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## **ANALYSIS OF SUBMISSIONS**

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Water Conservation Order:  
Te Waikoropupū Springs and associated  
water bodies

March 2018

## Executive Summary

The Minister for the Environment has received an application for a water conservation order for Te Waikoropupū Springs<sup>1</sup> and associated water bodies from Ngāti Tama Ki Te Waipounamu Trust and Andrew Yuill.

The application concerns the following water bodies: the confined and unconfined Arthur Marble 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 Minister for the Environment appointed a Special Tribunal (the Tribunal) to hear and report on the application. The Tribunal may consider matters wider than the matters raised in the application.

The EPA publicly notified the application on 31 January 2018 and called for submissions. The formal submission period was initially set to close on 28 February 2018. The Special Tribunal received a request to extend the submission period<sup>2</sup>, which was granted and the revised submission period closed on 14 March 2018.

The EPA received 1783 submissions before the close of the submission period.

At the time of writing, seven late submissions have been received. The Tribunal will consider whether these and any further late submissions be accepted on 23 March 2018.

Of the 1783 submissions received by the EPA;

### Position on the application:

- 1687 submitters (94.6%) **support** the application.
- 63 submitters (3.5%) **oppose** the application.
- 10 submitters (0.6%) were **neutral** on the application.
- 10 submitters (0.6%) **support with a preference for preserving another water body in the same catchment.**
- 7 submitters (0.4%) **support with a preference for preserving different features/qualities.**
- 6 submitters (0.3%) **did not specify or clarify a view** on the application.

### Tribunal recommendation sought:

- 1669 submitters (93.6%) would like the Tribunal to recommend that the WCO be **granted.**
- 62 submitters (3.5%) would like the Tribunal to recommend that the WCO be **declined.**
- 35 submitters (2%) would like the Tribunal to recommend that the WCO be **granted with changes.**

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<sup>1</sup> Te Waikoropupū Springs is the official name of the Springs, however they are also known as Pupu Springs and The Springs. As this document contains content extracted from submissions, these naming conventions are interchanged.

<sup>2</sup> This request was received on 23 February 2018.

- 9 submitters (0.5%) were **neutral** on what the Tribunal should recommend.
- 8 submitters (0.4%) **did not specify or clearly identify a view** whether the Tribunal should recommend that the WCO be granted, granted with changes, or declined.

#### **Wish to be heard:**

- 1601 submitters (89.6%) have indicated that they **do not wish to be heard** at the hearing.
- 172 submitters (9.6%) have indicated that they **wish to be heard** at the hearing.
- 10 submitters (0.6%) **did not specify or clarify** if they wished to be heard.

Of the submitters who wish to be heard, 61 have indicated that **if others make a similar submission they will consider presenting a joint case.**

#### **Location:**

- The biggest group of submitters are from Tasman (24%), followed by Auckland (16.3%).

#### **Sector:**

- 1690 submitters (94.8%) identified as individuals.
- 60 submitters (3.4%) identified as organisations.
- 28 submitters (1.6%) identified as iwi.
- 5 submitters (0.3%) identified as community groups.

A range of topics have been raised in the submissions, primarily around:

- Protecting the waterbodies due to their cultural and historical significance;
- Preventing intensive farming in the vicinity of the waterbodies;
- Protecting the waterbodies for their natural characteristics and amenity values;
- Safeguarding the waterbodies for future generations;
- Protecting the rights of existing farming, commercial, and industrial operations;
- Protecting the waterbodies due to their regional and national significance;
- The scientific values of the Springs;
- Alternative processes for catchment management;
- Preventing pollution; and
- The recreational values of the waterbodies

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# 1. Explanatory Information

## 1.1. Use of this document

The purpose of this report is to assist the Tribunal, and parties to the hearing process. The information provided in this report is as follows:

### Executive Summary

- Section 1        Outlines the purpose, structure, and limitations of this report.
- Section 2        Provides background on the Application and the submission process.
- Section 3        Provides information on the submissions received.
- Section 4        Provides an overview of the submissions and identifies trends within submissions, including the number of submitters that wish to be heard at the hearing, where submitters are located, and whether submitters are individuals, groups, or organisations.
- Section 5        Contains a summary of the types of matters raised across a number of submissions, and identifies many of the submissions that raised that matter.
- Section 6        Summarises the requested changes and comments to the Tribunal.
- Appendix 1      Provides the full list of submitters, by submission number and alphabetically.
- Appendix 2      Provides a full list of submitters by topic.

## 1.2. Administration

Each submitter is referenced by their name, and EPA submitter reference number, for administrative purposes.

This analysis of submissions provides an overview of the submissions received, and outlines the general opinions provided in these submissions. The themes described within this report reflect the views represented by submitters, and do not reflect any view of the EPA. Italics have been used to highlight where comments reflect submitters' opinion.

## 1.3. Limitations

Identification of trends and concerns within this report are based on information provided by submitters in their written submissions, and taking into account any changes requested by submitters following close of submissions, and up to 14 March 2018.

The categorisation of submitters into "sectors" in Section 4.5 of this report is based on the "submitter type" entry provided on the online web form and does not reflect whether an individual submission refers to businesses, or other types of groups, in their submission.

It is not unusual for submissions received on proposals of this nature to cover a broad range of issues and to offer differing levels of detail. Although each submission is unique, an analysis of the submissions

necessarily involves a degree of generalisation. Summaries of matters raised are therefore not always a replication of original submissions, except where the matter raised on the topic is particularly unique.

The trends and common matters raised and summarised in Section 5 are based solely on the content of submissions. The analysis contains only common matters raised across a number of submissions, and may not refer to all matters raised. The Tribunal will consider all submissions.

#### 1.4. Submitters wishing to be heard

The EPA provides all submitters who stated they wish to be heard at the hearing with the opportunity to confirm their wish to be heard before the hearing notice is released, thus the number who want to be heard at the hearing may decrease.

## 2. Introduction

### 2.1. Application Background

Ngāti Tama Ki Te Waipounamu Trust and Andrew Yuill (the Applicants) first applied to the Minister for the Environment for a Water Conservation Order (WCO) for Te Waikoropupū Springs in January 2014. At that time the Minister requested further information from the Applicants. In response, the Applicants provided the information and submitted an amended application on 7 April 2017.

The application concerns the following water bodies: the confined and unconfined Arthur Marble 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 in their application 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 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.

On 5 June 2017 the Minister for the Environment accepted the application and referred it to a Special Tribunal for consideration. The Tribunal may consider matters wider than the matters raised in the application.

### 2.2. Public Notification

The WCO application was publicly notified on 31 January 2018.

The public notice was published in the New Zealand Herald, The Dominion Post, The Press, The Otago Daily Times, Motueka Guardian and Nelson Mail on 31 January 2018 and in the Tasman Leader on 1 February 2018.



