

**SUBMISSION ON PUBLICLY NOTIFIED APPLICATION FOR DRAFT
WATER CONSERVATION ORDER UNDER SECTION 205 OF THE
RESOURCE MANAGEMENT ACT 1991**

Form 30 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003

To: Special Tribunal
Environmental Protection Agency
Private Bag 63002
Wellington 6140

Submission on: Draft Water Conservation (Te Waikoropupū and the Arthur
Marble Aquifer) Order 2015

Name of Applicant: Ngāti Tama Ki Te Waipounamu Trust and Andrew Yuill

Name of Submitter: Ravensdown Limited (Ravensdown)
[REDACTED]
[REDACTED]

Address of Service for Submitter: Planz Consultants
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1. The specific provisions of the Draft Water Conservation Order that Ravensdown's submission relates to are:

Those parts of the draft Water Conservation Order that impose restrictions on future land use and set water quality standards that constrain primary industry activities in the Takaka Water Management Area as outlined in the submission below.

2. Ravensdown's submission is:

Ravensdown supports the overall intent of the draft Water Conservation Order to recognise and protect the Te Waikoropupū Springs and those parts of the Arthur Marble Aquifer waters that contribute to the importance of the Te Waikoropupū Springs.

Ravensdown opposes those parts of the draft Water Conservation Order as identified in Sections 3.2 and 3.3 of the submission below. The relief sought by Ravensdown from the Special Tribunal is also outlined in Section 4.0 of the submission below.

3. Ravensdown wishes to be heard in support of this submission.

Ravensdown would be prepared to present a joint case with others that have made similar submissions at a hearing.



Anna Wilkes
Environmental Policy Specialist
Ravensdown Limited
13 March 2018

SUBMISSION ON DRAFT WATER CONSERVATION (TE WAIKOROPUPŪ SPRINGS AND ARTHUR MARBLE AQUIFER) ORDER 2015

1.0 Introduction

The following submission is made on behalf of Ravensdown Limited (Ravensdown) to the application by Ngāti Tama Ki Te Waipounamu Trust and Andrew Yuill (the Applicants) for a draft Water Conservation Order (WCO) to be placed on the Te Waikoropupū Springs and associated water bodies.

The application has been made to the Minister for the Environment who has established a Special Tribunal to consider the application under s.207 of the Resource Management Act 1991 (RMA). The Special Tribunal has requested submissions on the draft WCO in the prescribed form and in accordance with s.205 of the RMA.

2.0 Ravensdown's Interests In Resource Management

Ravensdown takes an interest in a wide range of resource management matters that relate to rural activities and participates in planning processes at the national and regional level through preparing submissions on regulatory, policy and plan instruments prepared under the RMA.

Ravensdown is a farmer co-operative that exists to enable smarter farming with products, expertise and technology to help farmers reduce environmental impacts and optimise the value from the land.

In particular Ravensdown participates in planning processes to ensure policies and regulations incorporated into planning instruments are effects based with achievable, science-based limits. This then allows Ravensdown to provide advice to farmers on how to manage their farm system in accordance with plan requirements without compromising the growth and production of the rural sector.

3.0 Ravensdown's Submission

3.1 Overall Support

Ravensdown acknowledges the outstanding amenity and intrinsic values associated with the Te Waikoropupū Springs in their natural state. Ravensdown also recognises the Te Waikoropupū Springs are considered to be of outstanding significance in accordance with tikanga Maori to Ngāti Tama.

Ravensdown therefore supports the draft WCO recognising and sustaining the Te Waikoropupū Springs as a feature worthy of national recognition in terms of s.199(1)(a) and s.199(2) of the RMA. Ravensdown also supports the recognition in the draft WCO of the waters of the Arthur Marble Aquifer that contributes to the importance of the Te Waikoropupū Springs in terms of s.199(1)(b) of the RMA.

In the broader context, Ravensdown acknowledges the role and effort of the Freshwater and Land Advisory Group (FLAG) that was established to help the Tasman District Council (Council) to develop ways to manage freshwater resources, meet the obligations of the National Policy Statement for Freshwater Management (NPSFM) and to prepare and recommend draft planning provisions including policy and rules to be included in the Tasman Resource Management Plan. Ravensdown does not wish for this submission to denigrate from the efforts of the FLAG, and therefore wishes for FLAG's work to be acknowledged and utilised as part of the amendments to the draft WCO.

3.2 Ravensdown's Opposition

Ravensdown opposes that part of the draft WCO covering 'associated' water bodies (other than the Te Waikoropū Springs and the Arthur Marble Aquifer waters) identified within the Takaka Water Management Area, and the restrictions on land uses and the setting of unnecessary limits over these areas.

