



# HAWKE'S BAY REGIONAL COUNCIL



SAFEGUARDING YOUR ENVIRONMENT + KAITIAKI TUKU IHO



**Submissions lodged  
on RPS Change 5**

# Change 5 to Hawke's Bay RPS

*Land and Freshwater Management*

---

## List of Submitters in Numeric Order

---

1	Belford, Tom
2	Central HB District Council
3	Department of Corrections
4	Fertiliser Assoc. Of NZ Inc.
5	Fonterra Co-operative Group Ltd
6	Friends of the Tukituki
7	Genesis Power Ltd
8	Green Party of Aotearoa (HB Branch)
9	Hastings District Council
10	Hastings/Havelock North Forest & Bird Branch
11	HB Environmental Water Group
12	HB Federated Farmers
13	HB Fish & Game Council et al
14	HB Forestry Group
15	Holcim (NZ) Ltd
16	Horticulture NZ et al
17	Irrigation NZ Inc.
18	Kelly, Terry
19	Knauf, Ivan (Wairua Farms)
20	Lowe Corporation Ltd
21	Maori Trustee for Poukawa 13B Ahu Whenua Trus
22	Medical Officer of Health (HBDHB)
23	Ngati Kahungunu Iwi inc.
24	Pan Pac Forest Products Ltd
25	Silver Fern Farms Ltd
26	Taupo District Council
27	Te Taiao HB Environment Forum
28	Te Taiwhenua o Heretaunga
29	TrustPower Ltd

---

Submission on Plan Change 5 – 5 November 2012

From:  
Thomas S Belford  
40 Raratu Rd., RD 14  
Havelock North 4295

874-7937  
[tom@baybuzz.co.nz](mailto:tom@baybuzz.co.nz)

This submission relates to Proposed Regional Policy Statement Change 5

I believe the Plan Change as drafted (OBJ LW 1) gives inadequate priority to the aesthetic, recreation, amenity and natural character values of our waterways in Hawke's Bay.

In fact, as drafted, the proposed plan change appears to sanction further degradation of water quality in the region, which is unacceptable.

In part, I believe this reflects an inadequate consultation process – as conducted, no serious attempt has been made to ascertain the value preferences of 'rank and file' citizens of Hawke's Bay.

Instead, values are prioritized according to various forums and 'stakeholder' proceedings that have been substantially tilted toward and influenced by economic user groups. As a result, for example, no non-economic values are given 'primary' status in the "Greater Heretaunga/Ahuriri Catchment".

Where the public has been asked directly about freshwater values, for example in the regular (biennial) scientific surveying conducted by Lincoln University, the public has resoundingly expressed its support for amenity and ecological values over and above economic uses of our waterways.

Lincoln's latest survey (2010) indicates, for example that the public overwhelmingly believes that:

- "Regulations that are enforced are a good way to protect the environment"
- About 70% *disagree* that "In all decisions about freshwater management the main emphasis should be economic."
- "On their own voluntary/advocacy approaches by commercial water users do not protect the environment"
- Farming practices are far and away the primary cause of freshwater degradation

- The highest values for freshwater are (highest listed first): native bird and fish habitat, scenic/visual, community use (garden irrigation, drinking water), recreation, commercial use, and customary Maori.
- Over 90% agree that “There should be no further significant pollution discharges into water” and similarly that “The most important fishing rivers should be protected.”

Plan Change 5 simply does not reflect these priorities. Given the importance of this Plan Change in setting the future course of Hawke’s Bay’s protection of waterways, aquifers and wetlands, it is incumbent upon the HBRC to conduct a more thorough and representative canvassing of public preferences on these matters before finalising Plan Change 5. The methodology and objective question format of the Lincoln University surveys should be followed.

I believe that such inquiry into ‘rank and file’ public preferences would indicate the need for:

- A re-calibration of the economic user values currently elevated in the draft plan; and,
- A stronger emphasis on regulatory approaches, including the specific inclusion of water allocation limits and quality standards in the RPS itself.

As for economic values, I suggest HBRC needs to take into account a broader conception of what will best serve the long-term development interests of Hawke’s Bay.

Without question, farming is a part of that equation ... but only farming that is sustainable (i.e., able to be conducted without degrading our soils and waters), that does not deplete our natural capital for future generations, and that does not undermine other values that attract people (including returnees, visitors and immigrants) and external wealth to the region, and indeed add credence to the ‘brand’ that helps Hawke’s Bay market itself to the world.

Thank you for your consideration of this submission.

Tom Belford



# CENTRAL HAWKE'S BAY DISTRICT COUNCIL

Ruataniwha Street, PO Box 127, Waipawa 4240, New Zealand  
Telephone: (06) 857-8060, Fax: (06) 857-7179  
Email: [info@chbdc.govt.nz](mailto:info@chbdc.govt.nz)  
[www.chbdc.govt.nz](http://www.chbdc.govt.nz)

Sub # 2

## Submission on Proposed Change 5 – Land and Freshwater Management

5<sup>th</sup> November 2012

Chief Executive Officer  
Hawke's Bay Regional Council  
Private Bag 6006  
NAPIER 4142

From:  
John Freeman  
Central Hawke's Bay District Council  
P O Box 127, Waipawa 4210  
Phone: 06 857 8060  
Mobile: 027 600 6386  
Email: [john.freeman@chbdc.govt.nz](mailto:john.freeman@chbdc.govt.nz)

This submission is lodged in response to notification of Proposed Regional Policy Statement Change 5, seeking to introduce new policy intended to integrate management of water and land into the Regional Policy Statement section of the Regional Resource Management Plan.

The interests of Central Hawke's Bay District Council relate to the management of land and water resources in the Tukituki Catchment, as identified in Table 1. While it is understood that the Regional Council is undertaking the preparation of a separate and specific Regional Plan focusing on the issues relating to the fresh water management in the Tukituki Catchment, and the introduction of the water quality standards to address the National Policy Statement for Freshwater Management (NPSFM) and that Proposed Change 5 does not include any new rules or amend any existing rules in regional plans, CHBDC wishes to submit on the following matters:

- 1) Table 1, under POL LW2 (pg 5) includes under Tukituki Catchment Area, Primary Values and Uses of water a reference to Urban water supply for towns and settlements. It is not clear if this reference, which appears to indicate a potable water supply, is inclusive of the water taken for irrigation purposes (watering Council parks and reserves) by Council. The water taken for irrigation is a separate take and it is considered that this use should be either identified individually or specifically include in the reference to Urban water supply for towns and settlements. It is noted that water quality in relation to irrigation is referred to in OBJ 22.

- 2) The second area which Council wishes to comment on is Proposed Policy 47A - Decision Making Criteria –Land Based disposal of contaminants, and in particular the matters detailed in the second part of the proposed policy, noted as follows;
- (b) any disposal of wastewater, solid waste or other waste products to a surface water body or coastal water occurs only when it is the best practicable option.*

Central Hawke's Bay has concerns over the definition of Best Practicable Option as stated in the Operative Regional Plan and included within Proposed Policy 47A. As the Regional Council will be aware, Central Hawke's Bay District Council is investing a significant amount of rate payer's funding for floating wetlands, chemical dosing and ultraviolet treatment to both the Waipukurau and Waipawa sewerage ponds. The floating wetlands is the Central Hawke's Bay response to enable compliance with water quality standards imposed in the Council's 2008 resource consents to discharge waste water into the Tukituki River by September 2014.

Council's investment in the floating wetlands requires certainty that this chosen method of treating and discharging of waste water will be acceptable in the future as a discharge into a surface water body. The Council requires certainty that proposed Policy 47A does not lead to increased costs and increased standards of waste water discharge into any surface water body.

In a small rural community such as Central Hawke's Bay District Best Practicable Option realistically becomes a balance of environmental, financial and practicality issues. It is considered that these matters were incorporated in the definition of Best Practicable Option to ensure realistic options for this small local authority when the consents were issued in 2008.

The same concern relates to OBJ 27 which addresses water quality in rivers, lakes and wetlands and links water quality in these surface water bodies with other fresh water values. Council requires certainty that existing rights to discharge, particularly the new consent proposed for Takapau Township to discharge waste water through a wetland, are protected and continues to allow for discharge.

The Council does wish to be heard in support of this submission.

**Submission on  
Proposed Change 5 – Land and freshwater management  
to the Hawke’s Bay Regional Resource Management Plan**

**To:** Hawke’s Bay Regional Council  
Private Bag 6006  
Napier 4142

**Name of Submitter:** Department of Corrections

**Address for Service:** Department of Corrections  
PO Box 1206  
Wellington 6140

Attention: Stephanie Steadman, Senior Advisor RMA

**This is a submission on the following Change to the Hawke’s Bay Regional Resource Management Plan:**

Proposed Change 5 – Land and freshwater management

**The Department of Corrections’ submission is:**

The Department of Corrections (‘Corrections’) was formed in October 1995, when the Department of Justice was separated in two. Management of prisoners, parolees and offenders on probation became the responsibility of the new Department of Corrections, while the Ministry of Justice is responsible for the administration of the court system and fines collection.

The objective of Corrections is to help keep our community safe and has a goal of reducing re-offending by 25%.

Corrections employs 7,500 staff located in over 130 sites across the country. On any given day 44,000 individuals are under Corrections’ management. For every person serving a prison sentence in New Zealand there are approximately five serving a community sentence or order.

In Hawke’s Bay the largest facility administered by Corrections is Hawke’s Bay regional prison. The prison is a medium/high security male prison facility, with a current capacity for up to 666 prisoners. It was established in 1989, and is located at 138 Mangaroa Road, Hastings.

The prison currently obtains its potable water from reticulated urban water supply. Bore water is also sourced to service fire fighting and stock drinking/irrigation at the prison. There are some small scale farming activities carried out on the site, and a joinery workshop is also located within the prison, which is part of the training offered to prisoners. Corrections currently has two water permits for water supply to the prison, WP040069T and WP0204006Ta.

Corrections generally supports the Council in the approach outlined in Proposed Change 5, to assist in the implementation of the National Policy Statement for Freshwater Management (NPSFM) and the 2011 Hawke’s Bay Land and Water Management Strategy. Its submissions are therefore, of a very limited nature and only directed at those aspects of the Proposed Change that may constrain the use of land and freshwater resources at the Hawke’s Bay Prison site.

**The Department of Corrections seeks the following decision from the Hawke's Bay Regional Council:**

Adoption of Proposed Change 5 – Land and freshwater management, with amendments requested in the attached table of submissions.

**The Department of Corrections does wish to be heard in support of its submission.**



Signed: \_\_\_\_\_ on behalf of Department of Corrections

**Address for Service:**

Department of Corrections  
PO Box 1206  
Wellington 6140

Attention: Stephanie Steadman, Senior Advisor RMA

**Phone:** (04) 460 3234

**Fax:** (04) 460 3200

**Email:** [stephanie.steadman@corrections.govt.nz](mailto:stephanie.steadman@corrections.govt.nz)



Sub #	Provision – PC5	Submission and Reasons	Decision Requested
1	OBJ LW1 – Integrated management of fresh water and land use and development	<p>The objective states:</p> <p><b>OBJ LW1 Integrated management of fresh water and land use and development</b></p> <p>The management of fresh water and land use and development in an integrated and sustainable manner that:</p> <ol style="list-style-type: none"> <li>1. Identifies outstanding freshwater bodies in Hawke’s Bay region and protects their water quality;</li> <li>2. Specifies targets and implements methods to assist improvement of water quality in catchments to meet those targets within specified timeframes;</li> <li>3. Recognises that land uses, freshwater quality and surface water flows can impact on the receiving coastal environment;</li> <li>4. Safeguards the life-supporting capacity and ecosystems of fresh water with a priority for indigenous species;</li> <li>5. Recognises the significant national and regional value of fresh water for human drinking and animal drinking uses;</li> <li>6. Recognises the significant regional and national value of fresh water use for beverages, food and fibre production and processing;</li> <li>7. Recognises the potential for significant regional and national value arising from the non-consumptive use of water for renewable electricity generation;</li> <li>8. Promotes and enables the adoption of good land and water management practices;</li> <li>9. Ensures efficient allocation and use of water;</li> <li>10. Recognises and provides for wairuatanga and the mauri of fresh water bodies in accordance with the values and principles expressed in Chapter 1.6, Schedule 1 and the objectives and policies in Chapter 3.14 of this Plan; and</li> <li>11. Recognises the differing demands and pressures on freshwater resources within catchments across the Hawke’s Bay region, and where significant conflict exists between competing values, the regional policy statement and regional plans provide clear priorities for the protection or use of those freshwater resources.</li> </ol>	<p>Amend OBJ LW1 (5) as follows:</p> <p><i>(5) recognises the significant national and regional value of fresh water for human drinking and animal drinking uses and for <u>municipal water supply</u>;</i></p>

Sub #	Provision – PC5	Submission and Reasons	Decision Requested
2	POL LW2	<p>This new objective sets out a mechanism for the management of fresh water and land use and development in an integrated and sustainable manner, and 11 specific outcomes sought. Outcomes considered to be most of relevance to Corrections and its activities at Hawke's Bay prison are Clauses (4),( 5), (6) and (9). The key provision of relevance to Corrections is Clause (5). It is considered that this clause is limited and does not provide for day-to-day use of water to undertake activities that are sustaining of human life beyond water for drinking. This could include activities such as washing and cooking. It is noted that the Corrections facility utilises municipal supply, and a change is sought to Clause (5) to specifically recognise this provision. This suggested change would enable greater certainty in terms of water supply to the facility, without the need for significant amendment to the policy.</p> <p>Policy <b>POL LW2 Problem solving approach – Prioritising values</b> seeks to recognise and give priority to maintaining and enhancing the primary values and uses of identified freshwater bodies for the Greater Heretaunga/Ahuriri Catchment Area, Mohaka Catchment Area and Tuketuki Catchment Area. In particular, it seeks to recognise and give priority to maintaining and enhancing primary values and uses, and avoid significant adverse effects on secondary values identified in Table 1.</p> <p>It is noted that the table recognises urban water supply for towns and settlements as a primary value. Whilst it is acknowledged that Hawke's Bay prison is connected to urban water supply, amendment is sought to the list of primary values and uses in all the identified catchments to ensure provision of water supply for key social infrastructure facilities such as hospitals, schools and prisons. This is particularly given the non-urban location of the Hawke's Bay prison facility and to provide an enhanced degree of certainty that water supply will be a priority for the facility.</p>	<p>Add to the list of Primary Values and Uses – Heretaunga Catchment Area, Mohaka Catchment Area and Tuketuki Catchment Area the following:</p> <ul style="list-style-type: none"> <li>• <i>Water supply for key social infrastructure such as hospitals, schools and prisons.</i></li> </ul>



**SUBMISSION ON THE PROPOSED PLAN CHANGE 5  
TO THE HAWKE'S BAY REGIONAL RESOURCE MANAGEMENT PLAN  
- Land use and freshwater management**

To: **Hawke's Bay Regional Council**  
Private Bag 6006  
Napier 4142  
e-mail : [info@hbrc.govt.nz](mailto:info@hbrc.govt.nz)

Name of Submitter : **The Fertiliser Association of New Zealand Inc.**  
Address : PO Box 11519  
Manners St. Central  
Wellington, 6142

Contact name : Greg Sneath  
Phone : 04 473 6552  
e-mail : [greg@fertresearch.org.nz](mailto:greg@fertresearch.org.nz)

Date : 5<sup>th</sup> October 2012

Hearings :

The submitters wish to be heard in support of the submission.

If others make a similar submission, the submitters would consider presenting a joint case at any hearing.

Signed : 

## Introduction

The Fertiliser Association of New Zealand (“**FANZ**” or “**the Association**”) is a trade organisation representing the New Zealand manufacturers of superphosphate fertiliser. The Association has two member companies – Ballance Agri-Nutrients Ltd and Ravensdown Fertiliser Co-operative Ltd. Both these companies are farmer co-operatives with some 45,000 farmer shareholders. Between them these companies supply over 98% of all fertiliser used in New Zealand.

This feedback is provided on behalf of our member companies representing the fertiliser industry.

Nutrient management advice and production of nutrient management plans are a core service provided to shareholder members to promote efficient, cost effective nutrient use and to improve farm profitability while demonstrating environmental responsibility.

The feedback provided in this document comments on issues pertaining to the practical application of the policy statement in relation to nutrient management.

## Key Submission points

- Issues –recognising conflicting demands for water resources with reference to economic, social cultural and environmental demands
- Controlling rather than ‘managing’ resource management activities
- Supporting integrated management for the catchment, or sub-catchment
- Having clear policies and objectives which show it is contaminant “losses” which are being controlled, not land use inputs.
- Supporting non- regulatory methods for controlling adverse effects of land use on water quality
- Clear expression of economic, social cultural and environmental outcomes

## 1.0 - Section 1 : New Chapter in Section 3 of the Regional Resource Management Plan

### 1.1. Provision : Issue - ISS LW 1

**Submission :** The issue as described is viewed as appropriate, as it is implicit within the statement ; *‘ongoing conflict between multiple and competing values and uses of freshwater’* that there is a need for appropriate balance between economic, social, recreational, environmental , and cultural values placed on the freshwater resources.

### **Relief Sought:**

Retain the wording as presented.

**1.2. Provision: Objective : OBJ LW 1 Integrated management of freshwater and land use and development**

**Submission :**

Amendment in wording of Objective OBJ LW1 is sought.

In Section 30 of the RMA the term 'control' is used to describe functions of Regional Council. To be consistent with terminology used in the RMA, the term 'control' should be used instead of 'manage'.

The Association prefers clarity around the terms used in that it is resource users which 'manage' the resources available and it is the Regional Resource Management Plan which sets the controls on resource use.

The general intent of setting water quality targets with a combination of regulatory and non-regulatory methods to achieve the targets while providing for economic, social, cultural and environmental goals is supported. Achieving targets provides greater clarity than is provided by the term 'protects'.

The wording changes to Obj LW 1, bullet points 1, 2 and 3 are recommended as shown below.

The recognition of the importance of significant regional, and national value of fresh water use for beverage, food and fibre production and processing is supported and should be retained as written under bullet point 6.

**Relief Sought:**

Amend as follows with insertions shown in red and underlined, and deletions struck through.

To control ~~The management~~ of fresh water and land use and development in an integrated and sustainable manner that:

1. identifies outstanding freshwater bodies in Hawke's Bay region and maintains, and where necessary enhances ~~protects~~ their water quality;
2. ~~specifies targets and implements~~ implements regulatory and non-regulatory methods to ~~assist~~ achieve improvements of water quality targets in degraded catchments ~~to meet those targets within specified timeframes;~~
3. recognises that land use, freshwater quality and surface water flows can have adverse effects ~~will impact~~ on the receiving coastal environment;

The recognition of the importance of significant regional, and national value of fresh water use for beverage, food and fibre production and processing is supported and should be retained as written under bullet point 6.

**1.3. Provision: Policies : POL LW 1 Problem solving approach – Catchment – based integrated management**

**Submission :**

An amendment to Policy POL LW 1 is sought.

Preference is given to the policy wording reflecting an integrated management approach within each catchment, with recommended wording as shown below.

**Relief Sought:**

Amend as follows with insertions shown in red and underlined, and deletions struck through.

- POL LW1            To adopt a ~~whole catchment~~ an integrated management approach to ~~managing~~ fresh water and land use and development within each catchment area, that (in no particular order):
- a) is consistent with ~~the integrated management approach outlined in~~ OBJ LW1
  - b) recognises and provides for Maori values and uses of the catchment in accordance with tikanga Maori
  - c) ...
  - d) ~~Protects~~ maintains and where necessary enhances water quality of outstanding freshwater bodies
  - e) Ect...

**1.4. Provision: Policies : POL LW 2 Problem solving approach – Catchment – based integrated management**

**Submission :**

An amendment to Policy POL LW 2 is sought.

Preference is given to the policy wording reflecting an integrated management approach within each catchment, with recommended wording as shown below.

**Relief Sought:**

Amend as follows with insertions shown in red and underlined, and deletions struck through.

- POL LW2**
1. Subject to Objective LW1.1 to 1.10, recognise and give priority to maintaining and where necessary enhancing the primary values.....
  2. In relation to catchments ....Etc...
  - 3 Subject to Objective LW1.1 to 1.10, ~~manage~~ control the freshwater bodies listed in Policy LW2.1 in a manner that;
    - (a) recognises and gives priority to maintaining and where necessary enhancing primary values and uses identified in Table 1; and
    - (b) avoids as far a practicable, significant adverse effects on secondary values and uses identified in Table 1; and
    - (c) uses a integrated catchment-based process in accordance with POL LW1 to evaluate and determine the appropriate balance between any conflicting primary values and uses in Table 1.

**1.5. Provision: Policies : POL LW 3 Problem solving approach – Managing use of production land use**

**Submission :**

An amendment to Policy POL LW3 is sought.

The overall intent of the policies is supported, however amendment is suggested as shown below to provide clarity.

In particular the term ‘Discharge of nitrogen to land’ is opposed, as the Association supports output and effects based limits, not input limits. Discharge of nitrogen to land could be misconstrued as a limit on inputs, to order to prevent losses.

**Relief Sought:**

Amend as follows with insertions shown in red and underlined, and deletions struck through.

- POL LW3**      **Problem solving approach – ~~Managing~~ Controlling use of production land use**
- To ~~manage~~ control the use of ~~and discharges from~~, production land in specified catchments so that:

- ~~(a) the discharge of nitrogen to land, and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded;~~
- (a) The loss of contaminants to groundwater and surface water, does not cause:
- (i) The catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded; or
- (ii) The faecal matter limits in respect of human consumption and irrigation guidelines for water quality set out in regional plans to be exceeded;
- ~~(b) the discharge of faecal matter from livestock to land, and thereafter to groundwater and surface water, does not cause human consumption and irrigation guidelines for water quality set out in regional plans to be exceeded;~~
- ~~(c)~~ (b) any monitored exceedence of soluble reactive phosphorous limits set out in Policy 71 of this Plan is used to target and prioritise the Regional Council's non-regulatory methods.

#### **1.6. Provision: Policies : POL LW 4 Role of Non – Regulatory Methods**

##### **Submission :**

Amendment to Policy POL LW 4 is sought

The use of non –regulatory methods is supported. The policy directs non-regulatory methods as set out in Chapter 4. In addition to these useful methods there should also be expressly stated recognition of encouraging and supporting productive rural industry scheme, such as for example, Codes of Practice and market assurance of 'Good Agricultural Practice' as they relate to efficient and responsible resource use.

The role of industry schemes should be acknowledged in Pol LW 4, and Chapter 4.

##### **Relief Sought:**

Amend POL LW4 and Chapter 4 of the Regional Resource Management Plan to explicitly provide for industry good practice within the non- regulatory methods for supporting the Plan's objectives.



## 1.7. Provision: Anticipated Environmental Outcomes

### Submission :

The anticipated environmental outcomes are in general supported.

It is noted the table presented ( page 5) provides for a balanced mix of positive environmental, economic, social and cultural outcomes and this is supported. Whether these can be all appointed as 'Environmental' outcomes is less important than retention of the documentation and recognition of the key indicators listed under this heading. The purpose of the RMA is to provide for managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety. This is reflected in the table of anticipated environmental results.

The table of anticipated environmental results should be retained as presented.

### Relief Sought:

The table of anticipated environmental results should be retained as presented.

## 2.0 Insertions to other chapters in Part 3 (RPS) of the Hawke's Bay Regional Resource Management Plan.

2.1. Provision: Amendment of Objective 15 OBJ 15 : The preservation and enhancement of remaining areas of significant indigenous vegetation, and significant habitats of indigenous fauna ~~and ecologically significant wetlands;~~

and

**New Objective 15 A OBJ 15 A : The management of fresh water and land use and development in a manner which protects significant values of wetlands.**

### Submission :

The Association questions whether the amendment and new objective add any significant changes which are not covered by the new Objective LW 1.1

If the amendment and new Objective are to be retained, the Association recommends a further amendment as shown below.

**Relief Sought:**

Review the need for the amendment to Objective 15 and new Objective 15 A, given the insertion of the new Objective LW1.1

If retained amend Objective 15 A as follows;

**OBJ 15A** ~~The management of~~ To control fresh water and land use and development in a manner which ~~protects~~ recognises and provides for the significant values of wetlands.

**2.2. Provision: Amendment of Policy 4 and insert a new Policy in to Chapter 3.4 ( Scarcity of wetlands):**

**POL 4A : The non-regulatory methods set out in Chapter 4 and in Policy 4 and in Policy 4 (a) to (d) below, in support of regulatory methods for protecting significant values of wetlands**

**Submission :**

As per submission points above, the use of non –regulatory methods is supported.

The policy directs non-regulatory methods as set out in Chapter 4. In addition to these useful methods there should also be expressly stated recognition of encouraging and supporting productive rural industry scheme, such as for example, Codes of Practice and market assurance of ‘Good Agricultural Practice’ as they relate to the Objectives.

The role of industry schemes should be acknowledged in POL 4 and Chapter 4.

**Relief Sought:**

Amend POL 4 and Chapter 4 of the Regional Resource Management Plan to explicitly provide for industry good practice within the non-regulatory methods for supporting the Plan’s objectives.

**2.3. Provision: Amend Policy 16 by adding the following to bulleted list of activities;**

- *the effects of land use activities on production land*

**Submission :**

An amendment is sought on this provision.

It is noted the recommended insertion does not fit with the text of Policy 16 because, “ the effects of land use“ are not in themselves activities, and Policy 16 applies to activities.

As is noted in submission points above the Fertiliser Association is opposed to regulation on inputs for production and seeks clarity that the policies apply to ‘losses of contaminants to water bodies’, not to the application [discharges] to production land.

The suggested amended Policy 16 will read as follows:

**Relief Sought:**

Amend the proposed Policy 16 as follows:

**POL 16 REGULATION – ~~DISCHARGES OVER~~ LOSS OF CONTAMINANTS TO HERETAUNGA PLAINS AND RUATANIWHA PLAINS AQUIFER SYSTEMS**

3.8.13 To regulate the following activities involving the ~~discharges~~ loss of contaminants ~~to onto or into land over~~ the Heretaunga Plains unconfined aquifer area (as shown in Schedule Va) or Ruataniwha Plains unconfined aquifer area (as shown in Schedule IV) at a rate that may cause contamination of the aquifer systems:

- ~~the effects of land use activities on production land~~
- the storage of stock feed
- the use of compost, biosolids, and other soil conditioners
- animal effluent discharge
- management of solid waste
- existing domestic sewage disposal systems
- new domestic sewage disposal systems
- stormwater discharges
- ~~discharges to land~~ loss of contaminants that may enter water.

**2.4. Provision: Amend Issue statement in Chapter 3.10;**

**Submission:**

The proposed amendment is supported in principle subject to a small amendment recognising that not all discharges or stock access situations will cause contamination of rivers, lakes and wetlands.

**Relief sought:**

Amend the proposed wording for the ‘Issue’ statement in Chapter 3.10 as shown:

The potential degradation of the values and uses of rivers, lakes and wetlands in Hawke's Bay as a result of:

- (a) The taking, use, damming and diversion of water, which may adversely affect aquatic ecosystems and existing lawfully established resource users, especially during droughts.
- (b) ~~Non-point source discharges and~~ Stock access to water bodies and non-point source discharges (including production land use activities), which **may** cause contamination of rivers, lakes and wetlands, and degrade their margins.
- (c) Point source discharges which cause **may** contamination of rivers, lakes and wetlands.

**2.5. Provision: Amend Objective OBJ 25**

**Submission:**

The proposed amendment to Objective 25 to take into account the new Objective LW 1 and quantity of water in wetlands, rivers and lakes suitable for sustaining aquatic ecosystems in catchments is supported.

**Relief sought:**

Retain the proposed wording for the amended OBJ 25

**2.6. Provision: Amend Objective OBJ 27**

**Submission:**

The proposed amendment to Objective 27 to take into account the new Objective LW 1 and quality of water in wetlands, rivers and lakes suitable for sustaining aquatic ecosystems in catchments and other fresh water values identified in accordance with a catchment based process as set out in POL LW2 including contact recreation purposes where appropriate, supported.

**Relief sought:**

Retain the proposed wording for the amended OBJ 27

**2.7. Provision: Amend Policy POL 47 Decision-making criteria - discharges**

**Submission:**

Amendment to the Proposed Policy 47 is sought.

As per discussion above the reference to 'manage' activities should be amended to 'control' activities to be consistent with the RMA.

**Relief sought:**

Text for the proposed POL 47 should be amended as shown below.

**POL 47**

Subject to Objective LW1, to ~~To manage~~ control activities affecting the quality of water in wetlands, rivers and lakes in accordance with Objectives 25 and 27 and the environmental guidelines and implementation approaches set out in Chapter 5 of this Plan.

**2.8. Provision : Insert New Policy POL 47A Decision-making criteria - Land-based disposal of contaminants.**

**Submission:**

Amendment to the proposed new Policy POL 47A is sought.

In keeping with the RMA the adverse effects of contaminants entering water bodies or coastal water should be avoided, remedied or mitigated as far as practicable.

**Relief sought:**

Amend the proposed new Policy POL 47 as shown below.

