

Resource Consent submission

To: The Chief Executive
Environment Southland
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Date	04/07/2022 13:48
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Applicant details

Name of applicant	Ewen Pirie on behalf of the Lake Waituna Control Accociation
Activity location	108 Moffat Road, RD 5, Invercargill 9875
Application number	APP-20211669

Submission details

My submission relates to the whole application	Yes
Submission uploaded	Simms Hut Waituna Submission 2022.pdf (2 mb)
I am a trade competitor of the applicant (for the purposes of section 308B of the Resource Management Act 1991)	No

Outcome sought

For **now**
& **our future**



I wish Environment Southland to make the following decision To support the application.
Why I wish Environment Southland to make this decision Refer attached document "Simms Hut Waituna Submission 2022.pdf"

Hearing details

I wish to be heard in support of my submission No
I wish to be involved in any pre-hearing meeting that may be held for this application No

Confirmation

I will serve a copy of my submission on the applicant and I confirm all of the above information is correct

For **now**
& **our future**



Submission Supporting the Application

Introduction and Background:

This submission is made by Don Simms, on behalf of Don Simms (Christchurch), Ray Simms (Queenstown), Stan Simms (Alexandra) and Mark Cook (Nelson).

We are all originally from Southland and Mark is of Ngai Tahu decent.

We have a gamebird hunting/fishing hut at Waituna Lagoon. Our hut is located on farmland on the east side of Moffat Creek approximately 100m from the Waituna Wetland Reserve's northern boundary. The land was up until recently owned by the Crack family but is now owned by Environment Southland. Our access to the hut is through the Crack/Environment Southland land, via Moffat Road.

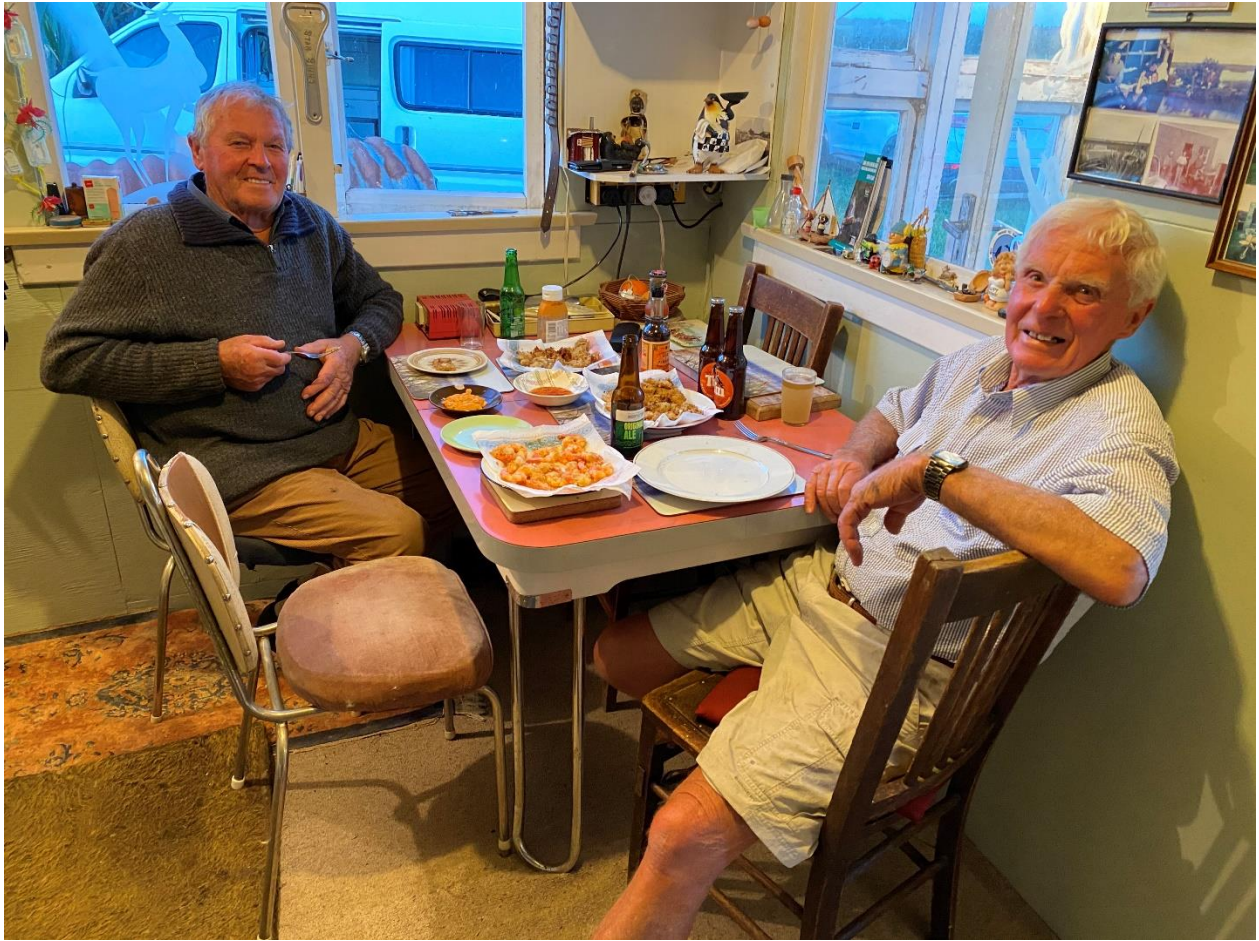
We are extremely grateful to both Environment Southland and the Crack family for allowing us continued access and use of our hut.

