

Daily summaries for hearing of Water Conservation Order – Te Waikoropupū Springs

Day 01 - 17 April 2018

The public hearing for Te Waikoropupū Springs and associated water bodies Water Conservation Order Application commenced on Tuesday, 17 April 2018.

At 10:00 a.m a pōwhiri was held at Onetahua Kōkiri marae, followed by a pōwhiri at Te Waikoropupu Springs.

The hearing commenced at the Golden Bay Park Recreation Centre, 2032 Takaka Valley Highway, Takaka, at 2:00 p.m.

The hearing was opened by the Chair of the Special Tribunal, Ms. Camilla Owen, followed by a mihi whakatau by Mr. Kevin Prime on behalf of the Special Tribunal and Mr. John Ward Holmes, on behalf of the applicant.

The Tribunal heard representations from the applicants, Ngati Tama Ki Te Waipounamu Trust and Andrew Yuill. Ms. Maree Baker-Galloway opened the Applicant's address with an opening representation. Following this, the Special Tribunal heard representations on behalf the applicants from Ms. Leanne Manson, Mr. Andrew Yuill, and Mr. John Ward Holmes prior to adjourning Day 1 of the hearing.

List of Appearances:

- Maree Baker-Galloway
- Leanne Manson,
- Andrew Yuill
- John Ward-Holmes
- Makere Chapman
- Margaret Little

Day 02 - 18 April 2018

The second day of the public hearing for Te Waikoropupū Springs and associated water bodies Water Conservation Order Application commenced at 9:00 a.m Wednesday, 18 April, 2018.

The day was opened with a karakia by Mr. John Ward-Holmes and a short statement by the Chair.

The Special Tribunal continued to hear the Applicant's case. The Special Tribunal heard representations on behalf the Applicant's from Ms. Makere Chapman, Ms. Margaret Little and evidence on behalf of the Applicant's from Dr. Graham Fenwick and Mr. Paul Williams.

The Applicant's case paused while the Special Tribunal heard from Ms. Jan Riddell, on behalf of New Zealand Conservation Authority. The Special Tribunal then heard personal representations from Ms. Catherine Delahunty, followed by Ms. Judith Humbert via video link.

The Applicant's then resumed their case with their final expert, Mr. Simon Beale.

Following the close of the Applicant's case, the Special Tribunal heard a personal representation from Ms. Rebecca Reider and from Kevin Moran, on behalf of Save our Springs, before adjourning Day 2 of the hearing.

List of Appearances:

- Makere Chapman for the Applicant
- Margaret Little for the Applicant
- Dr. Graham Fenwick for the Applicant
- Paul Williams for the Applicant
- Paul Williams for the Applicant (continued)
- Jan Riddell for New Zealand Conservation Authority
- Catherine Delahunty - personal representation via video link
- Judith Humbert - personal representation via video link
- Simon Beale for the Applicant
- Rebecca Reider - personal representation
- Kevin Moran for Save Our Springs.

Day 03 - 19 April 2018

The third day of the public hearing for Te Waikoropupū Springs and associated water bodies Water Conservation Order Application commenced at 9:00 a.m Thursday, 19 April, 2018.

The day was opened with a karakia by Mr. John Ward-Holmes and a short statement by the Chair regarding hours the Special Tribunal would be sitting. From the 20th April, the hearing will commence each day at 8:30 am.

The Special Tribunal first heard from Ms. Olivia Hall and Mr. Andrew Luke on behalf of Ngati Rarua. The Special Tribunal then heard representations from Mr. Bal Matheson on behalf of Trustpower, followed by evidence from Mr. Richard Spearman, Mr. Peter Lilley and Mr Luke Faithfull on behalf of Trustpower.

The Special Tribunal then heard a representation from Ms. Jane Ruka, on behalf of the Waitaha Executive Grandmothers Council. This was followed with representations from Ms. Jennifer Hyde, Mr. Richard English, on behalf of Nelson Marlborough Fish and Game Council, Ms. Iona Jelf, Mr Nigel Ritson and Ms Genevieve Toop, on behalf of Greenpeace.

The Special Tribunal then heard representations from Ms. Victoria Davis, Mr. Richard English and Mr. Matthew Crawford before adjourning Day 3 of the hearing.

