

**Reprint
as at 10 March 1989**



**National Water Conservation
(Manganuioteao River) Order 1989**

(SR 1989/52)

Paul Reeves, Governor-General

Order in Council

At Wellington this 6th day of March 1989

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.

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 (Manganuioteao River) Order 1989.
- (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

normal flow, in relation to any point in a river or stream to which this order applies, means—

- (a) the actual flow rate at that point; and
- (b) any abstractions or diversions from the river or stream and its tributaries upstream of that point; and
- (c) discharges into the Orautoha Stream at or about map reference NZMS 260 S20: 057014 in accordance with the notified use authorising the Raetihi Power Scheme—

but does not include any other discharges into the river or stream or its tributaries upstream of that point

minimum flow, in relation to any point in a river or stream to which this order applies, means the mean of the annual minima of the 7-day flow, as estimated by the Rangitikei-Wanganui Catchment Board

7-day flow means the mean flow over any 7-day period.

3 Outstanding characteristics and features

It is hereby declared that the Manganuioteao River and its tributaries, the Mangaturuturu and Makatote Rivers, and the Waimarino and Orautoha Streams, include and provide for—

- (a) outstanding wild and scenic characteristics:
- (b) an outstanding wildlife habitat for the blue duck or whio (*Hymenolaimus malacorhynchos*):
- (c) an outstanding recreational fishery.

4 Retention of natural waters in a natural state

Because of the outstanding characteristics and features specified in clause 3, the quantity and rate of flow of natural water in the waters described in Schedule 1 shall be retained in their natural state.

5 Partial retention of natural waters

Because of the outstanding characteristics and features specified in clause 3, the rate of flow of the natural waters in the waters described in Schedule 2 shall not—

- (a) differ from the normal flow by more than 5%:
- (b) fall below the minimum flow.

6 Right to dam not to be granted

A right to dam any of the bodies of water specified in Schedules 1 and 2 shall not be granted under section 21 of the Act.

7 Water rights and general authorisations for discharges

- (1) No water rights under section 21 of the Act shall be granted by the Regional Water Board and no general authorisations under section 22 of the Act shall be made by the Regional Water Board for any discharge into any part of the catchment of the Manganuioteao River if the effect of the discharge would be either to cause the waters described in Schedules 1 and 2 to breach the provisions and standards set out in subclause (2) or (should those waters fail to meet those provisions and stand-

- ards) to cause the water condition in those waters to deviate further from compliance with those provisions and standards.
- (2) After allowing for reasonable mixing of the discharge with the receiving water—
- (a) the water temperature shall be less than 25 degrees Celsius in the months of October to April inclusive, and shall be less than 13 degrees Celsius in the months of May to September inclusive; and within that range the natural water temperature shall not be changed by more than 3 degrees Celsius:
 - (b) the acidity or alkalinity of the water as measured by the pH shall be within the range 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:
 - (c) the water shall not be tainted so as to be unpalatable or unsuitable for consumption by humans or farm animals:
 - (d) the water shall not emit an objectionable odour:
 - (e) there shall be no adverse effect on the aquatic community attributable to pollutants:
 - (f) aquatic organisms shall not be rendered unsuitable for human consumption by accumulation of excessive concentrations of pollutants:
 - (g) the natural colour and clarity of the waters shall not be changed to a conspicuous extent:
 - (h) there shall be no visible oil or grease films or conspicuous floating or suspended waste materials:
 - (i) the concentration of dissolved oxygen shall be not less than 80% of saturation concentration:
 - (j) there shall be no undesirable biological growths attributable to pollutants.
- (3) No water rights under section 21 of the Act shall be granted by the Regional Water Board and no general authorisation under section 22 of the Act shall be made by the Regional Water Board in respect of any part of the catchment of the Manganuioteao River if the effect of such rights or authorisations would be that the provisions of this order cannot remain without change or variation; but water rights may be granted and general authorisations may be made in respect of any part of those waters for any of the following purposes:

- (a) research into, and enhancement of, fisheries and wildlife habitats; and
- (b) the maintenance or protection of roads, bridges, and other necessary public utilities; and
- (c) soil conservation works undertaken pursuant to the Soil Conservation and Rivers Control Act 1941.

8 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.

Schedule 1

- (a) The Manganuioteao River upstream of its confluence with the Waimarino Stream:
 - (b) the Makatote River and the Mangaturuturu River.
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Schedule 2

- (a) The Manganuioteao River downstream of its confluence with the Waimarino Stream:
- (b) the Waimarino and Orautoha Streams.

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 declares that the Manganuioteao River and its tributaries, the Mangaturuturu and Makatote Rivers, and the Waimarino and Orautoha Streams, include and provide for—

- (a) outstanding wild and scenic characteristics:
- (b) an outstanding wildlife habitat for the blue duck or whio (*Hymenolaimus malacorhynchos*):
- (c) an outstanding recreational fishery.

The order also includes various provisions to preserve and protect those rivers and streams.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 9 March 1989.

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Notes

1 *General*

This is a reprint of the National Water Conservation (Manganuioteao River) Order 1989. The reprint incorporates all the amendments to the order as at 10 March 1989, 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)*
