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National Water Conservation (Rakaia River) Order 1988
(SR 1988/241)

Note

This order is administered in the Ministry for the Environment.

PURSUANT to section 20D of the Water and Soil Conservation Act 1967, His Excellency the Administrator of the Government, 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 (Rakaia River) Order 1988.
- (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
Gorge flow means the mean daily flow of the Rakaia River as estimated by the North Canterbury Catchment Board from measurements at—
 - (a) The recorder site maintained by that Board at the Rakaia Gorge Bridge (map reference NZMS 1 S82:139584); or
 - (b) The recorder site maintained by the Department of Scientific and Industrial Research at Fighting Hill (map reference NZMS 1 S82: 120598).

3 Outstanding characteristics and features

- It is hereby declared that the Rakaia River and its tributaries include and provide for—
 - (a) An outstanding natural characteristic in the form of a braided river:
 - (b) Outstanding wildlife habitat above and below the Rakaia River Gorge, outstanding fisheries, and outstanding recreational, angling, and jet boating features.

4 Retention of natural waters in a natural state

- (1) Because of the outstanding characteristics and features specified in clause 3 of this order—
 - (a) Subject to subclauses (2) and (3) of this clause, the quantity and rate of flow of natural water in the Rakaia River upstream of its confluence with the Wilberforce River and all tributaries of the Rakaia River upstream of that confluence shall be retained in their natural state;
 - (b) The quantity and level of natural water in Lake Heron, and the quantity and rate of flow of natural water in its tributary streams, shall be retained in their natural state.

(2) A water right may be granted or renewed in respect of the natural waters referred to in subclause (1)(a) of this clause if—

- (a) In the case of a grant, the purpose is to replace a water right in force on the commencement of this order; or
- (b) In the case of a renewal, the purpose is to renew a water right in force on the commencement of this order—

and the new water right or renewed water right is made subject to similar terms and conditions to which the former right was subject.

(3) A general authorisation pursuant to section 22 of the Act may be issued in respect of the natural waters referred to in subclause (1)(a) of this clause if—

- (a) It is authorised for the purpose of renewing a general authorisation in force on the commencement of this order; and
- (b) It is subject to similar terms and conditions to which the former general authorisation was subject.

5 Partial retention of natural waters

- (1) Subject to subclauses (2) and (3) of this clause, because of the outstanding characteristics and features specified in clause 3 of this order and for their protection downstream of the confluence of the Rakaia River with the Wilberforce River—
 - (a) The quantity and rate of flow of the natural waters in the Wilberforce River and all tributaries of the Wilberforce River, including the Harper River, shall be retained in their natural state;
 - (b) The quantity and level of natural water in Lake Coleridge and the quantity and rate of flow of natural water in its tributary streams shall be retained in their existing state.

(2) A water right may be granted or renewed in respect of the natural waters referred to in subclause (1) of this clause if—

- (a) In the case of a grant, the purpose is to replace a water right in force on the commencement of this order; or
- (b) In the case of a renewal, the purpose is to renew a water right in force on the commencement of this order—

and the new water right or renewed water right is made subject to similar terms and conditions to which the former right was subject.

(3) A general authorisation pursuant to section 22 of the Act may be issued in respect of the natural waters referred to in subclause (1) of this clause if—

- (a) It is authorised for the purpose of renewing a general authorisation in force on the commencement of this order; and
- (b) It is authorised subject to similar terms and conditions to which the former general authorisation was subject.

6 Further partial retention of natural waters

- (1) Subject to subclauses (2) and (3) of this clause, because of the outstanding characteristics and features specified in clause 3 of this order and for their protection downstream of the confluence of the Rakaia River with the Wilberforce River, the quantity and a rate of flow of the natural waters in the Rakaia River downstream of its confluence with the Wilberforce River and upstream of the North Canterbury Catchment Board's recorder site referred to in clause 2 of this order shall be retained in their natural state.

(2) A water right may be granted or renewed in respect of the natural waters referred to in subclause (1) of this clause if—

- (a) In the case of a grant, the purpose is to replace a water right in force on the commencement of this order; or
- (b) In the case of a renewal, the purpose is to renew a water right in force on the commencement of this order—

and the new water right or renewed water right is made subject to similar terms and conditions to which the former right was subject.