The EPA identified contact addresses (postal and/or email) for 11 government agencies and iwi groups with a potential interest in Te Waikoropupū Springs and associated water bodies. The EPA posted these parties a direct notification pack including a copy of the public notice and a cover letter on 30 January 2018.

A mail drop of a flyer containing details of the application was carried out to all residents of Takaka, Golden Bay, Motueka and Tasman on 2 February 2018.

Copies of the application, public notice, submission form and information sheet were made available on the EPA website, and in hardcopy at the following locations:

- EPA Office – 215 Lambton Quay, Wellington
- Takaka Memorial Library – 3 Junction Street, Takaka
- Elma Turner Library – 27 Halifax Street, Nelson
- Collingwood Memorial Library – 9 Tasman Street, Collingwood
- Tasman District Library – 280 Queen Street Richmond
- Motueka Public Library – Pah Street, Motueka

Submissions on the Application could be made via the EPA's online submission form, by email, or by hard copy delivered by post, email, or delivered in person to the EPA, or to the Applicant.

As per section 205(7) of the Resource Management Act 1991 (RMA), the submission period was initially set to end at 4:00 p.m. on 28 February 2018.

On 20 and 21 February 2018, the Tasman Region was hit by ex-tropical cyclone Gita, which severely affected transportation and telecommunications in the Region. Following the storm event, the Tribunal received a request to extend the submission period by two weeks, to enable those affected by the storm to still make submissions on the application.

Pursuant to section 37A of the RMA, the Tribunal granted a two week extension of time to the date of the closing of submissions, to end at 4.00 p.m. on 14 March 2018.

### 3. Submissions Received

As of the close of submission period (being 4:00pm 14 March 2018) the EPA received 1783 complete submissions (see Appendix 1). This includes submissions the EPA received by post that were date stamped on or before the date of submissions closing, as well as submissions that were incomplete when first received, but where the EPA was able to contact the submitter and the necessary additional information was provided by the submitter before the close of the submission period.

At the time of writing, seven late submissions had been received. The Tribunal will consider whether these submissions be accepted on 23 March 2018. If required, an update to this analysis of submissions report will be provided, following direction from the Tribunal Chair.

Of the 1783 submissions received by the EPA, 820 (46%) were provided on either the EPA submission form, or directly to the EPA via email, or post. A number of these submissions included attachments with supplementary information.

The remaining 963 (54%) submissions were received by the EPA via emails that were submitted by the Royal Forest and Bird Protection Society (Forest and Bird) using a third-party website. These submission forms contained auto-populated text that could not be edited by the submitter. However, submitters were able to add additional comments to their submission if they chose to.

## 4. Overview of Submissions

### 4.1. Position of submitters on the application

Submitters were asked to indicate what their views were on the application. Submitters indicated their position by using the check boxes in the submission form. The responses are outlined below.

- 1687 submitters (94.6%) **support** the application.
- 63 submitters (3.5%) **oppose** the application.
- 10 submitters (0.6%) were **neutral** on the application.
- 10 submitters (0.6%) **support with a preference for preserving another water body in the same catchment.**
- 7 submitters (0.4%) **support with a preference for preserving different features/qualities.**
- 6 submitters (0.3%) **did not specify or clarify a view** on the application.

Approximately 963 submissions on the application used a 'pro-forma' submission form prepared by Forest and Bird. All of these submitters supported the submission made by Forest and Bird (submissions number 1576).

### 4.2. Recommendation sought on the application by submitters

Submitters were asked to indicate the recommendation they would like the Tribunal to make to the Minister for the Environment. Submitters indicated their preferred recommendation by using the check boxes in the submission form. The responses are outlined below.

Tribunal recommendation sought:

- 1669 submitters (93.6%) would like the Tribunal to recommend that the WCO be **granted**.
- 62 submitters (3.5%) would like the Tribunal to recommend that the WCO be **declined**.
- 35 submitters (2%) would like the Tribunal to recommend that the WCO be **granted with changes**.
- 9 submitters (0.5%) were **neutral** on what the Tribunal should recommend.
- 8 submitters (0.4%) **did not specify or clearly identify a view** whether the Tribunal should recommend that the WCO be granted, granted with changes, or declined.

### 4.3. Submitters wishing to be heard

Submitters were asked whether they would like to present their views on their submission to the Special Tribunal at a public hearing. Submitters indicated their recommendation by using the check boxes in the submission form. The responses are outlined below.

- 1601 submitters (89.6%) have indicated that they **do not wish to be heard** at the hearing.
- 172 submitters (9.6%) have indicated that they **wish to be heard** at the hearing.
- 10 submitters (0.6%) **did not specify or clarify** if they wished to be heard.

61 submitters who wish to be heard stated that if others made a similar submission, they would consider presenting a joint case with them at the hearing.

Of the 182 parties that **wish to be heard** or **did not specify whether they wish to be heard** at the hearing, the Tribunal recommendation sought:

- 132 (72.5%) submitters would like the Tribunal to recommend that the WCO be **granted**.
- 23 (12.6%) submitters would like the Tribunal to recommend that the WCO be **granted with changes**.
- 21 (11.5%) submitters would like the Tribunal to recommend that the WCO be **declined**.
- 3 (1.6%) submitters were **neutral** on what the Tribunal should recommend.
- 3 (1.6%) submitters **did not specify or clearly identify a view** whether the Tribunal should recommend that the WCO be granted, granted with changes or declined.

The EPA will provide all submitters who indicated they wish to be heard at the hearing, with the opportunity to confirm their intention to appear at the hearing. Accordingly the number who want to be heard at the hearing may decrease.

### 4.4. Submissions by location

The biggest group of submitters are from the Tasman (24%) and Auckland (16.3%) areas. The following table identifies the submitters from each area, or relevant geographic area.

**Table 1: Submissions by location**

Location	Number of submissions	Percentage (%)
Tasman	428	24
Auckland	290	16.3
Canterbury	217	12.2

Wellington	200	11.2
Nelson	120	6.7
Overseas	103	5.7
Otago	103	5.7
Bay of Plenty	84	4.7
Waikato	74	4.2
Manawatu/Whanganui	42	2.4
Hawkes Bay	31	1.7
Northland	28	1.6
Marlborough	22	1.2
Taranaki	13	0.7
Southland	9	0.7
West Coast	8	0.4
Gisborne	8	0.4
Not stated	3	0.2

## 4.5. Submissions by sector

The majority of submissions are from individuals (94.8%), and then organisations (3.4%). The following table identifies the submitters from each sector in terms of their position on the application.

