

# Water Conservation Order: Te Waikoropupū Springs and Associated Waterbodies

**Submission Reference no:** 1260

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**Submitter Type:** Individual  
**Source:** Web Form

## Overall Notes:

### Clause

The specific parts of the application that my/our submission relates to are:

#### Notes

All parts

### Clause

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

#### Position

Support but prefer to preserve different features and qualities of the water bodies

#### Notes

Submission attached

### Clause

If you support the Order with a preference to preserve different water bodies/features/qualities, please describe the provisions that you think should be included in the Order and the effects that those provisions would have on the water bodies. Make reference to sections 199, 200 and 207 of the Resource Management Act if practicable.

#### Notes

Submission attached

### Clause

I/we seek the following recommendation from the Special Tribunal to the Minister for the Environment

#### Position

Grant the order with changes

#### Notes

Submission attached

### Clause

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

#### Position

I/we do want to present my/our views at a public hearing

#### Notes

### Clause

If others make a similar submission, would you want to consider presenting a joint case with them at the hearing?

#### Position

No

#### Notes

**The submitter have elected to withhold their personal details from publication.**

# **Pupu Springs Water Conservation Order Submission to the Special Tribunal**

Tony Reilly

I support the application for a Water Conservation Order for the Pupu Springs only. The inclusion of the Arthur Marble Aquifer and the water bodies of the Takaka Valley is a major error and has effects on the social fabric of Golden Bay.

My name is Tony Reilly, I hold a Bachelor's Degree in Agriculture Commerce. I have worked as a computer programmer for Canterbury University, a Farm Management consultant for the New Zealand Government, studied at London and Reading Universities, the impact of agricultural subsidies on the environment in Europe on a Nuffield Scholarship, been chairman of a local primary school, Golden Bay High school, and was Chairman of Tasman Milk Products up until the eventual merger into Fonterra. I was a member of the Tasman District Council Outstanding Natural Landscapes, group and am a member of the FLAG group, (Fresh Water and Land Advisory Group) and I support that groups recommends. I am proud that our three children were born and educated in Golden Bay. I farm on the banks of the Takaka River, the Waingaro River. Our farm home has the Motupipi River flowing through it. Farmland that my family have owned since purchasing it from the local Iwi in 1856. All farms have significant areas of riparian plantings along the water bodies, dating back more than fifteen years. Two large areas have Queen Elisabeth II Covenants and other areas have been retired for conservation values. Golden Bay is my home and I have concerns about the social, cultural and economic impact of this Water Conservation Order application.

## **NGATI TAMA and YUILL APPLICATION**

By design, or poor drafting, the application and draft Water Conservation Order provided has a number of major flaws and is unworkable in its current form. It is based on limited and selective scientific evidence, or no evidence at all.

Areas of major concern are:

1. **WATER BODIES INCLUDED.** The inclusion of the aquifer and all water bodies in the Takaka Valley, including water bodies that have NO connections or impact on the Pupu Springs is not logical. The water bodies are not natural or outstanding due to the deforestation and human habitation over the last 180 years. Also, the Aquifer is not natural and outstanding due to the influence of the Cobb dam altering the flow levels into the Pupu Springs. Over the summer months, the Pupu Springs are enhanced by 700 litres a second, due to the impact of stored water from the Cobb dam, so are not at natural levels. To be Outstanding the water bodies must include or contain outstanding characteristics or features. Ngati Tama and Yuill do not demonstrate or provide any evidence of this.

