



Department of  
Conservation  
*Te Papa Atawhai*

1470

DOCCM-5419633

28<sup>th</sup> February 2018

Special Tribunal Te Waikoropupu Springs WCO  
C/- Environmental Protection Authority  
Private Bag 63002  
Wellington 6140

Dear Sir/Madam,

**RE: Submission on an application for Water Conservation Order for Te Waikoropupū Springs**

Please find enclosed a submission by the Director-General of Conservation (Director-General) in respect of the application for Water Conservation Order (WCO) for Te Waikoropupū Springs in Golden Bay. The submission seeks the WCO is granted as proposed.

The attached submission outlines the Director-General's reasons for supporting the application in greater detail.

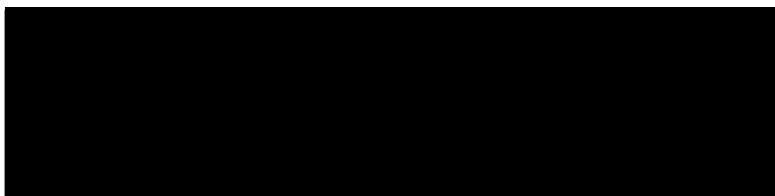
Please contact Nardia Yozin in the first instance if you wish to discuss any of the matters raised in this submission [REDACTED]

Yours sincerely

Roy Grose

Director Operations, Northern South Island

Department of Conservation



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**Form 30: Submission on publicly notified application for water conservation order or for revocation or amendment of water conservation order**

**Resource Management Act 1991**

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**To:** Te Waikoropupū Springs Water Conservation Order (WCO) Special Tribunal

**Name of submitter:** Director-General of Conservation

**Application:** This is a submission on the application by Ngati Tama Ki Te Waipounamu Trust and Andrew Yuill, for a Water Conservation Order for Te Waikoropupū Springs and associated water bodies.

**The specific part of the application that my submission relates to are:** The whole application.

**My submission is:** I am in full support the application for water conservation order.

**The reasons for my submission are:**

*The Role of the Department of Conservation in relation to Te Waikoropupū Springs*

1. Te Waikoropupū Springs is a Scenic Reserve, under the Reserves Act 1977 and is Public Conservation Land. The Department of Conservation, on behalf of the Crown acting by and through the Minister of Conservation, has a governance role, administering and managing Te Waikoropupū Springs on behalf of New Zealanders. Te Waikoropupū Springs are also a registered wāhi tapu/ sacred site under the Heritage New Zealand Pouhere Taonga Act 2014.
2. Part of the Department's role in managing the scenic reserve, includes managing activities on land or in water within the reserve boundary.
3. Te Waikoropupū Springs Scenic Reserve is managed by the Department under three statutory management planning documents. These are the Conservation General Policy 2005 (CGP), the Nelson/ Marlborough Conservation Management Strategy 1996 (NMCMS) and the Te Waikoropupū Springs Scenic Management Plan 2009.
4. The CGP implements the Conservation Act 1987, and cannot derogate from it; the NMCMS implement the general policies of the CGP and cannot derogate from it; the Te Waikoropupū Springs Management Plan is made under the Reserves Act 1977 cannot derogate from the

**NMCMS. This hierarchy of documents derives from the requirements of both the Conservation Act 1987 and Reserves Act 1977.**

