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MFE - Southland Office

Submission on Water Conservation Order - Oreti River (Form 30)

Section 205, Resource Management Act 1991

1. In completing your submission include:
- whether you support or oppose the Order; and the reasons for your views
 - If you support the Order, but prefer to preserve a different but related water body in the same catchment, state this and your reasons.
 - If you support the Order, but prefer to preserve different features and qualities of the water body, state this and your reasons.

In giving reasons for these preferences, you must refer, if practicable, to the matters set out in sections 199, 200 and 207 of the Resource Management Act 1991. You must also describe the provisions that you think should be included in the Order and the effects that those provisions would have on the water body.

2. If you oppose the Order, you must give reasons why you consider that the Order is not justified in terms of sections 199 and 207 of the Resource Management Act 1991.
3. The Special Tribunal may require you to provide further information on your submission.
4. You must send a copy of your submission to the applicant as soon as reasonably practicable after you have served your submission on the Special Tribunal.

Submissions must be received by the Special Tribunal at its address stated below by 5pm on Wednesday 15th November 2006.

Submission: To the Special Tribunal, Oreti River Water Conservation Order

SUBMITTER'S DETAILS			
Full name:	(Mr) Christopher David HUTCHISON		
Postal Address	6 Laura Street, LUMSDEN 9730 Southland		
Work phone:	N/A	Home phone:	03 248 7884
Work fax:	N/A	Home fax:	03 248 7884
Mobile:	N/A	Email address:	N/A

SUBMISSION DETAILS (use additional pages if required)	
<input checked="" type="checkbox"/> I/We support the application	<input type="checkbox"/> I/we oppose the application
1. * The specific parts of the application that my/our submission relates to are:	
<p>1. Protection of the main stem and tributaries of the Oreti River upstream of Mossburn</p> <p>2. Protection of all groundwaters contributing thereto</p> <p>3. Protection of aquifers hydraulically linked therewith</p> <p>4. Protection of the main stem of the Oreti River between Mossburn and the road bridge spanning the Oreti River at Wallacetown</p>	
2. * My/our submission is (see notes 1 and 2):	
<p><u>To support</u> an application lodged under Section 201 of the Resource Management Act 1991 by the New Zealand Fish & Game Council for a Water Conservation Order protecting Southland's Oreti River from any further decline in the physical quality of a national resource of outstanding character already under peril from over-exploitation by commercial beneficiaries. <u>To contribute a personal submission</u> pursuant to this application for a Water Conservation Order protecting the Oreti River as specified in Point 1 above.</p>	

3. * I/we seek the following decision from the special tribunal
(give precise details, including the general nature of any changes sought to the Order)

To enact a Water Conservation Order under section 201 of the Resource Management Act 1991 protecting to perpetuity the presently existing character of the main stem of the Oreti River upstream of Mossburn, the potable quality of those groundwaters and tributaries discharging thereinto and those aquifers hydraulically linked therewith. Further, to embrace within the aforesaid Water Conservation Order provisions to protect the main stem of the Oreti River between Mossburn and the road bridge spanning the Oreti River at Wallacetown from the peril of further exploitation by commercial interests. Specifically, to enact legislation to prohibit the extraction of water from the Oreti River, its tributaries and aquifers beyond that presently permitted by existing Resource Consents, to prohibit the river's obstruction or impoundment and to safeguard the Oreti River catchment from any increase in pollution by commercial interests.

Tick if applicable

I/We want to be heard in support of this submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter



Date: 10th November 2006

*Use additional pages if required

Return by 15 November to:

The Special Tribunal
Oreti River Water Conservation Order
Ministry for the Environment
Te Waipounamu House
Level 7, 158 Hereford Street
PO Box 1345
Christchurch

And as soon as practicable to:

NZ and Southland Fish & Game Councils
C/- Anderson Lloyd Caudwell
Otago House
10th Floor
Moray Place/Princes Street corner
Private Bag 1959
Dunedin

Summary of application

The applicant seeks protection of:

- the main stem of the Oreti River upstream of Mossburn
- Weydon Burn, Windley River and all other tributaries upstream of Lincoln Hill
- Groundwater connected to the surface water of the river from Mossburn upstream to the headwaters

In recognition of the following outstanding features and characteristics

- Natural state, wild and scenic
- Fishery and angling amenity
- Habitat for trout and wildlife
- Value in accordance with tikanga Maori,

The outstanding features and characteristics are to be protected by prohibiting damming; restricting the taking of surface water and groundwater, restricting alteration of river flow, form or water quality; and the maintenance of fish passage.