2. **WATER QUALITY LIMITS and SCOPE.** The very low trigger levels for nitrates for ALL water bodies in the Takaka Valle is not practical or workable. The suggested 0.4 mg/l Nitrate triggers are too low and the National Policy Statement for Fresh Water levels for A grade water should be used. The National Policy Statement for Nitrate Fresh Water for A grade water is 1.0 mg/l. Ngati Tama and Yuill do not provide any definition for "Precautionary principle".
3. **LACK of SCIENTIFIC SUPPORT.** Dairy Farm land covers 2.4% (Andrew Fenemor presentation to FLAG) of the Takaka catchment. No evidence has been presented that a direct and measurable impact on the nitrate levels of the Pupu Springs from dairy farming has scientific support. The area of irrigated dairy farm land, in the catchment is a much smaller proportion of the 2.4% total dairy area in the catchment. There are no peer reviewed scientific papers as evidence to support the applicants claim. The measured movement in nitrates in the Pupu Springs may be from natural changes with the Aquifer, or changes in nitrate leaching at a higher percentage of NO<sub>3</sub>-N/ha/year from forestry, native and scrublands in the Takaka catchment. Ngati Tama and Yuill provide no evidence or peer reviewed scientific papers.
4. **RESOURCE CONSENT UNCERTAINTY.** Many of the existing consents to take water for irrigation expire in May 2019. If this Hearing runs beyond that date then new consent maybe required and would be impacted by this application. This shows no recognition of the existing use rights or the capital investment made by primary industry. This would have economic, social and cultural impacts on Golden Bay. Ngati Tama and Andrew Yuill have shown no regard for the existing economic, social, environmental or cultural already developed in the area. They wish to impose a non-local solution when TDC have been working with a local community group, FLAG to provide solutions that achieve the outcomes desired by the applicants of the Water Conservation Order.
5. **LACK of CONSULTATION with KEY INDUSTRIES.** Section 207 of the RMA Act requires this Special Tribunal to have particular regard to primary and secondary industry, yet Ngati Tama and Yuill have done very little to consult with these industries. The impact of this application will have a major impact on the very nature of primary and secondary industry in Golden Bay.

Specific areas and statements from the applicants which I wish to comment on.

Section B. I wish to acknowledge the significance of the Pupu Springs to Ngati Tama and their deed of settlement of 2013

Section B. Clause 71. The Pupu Springs already have a number of protections, including the under the Historic Place Act, Department of Conservation Management Plan, and are included in the draft Tasman District Council as an Outstanding Natural Feature. The Pupu Springs are outstanding, and of International significance. However, the aquifer from which they emerge, like ALL aquifers it is unique, isolated and separated from other aquifer. The fauna and microorganisms in each aquifer are

unique and special as there is no ability in nature for them to transfer. Each and every aquifer has 'endemic' fauna and is unique.

Section B. Clause 78. The nitrate and total phosphorus concentrations in the Springs have over many years fluctuated within a band. Ngati Tama and Yuill need to show the full range of data and not a selected range. The use of the ANZECC 2000 river trigger levels are not an appropriate measure for this application. The National Policy Statement for Fresh Water 2014 may be a more appropriate reference. Fresh water Springs appear to have no recognised guidelines.

Section B. Clause 79. The applicant states that 'silt loadings are clearly above pre land-clearing levels' yet NO evidence is provided to this statement. Forestry, scrubland and native vegetation cover 91.6% (Andrew Fenemore presentation to FLAG) of the Takaka catchment and will have an effect on silt loading as in pre land clearing times.

Section C. Clause 82.j. No definition of the 'precautionary principle' is provided by the applicant, or how 'developments that may have an adverse impact on the aquifer' will be identified and managed. Ngati Tama and Yuill need to provide more information and data on the practical management of this principle, having regard for the RMA. That is, to consider social, environmental, economic and cultural values.

Section C. Clause 82.i. No definition of 'best management guidelines' is provided by the applicant. Ngati Tama and Yuill could well use the FLAG recommendations

Section C. Clause 89. The ability to manage the aquifer complex to ensure that the Springs contain at least 0.6 mg/l of dissolved oxygen is not able to be undertaken. Ngati Tama and Yuill provide no evidence of how this will be managed.

Section D. Clause 94. While Section 207 of the RMA requires the Special Tribunal to have regard for primary and secondary industry. Ngati Tama and Yuill have provided no evidence of any consultation with industry to assist the Tribunal.

Section D. Clause 105. This is not scientifically correct and no evidence is provided that the one litre of irrigation water equals one litre of water loss the Springs. Ngati Tama and Yuill have provide no evidence.

Section D. Clause 109. No such Report exists as the FLAG group was not formed at that date. No evidence provided

Section D. Clause 111. Mining may have an effect on water bodies and aquifers, but no evidence is provided on the Pupu Springs, or how it will be managed.

Section D. Clause 112. The salmon farm downstream of the Pupu Springs may well increase the nitrate and E. coli levels above the applicants trigger in the water bodies downstream. Yet Ngati Tama and Yuill appear to provide a different standard for that water and demonstrate an inconsistent approach to water body values.

Section D. Clause 116. The Arthur Marble Aquifer is not in a natural state due to the influence of the water flows from the Cobb hydro dam, and human habitation in the catchment over the last two centuries and more.

