



Water Conservation (Oreti River) Order 2008

Anand Satyanand, Governor-General

Order in Council

At Wellington this 4th day of August 2008

Present:

His Excellency the Governor-General presiding in Council

Pursuant to section 214 of the Resource Management Act 1991, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following Order.

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Order

1 Title

This order is the Water Conservation (Oreti River) Order 2008.

2 Commencement

This order comes into force 28 days after the date of its notification in the *New Zealand Gazette*.

3 Interpretation

In this order, unless the context otherwise requires:

Act means the Resource Management Act 1991

damming means the impounding of all or part of the natural flow of any water that may involve an associated temporary or permanent structure

River means the main stem of those waters identified in the Schedules to this order. The main stem shall be the river with that name on NZMS260 series topographical maps between specified lower and upper river limits as defined by map references in Schedules to this Order

tributaries means all the tributaries of rivers or sections of rivers identified in Schedules to this order.

4 Outstanding characteristics

The waters specified in Schedules 1 and 2 include or contribute to, to the extent identified in Schedule 2, the following outstanding characteristics, features, and values:

- (a) habitat for brown trout;
- (b) angling amenity;
- (c) habitat for black-billed gulls;
- (d) significance in accordance with tikanga Māori.

5 Waters to be protected

Because of the outstanding characteristics, features, and values identified in clause 4, the waters specified in Schedule 1 are to be protected in accordance with the relevant conditions in clauses 7 to 9 as specified in Schedule 1.

6 Waters to be protected as contributing to outstanding features

Because of their contribution to outstanding characteristics and features identified in clause 4, the waters specified in Schedule 2 are to be protected in accordance with clause 8 to the extent specified in those clauses and in Schedule 2.

7 Restriction on damming of waters

Subject to clauses 10 and 11, no water permit may be granted or rule included in a regional plan authorising the damming of waters specified in item 1 of Schedule 1.

8 Requirement to maintain fish passage

Subject to clauses 10 and 11, no water permit may be granted or rule included in a regional plan relating to the waters specified in Schedule 1 and item 1 of Schedule 2 authorising an activity that will adversely affect the passage of fish.

9 Restriction on the alteration of water quality

Subject to clauses 10 and 11, no discharge permit may be granted or rule included in a regional plan authorising a discharge into any of the waters specified in item 1 of Schedule 1 that will result in a reduction of water quality beyond the zone of reasonable mixing.

10 Scope of order

- (1) This order does not limit sections 14(3)(b) and (e) of the Act relating to the use of water for an individual's reasonable domestic needs, or for the reasonable needs of an individual's animals for drinking water, or taken or used for fire-fighting purposes.
- (2) This order does not restrict or prevent the grant of resource consents for the purpose of:
 - (a) research into, and protection or enhancement of, fisheries and wildlife habitats; or
 - (b) the construction, removal, maintenance or protection of any road, ford or bridge, or the maintenance or protection of any network utility operation (as defined in section 166 of the Act); or
 - (c) the construction and maintenance of soil conservation and river protection works undertaken pursuant to the Soil Conservation and Rivers Control Act 1941; or
 - (d) the protection of human or animal health.

11 Exemptions

Nothing in this order prevents the grant of a discharge or water permit that would otherwise contravene conditions set out in clauses 7, 8 and 9 if:

- (a) a consent authority is satisfied that:
 - (i) there are exceptional circumstances justifying the grant of a permit; or
 - (ii) the permit is for an activity that is of a temporary nature; or
 - (iii) the permit is for an activity that is associated with necessary construction and maintenance work; and

- (b) the exercise of any such resource consent would not compromise the protection of the outstanding characteristics and features identified for the waters specified in the Schedules.

Schedule 1

Protected waters with outstanding characteristics

Clauses 5, 7, 8, and 9

Item	Waters	Outstanding Characteristics or Features	Conditions to Apply
1	Oreti River main stem at Rocky Point at NZMS 260 E44373946 upstream to the forks at E42 345 450	Habitat for brown trout Angling amenity Value in accordance with tikanga Māori	Prohibit damming (Clause 7) Maintenance of fish passage (Clause 8) Maintenance of water quality (Clause 9)
2	Weydon Burn, Windley River and all other tributaries upstream of the Oreti River at E43 305210 near Lincoln Hill	Habitat for brown trout	Maintenance of fish passage (Clause 8)

Schedule 2

Waters to be protected for their contribution to outstanding features

Clauses 6 and 8

Item	Waters	Outstanding Characteristics or Contribution to Outstanding Features	Conditions to Apply
1	Oreti River downstream of Rocky Point at E44 373946 to the Wallacetown Bridge at E46 455208	Habitat for brown trout Habitat for black-billed gull	Maintain fish passage (Clause 8)
2	Groundwater hydraulically connected to the	Habitat for brown trout Angling amenity	

Item	Waters	Outstanding Characteristics or Contribution to Outstanding Features	Conditions to Apply
	surface water of the Oreti River from Rocky Point at E44 373946 upstream to the forks at E42 345450	Value in accordance with tikanga Maori	

Michael Webster,
for Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 14 August 2008.

This order is administered by the Ministry for the Environment.