

Submission on an application for a water conservation order for Te Waikoropupū Springs and associated water bodies (Form 30).

About this application

Ngāti Tama Ki Te Waipounamu Trust and Andrew Yuill (the applicants) have lodged an application with the Minister for the Environment for a water conservation order (the Order) for Te Waikoropupū Springs and associated water bodies (the application). The application concerns the following water bodies: the confined and unconfined Arthur Mable Aquifer; Te Waikoropupū Springs; the Takaka River and its tributaries, including the Waingarō, Anatoki and Waikoropupū Rivers; and hydraulically connected groundwater including the Takaka Limestone Aquifer and Takaka Unconfined Gravel Aquifer. The outstanding values identified by the applicant are: significance in accordance with tikanga Māori; outstanding cultural and spiritual values; visual clarity values; scientific and ecological values; biodiversity values; habitat for aquatic organisms and indigenous stygofauna; habitat for indigenous fauna; habitat for indigenous flora; recreational values; and wild, scenic and natural characteristics. The Applicants seek protection of these values through a number of conditions contained in a draft order appended to the application.

If you want to make a submission to the Special Tribunal, you must make sure the EPA receives it by 4pm on the 28th February 2018.

1. How can we contact you?

First name:	Angela		
Surname:	Johnston		
Organisation (if applicable):	Federated Farmers of New Zealand		
Email address:	[REDACTED]		
Telephone number(s):		Mobile:	[REDACTED]
Postal address:	[REDACTED]		

Please note, if you have provided your email address we will use this as your address to contact you.

2. Which parts of the application does your submission relate to?

Please tell us the specific parts of the application your submission relates to. If you require additional space, please attach further pages clearly numbered and labelled with your name.

All, refer to attached pages

3. What is/are your view/s on the application?

Please select one or more:

<input type="checkbox"/> Support	<input type="checkbox"/> Support but prefer to preserve a different but related water body in the same catchment ¹	<input type="checkbox"/> Support but prefer to preserve different features and qualities of the water body ¹	<input checked="" type="checkbox"/> Oppose ²	<input type="checkbox"/> Neutral
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Please provide details. If you need more space, please attach further pages clearly numbered and labelled with your name.

¹ In giving reasons for these preferences, you must refer, if practicable, to the matters set out in sections 199, 200 and 207 of the Resource Management Act 1991. You must also describe the provisions that you think should be included in the Order and the effects that those provisions would have on the water body.

² *If you oppose the Order, you must give reasons why you consider that the Order is not justified in terms of sections 199 and 207 of the Resource Management Act 1991.

4. What would you like the Special Tribunal to recommend to the Minister for the Environment?

Please select one or more:			
<input type="checkbox"/> Grant the Order	<input checked="" type="checkbox"/> Grant the Order with changes	<input type="checkbox"/> Decline the Order	<input type="checkbox"/> Neutral
Please provide details (including the general nature of any changes sought to the Order). If you need more space, please attach further pages clearly numbered and labelled with your name.			

5. Would you like to present your views on this submission to the Special Tribunal at a public hearing?

Please select one or more:		
<input checked="" type="checkbox"/> I/we want to present my/our views at a public hearing.	<input type="checkbox"/> I/we do not want to present my/our views at a public hearing.	<input type="checkbox"/> If others make a similar submission, I/we would consider presenting a joint case with them at a public hearing

6. Your signature, or signature of person authorised to act on your behalf

Signature

Date 14 March 2018

Please note that a signature is not required if you make your submission by electronic means

Important notes to submitters

- The EPA is receiving submissions on behalf of the Special Tribunal. Your submission **must be received by the EPA by 4.00 pm, 28th February 2018**;
- A copy **must also be sent to the applicants** as soon as practicable after you have served your submission on the EPA;
- It is important to use the EPA submission form, so that you are aware of important issues about your privacy. If you intend to use an alternative form, please contact the EPA on 0800 401 673.
- The Special Tribunal may require you to provide **further information** on your submission.

Using the [online tool \(www.epa.govt.nz/wcpsubmit\)](http://www.epa.govt.nz/wcpsubmit) is the easiest way to make a submission. When you use this tool, you will be emailed a copy of your submission. Please ensure you send a copy of your submission to the applicant via this email address; rosie.hill@al.nz. If you cannot use our online form, please post or email a copy to the EPA and to the applicant:

EPA contact details (receiving submissions on behalf of the Special Tribunal)	Applicants contact details (must receive a copy of the submission)
Waikoropupu@epa.govt.nz Please include 'Submission: (your name), Water Conservation Order for Te Waikoropupū and Associated Water Bodies' in the subject line.	rosie.hill@al.nz Please include 'Submission: (your name), 'Water Conservation Order for Te Waikoropupū and Associated Water Bodies' in the subject line.
Attention: Water Conservation Order Team Environmental Protection Authority, Private Bag 63002, Waterloo Quay, Wellington 6140, New Zealand.	Attention: Rosie Hill Anderson Lloyd, PO Box 201, Queenstown 9348, New Zealand.

