

Reprint 3 September 2007

National Water Conservation (Motu River) Order 1984
(SR 1984/20)

Note

This order is administered in the Ministry of Works and Development.

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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1 Title and commencement

- (1) This order may be cited as the National Water Conservation (Motu River) Order 1984.
- (2) This order shall come into force on the 14th 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
River means those parts of the Motu River and its tributaries described in the Schedule to this order.

3 River to be preserved

- It is hereby declared that the river shall be preserved as far as possible in its natural state.

4 Right to dam not to be granted

- (1) A right to dam the river shall not be granted under section 21 or section 23 of the Act.
- (2) Any right granted under section 21 or section 23 of the Act to dam any part of the Motu River not described in the Schedule to this order shall be granted in such a way or subject to such conditions as will result in the dam not affecting the river.

5 Water rights

- (1) Except as provided in subclause (2) of this clause, a water right shall not be granted under section 21 or section 23 or section 24 of the Act, and a general authorisation shall not be given under section 22 of the Act, in respect of the river or any part of it.
(2) Notwithstanding the provisions of subclause (1) of this clause, a water right may be granted under section 21 or section 23 or section 24 of the Act, and a general authorisation may be given under section 22 of the Act, in respect of the river or any part of it, for or in connection with—
 - (a) The maintenance of State Highway 35, including any bridge over the Motu River forming part of that highway;
 - (b) Soil conservation and related matters undertaken pursuant to the Soil Conservation and Rivers Control Act 1941.

6 Saving

- 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

The Motu River from and including the Motu Falls (at or about map reference NZMS 1 N88:007886) to the State Highway 35 bridge (at or about map reference NZMS 1 N70:052354), together with—

- (a) The following tributaries of the Motu River:
 - (i) The Waitangirua Stream;
 - (ii) The Mangaotane Stream;
 - (iii) The Te Kahika Stream; and
 - (iv) The Mangatutara Stream;
- (b) That part of the Takaputahi River below its confluence with the Whitikau Stream (at or about map reference NZMS 1 N79:004116).

P G MILLEN,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act 1936.
Date of notification in Gazette: 9 February 1984.