



**Immediate Release  
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**“Errors” Made by Council Grant Ngāti Tama ki Te Waipounamu Trust Judicial Decision  
Tasman Council Ordered to Reconsider Water Consent From Te Waikoropupū Springs**

A judgement granting a judicial review in favour of the Plaintiff, Ngāti Tama ki Te Waipounamu Trust has been delivered in a High Court Judicial Review in response to an application filed by the Nelson iwi on 16 March 2017.

The iwi’s application challenged Tasman District Council’s granting of a third extension in 2016 to Kahurangi Virgin Waters Limited to take water for commercial use from Te Waikoropupū Springs which the iwi refer to as wāhi tapu (sacred waters). The resource consents were decided without public consultation on a non-notified basis and Ngāti Tama were deemed not to be an effected party.

Ngāti Tama challenged the Council’s compliance with section [125\(1A\)\(b\) of the Resource Management Act 1991](#) and advocating it is an affected party due to its important ancestral role safeguarding the cultural, ecological and spiritual value of Te Waikoropupū Springs for the whole community, being an ancestral role that has been reflected in the iwi’s Treaty settlement deed and legislation.

“Historically for the past forty years Ngāti Tama has been standing up safeguarding the sustainability and integrity of water quality at Te Waikoropupū Springs for everyone’s benefit, not just Māori. We felt unheard by Tasman District Council and not treated properly. This judgement addresses the imbalance for which we are all grateful” says Mr John Ward-Holmes, Kaumatua of Ngāti Tama.

In her judgement after considering the issues, Judge Thomas set aside the Tasman District Council’s decision ordering it to reconsider the Extension Application.

The judgement said “I have identified two problems with the way in which the Extension Application was dealt with in respect of mandatory considerations, with [s 125\(1A\)\(b\)\(i\)](#) being a particular concern. Because the Council is required to consider an extension taking into account the matters listed in (i), (ii) and (iii) and because, in light of the identified errors, it did not do so, the Decision was not made in accordance with the Act.”

The Department of Conservation refer to Te Waikoropupū Springs as the largest cold water springs in

measure Ngāti Tama has chosen includes filing a [Water Conservation Order](#) under the Resource Management Act 1991 that is yet to be determined by the Minister for the Environment.

Matters were heard before [Her Honour Justice Thomas on 13 March 2017 in the Nelson High Court](#).

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## **Background**

### **The Case**

The original application for consent to take groundwater from Te Waikoropupū Springs for bottling use was lodged thirteen years ago although no water was taken.

An extension was granted to [Kahurangi Virgin Waters Limited](#) in 2009 and 2013. Despite Ngāti Tama registering its objection in 2012, a further extension was granted by the Tasman District Council in 2013.

The judicial review examined how the third extension to consent [RM050079](#) was approved in 2016. In parallel, Kahurangi Virgin Waters Limited varied conditions to the consent to allow drilling of a new bore in close proximity to Te Waikoropupū Springs.

Ngāti Tama's intention filing was to ensure that a principled process had taken place as it reinforces its role as kaitiaki (guardian) of its statutory areas which include Te Waikoropupū Springs, groundwater and other waterways that are tributaries to Takaka River as noted in its [2013 Settlement Deed](#) signed with the Crown.

A statement of claim was filed on 16 May 2016 by Mr Tama Hovell, partner at Atkins Holm Majurey Limited, a specialist environmental law firm on behalf of Ngāti Tama ki Te Waipounamu Trust.

### **Ngāti Tama ki Te Waipounamu Trust**

Ngāti Tama ki Te Waipounamu Trust was formed in 2013 to represent the Uri o Ngāti Tama who whakapapa to Te Tau Ihu o Te Waka-ā-Maui (Top of the South Island).

The Trust (in its two forms) has held the responsibility since 1993 for advancing Treaty of Waitangi claims on behalf of the Uri o Ngāti Tama ki Te Tau Ihu through their claim [Wai 723](#).

Web: <http://www.ngati-tama.iwi.nz>

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**Links:**

Ngāti Tama Ki Te Pounamu media area: <http://www.ngati-tama.iwi.nz/media/media.htm>

Historical media coverage on settlement: <http://www.stuff.co.nz/marlborough-express/news/8580144/Ngati-Tama-settlement-signed>