Privacy statement

When you complete your submission, you authorise us to use it to administer a public process. This means your private information may be used in the public domain. By completing this submission form you authorise the EPA to use your personal information and your submission in the following ways. Personal information means your physical address, email address and phone number, unless otherwise stated.

What we will do with your submission:

- Provide a full copy, including your personal information to the Board of Inquiry, the applicant and other parties directly involved.
- Keep a copy at our offices at 215 Lambton Quay, Wellington.
- We will publish a copy, which does not contain your personal information, on our website.
- We may release a copy, which does not contain your personal information, under the Official Information Act 1982 (OIA) if a request for that information is made to us.

What we will not do with your submission

- We will not publish your personal information on our website.
- We will withhold your personal information from release under the OIA subject to the provisions of the OIA.

If you do not wish for all or part of your submission to be published on our website or released under an OIA, including personal information other than your address, email address and phone number, you must tell us in your submission.

SUBMISSION



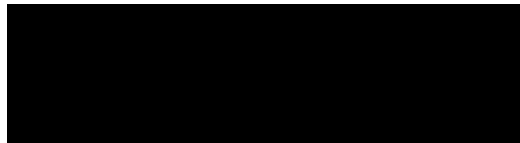
To: Water Conservation Order Team
Environmental Protection Authority
Private Bag 63002
WELLINGTON 6140

Submission on proposed Water Conservation Order for Te Waikoropupu Springs and associated water bodies

Date: 14 March 2018

Submission by: **FEDERATED FARMERS OF NEW ZEALAND**

Address for Service: Angela Johnston
Senior Policy Advisor



We wish to present our views at a public hearing.

Introduction

Federated Farmers welcomes this opportunity to submit on the proposed Water Conservation Order (WCO) for the Te Waikoropupu Springs and associated water bodies.

We acknowledge any submissions that have been lodged by individual members.

Federated Farmers takes an interest in the WCOs because we are tasked by our members to ensure that the interests of those people and communities who rely on the region's water resources are adequately recognised and provided for.

Agriculture and farming makes a significant contribution to the economy and the social fabric of the Tasman region. Farmers are stewards of the land and take great pride at producing sustainable food for our nation's tables and providing a living for their families. Access to water is a vital aspect that enables farming.

Federated Farmers is concerned that the WCO is in part an effort to circumvent a proposed plan change by Tasman District Council. A plan change is currently in the pipeline for the very catchment that the WCO is proposed, meaning that the majority of the applicants issues can be addressed in that process, with the added benefit of more robust consultation.

The applicants want all associated waterbodies to be included, yet have not sufficiently

demonstrated that the identified values are of an outstanding level that warrant protection via a WCO. To be considered outstanding, a value must have nationwide significance, yet the values such as recreational and habitat are not out of the ordinary on a national basis.

The application does not adequately consider the needs of the primary and secondary industries and the community under Section 207 of the Resource Management Act (RMA). The WCO as sought will impose both unnecessary and unreasonable constraints to realising the area's social, economic and environmental objectives.

This leads to the conclusion that the WCO needs to be amended, because the application does not meet the purpose of s199 nor does it satisfy s207 of the RMA.

Executive Summary

- Federated Farmers opposes the extent of the WCO and seeks that it be amended.
- The applicants have not demonstrated that all the waterways contain nationally outstanding amenity and intrinsic values which warrant protection by way of a WCO.
- The WCO application undermines an existing plan change process for the Takaka catchment, which aims to address the complex water quality and quantity issues involving all sectors of the community including the applicants.
- The consultation process has been insufficient.
- The application fails to adequately consider the needs of primary and secondary industries and the community.
- The application fails to sufficiently recognise and provide for the taking and use of water for domestic and animal drinking supply, and for livelihood and economic use.
- The applicants scientific evidence is less than adequate.

Water Conservation Order

WCOs aim to provide a high level of protection to waterways which have values which are deemed to be outstanding at a national level.

The characteristics listed in RMA s199(2)(b) which contribute to, and which are considered outstanding is limited and finite, with many other values important to people and communities excluded from the list such as farming, food production or renewable energy generation.

Federated Farmers prefers value identification and ranking, which allows councils and their communities the freedom to decide what these are, instead of limiting them to a set list.

Relief sought:

- That the application in its current version is declined.

Values Identified in the WCO

The applicants have not demonstrated that all the associated water bodies and their tributaries including hydraulically connected groundwaters contain nationally outstanding, amenity and intrinsic values which warrant protection by way of a WCO.

