge, except for those waters downstream of the southern end of the Te Hoe Gorge.

#### **6 Manner of protection**

- (1) No water permit under the Act may be granted to dam the waters described in clause 5 or to dam any other waters of the Mohaka River system that would affect the level of the waters described in clause 5, except where—
  - (a) the dam does not detract from the outstanding characteristics and features described in clause 4; and
  - (b) the dam is less than 3 m in height; and
  - (c) the dam is situated on a tributary.
- (2) Water permits may be granted and rules made for other water uses provided that their exercise does not detract from the outstanding characteristics and features described in clause 4.

#### **7 Scope of order**

- (1) Nothing in this order may be construed as limiting any right to the use of water for domestic needs, for the needs of animals, or for or in connection with firefighting purposes.
- (2) Water permits may be granted and rules made, under the Act, for the purposes of—
  - (a) the removal of gravel;
  - (b) the construction, maintenance, or protection of roads, bridges, river crossings, pylons, and other necessary public utilities;
  - (c) soil conservation or river protection.

- (3) However, the exercise of any authority referred to in subclause (2) must not detract from the outstanding characteristics and features described in clause 4.

Diane Morcom,  
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, which comes into force on the 28th day after the date of its notification in the *Gazette*, declares that the waters described in *clause 5* are to be protected because of their outstanding characteristics and features. The order specifies how the waters are to be protected.

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Reprinted as at **Water Conservation (Mohaka River)**  
19 November 2004 **Order 2004**

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 18 November 2004.

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**Contents**

- 1 General
- 2 Status of reprints
- 3 How reprints are prepared
- 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
- 5 List of amendments incorporated in this reprint (most recent first)

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**Notes****1 *General***

This is a reprint of the Water Conservation (Mohaka River) Order 2004. The reprint incorporates all the amendments to the order as at 19 November 2004, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

**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/legislation/reprints.shtml>  
or Part 8 of the *Tables of 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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