Our family have been hunting and fishing at Waituna since the 1930s, through four generations. This is the 4th hut our family have had at Waituna. The current hut has been in use since 1954. This hut was originally located in the Reserve but was moved to its current location (with the blessing of the Crack family) in 1981, when DOC's predecessor insisted all huts be removed from the Reserve in 1975 (we were given 10 years to remove the hut). Ironically, we were one of only two (of around 30) huts that complied with this ruling!

My father (Ray Simms) and uncle (Stan Simms) are the oldest living recreational users on the lake (Ray is now 90 and Stan 88). These now elderly gentlemen are hugely respected for their knowledge of the area and the changes they have witnessed to it over the years. They were both born just up the road at Tisbury and lived in Invercargill their whole working lives. They first started coming to Waituna in the 1940s (during WWII) and some of their earliest memories are of helping their uncle and other local farmers open the lake to the sea when it got too high. They did this by hand, using shovels. While they are both now retired to Central Otago, they are both still in great health and regularly visit Waituna to hunt and fish with family and friends (as can be seen in the photos below).



Ray Simms (90) at our hut Duck Shooting Opening Weekend May 2022



Stan and Ray Simms in the hut 2021



Ray and Stan Simms Pegging Weekend 2021

Observations:

We do not hold any formal science or environmental qualifications but some of us have been coming here for over 80 years. Our observations over this time are worthy of consideration.

Over many years we have observed the deteriorating condition and ecology of the lake, creeks and streams running into it. The reasons for the deteriorating condition of the waterways are well documented and generally we agree with most of these findings. How you fix it though is something we don't agree with the academics on.

When the lake is closed, it fills up with nutrients and sediment, flushed down the creeks. In summer, as the water warms, weed, slime and algae thrive in the nutrient rich water. Algae blooms are common around the edges and in the sheltered bays. The best thing for the health of the lake when it is like this is for it to be let out. This flushes out the algae, nutrients, and silt. The incoming salt water and tides cleanses the lake and allows sea run fish and crabs to come into the lake which also help clean up the lakebed. Wading birds return and the whole ecosystem returns to a healthy, balanced state. Our observation is the longer it stays open, the healthier the lake ecosystem becomes. This is all a natural process. Waituna Lagoon is called a Lagoon for a reason. It has always periodically been open to the sea. Prior to human intervention, the opening occurred naturally.

Over the last year or so we have observed a small improvement in water quality in the lake, including significantly, last summer when it was very warm and low during a period of record low rainfall in Southland between January and April. The water has appeared clearer, with a healthier bottom noted. White gravel is again showing in places where it had disappeared under the silt. Hopefully some of the measures being taken upstream to improve creek health by reducing nutrient runoff, bank stabilisation, fencing and planting, are helping. As is no doubt, the regular opening of the lake to the sea to flush out the nutrients and sediment.

However, one area that we are concerned about that urgently needs to be addressed by Environment Southland is the state of the banks of the lower sections of Moffat Creek. When the lake (and consequently the creek) is high, severe erosion is taking place to the banks. All the sediment released by this erosion ends up in the lake. If the lake is to be kept high for longer periods (as is wanted by some parties), then this bank erosion and sedimentation will only get worse unless something is done about it.



Ray Simms (L) and Lindsay Paddon (R) looking at the Moffat Creek bank erosion in 2022

