

20 July 2005

Minister for the Environment  
Hon Marion Hobbs  
c/o Ministry for the Environment  
PO Box 10362  
**WELLINGTON**

Dear Madam

**NEW ZEALAND AND SOUTHLAND FISH AND GAME COUNCILS -  
APPLICATION FOR WATER CONSERVATION ORDER ON THE ORETI RIVER**

Introduction

1. On 10 May we lodged an application for a Water Conservation Order ("WCO") on the Oreti River. Since lodging that application, the Southland Regional Council (Environment Southland) notified Variations 3 (Water Quantity) and 4 (Water Quality) on its proposed Regional Fresh Water Plan for Southland on 2 July 2005. Obviously these Variations contain provisions relevant to the Oreti River.
2. The Application document touches on the relevant statutory plans, therefore we consider it important to update the Minister as to whether or not these new Variations alter Fish and Game's position in respect of the need for a WCO.
3. We have reviewed the Variations, and compared the rules they contain with the provisions Fish and Game believe are necessary to protect the outstanding values of the Oreti, with a view to determining whether or not a WCO is now needed in light of the Variations. A summary of our comparative analysis follows:

Analysis

4. There is no recognition in the Variations of the special status of the Oreti catchment.
5. The rules in respect of dams are very permissive, compared to the prohibition on damming being sought by Fish and Game. The Order seeks to prohibit dams on the Weydon Burn, Windley River, Ashton Burn, tributaries in the upper reaches of the river above Lincoln Hill and the mainstem Oreti. The Variation provides little protection for these tributaries and the most important characteristics of the mainstem of the river – its free flowing undammed state – which is essential to protect the river's natural character and the ecosystems the sports fish and native wildlife and fish are part of. The Variation does not provide the level of protection Fish and Game consider necessary to protect the fishery.

6. The rules in respect of water quantity in the Variation are more permissive than those sought by Fish and Game. While they are based on good science even this contains uncertainties. They are likely to be appropriate where nationally important natural values have not been identified, but in the case of the upper Oreti the certainty provided by the proposed provisions of the Order are more appropriate.
7. The water quality objectives in the Variation state that water quality is not to be reduced, but the Policy 3 allows a reduction “if it is consistent with the promotion of the sustainable management of natural and physical resources” Further, water quality standards in Policy 4 are set at levels which are significantly lower than those that exist at the moment in the mainstem of the Oreti River.

### Conclusion

8. In summary, the provisions of the Variations are inadequate to protect the outstanding characteristics of the Oreti catchment. It should also be noted that the Variations are at a very early stage in the Schedule 1 process. Of course Fish and Game, and other submitters, will be lodging submissions on the Variation. There is no way of predicting with any certainty the final form of the Water Plan.
9. Furthermore, not only are the provisions inadequate in an immediate sense, Fish and Game believe that a WCO is the more appropriate statutory instrument to protect the Oreti. A WCO will remain in place in perpetuity, until a party applies for an amendment or revocation, and meets the high threshold set in part 9 of the Act. This contrasts with Regional Plans that get reviewed every 10 years, in light of the purpose of the RMA. In Fish and Game's opinion WCOs provide a higher level of protection, and longer term security, that is appropriate for water bodies with outstanding characteristics.
10. For these reasons, we wish to confirm Fish and Game's view that a WCO is still necessary to protect the Oreti River despite Variations 3 and 4, and look forward to your reply to our application.
11. Should you require further information please do not hesitate to contact us.

Yours faithfully

**Fish and Game New Zealand**  
**Southland Region**

Maurice A Rodway  
Manager