

APPENDIX FOUR

National Water Conservation (Grey River) Order 1991

SR 1991/133

PURSUANT to section 20D of the Water and Soil Conservation Act 1967, Her 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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ORDERS

1. Title and commencement
 - (1) This order may be cited as the National Water Conservation (Grey River) Order 1991.
 - (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, “Act” means the Water and Soil Conservation Act 1967.
3. Outstanding characteristic and features

It is hereby declared that the Ahaura River from Hamers Flat (NZMS 260 K31/064616 to NZMS 260 K31/973681) includes and provides—

 - (a) An outstanding natural characteristic in the form of an incised river gorge with a meandering pattern; and
 - (b) Outstanding scenic features.
4. Retention of natural waters in natural state

The waters of the Blue Grey River (from NZMS 260 L31/382656 upstream), its tributaries, and Lake Cristabel shall be preserved as far as possible in their natural state.
5. Partial retention of natural waters

Because of the outstanding characteristic and features specified in clause 3 of this order—

 - (a) No water right under section 21 of the Act shall be granted in respect of the Ahaura River upstream from Hamers Flat for the purposes of hydro-

electric power generation or other works if the effect of granting the right would detract from the outstanding characteristic and features specified in clause 3 of this order:

- (b) No right to dam the waters of the Ahaura Gorge shall be granted under section 21 of the Act:
- (c) No right under section 21 of the Act shall be granted for the purposes of damming the rivers downstream of the Ahaura Gorge if the effect of granting the right would be to change the rate of flow or water levels in that gorge:
- (d) Any water right may be granted under section 21 of the Act and any general authorisation may be given under section 22 of the Act, for mining and other water uses in the Ahaura Gorge, unless the effect of granting the right or authorisation would detract from the outstanding characteristic and features specified in clause 3 of this order:
- (e) Any water right may be granted under section 21 of the Act and any general authorisation may be given under section 22 of the Act, in respect of the waters specified in clause 3 of this order, for the purposes of—
 - (i) The construction, maintenance, or protection of roads, bridges, pylons, or other necessary public utilities:
 - (ii) Soil conservation, river protection, or other activities undertaken pursuant to the Soil Conservation and Rivers Control Act 1941.

6. Scope

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.

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 the waters of the Ahaura Gorge downstream of Hamers Flat—

- (a) To be an outstanding natural characteristic in the form of an incised river gorge with a meandering pattern; and
- (b) To have outstanding scenic features.

The order also includes various provisions to preserve and protect the waters of the Grey River.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in Gazette: 25 July 1991.

This order is administered in the Ministry for the Environment.