The Te Waikoropupu Springs is undeniably nationally significant, and Federated Farmers does not have an issue with the protection of this feature. We are concerned with the WCO application seeking to protect all associated water bodies in the Takaka catchment.

Federated Farmers does not consider that the applicants have provided sufficient compelling evidence in support of their application. The burden of proof falls on the applicants to put forward evidence to establish that the values are outstanding.

The applicants have not sufficiently demonstrated that the recreational values of the subject rivers are outstanding. The recreational values in the Takaka catchment do not appear to be outstanding on a regional basis, let alone a national basis.

We do not consider there is sufficient basis for the Panel to determine that: the rivers and their tributaries including hydraulically connected groundwater are outstanding at the national level; nor that the rivers are outstanding at the national level in terms of cultural and spiritual values in accordance with tikanga Maori.

Relief sought:

- The WCO be declined in its current version, because it has not demonstrated that all the waterways contain nationally outstanding amenity and intrinsic values which warrant protection by way of a WCO.

Plan change as alternative process

Federated Farmers considers that councils need a high degree of flexibility to determine the most appropriate course of action for a given waterway, thereby enabling a targeted and flexible approach to be taken.

For example, the WCO does not enable Council and land owners to work together to get on-farm actions which are practical for the stream/farming system and physical location of the waterway e.g. there are sufficient natural barriers, or fencing a particularly sensitive area which will yield significant benefit.

While it is well accepted that Regional Plans are unable to be *less* stringent than a WCO. There is an argument that Regional Plans are also unable to be *more* stringent than a WCO should this be required to fix a given problem. Therefore, a WCO may not enable a level of regional/catchment/stream specific tailoring, which in our view is needed to ensure that the limited resources available are used in the most efficient and effective way.

Federated Farmers considers the promulgation of this WCO as a means to frustrate the legitimate planning process by particular group(s) who perceive they may not get the high level of protection they deem warranted for particular waterways, which is not a view shared by all. This is incredibly disappointing and does not acknowledge the many views and values the community holds with respect to the Takaka catchment.

Furthermore, the application doesn't acknowledge the time, energy and resources, that have already been invested into finding solutions by the Takaka Freshwater and Land Advisory Group (FLAG). Federated Farmers is disappointed that years of collaborative work has

been ignored. We also note that one of the applicants was a member of the FLAG who has since left the Group.

The role of the FLAG was to reach interim decisions on water quantity and quality management in the Takaka Freshwater Management Unit to enable development of a draft plan change and draft implementation plan. These interim decisions have been recommended to the Tasman District Council for consideration.

The FLAG identified a range of management options including both regulatory and non-regulatory approaches, all of which adhered to the National Policy Statement for Freshwater Management.

Water quality in the Takaka catchment is generally very good and in many places exceptional. However, there are some localised areas where water quality is degraded within specific water bodies or water body reaches; issues are seen with sediment, *E.coli*, nuisance plant growth, high water temperature, low dissolved oxygen, and riparian and instream habitat loss.

It can be concluded that the current practices within the catchment are working, granted some changes are necessary to address the above localised issues, but overall the existing system works.

Relief sought

- That the WCO application be declined as it is a blunt and rigid legislative tool that is excessive and unnecessary for the Takaka catchment.

Consultation

Federated Farmers opposes the WCO application due to its poor consultation process during development.

The applicants discuss their consultation process from paragraph 97 of the application. A list of organisations consulted are provided, and it must be noted that landowners/farmers do not feature. This should not be considered a robust consultation process.

It is our understanding that one of the applicants is the current Chairman of Friends of Golden Bay, who are listed as the community group as having been consulted. This group has also contributed financially to the additional water testing referred to within the application.

Federated Farmers is cautious regarding the amount of additional monitoring undertaken. Monitoring over and above that required from regional councils for the National Policy Statement for Freshwater Management national reporting framework is problematic. It should be noted that this additional testing is only for nitrate. Nothing in nature works in isolation, therefore focusing solely on one section of a very big picture is likely to achieve little except biased conclusions.

The lack of consultation or representation by interests outside the two applicants, can be contrasted with the extensive consultation and wide representation of the FLAG group.

The plan change for the Takaka catchment, currently under development by the Tasman District Council, following the FLAG's recommendations, will go through a RMA Schedule 1 process, enabling further consultation and participation.

Relief sought:

- That the WCO application be declined for the reason that the consultation process has been insufficient.

Primary Production Values

The applicants have not adequately considered the needs of the primary and secondary industries, and the community under s207 of the RMA. The WCO as sought will impose both unnecessary and unreasonable constraints to realising the district's social, economic and environmental objectives.