**Table 2: Submissions by sector and position**

Sector	Number of submissions	Percentage (%)	Recommendation Sought				
			Grant	Grant with Changes	Decline	Neutral	Other or Not Specified
Individuals	1690	94.8	1609	17	52	6	6
Organisations	60	3.4	32	17	7	3	1
Iwi	28	1.6	25	3	-	-	-
Community groups	5	0.3	3	1	-	-	1

## 5. Submission subjects or themes

A number of topics were raised across the submissions. Each of the topics below is discussed in more detail in the following sections.

The discussions provided below are not intended to provide an exhaustive account of all topics, aspects, concerns or requests raised in submissions, but rather to provide an overview of the range of views of submitters on this application.

It is noted that a number of submissions raised multiple connected topics, such as protecting waterbodies for their natural characteristics and amenity, and safeguarding the waterbodies for future generations. In this instance we have categorised the submission into the topic which we consider it most relates to.

**Table 3: Common issues and concerns raised in submissions**

Topic	Number of submitters referring to topic (Approx.)	Percentage (Approx.)
Protecting the waterbodies due to their cultural and historical significance	80	24.9
Preventing intensive farming in the vicinity of the waterbodies	60	18.7
Protecting the waterbodies for their natural characteristics and amenity values	54	16.8
Safeguarding waterbodies for future generations	32	10.0
Protecting the rights of existing farming, commercial, and industrial operations	27	8.4
Protecting the waterbodies due to their regional and national significance	24	7.5
The scientific values of the waterbodies	17	5.3
Alternative processes for catchment management	12	3.7
Preventing Pollution	10	3.1
The recreational values of the waterbodies	5	1.6

### 5.1. Protecting the waterbodies due to their cultural and historical significance

Approximately 80 (24.9%) submissions were received that discussed the cultural and historical significance of Te Waikoropupū Springs and the associated waterbodies. These submissions were in support of the WCO being granted to protect the taonga and spiritual values of the waterbodies.

Submitters raised the following points in regard to the cultural and historical significance of Te Waikoropupū Springs, and associated waterbodies:

- *Te Waikoropupū springs holds significant historical and cultural value to the people of New Zealand. It also holds significant spiritual and physical value to the people and the land;*
- *Local Iwi rightly, rationally as well as spiritually, regard Te Waikoropupū Springs as a 'taonga'. As a pakeha Tasman ratepayer I too see these Springs as an outstanding natural feature, one which eminently merits preservation for all people in Golden Bay and all who visit such a natural feature, perhaps unique;*
- *Waikoropupū springs are a very unique site and have large spiritual values to many people, especially Maori;*
- *The Water Conservation Order will ensure that the cultural values of significance can be protected for future generations;*
- *We see the Springs as a place of cultural significance to Maori society and through this to all indigenous people of the world;*
- *Recognise and protect the taonga that is Te Waikoropupū Springs. We need to honour the environmental and spiritual connection of tangata whenua and all New Zealanders with this unique and precious place;*
- *As well as being a taonga, Te Waikoropupū is a treasure of biodiversity and is of outstanding cultural, scientific and ecological importance internationally, and our government has a duty to safeguard the site;*
- *This place is not only a national treasure, but also the home of one of our greatest legends. This is a spiritual place that holds great significance to Maori and the people of Aotearoa!;*
- *Protection of the aquifer qualities of mauri and wairua and its physical health;*
- *I would like to see the spiritual and ecological significance of this local site protected for future generations to benefit from;*
- *This is a sacred place that should be respected, and not utilised for the few people the profit from diary [sic] farms. I oppose the use of these waters being used;*
- *To prevent any pollutions from intensive farming practices or similar enterprises. To preserve the MANA and unique aspects of the entire valley area as a taonga especially overseen by our first people as this area is waitapu.*

See Appendix 2, Table 1 for a list of submitters relating to this topic.



## 5.2. Preventing intensive farming in the vicinity of the waterbodies

Approximately 60 (18.7%) submissions were received that discussed preventing or slowing intensive farming in the vicinity of Te Waikoropupū Springs, and the associated waterbodies. These submissions were in support of the WCO being granted to limit intensive farming, and reduce water takes, in the Takaka catchment.

Submitters raised the following points in regard to preventing or slowing intensive farming in the vicinity of Te Waikoropupū Springs, and associated waterbodies:

- *The springs are a national treasure and should not, in any way, be put at risk of damage. I believe that letting dairy farmers take water from there could be detrimental;*
- *Irrigation in the water recharge zone (Takaka Valley) should not be increased as damage would be irreversible;*
- *The outstanding clarity of Te Waikoropupū Springs and associated water bodies and its significance to the specific ecosystem, cultural and recreational values may be endangered by increasing pressure from intensive farming;*
- *Steps need to urgently be taken to to reduce the nitrate pollution entering the aquifer as a result of intensive dairy farming. Allowing abstraction to occur will result in the deposition of farm wastes including nitrate, phosphate and e-Coli;*
- *Protect the Springs from land use decisions by TDC;*
- *The move to intensive irrigated farming during the last 10 years has an detrimental impact on the Springs;*
- *We don't know what levels of pollution are already in the aquifer;*
- *Allow farmers to construct holding dams which redirect storm flows so that water is available without interacting with aquifers;*
- *Allowing abstraction to occur will result in the deposition of farm wastes including nitrate, phosphate and e-Coli which over the next decade will accumulate and change the composition and quality of the springs community;*
- *The detrimental effect of high intensity farming on water nitrate levels already increasing at an unacceptable level be contained;*
- *As a country we need to ensure that we keep a balance between competing industries. Our international reputation, essential not only for our tourism industry but also for our primary industry exports, depends on a verifiable clean, green image;*
- *There ought not to even be the need for this type of forum, it ought to be patently obvious to any right minded person that it's time our government (No matter which party) stopped the rape of our resources by local and foreign business and farming interests;*
- *The water at that springs will become more valuable over time and is a sacred spot. Dairy practices need to change, the irrigation is absolutely killing our water systems;*
- *To preserve something like this is important because if it gets polluted then recovery will prove very difficult [sic] if even possible. Today's dairy farming is all about short term gain. I would like the*

*government to withdraw farming in this area and also include covenant so it can never be changed even with changes of government.*

See Appendix 2, Table 2 for a list of submitters relating to this topic.

### 5.3. Protecting the waterbodies for their natural characteristics and amenity values

Approximately 54 (16.8%) submissions were received that supported the WCO being granted in order to protect the natural characteristics and amenity of Te Waikoropupū Springs, and the associated waterbodies. These submissions largely discussed protecting the unique qualities of the Springs.