Subject to Objective LW1, promote land-based disposal of wastewater, solid waste and other waste products so that:

- a) the adverse effects of contaminants entering surface waterbodies or coastal water are avoided, remedied or mitigated, as far as practicable; and
- b) any disposal of wastewater, solid waste or other waste products to a surface waterbody or coastal water occurs only when it is the best practicable option.

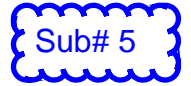
The Fertiliser Association of New Zealand and our member companies thank you for the opportunity to present this submission on the Proposed Change 5 : Regional Resource Management Plan .

**End.**





**Dairy for life**



5 November 2012

Chief Executive  
Hawke's Bay Regional Council  
Private Bag 6006  
NAPIER 4142

via e-mail: [submissions@hbrc.govt.nz](mailto:submissions@hbrc.govt.nz)

Dear Andrew,

**Re: Fonterra Submission to the Hawke's Bay Regional Council Proposed Regional Policy Statement Change 5**

Thank you for the opportunity to comment on Proposed Change 5 – Land and Freshwater Management.

Please find our response attached. We look forward to further opportunities to help inform this work.

Yours sincerely

A handwritten signature in blue ink that reads "P Barriball".

Philippa Barriball  
Manager, Local Government & Community Relations



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

**FROM**  
**FONTERRA CO-OPERATIVE GROUP LTD**

**5 NOVEMBER 2012**



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

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

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

---

### OUR SUBMISSION

1. We look forward to actively collaborating with the Hawke’s Bay Regional Council and other stakeholders to reach any necessary agreement on the preferred content of the RPS.

#### General Comments

2. We welcome the Councils recognition of the balance between the economy, social wellbeing, cultural wellbeing and the environment in managing water and the potential for impacts on water quality from land use activities.
3. We welcome the aim to provide clarity for land and water users by identifying specific catchments to which objectives and policies apply, along with a collaborative, informed stakeholder process for agreeing values for freshwater.
4. Fonterra’s processing infrastructure is nationally significant and the ongoing certainty of access to sufficient water supply is paramount. Common to both processing and dairy farming, significant investment decisions are made based on the availability of water. With respect to the economic balance, Fonterra would welcome recognition that existing water takes contribute to social and economic wellbeing and in some cases significant investment relies on the continuation of those takes.
5. We welcome certainty that comes through specific identification of ‘outstanding’ freshwater bodies.
6. We also welcome the recognition of values associated with animal drinking use.
7. Fonterra recently submitted on the Tukituki Choices consultation paper in support of the water storage project, and we support here considerations for enabling water storage infrastructure for the provision of increased water security in water-scarce catchments while avoiding, remedying or mitigating adverse effects on freshwater values.
8. Clear priorities for the protection or use of those freshwater resources within catchments across the region. We would expect that implementation has regard for the significant investment already undertaken by land users with respect to their future certainty around water takes. Fonterra has an interest in further consultation and consideration of primary and secondary values, particularly where they result in decisions for water use associated with maintaining or enhancing land-based primary production.

### Specific Comments

#### 9. *Page 1, 3.x Integrated Land Use and Freshwater Management, ISS LW 1 and OBJ LW 1*

- We support recognition of social and economic values in the sustainable management of the region's land and water resources. The dairy sector provides 25% of New Zealand's export returns and directly accounts for 2.8% of New Zealand's export returns and directly accounts for 2.8% of New Zealand's GDP (a contribution to the economy 40% larger than the combined electricity, gas and water sectors). Dairy benefits the health of the economy through:
  - Rural income: Hawke's Bay hosts 71 dairy herds, which produce around 1% of New Zealand's annual milk solids. The New Zealand Institute of Economic Research calculated the value of dairy production in the Hawke's Bay at over \$114 million for the 2010/11 season (figure excludes Wairoa District);
  - Employment for local people: the dairy sector employs over 350 people in the Region, excluding those who are classed as self-employed. The sector also indirectly supports many more jobs in supplying industries. For Central Hawke's Bay, around 5 in every 20 people in employment are employed within dairying;
  - Goods and services: the average dairy farmer spends well over half of their income on goods and services to support on-farm operations. Many of these goods and services will come from urban areas;
  - Export growth: the dairy sector's strong export growth over the past decade has improved the country's balance of trade and allowed for increased consumption spending. This export growth reduced New Zealand's net foreign liabilities to GDP ratio by over 1%. Together with the exchange rate appreciation, this has saved Kiwi households a cumulative \$1.2 billion in interest repayments on foreign debt over the past decade.
- We support recognition of stock water supplies for animal welfare purposes and as a significant national and regional use value.
- We support integrated management which promotes and enables the adoption of good land and water management practices. Fonterra recognises the importance of healthy waterways to all New Zealanders, our farmers, iwi and communities alike, for its ability to sustain life, ecosystems, livelihoods, and recreational and cultural values. Fonterra has developed a farmer-facing environmental programme under Supply Fonterra. The Environmental Programme is a package of continuous improvement initiatives that cross regulatory, compliance and market requirements for Fonterra farmers. Supply Fonterra:
  - Clearly states minimum standards and recommended good practices;
  - Supports farmers through on-farm change with one-to-one support;
  - Facilitates access to education and resources; and
  - Accelerates knowledge transfer.
  - Contains three parts to its Environment Programme including effluent management, waterway management and nitrogen management.

#### 10. *Page 2, POL LW1*

- We support the recognition here of enabling water storage infrastructure which can provide increased security for water users. Fonterra recently submitted a response to the Council's Tukituki Choices consultation and supported Option D within that consultation. We took that view that Option D offered new and existing irrigators, who are inside the scheme service area, the reliability of access to water to allow intensification of their farming activities. The ability to store water allows farmers the flexibility to use their land for the highest economic return. Fonterra believes this will bring wider economic and social benefits to the region while the storage option also ensures that cultural and environmental outcomes are maintained or enhanced.
- We support a whole of catchment approach to policies where they recognise and related directly back to the values - including the social and economic values - outlined in the Objectives.

- We support policies which can take a strategic long-term view and allow for reasonable transition times and pathways to meet any agreed limits. As a caveat to our response on the Tukituki Choices consultation, Fonterra set out to Council that in implementing any plans consideration must be given to existing investment, for example, where regional plans and policies will introduce new limits for farmers who have already invested heavily in infrastructure under the previous regime. A successful water management regime will:
  - Support farmers to move towards farming practices that improve the health of waterways;
  - Balance environmental, social, cultural and economic values;
  - Protect existing investments and allow responsible growth;
  - Establish a practical pace of change and transition for farmers;
  - Be simple, practical and easily implementable;
  - Recognise that optimal mitigation measures differ by farm and by catchment;
  - Be based on sound science that the farming and wider community can understand;
  - Anticipate the role of ongoing collaboration and adaptive management; and,
  - Maximise returns to the community within the limits that are in place.

#### 11. Page 3, POL LW2

- Fonterra welcomes certainty for water users through identifying priority catchments and the prioritisation of uses and values which are set through collaborative consultation with key stakeholders and the wider community.
- We welcome the priority status placed on land-based primary production for the Catchment areas.
- We note in the Mohaka catchment, land users are currently operating under a voluntary catchment-based nutrient loss mitigation programme with the Council. We would therefore welcome provisions, in the context of competing uses, which acknowledge such an arrangement with farmers.

#### 12. Pages 4 and 5, POL LW3 and POL LW4

- We support the recognition of non-regulatory methods in meeting catchment and sub-catchment limits through on-farm best practice. As mentioned above, Fonterra is working with our farmers to design, develop and deliver continuous improvement across a range of environmental performances. This work includes:
  - Effluent management – assisting farmers to have effluent management systems capable of 365 day compliance with regulatory requirements;
  - Waterway management – establishing the Fonterra requirement for all waterways (as defined) to be fenced, together with advice on fencing options, riparian margins and reducing overland flow to water;
  - Nitrogen management - recording nutrient management information giving farmers an ability to understand their own farm's modelled nitrogen loss relative to other farms with similar geographical & climatic conditions.
- Fonterra is also partnering with DairyNZ and other New Zealand dairy companies to make a dairy sector commitment to continuous improvement on waterway management, in the Sustainable Dairying Water Accord.
- Fonterra is interested in working with the Council and other stakeholders around approaches to Policy LW3 and Policy LW4 and see how we might inform them through our work and experience on the ground.

We thank you again for this opportunity to comment on the Plan Change and look forward to further opportunities to inform the RPS.

## THE SUBMITTER - FONTERRA

### Background

1. Fonterra Co-operative Group is the world's largest milk processor and dairy exporting company, 100% owned by 10,578 New Zealand dairy farmers. Fonterra's 17,300 staff work across the dairy spectrum, from advising farmers on sustainable farming and milk production, to ensuring Fonterra meets exacting quality standards and delivers dairy nutrition every day in more than 100 markets around the world.
2. Fonterra collects more than 16 billion litres of milk from New Zealand, exporting more than 2.4 million tonnes of dairy product annually. Globally Fonterra processes more than 22 billion litres of milk and owns leading dairy brands in Australasia, Asia, the Middle East and Latin America. In the 2012 financial year, Fonterra's global revenue was just under \$20 billion.

### Dairying and the Hawke's Bay Region

3. In 2011/12 our Hawke's Bay suppliers produced over 17 million kilograms of Milk Solids at an average payout of \$6.50<sup>1</sup> per kg of Milk Solids this equates to over \$111 million revenue to the Region at the farm-gate (excluding dividend);
4. 302 people are employed in dairy farming in Hawke's Bay (Regional Dairy Statistics: Employment and Value of Production).<sup>2</sup>
5. Land and water are essential resources to Fonterra and its farmers, and we recognise that maintaining a healthy and functioning environment, including healthy waterways and water flow, is important for an enduring and successful dairy industry.
6. Fonterra believes sustainability to be one of the defining issues for the success of Fonterra and for the global dairy industry. Public and consumer expectations about the performance of our industry are increasing around sustainability issues and we acknowledge the need to continuously improve our performance. To this end, we anticipate our redeveloped global sustainability strategy will be adopted in the coming months. This will see specific work programmes around long-term objectives for responding to a number of issues including climate change and water sustainability across our global business. Whilst this work will focus on long term delivery, some of our recent sustainability progress includes:
  - Dairy and Clean Streams Accord with local and national government to mitigate dairy's effects on streams and rivers – 99% of farmers now have nutrient budgets (and 46% have nutrient management plans) to minimise excess use of nutrients, at least 78% of Accord waterway banks have permanent stock exclusion in place, and 99% of Accord crossing points being bridged or culverted;
  - Establishment of an on the ground team of 15 Sustainable Dairying Advisors who provide support and advice to farmers across all our supply regions;
  - From August 2010 we instituted a new programme to check dairy effluent infrastructure on every supplier's farm every year (Every Farm, Every Year). Every Farm, Every Year has achieved 2,500 outcomes over the past two seasons where farmers have invested in infrastructure to ensure they are compliant 365 days of the year;
  - As part of the Pastoral Greenhouse Gas Consortium we help fund research to find practical ways of reducing Greenhouse gases; and,

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

<sup>2</sup> NZIER, December 2011.

- We continue to take a lead on issues that impact the dairy industry's business model, working with the global dairy industry on topics such as the carbon footprint of our products.
7. Although other primary industries may have a stronger presence in the Region in terms of employment, dairying has been growing within the Hawke's Bay in terms of the annual production of milk solids and the number of effective hectares used for dairy farming. In the four years to 2010/11 the total volume of milk solids in kilograms produced in the Hawke's Bay increased by 27%, with the number of hectares used for dairying increased by 30%.



**Friends of the Tukituki**  
**Submission to HBRC Regional Policy Statement**  
**November 2012**

**1. Friends of the Tukituki:** Friends of the Tukituki is a group of concerned people who value the Tukituki River and its catchment. The group have evolved from other groups who have been extremely litigious in the past, and we intend to litigate where we cannot negotiate the outcomes we believe are in the best interests of the river.

Our preference is not to litigate but the HBRC has been exceptionally difficult to negotiate with, failing to negotiate in good faith and completely ignoring our attempts to reach a consensus.

**2. Lack of Consultation:** The Friends of the Tukituki considers the HBRC to have carried out a completely inadequate consultation process, in clear breach of both statute and case law. The council should be aware we reserve the right to test the consultation process in any court we consider appropriate.

**3. RPS Failure to Take into Account Our Values:** The Draft RPS totally fails to take into account our values. The HBRC has totally ignored our values in the following areas:

- a. Contact Recreation
- b. Trout Fishing
- c. Trout Spawning
- d. Amenity
- e. Aesthetic
- f. Existing Property Rights

The HBRC has not taken into account the rights of property owners on the banks of the Tukituki. Friends of the Tukituki intends to advocate for all these values, with special emphasis on existing property rights the HBRC intends to erode.

**4. RPS to include our values:** The HBRC will avoid expensive and time consuming legal action by incorporating the Friends of the Tukituki's values in the RPS. We believe we will have our values incorporated through legal action, but would prefer to negotiate rather than litigate.

**5. Protection of Waterbodies:** The Friends of the Tukituki believes that the life supporting capacity of waterbodies should be safeguarded by the RPS. The RPS should also protect the natural character of the waterbodies, and the values identified above.

**6. Water Quantity & Quality:** The RPS should establish water quantity and water quality standards in agreement with the Friends of the Tukituki. We believe there is substantial case and statute law compelling the HBRC to provide water quality and water quantity standards. In the event Friends of the Tukituki is forced to litigate on these issues we intend to seek full costs and exemplary damages.

**7. Water Quality to be Maintained and Enhanced:** The RPS should reflect existing case and statute law. It should provide a framework to ensure that water quality is maintained and enhanced.

**8. Resource Use:** The RPS should include clear guidelines on resource use, including that resource use is necessary, reasonable and when it meets these criteria, it should be efficient.

**9. Protect Water Bodies:** Consistent with other written comments from the Friends of the Tukituki, the RPS must protect water bodies. The current plan fails to



do so, and if the revised plan does not take into account protection of water bodies the HBRC will inevitably end up with expensive and time consuming legal action.

**10. Wetland Protection:** The current state of Hawke's Bay original wetlands means that all remaining wetlands are significant and should be protected.

### **Relief Sought**

Friends of the Tukituki would prefer not to engage in protracted and expensive legal action. It would prefer to negotiate a sensible agreement on the following:

1. Water Quantity
2. Water Quality
3. Property Rights
4. Tukituki River recognized as significant
5. Wetland Protection
6. Trout Habitat & Spawning
7. All other values listed in point 3 above

The HBRC should be aware that in the event we are unable to negotiate a sensible agreement on these matters legal action is inevitable.





Submission by Genesis Power Limited

Trading as Genesis Energy

---

ON

Proposed Plan Change 5 – Land and Freshwater Management

02 November 2012

# Submission by Genesis Power Limited

Trading as Genesis Energy

ON

## Proposed Plan Change 5 – Land and Water Freshwater Management

---

To: Hawkes Bay Regional Council

Private Bag 6006

Napier 4142

Date: 2 November 2012

Name: Genesis Power Limited

Contact: Kellie Roland

Environmental Policy Manager

Level 2

11 Chews Lane

PO Box 10568

WELLINGTON

Phone: 04 495 3348

Fax: 04 495 6363

E-mail: [Kellie.Roland@genesisenergy.co.nz](mailto:Kellie.Roland@genesisenergy.co.nz)

## Introduction

Genesis Power Limited trading as Genesis Energy (“Genesis Energy”) welcomes the opportunity to submit on Hawkes Bay Regional Council’s Plan Change 5 - Land Use and Freshwater Management (“Change 5”).

It is understood that Change 5 proposes to introduce new provisions relating to the integrated management of water and land into the Regional Policy Statement. In general, we support Change 5 in its current form, subject to minor changes.

We wish to be heard in support of this submission.

We do not gain an advantage in trade competition through this submission.

## Executive Summary

Genesis Energy is an electricity generator of national significance that fully supports the principles of sustainable management and efficient use of resources as outlined in Part 2 of the Resource Management Act (“the RMA”).

We have a specific interest in the Hawke’s Bay Region in relation to the Waikaremoana Power Scheme,<sup>1</sup> which is located between the Te Urewera National Park and Wairoa, along the Waikaretaheke River. We note that Draft Change 5 did not include specific objectives or policies in relation to the Wairoa Catchment (in which the Waikaremoana scheme is located) but rather incorporated it by way of reference through the inclusion of a zone catchment map.<sup>2</sup>

Change 5, as notified, does not relate to the Wairoa Catchment. Reference to the Wairoa catchment was removed from the Chapter in its entirety since comments on the draft document were sought in August 2012. It is understood that the management of the Wairoa catchment will be dealt with through a separate plan change process sometime in the future.

Although Change 5 is no longer directly applicable to our existing infrastructure, we remain interested in ensuring that the plan change enables the sustainable management of resources, and that it gives effect to the National Policy Statement on Renewable Electricity Generation 2011 (“the Renewables NPS”).

---

<sup>1</sup> The scheme uses water from Lake Waikaremoana, Waikaretaheke River, Mangaone Stream and Kahuitangaroa Stream to generate electricity and incorporates three power stations: Kaitawa (36MW), Tuai (60MW) and Piripaua (42MW). Water is taken from Lake Waikaremoana via tunnels to Kaitawa Power Station, before being discharged into Lake Kaitawa. Water is then passed through Tuai Power Station and discharged into Lake Whakamarino. From there, water is carried by tunnel to Piripaua Power Station and is discharged into the Waikaretaheke River.

<sup>2</sup> Seven main ‘catchment zones’ in the Hawke’s Bay region, Appendix B, Draft Plan Change 5.

Furthermore, we seek that Change 5 sets an appropriate framework for future policy documentation affecting the Wairoa Catchment.

### **National Policy Statement for Renewable Electricity Generation 2011**

The Renewables NPS confirms the need to develop, operate, maintain and upgrade renewable electricity generation throughout New Zealand and that the benefits of renewable electricity generation are matters of national significance. To implement this, the NPS directs decision-makers on how they need to provide for and enable renewable electricity generation in their regions.

In our view, Change 5 does not give effect to the Renewables NPS in its entirety, as it does not specifically provide for the development of new renewable electricity generation activities.

### **Specific Submission Points**

As above, we support Change 5 in its current form, subject to minor changes, as set out below.

#### **1) POL LW1 Problem solving approach – Catchment-based integrated management**

Support in Part

#### **Reasons for Submission**

As noted above, we do not consider that Change 5 in its entirety gives effect to the Renewables NPS. Policies C and D of the Renewables NPS require plans and policy statements to acknowledge the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities and to manage reverse sensitivity effect on renewable electricity generation activities respectively.

While OBJ LW1(7)<sup>3</sup> requires recognition of the regional and national value associated with renewable electricity generation, there is no supporting policy which gives effect to the objective. Policies should describe how a particular objective is to be achieved: that is, a general course of action to be pursued to achieve certain environmental outcomes.<sup>4</sup> On this basis, we consider that the policies contained within POL LW1 do not achieve the outcome promoted by OBJ LW1.

#### **Relief Sought**

Add the following sub-clauses to POL LW1:

---

<sup>3</sup> Recognises the potential for significant regional and national value arising from the non-consumptive use of water for renewable electricity generation.

<sup>4</sup> Quality Planning, *Developing the Policy Framework*.

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

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

## 2) POL LW4 Role of non-regulatory methods

Support in Part

### Reasons for Submission

POL LW4 introduces a number of non-regulatory methods as a means of managing landuse and fresh water development. Methods are the means by which policies are implemented. While methods may be seen to be similar to a specifically worded policy, the purpose of a method is explanatory.<sup>5</sup> In our view, the inclusion of non-regulatory methods as policy is unlawful as is it not possible for

- 1) an application to be consistent with non-regulatory methods within the consenting framework, and
- 2) the Council to require compliance with non-regulatory methods which are outside the jurisdiction of the RMA.

### Relief Sought

Delete POL LW4 and include it within Change 5 as a Method.

We once again thank Council for the opportunity to submit on Change 5 and look forward to receiving the Council Officer's Section 42 Report in due course.

Genesis Power Limited



Kellie Roland

**Environmental Policy Manager**

---

<sup>5</sup> Quality Planning, *Writing provisions for Regional and District Plans*.





Chief Executive  
Hawkes Bay Regional Council  
159 Dalton Street  
Private Bag 6006  
NAPIER 4142

5 November 2012

RE: Submission on Proposed Change 5

OBJ LW 1.5

Amend

~~Recognises~~ Safeguards the significant national and regional value of fresh water for human drinking and animal drinking uses.

Reason

Clean drinking water is essential, not a nice to have; which is what is implied by use of the word recognises rather than safeguards.

OBJ LW 1.7

Strike out in its entirety

Reason

It is not necessary to include recognition of electricity generation as an objective to manage fresh water on a day-to-day basis. If electricity generation is proposed then it should go through a full, publicly notified consenting process.

OBJ LW 1.11

Amend

Recognises the differing demands and pressures on freshwater resources within catchments across the Hawkes Bay region, ~~and where significant conflict exists between competing values, the regional policy statement and regional plans provide clear priorities for the protection or use of those freshwater resources.~~

Reason

The sentence to be deleted is not an objective. It is a policy.

POL LW1 k

Strike out in its entirety

Reason

There is sufficient evidence to suggest that water storage is not effective at remedying or mitigating effects on fresh water values once the land use of water users is taken into account.

Therefore to say that water storage infrastructure solves the problem of water quality is too contentious to be included as a policy.

New POL LW1A – Outstanding Freshwater Bodies

1. To apply the following criteria to identify outstanding freshwater bodies in the Hawkes Bay region as one which has:
  - a) Superior water quality where impacts of human activities are absent or minimal, or
  - b) Outstanding value as an aquatic habitat, or
  - c) Outstanding fishery value, or
  - d) Outstanding wild, scenic or other natural characteristics, or
  - e) Outstanding scientific or ecological values, or
  - f) Outstanding recreational, historical, spiritual or cultural purposes.
2. To protect the water quality of the following Outstanding Freshwater Bodies in the region:
  - a) Lake Waikareti
  - b) Lake Waikaremoana
  - c) Lake Tuteria
  - d) Mohaka River catchment above 'Willowflat'
  - e) Ngaruroro River, Taruarau River and their tributaries above Whanawhaha cableway
  - f) Tukituki River catchment
3. In relation to an Outstanding Freshwater Body identified in policy LW1A.2, to manage activities discharging contaminants, or taking, using, damming or diverting water, and land use activities in a manner which avoids adverse effects on the water quality of the Outstanding Water Body

Reason

To include outstanding freshwater bodies with the addition of the Tukituki River which have been 'lost' from Draft Change 5 Land use and fresh water management dated 30 July 2012.

Without defining Outstanding Freshwater Bodies OBJ LW1.1 is a nonsense

POL LW2 Table 1

Amend Tukituki Catchment Area – Primary Value

~~Water use associated with maintaining or enhancing land based primary production~~

Reason

Water use associated with maintaining or enhancing land based primary production is already included under bullet point 1 'industrial & commercial water supply' This bullet point is therefore superfluous.

Amend Tukituki Catchment Area – Secondary Value

Amenity for contact recreation (including Swimming) in lower Tukituki River

Reason

It is illogical to make swimming a value in the lower Tukituki only when issues with water quality start in the upper Tukituki.

OBJ 15A

Amend

The management of fresh water and land use and development in a manner which protects the significant values of wetlands.

Reason

Include the word 'the' to ensure that wetlands are recognised as having significant values, which is we think is the intent of this objective.

POL 4A

Amend

To use non-regulatory methods, as set out in Chapter 4 and in Policy 4(a) to (d) below, in support of regulatory methods for protecting the significant values of wetlands

Reason

Include the word 'the' to ensure that wetlands are recognised as having significant values, which is we think is the intent of this objective.

OBJ 21

Retain in its entirety

Reason

There is no reason why the objective to have no degradation of existing ground water quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems should be deleted. By doing so it is implied that degradation is acceptable when clearly it is not.

Amend Anticipated Environmental Result in Chapter 3.8 (Groundwater quality to read)

Amend Anticipated Environmental Result

No degradation of existing groundwater quality in confined productive aquifers ~~beyond a level suitable for human consumption and irrigation without treatment~~

Reason

There is no reason why the anticipated environmental result to have no degradation of existing ground water quality should have limits. By doing so it is implied that degradation is acceptable when clearly it is not.

POL 47A

Amend Clause a)

The adverse effects of contaminants entering surface waterbodies or costal water are avoided ~~as far as practicable~~

Reason

Either we accept that contamination of surface water or costal water is acceptable, or we make it clear that it is not. The exception 'as far as practicable' on this policy leaves it far to open to interpretation.

Amend Clause b)

Any disposal of wastewater, solid waste or other waste products to a surface waterbody or costal water ~~occurs only when it is the best practicable option~~ is prohibited

Either we accept disposal of wastewater, solid waste or other waste products to a surface waterbody or costal water is acceptable, or we make it clear that it is not.

Yes – we wish to be heard in support of our submission

No – we do not wish to make a joint case with other submitters

### Submitter Details

Paul Bailey as Spokesperson  
Green Party of Aotearoa  
Hawkes Bay Branch

43 Nuffield Avenue  
Marewa  
NAPIER 4140  
Ph: 068433323  
Email: paul.bailey@greens.org.nz



If calling ask for Rowan Little

File Ref EXT-11-02-12-456

5 November 2012

Chief Executive  
Hawke's Bay Regional Council  
Private Bag 6006  
NAPIER 4142

Dear Sir

**Hastings District Council Submission on Proposed Change 5 to the Hawke's Bay Regional Policy Statement (Land Use and Freshwater Management)**

Thank you for the opportunity to prepare a submission to the Hawke's Bay Regional Council's Proposed Change 5 – Land Use and Freshwater Management. Hastings District Council has prepared a submission requesting several amendments to the proposed changes.

Hastings District Council believes that the submission process is an opportunity to improve any plan change or change to the Regional Policy Statement and this is the context of our submission. We are also committed to ensuring that the different perspectives and values of the members of the Regional Land and Water Management Reference Group, which included representatives of the Hastings District Council, are recognised and incorporated where appropriate.

Please find enclosed our completed submission along with a copy of Proposed Plan Change 5 incorporating 'tracked changes' where we have sought amendment. Our submission is a culmination of feedback sought from across our organisation – Planning and Regulatory Services, Asset Management, and Strategy and Development – which has ensured the broad spectrum of issues addressed in Change 5 have been covered in our submission.

We wish to be heard in support of our submission.

Please do not hesitate to contact me in the first instance if you have any questions regarding our submission.

Yours sincerely



Rowan Little  
**Senior Environmental Planner (Policy)**  
[rowanl@hdc.govt.nz](mailto:rowanl@hdc.govt.nz)

HASTINGS DISTRICT COUNCIL  
207 Lyndon Road East  
Hastings 4122  
Private Bag 9002  
Hastings 4156  
Phone 06 871 5000  
Fax 06 871 5100

[Hastingsdc.govt.nz](http://Hastingsdc.govt.nz)  
[customerservice@hdc.govt.nz](mailto:customerservice@hdc.govt.nz)



**SUBMISSION FORM 5**

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

To:  
Chief Executive  
Hawke's Bay Regional Council  
Private Bag 6006  
NAPIER 4142

**1. Submitter details:**

**Full Name:** Hastings District Council  
**Contact Person:** Rowan Little, Senior Environmental Planner (Policy)  
**Postal Address:** 207 Lyndon Road East, Hastings 4122  
**Email:** [rowanl@hdc.govt.nz](mailto:rowanl@hdc.govt.nz) **Phone:** 871 5000  
**Fax:** 871 5100

**2. The specific parts of Proposed Plan Change 5 that my submission relates to are: (Give Details).**

Please see attached sheets

**3. My submission is that:**

*(State the nature of your submission, clearly indicating whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please continue on separate sheet(s) if necessary).*

Please see attached sheets







Submission to the Hawke's Bay Regional Resource Management Plan (RRMP)  
Proposed Change 5: Land Use and Freshwater Management

**Name of Submitter:** Hastings District Council

**Prepared By:** Rowan Little – Senior Environmental Planner (Policy)  
Planning & Regulatory Services  
Hastings District Council

**Postal Address:** 207 Lyndon Road East  
Private Bag 9002  
Hastings 4156

**Phone Number:** (06) 871 5000

## 1.0 Introduction

- 1.1 The Hastings District Council (HDC) appreciates the opportunity to submit on the Hawke's Bay Regional Council's (HBRC) Proposed Change 5 to the combined Regional Policy Statement (RPS) and Regional Resource Management Plan (RRMP).
- 1.2 This submission is opposed to some of the approaches of the proposed Plan Change, and therefore requests amendments that seek to improve the Plan Change. While it is acknowledged the Plan Change is necessary to give effect to the National Policy Statement for Freshwater Management (NPSFM), HDC considers the scope of the changes to the RPS are beyond what is required to implement the NPSFM. The Plan Change includes a Policy framework which appears to signal an intent to regulate and manage land use activities in the same manner as Territorial Authorities do through District Plans, rather than the effects of land use activities on freshwater resources (for example stormwater discharges, animal effluent discharge, management of solid waste, discharges to land that may enter water).
- 1.3 It is considered that further refinement of the proposed change is necessary to ensure that there are not jurisdictional overlap issues and to ensure that the provisions can be adequately and consistently given effect to through the Hastings District Plan.
- 1.4 It is noted that the public notice refers to proposed Change 5 as "intending to provide guidance and direction about how multiple values and uses of freshwater ought to be managed" and that "Change 5 does not include any new rules or amend any existing rules in regional plans".
- 1.5 Whilst this is evident generally in the proposed change, there are some areas where the policies tend towards future Regional Council governance and regulation (rules) over land use planning. We consider land use planning to be the responsibility of TLAs, not Regional Councils, and there are parts of Proposed Change 5 that appear to be focused on regulating land uses rather than the core regional responsibilities of: The control of the use of land for the purpose of —Soil conservation; The maintenance and enhancement of the quality of water in water bodies and coastal water; The maintenance of the quantity of water in water bodies and coastal water; The maintenance and enhancement of ecosystems in water bodies and coastal water; and Control over the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body.
- 1.6 The following submission requests amendments to Plan Change 5 to address this issue amongst others. The requested changes and points of clarification are outlined in the following sections of this submission.
- 1.7 We wish to note that it is not the intent of HDC to undermine HBRC's approach to implementing the NPSFM and appreciates the difficulties in preparing a Plan Change to assist in its implementation. Much of this submission relates to minor amendments to wording and phrasing to ensure accurate interpretation and to avoid ambiguity and jurisdictional issues. There are some changes requested however that are considered necessary to provide a clear distinction between the planning responsibilities of the Regional Council and Territorial Authorities (as discussed in paragraphs 1.2 – 1.6 above) .
- 1.8 The structure of this submission largely follows the structure of Change 5 itself dealing with each section in turn and commenting on provisions as is necessary. Tracked changes have also been incorporated into a copy of the Proposed Change to aid with understanding the requested

amendments and placing them in context. This submission should therefore be read in conjunction with the attached Change 5 document.

