

**Reprint  
as at 11 July 1997**



**Water Conservation (Mataura  
River) Order 1997**

(SR 1997/126)

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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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This order is administered by the Ministry for the Environment.**

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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 6 of the Act and a regional plan must not be made under

Part 5 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 6 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 6 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 firefighting purposes.

Marie Shroff,  
Clerk of the Executive Council.

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**Explanatory note**

*This note is not part of the order, but is intended to indicate its general effect.*

This order declares that the Mataura River and the Waikaia River and various other rivers, streams, and tributaries include outstanding fisheries and angling amenity features.

The order includes various provisions to preserve and protect these features.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 10 July 1997.

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**Notes****1 General**

This is a reprint of the Water Conservation (Mataura River) Order 1997. The reprint incorporates all the amendments to the order as at 11 July 2007, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

**2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

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