Submitters raised the following points in regard to protecting the natural characteristics and amenity of Te Waikoropupū Springs and associated waterbodies:

- *Protecting the outstanding features and unique qualities of the Springs;*
- *The waters are sacred and profoundly important to all beings;*
- *Pupu is one of the most special places in New Zealand [...] it is worth far more to NZ in its current pristine state;*
- *Water is life. We have a responsibility to protect our water as our most essential natural resource;*
- *The purity of the Springs is unique to our Southern Hemisphere (excepting Antarctica). They are awe-inspiring to any person lucky enough to view them:- Maori & Pakeha, local resident and visitor alike;*
- *The water bodies which are the subject of this conservation order are an integral part of that unique environment and of immeasurable value;*
- *These springs and water bodies constitute highly valuable national resources that should have full and complete protection ON ALL LEVELS;*
- *I have read the application with care. It resonates, is good and true, and inspires me. I cannot imagine more worthy long-term custodians/guardians of this outstanding feature.*

See Appendix 2, Table 3 for a list of submissions relating to this topic.

### 5.4. Safeguarding waterbodies for future generations

Approximately 32 (10%) submissions were received that supported the WCO being granted in order to safeguard the waterbodies for future generations. Many of these comments related to Te Waikoropupū Springs, with others referencing the associated waterbodies generally.

Submitters raised the following points in regard to safeguarding the springs and waterbodies for future generations:

- *I believe the Springs need all the legislation necessary to protect them;*

- *I would like to see the Springs protected and preserved for future generations;*
- *Water is our most valuable resource and we must protect it for our children;*
- *They (children) are the future custodians of the world... good luck making the best decision for all future generations;*
- *It is up to us to preserve these gifts (the Springs) via conservation order;*
- *The Springs are an area of great natural beauty and biological diversity that deserves protecting for future generations to appreciate;*
- *It is essential to protect not only the Springs but the whole aquifer that feeds it, thus enabling this unique, special place to be here for all the generations to come;*
- *The Springs are a taonga worth preserving... Please act now for the future;*
- *If steps are not taken now to protect this spring then it will not be in the same pristine condition for our children and grandchildren to enjoy what we all do at present;*
- *We strongly support protection of the water bodies areas named in the submission to ensure lasting protection of Te Waikoropupū Springs;*
- *On behalf of myself and my family and future generations of kiwis and tourists to our country I strongly support the application;*
- *We have one only chance to get this right. Once the water has been compromised to any degree at all it no longer retains its unique quality and purity;*
- *To preserve the cultural value of the springs in honour of our first people, present and future generations;*
- *We must preserve this for our generation and future generations. This is a very unique and special place of national and international importance;*
- *Please give it (the Springs) the care and respect it warrants. We have a responsibility to the land and water, and to past and future generations--our ancestors and descendants--to be good environmental stewards;*
- *The Springs are a unique, treasured resource with outstanding natural features that are irreplaceable. Our foresight now in protecting this sacred space and the natural freshwater and aquifer system will ensure their preservation for future generations;*
- *The springs support a special ecology that I believe requires our commitment to protect. The health of the Springs should not be taken for granted, as we may never be able to restore it if it is lost, then another gem of our world will be gone forever.*

See Appendix 2, Table 4 for a list of submissions relating to this topic.

## 5.1. Protecting the rights of existing farming, commercial, and industrial operations

Approximately 27 (8.4%) submissions were received that highlighted concerns of what effect the WCO may have on their existing operations.

Submissions on this topic were both in support and opposition of the WCO, supported the WCO with recommended changes, or requested that further investigations be carried out prior to the WCO being granted.

Submitters raised the following points in regard to the impact that granting the WCO may have on farming, commercial and industrial operations:

- *Protection of Te Waikoropupū Springs, and all of the values as specified by the application, particularly the wild, scenic & natural characteristics. I am a farmer (horticulturalist) myself, and appreciate the need for soil conservation and long term sustainability. I know it is possible to farm and still protect the natural environment;*
- *We have deep concerns over the implications of the proposed draft Conservation Order on the viability of our farming operation. We would prefer to see the FLAG process re-established and their recommendations adopted by TDC;*
- *Concern that waters be controlled by a specific group and this will affect Golden Bay as a whole community;*
- *My family has been farming in the Takaka valley since 1933 (85 yrs). We believe the Pupū Springs are a magnificent asset for the bay and this WCO is unnecessary;*
- *Our own farming enterprise supports more than 4 families which all contribute to our community. We consider to stifle all development of the underground aquifer to the Bay would be an absolute disaster. Sure it should be monitored, but not shut off as the proposal suggests;*
- *I support a Water Conservation Order (WCO), however, I think that it is too broad and that people, such as myself, will be significantly affected even though there is no connection to the aquifer systems. Such a connection should be proven;*
- *We support the approach taken in the Application to use a “whole of catchment” method to protect the waters that flow into the Springs. Assets such as the Springs are not just for the benefit of visitors. They enhance the attractiveness of our region as a place to live and work. The attraction of skilled and talented workers will increasingly be an important factor in the continued development of our region for the prosperity of all, and our region needs to compete on many platforms to attract talent and thus provide a skilled workforce that will attract investment;*
- *As land owners/users of water we do not understand fully the effects that the proposed WCO would have on our farming operation. The clarity and water quality of Te Waikoropupū Springs is remarkable. We recognised the sacredness of the springs. Is it necessary to include the waters of the entire Takaka Catchment in the WCO;*

- *Agriculture and farming makes a large contribution to the economy of the Tasman region. The WCO as sought will impose both unnecessary and unreasonable constraints to realising the areas social, economic and environmental objectives;*
- *NZ King Salmon supports the granting of the Water Conservation Order. Te Waikoropupū Springs are of significant geological, natural, cultural, and aesthetic value both nationally and internationally, and are also of great value to NZ King Salmon. Located immediately downstream from Te Waikoropupū Springs, the Takaka hatchery benefits from one of the clearest sources of freshwater in the world, at a relatively stable temperature of just under 12°C, a great temperature for rearing salmon;*
- *Lack of consultation with the agriculture community. Lack of fact around WCO. How the WCO is going to impact on our business and heritage;*
- *In this case a Water Conservation Order is not appropriate because; 1) The Applicant has not provided scientific evidence to support the current state of the waterways 2) It has not been acknowledged by the Applicant what I, and other farmers have done, and continue to do to mitigate the impact of our farming practices on waters associated with the aquifer of Te Waikaopupu Springs;*
- *That any provisions of a WCO take into account the social and economic benefits of the existing Hamama Rural water supply and do not affect the ability to apply for a renewal of the consent when this is required in 2019;*
- *We do not support the current DRAFT Te Waikoropupū Springs and the Arthur Marble Aquifer Water Conservation Order in its current form. Our points of concern: • the application is too broad in terms of the water bodies sought to be captured by the WCO; • the clauses and the wording a far too broad and need to be more specific.*

See Appendix 2, Table 5 for a list of submissions relating to this topic.

## 5.2. Protecting the waterbodies due to their regional and national significance

Approximately 24 (7.5%) submissions were received that supported granting the WCO to reflect the regional, national, and in some instances, international significance of Te Waikoropupū Springs and the associated waterbodies.

