



HAWKE'S BAY REGIONAL COUNCIL



SAFEGUARDING YOUR ENVIRONMENT + KAITIAKI TUKU IHO



**Further submissions
lodged on Change 5**

List of Further Submitters in Numeric Order

18-Jan-13

30	Brownrigg Agriculture Ltd
31	Environmental Defence Society Inc.
32	Fonterra Co-operative Group Ltd
33	Forest and Bird Society Inc.
34	HB Federated Farmers
35	HB Fish & Game Council et al
36	Holcim (NZ) Ltd
37	Horticulture NZ
38	TrustPower Ltd

COPY

14/12/2012

OR 8-30

FILE REF RMP25/9
ALCHEMY ID. 329479



Further submission on variation, plan change or proposed plan

(Form 6)

To: Chief Executive
Hawke's Bay Regional Council
Private Bag 6006
NAPIER 4142
fax: 06 8353601
email: submissions@hbrc.govt.nz

Office Use	
Further Sub ID#:	F30
Date received:	
DBase entry date:	

FURTHER SUBMITTER DETAILS

Name of person making further submission [full name]: Brownrigg Agriculture Limited

Contact person [if different to above, or if further submitter is an organisation]: Murray Tanks

Postal address: EMS Limited Phone #(s): (06) 8344300
P O Box 149
NAPIER Post code: 4140 Fax#: (06) 8344301

Email: murray.tanks@emslimited.co.nz

(circle one)

Do you represent a relevant aspect of the public interest in the proposed plan/change/variation? Yes / No

Do you have an interest in the proposal that is greater than the general public? Yes / No

If you answered yes to one of the above, please briefly explain why: Farming interests that are specifically affected by proposed submissions, and similar interests among the wider farming community.

Do you wish to be heard in support of your further submission? Yes / No

If others make a similar submission, would you consider presenting a joint case with them at a hearing? Yes / No

NOTES

- Your further submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.
- The Resource Management Act requires you to send a copy of your further submission to person(s) who made the original submission(s) you are supporting or opposing. You must send copies to original submitters within 5 working days of lodging your own further submission with the Council. Postal addresses for submitters can be viewed at www.hbrc.govt.nz or at the Council's Napier office (159 Dalton St, Napier).

Signature of further submitter: Murray Tanks - For BAL.
 (or person authorised to sign on behalf of further submitter)

Date: 13/12/2012

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FURTHER SUBMISSION DETAILS

Further submissions can only be made in support or in opposition to points raised in the original submissions, and you must provide reasons for your support or opposition. You cannot raise any new points at this stage.

Your further submission should be brief, concise and clearly referenced to the specific part(s) of the original submission.

If space is limited, please continue on a separate sheet if necessary taking care to use the same format for providing the information required.

The proposed plan/ change/ variation my further submission relates to [title and reference number if applicable]:

Proposed Plan Change N°5

Name of original submitter that my further submission relates to: Maori Trustee / Fish & Game

Reference number of original submitter: N°s 13 & 21

The particular part(s) of original submission I support/ oppose are: [state clearly whether you support or oppose parts of the original submission and detail parts of the submission you are referring to (ie: plan topic and statement number)]:

See Attached.

Reasons for my support / opposition are: See Attached.

I seek that the whole (or part) of the original submission be allowed/ declined by the Council:
[give precise details of what you want the Council to decide (ie: allow or decline the whole (or parts) of the original submission)]

See Attached.

Continue on separate sheets if necessary

Brownrigg Agriculture Limited : Further Submission on Plan Change 5

The proposed Plan Change that my further submission relates to is Hawke's Bay Regional Council Plan Change 5

Name of original submitter that my submission relates to is: The Maori Trustee as Responsible Trustee for Poukawa 13B Ahu Whenua Trust

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Reference number of original submitter: Sub #21

The particular parts of the original submission that I oppose are:

- **Submission on OBJ 15A :** The submitter seeks a new and separate Objective to *"protect wetlands from development activities, provided priority wetlands have management priority over development activities"*.

The reasons for my opposition are:

This proposed new Objective is well-intended but if adopted would be open to wide interpretation whereby anything that is considered to be of even slightest benefit to a wetland (any wetland) would, regardless of secondary consequences, automatically take priority over farming and other land development activities upon which livelihoods depend. This would not be conducive to balanced decision-making.

I seek that this part of the original submissions be declined by the Council.

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- **Submission on OBJ 22 :** The submitter seeks monitoring of water quality in boreholes and monitoring of nutrient and 'hydrological' (sic) loadings at Poukawa.

The reasons for my opposition are:

This submission is beyond the scope of the RPS.

I seek that this part of the original submissions be declined by the Council.

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- **Submission on Definition of 'Wetland' :** The submitter proposes an alternative definition to 'wetland', compared with that set out in the proposed Plan Change.

The reasons for my opposition are:

The proposed definition, if adopted, would have the effect of making a sizable area of Brownrigg Agriculture farmland next to Lake Poukawa technically 'wetland'. This could in turn have significant adverse implications for what can or can not be done on land that has until now been farmed for upward of 80 years.

I seek that this part of the original submissions be declined by the Council.

Name of original submitter that my submission relates to is: Hawke's Bay Fish & Game Council

Reference number of original submitter: Sub #13

The particular parts of the original submission that I oppose are:

- 4 13.38
- **Submission on POL LW1** (p.20 of F&G submission) : The submitter proposes an alternative list of priorities for freshwater management.

The reasons for my opposition are:

The alternative list (compared with that in the proposed Plan Change) is un-balanced and does not acknowledge that, in reality and in practice, there is a need to meet and accommodate differing pressures and demands on the freshwater resource. The proposed amendment also does not acknowledge the value of non-statutory (alongside statutory) methods.

I seek that this part of the original submissions be declined by the Council.

- 5 13.44
- **Submission on POL LW1(g)** (p.22 of F&G submission) : The submitter proposes the removal of existing clause '(g)'.

The reasons for my opposition are:

As above: The existing clause recognises a need for balancing of competing interests and demands on the water resource. That is the practical reality of resource management. The clause should not be removed.

I seek that this part of the original submissions be declined by the Council.

- 13.49
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- **Submission proposing a new policy** (p.23, 24 of F&G submission) : The new policy proposed by Fish & Game would define 'outstanding freshwater bodies' and would have a schedule of waterbodies which Fish & Game say meet these criteria.

The reasons for my opposition are:

- (a) The criteria are vague and open to interpretation;
- (b) The meaning and implications of 'outstanding' status is unclear, especially in terms of what this means for affected landowners; and
- (c) There is no evidence that the proposed schedule was even arrived at using the listed criteria.

I seek that this part of the original submissions be declined by the Council.

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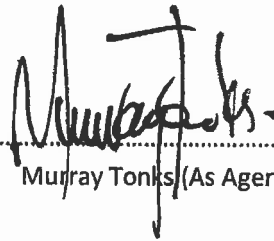
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- **Definition of 'wetland'** (p.32 of F&G submission) : The submitter opposes the new definition of 'wetland' in proposed Plan Change 5 in favour of either the existing definition or another definition that is more ambiguous about whether production land is excluded from the meaning of 'wetland'.

The reasons for my opposition are:

The proposed new definition in Plan Change 5 is clear and unambiguous and should remain.

It is appropriate that existing farm land (including some of the land owned and farmed by Brownrigg Agriculture for decades) should not be captured by a change of definition of wetland.



.....
Murray Tonks (As Agent for Brownrigg Agriculture)

Hawkes Bay Regional Policy Statement Change 5 - Land Use and Freshwater Management

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To: Hawkes Bay Regional Council
submissions@hbrc.govt.nz

From: Environmental Defence Society Incorporated

Further Submission on: Hawkes Bay Regional Policy Statement Change 5

The Environmental Defence Society (“EDS”) is a person who has an interest in the proposal that is greater than the interest the general public has. EDS is a not-for-profit national environmental advocacy group. EDS was established in 1971 with the objective of bringing together the disciplines of law, science and planning to advocate for better environmental outcomes in resource management matters. EDS has been active in assessing the effectiveness of the Resource Management Act 1991 (“RMA”) and statutory planning documents in addressing key environmental issues such as landscape protection, coastal management and water quality.

Sub #	Submitter Name	Support/Oppose	Particular parts	Reasons	Decision Sought
11.4	Hawke's Bay Environmental Water Group	Support	It is not acceptable to delete OBJ 21.	Deleting OBJ 21 is inconsistent with the NPSFM.	Retain OBJ 21.
12.1	Hawke's Bay Federated Farmers	Oppose	ISS LW1 – new wording suggested	The suggested wording does not identify the relevant issues and reads more like an objective.	The relief sought in submission number 13 in respect of ISS LW1.
12.6		Support in part	POL LW 4 - The full suite of methods – both regulatory and non-regulatory – are available as required to suit the individual catchment. Recognise the importance of the collaborative approach.	We recognise the importance of using <i>both</i> regulatory and non-regulatory methods. We also recognise the value of a collaborative approach.	While we support the reasons given we do not believe changes are required to recognise those points.

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Sub #	Submitter Name	Support/Oppose	Particular parts	Reasons	Decision Sought
12.11		Oppose	POL 4A – Amend policy to require non-regulatory methods as the primary means for protecting significant values of wetlands.	Objectives A2 and B4 of the NPSFM requires the significant values of wetlands to be protected. Non-regulatory methods are insufficient to ensure this protection occurs.	Retain policy.
12.15		Oppose	POL 16 – Amend new bullet point to refer to “significant adverse effects”	The other bullet points do not refer to a level of effect. Rather the policy lists activities for which an assessment of effects and significance will be undertaken when determining what regulation to put in place.	Retain policy.
13.2 to 13.12 inclusive	Hawkes Bay Fish and Game Council and Eastern Fish and Game Council	Support	Change 5 fails to meet the purpose of the RMA, give effect to the NPSFM, and adequately address the significant water quality and quantity issues this region faces.	For the reasons set out in that submission.	The relief sought in that submission.
13.20		Support	ISS LW 1 – The current wording of the issue suggests ... that addressing these two issues will “promote sustainable management of the region’s natural and physical resources.”	Conflict between values and uses and limited integration are two of the relevant issues.	Amend the issue to reflect other pressures on the management of land use and fresh water.
13. ?	See 13.2 → 13.12 above	Support	OBJ LW 1 – In its current form ... fails to acknowledge or provide for many of the key elements required to give effect to the NPSFM.	OBJ LW 1 recognises some use and values but fails to recognise others (i.e. recreational values, natural character values). OBJ 1 is silent on the issue of addressing over-allocation and improving water quality.	The relief sought in that submission.
13.22		Support	OBJ LW 1(2) – HBFGC supports provision ONJ LW 1(2) requiring the specification of targets and implementation of methods to assist the improvement of water quality in catchments.	This is consistent with the NPSFM.	Retain.
13.38		Support	POL LW 1(a) – POL LW1 should be deleted and replaced by an overall goal relating to the maintenance and enhancement of	Objective A2 of the NPSFM requires that water quality is maintained or improved.	The relief sought in that submission.