List of Appearances:

- Olivia Hall for Ngāti Rārua
- Andrew Luke for Ngāti Rārua
- Bal Matheson for Trustpower
- Richard Spearman for Trustpower
- Peter Lilley for Trustpower
- Luke Faithfull for Trustpower
- Jane Ruka for the Waitaha Executive Grandmothers Council
- Jennifer Hyde - personal representation
- Peter Wilson for Nelson Marlborough Fish and Game Council
- Iona Jelf – personal representation
- Nigel Ritson – personal representation
- Genevieve Toop for Greenpeace
- Victoria Davis – personal representation
- Richard English – personal representation
- Matthew Crawford – personal representation

Day 04 - 20 April 2018

The fourth day of the public hearing for Te Waikoropupū Springs and associated water bodies Water Conservation Order Application commenced at 8:30 a.m Friday 20 April, 2018.

The day was opened with a karakia by Ms. Margaret Little and a short statement by the Chair. It is noted that day 5 of the hearing will start at 8:30 a.m, Thursday 26 April, the day after ANZAC Day.

The Special Tribunal first heard from Ms Anna Wilkes and evidence from Mr. Dean Chrystal, on behalf of Ravensdown, then a personal representation from Mr. John Pemberton. The Special Tribunal then heard from Mr. Ian Millar, on behalf of the New Zealand Speleological Society, before adjourning day 4 of the hearing.

List of Appearances:

- Anna Wilkes for Ravensdown
- Dean Chrystal for Ravensdown
- John Pemberton -Personal Representation
- Ian Millar - New Zealand Speleological Society.

Day 05 - 26 April 2018

The fifth day of the public hearing for Te Waikoropupū Springs and associated water bodies Water Conservation Order Application commenced at 8:30 a.m Thursday 26 April, 2018.

The day was opened with a karakia by Mr. John Ward-Holmes and a short statement by the Chair.

The Special Tribunal first heard an opening representation from Mr. Chris Thomsen, legal counsel for Tasman District Council (TDC). The Tribunal then heard evidence from Mr. Joseph Thomas and Dr. Mike Stewart on behalf of TDC.

TDC's case was paused whilst the Tribunal heard from Ms. Katherine Hughes, who presented evidence on behalf of the Director General of Conservation. TDC's case then resumed with evidence presented by Mr. Andrew Fenemor and Dr. Chris Hickey, before day 5 of the hearing was adjourned.

List of Appearances:

- Chris Thomsen for Tasman District Council
- Joseph Thomas for Tasman District Council
- Mike Stewart for Tasman District Council
- Katherine Hughes for the Director General of Conservation
- Andrew Fenemor for Tasman District Council
- Chris Hickey for Tasman District Council

Day 06 - 27 April 2018

The sixth day of the public hearing for Te Waikoropupū Springs and associated water bodies Water Conservation Order Application commenced at 8:30 a.m Friday 27 April, 2018.

Today was opened with a karakia by Ms. Laurelee Duff and a short statement by the Chair.

The Special Tribunal first heard an opening representation from Ms. Debs Martin, on behalf of the Royal Forest and Bird Protection Society of New Zealand, followed by supporting evidence from Annabeth Cohen.

Tasman District Council then resumed their case with evidence presented by Dr. Roger Young. Following this, the Special Tribunal then adjourned the hearing until 1:00 p.m, Monday 7 May 2018.

List of Appearances:

- Debs Martin for Royal Forest and Bird Protection Society of New Zealand
- Annabeth Cohen for Royal Forest and Bird Protection Society of New Zealand
- Roger Young for Tasman District Council

Day 07 - 7 May 2018

The seventh day of the public hearing for Te Waikoropupū Springs and associated water bodies Water Conservation Order Application opened on 7 May 2018 at 1:00 p.m with a karakia by Mr. John-Ward Holmes and housekeeping by the Chair.

The Chair reminded parties that a site visit would be carried out by the Special Tribunal on Wednesday, 9 May. The Chair requested that parties advise the EPA of sites for the Special Tribunal to visit by Tuesday, 8 May. The Chair also noted that Mr. Lew Metcalf will be confirming site visit locations with Mr. Joseph Thomas (Hydrologist for Tasman District Council). A record of this conservation will be placed on the EPA website in due course.

