

## Te Waikoropupū Springs recognised for outstanding status in perpetuity

### Special Tribunal recommend Water Conservation Order (WCO) over Te Waikoropupū Springs and her associated wai.

After almost two years deliberation, the Special Tribunal appointed to hear an application for a WCO over Te Waikoropupū Springs and associated wai (water) has released its [Report](#) on the Application. The Co-Applicants, Ngāti Tama Ki Te Waipounamu Trust and Andrew Yuill, were represented by Anderson Lloyd's Maree Baker-Galloway (Partner) and Rosie Hill (Associate), both of Queenstown.

The Tribunal recommended the granting of a WCO over Te Waikoropupū Springs and the confined and unconfined Arthur Marble Aquifer (which feeds water to the Springs) to ensure those waters are to be retained in their natural state in perpetuity. While the Springs and Aquifer are recognised in and of themselves as 'outstanding' waterbodies, associated waters, including the Takaka and Waingaro Rivers and its tributaries and hydraulically connected groundwater are recognised for their contribution to outstanding characteristics.

The Tribunal's findings represent a milestone decision, in that this could well be the first WCO to be applied over groundwater (all other WCOs to date have been granted in respect of outstanding rivers and lakes). Te Waikoropupū Springs is recognised as a taonga tuku iho and wahi tapu in accordance with tikanga Māori, as well as for its outstanding amenity, intrinsic, scientific, and ecological values. The Springs are the largest freshwater springs in the southern hemisphere, and are listed as a Water of National Importance<sup>1</sup> for biodiversity. They are iconic nationally and internationally for their

discharge volume, and blue-violet water colour, and have arguably the highest reported clarity of any fresh water in the world. The Tribunal has effectively recommended placing limits in the WCO which will seek to ensure that current water quality is retained:

*Water quality is a primary issue for consideration by the Special Tribunal, because the clarity of Te Waikoropupū Springs water is iconic, a word often overused but in the present circumstances fully justified. It is one of the clearest water bodies in the world. The issue was not its clarity, but how to retain that clarity. Hence what goes into the water and from what sources was a major focus of evidence.<sup>2</sup>*

In addition to water quality limits, the Order would also set restrictions on further abstraction of water and aquifer pressure. The effect of a WCO is that any regional Plan must not be inconsistent with such an Order, and no resource consent may be granted which would be contrary to the Order. Key exceptions exist for recognised and existing operations, including existing resource consents.

The Tribunal's recommendation may be appealed to the Environment Court before 1 May 2020.

#### Want to know more?

If you have any questions about Water Conservation Orders please contact our specialist [Environment, planning and natural resources Team](#).

<sup>1</sup> The Ministry for the Environment's Sustainable Development Programme of Action - Waters of National Importance (WONI) led to the development of the FENZ (Freshwater Ecosystems of New Zealand) database.

<sup>2</sup> Special Tribunal Recommendation Report on Application for Water Conservation Order Te Waikoropupū Springs and associated water bodies, at [106].