

Water Conservation (Mohaka River) Order 2004

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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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 3m 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 fire-fighting 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.