

Water Conservation (Rangitata River) Order 2006

- Enacted via Order of Council on 19 June 2006
- Includes identification of waters to be retained in natural state, waters to be protected and waters to be protected as contributing to outstanding features.
- The Rangitata River in the location of the proposed works is identified in Schedule 2 of the Order, being Protected Waters.
- Provides standards to be met in association with the development of planning documents and consideration of resource consent applications.
- Clause 13 identifies an exemptions process that allows a Consent Authority to grant resource consent that would otherwise contravene the conditions set out in Clauses 8-11.
- Reasonable mixing is defined as:
 - Reasonable mixing*** means the mixing that occurs:
 - (a) within a maximum radius of 200 metres from a discharge into a still water body; or
 - (b) within a maximum distance of 100 metres downstream from a discharge into the river including all tributaries (both named and un-named on the NZMS 260 maps) and in particular including the Ealing Springs and McKinnons Creek.

Water Conservation Order – Rangitata River		
Section	Compliance	Comment
8. Restrictions on damming of waters	Complies	<p>(1) No resource consent may be granted or rule included in a regional plan authorising the damming of the waters specified in Schedules 1 and 2. For the purposes of this clause, damming does not include any intake or deflection structure that does not—</p> <ul style="list-style-type: none"> (a) prevent the passage of any salmon; or (b) reduce the use of the waters for rafting or canoeing; or (c) reduce the aquatic bird habitat; or (d) intrude visually to the extent that it reduces wild and scenic values. <p>(2) No resource consent may be granted or rule included in a regional plan authorising the damming of the waters specified in Schedule 3, whenever that Schedule refers to this clause, if that will cause, either by itself or in combination with any other existing consents as at 1 January 2000, or rules—</p> <ul style="list-style-type: none"> (a) material alteration of the naturally occurring sediment delivery to the mainstem Rangitata River; or (b) reduction of the aquatic bird habitat. <p>(3) Subclauses (1) and (2) do not apply to the maintenance authorised by the Canterbury Regional Council of existing rock weirs and river works to the same level and extent as occurring as at 1 January 2000 or to the placing of raw rock works and the carrying out of river engineering works necessary for flood and asset protection purposes.</p>
		<p>Comments</p> <p>The Rangitata River in the vicinity of the proposal is identified in Schedule 2 (Protected Waters).</p> <ol style="list-style-type: none"> 1. Complies. No damming of the river is proposed. 2. Complies. The fish return will assist with the return of sediment to the Rangitata River. It is noted that the existing RDR includes a sand trap to filter and return sediment to the river. The construction of the fish return will not result in the reduction in aquatic bird habitat. 3. N/A
9. Restrictions on alteration of river flows and form	Complies	<p>(1) No resource consent may be granted or rule included in a regional plan that will cause the material alteration of the channel cross-section, or meandering pattern, or braided river channel characteristics of the form of any river specified in Schedule 2.</p> <p>(2) The restriction in subclause (1) does not apply in respect of dams, weirs, roads, fords, bridges, or fish passes authorised at the date this order comes into force.</p> <p>(3) No resource consent may be granted or rule included in a regional plan—</p> <ul style="list-style-type: none"> (a) authorising the abstraction of water from any part of the Rangitata River (including any and all calculated river depletion effects resulting from the taking of water from hydraulically connected groundwater sources as calculated in accordance with subclause (9)) specified in items 1, 2 and 3 of Schedule 2 and item 1 of Schedule 3

		<p>that will cause, either by itself or in combination with any other existing consents or rules, decrease of the naturally occurring instantaneous flow of water at Klondyke by more than 2% when the naturally occurring flow at Klondyke is less than or equal to 110 m³/s; or</p> <p>(b) authorising the abstraction of water that will cause, either by itself or in combination with any other existing consents (including any and all calculated river depletion effects resulting from the taking of water from hydraulically connected groundwater sources as calculated in accordance with subclause (9)) or rules, decrease of the naturally occurring instantaneous flow of water in any river specified in item 2 of Schedule 3 by more than 15% when the naturally occurring flow at Klondyke is less than or equal to 110 m³/s; or</p> <p>(c) authorising the abstraction of water that will cause, either by itself or in combination with any other existing consents (including any and all calculated river depletion effects resulting from the taking of water from hydraulically connected groundwater sources as calculated in accordance with subclause (9)) or rules, total abstraction from all parts of the Rangitata River specified in Schedules 1, 2 or 3 to exceed a maximum of 33 m³/s unless the naturally occurring flow at Klondyke exceeds 110 m³/s at which point the maximum may be extended from 33 m³/s to 33 m³/s plus any naturally occurring flow in excess of 110 m³/s; or</p> <p>(d) if the effect is that the number of take sites (excluding groundwater take sites) authorized to take more than 100 l/s at each site from those parts of the Rangitata River specified in items 4 and 5 of Schedule 2 is greater than a maximum of four.</p> <p>(4) For the period from 15 September to 14 May in the following year, there shall be a flow management regime in respect of the main stem of the Rangitata River (including any and all calculated river depletion effects resulting from the taking of water from hydraulically connected groundwater sources as calculated in accordance with subclause (9)) comprising—</p> <p>(a) a minimum flow of 20 m³/s; and</p> <p>(b) when the flow at Klondyke is greater than 20 m³/s but less than 40 m³/s all flow in excess of 20 m³/s is available to be taken; and</p> <p>(c) when the flow at Klondyke is greater than 40 m³/s but less than 66 m³/s, up to 33 m³/s may be taken on the basis of a 1: 1 sharing between in- stream retention and water abstraction; and</p> <p>(d) when the flow at Klondyke is greater than 66 m³/s and less than 110 m³/s no more than 33 m³/s shall be taken.</p> <p>(5) For the period from 15 September to 14 May in the following year, there shall be a flow management regime in respect of the main stem of the Rangitata River (including any and all calculated river depletion effects resulting from the taking of water from hydraulically connected groundwater sources as calculated in accordance with subclause (9)) comprising—</p> <p>(a) a minimum flow of 15 m³/s; and</p> <p>(b) when the flow at Klondyke is greater than 15 m³/s and less than 30 m³/s all flow in excess of 15 m³/s is</p>
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10. Requirement to maintain fish passage	Complies	<p>(1) <i>No resource consent may be granted or rule included in a regional plan relating to the waters identified in Schedule 2, authorising an activity that will adversely affect the passage of salmon, where Schedule 2 identifies salmon passage or salmon spawning as an outstanding characteristic or contributing to an outstanding characteristic.</i></p> <p>(2) <i>No resource consent in relation to an intake site may be granted, or rule included in a regional plan, for the waters specified in Schedule 2 authorising an activity unless that resource consent provides for fish exclusion or a fish bypass system to prevent fish from being lost from the specified waters.</i></p> <p>Comments</p> <p>Complies. The purpose of the proposed fish return structure is to ensure fish are returned back to the river. The proposed fish screen will ensure that this is achieved more efficiently.</p>
11. Restrictions on alteration of water quality		<p>(1) <i>No resource consent may be granted or rule included in a regional plan authorising a discharge into any of the waters identified in Schedules 2 or 3 at any time, if, after allowing for reasonable mixing of the discharge with the receiving waters, the discharge will alter the natural temperature of the receiving water by more than 3 degrees Celsius provided that:</i></p> <p style="padding-left: 40px;">(a) <i>the alteration does not increase the water temperature to more than 12 degrees Celsius during the months May to September (inclusive); and</i></p> <p style="padding-left: 40px;">(b) <i>the alteration does not increase the water temperature to more than 20 degrees Celsius during the months</i></p>