The applicant also seeks protection of the main stem of the Oreti between Mossburn and the bridge at Wallacetown, for:

- Its necessary contribution to the outstanding angling and fishery values upstream.
- This necessary contribution is to be protected in this stretch by a prohibition on damming, which will enable fish passage to be maintained.

The application is supplemented by further information provided to the Minister in July and August 2005.

CD & EM Hutchison

6 Laura Street

LUMSDEN New Zealand 9730

TELEPHONE (LOCAL) (03) 248 7884

TELEPHONE (INT'L) 0011 64 3248 7884

FACSIMILE 0015 64 3248 7884

Friday, 10th November 2006

The Special Tribunal
Oreti River Water Conservation Order
Ministry for the Environment
PO Box 1345
CHRISTCHURCH

Dear Sirs,

Re: Annexure to My Submission in Support of a Water Conservation Order Protecting the Oreti River

1. Introduction

As a retired industrial chemist and microbiologist accredited by the Commonwealth Government of Australia to supervise scientific research undertakings within the food and beverage industries for the purposes of the Commonwealth Industrial Research Grants Act, I feel qualified to express an opinion on the deteriorating wellbeing of Southland's Oreti River and the urgent need for measures to safeguard against any further decline in this vital artery's health and dynamics.

Secondly, as an expatriate Australian who took up permanent residence in Lumsden six years ago, I also feel duty bound to express a personal viewpoint on a culture of exploitation which is steadily transforming a river of substantial international significance into a cesspit of toxins and suspended filth as it approaches its point of discharge to the sea.

Thirdly, as an angler inspired to select a place of permanent residence in close proximity to Southland's Oreti River, I feel entitled to voice a plea on behalf a beloved home river in peril.

2. A Culture of Exploitation

My observations lead me to believe that some pastoralists in this country, particularly those whose incomes might well benefit from resource consents to extract water for irrigation purposes, regard river water discharging to the sea as water wasted. This is a culture that needs to be addressed and remedied. It is essential that we all become enlightened to the reality that the cleansing contribution of this nation's rivers is as vital to the environment as is the unrestricted passage of blood through the kidneys of our very own bodies. The flow of drainages such as the Oreti River is essential to the health of this nation's ecology and must neither be impeded nor diminished if a state of environmental wellbeing is to be preserved.

My observations have uncovered a culture amongst some pastoralists to assume that water extracted from riverside aquifers has no material consequences on the fluid dynamics of any rivers adjacent thereto. This is, of course, nonsense as is evidenced by dry riverbeds beside pastures irrigated from aquifer sources throughout the Canterbury Plains. The effects on the Oreti River of the irrigation permits issued in the past three years is plain for all to see and the decline in river levels is exacerbated during dry spells when the river is already low and irrigation demands at their highest. It is as essential that the Oreti River's aquifers and tributaries be safeguarded from exploitation no less equally than the main stem of the river itself.

The Special Tribunal ~ Oreti River Water Conservation Order

There appears to be a culture amongst some with commercial interests to assume that rivers and their feeder tributaries provide opportunities to transport untreated or only partially treated industrial and farming effluents to the sea where they are both out of sight and out of mind. In an era when effluent treatment technologies with the capability to turn toxic wastes into potable discharges are common practice throughout much of the developed world, it is unforgivable that Southland's Oreti River should continue to be a sewer for Southland's wastes. The burgeoning dairy industry in Southland is now but broadening and exacerbating a long-standing problem and the traditional discharges into the Oreti River below the township of Winton should have long been a blight on the conscience of this province's administrators.

There appears to be a culture amongst some with resource consents to irrigate riverside pastures that water extracted from nearby aquifers is merely returned to the river through seepage and is thereby of no material consequence to the dynamics and wellbeing of the river itself. This too is nonsense. Even if evaporation, significant in its own right, is overlooked, the percolating effect of recycling groundwater is to concentrate solutes and micro-organisms present in the soil and transport these so as to raise both the chemical and biological oxygen demand loadings of the river itself.

A culture exists amongst some with four-wheel drive vehicles that this country's rivers offer highways of opportunity for adventure excursions and Southland's Oreti River is occasionally availed by parties of motoring enthusiasts who access the river near Lumsden for the purpose of negotiating the river and its berm throughout its length to Waikiwi. The damage created flies in the face of society's increasing awareness of the essential fragility of our environment and the abuse of the Oreti River by motorists seeking to use it as a thoroughfare should be addressed in any Conservation Order enacted.