1.9 It has not been possible to provide a report to the Elected Councillors prior to lodging this submission, therefore the comments that follow have been compiled by officers.

## 2.0 ISSUES SECTION

### 2.1 ISS LW 1

2.2 HDC supports the inclusion of this issue but does not support the current structure of the issue. The sentence is too long and does not tie-in one part of the issue to the other. Best practice suggests an issue should be clearly identified, precise and succinct; and if needed an explanation should be used to provide more detail.

### 2.3 **RELIEF SOUGHT:** (amendments in bold italics or strikethrough font)

HDC requests that in order to remedy these points issue ISS LW 1 should be separated into two issues, as shown below;

***ISS LW 1 Multiple and often competing values and uses of fresh water have the potential for on-going conflict.***

***ISS LW 2 Limited integration in the management of land and water uses reduces the ability to promote sustainable management of the region's natural and physical resources.***

2.4 It is also requested that an explanation be provided stating what the effects of ongoing conflict between multiple and competing issues are and why integrated management of land and water is required to sustainably manage the region's natural and physical resources.

## 3.0 OBJECTIVES SECTION

### 3.1 OBJ LW 1

3.1 HDC supports the changes made by HBRC to the wording of Point 3 of OBJ LW 1 which now reads '***recognises that land uses, freshwater quality and surface water flows can impact on the receiving coastal environment***' accounting for the fact that not all land uses of fresh water resources will have an effect on the coastal environment.

3.2 HDC previously commented on this point in the Draft version of Change 5, as it had been strongly worded as – '***recognises that land use and freshwater quality will impact on the coastal environment***', which suggested that land uses and freshwater resources will definitely have some degree of impact on the receiving coastal environment. HDC had suggested that the word "will" be replaced with "may" accounting for the uncertainty of whether all land use activities and freshwater resources will have an actual effect on the coastal environment.

3.3 Replacement of "will" with "can" addresses this previously raised issue.

3.4 In regard to point 5 of OBJ LW 1, HDC is concerned to see that the objective places human drinking and animal drinking uses in the same sentence, perhaps suggesting both human and animal drinking water are assigned the same status / importance.

- 3.5 HDC believes drinking water needs to be recognised as being fundamental to human health and well-being and should be held in more importance than water for animal drinking. HDC retains the view that the two should not be mentioned in the same point together under OBJ LW 1.
- 3.6 HDC also mentioned in its comments to HBRC on Draft Plan Change 5, that it was concerned to see that objective OBJ LW 1 failed to give recognition to the economic and productive values of freshwater, specifically when food and fibre production, which relies upon access to freshwater is an important sustainability issue regionally and nationally and the definition of the environment under the Resource Management Act (RMA) also includes economic aspects.
- 3.7 HDC is pleased to see its comments have been taken on board and supports the proposed amendments to point 6 of OBJ LW 1, which now recognises the significant regional and national value of fresh water use for beverages, food and fibre production and processing.
- 3.8 HDC mentioned in its comments on the draft that OBJ LW 1 should also recognise and provide for the value of freshwater for irrigation for food and fibre production and for associated industrial processing.
- 3.9 While the changes to OBJ LW 1 go some way to addressing these points HDC considers there is room for improvement in the objective.
- 3.10 Issue ISS LW 1 places significant emphasis on the potential for on-going conflict between multiple and often competing values and uses of fresh water.
- 3.11 While objective OBJ LW 1 goes on to list a number of such values and uses such as; human and animal drinking water, economic values and uses in food production and processing, renewable electricity generation and mana whenua values, there is no point that specifically refers to similar competing values and uses such as recreational and conservation values.
- 3.12 HDC had also expressed concern that OBJ LW1 did not give recognition to the issue of water quantity, as the earlier draft released appeared to be more concerned with issues of water quality.
- 3.13 Point 8 has now been introduced to OBJ LW 1 since the initial draft. HDC supports the addition of point 8.
- 3.14 HDC supports the changes made to OBJ LW 1 in regard to issues of fresh water quantity, specifically point 9, which in managing the use of freshwater, land use and development in an integrated and sustainable manner ensures efficient allocation and use of water.
- 3.15 HDC however would like to see point 9 of OBJ LW 1 strengthened further by ensuring the efficient **and sustainable** allocation and use of water.
- 3.16 The principle reasons and explanations for OBJ LW 1 state “..... while forestry and fibre (e.g. wool and leather) is typically located more on hill country....”
- 3.17 HDC considers in making reference to forestry and fibre, it makes greater sense to replace “and leather” with “and timber” in recognition of the sentences reference to forestry.
- 3.18 **RELIEF SOUGHT**
- 3.19 HDC requests the following amendments (or specific points of support) in respect of OBJ LW 1
- Point 3 of OBJ LW1 remain unchanged.

- Point 5 of OBJ LW1 be amended by removing the words “animal drinking uses” and that a new Point 6 be included specifically recognising the values of fresh water for animal drinking uses.
- Point 6 of OBJ LW 1 be re-numbered Point 7 and be re-worded to provide specific reference to irrigation and industrial process water;
- Recreation and conservation values and uses be specifically recognised in the integrated management of freshwater, land use and development under OBJ LW 1 under a new point 12.
- Point 9 of OBJ LW1 be re-numbered Point 10 and be amended by adding the words ***and sustainable***
- The principal reasons and explanation be amended be replacing “(e.g. wool and leather)” with “and timber”.

(The following sets out amendments to OBJ LW 1 as shown in bold italics or struck out).

## **OBJECTIVE**

### **OBJ LW 1 Integrated management of fresh water and land use and development**

The management of fresh water and land use and development in an integrated and sustainable manner that:

1. identifies outstanding freshwater bodies in Hawke's Bay region and protects their water quality;
2. specifies targets and implements methods to assist improvement of water quality in catchments to meet those targets within specified timeframes;
3. recognises that land uses, freshwater quality and surface water flows can impact on the receiving coastal environment;
4. safeguards the life-supporting capacity and ecosystems of fresh water with a priority for indigenous species;
5. recognises the significant national and regional value of fresh water for human drinking uses ~~and animal drinking uses~~;
6. ***recognises the significant national and regional value of fresh water for animal drinking uses***;
7. recognises the significant regional and national value of fresh water use for beverages ***production, irrigation for*** food and fibre production and ***industrial processing water***;
8. recognises the potential for significant regional and national value arising from the non-consumptive use of water for renewable electricity generation;
9. promotes and enables the adoption of good land and water management practices;
10. ensures efficient ***and sustainable*** allocation and use of water;
11. recognises and provides for wairuatanga and the mauri of fresh water bodies in accordance with the values and principles expressed in Chapter 1.6, Schedule 1 and the objectives and policies in Chapter 3.14 of this Plan;
12. ***recognises and provides for the recreational and conservation values of fresh water bodies within catchments across the Hawke's Bay region.***
13. recognises the differing demands and pressures on freshwater resources within catchments across the Hawke's Bay region, and where significant conflict exists between competing values, the regional policy statement and regional plans provide clear priorities for the protection or use of those freshwater resources.

#### **Principal reasons and explanation**

Objective LW1 (and associated policies) assist HBRC to give effect to the 2011 National Policy Statement for Freshwater Management. These RPS provisions only partly implement the NPS for Freshwater Management. Regional plan policies and methods (including rules) also assist in giving effect to the NPS for Freshwater Management.

In Hawke's Bay, the issues and pressures on land and water resources vary throughout the region. As a result, the urgency for clarity around water allocation and to maintain or improve water quality also varies. For example, the food and wine production Hawke's Bay is renowned for is focussed mostly on the Heretaunga Plains, while forestry and fibre (eg: wool and ~~leather~~ ***timber***) is typically located more on hill

country. These catchment differences have influenced HBRC's decision to prioritise catchments where the issues, pressures and conflicts are most pressing.

As well as different pressures in different catchments, freshwater values in Hawke's Bay also vary spatially. In addition to the national values of fresh water identified in the NPSFM's Preamble, HBRC has undertaken a process to assess freshwater values in Hawke's Bay. This included beginning with a Regional Water Symposium in 2010, followed by a process involving stakeholder representatives to develop the Hawke's Bay Regional Land and Water Management Strategy and a second Land and Water Symposium in 2011. This process helped HBRC to understand how to prioritise and strengthen policy options and management decisions for the different catchments. HBRC has also applied the River Values Assessment System (RiVAS)<sup>1</sup> to assess values of rivers in the region. The results of the RiVAS assessments for Hawke's Bay reinforced the values identified at the symposiums and by the stakeholder reference group.

The predominant view of Maori in Hawke's Bay is that water is the essential ingredient of life: a priceless treasure left by ancestors for their descendants' life-sustaining use. This Plan sets out iwi environmental management principles (see Chapter 1.6), matters of significance to iwi/hapu (see Chapter 3.14) and commentary about the Maori dimension to resource management (see Schedule 1).

### 3.20 OBJ 15A

3.21 HDC expresses concern in the wording of OBJ 15A and requests clarification on the HBRC's meaning and intent of the '**management**' of fresh water and land use and development, more specifically the methods by which it is envisaged that fresh water and land use and development will be managed.

3.22 Objective OBJ 15A suggests HBRC will manage land use and development through a regulatory framework rather than the impacts of land use or the discharge of contaminants, this is not what the Regional Land and Water Management Strategy ('LAWMS') envisaged. The LAWMS states:

*“Objective:*

*The future viability and resilience of Hawke's Bay's land and landscape is enhanced and water quality is improved through appropriate **land management and land use practices.***

*Policies:*

*Farming systems are managed based on site-specific knowledge and conditions and to good practice industry standards to minimise losses of nutrients, soil, bacteria and water.*

3.23 Furthermore, in the MfE's implementation guide for the NPSFM, specifically the guidance given for regional responses to Objective A1 and B4, does not suggest Regional Council's regulate land use and development, rather the implementation guide suggests achieving the objective of safeguarding the environment will require consideration of all sources of potential contaminants (human and natural) holistically, including point source discharges and diffuse discharges. These include contamination from urban storm water, application of fertilisers or pesticides and effluent discharge from stock grazing. It does not suggest regional council's 'manage' land uses *per se* through a regulatory framework as Territorial Authorities do through their District Plans.

3.24 While the HDC recognises Plan Change 5 only applies to the RPS and does not introduce or make any changes to the rule framework of the RRMP, it is concerned by the way OBJ 15A may be implemented and questions whether HBRC intends to give effect to this objective by regulating land use and development through the RRMP or whether it will require HDC, through its District Plan to regulate land use and development in a manner which protects significant values of wetlands.

3.25 As OBJ 15A refers to the '*significant*' values of wetlands, HDC questions where these significant values are defined or described, i.e. in the form of a table. The objective is too vague and significant values could extend to a range of factors if not adequately defined.

3.26 **RELIEF SOUGHT**

3.27 HDC requests the following amendments in respect of OBJ 15A (amendments shown in bold italics or struck out).

**OBJ 15A** The management of fresh water, ~~and land use and development~~ ***and the effects of land management and land use practices*** in a manner which protects significant values of wetlands.

3.28 OBJ 22

3.29 HDC previously commented on OBJ 22 in its comments on Draft Change 5, in which HDC questioned if ground water used for human consumption requires treatment because of its natural quality, what are the baseline standards before treatment is determined necessary?

3.30 HDC recognises in this respect the amended Anticipated Environmental Result in Chapter 3.8 (Groundwater quality) shows the baseline indicators are nitrate levels, E.coli levels and pesticides and herbicides based upon Ministry of Health data sources, however OBJ 22 does not link well to the AER table.

3.31 **RELIEF SOUGHT**

3.32 HDC requests the following amendments to OBJ 22 (amendments shown in bold italics or struck out).

*Subject to Objective LW1, the groundwater quality in the Heretaunga Plains and Ruataniwha aquifer systems and in unconfined or semi-confined productive aquifers is suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality **as determined by Ministry of Health standards.***

3.33 OBJ 27

3.34 While the objective links back to the catchment – based process outlined in POL LW2, which lists primary and secondary values in catchments, it is not easily understood that other freshwater values, such as irrigation or industrial and commercial water supplies also apply to OBJ 27.

3.35 In terms of the ‘catchment based process’ referred to in OBJ 27, HDC feels that the term has not been well defined and believes Chapter 9 (Glossary) of the RRMP should be amended to provide a definition of the ‘catchment based process’.

3.36 **RELIEF SOUGHT**

3.37 HDC requests the following changes be made to OBJ 27 and Chapter 9 (Glossary) as appropriate (amendments shown in bold italics or struck out).

**OBJ 27** *Subject to Objective LW1, the water quality in rivers, lakes and wetlands is suitable for sustaining or improving aquatic ecosystems in catchments and for other freshwater values identified in accordance with a catchment-based process as set out in POL LW2, including contact recreation ***and irrigation*** purposes where appropriate.*



**Catchment Based Process**

..... (HBRC to provide definition)

**4.0 POLICIES SECTION****4.1 POL LW1 & POL LW3**

- 4.2 POL LW1 and POL LW3 suggest it is HBRC's vision to manage land use and production land rather than the impacts of land use and land use practices, (e.g. discharges to land). As discussed above in paragraph 3.20 this is not what the LAWMS envisaged.
- 4.3 The LAWMS was developed through a series of robust and informed discussions with key stakeholders such as HDC. This Plan Change (Change 5) is intended to incorporate the key elements of the LAWMS.
- 4.4 A key point is the LAWMS does not include policy specifically relating to the management of land. The policies from the LAWMS related to Land Use and Water Quality are as follows:

## Land Use and Water Quality

Policy No.	Policy
3.15	Water quality limits are set for each water body in Hawke's Bay
3.16	Target action in areas where there are high risks to water quality. Improve water quality where it is poor.
3.18	Exclusion of stock from water bodies is actively sought
3.19	Riparian planting and fencing in appropriate areas is promoted.
3.20	Farming systems are managed based on site specific knowledge / conditions and to good practice industry standards to minimise losses of nutrients, soil, bacteria and water

- 4.5 This table of policies is followed by a table of current issues and priority actions (responsibility):

Issue	Actions (Responsibility)
<i>Aesthetic water quality</i>	<i>Groundwater/surface water investigations (HBRC)</i>
<i>Aquatic habitat health</i>	<i>Establish objectives and water quality limits (HBRC)</i>
<i>Over allocation</i>	<i>Review minimum flow and allocation limits (HBRC)</i>
<i>Potential irrigation demand</i>	<i>Remove discharges of sewage from Waipawa and Waipukurau oxidation ponds for as much of the year as possible (CHBDC/HBRC)</i>
<i>Potential land use intensification</i>	<i>Ruataniwha water storage feasibility study (HBRC)</i>
<i>Impacted trout fishery</i>	<i>Targeted wetland enhancement within flood control and drainage schemes (HBRC)</i>
	<i>Riparian planting and fencing in headwater and Plains catchments (landowners)</i>

<i>Impact angling / recreational activity</i>	<i>Regional Water Demand and Availability Strategy (HBRC)</i>
	<i>Precision Agriculture for Irrigated Farming Systems (Massey/HBRC)</i>

- 4.6 There are a number of critical issues around land and water in Hawke’s Bay that need to be addressed. The problems are complex and require multi-faceted solutions. The LAWMS Strategy set out how the region will respond to these challenges and create new opportunities, this was through good management, innovation and through better use of new technologies. It did not include control over the use of land.
- 4.7 While being a change to the RPS, HDC recognises proposed change 5 does not contain any new rules or propose amendments to any existing rules, and while any subsequent regional plan changes which may introduce or alter regional rules will be subject to the requirements of a s32 analysis under the RMA and a public submissions and hearing process, it appears that it already is HBRC’s intention to regulate and control land uses, as stated in the s32 – Page 11, bullet point 3:
- “Methods used or to be used to implement both Policy Options 1 and 2 will likely be a mix of rules and other methods”.*
- 4.8 Once HBRC have the policy framework in place through the proposed changes made to the RPS arising from Change 5, the platform is then set to justify including land use rules in the RPS.
- 4.9 HDC has great concern over these jurisdictional issues regarding controls on land use activities.
- 4.10 Further concern is raised in that it appears HBRC intends to regulate land use based on sustainable land use criteria; Pastoral farming, erosion prone land, dairying in some sensitive catchments and perhaps beyond that to intensive rural production in parts of the Ngaruroro and Tukituki catchments.
- 4.11 The Regional Plan(s) will in effect ‘trump’ the District Plan by managing land use activities (as District Plans generally do through zoning criteria & rules) rather than managing land use practices for the purpose of soil conservation, water quality and quantity, aquatic ecosystems, the discharge of contaminants and the taking, use, damming or diversion of water as has traditionally been the case.
- 4.12 HBRC’s default response in relation to these concerns is *“RMA s30(1)(c) clearly empowers regional councils to control the use of land if such control is for water related purposes.”*
- 4.13 While s30(1)(c) of the RMA may “empower” regional councils to control the use of land if such control is for water related purposes, HDC is greatly concerned that the s32 analysis does not explore or specifically support the inclusion of policies relating to the control of land uses, nor does s30(1)(c) give HBRC the mandate to control land use or how land use ought to be controlled.
- 4.14 There has been no previous discussion within reference groups, or through a collaborative process with the community over the inclusion of prescriptive objectives and policies regarding the control of land use.
- 4.15 HDC believes robust discussion is needed with the community and the reference stakeholder group to help determine the appropriateness of including regional policies and objectives controlling land use.
- 4.16 HDC feels that due to this, HBRC are introducing policy not previously envisaged by the reference group or the community through the “back door” without the specific mandate.

4.17 **RELIEF SOUGHT**

4.18 HDC requests POL LW1 be amended as follows: (amendments shown in bold italics or struck out).

“POL LW1 Problem solving approach – Catchment-based integrated management  
To adopt a whole-of-catchment approach to managing fresh water and ***the effects of*** land use ***practices*** and development within each catchment area.”

And POL LW3 as shown below:

“POL LW3 Problem solving approach – Managing use of production land use ***the effects of land management and land use practices***  
To manage the use of, and discharges from, production ***productive*** land ***uses*** in specified catchments so that”:

4.19 POL 16

4.20 HDC sees no requirement for the bullet point “*the effects of land use activities on production land*” to be added to the bulleted list of activities.

4.21 POL 16 specifically relates to the regulation of discharges over the Heretaunga and Ruataniwha Plains Aquifer systems and the new bullet point proposed to be added does not relate to an activity and/or activities that involve the discharge of contaminants into or onto land.

4.23 Other bullet points listed under POL 16 relate to animal effluent discharge, management of solid waste and discharges to land that may enter water.

4.24 Regulating the effects of land use activities on production land is the jurisdiction of a territorial authority whereby, for example, HDC has developed zoning and policies to protect the life-supporting capacity of the Heretaunga Plains soil resource (production land) from inappropriate subdivision, land use and development or land use activities that may generate reverse sensitivity issues.

4.25 **RELIEF SOUGHT**

4.26 HDC requests the amendments to POL 16 be withdrawn (amendments shown in bold italics or struck out).

POL 16

- ~~*the effects of land use activities on production land*~~

5.0 **CONCLUSION**

5.1. HDC is appreciative of the opportunity to submit on HBRC’s Proposed Change 5 to the RRMP, and sees this as an opportunity to improve the proposed change.

5.2 This submission has outlined a comprehensive set of requested amendments to the proposed change. We have requested these changes such that they will clarify certain points of misunderstanding or confusion, and make for an improved RRMP.

5.3 HDC urges HBRC to take on board this submission and incorporate the requested changes into the final Regional Resource Management Plan.





# HAWKE'S BAY REGIONAL COUNCIL



SAFEGUARDING YOUR ENVIRONMENT + KAITIAKI TUKU IHO

**Hawke's Bay Regional  
Resource Management Plan**

**Proposed Change 5 -  
Land and freshwater  
management**

Date notified: 2 October 2012  
SD 12/19  
HBRC Plan Number 4396



---

## **Proposed Change 5 to the Hawke's Bay Regional Resource Management Plan - *Land use and freshwater management***

---

Adopted:  
26 September 2012

Publicly notified:  
2 October 2012

2 October 2012  
SD 12/19  
HBRC Plan Number 4396

© Copyright: Hawke's Bay Regional Council

## 3.x Integrated Land Use and Freshwater Management

### ISSUE

~~ISS LW 1 — Potential for ongoing conflict between multiple, and often competing, values and uses of fresh water and limited integration in management of land and water to promote sustainable management of the region's natural and physical resources.~~

ISS LW 1 Multiple and often competing values and uses of fresh water have the potential for ongoing conflict.

ISS LW 2 Limited integration in the management of land and water uses reduces the ability to promote sustainable management of the region's natural and physical resources.

### OBJECTIVE

#### **OBJ LW 1 Integrated management of fresh water and land use and development**

The management of fresh water and land use and development in an integrated and sustainable manner that:

1. identifies outstanding freshwater bodies in Hawke's Bay region and protects their water quality;
2. specifies targets and implements methods to assist improvement of water quality in catchments to meet those targets within specified timeframes;
3. recognises that land uses, freshwater quality and surface water flows can impact on the receiving coastal environment;
4. safeguards the life-supporting capacity and ecosystems of fresh water with a priority for indigenous species;
5. recognises the significant national and regional value of fresh water for human drinking uses and animal drinking uses;
6. recognises the significant national and regional value of fresh water for animal drinking uses;
7. recognises the significant regional and national value of fresh water use for beverages production, irrigation for food and fibre production and industrial processing water;
8. recognises the potential for significant regional and national value arising from the non-consumptive use of water for renewable electricity generation;
9. promotes and enables the adoption of good land and water management practices;
10. ensures efficient and sustainable allocation and use of water;
11. recognises and provides for wairuatanga and the mauri of fresh water bodies in accordance with the values and principles expressed in Chapter 1.6, Schedule 1 and the objectives and policies in Chapter 3.14 of this Plan; and
12. recognises and provides for the recreational and conservation values of fresh water bodies within catchments across the Hawke's Bay region.
13. recognises the differing demands and pressures on freshwater resources within catchments across the Hawke's Bay region, and where significant conflict exists between competing values, the regional policy statement and regional plans provide clear priorities for the protection or use of those freshwater resources.

### **Principal reasons and explanation**

Objective LW1 (and associated policies) assist HBRC to give effect to the 2011 National Policy Statement for Freshwater Management. These RPS provisions only partly implement the NPS for Freshwater Management. Regional plan policies and methods (including rules) also assist in giving effect to the NPS for Freshwater Management.

In Hawke's Bay, the issues and pressures on land and water resources vary throughout the region. As a result, the urgency for clarity around water allocation and to maintain or improve water quality also varies. For example, the food and wine production Hawke's Bay is renowned for is focussed mostly on the Heretaunga Plains, while forestry and fibre (eg: wool and leather timber) is typically located more on hill country. These catchment differences have influenced HBRC's decision to prioritise catchments where the issues, pressures and conflicts are most pressing.

As well as different pressures in different catchments, freshwater values in Hawke's Bay also vary spatially. In addition to the national values of fresh water identified in the NPSFM's Preamble, HBRC has undertaken a process to assess freshwater values in Hawke's Bay. This included beginning with a Regional Water Symposium in 2010, followed by a process involving stakeholder representatives to develop the Hawke's Bay Regional Land and Water Management Strategy and a second Land and Water Symposium in 2011. This process helped HBRC to understand how to prioritise and strengthen policy options and management decisions for the different catchments. HBRC has also applied the River Values Assessment System (RiVAS)<sup>1</sup> to assess values of rivers in the region. The results of the RiVAS assessments for Hawke's Bay reinforced the values identified at the symposiums and by the stakeholder reference group.

The predominant view of Maori in Hawke's Bay is that water is the essential ingredient of life: a priceless treasure left by ancestors for their descendants' life-sustaining use. This Plan sets out iwi environmental management principles (see Chapter 1.6), matters of significance to iwi/hapu (see Chapter 3.14) and commentary about the Maori dimension to resource management (see Schedule 1).

## **POLICIES**

### **POL LW1 Problem solving approach - Catchment-based integrated management**

To adopt a whole-of-catchment approach to managing fresh water and the effects of land use practices and ~~land use and development~~ within each catchment area, that (in no particular order):

- a) is consistent with the integrated management approach outlined in OBJ LW1
- b) provides for Maori values and uses of the catchment in accordance with tikanga Maori
- c) recognises the inter-connected nature of natural resources within the catchment area, including the coastal environment
- d) protects water quality of outstanding freshwater bodies
- e) promotes collaboration and information sharing between relevant management agencies, iwi, landowners and other stakeholders
- f) takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water resources for future generations
- g) aims to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible in accordance with POL LW2
- h) ensures the timely use and adaptation of statutory and non-statutory measures to respond to any significant changes in resource use activities or the state of the environment
- i) allows reasonable transition times and pathways to meet any new water quantity limits or new water quality limits included in regional plans
- j) ensures efficient and sustainable allocation and use of fresh water within limits to achieve freshwater objectives
- k) enables water storage infrastructure which can provide increased security for water users in water-scarce catchments while avoiding, remedying or mitigating adverse effects on freshwater values.

### **Principal reasons and explanation**

Catchment-based resource management is promoted in Policy LW1 and is consistent with Objective C1 of the 2011 National Policy Statement for Freshwater Management. Policy LW1 provides a 'default' planning approach for all catchments and catchment areas across the region, irrespective of the catchment area's values being identified in Policy LW2. Many of the principles and considerations for catchment-based planning have emerged from the 2011 Hawke's Bay Land and Water Management Strategy.

Approaches to issues, values and uses of catchments will vary so POL LW1 does not prescribe a one-size-fits-all approach for all catchments in Hawke's Bay. Each catchment-based process will need to be tailored for what is the most appropriate

<sup>1</sup> RiVAS, developed by Lincoln University, provides a standardised method that can be applied to multiple river values. It helps to identify which rivers are most highly rated for each value and has been applied in several regions throughout the country.



approach for that catchment (or grouping of catchments). Regional plans and changes to regional plans will be the key planning instrument for implementing catchment-based approaches to land use and freshwater resource management.

## **POL LW2 Problem solving approach - Prioritising values**

1. Subject to Objective LW1.1 to 1.10, recognise and give priority to maintaining and enhancing the primary values and uses of freshwater bodies shown in Table 1 for the following catchment areas<sup>2</sup> in accordance with Policy LW2.3:
  - a) Greater Heretaunga / Ahuriri Catchment Area;
  - b) Mohaka Catchment Area; and
  - c) Tukituki Catchment Area.
2. In relation to catchments not specified in POL LW2.1 above, the management approach set out in POL LW1 will apply.
3. Subject to Objective LW1.1 to 1.10, manage the fresh water bodies listed in Policy LW2.1 in a manner that:
  - a) recognises and gives priority to maintaining and enhancing primary values and uses identified in Table 1; and
  - b) avoids, as far as is reasonably practicable, significant adverse effects on secondary values and uses identified in Table 1; and
  - c) uses a catchment-based process in accordance with POL LW1 to evaluate and determine the appropriate balance between any conflicting primary values and uses in Table 1.

