



THE NATIONAL WATER CONSERVATION (MANGANUIOTEAO RIVER) ORDER 1989

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.

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 of this order,
the quantity and rate of flow of natural water in the waters described in
the First Schedule to this order shall be retained in their natural state.

5. Partial retention of natural waters—Because of the outstanding
characteristics and features specified in clause 3 of this order, the rate of
flow of the natural waters in the waters described in the Second Schedule
to this order shall not—

- (a) Differ from the normal flow by more than 5 percent:
- (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 the First and Second Schedules to this order 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 the First and Second
Schedules of this order to breach the provisions and standards set out in
subclause (2) of this clause or (should those waters fail to meet those
provisions and standards) 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 percent 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.

SCHEDULES

FIRST SCHEDULE

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

SECOND SCHEDULE

- (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 Regulations Act 1936.

Date of notification in *Gazette*: 9 March 1989.

This order is administered in the Ministry for the Environment.