3. The Role of Environment Southland

Akin to the Roman Senate arguing over the colour that Rome's fire hydrants should be while Rome itself burns, the lethargy of Environment Southland to produce its long-awaited Regional Fresh Water Plan for Southland's rivers should be considered an inevitable outcome of an administration comprised largely of an old boys' club of farmers with a vested interest in looking after their own at the expense of the environment under its jurisdiction. Environment Southland's lacklustre performance as curator of Southland's natural estate is evidenced by a focus towards the economic opportunities afforded by this province's rivers and Environment Southland's opposition towards the New Zealand Fish & Game Council's application for a Water Conservation Order on the Oreti River should be seen as proof positive that it is high time the incumbent councillors were replaced with enlightened independent administrators having no direct ties with agriculture or the manufacturing industry.

That Environment Southland's annual report for the year 2005/06 released two weeks ago revealed that as many as one of every four Southland dairy farms continued to be a major polluter of Southland's waterways should in itself be compelling evidence that under its present administration, Environment Southland is a toothless tiger and is unworthy of any credibility whatsoever in its opposition to the proposed Water Conservation Order for the Oreti River. In condemning the New Zealand Fish & Game Council's application by stating that the Oreti River *'is not in a natural state'*,¹ Environment Southland effectively draws attention upon its own ineptitude and to assert that Fish & Game's application *'would have attracted more support if it had only covered the river from its upper reaches to Mossburn'*¹ clearly shows that Environment Southland's councillors lack the aptitude to see the broader canvas and have absolutely no awareness of the vital role that the Oreti River plays as a passage for transient fish progressing between the Oreti River estuary and its headwaters. It is my assertion that the views of Environment Southland should carry little weight in this debate.

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4. The Oreti River as a Fishery of International Repute

In his submission calling for a Water Conservation Order for the Oreti River, the New Zealand Fish & Game Council's Mr. Maurice Rodway has amply covered the intrinsic qualities of this outstanding fishery and the science underlying his submission is beyond reproach.

As a lowland fishery, the Oreti River has become almost unique in the opportunities it continues to afford anglers to conveniently access and target many very large brown trout, a point not lost on enthusiasts the world over, many of whom visit Southland being aware that the Oreti River offers those on limited budgets perhaps their best chance of adding a trophy-sized brown trout to their list of conquests in a world of rapidly diminishing opportunities. The trout of the Upper Oreti River have been recognised as special and provisions such as a 'no helicopter access - walk only zone' and a maximum length limit have been in place for some years to preserve this river's outstanding assets. The salmon runs in the Oreti River are at times significant drawcards in their own right and whitebaiters and those seeking trophy-sized sea-run trout in the Oreti River mouth and estuary will continue to avail themselves of the river's bounties while ever it remains in a suitable condition to support such species.

There is no question that Southland's famous Oreti River brings considerable wealth into the province. Motels, guesthouses and retreats from Invercargill to Te Anau accommodate substantial numbers of visiting anglers each season, many of whom direct much if not all of their attention to various reaches of the Oreti River during their stay here. Many visiting anglers engage professional fishing guides, most hire vehicles and all must eat, purchase fishing licences and pay G.S.T.

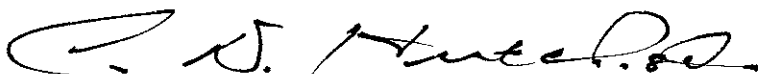
5. The Question of the Influence of the Algae, *Didymosphenia geminata* on the Oreti River Fishery

The appearance of the invasive algae, *Didymosphenia geminata* in the Oreti River is a cause for concern but the diatom has not to this point appeared to be a detriment to the river as a fishery. I contend however that the potential of *Didymosphenia geminata* to inhibit the ecology of the Oreti River system adds weight to the argument that no additional hardships be imposed upon the river's trout population such as any further reduction in the river's flow or the obstruction thereof.

5. Conclusion

I therefore submit an appeal that the Special Tribunal enacts a Water Conservation Order under section 201 of the Resource Management Act 1991 protecting to perpetuity the presently existing character of the main stem of the Oreti River upstream of Mossburn, the potable quality of those groundwaters and tributaries discharging thereinto and those aquifers hydraulically linked therewith. Further, to embrace within the aforesaid Water Conservation Order provisions to protect the main stem of the Oreti River between Mossburn and the road bridge spanning the Oreti River at Wallacetown from the peril of further exploitation by commercial interests. Specifically, to enact legislation to prohibit the extraction of water from the Oreti River, its tributaries and aquifers beyond that presently permitted by existing Resource Consents, to prohibit the river's obstruction or impoundment and to safeguard the Oreti River catchment from any increase in pollution by commercial interests.

Yours faithfully,



(Mr) C.D. Hutchison