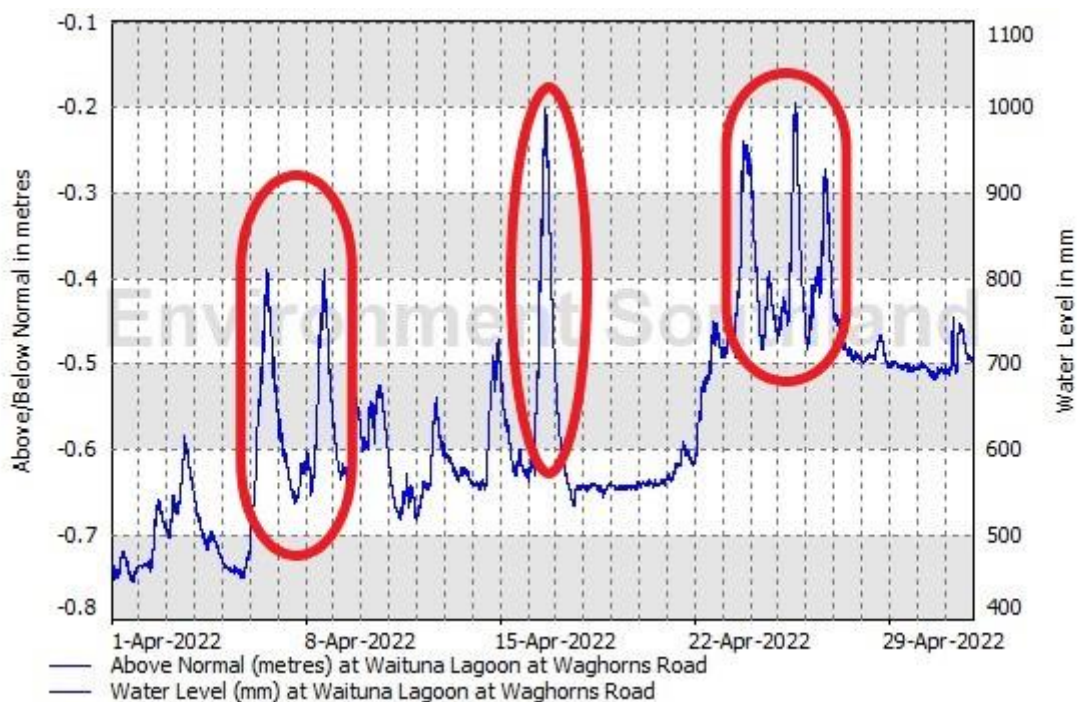
The Application:

As we see it, there are two main questions to be considered in this application.

1. Who should hold the opening consent?
2. What is the maximum level (including a buffer for wind effect and sudden flood events) that the lake should be allowed to rise to before triggering an opening?

It is our firm belief that the applicant (the Lake Waituna Control Association) is the best party to hold the consent. They have a longstanding history of managing the lake levels in accordance with well-established consent conditions. They have a far better understanding of the impact of high lake levels on the surrounding farmland than anyone else (they are the people most affected by it). They also understand how quickly the lake can rise in a flood event, and how the level at one end can vary (by up to half a metre) when a strong wind is blowing. It drops significantly at the upwind end and rises a similar amount at the downwind end. This “wind effect” on lake levels needs to be considered in this application. To date we have seen no mention of this phenomenon in any of the many studies and reports that have been done on the lake levels.

The location of the only automatic water level monitoring device at the eastern end of the lake gives false readings of the mean lake level. The wind effect on the gauge can clearly be seen on the graph on the Environment Southland web site as large spikes in the level. See below from April 2022, on 16/17 April the actual 0.55m level has suddenly risen nearly half a meter during a strong westerly wind. Note: this is the actual water level at that end of the lake at that time. This high water backs up the creeks and drains. Imagine this on a high 2.5m lake!



The only time this gauge shows the actual mean lake level is during a period of no wind (which isn't often at Waituna!). We are unsure why the monitoring platform in the middle of the lake is no longer used for lake level monitoring? It used to be and was a far more accurate reading of mean lake level than the one at the eastern end. It should be reinstated and used in preference to the gauge at the eastern end.

Because of this wind effect, a buffer is needed on any lake level trigger consent conditions, to allow for the effect of wind and sudden flood events. This is something that some other interested parties seem not to understand.

To support this point, the commissioners should look at the flood event that occurred in September 2021.

Prior to the planned lake opening in August, Environment Southland and others tried to stop it, wanting to hold the lake at 2.2m. The “experts” predicted that the lake would drop as no significant rain was likely in the next few weeks and months. Fortunately, they were overruled, and the lake was allowed to be opened on 2 September. Within a few days there was a significant flood event (8-14 September) and even with the lake open to the sea, there was flooding on the farms adjacent to the lake. Had the lake not been opened on 2 September, we would probably have

witnessed the biggest flood the Waituna area has seen in recent times. There would have been significant stock losses and damage to farms and property. If the Lake Waituna Control Association had not stuck to its guns on opening the lake at 2.2m, there would have been a disaster.

We are aware that there are other parties who are likely to object to the Lake Waituna Control Association holding this new consent. It is our view, formed over many years of observing their behavior, that these groups cannot be trusted. Individually they have constantly changing priorities, continuous staff turnover, conflicts of interest and hidden agendas. They may appear united hiding behind the façade of The Whakamana Te Waituna Trust, and some of them may have genuine concerns about the health of the lake, but the reality is, most are not practical people and their organisations are heavily influenced by minority interest groups and woke ideology. In our opinion neither they nor their Trust can be trusted to manage the lake level for the benefit of all interested parties and most importantly, the health of lake itself.