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Sub #	Submitter Name	Support/Oppose	Particular parts	Reasons	Decision Sought
			water quality.		
13.44		Support	POL LW 1(g) – Delete.	This policy assumes that all demands and pressures will be able to be met. This will not be possible in all catchments and it is important that minimum flows are put in place and any allocation available follows.	Delete POL LW 1(g)
13.48		Support	POL LW 1(k) – Delete.	This policy assumes that benefits will accrue from water storage infrastructure and effects will be appropriate.	Amend POL LW 1(k) as suggested in that submission.
13.49		Support	New policy for outstanding water bodies.	The protection of outstanding freshwater bodies is required by Objective A2 of the NPSFM.	The relief sought in that submission.
13.55		Support	New policy for avoiding over allocation.	The avoidance of over allocation is required by Objective B2 of the NPSFM.	The relief sought in that submission.
13.56		Support	New policy for dealing with over allocation.	The phase out of existing over allocation is required by Objective B2 of the NPSFM.	The relief sought in that submission.
13.57		Support in part	POL LW 3 – The criteria by which catchments are to be specified should be included in the policy.	We support the need to specify criteria however we believe that land use and discharges should not only be managed where limits are exceeded. Management must be proactive, not reactive, it should ensure that limits are not exceeded.	The use of and discharges from production land should be managed in all catchments to ensure proactive management.
13.60		Support	POL LW3(c) – Include the use of regulatory methods to manage the sources of phosphorous.	Phosphorous is a nutrient that can have a significant effect on water quality and it is appropriate for regulatory methods to be used when non-regulatory methods are not sufficient to ensure limits will be met.	The relief sought in that submission.
13.65		Support	OBJ 15 – Wetlands are significant habitats.	Wetlands are significant habitats due to the low number of remaining wetlands in the region, and throughout New Zealand.	The relief sought in that submission.
13.69		Support	OBJ 21 – Retain.	The purpose of this change is unclear and preventing degradation of groundwater	Retain OBJ 21.

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Sub #	Submitter Name	Support/Oppose	Particular parts	Reasons	Decision Sought
				quality is consistent with the NPSFM.	

I do wish to be heard in support of my further submission.

If others make a similar submission I would be prepared to consider presenting a joint case with them at any hearing.

Nicola de Wit

17 December 2012

Contact Person: Nicola de Wit, Legal Advisor
Address for Service: 3 Duke Street, Northcote Point, Auckland, 0627
Telephone: 09 480 2565
Email: nicola@eds.org.nz



Dairy for life

**FURTHER SUBMISSION TO
HAWKE'S BAY REIGONAL COUNCIL
REGIONAL RESOURCE MANAGEMENT PLAN -
PROPOSED PLAN CHANGE 5
LAND AND FRESHWATER MANAGEMENT
NOTIFIED 2 OCTOBER 2012**

**FROM
FONTERRA CO-OPERATIVE GROUP LTD**

17 DECEMBER 2012

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Fonterra Submission – Hawke’s Bay Regional Council ‘Proposed Change 5 – Land and Freshwater Management’

Full Name of Submitter	Fonterra Co-operative Group Limited
Contact Person	Philippa Barriball
Full Postal Address	Private Bag 92032, Auckland 1142
Phone Number	(09) 374 9606; (027) 504 6304
Email	philippa.barriball@fonterra.com

I confirm I am authorised on behalf of Fonterra to make this submission

OUR SUBMISSION

1. Fonterra Co-operative Group Limited (“Fonterra”) provides its further submission in the following table.
2. As a further submitter, Fonterra has an interest in the proposals on which it further submits that is greater than the interest of the general public, for the following reasons:
 - Fonterra is New Zealand’s major milk processor and dairy exporting company.
 - Fonterra exports over 95% of its products in more than 100 countries – collecting more than 16 billion litres of milk from around New Zealand and exporting more than 2.4 million tonnes of dairy product annually.
 - The company is 100% owned by over 10,500 farmers throughout the country.
 - For the 2012 financial year, Fonterra’s global revenue was just under \$20 billion.
 - In 2011/12 our Hawke’s Bay suppliers produced over 17 million kilograms of Milk Solids at an average payout of \$6.50¹ per kg of Milk Solids this equates to over \$111 million revenue to the Region at the farm-gate (excluding dividend);
 - 302 people are employed in dairy farming in Hawke’s Bay (Regional Dairy Statistics: Employment and Value of Production).²
 - Provisions in the Proposed Change 5 to the Hawkes Bay Regional Policy Statement relates directly to Fonterra’s core activities and those of its shareholder suppliers.
3. Fonterra wishes to be heard in support of this submission.
4. If others make a similar submission, Fonterra would be prepared to consider preparing a joint case with them at any hearing.

¹ Farmlink February 2012, 2011/12 Season Forecast, Total Milk Price of \$6.50

² NZIER, December 2011.

To: Hawkes Bay Regional Council

Further Submission to: Proposed Change 5 to the Hawke's Bay Regional Policy Statement

Further Submission by: Fonterra Co-operative Group Limited

Submitter Number	Submitter Name	Statement Number	Support or Oppose	Reasons for Further Submission	Decision Sought
C5 New – New Provision in Change 5					
8	Green Party of Aoteroa	5	Oppose	<p>The submitter seeks to include a new policy to identify criteria for outstanding water bodies.</p> <p>Fonterra considers that position taken by council in relation to a region wide assessment of outstanding water bodies as outlined in Council's section 32 report is the most appropriate way of addressing outstanding water bodies rather than incorporating a new policy.</p>	That the submission be rejected.
13	Hawke's Bay Fish & Game Council	49	Oppose	<p>Submitter seeks to incorporate a new policy to identify criteria for outstanding water bodies.</p> <p>Fonterra considers that position taken by council in relation to a region wide assessment of outstanding water bodies as outlined in Council's section 32 report is the most appropriate way of addressing outstanding water bodies rather than incorporating a new policy.</p>	That the submission be rejected.

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Submitter Number	Submitter Name	Statement Number	Support or Oppose	Reasons for Further Submission	Decision Sought
23	Ngati Kahungunu Iwi Inc	5	Oppose	<p>Submitter seeks to incorporate a new objective to align maximum water abstraction from the Ruataniwha and Heretaunga aquifer systems with 33% of their average annual recharge rates.</p> <p>The Proposed National Environmental Standard on Ecological Flows and Water Flows has yet to be approved. Fonterra considers it inappropriate to suggest an abstraction rate which has not yet been agreed upon by the Government.</p>	That the submission be rejected.
C5 ISS – LW1 Issue LW1					
16	Horticulture NZ	1	Support	<p>Submitter seeks to amend LW1 to incorporate economic and social well-beings</p> <p>Fonterra supports the recognition of social and economic values in the sustainable management of the region's land and water resources.</p>	That the submission be accepted.
12	Hawke's Bay Federated Farmers	12	Support	<p>Submitter seeks to amend OBJ LW1 to read: " The management of freshwater and the effects of use and development in an integrated and sustainable manner."</p> <p>Fonterra agrees with the submitter's perspective in that it is effects of activities and not the activities that need to be managed sustainably.</p>	That the submission be accepted.
13	Hawke's Bay Fish & Game Council	23	Oppose	<p>Submitter seeks to delete Objective LW1.5.</p> <p>Fonterra opposes the deletion of Objective LW1.5 on the basis that this objective is necessary in order to recognise Section 14(3)(b) of the Resource Management Act 1991 which states that a person is not prohibited from taking of water for domestic or animal drinking water.</p>	That the submission be rejected.

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Submitter Number	Submitter Name	Statement Number	Support or Oppose	Reasons for Further Submission	Decision Sought
C5 POL LW1 Policy LW1 (Catchment based integrated management)					
8	Green Party of Aotearoa	4	Oppose	<p>Submitter seeks to delete POL LW1(k)</p> <p>Fonterra considers water storage an integral part of a successful water management regime. Water storage will contribute positively to the well beings of people and communities as well as achieving sustainable management.</p>	That the submission be rejected.
12	Hawke's Bay Federated Farmers	3	Support	<p>Submitter seeks to amend LW1 to incorporate new clauses to work collaboratively and ensuring that targets are based on the best available information.</p> <p>Fonterra agrees with the submitter's perspective and considers that such amendments will contribute positively to achieving sustainable water management.</p>	That the submission be accepted.
13	Hawke's Bay Fish & Game Council	5042	Oppose	<p>Submitter seeks to delete POL LW1(k)</p> <p>Fonterra considers water storage an integral part of a successful water management regime. Water storage will contribute positively to the well beings of people and communities as well as achieving sustainable management.</p>	That the submission be rejected.

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Submitter Number	Submitter Name	Statement Number	Support or Oppose	Reasons for Further Submission	Decision Sought
C5 POL LW2 Policy LW2 (Prioritising values)					
13	Hawke's Bay Fish & Game Council	50	Oppose	<p>Submitter seeks to delete POL LW2</p> <p>Fonterra opposes the submitter on the basis that POL LW2 as notified provides certainty for water users through identifying priority catchments. POL LW2 sets a clear strategic prioritisation of values that is necessary to provide clarity.</p>	That the submission be rejected.
C5 POL LW2 Table – Table 1 in POL LW2					
8	Green Party of Aoteroa	6	Oppose	<p>Submitter seeks to delete land based primary production as a primary value/use.</p> <p>Fonterra opposes the submitter on the basis that the recognition of the use of water for land based primary production is vital in order to achieve sustainable management.</p>	That the submission be rejected.
16	Horticulture NZ	11	Support	<p>Submitter seeks the include reasonable domestic and stock water use and beverages, food and fibre production and processing as a primary use in the Greater Hereaunga/Ahuriri Catchment Area, Mohaka Catchment Area and Tukituki Catchment Area.</p> <p>Fonterra considers that stock water use to be an important part of the primary production supply chain.</p>	That the submission be accepted.

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Submitter Number	Submitter Name	Statement Number	Support or Oppose	Reasons for Further Submission	Decision Sought
17	Irrigation NZ	9	Support	<p>Submitter seeks the include reasonable domestic and stock water use and beverages, food and fibre production and processing as a primary use in the Greater Heretaunga/Ahuriri Catchment Area, Mohaka Catchment Area and Tukituki Catchment Area.</p> <p>Fonterra considers that stock water use to be an important part of the primary production supply chain.</p>	That the submission be accepted.
28	Te Taiwhenua o Heretaunga	11	Oppose	<p>Submitter seeks the move land based primary production from a primary value to be a secondary value.</p> <p>Fonterra considers that land-based primary production is essential to the economic and social well-being of the people and communities of the Hawke's Bay region. The use of water is vital to primary production, stock drinking, dairy shed wash down, milk cooling and irrigation of pasture for feed. These land-base primary production activities rely on access to water and should be retained as a primary value.</p>	That the submission be rejected.

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Submitter Number	Submitter Name	Statement Number	Support or Oppose	Reasons for Further Submission	Decision Sought
C5 POL LW3 – Policy LW3 (Managing use of production land)					
13	Hawke's Bay Fish & Game Council	58	Oppose	<p>Submitter seeks to amend POL LW3 to state that the main cause of nitrogen contamination of water is by land-based primary production activities in particular urine patches from stock. The submitter proposes that leaching standards to be implemented.</p> <p>Fonterra opposes the submitter on the basis that the in-situ deposition of animal discharge while livestock is grazing is an inevitable characteristic of "free range" livestock farming practice. Fonterra is working with our farmers to design, develop and deliver continuous improvements in on-farm effluent management, waterways management and nitrogen management.</p>	That the submission be rejected.
23	Ngati Kahungunu Iwi Inc	22	Oppose	<p>Submitter seeks to amend Policy LW3(c) to regulate phosphorus by resource consent conditions.</p> <p>Fonterra opposes the submitter on the basis that regulation and consent conditions are not the most appropriate means/tool to manage phosphorus.</p>	That the submission be rejected.

