

1968/181



THE WATER AND SOIL CONSERVATION REGULATIONS
1968

ARTHUR PORRITT, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 23rd day of September
1968

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to 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 regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Water and Soil Conservation Regulations 1968.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Water and Soil Conservation Act 1967:

“Regional Water Board” or “Board” means any Regional Water Board specially constituted as such under section 19 of the Act; and includes the Waikato Valley Authority and every Catchment Board and Catchment Commission and, in relation to any area for which no Board has been constituted, includes the Water Allocation Council.

3. Notices of existing dams and existing uses, etc., of water—(1) Every notice to a Regional Water Board under subsection (2) of section 21 of the Act shall be signed by the giver of the notice, shall describe fully the subject of the notice, and shall contain or be accompanied by the following information:

- (a) The full name, address, and occupation of the person giving the notice:
- (b) The full legal description, including locality and site plan of the land where the dam is situated or in respect of which the right is claimed:

- (c) Advice of the date when the right was first exercised by the person giving the notice and of the extent to which the right was exercised by that person during the period of three years that ended with the 9th day of September 1966:
- (d) Adequate evidence that any dam that is the subject of a notice under this regulation was lawfully in existence at the 9th day of September 1966 or is authorised by any Order in Council made before the 9th day of September 1966 or is authorised by any Act:
- (e) Adequate evidence that any diversion, taking, discharge, or use that is the subject of a notice under this regulation had lawfully been happening at any time during the period of three years that ended with the 9th day of September 1966 or is authorised by any Order in Council made before the 9th day of September 1966 or is authorised by any Act.

(2) The Regional Water Board may require such additional information or evidence as it considers warranted to be supplied in respect of any such notice.

4. Applications for rights in respect of water—(1) Every application to a Regional Water Board under subsection (3) of section 21 of the Act for any right referred to in that subsection shall be accompanied by a fee of four dollars and shall be in the form set out in the First Schedule hereto.

(2) In addition to the information required to be supplied by the form of application, the applicant shall supply such further information, plans, and specifications relating to the application as the Regional Water Board may request.

5. Notification of application—Every such application shall be publicly notified by the Regional Water Board in accordance with subsection (3) of section 24 of the Act, and the applicant shall notify such persons of the application as the Regional Water Board may direct.

6. Statutory declaration—The statutory declaration required by subsection (5) of section 24 of the Act to be given in support of any application, objection, or other matter shall be in the form set out in the Second Schedule hereto or to the like effect.

SCHEDULES

Reg. 3 (1)

FIRST SCHEDULE

WATER AND SOIL CONSERVATION ACT 1967

Application For Right in Respect of Natural Water

To:

The Secretary,

.....

.....

FIRST SCHEDULE—continued

PURSUANT to section 21 (3) of the Water and Soil Conservation Act 1967, the undersigned [State full name, address, and occupation] hereby applies for the right to as specified in the Schedule hereto: Address for service of documents: Dated at this day of 19.....

SCHEDULE

Purpose for which water is to be dammed, used, discharged, diverted, or taken (Describe fully): Full description of works to be constructed: Source of water: Quantity of water per day to be used, diverted, or taken: gallons/acre feet: Quantity of water or waste per day to be discharged: gallons: Locality and site plan of dam and places of usage, discharge, diversion, or taking: Legal description and names of owners and occupiers of land at site of dam and at places of usage, discharge, diversion, or taking: Greatest height of dam from ground level: Surface area of water retained by dam: acres: Head of water (Where use is for generation of electricity): Time from grant of right within which construction will commence: Time for construction of works:

..... Signature of applicant or authorised agent.

SECOND SCHEDULE

Reg. 6

WATER AND SOIL CONSERVATION ACT 1967

Statutory Declaration Under Section 24 (5)

I, [Name in full], of [Address], [Occupation], solemnly and sincerely declare that the contents of the attached signed by me on the day of 19..... are true and correct.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at this day of 19..... before me:

..... Justice of the Peace (or Solicitor or Postmaster or Officer authorised to take statutory declarations).

P. J. BROOKS, Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations prescribe the form of application for a right under the Act and the information to be supplied in respect of existing dams and uses of water. A fee of \$4 is to accompany each application.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 26 September 1968.

These regulations are administered in the Ministry of Works.