		<p style="text-align: center;"><i>October to April (inclusive).</i></p> <p>(2) <i>No resource consent may be granted or rule included in a regional plan authorising a discharge into any of the waters identified in Schedule 2 or Schedule 3, unless, after allowing for reasonable mixing of the discharge with the receiving waters, any change in the acidity or alkalinity in the receiving waters, attributable to that discharge, maintains the pH within the range of 6 to 9 units.</i></p> <p>(3) <i>No resource consent may be granted or rule included in a regional plan authorising a discharge into any of the waters identified in Schedule 2 or Schedule 3, unless, after allowing for reasonable mixing of the discharge with the receiving waters —</i></p> <ul style="list-style-type: none"> <i>(a) there will be no undesirable biological growths attributable to the discharge;</i> <i>(b) in particular there will be no:</i> <ul style="list-style-type: none"> <i>(i) bacterial and/or fungal slime growths that are visible to the naked eye; and/or</i> <i>(ii) maximum biomass cover of streams or river beds by:</i> <ul style="list-style-type: none"> <i>(A) periphyton as filamentous growths (longer than 20 mm) exceeding 30%; and/or biomass exceeding 120 mg/m² as chlorophyll a, and/or biomass exceeding 35 g/m² ash free dry weight, as area of exposed substrate (i.e., tops and sides of visible stones); and/or</i> <i>(B) periphyton as diatoms or mats (more than 3 mm average thickness) exceeding 60%; and/or biomass exceeding 200 mg/m² as chlorophyll a, and/or biomass exceeding 35 g/m² ash free dry weight, as area of exposed substrate (i.e., tops and sides of visible stones).</i> <i>(c) aquatic organisms shall not be rendered unsuitable for human consumption through the accumulation of contaminants; and/or</i> <i>(d) the water is not made unsuitable for contact recreation by:</i> <ul style="list-style-type: none"> <i>(i) the presence of contaminants; or</i> <i>(ii) a single sample of bacterial values exceeds 550 E. coli per 100 ml.</i> <p>(4) <i>No resource consent may be granted or rule included in a regional plan authorising a discharge into any of the waters identified in Schedule 2 or Schedule 3 if, after allowing for reasonable mixing with the receiving waters, the discharge will reduce the concentration of dissolved oxygen below 80% of saturation.</i></p> <p>Comments</p> <ol style="list-style-type: none"> 1. Complies. There will be no additional contaminants entered into the water and as such the discharge will meet the appropriate standards. 2. Complies. There will be no additional contaminants entered into the water and as such the discharge will meet the appropriate standards. 3. Complies. There will be no additional contaminants entered into the water and as such the discharge will meet the appropriate standards. 4. Complies. There will be no additional contaminants entered into the water and as such the discharge will meet the appropriate standards.
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13. Exemptions		<p><i>Nothing in this order prevents the grant of a resource consent that would otherwise contravene the conditions set out in Clauses 8 to 11 if—</i></p> <p><i>(a) a consent authority is satisfied that—</i></p> <p><i>(i) there are exceptional circumstances justifying the grant of the permit; or</i></p> <p><i>(ii) the permit is for a discharge that is of a temporary nature; or</i></p> <p><i>(iii) the permit is for a discharge that is associated with necessary construction and maintenance work relating to works and structures not otherwise prohibited by this Order; and</i></p> <p><i>(b) the exercise of any such resource consent would not compromise the preservation and protection of the outstanding characteristics and features identified for the waters specified in the Schedules.</i></p>
		<p>Comments</p> <p>This section allows for the grant of resource consent for a breach of the Order where it is determined that the proposal remains consistent with the outcomes sought by the Order. It is noted that the proposal complies with the Order.</p>