

When replying please quote: 320/45/2/5 Mr L McKenzie

26 October 2006

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

Dear Sir or Madam

Submission on Proposed Water Conservation Order - Oreti River

This submission on the application by New Zealand Fish and Game Council and Southland Fish and Game Council for a Water Conservation Order (WCO) in respect of the Oreti River was approved by Southland District Council at its meeting on 25 October 2006.

Southland District Council opposes the proposed Water Conservation Order and wishes to comment on a number of matters to draw these to the Tribunal's attention:

Southland District Council's submission is:

1. Southland District Council considers that there are a number of errors/uncertainties in the proposed Water Conservation Order that require clarification eg number (8) of the proposed WCO refers to "...from the Mossburn Bridge upstream to protect its ..." rather it is understood that this reference should be from Rocky Point - this is very important for the Mossburn Water Supply; numbers (13), (17), (22) and (26) should this reference to "upstream of Mossburn" be "upstream of the Mossburn Bridge"?
2. Southland District Council does not believe that the application provides sufficient evidence to determine that the waters that the Water Conservation Order is sought for, have outstanding amenity or intrinsic values in accordance with Section 199 of the Resource Management Act 1991. The scientific information accompanying the application is brief.
3. There is insufficient information in the application to identify that there is a threat to the waters that the Water Conservation Order is sought for to determine that a Water Conservation Order is necessary to sustain any outstanding characteristics that may be present.

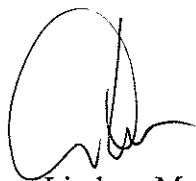
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4. Southland District Council considers that the application does not adequately assess alternative options to address any perceived threats to the waters that the Water Conservation Order is sought, for example the Resource Management Act, the Proposed Regional Freshwater Plan for Southland and the Southland District Council District Plan. It is unclear why this existing management framework is insufficient. Council considers that this existing management framework will provide adequate protection and that protection of the Oreti River resource is better served under this more current legislative framework than the Water Conservation Order process.
5. Whilst two presentations have been made to Southland District Council meetings, Council has some concern about the lack of consultation undertaken directly with the local community regarding the proposed Water Conservation Order, especially the limited consultation with the Community on the lower Oreti Catchment. It is noted that the Proposed Regional Freshwater Plan for Southland, for example, has been prepared in accordance with Schedule One of the Resource Management Act 1991 and has undergone an extensive public consultation process. It is unclear why the provisions currently being sought through the proposed Water Conservation Order were not addressed by submissions on the proposed Regional Freshwater Plan for Southland and the subsequent variations.
6. Southland District Council questions whether the reference to "resource consent" would include resource consent applications being considered by Southland District Council, as well as consents granted by the regional council. There is the potential for resource consent applications being considered by Southland District Council to impinge on the Water Conservation Order.
7. **Southland District Council seeks the following decision from the special Tribunal:**

That the Tribunal recommend to the Minister that the application be rejected in its current form.

Please do not hesitate to contact Jennifer Green at this office if you have any queries regarding this submission.

Yours faithfully



Lindsay McKenzie
GROUP MANAGER REGULATORY SERVICES