**TABLE 1:**

<b>Catchment Area</b>	<b>Primary Value(s) and Uses – in no priority order</b>	<b>Secondary Value(s) and Uses – in no priority order</b>
<b>Greater Heretaunga / Ahuriri Catchment Area</b>	<ul style="list-style-type: none"> <li>• Industrial &amp; commercial water supply</li> <li>• Natural character in sub-catchments upstream of Whanawhana cableway</li> <li>• Urban water supply for cities and townships</li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in Ngaruroro River downstream of Maraekakaho</li> <li>• Amenity for contact recreation (including swimming) in lower Ngaruroro River, Tutaekuri River and Ahuriri Estuary</li> <li>• Native fish habitat               <ul style="list-style-type: none"> <li>○ Recreational trout angling</li> </ul> </li> <li>• Trout habitat</li> </ul>
<b>Mohaka Catchment Area</b>	<ul style="list-style-type: none"> <li>• Amenity for water-based recreation between State Highway 5 bridge and Willowflat</li> <li>• Long-fin eel habitat and passage</li> <li>• Recreational trout angling in Mohaka River and tributaries upstream of State Highway 5 bridge</li> <li>• Scenic characteristics of Mokonui and Te Hoe gorges</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in Mohaka River below railway viaduct</li> <li>• Native fish habitat below Willowflat</li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> </ul>
<b>Tukituki Catchment Area</b>	<ul style="list-style-type: none"> <li>• Industrial &amp; commercial water supply</li> <li>• Native fish and trout habitat</li> <li>• Urban water supply for towns and settlements</li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in lower Tukituki River</li> <li>• Amenity for contact recreation (including swimming) in lower Tukituki River.</li> <li>• Recreational trout angling in:               <ul style="list-style-type: none"> <li>○ middle Tukituki River and tributaries between SH50 and Tapairu Road; &amp;</li> <li>○ middle Waipawa River and tributaries between SH50 and SH2.</li> </ul> </li> </ul>

<sup>2</sup> A map illustrating the indicative location of these Catchment Areas is set out in Appendix 'A'.

### **Principal reasons and explanation**

Policy LW2.1 and 2.3 prioritises values of freshwater in three Catchment Areas where significant conflict exists between competing values. Clearer prioritised values in 'hotspot' catchments where significant conflicts exist was an action arising from the 2011 Hawke's Bay Land and Water Management Strategy. POL LW2 implements OBJ LW1.11 in particular insofar as explicit recognition is made of the differing demands and pressures on freshwater resources, particularly within the three nominated 'hotspot' catchment areas. In relation to the remaining catchment areas across the region, Policy LW2 does not pre-define any priorities, thus enabling catchment-based regional plan changes (refer POL LW1) for those areas to assess values and prioritise those values accordingly.

The primary and secondary values in Table 1 are identified to apply to the catchment overall, or to sub-catchments where stated. When read subject to OBJ LW1.1 to 1.10, the values and uses in Table 1 recognises that not all values are necessarily equal across every part of the catchment area, and that some values in parts of the catchment area can be managed in a way to ensure, overall, the water body's value(s) is appropriately managed.

*[Refer also:*

- *OBJ1, OBJ2 and OBJ3 in Chapter 2.3 (Plan objectives);*
- *Objectives and policies in Chapter 3.4 (Scarcity of indigenous vegetation and wetlands);*
- *Objectives and policies in Chapter 3.8 (Groundwater quality);*
- *Objectives and policies in Chapter 3.9 (Groundwater quantity);*
- *Objectives and policies in Chapter 3.10 (Surface water resources); and*
- *Objectives and policies in Chapter 3.14 (Recognition of matters of significance to iwi/hapu)].*

### **POL LW3    Problem solving approach – Managing ~~use of production land use~~ the effects of land management and land use practices**

To manage ~~the use of, and~~ discharges from, ~~production-productive~~ land uses in specified catchments so that:

- a) the discharge of nitrogen to land, and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded;
- b) the discharge of faecal matter from livestock to land, and thereafter to groundwater and surface water, does not cause human consumption and irrigation guidelines for water quality set out in regional plans to be exceeded;
- c) any monitored exceedence of soluble reactive phosphorus limits set out in Policy 71 of this Plan is used to target and prioritise the Regional Council's non-regulatory methods.

### **Principal reasons and explanation**

Policy LW3 makes it clear that HBRC will manage production land use activities leaching nitrogen and faecal coliform bacteria to groundwater and surface water under section 9 of the RMA in order to ensure that groundwater and surface water values identified in specified catchment areas are maintained or enhanced where necessary. Restrictions under section 15 of the RMA may also be applied. Phosphorus leaching and run-off will be managed by non-regulatory methods as it is primarily caused by soil loss and cannot be practicably controlled by way of permitted activity conditions or consent conditions. This approach will be complemented by industries' implementation of good agricultural practices.

### **POL LW4    Role of non-regulatory methods**

To use non-regulatory methods, as set out in Chapter 4, in support of regulatory methods, for managing fresh water and land use and development in an integrated manner, including:

- a) **research, investigation and provision of information and services** – HBRC has in place a programme of research, monitoring and assessment of the state and trends of Hawke's Bay's natural resources. That programme will continue to be enhanced to assist HBRC implement the NPSFM and Hawke's Bay Land and Water Management Strategy.
- b) **advocacy, liaison and collaboration** – HBRC will promote a collaborative approach to the integrated management of land use and development and the region's freshwater resources.
- c) **land and water strategies** – the 2011 Hawke's Bay Land and Water Management Strategy contains a variety of policies and actions. A range of agencies and partnerships will be necessary to implement the actions and policies in the Strategy.
- d) **regional plan provisions** – HBRC will review regional plans and prepare changes to those regional plans to promote integrated management of land use and development and the region's water resources. Most regional plan changes will be on a catchment-basis, although some changes may be prepared for specific issues that apply to more than one

catchment. HBRC has prepared a NPSFM Implementation Programme that outlines key regional plan and policy statement change processes required to fully implement the NPSFM by 2030.

**Principal reasons and explanation**

Policy LW4 sets out the role of HBRC’s non-regulatory methods in supporting regional rules and other regulatory methods to assist management of freshwater and land use and development in an integrated manner. This policy (and POL LW1) recognises the need for a collaborative approach as an important means of minimising conflict and managing often competing pressures for the use and values of fresh water.

**Anticipated Environmental Results**

*[Refer also anticipated environmental results in Chapters 3.3; 3.4; 3.7; 3.8; 3.9; 3.10; and 3.11]*

<b>Anticipated Environmental Results</b>	<b>Indicator(s)</b>	<b>Data Source(s)</b>
Land and water management is tailored and prioritised to address the key values and pressures of each catchment	Freshwater objectives, targets and limits for catchments and/or groups of catchments are identified in regional plans for catchments	Regional plans and changes to regional plans HBRC’s NPSFM Implementation Programme
Primary values and uses identified in POL LW2 Table 1 are maintained and enhanced.	Freshwater objectives, targets and limits for catchments and/or groups of catchments are included in regional plans for catchments. Physical and biological parameters Social, cultural and economic indices	SOE monitoring and reporting Local authority records User surveys Catchment-specific monitoring programmes
Significant adverse effects on secondary values and uses identified in POL LW2 Table 1 are avoided.	Freshwater objectives, targets and limits for catchments and/or groups of catchments are included in regional plans for catchments. Physical and biological parameters Social, cultural and economic indices	SOE monitoring and reporting Local authority records User surveys Catchment-specific monitoring programmes
Regional economic prosperity is enhanced	Regional GDP trends and unemployment trends for primary sector and associated manufacturing and processing	Statistics NZ Economic activity surveys Employment records by sector
Water is efficiently allocated	Level of allocation Catchment contaminant load modelling and monitoring Water use restriction timings and durations	SOE monitoring HBRC Consents records Compliance records Catchment-specific monitoring reports Water-supply management plans
Quality of fresh water in region overall is improved.	Limits in regional plans are not exceeded	SOE monitoring Compliance records Catchment-specific monitoring reports
Community water storage projects are developed in water-scarce catchments	Commissioning of large-scale water storage feasibility reports Consents issued for water storage projects	Strategic partners and funding agencies for large-scale water storage feasibility projects HBRC consent records Building consent authority records

## Insertions to other chapters in Part 3 (RPS) of HB Regional Resource Management Plan

NOTE: In the following section, new text is represented in underlined italics and text to be deleted is ~~struckout~~.

→ Amend Objective 15 and insert new Objective into Chapter 3.4 (Scarcity of indigenous vegetation and wetlands) as follows:

**OBJ 15** The preservation and enhancement of remaining areas of significant indigenous vegetation, and significant habitats of indigenous fauna ~~and ecologically significant wetlands~~.

**OBJ 15A** The management of fresh water, and the effects of land management and land use practices use and development in a manner which protects significant values of wetlands.

→ Insert following as explanation of new Objective 15A into Chapter 3.4:

Objective 15A assists in giving effect to Objectives A1 and B4 of the 2011 National Policy Statement for Freshwater Management. Objective 15A also closely mirrors similar provisions relating to freshwater bodies (eg: Objective LW1) in relation to protection of 'outstanding' freshwater bodies.

→ Amend Policy 4 and insert a new policy into Chapter 3.4 (Scarcity of indigenous vegetation and wetlands) as follows:

**POL 4A** To use non-regulatory methods, as set out in Chapter 4 and in Policy 4(a) to (d) below, in support of regulatory methods for protecting significant values of wetlands.

**POL 4** To use non-regulatory methods, as set out in Chapter 4, as the primary means for achieving the preservation and enhancement of remaining areas of significant indigenous vegetation ~~and ecologically significant wetlands~~, in particular: ...

- (b) **Works and services** - Providing works and services, or financial support, for the preservation of remaining ecologically significant indigenous wetlands at a level of funding as established in the HBRC's Annual Plan, subject to a management plan or statutory covenant being established for each wetland receiving assistance. Priority for Council's works and service-related projects will be given to the following wetlands<sup>4</sup> (see Figure 4): ...

**plus consequentially amend footnote 4 to read:**

<sup>4</sup> Priority wetlands for works and services - Note that some of these wetland areas are located within the coastal marine area (and therefore fall under the provisions of the Regional Coastal Plan rather than this Plan). However, the full list of priority wetlands for works and services has been included for the sake of completeness.

→ Insert following as new part of explanation for Policy 4A and Policy 4:

These non-regulatory methods will assist HBRC in protecting the significant values of wetlands in accordance with Objective A2(B) of the 2011 National Policy Statement for Freshwater Management. These methods will complement regional rules that are included elsewhere in this Plan and the Regional Coastal Environment Plan. Significant values of wetlands can include nutrient filtering, flood flow attenuation, sediment trapping, habitats for flora and fauna, recreation, cultural values and educational value.

Delete Objective 21 and amend Objective 22 in Chapter 3.8 (Groundwater quality) as follows, and consequentially amend duplicate objectives OBJ 42 and OBJ 43 in Chapter 5.6 to read the same:

~~OBJ 21~~ No degradation of existing groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems.

OBJ 22 ~~Subject to Objective LW1, the~~The maintenance or enhancement of groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems and in unconfined or semi-confined productive aquifers in order that it is suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality as determined by Ministry of Health standards.

→ Amend Policy 16 by adding the following to bulleted list of activities:

- ~~the effects of land use activities on production land~~

→ Amend Anticipated Environmental Result in Chapter 3.8 (Groundwater quality) to read:

Anticipated Environmental Result	Indicator	Data Source
No degradation of existing groundwater quality in confined productive aquifers <u>beyond a level suitable for human consumption and irrigation without treatment</u>	Nitrate levels <u>E.coli levels</u> Pesticides and herbicides	Ministry of Health Council monitoring

→ Amend Issue statement in Chapter 3.10 (Surface water resources) to read:

The potential degradation of the values and uses of rivers, lakes and wetlands in Hawke's Bay as a result of:

- The taking, use, damming and diversion of water, which may adversely affect aquatic ecosystems and existing lawfully established resource users, especially during droughts.
- ~~Non-point source discharges and~~ Stock access to water bodies and non-point source discharges (including production land use activities), which cause contamination of rivers, lakes and wetlands, and degrade their margins.
- Point source discharges which cause contamination of rivers, lakes and wetlands.

→ Amend Objective 25 in Chapter 3.10 (Surface water resources) to read:

OBJ 25 ~~Subject to Objective LW1, the~~The maintenance of the water quantity of water in the wetlands, rivers and lakes in order that it is suitable for sustaining aquatic ecosystems in catchments ~~as a whole~~, and ensuring resource availability for a variety of purposes across the region, while recognising the impact caused by climatic fluctuations in Hawke's Bay.

→ Amend Objective 27 in Chapter 3.10 (Surface water resources) to read:

OBJ 27 ~~Subject to Objective LW1, The maintenance or enhancement of the water quality of~~ in rivers, lakes and wetlands in order that it is suitable for sustaining or improving aquatic ecosystems in catchments ~~as a whole~~, and for other freshwater values identified in accordance with a catchment-based process as set out in POL LW2, including contact recreation and irrigation purposes where appropriate.

→ **Insert new objective into Chapter 3.10 (Surface water resources) to read:**

**OBJ 27A** Subject to Objective LW1, remnant indigenous riparian vegetation on the margins of rivers, lakes and wetlands is maintained or enhanced in order to:

- (a) maintain biological diversity; and
- (b) maintain and enhance water quality and aquatic ecosystems.

→ **Amend Policy 47 in Chapter 3.10 (Surface water resources) to read:**

**POL 47** Subject to Objective LW1, to manage activities affecting the quality of water in *wetlands*, rivers and lakes in accordance with *Objectives 25 and 27* and the environmental guidelines and implementation approaches set out in Chapter 5 of this Plan.

→ **Insert new policy into Chapter 3.10 (Surface water resources) to read:**

**POL 47A** **Decision-making criteria - Land-based disposal of contaminants**

Subject to Objective LW1, promote land-based disposal of wastewater, solid waste and other waste products so that:

- a) the adverse effects of contaminants entering surface waterbodies or coastal water are avoided as far as practicable; and
- b) any disposal of wastewater, solid waste or other waste products to a surface waterbody or coastal water occurs only when it is the best practicable option.

→ **Amend Objective 29 in Chapter 3.11 (River bed gravel extraction) to read:**

**OBJ 29** Subject to Objective LW1, the ~~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, or to maintain or protect the functional integrity of existing structures, whilst ensuring that any adverse effects of gravel extraction activities are avoided, remedied or mitigated.

→ **Amend Objective 30 in Chapter 3.11 (River bed gravel extraction) to read:**

**OBJ 30** Subject to Objective LW1, the ~~The~~ maintenance of the use and values of the beds of rivers and the avoidance of any significant adverse effects on the river bed resulting from the extraction of gravel.

→ **Amend Policy 50(b) in Chapter 3.11 (River bed gravel extraction) to read:**

**POL 50** To assess the availability of river bed gravel by:

- (a) ...
- (b) ensuring that as far as practicable, long term gravel extraction is undertaken at a level consistent with maintaining the rivers close to their design profiles, while maintaining compatibility with other resource management and environmental values, particularly those values and uses identified in Objective LW1 and Policy LW2.

→ **Amend Policy 53 in Chapter 3.11 (River bed gravel extraction) to read:**

**POL 53** In considering consent applications for the extraction of river bed gravel, to have regard to the following criteria, subject to Objective LW1: ...

## Amendments to Chapter 9 (Glossary) of Hawke's Bay Regional Resource Management Plan

### → Amend Glossary by adding new definition to read:

#### **Catchment area**

For the purpose of this Plan, means a grouping of surface water catchments and groundwater catchments. Indicative location of each Catchment Area is set out in Appendix A.

#### **Catchment Based Process**

.....

#### **Greater Heretaunga / Ahuriri Catchment Area**

Means a catchment area including the Ahuriri Estuary, Karamu Stream, Ngaruroro River, Tutaekuri River, their tributaries, plus associated Heretaunga Plains groundwater catchments. Indicative location of the Greater Heretaunga / Ahuriri Catchment Area is set out in Appendix A.

#### **Mohaka Catchment Area**

Means a catchment area including the Mohaka River, its tributaries, plus associated groundwater catchments. Indicative location of the Mohaka Catchment Area is set out in Appendix A.

#### **Tukituki Catchment Area**

Means a catchment area including the Waipawa River, Tukituki River, Makaretu River, Makaroro River, Makara Stream, Omakere Stream, their tributaries, plus associated groundwater catchments. Indicative location of the Tukituki Catchment Area is set out in Appendix A.

### → Amend definition of 'wetland' as follows in Chapter 9 and consequentially delete footnotes<sup>3</sup> stating similar elsewhere in Plan:

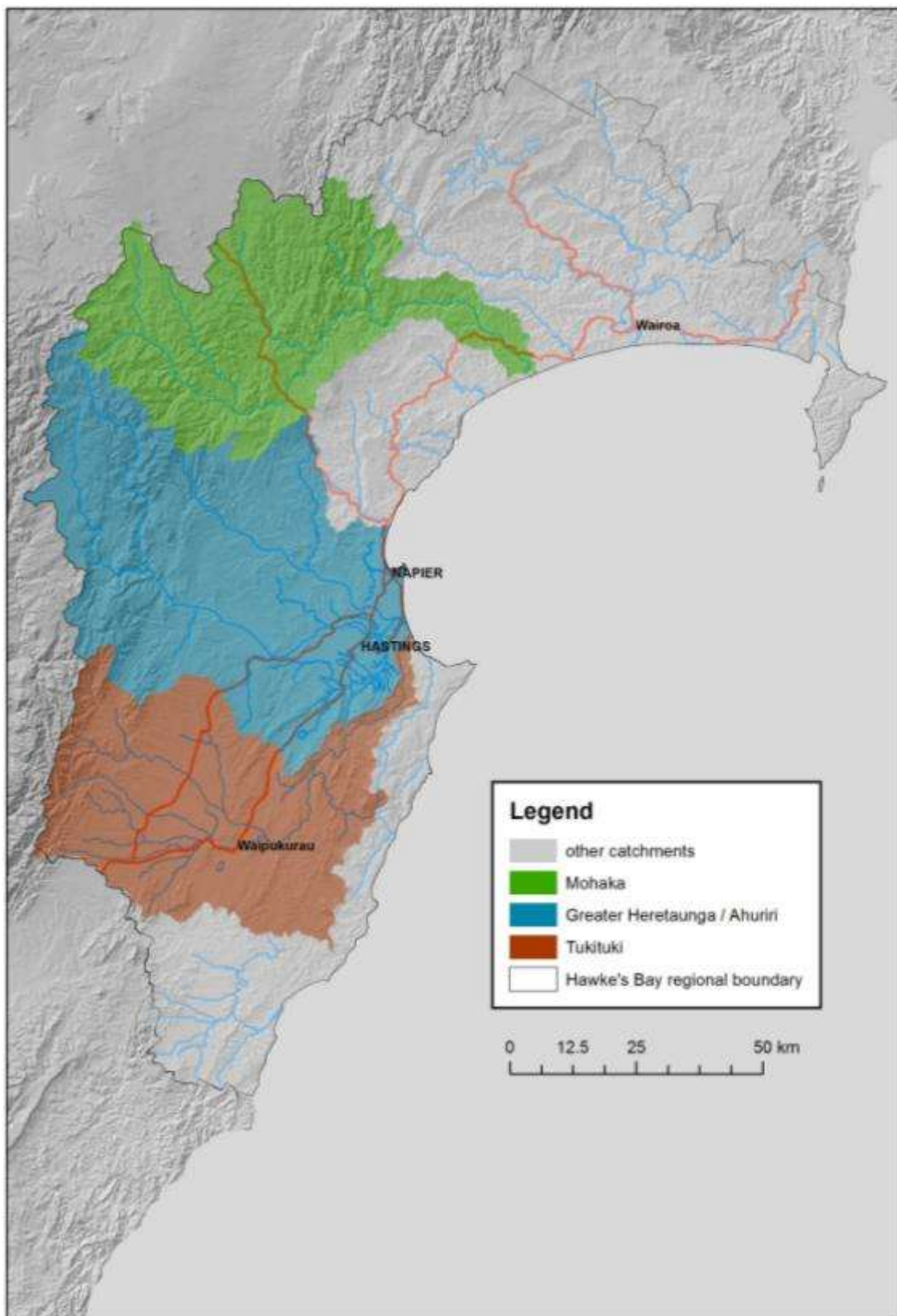
**Wetland** includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. *For the purposes of this Plan, a wetland is not:*

- a) wet production land*
- b) artificial wetlands used for wastewater or stormwater treatment*
- c) farm dams and detention dams*
- d) land drainage canals and drains*
- e) reservoirs for fire fighting, domestic or municipal water supply*
- f) temporary ponded rainfall*
- g) artificial wetlands created for beautification purposes.*

## And make any other consequential amendments to the Regional Resource Management Plan

<sup>3</sup> Examples of such footnotes are those associated with Chapter 3.4.7 and Rule 10(g).

Appendix A – Indicative locations of 'Catchment Areas' in POL LW2







**To:**

**Chief Executive  
Hawke's Bay Regional Council  
Private Bag 6006  
Napier 4142**

**Email [submission@hbrc.govt.nz](mailto:submission@hbrc.govt.nz)**

**SUBMISSION FROM: HASTINGS/HAVELOCK NORTH FOREST & BIRD BRANCH**

**Vaughan Cooper**

Chairman of Hastings Havelock/North Branch  
4 Aintree Road  
Havelock North 4130

Phone 06-877-5698  
email:[vaughanc@clear.net.nz](mailto:vaughanc@clear.net.nz)

**This submission is made to the Hawke's Bay Regional Resource Management Plan, Proposed Change 5 – Land and Freshwater Management.**

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

Signature:

VW Cooper.

Date: 5 November 2012

## **ROLE of Royal New Zealand Forest and Bird Protection Society Incorporated**

Forest & Bird is New Zealand's largest independent conservation organisation that works to preserve our natural heritage and native species.

Originally formed to protect our native forests and birds, our role has since grown to include protection of all native species and wild places, – on land and in our oceans, lakes and rivers. We give nature a voice. We speak for all our threatened species and fragile places - from endangered Maui's dolphins to high-country tussock-lands.

We work with other environmental organisations, such as BirdLife International, on environmental issues in New Zealand's Exclusive Economic Zone, the wider Pacific and in Antarctica. We are not a government organisation and do not receive government funding – we rely on the generosity of our members' subscriptions, donations and bequests to carry out our conservation work.

Forest & Bird is New Zealand's longest-serving conservation organisation, formed in 1923 in response to widespread extinction of native species and destruction of our native forests.

Since it was formed Forest & Bird has played an active role in preserving New Zealand's environment and native species. We have helped establish protection for a third of our country's land in parks and reserves, put an end to logging of our native forests and helped bring species such as the kakapo and kokako back from the brink of extinction. Within New Zealand we have grown to number 70,000 members and supporters. We have over 700 members' supporters in Hawke's Bay and 320 within the Havelock/Hastings Branch.

Our values include retention of remaining natural forests, waterways, wetlands; water quality and flows to maintain the natural level and scale of the regions biodiversity.

## GENERAL SUBMISSION

### **Introduction: The importance of rivers and (remaining) wetlands in the region**

#### **1. Reasons for the submission are:**

2. We are concerned about the lack of consultation in regard to the implementation of Change 5. The lack of HBRC sponsored meetings, timeframes and submission deadlines are all hurdles for a voluntary organisation to contribute to such an important and fundamental process to the region as the implementation of the Regional Policy Statement. The lack of consultation on including the change in the Environment Protection Agency/Board of Enquiry process inter-alia Ruataniwha Water Storage process and where we believe it would be more appropriate for a Hearings/Environment Court process.

#### **3. Implementation of the Regional Policy Statement**

- a. The Purpose and Principles of the Resource Management Act, including but not limited to
  - i. Safeguarding the life supporting capacity of all water, soil, and ecosystems in the Region
  - ii. the preservation of the natural character of the coastal environment (including the coastal marine area), remaining wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
  - iii. the protection of outstanding natural features and landscapes
  - iv. the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna
  - v. maintenance and enhancement of amenity values (see below);
  - vi. protection of the habitat of all native species
4. Protection of our significant water bodies and habitat is of vital importance for the maintenance and enhancement of the reputation of Hawke's Bay as a tourism/visitor destination and agricultural producer. This also has national significance for ensuring New Zealand delivers on its 100% Pure New Zealand brand promise.
5. The region's rivers and biodiversity provide significant economic benefits to Hawke's Bay and onto the national economy through tourism visitor spend. There are many tourism associated activity and service providers who cater for recreational use; including: walking, biking, swimming, rafting, canoeing, anglers and game bird hunters, Rivers and wetlands in their natural states are high value amenities – valued by all outdoor recreational groups, local and visitors alike.

The RPS should include these values for water bodies for protection. F&B want to see the Life supporting capacity of water bodies safeguarded, the natural character of water bodies protected, and the values identified recognized and protected; these (and explicitly stated) within the RPS.

6. Water quality and availability are intrinsic components to the rivers contribution to the economic life of the Hawke's Bay; to the primary, industrial, urban and the recreational users of that water. Resolution on quality and distribution is paramount on the well being of the region. The RPS should establish water quantity and quality limits to protect these values (and uses). The RPS should provide a sustainable balance for competing uses and not favour short term unsustainable economic gains.

The RPS should establish framework to ensure that water quality is maintained or where degraded and the values are affected, then the hydrology improved. Allocation of Water resource (use) should be 1<sup>st</sup> necessary, 2<sup>nd</sup> reasonable and 3<sup>rd</sup> where its meets these criteria it should be efficient.

#### **Wetlands and their Values**

7. Wetlands are some of the most diverse, complex and productive ecosystems on earth. Supporting and providing essential habitat for an array of micro-organisms, plants, insects, and animals. They are biodiversity concentrations, supporting indigenous flora and fauna. Wetlands also play a crucial role in environmental regulation: including flood, water quality, erosion and sediment protection; groundwater recharge; and climate regulation; as well as providing recreational and amenity values.
8. The Resource Management Act gives local government the mandate to recognise and provide for the protection of wetlands as a matter of national importance under sections 6(a) preservation of natural character; 6(b) preservation of outstanding features; and section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Under s6(c), due to the rarity of these remaining habitats, all wetlands should be considered significant and should be protected.
9. The Ministry for the Environment specifically identifies wetlands as a priority for protection as nationally important (MfE, 2007).

**Forest and Bird seek the following relief:**

1. Forest & Bird submit that Change 5, in relation to achieve integrated management of freshwater resources, land use and development, to give effect to the NPS Freshwater; that we wish that the following be added:
2. Modify Change 5 to establish the framework and policy context within which the future anticipated plan changes outlined in the Regional Council's adopted NPSFM Implementation Programme. Add the following key elements:
  - a. The identification in the Plan of freshwater values for all water bodies in each catchment;
  - b. The establishment of freshwater objectives to be set in the Plan which provide for these values
  - c. The setting of water quality and quality limits which when met will allow the freshwater objective to be met; and
  - d. The identification of the process by which these values, objectives, limits and targets would be developed, and a timeframe for doing so.
3. Include provisions in Change 5 to allow for improvement of the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated, particularly in relation to nutrient concentrations in ground and surface water bodies.
4. That provisions are included which ensure that the life supporting capacity of water, soil, and ecosystems are safeguarded
5. That provisions are included in the RPS to preserve the natural character of the coastal environment, lakes and rivers and their margins and the protection of them from inappropriate subdivision, use, and development;
6. We oppose OBJ LW 1 in its current form and asked that it to be modified to provide for the key elements (2 a. – d. above) required giving effect to the NPS Freshwater in the RPS.
7. That provisions are included in the RPS plan to identify and protect the natural Character of all wetlands and their biodiversity in the Hawke's Bay region.

Thank you for considering my submission.

Yes- I would like the opportunity to speak to my submission and

Yes – would consider joining with others who have similar submission points.

Regards,  
Vaughan Cooper  
4 Aintree Road, Havelock North





# Submission on proposed plan, plan change or variation

(Form 5)

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

Office Use	
Submission ID#:	Sub# 11
Date received:	_____
DBase entry date:	_____

## SUBMITTER DETAILS

Name of submitter[full name]: Hawke's Bay Environmental Water Group

Contact person [if different to above, or if submitter is an organisation]: Secretary David Renouf

Postal address: 603 A. Ballantyne Street Phone #(s): 8783239  
Hastings

Post code: 4120 Fax #: \_\_\_\_\_

Email: \_\_\_\_\_

PLEASE NOTE: your 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.

## SUBMISSION DETAILS [a useful guide to writing a submission is attached to this form]

The proposed plan, plan change or variation my submission relates to [title and reference number if applicable]: Land and freshwater management Change 5

The specific provision(s) of the proposal that my submission relates to are: \_\_\_\_\_

RPS change 5 must provide precise guidance and direction

OBJ 21 not to be deleted.

Provide precise guidance and direction with OBJ a POL so that soil is enhanced.

Primary Values long-finned eel habitat a passage.

My submission is [include whether you support or oppose the specific provisions or wish to have them amended along with your reasons for your views]:

Oppose OBJ 21 being deleted, because it allows pollution of aquifers.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I seek the following decision from the Council [give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]

Attach additional pages if necessary:

See attached two pages, -- and 'coloured' photo of algae bloom.

Do not delete OBJ 21

Do not delete words from OBJ 22, 25, 27

Provide precise guidance and direction with OBJ a POL so that the soil is enhance a then has the capacity to capture and retain nutrients.

POL TW3 to recognise the importance of managing and enhancement of the soil health - humus.

Do you wish to be heard in support of your submission?