Submitters raised the following points in regard to the regional and national significance of Te Waikoropupū Springs and associated waterbodies:

- *Te Waikoropupū Springs and Associated Waterbodies are of international significance and are urgently in need of protection to assure preservation of the values as outlined in the application;*
- *They are a national treasure and a very valuable and precious source of pristine fresh water;*
- *National significance. Te Waikoropupū Springs are the most unique and pristine springs I've experienced in my life;*

- *These springs are part of what gives Golden Bay, Nelson and New Zealand a strong environmental reputation;*
- *The purity of the water in the springs is unquestionably the most precious feature of the water catchment. The crystal clear, pure water is a tourism drawcard and something the locals are rightly proud to have in their district.*

See Appendix 2, Table 6 for a list of submissions relating to this topic.

### 5.3. The scientific values of the waterbodies

Approximately 17 (5.3%) submissions were received which discussed the scientific values of Te Waikoropupū Springs. Submissions received on this topic were both in support and opposition of the WCO.

A number of submitters made particular mention to protecting the ecosystem of the Springs and supported the National Institute for Water and Atmosphere's (NIWA) 5 key items to safeguarding the health of the aquifer.

Submitters also raised the matter of undertaking further research and measurements of clarity and establishing a baseline value prior to establishing the WCO.

Submitters raised the following points in regards to the scientific values of Te Waikoropupū Springs and associated waterbodies:

- *This aquifer is hugely important to our local ecosystem. It must have the best possible protection;*
- *The underground water and the caverns it runs through are called the aquifer, and the small animals and bugs living in the aquifer (stygo fauna) are an essential part of producing the outstandingly clear water. The aquifer must be cared for so that it remains a healthy place for the stygo fauna to live;*
- *The only way to ensure these [The NIWA 5 key items] conditions and protections is to forbid commercial extraction of water from the springs;*
- *I am concerned about the amounts of nutrients entering the underground aquifers via other parts of the catchment and runoff pathways. The micro-fauna that live in the underground channels are essential to the clarity of the water in the Springs - to ensure their survival, we must support this Water Conservation Order;*
- *Because of the outstanding scientific and ecological as well as cultural values and the globally unique clarity of Te Waikoropupū Springs and their associated water bodies, I believe all efforts should be taken to protect these waters;*
- *Would farm practices upstream of the Springs need to be changed for example and if so what would the ramifications of these changes be? If the earlier single point measurement of clarity was in fact not representative of the norm would the postulated (costly?) farming changes be justified? I strongly urge that more measurements of clarity be undertaken before any numbers are enshrined into the Conservation Order;*

- *I hope the EPA will follow the advice of NIWA (National Institute for Water and Atmosphere) and the 5 key items it has listed to safeguard the health of the aquifer;*
- *I believe that in the absence of a full understanding of the mechanisms of the aquifers, that it is prudent and necessary to adopt a conservative approach and err on the side of caution;*
- *Not enough is known about baseline values for future scientific work to be done properly. No major changes to allocations should occur before this data is obtained.*

See Appendix 2, Table 7 for a list of submissions relating to this topic.

#### 5.4. Alternative processes for catchment management

Approximately 12 (3.7%) submissions were received that discussed alternative processes of management of Te Waikoropupū Springs and the associated waterbodies. Submissions received on this topic were both in support and opposition of the WCO, supported the WCO with recommended changes, or supported the WCO but preferred to preserve a different but related waterbody in the same catchment.

Submitters raised the following points in regard to alternative processes of catchment management of Te Waikoropupū Springs and associated waterbodies:

- *Current protection levels on the springs are too high;*
- *Tasman District Council's (TDC) poor record in regards to water management and water allocation;*
- *No confidence that TDC is able to safeguard Te Waikoropupū Springs;*
- *Concern regarding TDC and FLAG proposals;*
- *The management of the springs needs to be carried out at a level higher than a local council;*
- *It appears Ngati Tama is wanting to control our Valley's water usage, which in turn would be complete control of our Valley, instead of our Local Council which is already operated under scientific Criteria through the Resource Management Act;*
- *The Tasman District Council staff are entrusted with working towards a robust Tasman Resource Management Plan. It is our belief that the TRMP, when completed, will be based on relevant scientific data to provide that robust framework for best protection of the Springs and aquifers;*
- *The Takaka Freshwater and Land Advisory Group supports in principle the protection of Te Waikoropupū Springs using a Water Conservation Order (WCO), but requests clarification and amendment of particular aspects of the WCO application as outlined in its full submission document;*
- *Ngati Rarua is invested in the continued tiaki of Te Waikoropupū Springs and associated water bodies. We consider these taonga as having outstanding qualities and cultural significance to us. However these [sic] is concern that the application does not reflect Ngati Raruas relationship with Te Waikoropupū Springs or the surrounding land and aquifers;*
- *Tasman District Council submits the Tribunal must balance providing for the protection of outstanding characteristics of the relevant water bodies identified without inadvertently limiting the broader role of freshwater planning under the RMA;*



- *The application that has been lodged is, in our submission, based on a flawed (or at best incomplete) understanding of the hydrology and hydrogeology and the catchment. Furthermore the draft WCO provided with the application raises many planning issues and uncertainties as discussed later in this submission.*

See Appendix 2, Table 8 for a list of submissions relating to this topic.

## 5.5. Preventing pollution

Approximately 10 (3.1%) submissions were received that supported the WCO being granted in order to prevent pollution of Te Waikoropupū Springs and the associated waterbodies.

Submitters raised the following points in regard to preventing pollution of Te Waikoropupū Springs and associated waterbodies:

- *Protect Waikoropupū from pollution from air, land run off eg and farming, mining and water companies that want to exploit the water to make money for individual profit;*
- *You can't make fresh water once it's polluted without a cost;*
- *The Minister has responsibility to protect our future resources from pollution. Known pollutants are increasing and these must be prevented NOT increased;*
- *This is an opportunity to stop these water bodies from becoming irretrievably polluted, the wild life habitats degraded and the visual beauty sullied;*
- *There is no excuse to pollute these water ways. Any development in their domain must be restricted so as to prevent them from being polluted.*

See Appendix 2, Table 9 for a list of submissions relating to this topic.

## 5.6. The recreational values of the waterbodies

Approximately 5 (1.6%) submissions were received that supported the WCO being granted to maintain the recreational values of Te Waikoropupū Springs and the associated waterbodies.