Primary production is a significant and the majority land use within the Takaka catchment.

The only values identified in the WCO application are: habitat for wildlife; recreation; Maori values (tikanga Maori, cultural and spiritual purposes); and environmental (ecological and scientific).

Values important to farmers and farming, such as the use and taking of water for drinking (both livestock and human drinking), and livelihood and economic use, have been identified in the FLAG process, and yet they are prejudicially effected by a WCO.

Submitters other than Federated Farmers are likely to identify further values for the areas waterbodies which have been omitted. The FLAG identified eight values to be enabled including cultural and spiritual, ecosystem health, and natural form and character.

Water for household supply and stock drinking are central values for farmers and fundamental to farming in the catchment. The taking of water for domestic and animal drinking is imbued in the RMA under Section 14(3)(b) and it is impossible to overstate how vital this value is to farmers.

It is important to remember that the taking of water for stock drinking does not necessarily refer to livestock accessing and drinking directly from streams or rivers. Only in the upper catchment where farms with steeper terrain would streams be relied on for stock water. The steeper banks of hill country creeks mean that when relied on for stock water, the only point of contact with the water will be with the animal's mouth or possibly front feet.

The main method for providing stock water is to take water from a stream, spring, tributary, dam or bore, and pump it to reservoirs or tanks and then out to troughs and houses for use. Providing water in troughs is a recognised good practice method which reduces the physical impacts of trampling and in-stream water quality impacts of stock accessing waterways.

A WCO that fails to recognise Section 14(3)(b) takes will fail to enable a good practice method which improves water quality outcomes.

The application in paragraph 117 states that *The Applicants do not seek to unnecessarily restrict the use of water for individual domestic and stock water needs*. The applicants consider that the application still allows for reasonable use by primary and secondary industry, yet have not consulted with them.

Federated Farmers is not satisfied that intent is enough to manage the effects of the WCO on takes for domestic and stock water uses. The restrictions sought will have an impact on these values, particularly preventing new water takes will naturally limit future takes for domestic and stock water uses. Although the draft Conservation Order Clause 10 notes that order does not limit sections 14(3)(b) and (e) uses, Federated Farmers believes the WCO

process to be less robust than a plan change that has gone through a Schedule 1 process.

The applicants proposed abstraction and water quality limits in Section 8 and Schedule 1 of the draft WCO will have a major impact on current and future water users and land uses in the catchment, and the proposed limits have not been developed via robust consultation with the community.

Relief sought:

- That the WCO application be declined, because it fails to adequately consider the needs of primary and secondary industries and the community.
- That the WCO application be declined, because it fails to sufficiently recognise and provide for the taking and use of water for domestic and animal drinking supply, and for livelihood and economic use.

Draft WCO

The draft Order is vague and unclear. For example, Schedule 4 sets limits for the riverine environment, yet is to be applied to the springs and aquifers. It is also unclear in Schedule 4 why some of the limits are set to current state, but others including nitrate get an actual number.

The purpose of Schedule 5 is contradictory. Trigger values are not limits but are meant to trigger investigation, yet as currently written in the draft Order are to be used as limits.

The Cawthron Institute released a report¹ in March 2017, on the ecosystem health of Te Waikoropupu. This report was prepared to inform the decision making by the Takaka FLAG. A panel of scientists from throughout New Zealand were selected and asked to address a set of specific objectives.

The objectives were to:

- summarise the existing physicochemical and biological data time series for Te Waikoropupu and connected water bodies to improve understanding of the current state of the springs and changes over the last 10-20 years,
- assess ecosystem health of the springs and highlight the major anthropogenic risks to spring health based on results of (1) and expert knowledge, and
- provide recommendations on relevant attributes (and bands) that can be used in objective-setting.

Importantly, the report separates the aquifer from the spring from the riverine environment. Whereas the draft Order does not differentiate between these very diverse settings.

Relief sought

Federated Farmers strongly supports the use of evidence based decision making, as the applicants scientific evidence is less than adequate, the findings and recommendations of the Cawthron report should be utilised.

¹ http://www.tasman.govt.nz/document/serve/Cawthron%20Report%202949%20-%20Ecosystem%20Health%20of%20Te%20Waikoropupu%20-%202031%20March%202017.pdf?path=/EDMS/Public/Other/Environment/Water/WaterManagement/Takaka_FLAG_Resources/00000740929

Federated Farmers of New Zealand

Federated Farmers of New Zealand is a primary sector organisation that represents over 13,000 farming and other rural businesses. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand farmers.

The Federation aims to add value to its members' farming business. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

Federated Farmers thanks the Special Tribunal for considering our submission on the proposed Water Conservation Order for the Te Waikoropupu Springs and associated water bodies.