Yes / No (circle one)

If others make a similar submission, would you consider presenting a joint case with them at a hearing?

Yes / No (circle one)

Signature of submitter: Secretary of HBEWG D.W. Penney  
[or person authorised to sign on behalf of submitter]

Date: 26<sup>th</sup> October 2012.



To: HBRC submission on proposed RPS change 5 – ‘Land & Freshwater management’

These are monumental decisions taking place in land & freshwater management.

These will be the biggest decisions ever seen in the history of HB

These decisions will affect the future & some people may not see the effects which may take place so how can people who make these decisions today be made accountable for any future adverse effects?

→ **One way is to provide precise guidance & direction which must be in the RPS change 5 document**

Request that OBJ LW1 states ‘recognises the need for freshwater quality to be maintained and enhanced’

Table 1: add to all Primary Values. Domestic water supplies. [70 in Tamumu area, Hautope scheme & Heretaunga aquifer].

Add to Tukituki, Heretaunga area Primary Values long-fin eel habitat & passage

It is not acceptable deleting OBJ 21 - No degradation of existing groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems.

→ Request that OBJ 21 be not deleted. – Because - By deleting OBJ 21 removes the obstruction which will now allow Hastings District Council to proceed to discharge stormwater containing contaminants from road runoff & industrial yards into surface water & onto/into land over the Heretaunga Plains Unconfined Aquifer. [Hastings aquifer drinking water.]

Also it will allow intensified farming activities to discharge contaminants which can/will leach into the Ruataniwha Plains aquifer system.

Some HBRC staff may have made an individual, conscious decision to recommend deletion of OBJ 21.

Point in time 30 July 2012 which may look upon in the future as disastrous decision, because of LAG time

→ Request HBRC Councillors that you do not delete OBJ 21. [leaching lag time can be >50 years]

→ Part of wording has been deleted from OBJ 22

Request that this wording be included ‘The maintenance or enhancement of’

Reason groundwater will be allowed to deteriorate because the word enhancement has been deleted.

HBRC it is most important because this is OUR drinking water that the ‘no-risk’ method must be kept, so that the BEST protection prevails for OUR Hastings drinking water

**By removing the word enhancement it takes away the reason for HBRC to enhance groundwater quality, which is a Duty for HBRC under RMA s30 to do. [point of law]**

“(c)(ii) the maintenance and enhancement of the quality of water in water bodies and coastal water”

Section 32 wording on this point may be misleading. Some groundwater exceeds NZDWS

→ Request that POL LW3 put a greater emphasis on addressing the cause not the effects.

HBRC this is surly a challenge will you be so brave to undertake this? Insert OBJ & POL for direction

→ Request that there is no deleting of the words, ‘The maintenance of the water’ in OBJ 25, & ‘The maintenance or enhancement of’ in OBJ 27.

**By removing the words maintenance & enhancement it takes away the reason for HBRC to maintain & enhance surface water quality, which is a Duty for HBRC under RMA s30 to do. [Point of law]**

HBRC provide precise guidance & direction with OBJ & POL so that the soil is enhanced & then has the capacity to capture & retain nutrients so that nutrients can be used by the plants instead of the nutrients

→ being leached

Request place more emphasis & provide guidance & direction on soil health humus in the RPS change 5 in POL TW3 by recognising the importance of managing and enhancement of the soil health humus.

**Because of the major part which soil condition [humus] influences freshwater quality**

Quote "When the humus content increases to six percent that soil can retain 600,000 litres/ha – equivalent to 150 mm of rain" Grant Paton Ref: p123 Dairy Exporter May 2010

New research, which can assess N and water needs in a paddock, is underway. Growth cycle of the plant will be modelled – Lincoln Ventures. Ref: p 62 Dairy Exporter October 2012

Request that HBRC provide guidance & direction by signalling the need to have

- RMA Third Schedule Water Quality Classes in the RRMP

NOTE: the increase of adverse effects of nutrients from Ngaruroro, Tukituki, Tutaekuri, Maraetotara, Clive rivers, which is impacting on Hawke Bay marine waters with the increase of red/purple algae.

Rivers near outfall Ngaruroro, Tukituki, Tutaekuri, Maraetotara, Clive

"Rivers average daily load

- total nitrogen 4983 kg/per day,
- total phosphorous 402 kg/per day"

Ref: HDC Tangata Whenua Wastewater Joint Committee 31/08/2012

From the secretary of Hawke's Bay Environmental Water Group

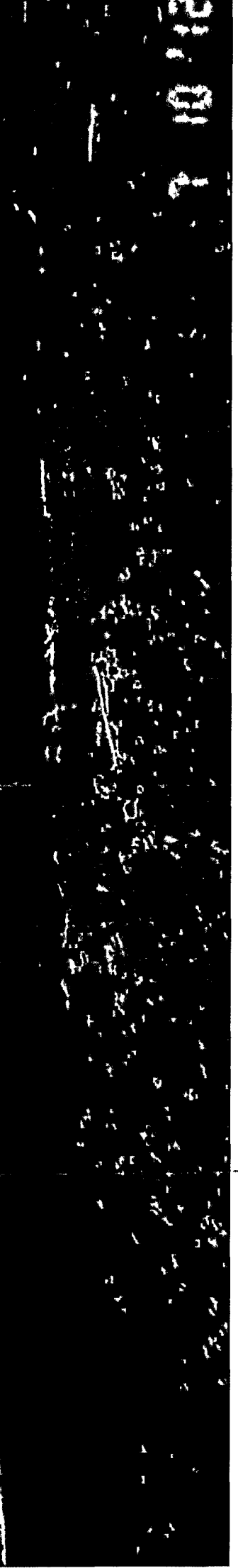
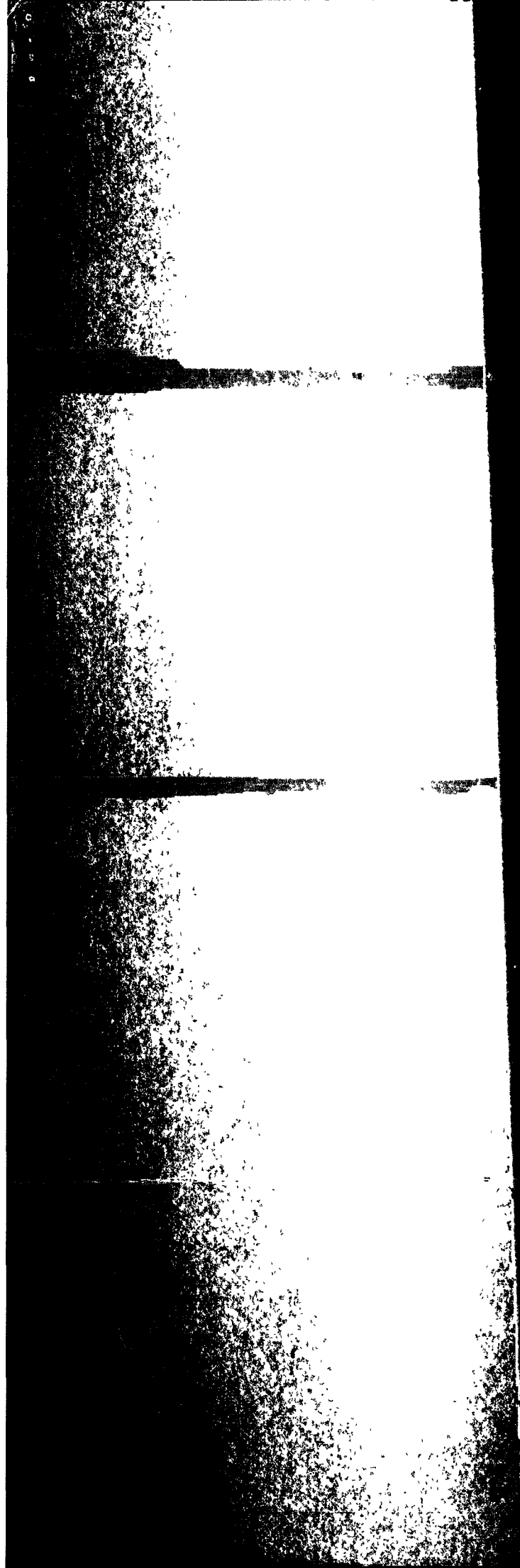
*D.W. Renouf.*  
David Renouf, 603A Ballantyne Street, Hastings 4120

17 October 2012

trp

*24<sup>th</sup> October 2012*

*Attached colour photo of algae bloom at Marine Parade location on 7<sup>th</sup> October 2012.*



21.01.1



# COMMENTS

TELEPHONE 0800 327 646 | WEBSITE [WWW.FEDFARM.ORG.NZ](http://WWW.FEDFARM.ORG.NZ)



Sub# 12

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

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

Date: 5 November 2012

Comments 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](mailto: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](mailto:rdasent@fedfarm.org.nz)

Hawke's Bay Federated Farmers welcomes this chance to comment on Proposed Change 5 for Land and Fresh Water Management.

We acknowledge any comments that have been lodged by individual members.

We wish to be heard.

## 1 General

Federated Farmers support the intent of Proposed Plan Change 5, to enhance the framework for the integrated management of land and water resources in the region, and to assist in giving effect to the National Policy Statement (NPS) for Freshwater and the Hawkes Bay Land and Water (L&W) Management Strategy.

We commend Council on the strong collaborative process underpinning the development of this proposed change and other related policy and planning documents.

A number of recommendations are made below, principally to improve clarity and to assist alignment with the NPS and the L&W Management Strategy.

## 2 Provision in the proposed Change:

**ISS LW 1:** *Potential for ongoing conflict between multiple, and often competing, values and uses of fresh water and limited integration in management of land and water to promote sustainable management of the region's natural and physical resources.*

### Comments:

ISS LW1 sets the frame (and the tone) for the proposed new chapter which elaborates guiding principles and policies for integrated sustainable management of land and fresh water, and which helps give effect to national and regional documents as noted above.

As currently drafted we suggest that, while the issue statement highlights key areas, it perhaps over-emphasises potential problems and minimises existing collaborative initiatives and integrative programmes.

Federated Farmers recommend that the issue statement could be strengthened and streamlined with words to the following effect (*words adopted from the NPS*):

**Amend ISS LW1 to read:** Provide a management framework that enables water to contribute both to Hawkes Bay's economic growth and environmental integrity.

## 3 Provision in the proposed Change:

### **OBJ LW 1: *Integrated management of fresh water and land use and development***

*The management of fresh water and land use and development in an integrated and sustainable manner that:*

- 1. identifies outstanding freshwater bodies in Hawke's Bay region and protects their water quality;*
- 2. specifies targets and implements methods to assist improvement of water quality in catchments to meet those targets within specified timeframes*

3. *recognises that land uses, freshwater quality and surface water flows can impact on the receiving coastal environment;*
4. *safeguards the life-supporting capacity and ecosystems of fresh water with a priority for indigenous species;*
5. *recognises the significant national and regional value of fresh water for human drinking and animal drinking uses;*
6. *recognises the significant regional and national value of fresh water use for beverages, food and fibre production and processing;*
7. *recognises the potential for significant regional and national value arising from the non-consumptive use of water for renewable electricity generation;*
8. *promotes and enables the adoption of good land and water management practices;*
9. *ensures efficient allocation and use of water;*
10. *recognises and provides for wairuatanga and the mauri of fresh water bodies in accordance with the values and principles expressed in Chapter 1.6, Schedule 1, and the objectives and policies in Chapter 3.14 of this Plan;*
11. *recognises the differing demands and pressures on freshwater resources within catchments across the Hawke's Bay region, and where significant conflict exists between competing values, the Regional Policy Statement and Regional Plans provide clear priorities for the protection or use of those freshwater resources.*

Comments:

Federated Farmers support this objective. We note it is intended in part to give effect to the NPS, including the priority accorded to indigenous species.

Federated Farmers note and support changes made from the earlier draft, in particular the addition of items 6 and 8 which help give effect to the full range of values and uses described in the NPS.

We recommend just one small change to the first line of this objective.

**Amend OBJ LW1 to read:** The management of fresh water and the effects of land use and development in an integrated and sustainable manner

4 Provision in the proposed Change:

**Outstanding Water Bodies**

Comments:

We note the assessment of policy options in the s32 report; and support Council's position that further analysis and assessment be undertaken before amending the policy statement and/or regional plans in future.

5 Provision in the proposed Change:

**POL LW1: Problem solving approach - Catchment-based integrated management**

*To adopt a whole-of-catchment approach to managing fresh water and land use and development within each catchment area, that (in no particular order):*

- a) is consistent with the integrated management approach outlined in OBJ LW1*
- b) provides for Maori values and uses of the catchment in accordance with tikanga Maori*
- c) recognises the inter-connected nature of natural resources within the catchment area, including the coastal environment*
- d) protects water quality of outstanding freshwater bodies*
- e) promotes collaboration and information sharing between relevant management agencies, iwi and other stakeholders*
- f) takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water resources for future generations*
- g) aims to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible in accordance with Policy LW2*
- h) ensures the timely use and adaptation of statutory and non-statutory measures to respond to any significant changes in resource use activities or the state of the environment*
- i) allows reasonable transition times and pathways to meet any new water quantity limits or new water quality limits included in regional plans*
- j) ensures efficient allocation and use of fresh water within limits to achieve fresh water objectives*
- k) enables water storage infrastructure which can provide increased security for water users in water-scarce catchments while avoiding, remedying or mitigating adverse effects on freshwater values.*

Comments:

Federated Farmers support the focus on catchment-based integrated management and the proposed problem solving approach. We recommend expanding the list above to include two additional matters, ie, the importance of community collaboration and engagement, and the importance of excellent information to underpin good catchment policy (*both of which are highlighted in the NPS Implementation Guide and in the L&W Strategy*). These are matters which, to Councils credit, are already embedded in Council's operating practice (and may perhaps have been overlooked for this reason). We also recommend a small change to the first line, consistent with our recommendation above in respect of OBJ LW1.

**Amend POL LW1 to read:** To adopt a whole-of-catchment approach to managing fresh water and the effects of land use and development within each catchment area... **and add the following,**

- l) work collaboratively with the catchment community in setting targets, timeframes and methods at a catchment level
- m) ensure that the process for setting catchment targets, timeframes and methods is informed by the best available information and scientific and socio-economic knowledge; and by a clear understanding of the options including their achievability, costs, benefits and consequences
- n) facilitate the establishment of water user groups and self-empowering catchment groups for local land and water management initiatives



6 Provision in the proposed Change:

**POL LW2: Problem solving approach - Prioritising values**

1. Subject to Objective LW1.1 to 1.10, recognise and give priority to maintaining and enhancing the primary values and uses of freshwater bodies shown in Table 1 for the following catchment areas in accordance with Policy LW2.3 whilst avoiding significant adverse effects on the secondary values and uses:

- a) Greater Heretaunga/Ahuriri Catchment Area;
- b) Mohaka Catchment Area; and
- c) Tukituki Catchment Area.

2. In relation to catchments not specified above, the management approach set out in POL LW1 will apply

3. Subject to Objective 1.1 to 1.10, manage the freshwater bodies listed in Policy LW2.1 in a manner that:

- a) recognises and gives priority to maintaining and enhancing primary values and uses identified in Table 1; and
- b) avoids, as far as is reasonably practicable, significant adverse effects on secondary values and uses identified in Table 1; and
- c) uses a catchment-based process in accordance with POL LW1 to evaluate and determine the appropriate balance between any conflicting primary values and uses in Table 1.

**Table 1:**

<b>Catchment Area</b>	<b>Primary Value(s) and Uses – in no priority order</b>	<b>Secondary Value(s) and Uses – in no priority order</b>
<b>Greater Heretaunga/Ahuriri Catchment Area</b>	<ul style="list-style-type: none"> <li>• Industrial &amp; commercial water supply</li> <li>• Natural character in sub-catchments upstream of Whanawhana cableway</li> <li>• Urban water supply for cities and townships</li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in Ngaruroro River</li> <li>• Amenity for contact recreation (incl. swimming) in lower Ngaruroro River, Tutaekuri River and Ahuriri Estuary</li> <li>• Native fish habitat</li> <li>• Recreational trout angling</li> <li>• Trout habitat</li> </ul>
<b>Mohaka Catchment Area</b>	<ul style="list-style-type: none"> <li>• Amenity for water-based recreation between SH 5 bridge and Willowflat</li> <li>• Long-fin eel habitat and passage</li> <li>• Recreational trout angling in Mohaka River and tributaries upstream of SH 5 bridge</li> <li>• Scenic characteristics of Mokonui and Te Hoe gorges</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in Mohaka River below railway viaduct</li> <li>• Native fish habitat below Willowflat</li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> </ul>
<b>Tukituki Catchment Area</b>	<ul style="list-style-type: none"> <li>• Industrial &amp; commercial water supply</li> <li>• Native fish and trout habitat</li> <li>• Urban water supply for towns and settlements</li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in the lower Tukituki River</li> <li>• Amenity for contact recreation (incl. swimming) in lower Tukituki River.</li> <li>• Recreational trout angling in: middle Tukituki River and tributaries between SH50 and Tapairu Road; and middle Waipawa River and tributaries between SH50 and SH2.</li> </ul>

Comments:

Federated Farmers supports the clear strategic prioritisation of values as outlined in this policy and in table 1.

We note that the s32 report clarifies that this policy does not prescribe precisely how each value/use is prioritised; and that values and uses can be accorded different relative priorities at a sub-catchment level.

7 Provision in the proposed Change:

**POL LW3: Problem Solving Approach – Managing use of production land use**

*To manage the use of, and discharges from, production land in specified catchments so that:*

- a) the discharge of nitrogen to land, and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded*
- b) the discharge of faecal matter from livestock to land, and thereafter to groundwater and surface water, does not cause human consumption and irrigation guidelines for water quality set out in regional plans to be exceeded*
- c) any monitored exceedances of soluble reactive phosphorous limits set out in policy 71 of this Plan is used to target and prioritise the Regional Council's non-regulatory methods*

Comments:

Federated Farmers support the intent to manage the effects of land use in order to meet objectives and limits agreed through the catchment-based integrated management approach.

As currently drafted however, the policy is awkwardly structured, and it is not clear why catchment objectives and limits are not the touchstone for all contaminants of concern? More importantly, the wording is at odds with the over-riding intent of proposed Change 5, ie, to provide for integrated management.

Federated Farmers recommend that the policy be amended to provide for an integrated approach across land uses, and to sharpen the focus of this policy on managing the effects of land use in order to meet objectives and limits.

The “*principal reasons and explanation*” to this policy describes a proposed prioritisation of methods and triggers for nitrogen, phosphorous and faecal matter. Federated Farmers acknowledge that a different mix of regulatory or non-regulatory tools may be appropriate in the context of catchment-specific issues and objectives. We suggest however, that this discussion is at a level of detail which may be more appropriately addressed at the catchment level; and/or that principles for prioritising the use of regulatory and non-regulatory tools would be more appropriately discussed in POL LW4 below.

**Amend POL LW3 to read: Managing the effects of use of production land use to meet objectives and limits**

To manage the effects of use of, and discharges from production, urban, industrial and other land uses in specified catchments so that:

- a) the discharge of nitrogen to land, and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area objectives or limits for nitrogen set out in regional plans to be exceeded
- b) the discharge of faecal matter ~~from livestock~~ to land, and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area objectives or limits for relevant (bacterial) water indicators set out in regional plans to be exceeded ~~human consumption and irrigation guidelines for water quality set out in regional plans to be exceeded~~
- c) the discharge of phosphorous to land, and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area objectives or limits for phosphorous set out in regional plans to be exceeded ~~any monitored exceedances of soluble reactive phosphorous limits set out in policy 71 of this Plan is used to target and prioritise the Regional Council's non-regulatory methods~~

**Amend principal reasons and explanation:** delete the current text.

8 Provision in the proposed Change:

**POL LW4: Role of non-regulatory methods**

*To use non-regulatory methods, as set out in chapter 4, in support of regulatory methods, for managing freshwater and land use and development in an integrated manner, including:*

- a) *research, investigation and provision of information and services – HBRC has in place a programme of research, monitoring and assessment of the state and trends of Hawkes Bay's natural resources. That programme will continue to be enhanced to assist HBRC implement the NPSFM and the L&W Management Strategy*
- b) *advocacy, liaison and collaboration – HBRC will promote a collaborative approach to the integrated management of land use and development and the region's fresh water resources*
- c) *land and water strategies – the 2011 L&W Management Strategy contains a variety of policies and actions. A range of agencies and partnerships will be necessary to implement the policies and actions in the Strategy*
- d) *regional plan provisions – HBRC will review regional plans and prepare changes to those regional plans to promote integrated management of land use and development and the region's water resources. Most regional plan changes will be on a catchment basis, although some changes may be prepared for specific issues that apply to more than one catchment.*

Comments:

Federated Farmers support non-regulatory methods as a key mechanism for meeting (*often exceeding*) community objectives; and we acknowledge with appreciation the strong commitment

Council makes to resourcing non-regulatory programmes in partnership with landowners and others across the region.

As currently drafted, this policy describes non-regulatory methods in broad terms with reference to other chapters and documents. We suggest it could perhaps be strengthened with the explicit incorporation of key themes from the L&W Strategy (in particular, the focus on partnership initiatives), and key principles which underpin Council's regulatory and non-regulatory programmes (in particular, the focus on efficient targetting of both rules and non-regulatory investments to minimise transaction costs, and to deliver best-bang-for-buck outcomes).

As noted above, this may also be the appropriate place to discuss prioritisation of methods. The NPS provides that the full suite of methods – both regulatory and non-regulatory – are available as required to suit the individual catchment, and it may be appropriate to record that principle here.

The "*principal reasons and explanation*" recognise the importance of the collaborative approach as a means of minimising conflict and managing competing values. It would be of value here to also record other benefits of the collaborative approach (eg, willing buy-in, minimising transaction costs and recognising public and private benefits from shared investments)

**Amend POL LW4 and/or the Explanation:** to give effect to the points noted above.

## 9 Provision in the proposed Change:

### **Anticipated Environmental Results**

Comments:

Federated Farmers note and generally support the list of result areas and indicators, including the addition of indicators for regional economic prosperity and unemployment trends.

We note the inclusion of a new result area, ie, that "*quality of freshwater in region overall is improved*". We recommend that for consistency with the NPS, this be amended to "overall maintained or improved"; and we recommend small amendments to the indicators.

**Amend anticipated environmental results to read:**

- Quality of fresh water in region overall is maintained or enhanced

**Amend indicators to read:**

- Move "catchment contaminant load modelling and monitoring" from *Efficient allocation of water* to the new *Quality of fresh water* result area
- Amend the quality indicator to read: "catchment objectives are met and limits in regional plans are not exceeded"

## INSERTIONS INTO OTHER CHAPTERS OF THE REGIONAL RESOURCE MANAGEMENT PLAN

### 10 Provision in the proposed Change:

**OBJ 15A:** *The management of fresh water and land use and development in a manner which protects significant values of wetlands.*

#### Comments:

Federated Farmers note the new objective is proposed for consistency with the NPS.

We recommend small changes for consistency with other policies.

**Amend OBJ 15A to read:** Subject to OBJ LW1, the management of fresh water and the effects of land use and development in a manner which protects significant values of wetlands.

### 11 Provision in the proposed Change:

**New POL 4A:** *To use non-regulatory methods, as set out in Chapter 4 and in Policy 4(a) to (d) below, in support of regulatory methods for protecting significant values of wetlands.*

#### Comments:

Federated Farmers note that this policy shifts the emphasis from non-regulatory methods as the primary means of protecting significant wetlands towards using non-regulatory methods in support of regulation.

We are appreciative that Council has an existing commitment to providing works and services, or financial support, for priority wetlands (subject to management plans or covenants being in place). In this context, we request that Council provide further details of the extent to which priority wetlands may already be subject to appropriate levels of management in partnership with Council; and the extent to which there may be other significant wetland values captured by this policy which to date have not been classified as priorities?

Federated Farmers support the intent to protect significant values of wetlands and endorse the multiple roles they can perform as noted in the explanation (including nutrient filtering, sediment trapping, habitat and recreation). Our concern is that there may be wetlands which have not been determined to be of sufficient priority for assistance with works and services, but nevertheless are deemed sufficiently significant to be regulated? We would welcome an opportunity to discuss this further with Council.

#### **Amend POL 4A to read:**

To use non-regulatory methods, as set out in Chapter 4 and in Policy 4(a) to(d) below, as the primary means ~~in support of regulatory methods~~ for protecting significant values of wetlands.

12 Provision in the draft Change:

Amend definition of 'wetland' in Chapter 9 as follows:

**Wetland** includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. For the purposes of this Plan, a wetland is not:

- a) wet production land
- b) artificial wetlands used for wastewater or stormwater treatment
- c) farm dams and detention dams
- d) land drainage canals and drains
- e) reservoirs for fire fighting, domestic or municipal water supply
- f) temporary ponded rainfall
- g) artificial wetlands created for beautification purposes.

Comments:

Federated Farmers support this revised definition, intended to clarify what is not a wetland.

We propose one small change: artificial wetlands may be constructed for many purposes, not just b) and g) as noted above (eg, nutrient attenuation, sediment retention etc).

**Amend the definition of wetland to read:** g) artificial wetlands ~~created for beautification purposes.~~

13 Provision in the draft Change:

**OBJ 22** *Subject to Objective LW1, groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems and in unconfined or semi-confined productive aquifers is suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality.*

Comments:

Federated Farmers support this objective (and the consequential change to anticipated environmental results in chapter 3.8)

14 Provision in the draft Change:

**Policy 16 Regulation – discharges over Heretaunga Plains and Ruataniwha Plains aquifer systems**

3.8.13 *To regulate the following activities involving the discharges of contaminants onto or into land over the Heretaunga Plains unconfined aquifer area (as shown in Schedule Va) or Ruataniwha Plains unconfined aquifer area (as shown in Schedule IV) at a rate that may cause contamination of the aquifer systems:*

- the storage of stock feed
- the use of compost, biosolids, and other soil conditioners
- animal effluent discharge
- management of solid waste

- *existing domestic sewage disposal systems*
- *new domestic sewage disposal systems*
- *stormwater discharges*
- *discharges to land that may enter water*
- *the use of production land*

Comments:

Federated Farmers acknowledge and share Council's concern to safeguard the Heretaunga and Ruataniwha aquifers; and acknowledge that this concern has prompted the proposed addition of the final bullet point.

We acknowledge also that Council is working actively alongside the primary sector to develop new collaborative catchment models (which may include shared consents), to align with industry initiatives and audit programmes, and to develop a staged and stepped approach to transition pathways which may include judicious application of regulatory tools.

Federated Farmers notes further that the Regional Plan establishes a general principle that Council seeks to impose the minimum regulation required; and to use regulatory tools tempered by provisos relating to significance and effects. While most of the bullets above appropriately refer to risks associated with point source discharges and concentrated contaminant sources, the *use of production land* is a more amorphous and all-encompassing category. We do not question that the use of production land may have effects on water quality, but we suggest that the wording should clarify that the focus is still on judicious assessment of effects and significance (*and that the intention is not simply to regulate all land use*).

We recommend that the explanation to this policy be expanded to include some of this supporting context; and recommend amendments to the proposed policy as below.

**Amend the proposed new bullet point to read:** significant adverse effects of the use of production land

15 Provision in the proposed Change:

**Amend Issue 3.10.1: Surface water resources:** *The potential degradation of the values and uses of rivers, lakes and wetlands in Hawke's Bay as a result of:*

- (a) *The taking, use, damming and diversion of water, which may adversely affect aquatic ecosystems and existing lawfully established resource users, especially during droughts.*
- (b) *Stock access to water bodies and nonpoint source discharges (including production land use activities) which cause contamination of rivers, lakes and wetlands, and degrade their margins.*
- (c) *Point source discharges which cause contamination of rivers, lakes and wetlands.*

Comments:

Federated Farmers note that the only real change to the existing policy is the addition of the bit in brackets, ie, clarifying that non point source discharges include production land use activities.

We note that the Regional Plan Glossary provides a definition of non point source (diffuse) discharges which clarifies that these arise from a wide and diffuse area. Obviously these may include production land use activities as well as diffuse discharges from other land uses.

We note also that the explanation to the consequential objectives already clarifies that non point source discharges include diffuse run off from agricultural land use activities.

We question why the proposed amendment is necessary? If it is intended to remove doubt, then the proposed addition (or in fact the glossary) should include reference to other nonpoint source discharges including from urban and industrial land use activities for completeness. More simply however, we suggest it be deleted.

**Amend Issue 3.10.1 to read:** (b) Stock access to water bodies and nonpoint source discharges (~~including production land use activities~~) which cause contamination of rivers, lakes and wetlands, and degrade their margins.

16 Provision in the proposed Change:

**Amend Objective 25, Surface water resources:**

*Subject to OBJ LW1, the quantity of water in the wetlands, rivers and lakes is suitable for sustaining aquatic ecosystems in catchments, and ensuring resource availability for a variety of purposes across the region, while recognising the impact caused by climate fluctuations in Hawkes Bay.*

Comments:

Federated Farmers support this objective.