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Submitter Number	Submitter Name	Statement Number	Support or Oppose	Reasons for Further Submission	Decision Sought
C5 POL LW4 – Policy LW4 (Non-regulatory methods)					
12	Hawke's Bay Federated Farmers	6	Support	<p>Submitter seeks a clearer description of non-regulatory methods than the explanation provided in Change 5.</p> <p>Fonterra agrees with the submitter that providing a clearer description around non-regulatory methods is required and support any reference to the Land & Water Strategy and the National Policy Statement on Freshwater.</p>	That the submission be accepted.
13	Hawke's Bay Fish & Game Council	50 61	Oppose	<p>Submitter seeks to amend Policy LW4 to include regulatory methods as well as non-regulatory methods.</p> <p>Fonterra considers <u>non-regulatory methods</u> to be appropriate in meeting catchment and sub-catchment limits through on farm best practice.</p>	That the submission be rejected.
C5 OBJs 21 and 22 – Objectives 21 and 22 in Chapter 3.8					
13	Hawke's Bay Fish & Game Council	69	Oppose	<p>Submitter seeks to retain (not delete) Objective 21.</p> <p>Fonterra opposes the submitter on the basis that retaining Objective 21 is not consistent with the rest of Change 5 and will not achieve sustainable management. Therefore Objective 21 should be deleted.</p>	That the submission be rejected.

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FURTHER SUBMISSION on the HAWKES BAY REGIONAL POLICY STATEMENT CHANGE 5

by the Royal Forest and Bird Protection Society of
New Zealand Inc (Forest and Bird).

Submitter: Forest and Bird

Contact person: Dr Mark Bellingham - North Island Conservation Manager

Address for service: PO Box 108055, Symonds St
AUCKLAND 1150

Phone: 09 3023903
Cell: 021 552295
Email: m.bellingham@forestandbird.org.nz

Date: 17th December 2012

The Society wishes to further submit in support of Hawkes Bay Fish & Game Council's submission on the following matters, in relation to the general comments in the Society's submission:

- OBJ LW1
- POL LW2
- POL LW3
- POL LW3
- Table 1 in POL LW2

①-⑩ OBJ LW1 13.21 → 13.36
Forest & Bird supports the changes proposed by F&G and the reasons for these.

⑪-⑭ POL LW2 13.50 → 13.54
Forest & Bird supports the changes proposed by F&G and the reasons for these.

⑮-⑲ POL LW3 13.57 → 13.60
Forest & Bird supports the changes proposed by F&G and the reasons for these.

⑳ POL LW4 13.61
Forest & Bird supports the changes proposed by F&G and the reasons for these.

㉑ Table 1 in POL LW2 13.42
This Table fails to identify the lower Ngaruroro River as being significant habitat for indigenous fish (and indigenous fish passage) and indigenous river bird habitat. Should the table be retained we seek the inclusion of these values as Primary Values.

✱ The Society wishes to be heard in support of this further submission..

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FURTHER SUBMISSION

TELEPHONE 0800 327 646 | WEBSITE WWW.FEDFARM.ORG.NZ



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To: Hawke's Bay Regional Council
159 Dalton Street
Napier 4110.

Further Submission on: **Proposed Change 5 to the Hawke's Bay Regional Policy Statement
(Land and Fresh Water Management)**

Date: 17 December 2012

Further Submission by: Hawke's Bay Federated Farmers

BRUCE WILLS
HAWKE'S BAY PROVINCIAL PRESIDENT
Federated Farmers of New Zealand
P 06 834 9704
M 027 234 1516
bwills@fedfarm.org.nz

Address for service: **RHEA DASENT**
REGIONAL POLICY ADVISOR
Federated Farmers of New Zealand
PO Box 715, Wellington 6140
P 04 470 2173
F 04 473 1081
rdasent@fedfarm.org.nz

Federated Farmers wish to be heard in support of our submission.

FURTHER SUBMISSION TO PROPOSED CHANGE 5 TO THE HAWKES BAY REGIONAL POLICY STATEMENT.

To: Hawke's Bay Regional Council

Further Submission to: Proposed Change 5 to the Hawke's Bay Regional Policy Statement
(Land and Fresh Water Management)

Further Submission by: Federated Farmers of New Zealand

Submission Number	Submitter Name	Statement Number	Support/ Oppose	Reasons for Further Submission	Decision Sought
C5 New - New Provision in Change 5					
8	Green Party of Aotearoa	5	Oppose	Federated Farmers opposes the submitter's relief sought to add a new policy to identify criteria for outstanding water bodies. Our opposition is on the basis that we support Council's position as outlined in the Section 32 report to undertake further analysis; determine criteria; and region-wide assessment of outstanding water bodies in Hawke's Bay, then amend policy statement and/or regional plans in the future rather than incorporating a new policy for outstanding water bodies at this stage.	That the submission be rejected
13	HB Fish and Game Council	49	Oppose	Federated Farmers opposes the submitter's relief sought to add a new policy to identify criteria for outstanding water bodies. Our opposition is on the basis that we support Council's position as outlined in the Section 32 report to undertake further analysis; determine criteria; and region-wide assessment of outstanding water bodies in Hawke's Bay, then amend policy statement and/or regional plans in the future rather than incorporating a new policy for outstanding water bodies at this stage.	That the submission be rejected

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16	Horticulture NZ	18	Support	Federated Farmers agrees with the submitter that the new objective suggested outlining that there be adequate information available in order to establish water quality and quantity limits is important and be included in Change 5. Policy decisions need to be made based on robust information.	That the submission be accepted.
C5ISS LW1 Issue LW1					
16	Horticulture NZ	1	Support	Federated Farmers agrees with the submitter that Issue LW1 needs to be amended to incorporate economic and social well beings, because economic wellbeing and social development are important components in order to achieve sustainable management.	That the submission be accepted.
C5 OBJ LW1 Objective LW1					
13	HB Fish and Game Council	23	Oppose	Federated Farmers opposes the submitter's relief sought to delete Objective LW1.5. Our opposition is on the basis that this objective is necessary in order to recognise Section 14(3)(b) of the RMA which states that a person is not prohibited from taking of water for domestic or animal drinking water, and to provide for values that are in the NPS.	That the submission be rejected.
13	HB Fish and Game Council	24	Oppose	Federated Farmers opposes the submitter's relief sought to delete Objective LW1.6. Our opposition is on the basis that this objective is necessary in order to recognise that the use of water for beverages, food and fibre production and processing is a vital component of sustainable management in that these activities contribute to economic, social and cultural well being.	That the submission be rejected.

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16	Horticulture NZ	3	Support	<p>Federated Farmers agrees with the submitter that audited self management needs to be recognised and provided for in Objective LW1. The inclusion of self management will be consistent with the Land and Water Forum recommendation that it be a key tool, will provide incentives to adopt good management practice, and will be a useful addition to the toolbox when aiming to achieve sustainable management. Audited self-management schemes transfer day-to-day management responsibility to users under agreed terms, and subject to transparent audit, providing advantages and positive benefits to both the council and to stakeholders.</p>	That the submission be accepted.
17	Irrigation NZ Inc.	4	Support	<p>Federated Farmers agrees with the submitter that audited self management be provided for in Objective LW1.8. The inclusion of self management will be consistent with the Land and Water Forum recommendation that it be a key tool, will provide incentives to adopt good management practice, and will be a useful addition to the toolbox when aiming to achieve sustainable management. Audited self-management schemes transfer day-to-day management responsibility to users under agreed terms, and subject to transparent audit, providing advantages and positive benefits to both the council and to stakeholders.</p>	That the submission be accepted.
4	Fertiliser Assoc. NZ Inc.	2	Oppose	<p>Federated Farmers opposes the submitter's relief sought to change wording from <i>managing</i> to <i>controlling</i>. Our opposition is on the basis that the suggested change of wording is inconsistent with Section 5 of the RMA which discusses <i>managing</i> the use of natural and physical resources. The word <i>control</i> also implies regulation, when non-regulatory methods are also incorporated into Change 5.</p>	That the submission be rejected.

C5 POL LW1 Policy LW1 (Catchment-based integrated management)					
8	Green Party of Aotearoa	4	Oppose	Federated Farmers opposes the submitter because water storage will contribute positively to the well beings of people and communities and will contribute positively to achieving sustainable management.	That the submission be rejected.
9	Hastings District Council	12	Support	Federated Farmers agrees with the submitter that Policy LW1 should focus on <i>the effects of land use</i> , and not land use itself. This is consistent with Section 5(2)(c) of the RMA.	That the submission be accepted.
C5 POL LW2 Policy LW2 (Prioritising values)					
13	HB Fish and Game Council	50	Oppose	Federated Farmers opposes the submitter's relief sought to delete Policy LW2. Our opposition is on the basis that we consider that Policy LW2 and clear strategic prioritisation of values is necessary and because we support the inclusion of use values as well as intrinsic values of water.	That the submission be rejected.
8	Green Party of Aotearoa	6	Oppose	Federated Farmers opposes the submitter's relief sought to delete land-based primary production as a primary value/use. Our opposition is on the basis that the recognition of the use of water for land based primary production is vital in order to achieve sustainable management. Water use for production contributes positivity to economic, social and cultural well beings.	That the submission be rejected.

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14	HB Forestry Group	1	Support and oppose	<p>Federated Farmers agrees with the submitter that forestry is a value and use of water, as many farmers have mixed production that includes forestry. However the inclusion of <i>land based primary production</i> as a value in Table 1 would already incorporate forestry. We would not support the elevation of forestry as a value over other forms of primary production, but prefer that they are treated equally.</p>	That the submission be accepted in part.
16	Horticulture NZ	11	Support	<p>Federated Farmers agrees with the submitter that water for human and animal drinking purposes and for beverage, food and fibre production and processing be included in Table 1 as values. These activities are important components of the primary production supply chain and contribute positively to well beings, and their inclusion will retain consistency with Objective LW1.</p>	That the submission be accepted.
28	Te Taiwhenua o Heretaunga	11	Oppose	<p>Federated Farmers opposes the submitter's relief sought to move land-based primary production from the primary values to be a secondary value. Our opposition is on the basis that land-based primary production is essential to the economic and social well being of the people and communities in the Hawkes Bay Region. The use of water is vital to primary production, stock drinking, dairy shed wash-down and milk cooling and irrigation of seasonal and permanent crops are all activities that rely on access to water, and therefore should be retained as a primary value.</p>	That the submission be rejected.
4	Fertiliser Assoc. NZ Inc.	5	Oppose	<p>Federated Farmers opposes the submitter's relief sought to delete the word <i>manage</i> and replace with <i>control</i>. Our opposition is on the basis that the suggested change of wording is inconsistent with Section 5 of the RMA which discusses <i>managing</i> the use of natural and physical resources. The word <i>control</i> also implies regulation, when non-regulatory methods are also incorporated into Change 5.</p>	That the submission be rejected.

C5 POL LW3 Policy LW3 (Managing use of production land)					
4	Fertiliser Assoc. NZ Inc.	6	Oppose	Federated Farmers opposes the submitter's relief sought to change wording from <i>managing</i> to <i>controlling</i> . Our opposition is on the basis that the suggested change of wording is inconsistent with Section 5 of the RMA which discusses <i>managing</i> the use of natural and physical resources. The word <i>control</i> also implies regulation, when non-regulatory methods are also incorporated into Change 5.	That the submission be rejected.
9	Hastings District Council	13	Support	Federated Farmers agrees with the submitter that Policy LW3 should focus on <i>the effects of</i> land management and land use, and not land use itself. This is consistent with Section 5(2)(c) of the RMA.	That the submission be accepted.
11	HB Environmental Water Group	6	Oppose	Federated Farmers opposes the submitter's relief sought to change the policy to address causes of contamination and not the effects. Our opposition is on the basis that the policy should focus on managing the adverse effects that lead to contamination, rather than seeking to accuse sources. Positive policy that seeks to achieve the goal of sustainable management should not disaffect stakeholders.	That the submission be rejected.
13	HB Fish and Game Council	58	Oppose	Federated Farmers opposes the submitter's relief sought to amend Policy LW3 to say that chief cause of nitrogen contamination of water by primary production is from urine patches which should be managed by leaching standards in regulation. Our opposition is on that basis that this amount of detail is inappropriate and unnecessary for this high level of policies in an RPS, and that submitter's amendments are not consistent with the purpose and intent of Policy LW3.	That the submission be rejected.