- 5. The Conservation General Policy 2005, provides a unified policy for the implementation of the Conservation Act and other associated acts, including the Reserves Act 1977. The CGP provides guidance on the administration and management of all lands, waters, and natural and historic resources managed by the Department, as well as guidance for developing Conservation Management Strategies and Management Plans.**
- 6. I consider the proposed Water Conservation Order is consistent with the CGP.**
- 7. The NMCMS seeks to implement the CGP by establishing objectives for the management of natural and historic resources. It is an overarching document which sets the direction for the management of land and other resources (including water) administered by the Department in the Nelson/ Marlborough region.**
- 8. I consider that the proposed Water Conservation Order is consistent with the NMCMS.**
- 9. The first Management Plan for Te Waikoropupū Springs was prepared in 1985 by the Department of Lands and Survey, this was superseded by the Conservation Management Strategy for the Nelson/ Marlborough Conservancy in 1996.**
- 10. In 1999 a study was undertaken which involved a series of community workshops, and in 2001 a hui was held to discuss the future management of Te Waikoropupu Springs. Through these meetings and workshops, a working group consisting of Manawhenua ki Mohua, Tasman District Council, the Nelson/ Marlborough Conservation Board and the Department was established.**
- 11. In 2006 the then Conservator of the Department's Nelson/ Marlborough Conservancy closed Te Waikoropupū Springs to contact recreation in order to protect the water within the reserve from didymo. This closure is still in place, and enforceable under the Reserve Bylaws.**
- 12. Te Waikoropupū Springs Scenic Reserve is managed under the Te Waikoropupū Springs Management Plan 2009, which is effective until 2019. The Te Waikoropupū Springs Management Plan was developed through a collaborative process between the Department of Conservation, Tasman District Council and Manawhenua ki Mohua from 1998 to 2008. This included a public notification and submission process prior to the management plan's approval in 2009.**

13. The purposes of the Te Waikoropupū Springs Management Plan<sup>1</sup> is to:
- a. Protect the values of Te Waikoropupū by providing guidance and directions for the management of Te Waikoropupū over the next 10 years;
  - b. Give effect to the relevant legislation and associated statutory documents;
  - c. Give effect to the Kaitiakitanga/ guardianship role of Manawhenua ki Mohua.

14. I consider that the proposed Water Conservation Order is consistent with the Te Waikoropupū Springs Management Plan.

15. In addition, the Te Waikoropupū Springs Scenic Reserve Bylaws 2011 (Reserve Bylaws) provide for the Department's management of people and their behaviour within the reserve. However, the Reserve Bylaws, and the Minister's powers to manage activities relation to Te Waikoropupū Springs under the Reserves Act in, do not allow for the management of activities outside the reserve which may affect the resource qualities and values of Te Waikoropupū Springs and its interconnected water bodies. Management of activities and their effects on these resources is through the Resource Management Act 1991.

#### *Statutory Framework*

16. Water Conservation Orders are made under Part 9 on the Resource Management Act 1991 (RMA). Section 199 outlines the purpose of Water Conservation Orders, relevant to the application being:

- (1) ..., the purpose of a water conservation order is to recognise and sustain-*
- (a) Outstanding amenity or intrinsic values with are afforded by water in their natural state;*

...

17. A water conservation order may provide for any of the following attributes of a water body listed in section 199(2):

- (2) A water conservation order may provide for any of the following:*
- (a) The preservation as far as possible in its natural state of any water body that is considered to be outstanding;*
  - (b) The protection of characteristics which any water body has or contributes to, and which are considered to be outstanding, -*
    - (i) As a habitat for terrestrial or aquatic organisms;*
    - (ii) As a fishery;*
    - (iii) For its wild, scenic, or other natural characteristics:*

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<sup>1</sup> Management Plan at section 1.2; available on the DOC website at: <http://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/statutory-plan-publications/conservation-management-plans/te-waikoropupu-springs-management-plan/>

- (iv) For scientific and ecological values:*
- (v) For recreational, historical, spiritual, or cultural purposes:*
- (c) The protection of characteristics which any water body has or contributes to, and which are considered to be of outstanding significant in accordance with tikanga Maori.*

18. I consider that, in relation to Te Waikoropupū Springs and the proposed Water Conservation Order sought by the applicant, that the Te Waikoropupū Springs, including its water source is an outstanding water body in its natural state, meeting the purpose set out in s199(1)(a) of the RMA. The Arthur Marble Aquifer provides the water source for Te Waikoropupū Springs and contributes to the outstanding values found within the Te Waikoropupū Springs and Te Waikoropupū Springs Scenic Reserve.