17 Provision in the proposed Change:

**Amend Objective 27, Surface water resources:**

*Subject to OBJ LW1, the water quality in rivers, lakes and wetlands is suitable for sustaining or improving aquatic ecosystems in catchments, and for other fresh water values identified in accordance with a catchment-based process as set out in POL LW2, including contact recreation purposes where appropriate.*

Comments:

Federated Farmers support this objective (*albeit noting it is slightly more wordy than its companion objective above*). Federated Farmers also support the consequential amendments to Policy 47.



18 Provision in the proposed Change:

**Insert new objective 27A, Surface water resources:**

*Subject to Objective LW1, remnant indigenous riparian vegetation on the margins of rivers, lakes and wetlands is maintained or enhanced in order to:*

- (a) maintain biological diversity; and*
- (b) maintain and enhance water quality and aquatic ecosystems.*

Comments:

Federated Farmers support the intent of this objective; alongside commitments made by the primary sector and Council in the L&W Strategy to advocate for riparian planting and fencing, and to prioritise areas where most benefits can be achieved.

19 Provision in the proposed Change:

**Insert new Policy 47A, Decision-making criteria – land-based disposal of contaminants:**

*Subject to Objective LW1, promote land-based disposal of wastewater, solid waste and other waste products so that:*

- a) the adverse effects of contaminants entering surface waterbodies or coastal water are avoided as far as practicable; and*
- b) any disposal of waste water, solid waste or other waste products to a surface waterbody or coastal water occurs only when it is the best practicable option.*

Comments:

Federated Farmers support this objective.

20 Provision in the proposed Change:

**Objective 29, Objective 30, Policy 50(b), Policy 53 – River bed gravel extraction**

Comments:

Federated Farmers support the proposed amendments, ie, making each of these objectives and policies subject to OBJ LW1.

---

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 local government decisions impact on our member's daily lives as farmers and members of local communities.

---

Hawke's Bay Federated Farmers thanks the Regional Council for considering our comments to Proposed Change 5 to the Regional Policy Statement.





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

**Contact details:** **Peter McIntosh**  
Regional Manager, Hawkes Bay  
PO Box 7345  
Taradale  
Napier 4141  
email: [pmcintosh@fishandgame.org.nz](mailto:pmcintosh@fishandgame.org.nz)

**Rob Pitkethley**  
Regional Manager, Eastern  
Private Bag 3010  
Rotorua  
Email: [rpitkethley@fishandgame.org.nz](mailto:rpitkethley@fishandgame.org.nz)

**Regional Council:** Hawkes Bay Regional Council  
P O Box 7345  
Taradale  
Napier 4141

This submission is made in relation to the Hawkes Bay Regional Resource Management Plan, Proposed Change 5 – Land and Freshwater Management.

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 if will consider presenting a joint case at hearing with others presenting similar submission.

Signature: Pete McIntosh- Regional Manager, Hawkes Bay Region

A handwritten signature in black ink, appearing to read 'Pete McIntosh'.

Date: 5/11/2012

## ROLE OF FISH AND GAME

1. Fish and Game Councils are Statutory Bodies with Functions (*inter alia*) 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*  
  
*(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.
2. 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.'*

## GENERAL SUBMISSION

### **Introduction: The importance of sports fishery and game bird resource in the region**

3. **Reasons for the submission are:**
4. The sports fish and game bird resources of the Hawkes Bay region are highly valued throughout the Region. On the basis of 2010/2011 licence figures, Fish and Game represent holders of over 4,300 angling and hunting licences in Hawkes Bay. The sports fishery, in particular is significant, with over 36,100 angler days being spent on the Region's waters (NIWA National Angling Survey 2007/08). The outstanding recreational trout fishery value of the Region is reflected by the operative Mohaka River Water Conservation Order, the application for a Ngaruroro River Water Conservation Order, the Ruakituri River which is listed within the top 3 rivers in the North Island which meet the criteria for WCO application along with the Waiau River. A further 20 rivers, lakes, and wetlands, are considered outstanding in the Region.
5. Hawkes Bay is one of the key regions in the North Island for quality river fisheries, The Water Conservation Order on the Mohaka River is testament to that. However, the Tukituki catchment is classed by many as the regions greatest fishery and is highlighted by the fact it receives the most angler use of all catchments in the region (11,920 (NIWA National Angling Survey 2007/08)) and is the second most fished river catchment in the North Island. The regular use of the Tukituki river fishery is reflection of the great public access it has to all users including anglers and that fact it flows in close proximity to 4 major Hawkes Bay settlements. Regular use by angling guides for national and international anglers, plus the rivers frequent use as the setting for the national fly fishing championships also highlights the importance of this well used and respected trout fishery.
6. Sports fisheries have existed as part of a statutory regime in NZ since 1867, with the largely salmonid based fisheries a key value in and attribute of our freshwaters.

The current statutory basis and regime for sports fishery management is provided under Part VA of the Conservation Act 1987, as part of freshwater fisheries management, together with associated Freshwater Fisheries Regulations 1983 and Angler's Notices promulgated annually under this legislation.

7. Hawkes Bay also provides for significant wildlife habitat and game bird hunting opportunity, with key wetlands such as lakes Hatuma, Poukawa, Rununga and Oingo, with numerous other wetlands and its extensive rivers systems. Lake Hatuma is within the Tukituki catchment.
8. Game birds are recognised in the First Schedule of the Wildlife Act 1953 and their management by Fish and Game Councils under the Part II of that Act, with analogous regulations and annual Game Gazette Notices to the Anglers Notice. Please note that several of the principle game birds (grey duck, paradise shelduck, shoveler duck, black swan and pukeko) are native species.

#### Sports Fish and Game Bird Management

9. Sports fishery management sits within a framework established for freshwater fishery management and similarly game bird management within a framework of wildlife management jointly between Fish and Game Councils and the Department of Conservation in Part VB of the Conservation Act 1987. Aspects of fishery and game bird management (such as which species should be managed where) are covered by that legislation. Thus species management is primarily the function of DOC and Fish and Game Councils. The nature of this management is set out in some detail for each Fish and Game region in their respective statutory Sports Fish and Game Management Plans which have been through a public process and approved by the Minister of Conservation. These cannot be inconsistent with Conservation Management Strategies, for example. As statutory management plans, this regional plan and other such plans prepared under the RMA are obliged to have regard to such plans in their preparation (section 66(2)(c)(i)). Fish and Game submits that this plan does not adequately have regard for these plans, which is covered in more detail elsewhere in this submission.
10. Management of the habitat of all freshwater fish and wildlife and appropriate provision for the amenity derived from the fishery and game bird resource, however, is clearly the responsibility of regional and district councils under the RMA. Sections 5(a) and (b), and section 6(a) (preservation of natural character), s(6)(d) (regarding public access to water bodies) 7(c) (the maintenance and enhancement of amenity values), 7(h) (protection of the habitat of trout and salmon), and 7(d)(intrinsic values of ecosystems) are directly relevant to sports fishery management. While sections 5(a) and (b), and sections 6(a) (preservation of natural character of water bodies including wetlands), 6(c) (protection of areas of significant indigenous vegetation and significant habitats of indigenous flora and fauna, 7(c), and 7(d) are directly relevant to game bird management.
11. The inclusion of the protection of the habitat of trout and salmon (s(7)(h)) in the RMA (1991) has a dual purpose; firstly in recognition of the national importance of these species. Freshwater sports fisheries are of high socio economic and socio cultural importance both domestically and internationally, providing a myriad of benefits to society (Weithman, 1999; Welcomme and Naeve 2001; Arlinghaus, Mehner & Cowx 2002).
12. Secondly, s(7)(h) provides de facto protection for our other freshwater species. Trout and salmon are amongst the most studied fish in the world. Salmonid habitat requirements (water quality and quantity and physical habitats) are well established in the literature. Regrettably the habitat requirements of most of our native fish species are much less well known. Given the sensitivity of salmonids to habitat degradation, it is recognised that the provision of salmonid habitat requirements provides protection for the health of other species in aquatic

ecosystems, and for Life Supporting Capacity generally. This is another reason for the inclusion of the protection for the habitats of these species in section 7(h). There is a good correlation between the habitat requirements of salmonids and suitability for other species and other purposes.

13. The region's sport fishery and game bird habitat provide significant economic benefits to Hawkes Bay and the national economy through generating increased visitor spend. There are many tourism associated activity and service providers who cater for anglers and game bird hunters, including specialised guiding services, accommodation and hospitality providers, transport and retail services. Many overseas anglers and hunters are affluent high value visitors.
14. Protection of our significant water bodies and game habitat is of vital importance for the maintenance and enhancement of the reputation of Hawke's Bay as a healthy and sustainable visitor region and agricultural producer. This also has national significance for ensuring New Zealand delivers on its 100% Pure New Zealand brand promise.

#### Wetlands

15. Wetlands are some of the most diverse, complex and productive ecosystems on earth. Supporting and providing essential habitat for an array of micro-organisms, plants, insects, and animals. They essentially act as biodiversity hot spots supporting indigenous flora and fauna, along with game bird species. Wetlands also play a crucial role in environmental regulation: including flood, water quality, erosion and sediment protection; groundwater recharge; and climate regulation; as well as providing recreational and amenity values.
16. Globally wetlands account for about 6% of land area, and are considered to be among the most threatened of all environmental resources. Since European colonisation in the mid 1800's the vast majority of New Zealand's wetlands have been drained or irretrievably modified for coastal land reclamation, farmland, flood control, and the creation of hydro electricity reservoirs. It is estimated that only 10% of the original wetland environment remains in New Zealand, with only 4.9% in the North Island (MfE, 2007), and less than approximately 10% in the Hawkes Bay region. The Ministry for the Environment specifically identifies wetlands as a priority for protection as nationally important (MfE, 2007).
17. The Resource Management Act gives local government the mandate to recognise and provide for the protection of wetlands as a matter of national importance under sections 6(a) preservation of natural character; 6(b) preservation of outstanding features; and section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Under s6(c), due to the rarity of these remaining habitats, all wetlands should be considered significant.
18. The proposed Change 5 as notified fails to identify or protect the Region's salmonid fishery values
19. The proposed Change 5 fails to adequately provide for the protection of wetland habitats and their flora and fauna.
20. The proposed Change 5 is not consistent with the hierarchy of legislation, policy statements and plans as required under the Resource Management Act 1991 (and subsequent amendments).

#### **General Submission on Proposed Change 5 – Land and Freshwater Management**

21. Fish and Game support the intent of proposed Change 5 to introduce new provisions relating to the integrated management of water and land in the Regional

Policy Statement parts of the Hawke's Bay Resource Management Plan. However, we have a number of concerns regarding the proposed provisions of Change 5, and submit that in its current form it fails to meet the purpose of the Act, give effect to the National Policy Statement for Freshwater 2011 (NPS Freshwater), and adequately address the significant water quality and quantity issues this region faces.

22. **Reason for the submission are:**

23. Change 5 in its current form does not adequately provide for / or give effect to:

24.1. The Purpose and Principles of the Resource Management Act, including but not limited to

24.1.1. Safeguarding the life supporting capacity of... water, soil, and ecosystems, and

24.1.2. the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;

24.1.3. the protection of outstanding natural features and landscapes

24.1.4. the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna

24.1.5. maintenance and enhancement of amenity values;

24.1.6. protection of the habitat of trout and salmon

24.2. s15 RMA

24.3. s32 RMA

24.4. s69 and Schedule 3

24.5. s70 RMA

24.6. The NPS Freshwater;

24.7. The New Zealand Coastal Policy Statement 2010

24.8. National Water Conservation Orders in the Region

24.9. Ensuring that resource use (including the taking of water and use of the assimilative capacity of water) is necessary, reasonable, and efficient

24.10. The protection of recreational fisheries and gamebird resources, including the protection of rivers, lakes, wetlands, and their margins;

24.11. Maintenance and enhancement of the quality of freshwater

environments, including wetland environments, as habitats for sports fish and game birds;

- 24.12. The maintenance and enhancement of recreational values, amenity values, and the intrinsic values of ecosystems;
- 24.13. The maintenance and enhancement of public access to and along the coastal marine area, lakes, rivers, and wetlands;
- 24.14. Adequately identify and list the values of freshwater in the region including but not limited to: recreational salmonid fishery and spawning values, contact recreation values, amenity values, and aesthetic values;
- 24.15. Set numerical water quality and quantity limits to protect freshwater values, and give effect to the NPS Freshwater Management and National Water Conservation Orders;
- 24.16. Ensure that land use activities and development are managed so that life supporting capacity of water is safeguarded; and freshwater values including trout fishery, trout spawning, recreational, and amenity values; areas of significant indigenous vegetation and significant habitats of indigenous fauna; and the natural character of waterbodies is protected
- 24.17. Ensure that land use activities and development are managed so that water quality and quantity is at least maintained. Where numerical water quality and quantity limits are currently being achieved that they continue to be met, and where water quality and quantity limits are not met (currently degraded) that water quality and quantity is restored to met the limits.

### **Section 32**

26. In specific terms Fish and Game proposes alternative objectives, policies and rules. In general terms Fish and Game considers that an alternative framework is preferable. Fish and Game submits that the Council's section 32 evaluation is flawed as the objectives and policies the subject of this submission are not the most appropriate way to achieve the purpose of the Act. In many cases, it is not apparent that the Council has considered or weighed up the alternatives preferred by Fish and Game in a meaningful sense.
27. Fish and Game submit that the Council has not correctly evaluated the benefits and costs of the provisions in order to determine the appropriateness or otherwise of including, and in some cases specifically excluding, provisions the subject of this submission. Fish and Game disagrees that the RPS's provisions will provide an efficient and effective framework to address the regionally significant resource management issues, and the purpose of the Act.

### **NPS Freshwater**

28. With regard to the NPS Freshwater, Fish and Game submit that Change 5, in relation to achieving integrated management of freshwater resources and land use and development, does not give effect to the NPS Freshwater including, but not limited to, for the following reasons:
  - 28.1 OBJ LW 1 fails to acknowledge or provide for many of the key elements



required to give effect to the NPS Freshwater.

28.2 Change 5 fails to establish the framework and policy context within which the future anticipated plan changes outlined in the Regional Council's adopted NPSFM Implementation Programme will be achieved. It is missing several key elements:

28.2.1 The identification in the RPS of freshwater values for all waterbodies in each catchment;

28.2.2 The establishment of freshwater objectives to be set in the RPS and Plan which provide for these values

28.2.3 The setting of water quality and quantity limits which when met will allow the freshwater objective to be met; and

28.2.4 The identification of the process by which these values, objectives, limits and targets would be developed, and a timeframe for doing so.

28.3 Change 5 will not result in the maintenance of water quality, or an improvement of the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated, particularly in relation to nitrogen concentrations in ground and surface water bodies.

**29. Fish and Game seek the following relief:**

29.1 That the relief outlined under the specific submission points, and as appended, is accepted; and in general terms;

29.2 That provisions are included which ensure that the life supporting capacity of water, soil, and ecosystems are safeguarded

29.3 That provisions are included in the RPS to preserve the natural character of the coastal environment, wetlands, lakes and rivers and their margins and the protection of them from inappropriate subdivision, use, and development;

29.4 That the values of waterbodies in the region are listed (in relation to the waterbody, reach, zone) within a schedule and include: trout fishery, and trout spawning values; natural state values; amenity values; aesthetic values; and contact recreation values;

29.5 That all rivers in the region are identified as being valued for contact recreation, and amenity value. Access to healthy rivers by which to recreate in or just enjoy is a common good, as such it is the birthright of all New Zealanders and should be protected;

29.6 That provisions are included to ensure that the values of waterbodies are protected;

29.7 That provisions are included to establish water quality and water quantity limits by which to protect the identified values of waterbodies;

- 29.8 That provisions are included to ensure that water quality and water quantity in the region is maintained, and where degraded is restored;
- 29.9 That provisions are included to ensure that the impacts of land use on freshwater resources are managed to ensure that water quality and quantity is maintained or where degraded restored;
- 29.10 Provisions are included to ensure that resource use (water and its assimilative capacity) is necessary, reasonable, and where it meets these criteria is efficient;
- 29.11 Provisions are included which identify that all remaining wetlands in the region are significant (s6c habitats under RMA) and should be protected;
- 29.12 Proposed Change 5 to the Regional Policy Statement parts of the Hawke's Bay Regional Resource Management Plan in its current form be withdrawn.
- 29.13 Such other or further relief as addresses the issues raised by this submission.

**Specific submission points:**

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
<b>3.2A INTEGRATED LAND USE AND FRESHWATER MANAGEMENT</b>			
New Chapter 3.2A	Support with amendments	<p>HBFGC support the Regional Council’s intention to give effect to the NPSFM, in part through Change 5 to the RPS. HBFGC have reviewed the Council’s NPSFM Implementation Programme, adopted 26<sup>th</sup> September 2012. This Implementation Programme includes only two opportunities in addition to Change 5 to change the RPS to give effect to the NPSFM. These are the proposed RPS Change for Biodiversity (including wetlands) and the RPS Change for outstanding freshwater bodies. The adopted Implementation Programme includes no other RPS changes for water quality, water quantity, or for dealing with the integrated management of freshwater and the use and development of land. Changes to the Plan are proposed to deal with these issues.</p> <p>In purporting to “provide enhanced guidance and direction to decision-makers about how future management decisions will be made in an integrated manner for the sustainable management of the region’s land and fresh water resources” (HBRC website), the intention of Change 5 should be to set up an RPS framework that facilitates future scheduled plan changes to give full effect to the NPSFM. HBFGC consider that in order to ensure a</p>	<p>To make any necessary and consequential amendments to the RPS and Change 5 in order to provide for implementation of the NPSFM at the RPS level, and to facilitate future plan changes, including but not limited to:</p> <ul style="list-style-type: none"> <li>- Identifying in the RPS and Plan freshwater values for all waterbodies in each catchment including; trout fishery, trout spawning, contact recreation, amenity, aesthetic, and natural state values; and</li> <li>- Establishing freshwater objectives to be set in the RPS and Plan which provide for these values; and</li> <li>- Set water quality and quantity limits which do not allow further degradation of freshwater, and restore water quality and water quantity where degraded such that when met will allow the freshwater values to be protected; and</li> <li>- Identifying the process by which these values, objectives, limits and targets would be developed, and a timeframe for doing so; and</li> <li>- Removing the pre-emption of the identification of values at a catchment level by setting them in the RPS (as in policy POL LW2); and</li> <li>- Removing the pre-emption of the prioritisation of those values or the resolution of competing values to set a freshwater objective (as in policy POL LW2); and</li> <li>- Such other or further relief as addresses the issues raised by this submission.</li> </ul>

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
		<p>resilient framework for achieving the objectives of the NPSFM, RPS Change 5 must be complete and comprehensive and establish the framework and policy context within which those future anticipated plan changes can be understood, and against which they can be reasonably assessed and implemented.</p> <p>HBFGC consider that Change 5 as notified is missing several elements essential to achieving the framework described above, which are essential to ensuring the NPSFM is implemented in full. HBFGC consider that in order to enable implementation of the NPSFM, a robust RPS framework requires the following elements:</p> <ul style="list-style-type: none"> <li>- The identification in the RPS of freshwater values for all waterbodies in each catchment;</li> <li>- The establishment of freshwater objectives to be set in the RPS which provide for these values;</li> <li>- The setting of water quality and quality limits which when met will allow the freshwater values to be protected;</li> <li>- The identification of the process by which these values, objectives, limits and targets would be developed, and a timeframe for doing so.</li> </ul> <p>Some of these elements are present in RPS change 5, and some are not. HBFGC seeks that the elements that are not already present, are included.</p> <p>Proposed Change 5 contains some elements that</p>	

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
		<p>fundamentally undermine the development of an RPS framework that will enable a catchment and community led process and achieve integrated management of land and water. These are:</p> <ul style="list-style-type: none"> <li>- The pre-emption of the identification of values at a catchment level by setting them in the RPS (as in policy POL LW2); and</li> <li>- The pre-emption of the prioritisation of those values or the resolution of competing values to set a freshwater objective (as in policy POL LW2)</li> </ul> <p>If the NPSFM is to be properly implemented, as envisaged by the Council's adopted Implementation Programme, and if community aspirations are to be met, these elements should be removed from RPS Change 5</p> <p>Some more specific requests are also set out in other parts of this submission.</p>	
ISS LW 1	Oppose	<p>For example, ISS LW 1 appears to raise two specific issues - firstly, there is the issue of on going conflict between multiple, and often competing, values and uses of fresh water; and secondly, there is limited integration of the management of land and water. The two are interrelated, but the interrelationship, and how it impacts on the promotion of sustainable management of the region's physical and natural resources, is not currently clearly expressed.</p> <p>The current wording of the Issue suggests (but it is by no means clear) that addressing these two issues</p>	<p>To make any necessary and consequential amendments to ISS LW 1 in order to address the matters raised in this submission, including, but not limited to:</p> <ul style="list-style-type: none"> <li>- Amending the wording and phrasing to more coherently express the significant resource management issue the Region faces in respect of achieving integrated management of freshwater and land use and development;</li> </ul>

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
		will “promote sustainable management of the region’s natural and physical resources”.	
OBJ LW 1	Oppose	<p>As stated earlier in this submission, the adopted Implementation Programme includes no other RPS changes for water quality, water quantity or for dealing with the integrated management of freshwater and the use and development of land. Change 5 is the <u>only</u> opportunity to do so and as such HBFGC is of the opinion that it is critical that it provides a solid, comprehensive and coherent foundation upon which an objective and policy framework can be developed that will give full and proper effect to the NPSFM.</p> <p>In light of this, HBFGC consider that OBJ LW 1 must reflect the requirements of the NPSFM. In its current form, OBJ LW 1 fails to acknowledge or provide for many of the key elements required to give effect to the NPSFM. In order to do so, the objective needs to acknowledge that integrated management will be achieved setting freshwater values and objectives, setting limits, and enabling those limits to be implemented through targets and plan provisions.</p> <p>Instead, several clauses of OBJ LW 1 merely serve to reiterate the conflicts between some of the competing values and uses of freshwater (e.g. clauses 5, 6 and 7). Indeed, the list of uses and values specified in OBJ LW 1 is partial and as such could lead to the potential entrenchment of conflicts between uses and values. For example, commercial and</p>	<p>To make any necessary and consequential amendments to OBJ LW 1 in order to address the issues raised in this submission, including, but not limited to the following:</p> <ul style="list-style-type: none"> <li>- Retain clause 1</li> <li>- Amend clause 2 of OBJ W 1 to remove the implication that life supporting capacity and ecosystems of freshwater only need be safeguarded where they are for indigenous species; and</li> <li>- Delete clauses 5, 6 and 7; and</li> <li>- Provide for clause 11 as a stand-alone objective; and</li> <li>- Include a clause ensuring the life-supporting capacity, and ecosystem processes of freshwater are safeguarded;</li> <li>- Include clause to ensure that the natural Character of wetlands, river, and lakes is protected;</li> <li>- Include a clause that provides for the management of fresh water and land use and development that protects life supporting capacity, recognizes or provides for the natural character of wetlands, rivers, lakes and the coastal environment, and recognizes and provides for the values of freshwater;</li> <li>- Include a clause that recognizes or provides for the role of river management and flood protection in the integrated and sustainable management of fresh water and land use and development.</li> <li>- Include a clause that provides for the phasing out of over allocation of freshwater resources</li> <li>- Amend clause 9 of OBJ LW 1 to enable an assessment as to whether resource use and allocation is necessary,</li> </ul>

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
		<p>consumptive uses and values of freshwater are specifically recognised in OBJ LW 1, but recreational and non-consumptive uses are absent. This generates the assumption that the commercial and consumptive uses recognised in the Objective will be given greater weight in decision making over non-consumptive uses, regardless of whether the environmental bottom lines established in the RMA and the NPSFM are achieved or maintained.</p> <p>This partial approach to identifying freshwater uses and values is not endorsed by either the requirements of the RMA or the NPSFM. Unlike in OBJ LW 1, the preamble of the NPSFM does not prioritise one national value of freshwater over the other. Indeed, the objectives and policies of sections A and B of the NPSFM are clear to establish that the environmental bottom line of “safeguarding the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of freshwater” is the principle goal in the pursuit of an integrated management approach. This overarching objective is briefly referred to in OBJ LW 1 (clause 4), but its effectiveness and alignment with the NPSFM is undermined by a prioritisation for indigenous species, which is not a requirement of the NPSFM.</p> <p>Whilst HBFGC understand from the principal reasons and explanation accompanying OBJ LW 1 that this Objective and Change 5 has been informed by stakeholder engagement forums such as the Regional Water Symposium in 2010, such discussions and</p>	<p>reasonable, justifiable, and if it meets these criteria is efficient;</p> <ul style="list-style-type: none"> <li>- removing reference to some values and not others</li> <li>- provide a framework for implementation of the NPSFM including identification of values, limits, target and addressing over allocation.</li> <li>- Specifies clear goals including environmental bottom lines</li> </ul> <p>Or</p> <p>Alternatively, delete OBJ LW 1 as it is written in Change 5 and replace with objectives that address the issues raised in this submission, including, but not limited to, the following elements, in order that the requirements of the NPSFM are met:</p> <p>Objective 1:</p> <p>That integrated management of freshwater resources and land use and development will be achieved by:</p> <ul style="list-style-type: none"> <li>- Setting values for freshwater;</li> <li>- Setting freshwater objectives and freshwater quality limits for all bodies of freshwater;</li> <li>- Setting environmental flows and/or levels for all bodies of freshwater</li> <li>- Ensuring that limits will be implemented through targets and necessary plan provisions.</li> </ul> <p>Objective 2:</p> <p>In setting values and objectives for the region’s fresh water resources,</p> <ul style="list-style-type: none"> <li>- the life-supporting capacity, ecosystem processes and</li> </ul>

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
		<p>their outcomes must be guided by the statutory requirements of the RMA.</p> <p>In respect of the specific clauses of OBJ LW 1, HBFGC note that OBJ LW 1 does not provide for the management of fresh water and land use and development that recognizes or provides for the natural character of wetlands, rivers, lakes and the coastal environment, and as such, fails to meet the requirements of Part II matters of the RMA. Ensuring that adverse effects on natural character of the coastal environment, wetlands, rivers and lakes are avoided in areas or locations with a high degree of naturalness, and avoided, remedied or mitigated in other areas, is critical to an integrated and sustainable approach to the management of freshwater and land use development.</p> <p>Similarly, OBJ LW 1 does not recognize or provide for role of river management and flood protection in the integrated and sustainable management of fresh water and land use and development. The demand for flood and erosion control to protect many types of land use is a recognized feature associated with the management of fresh water and land use development in the region. In addition, such measures can modify the Region's waterways, affect the natural character of waterways, and also modify their ecology. As it is currently framed, neither OBJ LW 1 nor other Changes proposed in Change 5 provide a mechanism by which the potential adverse</p>	<p>indigenous species including their associated ecosystems of fresh water; and</p> <ul style="list-style-type: none"> <li>- the mauri of the fresh water shall be safe-guarded.</li> </ul>



Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
		<p>effects of river management and flood protection can be identified, prioritized and managed.</p> <p>It is HBFGC's opinion that OBJ LW 1 fails to establish an integrated management framework in accordance with the requirements of the NPSFM. This is exacerbated by the policy framework developed to achieve OBJ LW 1. Consequently, OBJ LW 1 and subsequent policies fail to provide a mechanism by which decision makers, resource users, or the community can resolve conflicts that are acknowledged in the current issue statement as arising, and which will continue to occur in the future.</p> <p>HBFGC supports provision OBJ LW1.2 requiring the specification of targets and the implementation of methods to assist the improvement of water quality in catchments, not just the water quality of outstanding freshwater bodies.</p> <p>However, OBJ LW 1 remains largely silent on the issue of improving the quality of freshwater where it is degraded to the point of being over-allocated (NPSFM A2 (c)). OBJ LW1.9 requires the management of freshwater in a way that ensures the efficient allocation and use of water (which partially meets the requirement of Objective B2 of the NPSFM), but does not specifically address the matter of existing over allocation.</p> <p>Clause 2 of the draft OBJ LW1 seeks to safeguard the life-supporting capacity and ecosystems of fresh</p>	

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
		<p>water, but gives priority to indigenous species. It is unclear but it is assumed this is priority of indigenous species over non-indigenous species. The NPSFM does not allocate such a priority; it requires that safeguarding life-supporting capacity occur <i>as well as</i> safeguarding indigenous species. Both non-indigenous and indigenous species in water bodies constitute 'life' in that waterbody, and the capacity of the waterbody to support that life (indigenous and non-indigenous) should be safeguarded. The current wording of the objective may imply that life supporting capacity and ecosystems of freshwater only need be safeguarded where they are for indigenous species. This would be inconsistent with s5 and s7 of the RMA and inconsistent with the NPSFM.</p> <p>In order for the RPS to appropriately reflect the requirements of the Part II matters of the RMA and the objectives of the NPSFM, and to provide an effective policy framework to address such matters, HBFGC recommend that the safeguarding of the life-supporting capacity of fresh water be provided for as a separate objective. In order to promote good decision-making, this goal should recognize and provide for specific freshwater values. HBFGC recognize that Table 1 of POL LW2 provides a list of primary and secondary values associated with specific catchments. However, it is HBFGC's view that these values are presently too broadly characterized to ensure that OBJ LW 1, or the requirements of the RMA or NPSFM are met. Furthermore, POL LW2 provides an insufficient</p>	