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16	Horticulture NZ	13	Support	<p>Federated Farmers agrees with the submitter that audited self management be provided for in Policy LW3. The inclusion of self management will be consistent with the Land and Water Forum recommendation that it be a key tool, will provide incentives to adopt good management practice, and will be a useful addition to the toolbox when aiming to achieve sustainable management. Audited self-management schemes transfer day-to-day management responsibility to users under agreed terms, and subject to transparent audit, providing advantages and positive benefits to both the council and to stakeholders.</p>	That the submission be accepted.
23	Ngati Kahungunu Iwi Inc.	22	Oppose	<p>Federated Farmers opposes the submitter's relief sought to amend Policy LW3(c) to regulate phosphorus by resource consent conditions. Our opposition is on the basis that regulation and consent conditions are not the most appropriate tool to manage phosphorus. We consider that the non-regulatory methods discussed in Policy LW3(c) will be effective and efficient.</p>	That the submission be rejected.
C5 POL LW4 (Non-regulatory methods)					
13	HB Fish and Game Council	61	Oppose	<p>Federated Farmers opposes the submitter's relief sought to amend Policy LW4 to include regulatory methods as well as non-regulatory methods. Our opposition is on the basis that regulatory methods are already well-provided for in previous policies. The inclusion of a policy for non-regulatory methods is important so as to have distinction as a valid tool separate from regulatory methods.</p>	That the submission be rejected.
16	Horticulture NZ	14	Support	<p>Federated Farmers agrees with the submitter that reference to regional plan provisions in Policy LW4(d) be deleted as all points under Policy LW4 need to be non-regulatory for consistency with the overarching subject of the policy.</p>	That the submission be accepted.

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<p>26 17</p>	<p>Irrigation NZ Inc</p>	<p>15</p>	<p>Support</p>	<p>Federated Farmers agrees with the submitter that Policy LW4(d) be deleted as all points under Policy LW4 need to be non-regulatory for consistency with the overarching subject of the policy.</p>	<p>That the submission be accepted.</p>
<p>C5 OBJs 15 and 15A Objectives 15 and 15A in Chapter 3.4</p>					
<p>27 4</p>	<p>Fertiliser Assoc. NZ Inc.</p>	<p>10</p>	<p>Oppose</p>	<p>Federated Farmers opposes the submitter's relief sought to remove the wording <i>the management of</i> and replace with <i>to control</i>. Our opposition is on the basis that the suggested change of wording is inconsistent with Section 5 of the RMA which discusses <i>managing</i> the use of natural and physical resources. The word <i>control</i> also implies regulation, when non-regulatory methods are also incorporated into Change 5.</p>	<p>That the submission be rejected.</p>
<p>28 9</p>	<p>Hastings District Council</p>	<p>8</p>	<p>Support</p>	<p>Federated Farmers agrees with the submitter that the objective should focus on the management of <i>the effects of</i> land management and land use, and not land use itself. This is consistent with Section 5(2)(c) of the RMA.</p>	<p>That the submission be accepted.</p>
<p>C5 OBJs 21 and 22 Objectives 21 and 22 in Chapter 3.8</p>					
<p>29 11</p>	<p>HB Environmental Water Group</p>	<p>4</p>	<p>Oppose</p>	<p>Federated Farmers opposes the submitter's relief sought to not delete Objective 21. Our opposition is on the basis that Objective 21 does not correspond with or compliment the rest of Change 5 and will not achieve sustainable management, and therefore should be deleted.</p>	<p>That the submission be rejected.</p>
<p>30 13</p>	<p>HB Fish and Game Council</p>	<p>69</p>	<p>Oppose</p>	<p>Federated Farmers opposes the submitter's relief sought to not delete Objective 21. Our opposition is on the basis that Objective 21 does not correspond with or compliment the rest of Change 5 and will not achieve sustainable management, and therefore should be deleted.</p>	<p>That the submission be rejected.</p>

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C5 POL 47 Policy 47 in Chapter 3.10				
4	Fertiliser Assoc. NZ Inc.	15	Oppose	<p>Federated Farmers opposes the submitter's relief sought to delete the wording <i>to manage</i> and replace with <i>to control</i>. Our opposition is on the basis that the suggested change of wording is inconsistent with Section 5 of the RMA which discusses <i>managing</i> the use of natural and physical resources. The word <i>control</i> also implies regulation, when non-regulatory methods are also incorporated into Change 5.</p> <p>That the submission be rejected.</p>

Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

This submission is representative of member views and reflect the fact that resource management and government decisions impact on our member's daily lives as farmers and members of local communities.

Federated Farmers thanks the Hawkes Bay Regional Council for considering our further submission to Change 5 to the Regional Policy Statement .





FURTHER SUBMISSION FROM: HAWKES BAY FISH AND GAME COUNCIL and EASTERN FISH AND GAME COUNCIL

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This further submission is made in relation to the Hawkes Bay Regional Resource Management Plan, Proposed Change 5 – Land and Freshwater Management
Fish and Game represents a relevant aspect of the public interest in Proposed Change 5, and has an interest in the proposal that is greater than the general public.
The role of Fish and Game Councils is to:

- 'manage, maintain and enhance the sports fish and game bird resource in the recreational interests of anglers and hunters...
- (b) 'to maintain and improve the sports fish and game resource-
 - (i) by maintaining and improving access

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(c) *to promote and educate-*
(ii) *by promoting recreation based on sports fish and game*

(e) *in relation to planning-*

- i. *(i) to represent the interests and aspirations of anglers and hunters in the statutory planning process; and*
- ii. *(vii) to advocate the interests of the Council, including its interests in habitats...*

Section 26Q, Conservation Act 1987.

In addition, Section 7(h) of the RMA states that all persons *'shall have particular regard to... the protection of the habitat of trout and salmon.'*

Trade Competition

Pursuant to Clause 6 of Schedule 1 of the Resource Management Act 1991, Fish and Game confirm they could not gain an advantage in trade competition through this submission.

Hearing

Fish and Game wish to be heard in support of our submission; and will consider presenting a joint case at hearing with others presenting similar submission.

Signature: Pete McIntosh- Regional Manager, Hawkes Bay Region



Date: 17th December 2012

SPECIFIC FURTHER SUBMISSION POINTS

Submitter Number and Name	Provision(s)	Statement No.	Support/Oppose	Reasons	Decision Requested
1. Tom Belford	General	1	Support	HBFGC supports the submitter's argument that OBJ LW1 fails to give adequate priority to aesthetic, recreation, amenity and natural character values of waterways in Hawkes Bay.	HBFGC seeks that the relief sought by Submitter #1 be allowed.
2. Central Hawkes Bay District Council	POL 47A (b)	2	Oppose	In seeking certainty that POL 47A will not lead to increased costs and increased standards of wastewater discharge into any surface water body, the submission has the potential to result in a policy provision that will be contrary to the purpose and principles of the RMA, particularly s5, s6(a) and s7 (aa), (d) and (h), and will not meet the requirements of the NPSFM, particularly in respect of Objectives A1 and A2(c).	HBFGC seeks that the submission be rejected.
2. Central Hawkes Bay District Council	OBJ 27	3	Oppose	Any changes to OBJ 27 to meet the submitter's request for certainty that existing rights to discharge are protected and continues to allow for discharge through a wetland has the potential to result in an objective that will be contrary to the purpose and principles of the RMA, particularly s5, s6(a) and s7 (aa), (d) and (h), and will not meet the requirements of the NPSFM, particularly in respect of Objectives A1 and A2(c).	HBFGC seeks that the submission be rejected.
4. Fertiliser Association	ISS LW 1	1	Oppose	Retention of the wording of ISS LW 1 as presented in Change 5 will compromise the ability to create a coherent policy framework that will fulfil the requirements of Part II of the RMA and the NPSFM.	HBFGC seeks that the submission be rejected.

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Submitter Number and Name	Provision(s)	Statement No.	Support/Oppose	Reasons	Decision Requested
4. Fertiliser Association	OBJ LW 1 POL LW 2 POL LW 3 OBJ 15A POL 47	2, 4, 5, 6, 10, 15	Support in part	HBFGC supports in part the submitter's proposed alterations to the wording of provisions OBJ LW 1, POL LW 2, POL LW 3, OBJ 15A and POL 47 to replace the term 'manage' with 'control', and thereby be consistent with the terminology used in the RMA (specifically s30).	HBFGC seeks that the parts of the submission relating to the replacement of the word 'manage' with 'control' where it occurs in Change 5 is accepted.
4. Fertiliser Association	OBJ LW 1	2	Support in part	HBFGC supports in part the submitter's proposed alterations to replace the term 'protects' with 'maintains, and where necessary enhances'.	HBFGC seeks that the parts of the submission relating to the replacement of the term 'protects' with 'maintains, and where necessary enhances', where it occurs in OBJ LW 1 is accepted.
4. Fertiliser Association	OBJ LW 1 (2)	2	Support in part	HBFGC supports the proposed alteration to the wording of sub-point 2 of OBJ LW 1. The revised wording ensures better alignment with Objective A2 (c) of the NPSFM.	HBFGC seeks that submission relating to revised wording is accepted.
4. Fertiliser Association	POL LW 1 POL LW 2	4, 5	Support in part	HBFGC supports the submitter's replacement of the term 'whole catchment' with the term 'integrated management' in POL LW 1. The revised wording clarifies the purpose and direction of POL LW 1. Likewise, HBFGC supports the inclusion of the word 'integrated' in clause 3(c) of POL LW 2.	HBFGC seeks that the parts of the submission relating to the replacement of the term 'whole catchment' with the term 'integrated management' where it occurs in POL LW 1 and clause 3(c) of POL LW 2 is accepted.
4. Fertiliser Association	POL LW 2	6	Support in part	HBFGC supports the submitter's proposed clause (a), and the proposed deletion of clauses (a) and (b), as set out in the Change 5 document. The submitter's proposed wording clarifies the nature of the relationship between land use and contamination of groundwater and surface water by nutrients. However, as amended by the submitter, the policy still fails to propose the use of regulatory methods to manage phosphorus, or include contact recreation in its considerations, and this is not supported by HBFGC.	HBFGC seeks that the parts of the submission relating to proposed clause (a) is accepted. HBFGC also seeks that the submission be accepted in respect of the deletion of clauses (a) and (b) as notified.
6. Friends of the	General	2, 7	Support	HBFGC supports the submitter's arguments that	HBFGC seek that the

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7. Genesis Power Ltd	OBJ LW 1 and POL LW 1	1	Oppose		The submitter proposes the inclusion of two sub-clauses to POL LW 1, related to delivering OBJ LW 1.7. HBFGC opposes the submitter's proposed amendment to POL LW 1 as it will prioritise the consideration of water use and values associated with electricity generation. This is contrary to the aims and objectives of the NPSFM, and the purpose and principles of the RMA as expressed in Part II of the Act.	HBFGC seek that the submission be rejected.
8. Green Party of Aotearoa (HB Branch)	OBJ LW 1.7	2	Support		HBFGC supports the submitter's recommendation with respect to the wording of this clause of OBJ LW 1.	HBFGC seek that the submission be accepted.
8. Green Party of Aotearoa (HB Branch)	POL LW 2 Table 1	6, 7	Support		HBFGC supports the submitter's comments and recommendations in relation to Table 1 of POL LW 2.	HBFGC seek that the submission be accepted.
8. Green Party of Aotearoa (HB Branch)	Amend Anticipated Environmental Result in Chapter 3.8 (Groundwater quality to read)	11	Support		HBFGC supports the submitter's recommendations for amendments to the Anticipated Environmental Results in Chapter 3.8 related to groundwater quality.	HBFGC seek that the submission be accepted.
8. Green Party of Aotearoa (HB Branch)	POL 47A (a)	12	Support		HBFGC supports the submitter's recommendation to remove the words 'as far as practicable' from clause (a) of POL 47A. Clause (a) as proposed in Change 5 is not in accordance with s5(c) of the RMA.	HBFGC seek that the submission be accepted.