Section D. Clause 119. Due to the many Resource Consents for irrigation expiring in May 2019, this application will not give 'sufficient certainty "or provide reasonable use" as the applicant describes. If this application is not settled by May 2019 the consent holders will be required to apply for new consents. Hence no certainty or reasonable use has been demonstrated by the applicant.

Chapter 33. Clause 183. There is no evidence in the Takaka catchment of inefficient irrigation or high stocking rates provided by the applicant. The area of land for dairy is a very small percentage of the overall catchment (2.4%). NO significant scientific data or information is provided by Ngati Tama or Yuill to demonstrate such linkage between irrigation/stocking rate and nitrate in the Springs. Other areas within the catchment will also have an impact including forestry, scrublands, native bush, bird life, septic tanks and roading.

Chapter 33. Clause 184. Excessive amounts of organic matter entering the aquifer are not demonstrated by the applicant. No practical measures are provided for controlling organic matter yet Ngati Tama and Yuill wish to include specific water limits.

Summary of Section 209, Clause 209. The applicant states they have consulted with interested stakeholders. This is NOT correct. Primary and secondary industry have had little to no input into this application before the Special Tribunal. Iwi often have this concern on a range of issues but a different standard has been applied by Ngati Tama and Yuill in this case. Significant information and data is not presented in the application and the applicant must be required to fully consult with primary and secondary industry in Golden Bay.

### **CHANGES to DRAFT WATER CONSERVATION ORDER requested are:**

That the hearing be adjourned for a period of three to six months to review the scientific papers, FLAG recommendations and the economic impact that the current draft would have on the Golden Bay community. Also, for Ngati Tama and Yuill to provide more scientific information, to include the FLAG recommendations and fully consult with primary and secondary industry in Golden Bay.

Following such adjournment, that the following RELIEF is requested:

Clause 1.

Name change to Pupu Springs Water Conservation Order 2018

Clause 3.

Remove 'Waters' definition as it is too broad a definition and should only refer to the main Pupu Springs

Remove 'Arthur Marble Aquifer' definition as the aquifer cannot be managed in size or scope.

Alter 'Te Waioropupu Springs' definition to read 'Main Springs' only as definition is too broad. Fish Creek can run dry over summer, and is a different water body. Remove 'Takaka River and its Tributaries' definition as it is too broad, and includes water bodies not connected as in Schedule 3.

Clause 4.

Remove clause 4. All points from 'a' through to 'j' inclusive lack any credible information or data from the applicant.

Clause 5.

Remove clause 5. The Takaka catchment been altered by human habitation for well over two centuries, the Cobb hydro dam and the catchment has been modified and is not natural. I support the protection of the area not preservation.

Clause 7.

Remove Schedule 2 and 3 from this clause. The water bodies must be outstanding and natural. Water bodies in these Schedules have been modified and are not natural.

Clause 8.

Remove point a. Cannot control the size of a natural aquifer.

Remove point b, and replace with FLAG recommendations. FLAG have considered this over four years with local input using 10% MALF as a guide for allocation of water.

Remove point c, until greater clarity is shown by the applicant regarding Fish Creek. Remove point d, as Schedule 3 removed also. Too broad

Clause 9.

Remove reference to Schedule 1, 3, 4 and 5, as these must be removed as detailed below.

Clause 11.

Amend to include existing Resource Consent holders for water at date of application, being 24 June 2015.

Clause 12.

Amend to give greater clarity to include existing Resource Consent holders for water at date of application, being 24 June 2015.

Schedule 1

Remove Schedule 1. The water is not in a natural state as this has been altered by human habitation for well over two centuries, the Cobb hydro dam and is neither natural or outstanding.

Schedule 3.

Remove Schedule 3. The area of water bodies are neither natural or outstanding. Same as for Schedule 1

Schedule 4.

Remove Schedule 4. The water quality limits are unworkable and are not site specific. An option may be the National Policy Statement for Fresh Water 2014 for an appropriate reference. Fresh water Springs appear to have no recognised guidelines.

Schedule 5.

Remove Schedule 5. Trigger values appear to be the incorrect references and not be appropriate for the Pupu Springs. No history, trends or site-specific data provided by applicant.

Also request that an equivalent economic analysis of the impact of the final Pupu Springs Water Conservation Order be undertaken, similar to that required by Section 32, of the Resource Management Act.

## SUMMARY

I have major concerns over the very fabric of Golden Bay culture if this draft WCO is adopted. I support the Water Conservation Order for the Pupu Springs only, and request the relief above. Thank you.

Aki aki kea kaha

Tony Reilly  
23 February 2018

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