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
		<p>mechanism by which the values of unspecified catchments can be identified and thereby provided for.</p> <p>The recognition of the uses identified in Clause 1.5 to 1.7 is given in a quite absolute manner and serve to reiterate the conflicts between some of the competing values and uses of freshwater (e.g. clauses 5, 6 and 7). Neither OBJ LW 1 nor the ensuing proposed policies (or proposed amendments to existing policies) offer a management framework by which to effectively to resolve the conflicts.</p> <p>Making proposed policies (or proposed amendments to existing policies) 'subject to' OBJ LW 1, as it is currently formulated, results in OBJ LW 1 taking precedence. This serves to undermine the environmental bottom lines and goals outlined in those objectives and policies made subject to OBJ LW 1, and fails to met the purpose of the RMA. For example, proposed OBJ 27 is subject to OBJ LW 1. This means that the quantity of water in wetlands, rivers and lakes is suitable for sustaining aquatic ecosystems in catchments only in the event that, for instance, the significant regional and national values of freshwater use and fibre production are not undermined.</p> <p>The efficient allocation and use of water is identified in OBJ LW 1 as critical to the integrated management of freshwater and land use development. HBFGC notes that existing objectives and policies in the RPS provide a suite of policies that regulate water</p>	

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
		<p>allocation and provide decision-making criteria for new takes and the water allocation procedure (Chapter 3.10, policies 34 to 44). HBFGC note that the policies safeguarding surface water quantity remain largely unchanged by Change 5. The existing policies governing surface water quantity would appear to have been developed in line with evidence relating to minimum flows and allocatable volumes. These in turn have presumably been developed to safeguard a number of environmental bottom lines, in accordance with the provisions and requirements of the RMA.</p> <p>Following this line of reasoning, it is not unreasonable to assume that these existing policies are therefore in accordance with the Council's intended integrated management approach. As a means of managing water quantity within an integrated management approach, the existing policies offer a far more comprehensible and workable methodology than proposed OBJ LW 1 and related proposed policies. Therefore, it would be helpful to resource users, the community, and indeed decision makers if OBJ LW 1 clause 9 made reference to the suite of existing policies that will enable an assessment as to whether resource use and allocation is reasonable and justifiable.</p> <p>HBFGC notes that whilst OBJ LW1.9 requires the management of freshwater in a way that ensures the efficient allocation and use of water (which partially</p>	

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
		<p>meets the requirement of Objective B2 of the NPSFM), it does not specifically address the matter of existing over allocation. However, existing Policy 39 does address the issue of over-allocation. NPSFM is clear that addressing the issue of over-allocation of freshwater resources is critical to the delivery of an integrated management approach. HBFGC consider it appropriate that OBJ LW 1 makes specific reference, and thereby commitment to, the issue of addressing over allocation.</p> <p>Notwithstanding the comments above, HBFGC consider that as Clause 11 introduces a new topic into the objective (a process objective - 'a goal for the plan' rather than the previous 'goal of the plan' parts of the objective), it would be more useful and easier to read if this part of the objective was separated out and given its own objective.</p> <p>The proposed objective and policy framework established in Change 5 will result in the RPS moving further away from giving effect to the NPSFM, not closer to it. This is not supported by HBFGC.</p>	
Making other objectives and policies subject to OBJ LW1	Oppose	HBFGC note, however, that in several instances throughout the notified Change 5 document, where a policy is subject to OBJ LW 1 the distinction is not made that clause 11 is not part of that consideration (e.g. proposed POL 47A and proposed amendment to OBJ 29). For consistency of meaning and interpretation, 'subject to' statements must be	Remove all references to 'subject to OBJ LW1' throughout Change 5; or Amend OBJ LW1 to address the issues raised in this submission, and amend any cross reference that is made in other plan provisions to OBJLW1 to insure it only refers to the relevant parts of the

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
		<p>limited to clause 1-10 of OBJ LW 1.</p> <p>Is the proposal to make proposed policies (or proposed amendments to existing policies) 'subject to' OBJ LW 1. As it is currently formulated, this results in OBJ LW 1 taking precedence and serves to undermine the environmental bottom lines and goals outlined in those objectives and policies made subject to OBJ LW 1. For example, proposed OBJ 27 is subject to OBJ LW 1. This means that the quantity of water in wetlands, rivers and lakes is suitable for sustaining aquatic ecosystems in catchments only in the event that, for instance, the significant regional and national values of freshwater use and fibre production are not undermined.</p>	<p>objective in any cross reference.</p>
POL LW1	Oppose	<p>HBFGC supports a catchment based integrated management approach. However, the current policy framework fails to provide a process whereby freshwater values can be identified and located through the RPS process, so as to be eventually subject to the management approach described in POL LW 1.</p> <p>HBFGC recommend a policy framework, following on from HBFGC's proposed amended objective, that retains some of POL LW1 as proposed in Change 5 (with amendments), but prefaced by procedures that will enable values to be identified in the RPS, and therefore limits and targets to be set.</p> <p>In addition to a recommendation to replace POL LW1 (as provided in Change 5) with an alternative</p>	<p>Delete POL LW1 as proposed and include a policy, linked to a schedule, which identifies the values of waterbodies in the region (river, stream, tributary, zone, reach), which includes, but is not limited to the following elements:</p> <ul style="list-style-type: none"> <li>- For the purposes of achieving integrated management of the region's freshwater resources, identify where freshwater values may apply;</li> <li>- The values for which the region's freshwater bodies will be recognised and provided for include: <ul style="list-style-type: none"> <li>• Ecosystem values (e.g. natural state, life-supporting capacity, Sites of Significance – aquatic, Sites of Significance – riparian, native fish spawning);</li> <li>• Recreational and cultural values (e.g. contact recreation, amenity, native fishery, mauri, shellfish gathering, Sites of Significance – cultural, trout fishery, trout spawning, aesthetics);</li> </ul> </li> </ul>

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
		<p>provision, HBFGC have also undertaken a clause-by-clause assessment of the policy and made recommendations which HBFGC seek as alternative relief.</p>	<ul style="list-style-type: none"> <li>• Water use values (e.g. water supply, industrial abstraction, irrigation, stockwater); and</li> <li>• Social and economic values (e.g. capacity to assimilate pollution, flood control, drainage, existing infrastructure)</li> </ul> <ul style="list-style-type: none"> <li>- The process that will be used to identify values of freshwater bodies, and for setting limits and targets will be catchment based and will:</li> <li>- Provide for Maori values and uses of the catchment in accordance with tikanga Maori;</li> <li>- Recognise the inter-connected nature of natural resources within the catchment area, including the coastal environment;</li> <li>- Protects water quality of outstanding freshwater bodies;</li> <li>- Promotes collaboration and information sharing between relevant management agencies, iwi, landowners and others stakeholders;</li> <li>- Takes a strategic long-term planning outlook to consider the future state, values and uses of water resources for future generations;</li> <li>- Such provisions as necessary to achieve the objective</li> </ul>
POL LW1 (a)	Oppose	<p>HBFGC consider that clause (a) of POL LW1 should be deleted and be replaced by an overall goal relating to the maintenance and enhancement of water quality and the achievement of some bottom lines, such as life supporting capacity and ecosystem processes. Suggestions for potential alternative provisions have been provided by HBFGC.</p>	<p>Delete clause (a) and replace with an overall goal relating to the maintenance and enhancement of water quality and the achievement of some bottom lines, such as life supporting capacity and ecosystem processes.</p>
POL LW1 (b) to (e)	Support	<p>HBFGC support the intention of clauses (b) to (e) and recommend that these elements being retained in POL LW1 or incorporated into a reworded policy as sought in this submission.</p>	<p>Retain clauses (b) to (e) or incorporate into a revised policy consistent with other relief sought in this submission.</p>

<b>Change 5 Provision</b>	<b>Support/Oppose</b>	<b>Reason</b>	<b>Decision/Relief Sought</b>
POL LW1 (g)	Oppose	The current wording and structure of this clause and its relationship to Policy POL LW2 results in values and uses of freshwater identified in POL LW2 being only relevant and applicable to specified catchments.	Delete clause (g)
POL LW1 (h)	Oppose	Clause h refers to the timely use of methods to respond to any changes in use or state of the environment. This policy should also aim to have timely implementation of methods to deal with existing issues.	Delete clause (h); or Amend policy to include timely implementation of methods to deal with existing issues, in accordance with the objectives of the NPSFM
POL LW1 (i)	Oppose	The combination of clause f (50 year planning horizon) and clause i (reasonable time) may be interpreted to mean that any 'claw back' provisions to reduce over allocation can be delayed for 50 years. This means that any adverse effects or degradation of values would continue for another 50 years. While transition time is reasonable, continued degradation without improvement is not, particularly where bottom lines are already compromised. The policy should be changed to ensure this does not occur.	Delete clause (i) ; or Amend policy wording to avoid interpretation of policy whereby reduction in over allocation can be delayed for 50 years.
POL LW1(j)	Support		Retain clauses (j) or incorporate into a revised policy consistent with other relief sought in this submission.
POL LW1 (k)	Oppose	Large-scale community water storage infrastructure may be one way to provide increased security for water users, and may avoid remedy or mitigate some adverse effects on freshwater values. However, the current wording in Clause k assumes that the benefits <i>will</i> accrue and the effects <i>will</i> be appropriate, when in fact this is only true if the infrastructure and any associated land uses are appropriately located, designed and managed, and the effects including cumulative effects are avoided	Delete clause (k); <b>or</b>  Amend wording to “consider water storage infrastructure where it can provide increased security for water users in water-scarce catchments and any resulting adverse effects on freshwater values are avoided, remedied or mitigated in accordance with the other policies of this plan” ; <b>or</b>  Change wording to reflect the requirements of Part II of the RMA and



Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
		remedied or mitigated. The wording should be changed to reflect this and to ensure that the objectives in OBJ LW1 are achieved.	ensure that the objectives in OBJ LW 1 are achieved.
New Policy for outstanding waterbodies (Not included in Notified Change 5)	Support for inclusion	<p>Draft RPS Change 5 included a policy recognising outstanding waterbodies, and providing for the protection of the water quality in those waterbodies (POL LW1 in that draft). HBFGC supported the inclusion of this policy in its comments on that draft, and recommended the inclusion of additional rivers to those identified in the draft change.</p> <p>HBFGC seeks the reinclusion of that policy regarding outstanding waterbodies, and seeks the inclusion of criteria identifying those waterbodies that are consistent with current interpretations of outstanding in case law relating to water conservation orders and incorporating up to date scientific knowledge. HBFGC also seeks the recognition of the Tukituki, Tutaekuri and Maraetotara Rivers as outstanding.</p>	<p>The inclusion of the policies into the RPS that</p> <ul style="list-style-type: none"> <li>- identify criteria for recognition of freshwater bodies as outstanding</li> <li>- identify waterbodies that currently meet that criteria and</li> <li>- provide for the protection of water quality and other values within those waterbodies.</li> <li>-</li> </ul> <p>Wording to provide the relief sought could include, but is not limited to, wording similar to the following:</p> <p>Policy 1:</p> <p>Outstanding freshwater bodies are those freshwater bodies that:</p> <ol style="list-style-type: none"> <li>a) Are in their natural state; or</li> <li>b) Are no longer in their natural state, but that support one or more of the following values and characteristics that stand out on a national or regional comparative basis: <ol style="list-style-type: none"> <li>a. Biodiversity</li> <li>b. Habitat for indigenous fauna, wildlife, trout or salmon</li> <li>c. Values to tangata whenua</li> <li>d. Spiritual and cultural</li> <li>e. Recreation and amenity</li> <li>f. Community</li> <li>g. Landscape</li> <li>h. Natural character</li> <li>i. Scientific</li> <li>j. Historical</li> </ol> </li> </ol> <p>or</p> <ol style="list-style-type: none"> <li>c) are the best remaining example of a particular freshwater</li> </ol>

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
			<p>environment type remaining within the Region, as defined using the FWENZ data set.</p> <p>Policy 2: The following waterbodies have been identified as outstanding in accordance with the criteria set out in Policy 2:</p> <ul style="list-style-type: none"> <li>- Lake Waikareiti</li> <li>- Lake Waikaremoana</li> <li>- Mohaka River catchment above Willow flat</li> <li>- Ngaruroro, Tauarau River and their tributaries above Whanawhana cable way</li> <li>- Tukituki River</li> <li>- Tutaekuri River</li> <li>- Maraetotara River</li> <li>- Ruakituri River</li> <li>- Waiau River</li> <li>- Waikaretaheke River</li> <li>- Hopuruahinem River</li> <li>- Lake Whakaki complex</li> <li>- Opoutama Swamp</li> <li>- Maungawhio Lagoon</li> <li>- Lake Poukawa,</li> <li>- Pekapeka Swamp Lake Hatuma</li> <li>- Lake Runanga</li> <li>- Lake Oingo</li> <li>- Waitangi wetland,</li> <li>- Ngamotu Lagoon</li> <li>- Whakamahia Lagoon</li> </ul> <p>Policy 2: To protect the water quality in waterbodies that meet the criteria for outstanding freshwater bodies set out in [Policy 1] and listed in</p>

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
			Policy 2 and to recognise and provide for the other values that contribute to the outstanding nature of that waterbody.
POL LW2	Oppose	<p>HBFGC have concerns that this policy goes further than setting clear priorities in the event of conflict (as set out in OBJ LW1 (11)). It also sets up a management regime for values, even if there is no conflict between them. The justification and reasoning for this is unclear. As written, POL LW2 establishes an inappropriate framework of priorities regarding freshwater values, that ultimately undermines the process of setting values, objectives, target and limits as envisioned by the NPSFM (and which is provided for in the recommended relief set out in this submission document).</p> <p>HBFGC recommend that POL LW2 be deleted. HBFGC have also provided a clause-by-clause assessment of POL LW2 and made recommendations against each clause which HBFGC seek as alternative relief.</p>	Delete POL LW2 in its entirety; or Grant other general or specific relief in order to address the matters raised in this submission, including but not limited to the relief raised in the following submission points related to POL LW2
POL LW2.1	Oppose	POL LW2.1 is 'subject to' OBJ LW 1.1 to 1.10. However, by doing so, OBJ LW 1 takes precedence, and the purpose and intent of POL LW2.1 is undermined. In order for POL LW2.1 to be effective in recognising and prioritising the maintenance and enhancement of the primary values listed in Table 1 of the policy, reference to OBJ LW 1.1 to 1.10 must be removed.	Delete the words "Subject to Objective LW1.1 to 1.10" from Policy POL LW2.1. and

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
POL LW2.2	Oppose	<p>The policy states that the management approach set out in POL LW1 will apply to catchments not specified in POL LW2.1. HBFGC consider that this fails to offer an appropriate management approach for catchments not specified in POL LW2.1.</p> <p>Firstly, management regimes as established by POL LW1 are proposed to be consistent with the integrated management approach set out in OBJ LW1 (POL LW1(a)). However, as stated earlier in this submission, OBJ LW 1 provides an ineffective integrated management approach, as it contains unresolved conflicts within a number of freshwater uses and values.</p> <p>Furthermore, clause (g) of POL LW1 requires that ‘whole of catchment’ management solutions aim “to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible in accordance with POL LW2.” However, POL LW2 provides a prioritising mechanism for named catchments only. Unspecified catchments are referred to the management approach set out in POL LW1. Taken separately or together, neither POL LW1 nor POL LW2 provide an effective management approach for unspecified catchments in the Region.</p>	Amend policy wording and relationship to POL LW1 to provide an effective integrated management approach or pathway for unspecified catchments in the Region.
POL LW2.3	Oppose	<p>The values identified in Table 1 can and should be identified with more precision, both defining what the value is and where it applies.</p> <p>The current identification of values in Table 1 does not state whether the values identified are existing values, or future values. This could mean that future</p>	<p>Delete POL LW2 or Delete Table 1 and refine the remainder of POL LW 2 to address the issues identified in this submission; or Amend Table 1 to address the issues identified in this submission, including, but not limited to the following types of changes: Define values with more precision as to location and aspect that is</p>

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
		<p>out of stream uses are prioritised ahead of existing instream values. This is inappropriate.</p> <p>In relation to instream values, the native fish and trout habitat values need further refinement. The locations and requirements of fish for spawning are quite different to that for adults. Some of the native fish are migratory and therefore use whole catchments, not just defined areas.</p> <p>The values sometimes appear to apply to the entire catchment area. Do the uses and values apply to all surface water bodies in the area, or just natural water bodies? Can the application abstractive use values which are in there natural state and where no such abstractive used apply be justified?</p> <p>Some values apply to a river between two points, and some to the catchment area between two points. It is unclear if the value or use applies to tributaries between those two points.</p> <p>The use of maps and grid references to identify values and uses would aid interpretation and clarity. The approach used by Horizons Regional Council in Schedule AB of the Proposed One Plan is a good example of a useful method, and one which is supported by Fish and Game.</p> <p>HBFGC have some concerns about the method used to define the values, their locations and priorities. HBFGC would like to be involved with the council to further refine and better define the values and their</p>	<p>valued.</p> <p>Ensure that values do not apply to future out of stream uses. Better define and identify the instream fish values including trout fishery and trout spawning values. Fish and Game will provide a list of these values and sites for inclusion into the RPS.</p> <p>Ensure that catchment values identified during current and future catchment based values identification processes can be incorporated into the RPS and Plan without being inconsistent with the policy approach in POL LW2</p>

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
		<p>priorities. This is currently on going as part of catchment based consultations. HBFGC are concerned that the listing of values 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>	
<p>New policy – avoiding over allocation</p>	<p>Support inclusion</p>	<p>The adopted NPSFM Implementation Programme includes no other RPS changes for water quality, water quantity, or for dealing with the integrated management of freshwater and the use and development of land. This RPS change is the only opportunity in that Implementation Programme to provide a framework in which to give effect to the NPSFM. HBFGC seek in this submission an alternative policy stream which will ensure that all the necessary elements to give effect to the NPSFM are provided for in this change to the RPS.</p> <p>In line with the preferred alternative policy framework established by HBFGC in this submission document, we consider that an extra policy which sets out that allocation of discharge or take permits which will or are likely to lead to the limits set in the plan being exceeded is avoided. This will set up a framework for the RPS and plan to give effect to Policies A1 and B5 NPSFM to avoid over allocation.</p>	<p>Include a policy which specifies how the RPS and plan will avoid over allocation of resources beyond sustainable limits set in the plan.</p>

New Policy – dealing with over allocation	Support inclusion	<p>In line with the preferred alternative policy framework established by HBFGC in this submission document, we consider that an extra policy which sets out the course of action for catchments where the use of freshwater resources exceed the limits set. This will set up a framework for the RPS and plan to give effect to Policies A2 and B3 and B6 NPSFM to address over allocation.</p>	<p>Include a policy which specifies how the RPS and plan will provide for instances of over allocation, consistent with NPSFM. This could include, but is not limited to wording similar to the following, or words to similar effect:</p> <p>Where the quality and quantity of freshwater in a waterbody is being used beyond the limits set in the Plan, Council will</p> <ul style="list-style-type: none"> <li>- prevent any additional allocation of water for abstraction or the site-to-site transfer of allocated but unused water, from that water body; and</li> <li>- prevent any additional discharge permits being granted in the catchment which may cause the water quality to further decline; and</li> <li>- identify the actions to be taken within an appropriate timeframe, to address any adverse effects of over-allocation, including the management of production land use as specified in POL LW3.</li> </ul>
POL LW3	Oppose	<p>HBFGC welcome incorporation of this policy into the Integrated Land Use and Freshwater Management section of the Plan. This reflects the interrelationship between land and water resources in respect of contamination and contamination pathways.</p> <p>However, in order to be appropriately effective in managing the use of productive land and its environmental effects, HBFGC seek the use of more detailed decision-making criteria, and the creation of a clearer link to impacts on water quality. By so doing, POL LW3 will more effectively contribute to the Plan’s goal of establishing integrated management of fresh water and land use and development.</p>	<p>Amend the policy to provide for a framework for identifying specified catchments.</p> <p>Amend the introductory wording of the policy to read:</p> <p>“Where current freshwater resource use exceeds set limits set in the regional plan, the use of, and discharges from, production land will be managed so that:...”</p> <p>Amend clauses (a) to (c) consistent with relief sought below.</p>

		Currently, POL LW3 refers to 'specified catchments', however it is not expressly clear to which catchments this refers. The criteria by which catchments are to be specified should be included in policy.	
POL LW3 (a)	Oppose	Nitrogen contamination of water is not only caused by discharges of nitrogen as set out in clause (a)	Reword clause (a) to recognise that the chief cause of nitrogen contamination of water caused by primary production activities is urine patches from animals. Amend provisions to ensure that Nitrogen leaching will be managed to leaching standards set in regulation in order to ensure that water quality (groundwater and surface water) is maintained, or where degraded restored
POL LW3 (b)	Oppose	The pathways for contamination from faecal matter are incorrectly characterised in clauses (b) of this policy.	Amend policy wording to accurately characterise the pathways of contamination, i.e. these contaminants primarily travel directly from land to surface water by overland flow, rather than through groundwater to surface water.  Amend the provision to ensure that best environmental management practice for reducing faecal run off to surface water is set through regulation
POL LW3 (b)	Oppose	It is unclear why faecal matter levels in water would only be 'guidelines' instead of 'limits' as nitrogen and phosphorous are. It is also unclear why the levels should only be set to levels suitable for human consumption and irrigation. Contact recreation levels should also be included in this consideration.	Amend the policy wording to provide for limits for faecal matter levels in water; and  Amend the policy wording to provide faecal matter limits to be set contact recreation.
POL LW3 (c) Reasons and Explanations	Oppose	It is unclear why the RPS would state that only non regulatory methods would be used to target phosphorous losses. Phosphorous can enter waterbodies from intensive land use activities, including stock access to water, trampling of river banks by stock causing increased bank erosion, inappropriate management of phosphorus fertiliser	Reword the policy to include the use of regulatory methods to manage the sources of phosphorous.



		use, and poorly managed dairy shed effluent applications. It may be appropriate to manage these types of land uses through regulatory methods.	
POL LW3 (c) Reasons and Explanations	Oppose	It is unclear why the principle reasons and explanation would state that phosphorous leaching and run off is primarily caused by soil loss. Phosphorous can enter waterbodies from intensive land use activities, including stock access to water, trampling of river banks by stock causing increased bank erosion, inappropriate management of phosphorus fertiliser use, and poorly managed dairy shed effluent applications. It is also unclear why only non regulatory methods would be used to target phosphorous losses. It may be appropriate to manage the activities identified above through regulatory methods.	Reword the principle reasons and explanation for POL LW3 to properly characterise the pathways for phosphorous contamination to water and to provide for the use of regulatory methods to manage the sources of phosphorous.
POL LW4	Oppose	POL LW4 is entitled 'Role of Non-Regulatory Methods', however, POL LW4 (d) relates to regional plan provisions, which are regulatory methods. POL LW4 should be renamed 'Role of Non-Regulatory and Regulatory Methods'.	Rename POL LW4 'Role of Non-Regulatory and Regulatory Methods';
Anticipated Environmental Results	Oppose	The AER's should be amended consistent with the other submissions made by HBFGC in relation to the objectives and policies of Chapter 3.X introduced by RPS Change 5.	Delete the Anticipated Environmental Results and develop new Anticipate Environmental Results to be consistent with the relief sought for other provisions of Change 5.

CHAPTER 3.4 SCARCITY OF INDIGENOUS VEGETATION AND WETLANDS		
Amendment to the definition of 'wetland'	Oppose	<p>HBFGC note that the definition of 'wetland' has been amended in Change 5. The new definition introduces an exclusion for "wet production land" as an exclusion to the definition. Although footnotes in the Plan already exclude "wet pasture" from being defined as a wetland, "wet production land" is quite different and because of the definition of 'production land' in the RMA may exclude many more areas than the current exclusion for just wet pasture. For example areas of relatively high biodiversity values with intact communities of native plants and animals, that are able to be occasionally grazed by animals would be excluded from this definition and the protections offered by the other plan provisions. This would be inconsistent with the requirement to protect these areas set out in section 6(c) RMA.</p> <p>HBFGC consider that if the Council's intention through the amendment is to ensure that grass paddocks that get wet are not covered by the wetland protections, then the existing definition should be retained, or an alternative exclusion mechanism be adopted, as proposed in this submission by HBFGC. The recommended exclusion criteria are more ecologically relevant, and would not be as open to detrimental interpretations as the current or proposed wording</p> <p>Either:</p> <ul style="list-style-type: none"> <li>- Retain the existing definition of 'wetland' provided in the operative RPS</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Amend the definition of 'wetland' to read:</li> </ul> <p><b>"Wetland</b> includes permanently or intermittently wet area, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. For the purposes of this Plan, a wetland is not/does not include:</p> <ul style="list-style-type: none"> <li>i. Damp gully heads, or paddocks subject to regular ponding, dominated by pasture or exotic species in association with wetland sedge and rush species.</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>ii. Ditches or drains supporting raupo, flax or other wetland species (eg, <i>Carex</i> sp., <i>Isolepis</i> sp.), or populations of these species in drains or slumps associated with road reserves or rail corridors.</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>iii. Areas of wetland habitat specifically designed, installed and maintained for any of the following purposes: <ul style="list-style-type: none"> <li>(a) stock watering (including stock ponds), or</li> <li>(b) water storage for the purposes of fire fighting or irrigation (including old gravel pits), or</li> </ul> </li> </ul>

			<p>(c) treatment of animal effluent (including pond or barrier ditch systems), or</p> <p>(d) wastewater treatment, or</p> <p>(e) sediment control, or</p> <p>(f) any hydroelectric power generation scheme, or</p> <p>(g) water storage for the purposes of public water supplies.</p> <p>Or</p> <p>iv. Areas of wetland habitat maintained in relation to the implementation of any resource consent conditions or agreements relating to the operation of any hydroelectric power scheme currently lawfully established.</p> <p>Or</p> <p>v. Open water and associated vegetation created for landscaping purposes or amenity values where the planted vegetation is predominately exotic, or includes assemblages of species not naturally found in association with each other, on the particular landform, or at the geographical location of the created site”</p>
OBJ 15	Oppose	The proposed changes narrow the focus of the biodiversity objectives in relation to wetlands. This appears to be because of a focus on giving partial effect to the NPSFM. However in doing this the biodiversity objectives no longer achieve the	Retain current wording of OBJ 15; or Amend wording of OBJ 15 to read “...indigenous fauna, <u>including and ecologically significant</u> wetlands”

		requirements in section 6(c) to protect significant indigenous vegetation and significant habitats of indigenous fauna (significant habitats). Wetlands are significant habitats, due to rarity or representativeness criteria alone. The Hawke's Bay Region less than 10% of its original wetland habitat remaining, which is the lowest in the country. Wetlands should be covered by OBJ 15	
OBJ 15A	Oppose	It could be argued that only the 'significant values' of wetlands need to be protected. It is unclear what a 'significant value' of a wetland is. Section 6(c) RMA requires protection of wetlands as areas of significant indigenous vegetation and significant habitats of indigenous fauna. This requires consideration and protection of the wetland habitat as a whole, not just individual values that may be present.	Amend policy to be consistent with s6(c) of the RMA by requiring protection of wetlands as areas of significant indigenous vegetation and significant habitats of indigenous fauna, not just protection of 'significant values'.
POL 4A	Oppose	See comments in respect of OBJ 15 and 15A above. It could be argued that the current wording OBJ 15 and POL 4A will result in only the 'significant values' of wetlands need to be protected. This would be inconsistent with s6(c) of the RMA.	Amend policy to be consistent with s6(c) of the RMA.
POL 4	Oppose	The current wording will result in only the 'significant values' of wetlands need to be protected. This would be inconsistent with s6(c) of the RMA	Amend Policy 4 to read '...significant indigenous vegetation, <u>including and ecologically significant</u> wetlands'
Explanations and Reasons	Oppose	The changes proposed to the explanations and Reasons in this chapter are inconsistent with section 6(c) RMA and with the relief sought in this submission.	Amend the Explanations and Reasons in this chapter to be consistent with the changes to the objectives and policies sought in this submission.