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Submitter Number and Name	Provision(s)	Statement No.	Support/Oppose	Reasons	Decision Requested
9. Hastings District Council	ISS LW 1	1	Support	HBFGC supports the submitter's recommendation to split the issue into two issues, and that an explanation and reasoning for the issue(s) be provided. The approach would provide clarity in respect of the issue the Council is trying to define and resolve, and provide plan users with a rationale for the issues' inclusion within the RPS.	HBFGC seek that the submission be accepted.
9. Hastings District Council	OBJ LW 1.5	3	Support	HBFGC's position is that clauses 5, 6 and 7 of OBJ LW 1 be deleted, as they serve to reiterate the conflicts between some of the competing values and uses of freshwater. However, with regard to clause 5 as notified, in the event that the clause is retained, HBFGC supports the submitter's recommendation that drinking water and animal drinking should not be mentioned in the same point under OBJ LW 1. The distinction is important to ensure that freshwater values can be appropriately determined in the first instance, and freshwater objectives be established to provide for these values. This approach is in accordance with the requirements of the NPSFM.	HBFGC seek that the submission be accepted.
9. Hasting District Council	OBJ LW 1.6	4	Oppose in part, support in part	HBFGC is opposed to those clauses in OBJ LW 1, such as clause 6, that appear to serve to reiterate the conflicts between some of the competing values and uses of freshwater the statutory planning system should be managing. This is in conflict with the requirements of the NPSFM. HBFGC therefore oppose the submitter's proposed support of clause 6. However, HBFGC supports the submitter's observation that OBJ LW 1 omits recreational and conservation values in the list of freshwater uses identified in OBJ LW 1, and supports the inclusion of a clause to amend this omission.	HBFGC seek that proposed clause OBJ LW1.12 be accepted.

Submitter Number and Name	Provision(s)	Statement No.	Support/Oppose	Reasons	Decision Requested
27 9. Hasting District Council	OBJ LW 1.9	6	Support in part	HBFGC supports the submitter's request that OBJ LW 1.9 include the words 'and sustainable' in relation to allocation of water resources. This is more in line with the requirements of Part II of the RMA, and in line with the overall aims and objectives of the NPSFM.	HBFGC seek that the submission be accepted.
28 9. Hasting District Council	POL LW 1 and POL LW 3	12, 13	Support in part	HBFGC supports the submitter's request for a collaborative process to be adopted between the Regional Council, submitters, and other key stakeholders in respect of those policies within Change 5 that indicate Council intend to control land use.	HBFGC seek that the submission be accepted.
30 9. Hastings District Council	Glossary Gen	11	Support	HBFGC supports the inclusion of a definition of 'catchment based process' to Ch9 Glossary. It will aid interpretation of the plan, and its subsequent use by resource users and the community. HBFGC welcome the opportunity to discuss a possible definition with Council and other stakeholders.	HBFGC seek that the submission be accepted.
31 - 37 10. Forest and Bird	General	1 - 7	Support	HBFGC supports the points 1-7 made in the Forest and Bird submission as they seek to ensure that Change 5 fulfils the requirements of Part II of the RMA and the aims and objectives of the NPSFM.	HBFGC seek that the submission be accepted.
38 11. Hawkes Bay Environmental Water Group	OBJ 21	4	Support	HBFGC supports the submitter's reasons for objection to the proposed deletion of OBJ 21, and the request for the retention of OBJ 21 as worded in the operative RPS.	HBFGC seek that the submission be accepted.

Submitter Number and Name	Provision(s)	Statement No.	Support/Oppose	Reasons	Decision Requested
12. Federated Farmers	ISS LW 1	1	Oppose	The proposed decision requested by the submitter in respect of ISS LW 1 does not identify an environmental problem, but is worded more like an objective. The issue as proposed by the submitter would not promote the purpose of the RMA, or lead to an objective and policy framework that would give effect to the NPSFM.	HBFGC seek that the submission be rejected.
12. Federated Farmers	OBJ LW 1	2	Oppose	HBFGC opposes the submitter's request to retain proposed OBJ LW 1 as it is written in Change 5, with a minor amendment. As written OBJ LW 1 fails to give effect to the NPSFM, and does not promote the purpose of the RMA.	HBFGC seek that the submission be rejected.
12. Federated Farmers	Outstanding waterbodies	26	Oppose	HBFGC objects to the submitter's point in respect of outstanding waterbodies. The omission of a specific policy in respect of outstanding waterbodies would fail to give proper effect to the NPSFM or Part II of the RMA.	HBFGC seek that the submission be rejected.
12. Federated Farmers	POL LW1	4	Oppose in part, support in part	HBFGC supports the submitter's request that recognition be given to the role of collaboration with the community to establish targets, methods and timeframes at catchment level. This is good practice, and in line with the NPSFM's vision of freshwater objectives being set by the community in order to better meet the needs, requirements and aspirations of the community. However, HBFGC object to clause (m) as proposed by the submitter as being unnecessary and having the potential to unreasonably delay the delivery of freshwater objectives set by the community.	HBFGC seek that the part of the submission requesting the inclusion of new provision, clause (m), be rejected.

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Submitter Number and Name	Provision(s)	Statement No.	Support/Oppose	Reasons	Decision Requested
12. Federated Farmers	OBJ 15A	10	Oppose	HBFGC object to the submitter's requested decision to make OBJ 15A subject to OBJ LW 1. It will result in OBJ LW 1 taking precedence, and undermine any environmental purpose contained in OBJ 15A.	HBFGC seek that the submission be rejected.
12. Federated Farmers	POL 4 & 4A	11	Oppose	HBFGC objects to the points raised in respect of this submission point by the submitter as it maintains the misinterpretation of the RMA in respect of the protection of wetlands and will undermine the RPS's ability to give proper effect to Part II of the RMA and the NPSFM. HBFGC also object to the emphasis proposed to be placed on non-regulatory methods to protect wetlands. This is contrary to the purposes and principles of the RMA and the requirements of the NPSFM.	HBFGC seek that the submission be rejected.
12. Federated Farmers	Issue statement 3.10.1	16	Oppose	HBFGC objects to the amendment to Issue Statement 3.10.1 proposed by the submitter to delete the wording in brackets.	HBFGC seek that the submission be rejected.
14. Hawkes Bay Forestry Group	Table 1, POL LW 2	2	Support	HBFGC supports the submitter's objection to the prioritisation of uses and values in Table 1 of the proposed POL LW 2, particularly in respect of the comments made on the potential adverse effects of community collaboration and buy-in with Council in respect of freshwater objectives, uses and values, and on the potential adverse (and perverse) environmental effects such a policy could have in the future.	HBFGC seek that the submission be accepted.
14. Hawkes Bay Forestry Group	OBJ 27A	3	Oppose	HBFGC understands the point the submitter is seeking to make in respect of OBJ 27A. However, HBFGC cannot support any decision requested by the submitter that would weaken an objective and policy framework that supports the maintenance or enhancement of riparian	HBFGC seek that the submission be rejected.

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Submitter Number and Name	Provision(s)	Statement No.	Support/Oppose	Reasons	Decision Requested
14. Hawkes Bay Forestry Group	OBJ 29	4	Oppose	<p>vegetation on the margins of rivers, lakes and wetlands for the purpose of maintaining biological diversity and maintaining and enhancing water quality and aquatic ecosystems.</p> <p>HBFGC objects to any decision requested that would prioritise gravel extraction over and above any other use of value of waterbodies. Such a decision would undermine the purpose of Part II of the RMA and the requirements of the NPSFM.</p>	HBFGC seek that the submission be rejected.
15. Holcim	OBJ LW 1	1	Oppose	<p>HBFGC objects to the submitter's decision requested in respect of OBJ LW 1. As interpreted by the submitter, clause 11 allows freshwater objectives to be set outside of the framework anticipated by the NPSFM, and thus undermines the ability of the RPS Change 5 to give effect to the NPSFM or the requirements of the RMA.</p>	HBFGC seek that the submission be rejected.
15. Holcim	POL LW1	2	Oppose in part	<p>HBFGC welcomes the opportunity to consider the issue of aggregates and their use and extraction in respect of the integrated management of land and freshwater resources. However, in its current format these clauses could result in the interpretation of policy whereby reduction in over allocation of water based resources can be delayed for 50 years, and this is opposed by HBFGC.</p>	HBFGC seek that the submission be rejected.
15. Holcim	POL LW2	3	Oppose	<p>HBFGC are concerned that the listing of values, including those associated with aggregate use and extraction, at this time in the RPS will undermine that catchment based value setting and mean that those values cannot adequately be provided for in future plan change processes.</p>	HBFGC seek that the submission be rejected.

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Submitter Number and Name	Provision(s)	Statement No.	Support/Oppose	Reasons	Decision Requested
16. Horticulture NZ	ISS LW 1	1	Oppose	HBFGC supports the submitter's questioning of the Council's use of language in the Issue as notified, and its possible interpretation. However, HBFGC opposes the submitter's amended ISS LW 1 statement. It does not identify an environmental issue, rather an economic one, and fails to meet the requirements of the RMA.	HBFGC seek that the submission be rejected.
16. Horticulture NZ	POL LW1	8, 9	Oppose	HBFGC opposes the proposed amendments to POL LW1. Proposed POL LW1 with the amendments will fail to provide an equitable process whereby freshwater values can be identified and located through the RPS process (as envisaged by the NPSFM), so as to be eventually subject to the management approach described in POL LW 1.	HBFGC seek that the submission be rejected.
16. Horticulture NZ	POL LW2	11, 12	Oppose	HBFGC are concerned that the listing of values, including those requested by the submitter, at this time in the RPS will undermine that catchment based value setting and mean that those values cannot adequately be provided for in future plan change processes.	HBFGC seek that the submission be rejected.
16. Horticulture NZ	POL LW3	13	Oppose	HBFGC oppose a decision requested that would rely solely on self-management programmes to comply with contaminant limits. The proposed amendments raised by the submitter also have the potential to allow continued over-allocation of freshwater resources. The submitter's submission point will undermine the ability of Change 5 to result in integrated management or meet the requirements of the NPSFM.	HBFGC seek that the submission be rejected.

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Submitter Number and Name	Provision(s)	Statement No.	Support/Oppose	Reasons	Decision Requested
16. Horticulture NZ	OBJ 15A	15	Oppose	The proposed amendment to OBJ 15A will undermine the ability of the RPS and the Plan to give effect to integrated management.	HBFGC seek that the submission be rejected.
16. Horticulture NZ	POL 16	16	Oppose	The proposed amendments raised by the submitter also have the potential to allow continued over-allocation of freshwater resources. The submitter's submission point will undermine the ability of Change 5 to result in integrated management or meet the requirements of the NPSFM.	HBFGC seek that the submission be rejected.
16. Horticulture NZ	Proposed New Issue ISS LW x1	17	Oppose	The issue proposed for inclusion has the potential to undermine fundamental environmental bottom lines, and is contrary to the aims and objectives of the NPSFM and the purpose of Part II of the RMA.	HBFGC seek that the submission be rejected.
16. Horticulture NZ	Proposed New Objective OBJ x1 and New Policies POL LW x1	18	Oppose	Together with the issue proposed for inclusion, the proposed objective and policies have the potential to undermine fundamental environmental bottom lines, and is contrary to the aims and objectives of the NPSFM and the purpose of Part II of the RMA. Notwithstanding these comments, HBFGC support the development of a timetable by Council that will see the completion of critical reports and analyses in a reasonable timeframe to support the implementation of the NPSFM.	HBFGC seek that the submission be rejected.
17. Irrigation New Zealand	POL LW1	6, 7	Oppose	HBFGC oppose the decision requested. Whilst HBFGC consider that it is appropriate to provide reasonable transition times, the proposed amendment is too open-ended and could result in continued degradation without a reasonable expectation of improvement. This is contrary to the requirements of the NPSFM, and to the purpose of Part II of the RMA.	HBFGC seek that the submission be rejected.

