

This part of PC84 meets s80W (2g) as it enables a response to a recommendation from the Environment Court.

Te Puna Waiora o Te Waikoropupū Springs and Wharepapa Arthur Marble Aquifer Water Conservation Order 2023 (WCO) commenced on the 19th of October 2023. The associated Environment Court recommendation report (2023), and the Water Conservation Order (WCO) itself, requires the Tasman District Council to notify a plan change to assist in achieving the purposes of the WCO.

Specifically, clause 7 of the WCO states: “...*the Council must use its best endeavours to notify any proposed policy statement and proposed plan that affects land or freshwater in the WAMARA or the Waingaro catchment by no later than 31 December 2024*”.

The Council has endeavoured to progress this plan change to meet this clause, and while it has been delayed for a number of reasons, it is now ready for notification.

In addition, the Council has a specific duty under the WCO (cl.6) to recognise and assist the exercise of rangatiratanga and kaitiakitanga by Manawhenua Iwi and provide an opportunity for partnership in exercising powers under RMA s30 (1e and 1f).

Letters of support for notification of PC84 have been received from Ngāti Tama (2 July 2025) and Manawhenua ki Mohua (7 July 2025) who represent the three iwi identified as Manawhenua in the Water Conservation Order (cl.3).

Notification of this part of PC84 is also supported by the Minister of Conservation who administers the Springs and the surrounding reserve, as well as a significant amount of land within the recharge area.

In particular, the delegated response (25 June 2025) from the Department of Conservation Manager of Operations (Ross Trotter) acknowledged the delay in relation to the Clause 7 deadline and encouraged Council to avoid any further delay in notification.

The Minister of Agriculture and Forestry also supported use of Freshwater Farm Planning in PC84 (26 June 2025) and recommended alignment with the updated regulations, which Council have included in the latest draft version.

This part of PC84 also meets s80W (2b) to rectify provisions in plans that have unintended consequences, are unworkable or may lead to inefficient outcomes. The TRMP is now inconsistent with the WCO, particularly the permitted discharge rules where they apply within the recharge area.

This creates inefficiencies and a more complex compliance and consenting situation for the Council and landowners in the recharge area. The proposed changes will address this issue as consistent with RMA s67(4).

This part of PC84 also helps meet obligations to manawhenua iwi under their respective Treaty Settlement Acts as consistent with s80W (2f). In better enabling the Crown to meet its obligations to provide for cultural redress under the Te Taihū settlement acts, the Council has an obligation to have regard to advice received from ngā iwi related to the management of rivers and freshwater where it is reasonably practicable to do so.

Part of the advice received through our freshwater collaborative processes has included ngā iwi priority to provide protections to Te Waikoropū Springs and the Wharepapa Arthur Marble Aquifer.

Other aspects you may wish to consider under s80W (2h) are the risks of not progressing this aspect of PC84. If not progressed in a timely manner, there is a risk that the Council does not meet its obligations under the WCO and does not meet its obligations to Manawhenua. This creates reputational, legal and financial risks to the Council.

Further, the delay in implementing a regulatory framework for achieving a reduction in nitrate in the recharge area is likely to lead to a breach of the WCO limit in 2038 and potential for adverse environmental effects.

Under the WCO, this would necessitate Council decline of existing water permits used for primary production and increasing restrictions on farming and forestry land uses in the recharge area.

This is likely to have significant impacts on these businesses and associated flow-on economic impacts to the local community.