(3) A general authorisation pursuant to section 22 of the Act may be issued in respect of the natural waters referred to in subclause (1) of this clause if—

- (a) It is authorised for the purpose of renewing a general authorisation in force on the commencement of this order; and
- (b) It is authorised subject to similar terms and conditions to which the former general authorisation was subject.

7 Further partial retention of natural waters

- (1) For the purposes of this clause, the term **minimum gorge flow** for each month shall be as follows:

- (a) January — 124 cubic metres per second:
- (b) February — 108 cubic metres per second:
- (c) March — 105 cubic metres per second:
- (d) April — 97 cubic metres per second:
- (e) May — 95 cubic metres per second:
- (f) June — 96 cubic metres per second:
- (g) July — 91 cubic metres per second:
- (h) August — 92 cubic metres per second:
- (i) September — 90 cubic metres per second:
- (j) October — 106 cubic metres per second:
- (k) November — 129 cubic metres per second:
- (l) December — 139 cubic metres per second.

(2) Subject to subclauses (3) and (4) of this clause, because of the outstanding characteristics and features specified in clause 3 of this order in that part of the Rakaia River between the North Canterbury Catchment Board's recorder site referred to in clause 2 of this order and the sea, and for their protection, the minimum gorge flow shall be retained in the river and, while the gorge flow does not exceed the minimum gorge flow, the flow in the river shall not be reduced by abstraction or diversion.

(3) While the gorge flow exceeds the minimum gorge flow by less than 140 cubic metres per second, the flow in the river shall not be reduced by abstraction or diversion by more than half of the excess of the gorge flow over the minimum gorge flow.

(4) While the gorge flow exceeds the minimum gorge flow by 140 cubic metres per second or more, the flow in the river shall not be reduced by abstraction or diversion by more than 70 cubic metres per second.

8 Right to dam not to be granted

- (1) A right to dam any of the bodies of water specified in clause 4 of this order shall not be granted under section 21 of the Act.
- (2) A right to dam any of the bodies of water referred to in clause 5 of this order shall not be granted under section 21 of the Act if the effect of such a grant would be that the provisions of this order cannot remain without change or variation.

9 Water rights and general authorisations

- (1) Water rights under section 21 of the Act shall not be granted, and general authorisations under section 22 of the Act shall not be made, in respect of any part of the Rakaia River or its tributary streams for the purposes of constructing or maintaining stock barriers or facilitating agricultural encroachment into those bodies of water.

(2) Water rights shall not be so granted and general authorisations shall not be so made for any discharge into the Rakaia River downstream of its confluence with the Wilberforce River or any part of the bodies of water specified in clause 4 of this order, 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—
 - (i) The natural water temperature shall not be changed by more than 3 degrees Celsius:
 - (ii) The acidity or alkalinity of the water as measured by the pH shall be within the ranges 6.5 to 8.3, except where due to natural causes:
 - (iii) The waters shall not be tainted so as to make them unpalatable, nor contain toxic substances to the extent that they are unsafe for consumption by humans or by farm animals, nor shall they emit objectionable odours:
 - (iv) There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances:
 - (v) The natural colour and clarity of the water shall not be changed to a conspicuous extent:
 - (vi) The oxygen content in solution in the water shall 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 waters shall not exceed 200 per 100 millilitres.

(3) Subject to subclause (4) of this clause, water rights under section 21 of the Act shall not be granted, and general authorisations under section 22 of the Act shall not be made, in respect of any part of the Rakaia River or its tributary streams, or of Lake Heron or Lake Coleridge or their tributary streams, where the effect of such rights or authorisations would be that the provisions of this order cannot remain without change or variation.

(4) Water rights may be so granted and general authorisations may be so made in respect of any part of the waters specified in this clause for all or any of the following purposes:

- (a) Research into, and enhancement of, fisheries and wildlife habitats:
- (b) The maintenance or protection of roads, bridges, pylons, and other necessary public utilities:
- (c) Soil conservation and related matters undertaken pursuant to the Soil Conservation and Rivers Control Act 1941:
- (d) The diversion, taking, and discharging of water from and to the Rakaia River to enable the Ellesmere County Council to continue to provide for its rural water supply in accordance with, and on the same terms and conditions as, the water rights granted to it and in force on the date of commencement of this order.

10 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.

Issued under the authority of the Regulations Act 1936.
Date of notification in Gazette: 13 October 1988.