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Submitter Number and Name	Provision(s)	Statement No.	Support/Oppose	Reasons	Decision Requested
17. Irrigation New Zealand	POL LW2	9, 10, 11	Oppose	HBFGC are concerned that the listing of values, including those requested by the submitter, at this time in the RPS will undermine that catchment based value setting and mean that those values cannot adequately be provided for in future plan change processes.	HBFGC seek that the submission be rejected.
17. Irrigation New Zealand	POL LW3	13	Oppose	HBFGC agree with the submitter's statement that "for the successful achievement of freshwater quality objectives it is well proven a range of management options, such as improving the environments assimilative capacity through habitat restoration (shading and contaminant interception), interception trenches, or dilution (augmentation) options, all need to be considered in an integrated manner". However, HBFGC oppose a decision requested that would rely solely on self-management programmes to comply contaminant limits. The proposed amendments raised by the submitter also have the potential to allow continued over-allocation of freshwater resources. The submitter's submission point will undermine the ability of Change 5 to result in integrated management or meet the requirements of the NPSFM.	HBFGC seek that the submission be rejected.
19. Ivan Knauf – Wairua Farms	OBJ 29	4	Support in part	HBFGC supports the submitter's identification of the role of gravel extraction for river management purposes in the minimisation of risk of flooding on areas of ecological value. However, the proposed retention of the words 'subject to OBJ LW 1' is not supported by HBFGC.	HBFGC seek that the submission be accepted, except for the request that OBJ 29 remain 'subject to OBJ LW1.
19. Ivan Knauf – Wairua Farms	POL LW 1 (k) and AERs Gen	1, 2	Oppose	HBFGC are concerned that a decision based on this submission would undermine a sustainable and strategic approach to the issue of the need for and provision of water storage infrastructure,	HBFGC seek that the submission be rejected.

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Submitter Number and Name	Provision(s)	Statement No.	Support/Oppose	Reasons	Decision Requested
				and thereby compromise the ability of Change 5 to meet the requirements of Part II of the RMA.	
21. Maori Trustee for Poukawa 13B Ahu Whenua Trust	POL LW 3	5	Support	HBFGC support the submitter's concern regarding the use of non-regulatory methods to manage phosphorus run-off.	HBFGC seek that the submission be accepted.
21. Maori Trustee for Poukawa 13B Ahu Whenua Trust	POL LW 4	7	Support	HBFGC supports the request for the establishment of a timetable to implement the methods listed. This will ensure the proper and timely implementation of the NPSFM.	HBFGC seek that the submission be accepted.
21. Maori Trustee for Poukawa 13B Ahu Whenua Trust	Definition of Wetland	16	Support	HBFGC supports the submitter's concerns regarding the definition of wetland as proposed in Change 5. The definition of wetland as notified would be inconsistent with the requirement to protect these areas set out in section 6(c) RMA.	HBFGC seek that the submission be accepted.
23. Ngati Kahungunu Iwi	Chapter 3.14	1	Support	HBFGC supports the submitter's request that Change 5 take the opportunity to give effect to Objective D1 of the NPSFM.	HBFGC seek that the submission be accepted.
23. Ngati Kahungunu Iwi	POL LW 1	10	Support in part	HBFGC welcomes the submitter's comments on the use of the term 'water scarce' in respect of POL LW 1 (k), and supports an amendment of the text of this sub-clause that better reflects the realities of the resource management issue with respect to water availability. HBFGC supports the submitter's proposed amendments to sub-clause (k). HBFGC also supports the other amendments to POL LW 1 suggested by the submitter, bringing the policy more in line with the purpose of Part II of the RMA and the requirements of the NPSFM.	HBFGC seek that the submission be accepted.
23. Ngati Kahungunu Iwi	POL LW 2 Table 1	11-14	Support	HBFGC supports the submitter's concerns that Maori values are not identified in Table 1, and is generally supportive of the submitter's proposed amendments to Table 1.	HBFGC seek that the submission be accepted.

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Submitter Number and Name	Provision(s)	Statement No.	Support/Oppose	Reasons	Decision Requested
27. Te Taiao HB Environment Forum	Glossary Gen	6	Support	HBFGC supports the submitter's observation that the proposed exclusion of 'production land' in the definition of wetland has the potential to significantly impact ephemeral wetland sites such as Poukawa and Whakaki.	HBFGC seek that the submission be accepted.
28. Te Taiwhenua o Heretaunga	New Provisions	2.1-25	Support in part	HBFGC support the submitter's arguments that outstanding waterbodies be identified and provided for in Change 5, and that such outstanding waterbodies be identified on a map to be included in the RPS.	HBFGC seeks that the abovementioned submission be accepted.
29. Trustpower	POL LW1	3	Oppose	HBFGC opposes the submitter's request that a new clause be added to specifically recognise the national significance of the benefits of renewable electricity generation activities. This would result in renewable electricity generation activities being unnecessarily and unfairly prioritised within a policy, the aim of which should be to provide a process whereby freshwater values can be identified and located through the RPS process. The decision requested is contrary to the aims and objectives of the NPSFM.	HBFGC seek that the submission be rejected.

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FILE REF	RMP25/9
ALCHEMY ID	329179



FORM 6

F36

FURTHER SUBMISSION IN SUPPORT OF, OR OPPOSITION TO, SUBMISSION ON PUBLIC NOTIFIED PROPOSED POLICY STATEMENT OR PLAN, CHANGE OR VARIATION

Clause 8 of Schedule 1, Resource Management Act 1991

To: Hawke's Bay Regional Council
Private Bag 6006
Napier

Name of the person making further submission:

Holcim (New Zealand) Limited

This is a further submission in support of (or in opposition to) a submission on the following change proposed to the following plan:

Proposed Change 5 – Land and freshwater management to the Hawke's Bay Regional Resource Management Plan

Holcim (New Zealand) Limited is:

A party representing a relevant aspect of the public interest. The grounds for specifying that Holcim (New Zealand) Limited fits under this category is that it is a company that produces aggregates in Hawke's Bay region for various construction and roading projects, which contribute to the economic, social and environmental wellbeing of the New Zealand public.

The submissions supported (or opposed) are as summarised in the table overleaf. The particular parts of the submission supported, or opposed, reasons for support (or opposition) and relief sought is summarised in the table.

Holcim (New Zealand) Limited does wish to be heard in support of its further submission.

If others make a similar submission, Holcim (New Zealand) Limited will consider presenting a joint case with them at a hearing.

.....
Signature of person making further submission
Renee Murphy on behalf of Holcim (New Zealand) Limited

12 December 2012

.....
Date

Address for service of person making further submission:

Holcim (New Zealand) Limited
C/- Opus International Consultants
Private Bag 6019
Napier 4142

Telephone: (06) 833 5115
Email: renee.murphy@opus.co.nz

Contact Person: Renee Murphy

FURTHER SUBMISSIONS TO PROPOSED CHANGE 5 BY HOLCIM (NEW ZEALAND) LIMITED

No	Original Submitter	Summary of Relevant Part of Submission	Support/ Oppose	Reason	Relief sought
6.1 ①	Friends of Tukituki	No specific decision requested, but refers to RPS needing to include clear guidelines on resource use, including that resource use is necessary, reasonable and when it meets these criteria, it should be efficient.	Support	This submission is supported to the extent that it seeks that the Regional Policy Statement provide clear guidance on resource use, including for aggregate resources.	Accept submission
16.2 ②	Horticulture NZ et al	Add: 1. A new objective to read "OBJ LW2 The <u>management of land and water use that balances the multiple and competing values and uses of those resources on a catchment basis, including establishing priorities of the use of the resources.</u> " 2. Principal reasons and explanation for the new objective to read: " <u>the values and uses of resources vary between catchments and so there are different pressures between catchments. The approach to managing potentially competing values and uses will be through the development of catchment plans which recognise the differing demands and pressures on resources within the catchments address the issues and establish priorities.</u> "	Support in part	Part (1) of this submission is supported to the extent that it recognises the use of resources on a catchment basis, and the need to establish priorities for the use of resources.	Accept submission to the extent that it recognises the use of resources on a catchment basis and the need to establish priorities for the use of resources.
13.26 ③	HB Fish & Game Council et al	Amend OBJ LW1.11 so it is a stand-alone objective in Ch 3-x.	Support in part	This submission is supported to the extent that the text in OBJ.1.11 and its associated intent is retained as part of Change 5, consistent with Holcim's primary submission.	Accept submission to the extent that the text in OBJ.1.11 and its associated intent is retained as part of Change 5.
18.2 ④	Terry Kelly	Amend OBJ LW1.11 to reflect that protection and enhancement of mauri should always be a top priority, and other priorities may vary within this overriding constraint.	Support in part	This submission is supported to the extent that the priority of mauri is already recognised in other OBJ34 and POL34 of the Regional Policy Statement.	Accept submission to the extent that the priority of mauri is already provided for in the Regional Plan

No	Original Submitter	Summary of Relevant Part of Submission	Support/ Oppose	Reason	Relief sought
25.3 ⑤	Silver Fern Farms Ltd	Retain OBJ LW1.11 and ensure appropriate mechanisms are implemented to assess priorities.	Support in part	This submission is supported to the extent that it provides for the creation of clear priorities for the protection and use of freshwater resources.	Accept submission to the extent that it provides for the creation of clear priorities for the protection and use of freshwater resources
16.8 ⑥	Horticulture NZ et al	Amend POL LW1 by adding two new clauses to read: (l) recognise and provide for existing use and investment including the production of food, fibre, aggregates and wine" and (m) recognise and provide for entities meeting industry identified standards for good management practice"	Support in part	The proposed clause outlined in POL LW1 (l) is supported as it specifically recognises and provides for existing use and investment in the production of aggregates.	Accept submission on POL LW1 (l) to the extent that it specifically recognises and provides for existing use and investment in the production of aggregates.
19.3 ⑦	Knauf, Ivan (Wairua Farms)	Amend Table 1 Greater Heretaunga/Ahuriri Secondary value/use to read: "aggregate supply and extraction in the Ngaururo River [downstream of Maraekakaho].	Support in part	This submission is supported to the extent that it provides for specific recognition of aggregate supply and extraction in the Ngaururo River.	Accept submission to the extent that it provides for specific recognition of aggregate supply and extraction in the Ngaururo River.
29.4 ⑧	HB Forestry Group	Amend OBJ 29 to include reference to recognising the economic necessity of the riverbed gravel resource.	Support	This submission is supported as it provides for the specific recognition of the economic value of the riverbed gravel resource.	Accept submission
19.4 ⑨	Knauf, Ivan (Wairua Farms)	Amend OBJ 29 to read: "Subject to Objective LW1, the facilitation of gravel extraction from areas where it is desirable to extract excess gravel for river management purposes and the minimisation of flood risk (including the risk of flooding areas of ecological value) or to maintain..."	Support in part	This submission is supported to the extent that it generally provides for the facilitation of aggregate extraction activities where the activity is desirable for the minimisation of flood risk.	Accept submission to the extent that it generally provides for the facilitation of aggregate extraction activities.