3.3 Reasons for Ravensdown's Opposition

Ravensdown's opposition to that part of the draft WCO covering 'associated' water bodies is based on the following reasons:

- 1) Ravensdown's understanding is that the hydrology and hydrogeology of the Takaka Water Management Area is complex, and because of this complexity, it is concerned that the draft WCO is too broad in its area of extent, and the restrictions it places on future land use activities in areas located well away from the Te Waikoropū Springs and the Arthur Marble Aquifer waters. Ravensdown's preference is that the scope of the WCO is narrowed to the Te Waikoropū Springs and the Arthur Marble Aquifer waters with the water quality in 'associated' water bodies within the Takaka Water Management Area managed through regional plans, with the possibility for variation to the WCO in the future to include more land areas and water bodies under s.216 of the RMA, if science supports such a variation;
- 2) The draft WCO makes assumptions regarding the source and geographic location of contaminants entering water bodies that is not necessarily supported by the science;
- 3) In particular, the draft WCO places restrictions on future land uses and land use changes in areas that either do not contribute to the values of the Te Waikoropū Springs, or do not adversely affect the recognised amenity and intrinsic values of the springs;
- 4) The draft WCO requires the consideration of accumulative effects of activities on 'associated waters' on the basis that these effects could then affect the recognised outstanding amenity or intrinsic values of the Te Waikoropū Springs. This approach then places undue constraints on future land use activities given the possibility that they may have adverse effects;
- 5) A particular example of such a restriction is the nitrate nitrogen (NO₃-N) limit of 0.4mg/l included in Clause 9 of the draft WCO. Ravensdown is concerned there is no basis for this value provided in the application apart from a reference in paragraph 90 that states "*Recent nitrate concentrations in Te Waikoropū Springs are reported as typically <0.4 mg/L-N*". there is no identified scientific basis for requiring this limit in the Takaka Water Management Area, particularly when the application acknowledges "*significantly incomplete knowledge of*

pollution movement in the aquifers and therefore implies need for greater precaution in allocation and land use policy” (paragraph 104);

- 6) Ravensdown is concerned imposing such a nitrate limit as a ‘blanket approach’ across the entire Takaka Water Management Area places undue constraints on all resource users regardless of their location in the catchment or their management practices. Such a standard may be appropriate for activities over the Arthur Marble aquifer but not for ‘associated’ water bodies within the Takaka Water Management Area;
- 7) The draft WCO creates uncertainties for resource users that have made considerable investment in infrastructure and operations and this uncertainty affects the economic and social wellbeing of the community;
- 8) Proposed Schedule 5 of the draft WCO is an excerpt from the 2000 ANZECC guidelines and sets out trigger values (in some cases) for toxicants set at the 99% level of protection. It is not appropriate to use these guidelines as standards as this was not their intent or purpose. Also, it is understood that the ANZECC guidelines are currently under review;
- 9) The draft WCO as currently written places restrictions on water bodies that are more appropriately managed through provisions included in the NPSFM and through the preparation of regional plans using the RMA Schedule 1 process;
- 10) The draft WCO potentially undermines the FLAG work that includes considering the existing and potential future water quantity and quality challenges in the Takaka Water Management Area. This includes developing solutions for managing water allocation and the water quality effects of land use activities, including through the regional plan;
- 11) The application (paragraph 82) aims to protect the aquifer from pollution from its recharge sources, having particular regard to (amongst other matters) ‘*g) fertiliser leachates, especially nitrates*’: Nutrient losses from fertiliser are uneconomic for the farmer to sustain and can be controlled using a range of techniques including appropriate advice on product application rates and timing. In other regions nutrient losses are controlled through good management practices, Farm Environment Plans, Nutrient Budgets etc. Also, it is important to recognise that nutrient losses into groundwater systems are primarily from animal urine patches;
- 12) The draft WCO as it is currently written fundamentally fails test under s.207 of the RMA which requires regard to be had to the needs of primary and secondary industry and the community. Ravensdown, in preparing this submission, seeks to ensure that appropriate regard is given to these matters.

4.0 Relief Sought by Ravensdown

Ravensdown seeks the following relief from the Special Tribunal:

- 1) Reduce the area of extent and scope of the draft WCO to cover only the Te Waikoropupū Springs and the Arthur Marble Aquifer waters (i.e. Schedule 1 and 2 water bodies), while

retaining the provisions of the draft WCO over these water bodies, for the reasons listed in Section 3.1 in this submission above;

- 2) Direct that protection of waters within the Takaka Water Management Area beyond the Te Waikoropupū Springs and the Arthur Marble Aquifer waters are afforded appropriate protection through a RMA Schedule 1 regional plan process in the future;
- 3) Signal that the WCO may be varied in the future to include more land area and water bodies, if science supports such a variation;
- 4) Consequential amendments following on from 1) above including: deletion of references to ‘associated water bodies’ not to be covered by the draft WCO including Schedules 3 and 5; and revising Schedule 4 with science based limits that apply only to Schedule 1 and 2 water bodies;
- 5) Any other relief required to meet the concerns and relief sought by Ravensdown in this submission.