Submitters raised the following points in regard to recreational values of Te Waikoropupū Springs and associated waterbodies:

- *The main spring at Waikoropupū is the largest freshwater spring in New Zealand and amongst the larger springs in the world. The aquifer is an outstanding natural feature, reflected in its ranking as of international importance in the New Zealand Geopreservation Inventory. Although most of this aquifer cannot be physically explored with current technology, nonetheless in the past 10 years major discoveries have been made by cavers and cave divers in the upper part of the aquifer;*



- *Please protect Pupū Springs and support a water conservation order. My partner and I cave and recreate often in the Golden Bay area. We always treat the area's rivers, land and caves with the utmost respect because we understand that the water in Pupū Springs spends many years on an underground journey through hundreds of kilometres of marble and limestone karst passageways and any contamination will be extremely long-lasting and likely permanent;*
- *Retain the current speed upliftings on the Takaka river from the Cobb reservoir to the sea as per the Tasman District Council navigational bylaws and to retain our access and use of that part of the river;*
- *Fish and Game notes that there is unlikely to be a conflict between sports fish and native fosh [sic] within this catchment, as the native species present are migratory. Any decline in native species is likely to be due to other human pressures.*

See Appendix 2, Table 10 for a list of submissions relating to this topic.

## 5.7. Forest and Bird Online Submission Tool

Forest and Bird set up a direct submission tool from their website for members of the public to submit on the water conservation order. This auto-generated submission included the following text:

*I support the Forest & Bird submission to grant the application.*

*In particular I support measures for the wider catchment which will protect:*

- *the water clarity and purity*
- *the scientific, ecological and biodiversity values*
- *habitat for indigenous flora and fauna*
- *cultural values*
- *wild, scenic and natural characteristics*

*My submission relates to all of the application.*

*I support the application.*

*I seek that the Special Tribunal recommends granting the order to the Minister of the Environment.*

*I do not want to present my views at the public hearing.*

Submitters were also able to add their own comments to the submission. At the close of the submission period, 963 (54%) submissions received were from the Forest and Bird online submission tool.

Table 11, Appendix 2 contains a list of submissions that were received from the Forest and Bird online submission tool.

## 6. Requested Changes and Comments to the Tribunal

Approximately 35 submitters requested the Order be granted, with changes. Table 4 outlines these submissions received which also requested general changes be made to the WCO. Submitters are grouped where they requested similar changes. This Table does not specify all comments or change requested in full. The Tribunal will consider all submissions.

**Table 4: Requested changes and comments to the WCO by submitters**

Submitter details -	Changes Requested
654 - David Christopher Young	<p><i>Confirm by what mechanisms would the guarantees in the WCO be upheld?</i></p> <ol style="list-style-type: none"> <li><i>1. the ecology of the stygofauna of the aquifer, which I understand contribute to the Springs' special clarity, needs to be protected in perpetuity.</i></li> <li><i>2. Land cover, particularly remaining native forest, must also be protected in the catchment, even if encouragement, including government incentives, is necessary for affected landowners.</i></li> <li><i>3. Further consents for water use, currently for dairying, in the catchment, need to establish scientifically that they are compatible with the aquifer health of the springs. Given the complexity and uniqueness of the recharge, where uncertainty exists, consenting - certainly for discharges and potential seepage -- should be highly restricted if not withheld.</i></li> </ol>
871 - Jet Boating New Zealand Incorporated	<p><i>To retain the current speed upliftings on the Takaka river from the Cobb reservoir to the sea as per the Tasman District Council navigational bylaws and to retain our access and use of that part of the river.</i></p>
898 - Jennifer Tait	<p><i>By granting complete protection for Te Waikoropupu Springs - and the contributing aquifers the Environment Minister needs to set in place by Law the tools for District Planning to carry put and ensure this protection. This to be done through statements and actions from: National Policy Statement on Freshwater Management, National policy on Renewable Electricity Generation, Tasman Regional policy, Tasman District &amp; Council Resources Management plan, Nelson/Marlborough Conservations Management Strategy, Te Waikoropupu Scenic Reserve Management plan and Iwi/hapu management plans and strategies.</i></p>
984 - Lucy Keogh 1023 - Peter Carlton	<p><i>The order should extend to make the water body have full protection as a “being”</i></p>
1057 - Dan Antell 1059 - Sebastian Swinn	<p><i>Protect the waterbody as a living being and increase riparian strips to 100 m</i></p>
1260 - Anthony Page (Tony) Reilly	<p><i>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.</i></p>

1261 - AP & KM Reilly  
Family Trust  
1261 - AP & KM Reilly  
Family Trust  
1262 - AP & Km Reilly  
Ltd  
1263 - AP & KM Reilly  
Partnership  
1455 - A.P & K.M Reilly  
Family Trust

*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 [sic] 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.*

1273 - Amanda Clarke	<p><i>1. Farmer's should only be allowed to irrigate if they can demonstrate they have a 'good' soil water holding capacity. The definition of 'good' soil water holding capacity needs to be determined and set at a level so that it encourages farmer's to improve the soil to greater depths (eg 250mm or more). Farmer's would need annual audits of their land to determine if these levels were continuing to be met.</i></p> <p><i>2. Farmer's would need to prove that extra irrigation is resulting in better BAU. This means they need to have records showing things such as purchase of PKE before and after irrigation. If there is no demonstrable improvement in farm practices then irrigation rights need to be removed.</i></p> <p><i>3. Annual audits need to be carried out by an independent person/organisation (perhaps funded by a levy on irrigators collected by TDC) In order to protect the waterways that feed the Springs (eg the Waingaro River), TDC needs to halt any current or future meddling in the natural flow of the river ie rock work. The current rock work has increased the flow of the river (leading to greater erosion downstream of the rockwork) and removed natural shade. Neither of these effects enhance the quality of the river.</i></p>
1327 - Trustpower Limited	<p><i>Trustpower seeks these amendments, or words to like effect.</i></p> <p><i>Cobb Hydroelectric Power Scheme means the hydroelectric power scheme, and all associated structures and activities (including the Cobb Reservoir), located on the Cobb River and Takaka River.</i></p> <p><i>Specific exemptions for the Cobb Hydroelectric Power Scheme</i></p> <p><i>Nothing in this Order shall affect or restrict:</i></p> <p><i>a. the exercise of any resource consent for the Cobb Hydroelectric Power Scheme in effect at the date this Order comes into force;</i></p> <p><i>b. the granting or variation of any resource consents for the continued operation or maintenance of the Cobb Hydroelectric Power Scheme, provided that any resource consents are made subject to similar terms and conditions as apply to any resource consent authorising the scheme at the date this Order comes into force;</i></p> <p><i>c. the making of a rule in a regional plan authorising the continued operation or maintenance of the Cobb Hydroelectric Power Scheme, provided the terms of the rule have the same or similar effect as any rule or resource consent authorising the scheme as at the date this Order comes into force; or</i></p>