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Further Submission on Proposed Plan Change 5 to the Hawkes Bay Regional Resource Management Plan

(Closing date: 5pm Monday 17 December 2012)

To: Hawkes Bay Regional Council
Private Bag 6006
Napier 4142

Email: submissions@hbrc.govt.nz

Full Name of Further Submitter:
Horticulture New Zealand

Full Postal Address:
P O Box 10 232
Wellington

Attn: Chris Keenan

Telephone Number: 04 470 5669
Email: Chris.keenan@hortnz.co.nz

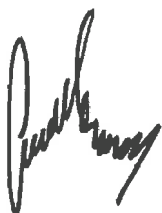
Fax Number: 04 471 2861

Horticulture New Zealand represents horticultural growers in the Hawkes Bay Region, so represents a relevant aspect of the public interest.

Horticulture New Zealand is not a trade competitor and would not gain any advantage through this further submission.

I do wish to be heard in support of my submission

If others make a similar submission, I **would not** be prepared to consider preparing a joint case with them at any hearing.



.....
Signature of person making submission or person authorised to sign on behalf of person making submission.

Date:
17 December 2012

Submitter	Sub ref	Plan Provision	Support/ Oppose	Reason
Hastings Havelock North Forest and Bird Branch	10/1	General	Support	Identification of values as required by the NPSFM is supported
Hastings Havelock North Forest and Bird Branch	10/2	General	Support	Identification of freshwater objectives to provide for identified values as required by the NPSFM is supported
Hastings Havelock North Forest and Bird Branch	10/5	General	Oppose in part	The provisions in the plan are dependent on the values and freshwater objectives that are established.
HB Fish and Game Council	13/4	General	Support in part	Establishment of values is supported, but PC5 should not pre-empt that process by including specific values prior to the value identification process.
HB Fish and Game Council	13/5	General	Opposed in part	Establishment of values is supported, but PC5 should not pre-empt that process by including specific values prior to the value identification process.
HB Fish and Game Council	13/10	General	Oppose in part	Horticulture NZ supports efficiency in water use, but does not support the addition of 'necessary and reasonable', without clear definition and criteria that are justified through a s32 process.
HB Fish and Game Council	13/14	General	Oppose in part	Establishment of values is supported, but PC5 should not pre-empt that process by including specific values prior to the value identification process.
HB Fish and Game Council	13/16	General	Oppose in part	Establishment of values and freshwater objectives is supported, but PC5 should not pre-empt that process by including specific objectives and limits prior to the value identification process.
HB Fish and Game Council	13/19	General	Oppose in part	The process of identification of values needs to take place first.
Te Taiwhenua o Heretaunga	28/39	General	Oppose	Manu whenua matters are already included in the RRMP.
Green Party of Aotearoa	8/5	New provision in PC5	Oppose	The criteria for, and identification of, outstanding waterbodies needs to be undertaken as a full process with all parties participating, not through a submission on PC 5.
HB Fish and Game Council	13/49	New provision in PC 5	Oppose	The criteria for, and identification of, outstanding waterbodies needs to be undertaken as a full process with all parties participating, not through a submission on PC 5.
HB Fish and Game Council	13/56	New provision in PC 5	Oppose	The NPSFM requires that the Plan needs to address over-allocation but it needs to be undertaken as a full process with all parties participating, not through a submission on PC 5.
Ngati Kahungunu Iwi Inc	23/5	New provision in PC 5	Oppose	The process of setting limits needs to follow the setting of values and freshwater objectives are required by the NPSFM. PC5 should not pre-empt that process and set limits for some resources without a full process with all parties participating, not through a submission on PC 5.

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Submitter	Sub ref	Plan Provision	Support/ Oppose	Reason
Te Taiwhenua o Heretaunga	28/23	General	Oppose	The identification of, outstanding waterbodies needs to be undertaken as a full process with all parties participating, not through a submission on PC 5.
Te Taiwhenua o Heretaunga	28/24	General	Oppose	The identification of, outstanding waterbodies needs to be undertaken as a full process with all parties participating, not through a submission on PC 5.
Hastings District Council	9/1	Issue LW1	Support in part	Horticulture NZ seeks that the objective be split into two parts, so it is appropriate that the issue is also split into two issues.
Federated Farmers	12/1	Issue LW1	Support	Inclusion of economic growth is supported.
Dept of Corrections	3/1	Obj LW1	Oppose in part	Municipal water supplies should not be given the same priority as human drinking or animal drinking water supplies.
Fertiliser Assoc of NZ	4/2	Obj LW1	Support in part	The inclusion of both non-regulatory and regulatory methods is supported.
Green Party of Aotearoa	8/3	Obj LW1	Oppose in part	Horticulture NZ has sought a specific new objective of competing pressures.
Hastings District Council	9/4	Obj LW1	Oppose	The changes sought take the focus from provision of water for food and fibres production and processing. Water is used for more than irrigation and the addition of 'industrial' is not limited to food production – which is the focus of the objective point.
Hastings District Council	9/6	Obj LW1	Oppose	The NPSFM refers to efficient allocation and use. All activities need to be sustainable to meet s5 of the RMA so it does not need to be added to the objective point.
Hastings Havelock North Forest and Bird Branch	10/8	Obj LW1	Support in part	Identification of values and freshwater objectives as required by the NPSFM is supported.
Federated Farmers	12/2	Obj LW1	Support	The focus should be on the 'effects' of land use – not land use per se.
HB Fish and Game Council	13/23	Obj LW1	Oppose	Human and animal drinking water is specifically recognised in the RMA.
HB Fish and Game Council	13/24	Obj LW1	Oppose	Food and fibre production is important to the region and people's wellbeing.
HB Fish and Game Council	13/26	Obj LW1	Support in part	Horticulture NZ has sought a specific new objective of competing pressures.
HB Fish and Game Council	13/32	Obj LW1	Oppose in part	Horticulture NZ supports efficiency in water use, but does not support the addition of 'necessary and reasonable', without clear definition and criteria that are justified through a s32 process.
HB Fish and Game Council	13/36	Obj LW1	Support in part Oppose in part	Identification of values and freshwater objectives as required by the NPSFM is supported but PC5 should not pre-empt the outcomes of that process.
Terry Kelly	18/2	Obj LW1	Oppose in part	Obj LW 1 does not set priorities.

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Submitter	Sub ref	Plan Provision	Support/ Oppose	Reason
Genesis Power Ltd	7/1	Policy LW1	Oppose in part	New clause l) should be limited to effects on existing generation output and new clause m) needs to differentiate between existing and new generation, ensure that existing users are not compromised and that adverse effects are avoided remedied or mitigated.
Green Party of Aotearoa	8/4	Policy LW 1 k)	Oppose	Provision needs to be made for water storage infrastructure.
Federated Farmers	12/3	Policy LW1	Support	The focus should be on the 'effects' of land use – not land use per se.
Federated Farmers	12/4	Policy LW1	Support in part	A collaborative process is supported.
HB Fish and Game Council	13/38	Policy LW1	Oppose	Establishment of values is supported, but PC5 should not pre-empt that process by including specific values prior to the value identification process.
HB Fish and Game Council	13/39	Policy LW1	Oppose	The wording sought is an objective, not a policy.
HB Fish and Game Council	13/42	Policy LW1	Oppose	Policy LW 2 establishes an appropriate framework, subject to changes as sought by Horticulture NZ.
HB Fish and Game Council	13/44	Policy LW1 g)	Oppose	The need to address differing demands and pressures on water is necessary.
HB Fish and Game Council	13/45	Policy LW1 i)	Oppose	The provision for transition times is an acceptable approach.
HB Fish and Game Council	13/48	Policy LW1 k)	Oppose	Water storage options need to be provided for.
Ivan Knauf (Wairua Farms)	19/1	Policy LW 1 k)	Support	The addition of 'increased availability of water' is appropriate and deletion of water scarce catchments is supported as water storage options may not be limited to water scarce areas.
Ngati Kahungunu Iwi Inc	23/26	Policy LW 1 k)	Oppose in part	Water storage options should not be limited to large scale community facilities, or only to over allocated catchments.
Fertiliser Association of NZ	4/5	Policy LW2	Oppose in part	Horticulture NZ supports the approach of 'managing'.
HB Fish and Game Council	13/50	Policy LW2	Oppose	Policy LW 2 establishes an appropriate framework, subject to changes as sought by Horticulture NZ.
HB Fish and Game Council	13/53	Policy LW2	Oppose	Policy LW 2 establishes an appropriate framework, subject to changes as sought by Horticulture NZ.
Central HB District Council	2/1	Table 1 in Pol LW 2	Oppose	Water for parks and reserves should not be a primary value.
Green Party of Aotearoa	8/6	Table 1 in Pol LW 2	Oppose	Primary production is an important land use that should be recognised.
Te Taiwhenua o Heretaunga	28/11	Table 1 in Pol LW2	Oppose	Primary production is an important land use that should be recognised as a primary value.

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Submitter	Sub ref	Plan Provision	Support/ Oppose	Reason
Fertiliser Association of NZ	4/6	Policy LW 3	Oppose in part Support in part	Horticulture NZ supports the approach of 'managing'. The focus on 'loss' of contaminants is supported rather than 'discharges'. Not all discharges will lead to loss of contaminants.
Federated Farmers HB Fish and Game Council	12/5 13/57	Policy LW 3 Policy LW 3	Support Support in part	The focus on effects of land uses and inclusion of all land uses is supported. The focus on where limits are exceeded is supported.
HB Fish and Game Council	13/60	Policy LW 3 c)	Oppose in part	Use of non-regulatory methods for phosphorous is appropriate.
Ngati Kahungunu Iwi Inc	23/22	Policy LW 4 3 3(c)	Oppose in part	Use of non-regulatory methods for phosphorous is appropriate.
HB Fish and Game Council	13/62	Ch 3 x AER's	Oppose in part	The proposed AER's are appropriate.
Fertiliser Association of NZ	4/10	Obj 15 Ch 3.4	Oppose in part	Horticulture NZ supports the approach of 'managing'.
Hastings District Council	9/8	Obj 15A Ch 3.4	Support in part	While the focus on effects of land uses practices has merit, Horticulture NZ have sought that the focus is on management of fresh water.
HB Fish and Game Council	13/69	Obj 21 Ch 3.8	Oppose	Obj 21 is inconsistent with the approach in PC 5 so needs to be deleted.
Fertiliser Association of NZ	4/11	Pol 16 Ch 3.8	Support in part	The focus on 'loss' of contaminants is supported rather than 'discharges'. Not all discharges will lead to loss of contaminants.
HB Fish and Game Council	13/72	Pol 16 Ch 3.8	Oppose	The focus on effects should be retained.
Federated Farmers	12/7	AER's in Ch 3.8	Support	The addition of 'maintained' is appropriate.
Fertiliser Association of NZ	4/12	Issue in Ch 3.10	Support in part	The wording sought identifies that not all production land use activities will cause contamination.
Fertiliser Association of NZ	4/15	Policy 47 in Ch 3.10	Oppose in part	Horticulture NZ supports the approach of 'managing'.
Federated Farmers HB Fish and Game Council	12/12 13/63	Glossary Glossary	Support Support in part	Artificial wetlands may be created for a range of purposes. The list of exemptions is appropriate.
Hastings District Council	9/11	Glossary	Oppose in part	While a definition for 'catchment based process' may be useful the definition needs to be able to clear and able to be submitted on.

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**FURTHER SUBMISSIONS THAT ARE IN SUPPORT OF, OR IN OPPOSITION TO,
SUBMISSIONS ON PROPOSED PLAN CHANGE 5 TO THE HAWKE'S BAY REGIONAL
RESOURCE MANAGEMENT PLAN – LAND AND FRESHWATER MANAGEMENT 2012
UNDER CLAUSE 8 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT
1991**

To: Chief Executive
Hawke's Bay Regional Council
Private Bag 6006
NAPIER 4142
fax: 06 8353601
email: submissions@hbrc.govt.nz

Submission on: Proposed Plan Change 5: Regional Resource Management Plan

Name: TrustPower Limited ('TrustPower')

Address: TrustPower Limited
Private Bag 12023
TAURANGA

Address for Service: TrustPower Limited
Private Bag 12023
TAURANGA
(07) 574 4444 ex 4304
laura.marra@trustpower.co.nz

Attention: Laura Marra

Further submissions from TrustPower Limited (TrustPower) on Proposed Plan Change 5 to the Hawke's Bay Regional Plan are as follows and contain:

- the particular parts of the original submission (as derived from the summary of submissions) that TrustPower has submitted on;
- reasons for the submission; and
- the decision sought.