The Chair noted that Friday 11 May is the last day the Tribunal is scheduled to sit, however they are likely to adjourn the hearing rather than close the hearing, to enable the Tribunal to seek further information to enable them in their decision-making should they require it.

The Chair then invited Fonterra to speak, which commenced with an opening statement from Mr. Ben Williams. Fonterra then continued their case with representations from Mr. Ian Goldschmidt and Mr. Richard Allen. This was followed by evidence on the topic of hydrology, presented by Ms. Hillary Lough and water quality, presented by Mr. John Russell. This completed Fonterra's case.

Tasman District Council then resumed their case, with evidence presented by Mr. Jamie McPherson, on the topic of the Council's use of herbicides. Following this the Chair then adjourned day 7 of the hearing.

List of appearances:

- Ben Williams for Fonterra
- Ian Goldschmidt for Fonterra
- Richard Allen for Fonterra
- Hillary Lough for Fonterra
- John Russell for Fonterra
- Jamie McPherson for Tasman District Council

Day 08 - 8 May 2018

The eighth day of the public hearing for Te Waikoropupū Springs and associated water bodies Water Conservation Order Application opened at 8:30 a.m, Tuesday 8 May 2018 with a karakia from Mr. John Ward Holmes.

Mr. Clive Workman and Mr. Chris Roberts, representing Jet Boating New Zealand Incorporated were first to speak, followed by Mr. Wayne and Mrs. Tyler Langford, making a personal representation on behalf of their farm, Go Ahead Farms. Next up were Mr. Robert and Mrs. Cherrie Chubb, making a personal representation, followed by Ms. Savannah Carter and Mr. Mark Gillard, for New Zealand King Salmon Co. Limited.

This was followed by Mrs. Rose and Mr. Phillip Windle and Mr. Laurence Barnett, making a personal representation on behalf of themselves and their farm, Windle Brothers Ltd.

Following lunch we heard from Ms. Daphne Woods, for Gunsboro Ltd, followed by Mr. Mik Symmons, Ms. Mirka Langford and Mr. Graham Ball, for Takaka Freshwater and Land Advisory Group and again from Mr. Wayne Langford, this time representing Federated Farmers of New Zealand

List of appearances:

- Clive Workman and Chris Roberts for Jet Boating New Zealand Incorporated
- Wayne and Tyler Langford, personal representation for Go Ahead Farms
- Robert and Cherrie Chubb, personal representation
- Continued: Robert and Cherrie Chubb, personal representation
- Savannah Carter and Mark Gillard, for New Zealand King Salmon Co. Limited
- Rose and Phillip Windle, personal representation
- Laurence Barnett, for Rose and Phillip Windle
- Daphne Woods, for Gunsboro Ltd.
- Mik Symmons, Mirka Langford and Graham Ball for Takaka Freshwater and Land Advisory Group (FLAG)
- Wayne Langford for Federated Farmers of New Zealand

Day 09 - 10 May 2018

The ninth day of the public hearing for Te Waikoropupū Springs and associated water bodies Water Conservation Order Application opened at 8:30 a.m, Thursday 10 May 2018 with a karakia from Mr. Barney Thomas.

The Chair noted that all details of the Special Tribunal's site visit, carried out 9 May, will be uploaded to the EPA's website, under Hearing - week 3.

The day opened with legal submissions on behalf of the Director General of Conservation, by Ms. Pene Williams, legal counsel. This was followed by representations on behalf of the Director General of Conservation by Mr. Phillipe Gerbeaux and Mr. Andrew Lamason.

The Special Tribunal then heard from Ms. Lisa Lewis, making a personal representation, Ms. Kura Stafford and Mr. Barney Thomas, for Ngāti Tama Ki Te Waipounamu Trust, Ms. Heather Wallace for Forest and Bird Golden Bay Branch, and Mr. Klaus Thomas, with a personal representation.

Tasman District Council resumed their case with their last witness, Ms. Christina Robb. Following this TDC closed their case, with their formal closing statement to be presented tomorrow.

This was followed with personal representations by Mr. David Ayre, Ms. Annabelle Edmond and Ms. Franca Morani. Corrigan Snowman, for Upper Takaka Irrigators then spoke, followed by personal representations by Sacha Horton, then Tony Reilly and Kathy Reilly. Lastly, a video by the Kiwi Conservation Club was shown.