19. I agree with the application where it states that:

- a. The confined and unconfined Arthur Marble Aquifer have outstanding amenity and intrinsic values which are afforded by the waters in their natural state and should be preserved in accordance with s199(2)(a) and (c) of the RMA.
- b. Te Waikoropupū Springs have outstanding amenity and intrinsic values and should be protected in accordance with s199(2)(b) and (c) of the RMA.
- c. The Takaka River and its tributaries contribute to the outstanding characteristics in accordance with s199(2)(b) and (c).
- d. The unconfined Arthur Marble Aquifer and Te Waikoropupū Springs have outstanding values in relation to habitat for terrestrial or aquatic organisms, scenic characteristics, scientific and ecological values, as well as recreational values in accordance with s199(2)(b).
- e. Te Waikoropupū Springs, unconfined Arthur Marble Aquifer and the Takaka River and its tributaries have outstanding significance in accordance with tikanga Maori, as well as outstanding spiritual and cultural values (s199(2)(b) and (c)).
- f. The hydraulically connected groundwater (including the Takaka Limestone Aquifer and Takaka Unconfined Gravel Aquifer) contribute to the outstanding characteristics and features of Te Waikoropupū Springs and Takaka River and its tributaries in accordance with s199(2)(b) and (c) of the RMA.

20. I consider that as information shows how the upper catchment discharges and water takes can affect Te Waikoropupū Springs, a precautionary approach, as sought by this application, should be taken when seeking to protect the outstanding values of Te Waikoropupū Springs.

21. I agree with the applicant's assessment that the size and accessibility of the Unconfined Arthur Marble Aquifer means that studying the organisms present, or the processes that result in the exceptional clarity of water at Te Waikoropupū Springs is difficult. The time it takes water to travel through the aquifer system, to arrive at Te Waikoropupū Springs is considered to be in excess of 10 years, which means that any changes in the upper catchment would unlikely be seen in Te Waikoropupū Springs until well after the triggers for change occurred, making it harder to revert back to the previous state.
22. I agree with the applicant's assessment of other RMA documents, including the:
- a. National Policy Statement for Freshwater Management 2014 (NPSFW);
  - b. National Policy Statement for Renewable Electricity Generation 2011 (NPSREG);
  - c. Tasman Regional Policy Statement (TRPS); and
  - d. Tasman District Council Resource Management Plan (TDRMP).
23. I agree with the applicant's assessment of other documents, being:
- a. Nelson/ Marlborough Conservation Management Strategy 1996-2006;
  - b. Te Waikoropupū Springs Management Plan;
  - c. Iwi/ Hapū management plans and strategies.

*Outstanding values which will be protected by the proposed Water Conservation Order*

24. As detailed in the application, Te Waikoropupū springs and their associated waterbodies support a range of outstanding values, consisting of a number of indigenous biodiversity and freshwater values, cultural and heritage values and also contribute to the district's tourism and recreation values. These values are discussed further in the Te Waikoropupū Springs Management Plan. Below is an overview of some of these values.

*Biodiversity Values*

25. Te Waikoropupū Springs and their unique waters provide for outstanding aquatic ecosystem values, which consist of diverse assemblages of endemic bryophytes and aquatic macrophytes, supporting a large number of aquatic invertebrates many of which are endemic to Te Waikoropupū Springs and not recorded outside of the reserve, as well as an assemblage of indigenous freshwater fish species.

*Tourism and recreation values*

26. Te Waikoropupū Springs is recognised as a significant attraction for visitors to Golden Bay and ranks among the top sites managed by the Department for visitor numbers annually.
27. Due to this, the Department has undertaken careful planning and investment over many years so that Te Waikoropupū Springs are accessible to the public, their cultural and heritage

values are understood by visitors, and to ensure that recreation activities within the reserve do not adversely impact upon the outstanding ecological and natural character values, or upon the experience of other visitors to the reserve.

**I seek the following decision from the Special Tribunal:**

**28. That the water conservation order is made as proposed by the applicant.**

**I do wish to be heard in support of my submission.**



**Roy Grose  
Director Operations, Northern South Island  
Department of Conservation**

**Acting pursuant to delegated authority**

**Date 28<sup>th</sup> February 2018**

**Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011**