	<p>d. the granting or variation of resource consents authorising the development, or material changes to the operation, configuration or maintenance, of the Cobb Hydroelectric Power Scheme, provided the outstanding characteristics, features and values recorded in clause 4 are recognised and sustained;</p> <p>e. the making of a rule in a regional plan authorising the development, or material changes to the operation, configuration or maintenance, of the Cobb Hydroelectric Power Scheme, provided the outstanding characteristics, features and values recorded in clause 4 are recognised and sustained.</p>
1424 - Te Rūnanga o Toa Rangatira Inc	<p>We seek the following amendment to protect Ngāti Toa interests within this area and, to not set a precedence by awarding exclusive rights within a defined area of which falls within the rohe of Ngāti Toa. We request the following amendment to the WCO:</p> <p>a. significance in accordance with tikanga Māori in respect of Ngāti Tama ki Te Tau Ihu history, kaitiakitanga, mahinga kai, wahi tapu, wahi whakahirahira and customary protection of flora and fauna</p>
1446 - Steve Penny	<p>Set a target level of 0.35g/m3 for nitrate-N, and ban all water abstraction for the purposes of direct irrigation on farmland within the AMA Recharge Zone.</p>
1451 - K.M. Reilly – Artist 1456 - De-Lish Delicatessen Ltd	<p>That Yuill &amp; Ngati Tama wait until the community group FLAG present their recommendations. I understand from the information the FLAG group have made public to date, that they have spent the last four years studying the catchment closely, and bringing together wide ranging opinions into a community driven approach to catchment management, with a strong emphasis on protection of Te Waikoropupu Springs.</p> <ul style="list-style-type: none"> <li>• That a study be undertaken of the implications on the economic impact on the Golden Bay Community that this Draft Water Conservation Order would have, should it be adopted as it reads.</li> <li>• That the Water Conservation Order apply only to the Pupu Springs, and not to the Water Bodies of the Takaka Valley and the Marble Mountain Aquifer, recognising the matters to be considered in Section 207 of the Resource Management Act: the needs of primary and secondary industry, and of the community.</li> </ul>
1477 - Ravensdown Limited	<ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> <li>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.</li> </ol>

1480 - Wayne and Tyler  
Langford

*Clause 4: There is the inclusion of waters in schedule 3 which are not hydraulically connected to Te Waikoropupu Springs. It seems pointless to include these waters and potential restrictions for no reason. We asked for Schedule 3 to be struck from the Water Conservation Order*

*Clause 5: The Cobb Dam releases a substantial amount of water into the mentioned water bodies which keeps them in an artificial state of flow. The applicant has asked for all water bodies to be kept in their natural state, as stated above this is already an artificial state and therefore is a flawed request. We asked that the Water Conservation Order acknowledge this unnatural state and instead refer to the science around maintaining the 7 day MALF.*

*Clause 7: The applicant has not proven that the rivers and aquifers in Schedule 1 and 3 are nationally significant in their own right. The applicant has given insufficient evidence to show that these water bodies and changes in them show any impact on Schedule 2 water bodies. We ask therefore that they either be struck from the order or the science be presented and or completed to show the link.*

*Clause 8: (a) The active floodplain of the AMA is like most rivers constantly changing and in very many cases is either incroaching or taking out entirely pieces of productive land. The applicant has not allowed for the value of flood protection to be included in the order.*

*Farmers and council alike need to be able to use current means of rock walls, gravel extraction and ebbs to curve the river to protect both farmland and urban populations. (b/c/d) Additional abstraction from any water bodies should be based on science and maintaining current values of the water bodies, not an outlandish statement such as made in the order. The applicant has failed to give any scientific evidence to state their reason for this clause. We propose the tribunal look at the extensive work completed by the council around maintaining 7 day MALF and the available water.*

*Clause 9: The applicant has failed to understand the the words “may enter waters” in this case is entirely insufficient. We have no scientific evidence to demonstrate what we do on farm is or ever will have any impact on Te Waikoropupu Springs.*

*We ask the tribunal to request this science be completed so everyone involved can make informed science based decisions.*

*Setting limits of 0.4/0.5 nitrogen on these rivers is ludicrous. These rivers are already in the NOF standard of A and we would argue have never and could never sit inside these ridiculous limits.*

*Clause 10: This clause is completely contradictory. The order states that they permit certain acts however if those acts granted would compromise the protection it cannot be granted or completed. As mentioned earlier due to our complete lack in science we have no guarantee either way and therefore the council would have to side on the side of the order and not grant this work.*

*Clause 12: As I am sure you are aware most of the current resource consents expire 2019, if the order is granted in its proposed timeframe all of these current consents would become new and could not be granted by the council as it would contradict the order.*

*Irrigated farmers have invested millions of dollars in this infrastructure and taking the water would have catastrophic consequences for them, their family, the people they employ and our community.*

*Schedule 4: I see the testing on a monthly basis as expensive and unnecessary Why is some of the limits set to current state and others have a number with a lack of scientific evidence behind it.*

<p>1481 - Federated Farmers of New Zealand</p>	<p><i>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.</i></p> <p><i>That the WCO application be declined for the reason that the consultation process has been insufficient.</i></p> <p><i>That the WCO application be declined, because it fails to adequately consider the needs of primary and secondary industries and the community.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>
<p>1482 - Craig Wayne Allen</p>	<p><i>Include the Te Waikoropupū Springs surface water catchment</i></p>
<p>1484 - Takaka Freshwater and Land Advisory Group (FLAG)</p>	<p><i>Scope of WCO: The WCO must limit in any draft order the extent of the waters and their characteristics, that have or contribute to the outstanding characteristics of TWS, to those characteristics that depend on either water quantity (flow rate) or water quality. By example, TWS flows are dependent on pressure in the confined part of the aquifer, whereas water quality at TWS is affected by those waters recharging the unconfined part of the aquifer.</i></p> <p><i>FLAG seeks further clarity regarding which waterbodies the WCO applies to, including mapping and references in Schedules 1, 2 and 3.</i></p> <p><i>2. FLAG requests that the scope of the WCO (the water bodies the WCO applies to including contributing water bodies) is defined by using the best available science and matauranga Maori regarding the influence of contributing water bodies to:</i></p> <ul style="list-style-type: none"> <li><i>a. recharge of the unconfined AMA</i></li> <li><i>b. influence on artesian flows at TWS</i></li> <li><i>c. influence on water quality at TWS.</i></li> </ul> <p><i>3. FLAG seeks that water bodies or water body parts that do not influence the AMA or TWS are not included in the scope of a WCO, because those waters do not have a bearing on any outstanding characteristics of Te Waikoropupu or characteristics of the AMA, which the WCO seeks to protect.</i></p> <p><i>FLAG requests that any draft WCO acknowledges that the waters of the AMA and TWS are not in their natural state and clearly identifies the amenity or intrinsic values which are to be protected because they are considered outstanding.</i></p>