List of appearances:

- Pene Williams, for the Director General of Conservation
- Phillipe Gerbeaux, for the Director General of Conservation
- Andrew Lamason, the Director General of Conservation
- Lisa Lewis, personal representation
- Kura Stafford, for Ngāti Tama Ki Te Waipounamu Trust
- Barney Thomas, for Ngāti Tama Ki Te Waipounamu Trust
- Heather Wallace, for Forest and Bird Golden Bay Branch
- Klaus Thoma, personal representation
- Christina Robb, for Tasman District Council
- David Ayre, personal representation
- Annabelle Edmond, personal representation
- Franca Morani, personal representation
- Corrigan Snowman, for Upper Takaka Irrigators

- Sacha Horton, personal representation
- Tony Reilly, personal representation
- Kathy Reilly, personal representation

Day 10 - 11 May 2018

The tenth day of the public hearing for Te Waikoropupū Springs and associated water bodies Water Conservation Order Application opened at 8:30 a.m, Friday 11 May 2018 with a karakia from Mr. John Ward-Holmes.

The day opened with presentations by Mr. Gordon Mather and Dr. Donald Mead, who made both personal representations and presented on behalf of Friends of Golden Bay.

The Applicant's then resumed their case with a final presentation by Mr. Tamati Waaka.

This was followed with a statement by the Chair. Based on evidence provided at the hearing today, by Friends of Golden Bay, the Special Tribunal have decided to adjourn the hearing. The Special Tribunal will reconvene the hearing in Takaka when all parties are available and able to comment on this new evidence.

List of appearances:

- Gordon Mather making a personal representation and for and Friends of Golden Bay
- Donald Mead making a personal representation and for Friends of Golden Bay
- Tamati Waaka for the Applicant's

Day 11 - 27 June 2018

The eleventh day of the public hearing for Te Waikoropupū Springs and associated water bodies Water Conservation Order Application opened at 1:00 p.m, Wednesday 27 June 2018 with a karakia from Mr. John Ward Holmes.

The Special Tribunal chair began by recapping how Day 10 of the hearing concluded on 11 May 2018. She explained that today's focus would be understanding supplementary evidence regarding the Tasman District Council's catchment model.

Mr Gordon Mather of Friends of Golden Bay (submitter in support of the WCO), introduced Dr John Gamlen to outline his supplementary evidence questioning aspects of the catchment model. Mr Chris Thomsen (counsel for Tasman District Council), then introduced Mr Andrew Fenemor to outline his supplementary evidence explaining the catchment model. Both experts were asked detailed questions by members of the Special Tribunal.

Following an afternoon tea break, the hearing resumed with points of clarification from the Special Tribunal to counsel for both the applicant and Tasman District Council.

List of appearances:

- John Gamlen – expert witness for Friends of Golden Bay (submitters in support)
- Mr Andrew Fenemor – expert witness for Tasman District Council
- Questions for counsel from the Special Tribunal

Day 12 - 28 June 2018

The twelfth day of the public hearing for Te Waikoropū Springs and associated water bodies Water Conservation Order Application opened at 9:30a.m, Thursday 28 June 2018 with a karakia from Mr. John Ward Holmes.

The Special Tribunal chair began by explaining that today's focus would be on closing submissions from Tasman District Council and the applicant.

Mr Chris Thomsen (Counsel for Tasman District Council), delivered his closing submissions and outlined the council's preferred version for a Water Conservation Order. Mr Thomsen then answered a number of questions from the Special Tribunal.

Next, Ms Rosie Hill (Counsel for the applicant), provided closing submissions and the latest version of the applicant's draft Water Conservation Order. This continued after lunch and a short afternoon break. Ms Hill's presentation was followed by a waiata and acknowledgement from application supporters. She then answered a number of questions from the Special Tribunal.

After questions, chair thanked participants for their contribution and the community centre staff for making us feel at home.

While further hearing days will not be required, the Special Tribunal has adjourned the hearing to receive a joint memorandum of counsel on a number of matters. A direction from the Special Tribunal covering this aspect will be issued shortly and will appear on this website.

List of appearances:

- Chris Thomsen – Counsel for Tasman District Council – closing submissions
- Rosie Hill – Counsel for the applicant – closing submissions