As a generator and supplier of Electricity, TrustPower has an interest in the proposal that is greater than the interest the general public.

TrustPower Limited wishes to be heard in support of its submission.

If others make a similar submission, TrustPower Limited would be prepared to consider a joint case.



Signature Laura Marra, for and on behalf of TrustPower Limited.

Date: 17 December 2012

Genesis Power Ltd, Submission Ref 7

The specific parts of the submission by Genesis Power Ltd that TrustPower **supports** and the reasons for this support are as follows:

1. Submission reference and relief sought:

Further submission point 1. –

POL LW1 - Amend POL LW1 by adding the following new clauses:

"(l) that avoids development that limits the use or maintenance of existing electricity generating infrastructure or restricts the generation output of that infrastructure."
and

"(m) recognises and provides opportunities for new renewable electricity generation infrastructure where the adverse effects on the environment can be appropriately managed."

TrustPower supports submission point 1 seeking inclusion of clauses that make reference to renewable electricity generation.

The reasons for TrustPower’s submission are:

TrustPower supports the submission as it is appropriate (given s7(j) of the RMA and the National Policy Statement for Renewable Electricity Generation) that the policies recognise electricity generation (and in particular renewable electricity generation).

Decision sought:

TrustPower seeks that the decision and subsequent relief requested by the submitter, Genesis Power Ltd, in submission point 1 be accepted.

Green Party of Aotearoa (HB Branch), Submission Ref 8

The specific parts of the submission by Green Party of Aotearoa (HB Branch) that TrustPower **opposes** and the reasons for this opposition are as follows:

2. Submission reference and relief sought:

Further submission point 2. –

OBJ LW1 - Delete OBJ LW1.7 in its entirety.

TrustPower opposes submission point 2 seeking deletion of the reference to the potential for renewable electricity generation.

The reasons for TrustPower’s submission are:

Objective B1 (Water Quantity) of the National Policy Statement for Freshwater Management (NPS for Freshwater Management) provides:

To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming, or diverting of fresh water.

Objective B1 refers to “sustainably managing” and this is reflected in Objective LW1 of Proposed Plan Change 5. The range of matters listed within the objective reflect

the range of activities undertaken with respect to freshwater, and such consideration is consistent with the NPS for Freshwater Management.

As noted in TrustPower’s original submission, *“Recognition of the benefits (value) of renewable electricity generation activities is of national significance and national policy direction has been developed in the form of the National Policy Statement for Renewable Electricity Generation (‘NPS REG’). The NPS REG comprises an objective and eight policies to enable the sustainable management of renewable electricity generation and seeks to encourage investment in renewable electricity generation such as wind, solar, geothermal, hydro, and tidal power.*

..... Objective LW1 effectively presents a range of matters that require consideration in order to achieve integrated management of freshwater resources over the region. It is appropriate that recognition of the regional and national value of renewable electricity generation is one of the key matters alongside other social, cultural and environmental values”.

Local authorities are required to give effect to a National Policy Statement and on this basis the objective is appropriate.

In response to concerns raised regarding notification, the inclusion of the objective does not relate to the issue of notification.

Decision sought:

TrustPower seeks that the decision and subsequent relief requested by the submitter, Green Party of Aotearoa, in submission point 2 be rejected.

Hawke's Bay Fish & Game Council et al, Submission Ref 13

The specific parts of the submission by Hawke's Bay Fish & Game Council et al that TrustPower **opposes** and the reasons for this opposition are as follows:

3. Submission reference and relief sought:

Further submission point 25. –

OBJ LW1 Delete - OBJ LW1.7.

TrustPower opposes submission point 25 seeking deletion of the reference to the potential for renewable electricity generation.

The reasons for TrustPower’s submission are:

Objective B1 (Water Quantity) of the National Policy Statement for Freshwater Management (NPS for Freshwater Management) provides:

To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming, or diverting of fresh water.

Objective B1 refers to “sustainably managing” and this is reflected in Objective LW1. The range of matters listed within the objective reflect the range of activities undertaken with respect to freshwater, and such consideration is consistent with the NPS for Freshwater Management.

3

In response to concerns raised by the submitter concerning the conflicts between some of the competing values and uses of freshwater (e.g. clauses 5, 6 and 7), Objective LW1 presents a range of matters that require consideration in order to achieve integrated management of freshwater resources over the region and factors that must be borne in mind when making decisions to manage land use and development and resultant effects on water resources.

The NPS for Freshwater Management also lists water used for electricity generation as a national value of freshwater.

Based on the above, it is considered appropriate that recognition of the regional and national value of renewable electricity generation is one of the key matters alongside other social, cultural and environmental values.

Decision sought:

TrustPower seeks that the decision and subsequent relief requested by the submitter, Hawke's Bay Fish & Game Council et al, in submission point 25 be rejected.

4. **Submission reference and relief sought:**

4

Further submission point 63 –

Definition of Wetland

TrustPower supports submission point 63 seeking amendments to the proposed definition of wetland.

The reasons for TrustPower’s submission are:

In TrustPower’s experience the amended definition is practical in application, as it clarifies that areas of wetland habitat associated with hydroelectric power schemes are subject to resource consent conditions / agreements that must be complied with.

Decision sought:

TrustPower seeks that the decision and subsequent relief requested by the submitter, Hawke's Bay Fish & Game Council et al, in submission point 63 be accepted.

Horticulture New Zealand et al, Submission Ref 16

The specific parts of the submission by Horticulture New Zealand et al that TrustPower opposes and the reasons for this opposition are as follows:

5. **Submission reference and relief sought:**

5

Further submission point 10. –

POL LW2 - Amend POL LW2 to read " "~~Subject to OBJ LW1.1 to LW1.10,~~ recognise and give..." and Amend POL LW2.3 to read: "~~Subject to OBJ LW1.1 to LW1.10,~~ manage..."

TrustPower opposes submission point 10 seeking removal of reference to the matters within OBJ LW1.1 to LW1.10 within Policy POL LW2.

The reasons for TrustPower’s submission are:

TrustPower opposes the submission. As the proposed plan change does not presently list all the values within table 1, it is important to retain the linkage to OBJ LW1 to ensure all the matters 1.1 to 1.10 are taken into consideration.

Decision sought:

TrustPower seeks that the decision and subsequent relief requested by the submitter, Horticulture New Zealand et al, in submission point 10 be rejected.

6. Submission reference and relief sought:

6

Further submission point 12. –

POL LW2 Table - Amend POL LW2 Table 1 by adding "the non-consumptive use of water for renewable electricity generation" as a Secondary value/use in the Mohaka Catchment Area and Tukituki Catchment Area.

TrustPower opposes submission point 12 seeking inclusion to the terms ‘non-consumptive’ in relation to renewable electricity as a secondary use/value.

The reasons for TrustPower’s submission are:

TrustPower opposes the submission as the plan does not include a definition of non-consumptive use, so the addition is unnecessary and potentially confusing.

There are a number of other policy documents that provide definitions of this term for specific contexts.

Given that the National Policy Statement for Freshwater Management includes water used for electricity generation in the list of national values of freshwater, it would be inappropriate to attempt to restrain the application of the provisions in the Proposed Plan Change 5.

Decision sought:

TrustPower seeks that the decision and subsequent relief requested by the submitter, Horticulture New Zealand et al, in submission point 12 be rejected.

Irrigation New Zealand Inc., Submission Ref 17

The specific parts of the submission by Irrigation New Zealand Inc. that TrustPower **supports** and the reasons for this support are as follows:

7. Submission reference and relief sought:

7

Further submission point 3. –

OBJ LW1 - Amend OBJ LW 1.7 to read: “recognises the potential for significant regional and national value arising from the ~~{non-consumptive}~~-use of water for renewable electricity generation”

TrustPower supports submission point 3 seeking removal of reference to “non-consumptive”, due to the potential interpretation issues associated with the term.

While the Hawkes Bay Regional Policy Statement does not propose a definition of ‘non-consumptive’, there are a number of other policy documents that provide definitions of this term for specific contexts.

Given that the National Policy Statement for Freshwater Management includes water used for electricity generation in the list of national values of freshwater, it would be inappropriate to attempt to restrain the application of the provisions in the Proposed Plan Change 5.

Decision sought:

TrustPower seeks that the decision and subsequent relief requested by the submitter, Irrigation New Zealand Inc, in submission point 3 be accepted.

8. Submission reference and relief sought:

8

Further submission point 10. –

POL LW2 Table - Amend Table 1 by adding "renewable electricity generation" as a Primary value/use for Mohaka catchment.

TrustPower supports submission point 10 seeking inclusion of reference to renewable electricity as a primary use/value.

The reasons for TrustPower’s submission are:

TrustPower supports the submission as given the noted importance of renewable electricity generation, Table 1 and the primary values associated with the Mohaka Catchment Area should also include reference to water use for renewable electricity generation in the Mohaka Catchment Area. While renewable electricity generation is referenced within Objective LW1, for the sake of clarity and completeness, it is recommended reference be included within Table 1 below (reflecting the listing of other matters within OBJ LW1).

Decision sought:

TrustPower seeks that the decision and subsequent relief requested by the submitter, Irrigation New Zealand Inc, in submission point 10 be accepted.

9. Submission reference and relief sought:

9

Further submission point 11. –

POL LW2 Table - Amend Table 1 by adding "renewable electricity generation" as a secondary value/use in the Tukituki catchment area.

TrustPower supports submission point 11 in part in terms of seeking reference to renewable electricity.

The reasons for TrustPower’s submission are:

TrustPower supports the submission in part as given the noted importance of renewable electricity generation, Table 1 and the values associated with the Tukituki Catchment Area should also include reference to water use for renewable electricity generation in upper Tukituki River tributaries. While renewable electricity generation is referenced within Objective LW1, for the sake of clarity and completeness, it is recommended reference be included within Table 1 below (reflecting the listing of

other matters within OBJ LW1). TrustPower would support recognition of renewable electricity generation as a primary value within the Tukituki Catchment Area.

Decision sought:

TrustPower seeks that the decision and subsequent relief requested by the submitter, Irrigation New Zealand Inc, in submission point 11 be accepted in part in that renewable energy be recognised as a priority value.

Ngati Kahungunu Iwi Incorporated, Submission Ref 23

The specific parts of the submission by Ngati Kahungunu Iwi Incorporated that TrustPower **opposes** and the reasons for this opposition are as follows:

10. Submission reference and relief sought:

Further submission point 3. –

OBJ LW1 - Amend OBJ LW 1 as follows:

1.7 to read: "recognises the potential for significant regional [~~and national~~] value arising from the non-consumptive use of water for renewable electricity generation;

TrustPower opposes submission point 3 seeking removal of reference to “national values” from the objective.

The reasons for TrustPower’s submission are:

The submitter opposes the reference to national values on the basis the plan is a regional plan and any land or water use should be an objective of the region.

While TrustPower notes the concerns, given the national benefits of a secure and diverse energy supply system, reference to the term national values in context of renewable electricity generation is considered appropriate. While the plan is at a regional level, it is required to have regard to matters of national significance – one of which is the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand.

Decision sought:

TrustPower seeks that the decision and subsequent relief requested by the submitter, Ngati Kahungunu Iwi Incorporated, in submission point 3 be rejected.

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