To answer the second question. We have seen firsthand the impact high lake levels has on the drainage and usability of the surrounding farmland for over 80 years. Our hut would be very adversely affected by a lake operating level over 2.2m (we will be flooded out). We are aware of the proposal by The Whakamana Te Waituna Trust to want to hold the lake at 2.5m. At this level large areas of farmland become unusable. A sudden flood event or strong wind will suddenly cause the level to rise far above 2.5m.

It is also worth remembering, the lake can only be let out when conditions are right for it. The tides, wind and sea state must all be right to let it out, to ensure a successful opening. That is why a buffer (lower trigger level) is needed in the consent, to allow these conditions to be met, which may only be on a couple of days a month. The current (and proposed) 2.0-2.2m consent level allows for such a buffer.

Likewise, holding the lake level high in summer when there is a higher chance of algae blooms is madness. One only needs to look at the state of other tidal lagoons in Canterbury (Lakes Ellesmere and Forsyth) to see the risks of that approach. Once a lake flips its ecology is ruined and it is very difficult to recover from. Ironically, the only tool now available at these lagoons is to regularly open them to the sea to flush them out.

The Cracks have some excellent drone footage showing the impact of a high lake on their farm. We encourage you to view this footage and let the Cracks explain the impact on their farming operation. As you will see, the backing up of creeks and drains occurs a long way back from the "buffer land" recently purchased from them. The high lake level prevents the drainage on their whole farm from working, resulting in a lot of surface water and spilling out of creeks into paddocks. The higher the lake the longer this surface flooding remains, killing the grass and making the land unusable for long periods. Because of the seasonal rainfall patterns this usually occurs in winter when animal health and a lack of grazing is already a concern, putting stress on animals and farmers alike. Losing more land to flooding from a high lake, makes an already difficult time for farmers worse.

The reality for farmers adjoining the lake, is that most of the water that causes them issues comes from further up in the catchment, but it all ends up at their place and is then their problem to deal with. If the lake is high, it has nowhere to go and can seriously affect their ability to farm it. The only option they have is to apply to open the lake through the Lake Waituna Control Association. Draining their land to make it useable again takes several days/weeks after the lake is let out. In some areas the grass may need to be reseeded, which means it is unusable for stock and grazing for months after the lake is let out.

In support of this submission, we wish to submit the attached photos to emphasize our points around high lake levels during past flood events. It shows the impact of high lake levels, not only on our hut, but more importantly on the neighboring farmland. This is what a 2.3-2.5m lake looks like at our hut. These photos were all taken in late June 1994. The lake rose another 2ft after these photos were taken, before it was let out in early July.









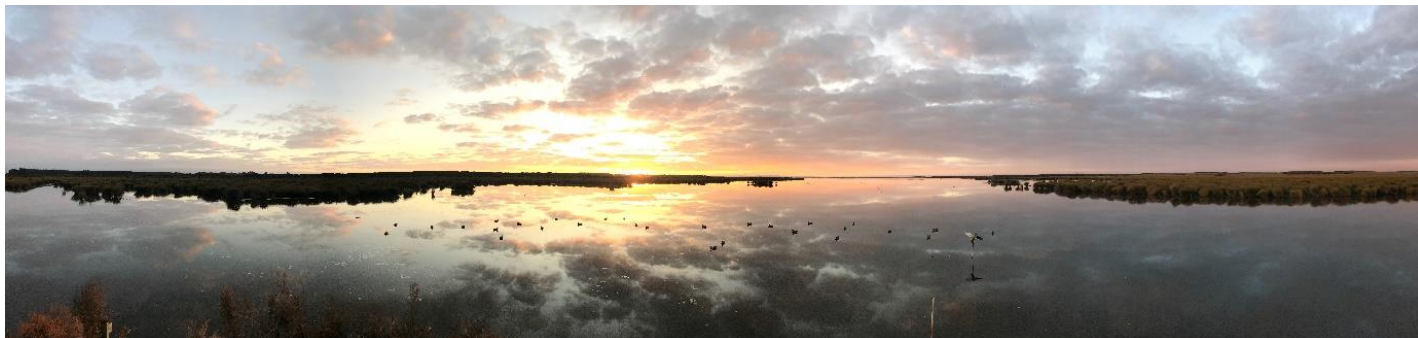
Looking South from the huts towards the Lake. Moffat Creek on the right. All the land you see here is inundated at 2.2m

In Summary:

It is extremely important to our family that we have ongoing access to and continued use of our hut for the purposes of recreation and food gathering at Waituna.

The application before you, which we fully support, is a continuation of a locals led, well proven management plan that has been successfully managing lake levels for nearly 100 years.

Please do not change it.



Waituna – a **very** special place – a place for **all** people