*The FLAG requests that the specific outstanding characteristics a WCO is to protect with respect to Te Waikoropupu are, the water clarity, strong artesian flows, the wahi tapu status and other cultural and spiritual values (of Maori and non-Maori).*

*2. The FLAG requests that the tribunal take any relevant information in the report from Manawhenua ki Mohua into consideration in the draft order's statements of outstanding characteristics to be protected.*

*Ensure that, while providing for the needs of the community and of primary and secondary industry, the protection objectives for TWS can continue to be met over time. The implementation methods and detail of water quantity allocation should therefore be within the TRMP.*

*1. The FLAG request that this clause be renamed to "Restrictions on alterations of aquifer levels and pressure" as this better reflects the requirements for protection of the outstanding characteristics of TWS.*

*2. To enable for future flexibility in management, and due to the complexity of the required management, the WCO addresses overarching principles for protection of the outstanding characteristics of TWS and aspects of the management regime that will not change over time (such as minimum aquifer pressure and minimum flows at the springs), so enabling the implementation methods, including numerical allocation limits and cease take provisions, to be addressed through changes to the TRMP*

*3. The Takaka FLAG requests that if numerical allocation limits to abstraction with respect to the waters subject to a WCO are to be used in the draft WCO that:*

*a. as an upper limit these must not exceed 766 l/s based on 10% of the Mean Annual Low Flow at the main spring as recommended in the Cawthron Institute report (January 2017), and*

*b. as a lower limit these should provide for existing use of water, including current consumptive consents and permitted takes to continue past consent renewals in 2019 (the exact number will be dependent on the catchment accounting method used and date of gazettal of the WCO).*

*Takaka FLAG requests that further clarity is provided regarding requirements to protect water quality of TWS and that the relevance, applicability and practicality of implementation of limits specified in Schedule 4 and triggers in Schedule 5, be reviewed with reference to their application as limits under the National Policy Statement for Freshwater Management.*

*2. To enable for future flexibility in management, and due to the complexity of the required management, the WCO addresses overarching principles for protection of the outstanding characteristics of TWS and aspects of the management regime that will not change over time, such as water quality standards, so enabling their implementation, including methods to manage risk to water quality, to be addressed through changes to the TRMP*

*3. Takaka FLAG requests that where numerical water quality limits are provided in the draft WCO that:*

*a. appropriate and practicable metrics (units) and statistics are also provided, including provision for these to adapt in accordance with national prescriptions (e.g. NPS-FM) over time,*



	<p><i>b. if monitoring requirements are included in the WCO, these should be drafted in a manner so as to avoid conflict with implementation of national prescriptions (e.g. NPS-FM) over time, and</i></p> <p><i>c. the Tribunal consider the Cawthron report 2949 Ecosystem health of Te Waikoropupu.</i></p>
<p>1487 - Upper Takaka Irrigators</p>	<p><i>UTI strongly believes that the draft WCO needs to be substantially reconceived based on a more through and detailed assessment of hydrological relationships, and associated risks to specific values in specific locations. As noted above, that should result in the scope of the WCO being restricted to the Springs and the AMA alone.</i></p> <p><i>As noted below there is also a need for the WCO to be drafted with much greater attention given to the potential impact on existing land and water users in the catchment.</i></p> <p><i>UTI seeks that the Special Tribunal approves a WCO with a reduced scope focusing on the Springs and the AMA.</i></p> <p><i>This will involve (amongst other things) deleting Schedules 3 and 5 of the Draft WCO. The Takaka River and other water bodies with no or limited hydrological connection to the Springs and AMA should remain to be managed in accordance with the NPSFM.</i></p> <p><i>The drafting of the balance of the WCO should be substantially amended to give effect to the above and to address the many detailed issues and uncertainties described in section 4 of this submission.</i></p>
<p>1567 - Klaus Thomas</p>	<p><i>Recommendations</i></p> <p><i>Add event sampling, at least at Kotinga bridge, to TDC's State of the Environment program;</i></p> <p><i>Change the permitted use status of fertilizer applications to a controlled activity status;</i></p> <p><i>Analyse land use practices, particularly during high rainfall periods with a view to reduce pollutant loadings.</i></p>
<p>1571 - Tasman District Council</p>	<p><i>Amend the order so that it identifies:</i></p> <p><i>The outstanding values of the Springs that must be protected;</i></p> <p><i>Recognise the AMA contributes to the outstanding values (as identified) of TWS, but that it is not outstanding in its own right;</i></p> <p><i>The indicators in the Springs that contribute to outstanding values in the Springs that must be protected</i></p> <p><i>That the flows down the Cobb River from the Cobb Dam and other sources artificially supplement the flows in the Takaka River and aquifer recharge so that any outstanding amenity or intrinsic values identified in the application are not afforded by waters in their natural state.</i></p> <p><i>The Order accurately identifies its scope as being the protection of the outstanding characteristics and features of the Springs and the protection of contributing water bodies for their contribution to outstanding characteristics or features.</i></p> <p><i>Only those features or characteristics that are outstanding are listed in schedule 2.</i></p> <p><i>That only waterbodies that are hydraulically connected to parts of the AMA that influence the Springs are identified in Schedule 3.</i></p> <p><i>Amend Schedule 3 to only recognise the outstanding characteristics and features identified under previous relief sought for the Springs.</i></p> <p><i>Amend the Order so that it identifies:</i></p>

	<p><i>The outstanding values of the Springs that must be protected;</i></p> <p><i>Recognise the AMA contributes to the outstanding values (as identified) of TWS, but that it is not outstanding in its own right;</i></p> <p><i>Remove reference to “activities” in clause 9.</i></p> <p><i>Delete Schedule 5.</i></p>
1574 - Fonterra Ltd	See Annexure 2 of submissions 1574 – Specific Submissions Points for full list of requested changes and comments.
1576 - Royal Forest and Bird Protection Society of NZ (Inc)	<p><i>Add the below waterbodies to Schedule 1:</i></p> <p><i>Forest &amp; Bird considers that the following water bodies identified below are outstanding as defined by s199(1)(a) and ask that they be preserved, as far as possible, in their natural state according to s199(2)(a).</i></p> <ol style="list-style-type: none"> <li><i>1. Takaka River and tributaries above the confluence with the Cobb River;</i></li> <li><i>2. Tributaries of the Takaka River upstream of map reference 41.031356; 172.790784;</i></li> <li><i>3. Cobb River and tributaries above the Cobb Reservoir;</i></li> <li><i>4. Waingaro River and tributaries;</i></li> <li><i>5. Anatoki River and tributaries;</i></li> <li><i>6. Waikoropupū River and tributaries above the Pupū Hydro weir intake;</i></li> <li><i>7. All of the lakes, rivers and wetlands and their tributaries that flow into the aforementioned rivers;</i></li> </ol> <p><i>where these waterbodies are within or bordering public conservation land.</i></p>

