

WATER CONSERVATION (MATAURA RIVER) ORDER 1997

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MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 7th day of July 1997

Present:

His Excellency the Governor-General in Council

PURSUANT to sections 214 and 423 of the Resource Management Act 1991, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and on the recommendation of the Minister for the Environment made in accordance with the report of the Environment Court following an inquiry by that Court, makes the following order.

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ORDER

1. Title and commencement---(1) This order may be cited as the Water Conservation (Mataura River) Order 1997.

(2) This order comes 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 Resource Management Act 1991:

``Authorised inflows'' means discharges of water or water containing waste into protected waters pursuant to a discharge permit:

``Protected waters'' means---

(a) The Mataura River from its source (approximate map reference NZMS 260 E42:502333) to its confluence with the sea (approximate map reference NZMS 260 F47:877946); and

(b) The Waikaia River and its tributaries, the Otamita Stream, and all other tributaries of the Mataura River upstream of its confluence with the Otamita Stream (approximate map reference NZMS 260 F45:881582); and

(c) The Mimihau Stream and the Mokoreta River and each of their

tributaries.

3. Outstanding features---It is declared that the protected waters include outstanding fisheries and angling amenity features.

4. Rates of flow in Mataura River and Waikaia River---(1) Because of the outstanding features specified in clause 3, the rates of flow in the Mataura River and in the Waikaia River must not be reduced, by the grant or exercise of water permits, below the minimum rate of flow specified in subclauses (2) and (3).

(2) The minimum rate of flow at any point in the Mataura River and the Waikaia River above the Mataura Island Road Bridge (approximate map reference NZMS 260 F46:850158), where the flow is estimated by the Southland Regional Council from measurements taken at that point, must be 95% of---

(a) The flow so estimated by the Southland Regional Council at that point; plus

(b) Water taken in accordance with the Act from the protected waters upstream of that point and not returned to the protected waters---

less authorised inflows upstream of that point which did not have their source in the protected waters.

(3) The minimum rate of flow at any point in the Mataura River below the Mataura Island Road Bridge (approximate map reference NZMS 260 F46:850158), where the flow is estimated by the Southland Regional Council from measurements taken at that point, must be 90% of---

(a) The flow so estimated by the Southland Regional Council at that point; plus

(b) Water taken in accordance with the Act from the protected waters upstream of that point and not returned to the protected waters---

less authorised inflows upstream of that point which did not have their source in the protected waters.

5. General provisions relating to water permits, discharge permits, and regional plans---(1) A water permit or a discharge permit must not be granted under Part VI of the Act and a regional plan must not be made

under Part V of the Act in respect of any part of the protected waters if such a permit or plan would contravene the provisions of this order.

(2) The prohibitions in subclause (1) do not apply to water permits or discharge permits granted or regional plans made in respect of any part of the protected waters for all or any of the following purposes:

- (a) Research into, and enhancement of, fisheries and wildlife habitats:
- (b) The construction, maintenance, or protection of roads, bridges, pylons, and other necessary public utilities:
- (c) Soil conservation and river protection and other activities undertaken pursuant to the Soil Conservation and Rivers Control Act 1941:
- (d) Stock water and stock-water reservoirs.

6. Water permit to dam not to be granted, etc---(1) A permit to dam the Mataura River from its source to the sea and the Waikaia River from its source to its confluence with the Mataura River must not be granted under Part VI of the Act.

(2) A permit to dam any tributary of the Waikaia River or the Mataura River which forms part of the protected waters must not be granted under Part VI of the Act if the dam would harm salmonid fish-spawning or prevent the passage of salmonid fish.

(3) The prohibition in subclause (1) does not apply to water permits in respect of the weir at approximate map reference NZMS 260 F46:912385 if the water permits are granted or renewed subject to similar terms and conditions to which the former permits were subject.

7. Provisions relating to discharges---(1) A discharge permit must not be granted and a regional plan must not be made for any discharge into the protected waters if the effect of the discharge would be to breach the following provisions and standards:

- (a) Any discharge is to be substantially free from suspended solids, grease, and oil:
- (b) After allowing for reasonable mixing of the discharge with the receiving water in that part of the protected waters between map references NZMS 260 F45:967503 to F45:963508 (Mataura River),---

(i) The natural water temperature must not be changed by more than 3 degrees Celsius:

(ii) The acidity or alkalinity of the waters as measured by the pH must be within the range of 6.0 to 8.5, except when due to natural causes:

(iii) The waters must not be tainted so as to make them unpalatable, nor must they contain toxic substances to the extent that they are unsafe for consumption by humans or farm animals, nor must they emit objectionable odours:

(iv) There must not be any destruction of natural aquatic life by reason of a concentration of toxic substances:

(v) The natural colour and clarity of the waters must not be changed to a conspicuous extent:

(vi) The oxygen content in solution in the waters must not be reduced below 6 milligrams per litre:

(vii) Based on not fewer than 5 samples taken over not more than a 30-day period, the median value of the faecal coliform bacteria content of the water must not exceed 2000 per 100 millilitres and the median value of the total coliform bacteria content of the water must not exceed 10 000 per 100 millilitres:

(c) After allowing for reasonable mixing of the discharge with the receiving water in that part of the protected waters between map references---

(i) NZMS 260 F45:894581 to F45:885584 (Mataura River); and

(ii) NZMS 260 F46:917391 to F46:924396 (Mataura River),---

(A) The natural water temperature must not be changed by more than 3 degrees Celsius:

(B) The acidity or alkalinity of the waters as measured by the pH must be within the range of 6.5 to 8.3, except when due to natural causes:

(C) The waters must not be tainted so as to make them unpalatable, nor must they contain toxic substances to the extent that they are unsafe for consumption by humans or farm animals, nor must they emit objectionable odours:

(D) There must not be any destruction of natural aquatic life by reason of a concentration of toxic substances:

(E) The natural colour and clarity of the waters must not be changed to a conspicuous extent:

(F) The oxygen content in solution in the waters must not be

reduced below 6 milligrams per litre:

(G) Based on not fewer than 5 samples taken over not more than a 30-day period, the median value of the faecal coliform bacteria content of the waters must not exceed 200 per 100 millilitres:

(d) After allowing for a reasonable mixing of the discharge with the receiving waters in those parts of the protected waters other than the parts specified in paragraphs (b) and (c),---

(i) The natural water temperature must not be changed by more than 3 degrees Celsius:

(ii) The acidity or alkalinity of the waters as measured by the pH must be within the range of 6.0 or 9.0, except when due to natural causes:

(iii) The waters must not be tainted so as to make them unpalatable, nor must they contain toxic substances to the extent that they are unsafe for consumption by humans or farm animals, nor must they emit objectionable odours:

(iv) There must not be any destruction of natural aquatic life by reason of a concentration of toxic substances:

(v) The natural colour and clarity of the waters must not be changed to a conspicuous extent:

(vi) The oxygen content in solution in the waters must not be reduced below 5 milligrams per litre.

(2) Where it is impracticable, because of emergency overflows or the carrying out of maintenance work or any other temporary situation, to require compliance with the relevant provisions of subclause (1), water permits and discharge permits may be granted by the Southland Regional Council.

8. Scope of this order---Nothing in this order limits the effect of section 14 (3) (b) and (e) of the Act relating to the use of water for domestic needs, for the needs of animals, or for fire-fighting purposes.

MARIE SHROFF,

Clerk of the Executive Council.

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