<b>CHAPTER 3.8 GROUNDWATER QUALITY</b>			
OBJ 21	Oppose	The purpose of the draft changes is unclear. Deletion of OBJ 21 suggests that the goal of protecting the Heretaunga and Ruataniwha Aquifers is to be removed, however the information provided with the draft change suggests that the Heretaunga aquifer is outstanding and to be protected.	Reject the proposed change to OBJ 21 and retain OBJ 21 as in the operative Regional Policy Statement
OBJ 22	Oppose	<p>HBFGC supports the maintenance or enhancement of groundwater quality, particularly where this is connected to surface water and may affect the quality in those waterbodies. The proposed changes may not achieve that goal. The proposal to make OBJ 22 'subject to' OBJ LW1 is unclear – OBJ LW1 does not contain any goals directly relating to groundwater quality, but does seek to recognise the significant national and regional value of fresh water for human drinking and animal drinking uses. However, this goal is just one of several goals wherein conflict may exist. If OBJ 22 is subject to OBJ LW 1, as it is currently written, OBJ LW 1 takes precedence and the primary purpose of OBJ 22 is undermined.</p> <p>HBFGC are concerned at the proposed deletion of the words 'The maintenance and enhancement of' from the objective. A goal that seeks to maintain and enhance groundwater quality would provide greater assurance that the management of the groundwater resource is an environmental bottom line, and be in accordance with Objective A2 of the NPSFM. HBFGC suggest that this is remedied, or the cross reference proposed here removed.</p> <p>The purpose of limiting this policy to groundwater in the Heretaunga Plains and Ruataniwha Plains is</p>	Reject the proposed change to OBJ 22 and retain OBJ 22 as contained in the operative Regional Policy Statement.

		unclear. This change means that there would be no Objective in the RPS relevant to groundwater quality in other areas of the region.	
Changes to OBJ 42 and 43		<p>HBFGC oppose the proposed amendments to OBJ 42 and OBJ 43 for the same reasons that changes to OBJ 21 and OBJ 22 are opposed.</p> <p>HBFGC also oppose the proposal to amend OBJ 42 and OBJ 43 because the council did not notify the public in its public notice that it intended to change any parts of the Regional Plan part of the RRMP. It specifically included in the public notice that the scope of the proposed changes were to be introduced to the Regional Policy Statement parts of the Hawke’s Bay Regional Resource Management Plan, and did not identify any changes to the Plan parts of that document in the public notice.</p> <p>If the council intends to change any parts of the Regional Plan part of the HBRRMP, then it must specifically identify those changes and notify them to the public.</p>	Reject the proposed changes to OBJ 42 and OBJ 43 and retain OBJ 42 and OBJ 43 as contained in the operative Regional Policy Statement.
POL 16	Oppose	The proposed wording does not make sense in respect of how POL 16 is structured. POL 16 is “to regulate the following activities involving the discharges of contaminants...”. “The effects of land use activities on production land” is not an activity, it is the result of an activity. Further, in order to address the purpose of this chapter (as set out in the Objectives) which is to address groundwater quality, it is the effects of land use activities on water quality which need to be addressed, not their effects on production land.	<p>Amend the wording of the proposed insertion to POL 16 to read:</p> <ul style="list-style-type: none"> <li>• <u>the use of production land</u></li> </ul>

		If the wording suggested in the draft Change 5 document is reinstated, HBFGC welcomes the regulation of the use of production land in POL 16, which may have an adverse impact on groundwater quality, and place the values of the unconfined aquifers at risk.	
<b>CHAPTER 3.10 SURFACE WATER RESOURCES</b>			
Issue Statement Chapter 3.10	Support	HBFGC support the proposed amendment to clause (b) of the Issue	Retain proposed changes to this issue.
OBJ 25	Oppose	<p>As currently written, OBJ LW 1 also contains several sub-clauses, to which OBJ 25 are subject to, and within which there is the potential for conflict. OBJ 25 should not be made subject to OBJ LW 1 as this relationship undermines the goal of OBJ 25.</p> <p>Furthermore, making OBJ 25 'subject to' OBJ LW 1, as it is currently formulated, results in OBJ LW 1 taking precedence. This serves to undermine the environmental bottom lines and goals outlined in this objective.</p>	Remove words 'Subject to Objective LW 1' from the proposed Objective.
OBJ 27	Oppose	<p>As currently written, OBJ LW 1 also contains several sub-clauses, to which OBJ 27 are subject to, and within which there is the potential for conflict. OBJ 27 should not be made subject to OBJ LW 1 as this relationship undermines the goal of OBJ 27.</p> <p>Furthermore, making OBJ 27 'subject to' OBJ LW 1, as it is currently formulated, results in OBJ LW 1 taking precedence. This serves to undermine the environmental bottom lines and goals outlined in this objective. For example, proposed OBJ 27 is subject to</p>	<p>Remove words 'Subject to Objective LW 1' from the proposed Objective. and</p> <p>Reinstate the words 'The maintenance and enhancement of water quality...' and</p> <p>Delete reference to POL LW2.</p>

		<p>OBJ LW 1. This means that the quantity of water in wetlands, rivers and lakes is suitable for sustaining aquatic ecosystems in catchments only in the event that, for instance, the significant regional and national values of freshwater use and fibre production are not undermined.</p> <p>HBFGC are concerned at the proposed deletion of the words ‘The maintenance and enhancement of’ from the objective. A goal that seeks to maintain and enhance water quality would provide greater assurance that the management of the groundwater resource is an environmental bottom line, and be in accordance with the requirements of the NPSFM. HBFGC suggest that the words ‘the maintenance and enhancement’ be reinstated.</p> <p>OBJ 27 also includes reference to POL LW2. This is unhelpful, as POL LW2 identifies freshwater values for specified catchments only. The current structure of and relationship between POL LW2 and POL LW1 will result in the freshwater values of unspecified catchments being unidentified.</p>	
OBJ 27A	Oppose	<p>Addition of an objective that promotes riparian vegetation is supported. Riparian vegetation that is non-indigenous also has benefits in maintaining and enhancing water quality, stabilising river banks, and in providing and improving habitat for aquatic species. The objective should be broadened to recognise these benefits.</p> <p>OBJ 27A is proposed to be ‘subject to’ OBJ LW 1, as it is currently formulated, which results in OBJ LW 1 taking precedence. This serves to undermine the</p>	<p>Reword objective to recognise the benefits of non-indigenous riparian vegetation.</p> <p>Remove words ‘Subject to Objective LW 1’ from the proposed Objective</p>



		environmental bottom lines and goals outlined in OBJ 27A. Reference to OBJ LW 1 should be removed from this objective.	
POL 47	Oppose	Making POL 47 'subject to' OBJ LW 1, as it is currently formulated, results in OBJ LW 1 taking precedence. This serves to undermine the environmental bottom lines and goals outlined in POL 47. Reference to OBJ LW 1 should be removed from this policy.	Remove words 'Subject to Objective LW 1' from the proposed policy
POL 47A	Oppose	<p>HBFGC supports a strong policy that discourages discharge of contaminants directly to water and to promote land based disposal. However, making this policy subject to OBJ LW1 may cause confusion.</p> <p>Making POL 47A 'subject to' OBJ LW 1, as it is currently formulated, results in OBJ LW 1 taking precedence. This serves to undermine the environmental bottom lines and goals outlined in POL 47A. Reference to OBJ LW 1 should be removed from this policy.</p> <p>The current wording of this policy does not acknowledge that land based disposal of wastewater can also lead to contaminants entering surface waterbodies, either directly or via groundwater. The policy should be amended to provide a framework by which land based disposal, and surface water disposal can be managed, or this policy should cross-reference those policies in the RPS where they already exist.</p>	<p>Remove words 'Subject to Objective LW 1' from the proposed policy. and</p> <p>Amend POL 47A to provide a framework by which land based disposal, and surface water disposal can be managed;</p>

<b>CHAPTER 3.11 RIVER BED GRAVEL EXTRACTION</b>			
OBJ 29	Oppose	OBJ 29 is proposed to be 'subject to' OBJ LW 1, as it is currently formulated, which results in OBJ LW 1 taking precedence. This serves to undermine the environmental bottom lines and goals outlined in OBJ 29. Reference to OBJ LW 1 should be removed from this objective.	Remove words 'Subject to Objective LW 1' from the proposed policy
OBJ 30	Oppose	OBJ 30 is proposed to be 'subject to' OBJ LW 1, as it is currently formulated, which results in OBJ LW 1 taking precedence. This serves to undermine the environmental bottom lines and goals outlined in OBJ 30. Reference to OBJ LW 1 should be removed from this objective.	Remove words 'Subject to Objective LW 1' from the proposed policy
POL 50	Oppose	POL 50 cross references the values and uses identified in OBJ LW1 and POL LW2. This is problematic, as several clauses of OBJ LW 1 serve to reiterate the conflicts between some of the competing values and uses of freshwater (e.g. clauses 5, 6 and 7). Neither OBJ LW 1 nor the ensuing proposed policies (or proposed amendments to existing policies), including POL LW2, offer a management framework by which to effectively to resolve the conflicts. Furthermore, the current relationship between POL LW2 and POL LW1 results in a lack of provision for unspecified catchments.	Remove reference to OBJ LW 1 and POL LW2.
POL 53	Oppose	Making POL 53 subject to OBJ LW1 may cause confusion, as mentioned earlier. OBJ LW1 also does not explicitly include matters relating to river beds and gravel, and could be improved by addition of those types of considerations.	Remove words 'Subject to Objective LW 1' from the proposed policy

<p>Proposal to make any other consequential amendments to the Regional Resource Management Plan</p>	<p>Oppose</p>	<p>HBFGC opposes the proposal to make other consequential amendments to the Regional Resource Management Plan as sought in the notified change to the RPS. HBFGC, or any other submitter, have no way of knowing what changes the councils is proposing to make, and cannot understand the impact these changes may have on the environment generally, or their interests in particular. Further:</p> <ul style="list-style-type: none"> <li>- the council did not analyse these consequential amendments in their s32 report, so they cannot be satisfied that these are the most appropriate way to achieve the purpose of the Act or achieve the policies, and those reading the plan cannot make that assessment for themselves. As such the s32 requirements that must be met prior to notification of the RPS change have not been met.</li> <li>- The council did not notify the public in its public notice that it intended to change any parts of the Regional Plan part of the RRMP. It specifically included in the public notice that the scope of the proposed changes were to be introduced to the Regional Policy Statement parts of the Hawke’s Bay Regional Resource Management Plan, and did not identify any changes to the Plan parts of that document in the public notice.</li> </ul> <p>If the council intends to change any parts of the Regional Plan part of the HBRRMP, then it must specifically identify those changes and notify them to the public.</p>	<p>Do not make any amendments to the Regional Resource Management Plan that are not specifically identified in Change 5.</p>
---	---------------	---	--



# Hawke's Bay Forestry Group

Private Bag 6203, Napier 4142, New Zealand ▲ 1161, SH2, Wairoa Rd ▲ Phone 06 835 9260 ▲ Fax 06 835 9288 ▲ Email hbf@panpac.co.nz

25<sup>th</sup> October 2012

Hawke's Bay Regional Council  
Private Bag 6006  
Napier

## Submission on Hawke's Bay Regional Council's Proposed Plan Change 5

Attached is the Hawke's Bay Forestry Group's submission on the proposed Plan Change 5.

The Hawke's Bay Forestry Group represents all major forest owners/managers in Hawke's Bay including:

- Ernslaw One
- Forest Management New Zealand
- Hawke's Bay Farm Forestry Association
- Hancock Natural Resources Group
- Juken New Zealand
- Matariki
- New Zealand Forest Managers
- HB Forestry Group Forest Products
- PF Olsen
- Rayonier
- Roger Dickie New Zealand
- Timberlands Limited

Members' forests comprise approximately 100,000 hectares of the 132,000 ha in plantation forests in Hawke's Bay. About 1.7 million tonnes of wood are harvested annually from members' forests, directly employing 1100 in forestry and first stage processing.

We would like to be heard in support of The Hawke's Bay Forestry Group's submission and in conjunction with the Pan Pac submission.

Sincerely



Bob Pocknall  
Chair



Brett Gilmore  
Secretary

Part	Page	Section Title	Support/Oppose	Comment
POL LW2	3	Table 1	Oppose	<p>The Hawke's Bay Forestry Group opposes Table 1 even though we understand the intent is to differentiate what are the most important values and uses in the catchments.</p> <p>The Hawke's Bay Forestry Group notes that forestry is not listed as a value in any of the catchments. Forestry (plantation or as part of farm plans) is an essential tool, and part of the Council's strategy, to improve landscape resilience and water quality so it should specifically be mentioned.</p> <p>The Hawke's Bay Forestry Group is concerned about the implications of a split between primary and secondary values and issues, and the problems that could be generated prior to consensus from the just started collaborative groups which Council has sort guidance from. All values and uses are vitally important for someone and many are interlinked regardless of whether they are in the primary or secondary category. Is it really OK to avoid, if reasonably practical (POL LW2 3 b)), impacts to recreation yet maintain and enhance some economic drivers? What is that saying?</p> <p>The Hawke's Bay Forestry Group feels table 1 is the 'cart before the horse'. Once a Plan Change is approved, then the only way to change it is via another Plan Change. This provides a dilemma because it makes good ideas and collaborative outcomes in processes already started hard to incorporate because the Plan Change would only have been approved six months previously. It also may make participants of the collaborative process question the value of their involvement because the Council has already decided what is/isn't as important in specific catchments because they are listed in the Plan Change.</p> <p>In a Hawke's Bay Forestry Group specific</p>

				<p>example, several member companies have aggregate source that fall outside of even the secondary factors. Aggregate sourcing is of primary importance to these members.</p> <p>There is also the risk of perverse outcomes. If there is a need to maintain and enhance industrial and commercial water supply and land-based primary production, does this mean that new planting of trees on the unstable hill country should be stopped because they use water that isn't listed as a Primary Value? It has already happened in other regions of NZ.</p>
OBJ 27A	8	Insert new objective into Cpt 3.10	Oppose until further clarification	<p>Hawke's Bay Forestry Group supports the intent of riparian margins for biodiversity and water quality. However Hawke's Bay Forestry Group would like clarification on what '<u>remnant</u> indigenous riparian vegetation' means. If <u>remnant</u> means original or primary forest we would be supportive. If <u>remnant</u> meant all riparians that are currently remaining along river, lake or wetland margins then Hawke's Bay Forestry Group would not support this in all situations. Sometimes the best environmental outcome in logging is to accept damage to riparians. For example, logging across a stream may be better than building an extensive road system to access the wood from the other side of the stream.</p>
OBJ 29	8	Amend objective 29 in Cpt 3.11	Support with an addition	<p>Economics often drives gravel extraction. River aggregate is a valuable resource as well as simply desirable for river management or minimising flood risk. The Hawke's Bay Forestry Group suggests the economic necessity of the resource needs to be included in the objective.</p>





**Submission on  
Proposed Change 5 – Land and freshwater management  
to the Hawke’s Bay Regional Resource Management Plan**

**To:** Hawke’s Bay Regional Council  
Private Bag 6006  
Napier 4142

**Name of Submitter:** Holcim (New Zealand) Limited

**Postal Address:** PO Box 17 015  
Greenlane  
Auckland 1546

**Address for Service:** Opus International Consultants  
Private Bag 6019  
Napier 4142

Attention: Renee Murphy

**This is a submission on the following Change to the Hawke’s Bay Regional Resource Management Plan:**

Proposed Change 5 – Land and freshwater management

**The Holcim (New Zealand) Limited’s submission is:**

Holcim (New Zealand) Limited (‘Holcim’) is a leading supplier of cement, aggregates, ready mixed concrete and lime. It is part of the Holcim Group, one of the world’s leading suppliers of cement, aggregates and construction-related services represented in around 70 countries.

Holcim operates approximately 40 different sites across New Zealand, including two sites in Hawke’s Bay. These sites are Holcim Aggregates at Fernhill and Napier Cement Depot at the Port of Napier. The key site of interest in relation to Proposed Change 5 is the aggregate extraction operations located at Mere Road, Fernhill, which primarily include the extraction, processing and safe of aggregate products extracted from the Ngaruroro River.

Holcim generally supports the Council in the approach outlined in Proposed Change 5, to assist in the implementation of the National Policy Statement for Freshwater Management (NPSFM) and the 2011 Hawke’s Bay Land and Water Management Strategy. On Holcim’s behalf, we would like to thank the Regional Council for its response to the points made in feedback to the Draft Change.

The submissions are therefore, of a very limited nature and only directed at those aspects of the Proposed Change that have the potential to constrain Holcim’s operations.

**Holcim (New Zealand) Limited seeks the following decision from the Hawke’s Bay Regional Council:**

Adoption of Proposed Change 5 – Land and freshwater management, with amendments requested in the attached table of submissions.

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



---

**Signed:**            **on behalf of Holcim (New Zealand) Limited**

**Address for Service:**

Opus International Consultants Limited  
Private Bag 6019  
Napier  
Attention: Renee Murphy

**Phone:**    (06) 833 5115

**Fax:**        (06) 835 0881

**Email:**    [renee.murphy@opus.co.nz](mailto:renee.murphy@opus.co.nz)

Sub #	Provision – PC5	Submission and Reasons	Decision Requested
1	<p><b>OBJ LW1</b> Integrated management of fresh water and land use and development</p>	<p>This objective seeks the management of fresh water and land use and development in an integrated and sustainable manner. It sets out specific outcomes that are sought by this approach. OBJ LW1 states:</p> <p><i>The management of fresh water and land use and development in an integrated and sustainable manner that:</i></p> <p>...</p> <p><i>11. recognises the differing demands and pressure on freshwater resources within catchments across the Hawke’s Bay region, and where significant conflict exists between competing values, the regional policy statement and regional plans provide clear priorities for the protection or use of those freshwater resources.</i></p> <p>This objective recognises that the Regional Plan will specifically identify priorities in relation to the protection and use of freshwater resources. This includes identification of the use and extraction of aggregate resources. On this basis, Holcim supports the inclusion of this objective.</p>	<p>Adoption of OBJ LW1 Integrated management of fresh water and land use and development, and in particular Clause (11).</p>
2	<p><b>POL LW1</b> Problem solving approach – Catchment-based integrated management</p>	<p>Holcim provided feedback to the Draft Change seeking an additional point to this policy to recognise and provide for land uses, such as shingle extraction, that enhance the social and economic wellbeing of local communities and provide for their health and safety. The Council has responded to this by amending the clauses about long-term planning horizon and demand processes, to state:</p> <p>...</p> <p><i>f) takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water resources for future generations.</i></p> <p><i>g) aims to meet the differing demand and pressures on, and the values and uses of, freshwater resources to the extent possible in accordance with POL LW2.</i></p> <p>In order to ensure specific provision and recognition of land uses such as aggregate and shingle, a change is sought to clause f) to specifically recognise water based resources. The requested change will provide specific recognition that water based resources, including aggregates and in particular river shingle</p>	<p>Amend POL LW1 Problem solving approach – Catchment based integrated management, clause f) to read as follows:</p> <p><i>f) takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water <b>and water based</b> resources for future generations.</i></p>

Sub #	Provision – PC5	Submission and Reasons	Decision Requested
		resources, are not ‘water’ itself but are intrinsically linked with waterways. This provision, when read concurrently with clause g), which refers to POL LW2, will ensure that specific recognition is given to water based resources such as aggregates and their use and extraction.	
3	<b>POL LW2</b> Problem solving approach – Prioritising values	<p>This policy seeks to recognise and give priority to maintaining and enhancing the primary values and uses for freshwater bodies as shown on Table 1 in the policy for the Heretaunga, Mohaka and Tukituki Catchment Areas, whilst avoiding significant adverse effects on the secondary values of those catchments.</p> <ul style="list-style-type: none"> <li>• Aggregate supply and extraction within the following watercourses has been identified as a secondary value and use within the table:</li> <li>• Aggregate supply and extraction in Ngaruroro River downstream of Maraekakaho (Heretaunga Catchment Area)</li> <li>• Aggregate supply and extraction in Mohaka River below railway viaduct (Mohaka Catchment Area)</li> <li>• Aggregate supply and extraction in lower Tukituki River (Tukituki Catchment Area)</li> </ul> <p>Holcim supports the inclusion of aggregate supply and extraction activities in the secondary values column of the table, as identified.</p>	Adopt POL LW2 Problem solving approach – Prioritising values and associated Table 1, particularly with regard to the reference to aggregate supply and extraction in the ‘Secondary Values’ column.
4	<b>Consequential Amendments</b> <b>OBJ29</b>	An amendment is proposed to OBJ to reflect that it is subject to LW1. Holcim supports the suggested amendment for consistency within the plan.	Adopt OBJ with suggested amendment.

**SUBMISSION ON PROPOSED CHANGE 5 to the Hawkes Bay Regional Resource Management Plan**

**TO:** Hawkes Bay Regional Council

Sub# 16

**SUBMISSION ON:** Proposed Change 5 to the Regional Resource Management Plan

**NAME:** Horticulture New Zealand  
Pipfruit New Zealand  
Hawkes Bay Vegetable Growers Association  
Hawkes Bay Fruitgrowers Association  
NZ Winegrowers  
Hawkes Bay Winegrowers  
Heinz Watties

**Collectively the above organisations are referred to in this submission as the “the parties”**

**ADDRESS:** PO Box 10 232  
WELLINGTON

**1. The Parties submission, and the decisions sought, are detailed in the attached schedules:**

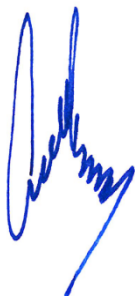
Schedule 1: Overall comments  
Schedule 2: Chapter 3.x Integrated Land Use and Freshwater Management  
Schedule 3: Other Chapters in Part 3 (RPS) of the HBRRM  
Schedule 4: Other provisions sought

**2. The Parties wishes to be heard in support of this submission.**

**4. Trade Competition**

Pursuant to Schedule 1 of the Resource Management Act none of the parties listed are bodies that could gain an advantage in trade competition through this submission.

Thank you for the opportunity to submit on the Proposed Change 5 to the Hawkes Bay Regional Resource Management Plan.



Chris Keenan  
**Manager – Resource Management and Environment**

**Horticulture New Zealand - on behalf of the Parties listed**

Dated: 5 November 2012

Address for service:

Chris Keenan  
Manager – Resource Management and Environment  
Horticulture New Zealand  
PO Box 10-232  
WELLINGTON

Tel: 64 4 472 3795

DDI: 64 4 470 5669

Fax: 64 4 471 2861

Email: [chris.keenan@hortnz.co.nz](mailto:chris.keenan@hortnz.co.nz)

## Schedule One: Overall Comments

### 1.1 Proposed Change 5 seeks to address a number of matters:

- Assist in the implementation of the National Policy Statement for Freshwater Management (NPSFM);
- Assist in the implementation of the 2011 Hawkes Bay Land and Water Management Strategy
- Introduce new provisions relating to integrated management of water and land use.

The Proposed Change introduces a new chapter 'Integrated Land Use and Freshwater Management' into the Regional Policy Statement section of the Plan with the intent of providing guidance and direction about how multiple values and uses of fresh water and land uses ought to be managed.

The Parties support the intent, but seek to ensure that all values are adequately represented in Change 5. Of key importance is that the full range of matters that comprise sustainable management are recognised – including social, economic and cultural wellbeing. It is important it terms of implementing the NPSFM that all values are recognised.

While Change 5 does not have rules (as it is part of the RPS) it clearly establishes a framework for regulatory methods to be included in the Regional Plan section of the HB Regional Resource Management Plan, which must give effect to the RPS.

The parties also see a need to outline some fundamental concepts for allocation of freshwater, including establishment of appropriate limits and policies to incentivise good management practice and resource use efficiency.

There is also a need to better incorporate (explicitly) recognition of existing investment and the importance of economic wellbeing to the Hawkes Bay community.

The parties appreciate some of the changes the Council has made in response to the initial comments provided but consider further changes are required to achieve the balance required in the Act (RMA 1991).

### 1.2 NPSFM

The intent is that Proposed Change 5 **assists** with the implementation of the NPSFM, but does not give full implementation of the NPSFM.

The NPS provides for the ability of Councils to implement it by December 2014 or through defined time-limited stages by December 2030. HB Regional Council has opted for the latter approach and has notified the Implementation programme which includes:

- Amendments to the Regional Policy Statement
- Amendments to regional plans
- Decisions on resource consents
- Non-regulatory initiatives (outlined in the Strategic Plan Oct 2011).

Key documents in relation to the approach are:

- HBRC Strategic Plan (Oct 2011)
- Hawkes Bay Regional Land and Water Management Strategy (LWMS)

- 2012-22 HBRC Long Term Plan (June 2012)

While the NPSFM was prepared under the RMA the HBRC is using mechanisms outside the Act to implement it.

What is critical in terms of the implementation of the NPSFM are the establishment of the values and (following that) the freshwater objectives. These will guide the limits set in the Plan to give effect to the NPSFM. In our view, Plan Change 5 needs to address the matters sought in the Schedules to this submission to enable the right balance to be found between the competing values.



## Schedule Two: Chapter 3.x Integrated Land Use and Freshwater Management

### 2.1 Issue LW 1

Proposed Change 5 has one issue relating to integrated land use and freshwater management:

*ISS LW 1 Potential for ongoing conflict between multiple, and often competing, values and uses of fresh water and limited integration in management of land and water to promote sustainable management of the region's natural and physical resources.*

The parties agree that there is potential for ongoing conflict between multiple, often competing values and uses of fresh water that should be addressed.

However the issue also states that there is 'limited' integration in management of land and water to promote sustainable management.' It is unclear how it has been determined that there is 'limited' integration and the extent to which it is an issue. Integrated management is supported but the issue should clearly indicate how the approach should benefit the Hawkes Bay community as a whole.

The Draft Change 5 had an issue that sought to enable economic and social growth to occur and the parties sought that providing for existing economic activity was also included. Neither of these matters are included in the proposed issue. Ensuring that economic activity is provided for, especially with competing uses of water, is an issue for the Region and should be identified in the RPS.

#### **Decision sought:**

Amend Issue LW 1 as follows:

*There is potential for ongoing conflict between multiple, and often competing, values and uses of fresh water which can impact on the ability to provide for existing or new economic activity. To ensure that economic and social wellbeing is provided for, there will need to be greater integration in the management of land and water and the region's other natural and physical resources with the overall goal of providing for community wellbeing.*

*Or provide another Issue to address economic wellbeing and social development*

### 2.2 Objective LW1 Integrated management of fresh water and land use and development

Objective LW 1 sets out an extensive range of matters that it seeks to achieve, some of which may, potentially, not be complementary.

The purpose of an objective is to set out how the issue will be addressed. The key aspect of the issue is the management of multiple and often competing, values and uses of water and the need for integrated management. The list of matters in the Objective are all matters that would ideally exist in the pursuit of 'integrated management' of water and land use. However, apart from Point 11, they do not explicitly address the issue of competing uses. While the competing uses and integrated management are related they would be best addressed through specific objectives.

Obj LW 1 lists the matters that are sought for the management of fresh water and land use and

development in an integrated and sustainable manner. The parties have considered how the objective may be applied and used in the assessment of resource consents for land use or water takes. There are many matters that would be outside the bounds of a consent party to undertake, such as identifying outstanding water bodies or specifying targets for water quality.

It is also noted that Matter 2 only relates to targets and methods for water quality, but not water quantity. The parties are concerned about the need for knowledge on water quantity and seek that a specific objective and policies are introduced to address that issue. Pol LW 1 i) seeks to ensure that there efficient allocation and use of water from within set limits to achieve freshwater objectives, however there is no objective to set the limits for water quantity, and development of allocable volumes for surface and groundwater has not been addressed.

Matter 7 has been added in as a result of consultation on the draft Change 5. It seeks to recognise the value of 'non-consumptive use of water for renewable electricity generation'. It is uncertain how the term 'non-consumptive' may be defined.

A number of matters were added as a result of the comments by the parties on the Draft provisions. However recognition of audited self-management programmes as a measure of good management practices has not been included.

Matter 9 relates to the efficient allocation and use of water. This is supported. However it would be useful to have a description of what efficiency means in this context. The NPSFM has a definition that includes technical, economic and dynamic efficiency and it would be appropriate to include a definition in the glossary or description in the objective so it is clear what is intended by 'efficient allocation and use of water. It is recognised that the concept of 'efficiency' will be considered at in any changes to the Regional Plan, but it is appropriate for the direction to be set in the RPS.

#### **Decision sought:**

1. Add a new Objective LW2 as follows:

The 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.

#### Principal reasons and explanation

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.

2. Amend Obj LW 1 as follows:

Add an additional matter to Obj LW1:

- Recognise and provide for the use of audited self-management to measure and validate the uptake of good and best management practise.

Add to Matter 9 'includes technical, economic and dynamic efficiency' or include a definition of efficient allocation and use in the Glossary.

Either add water quantity to Matter 2 or provide a separate objective relating to water quantity as sought in Schedule 4 below.

### **2.3 Obj LW 1 Principal Reasons and Explanation**

The Principal Reasons and Explanation include reference to the RiVAS assessments in terms of assessing values of rivers in the Region. The parties do not support the use of, or reference to RiVAS as a method for ascertaining values because RiVAS is not objective in the selection of values, it has not been completed as an assessment tool and the expert selection process outlined in RiVAS is not supported. Therefore deletion of reference to RiVAS is sought.

#### **Decisions sought:**

Add to the Explanation and Reasons how the Objective will be used, in that it does not establish priorities and that not all matters would need to be met in terms of assessing resource consent applications.

Delete references to RiVAS in the Principal Reasons and Explanation.

### **2.4 Policy LW 1 Problem solving approach – Catchment based integrated management**

The Parties support a catchment-based approach to managing water and land use and generally support the matters listed in POL LW1 which provide a framework for the development of catchment management within the Regional Plan. However additional matters were sought as part of the comments on the Draft provisions. In particular there should be recognition of the existing investment and activities in a catchment.

Clause g) aims to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible in accordance with POL LW2 – which establishes priorities for values. Existing use and investment is not listed as a value in Table 1. Therefore there is no explicit recognition of such existing use and investment. An additional clause is sought to include recognition of such use and investment, and it is appropriate that this is provided for in response to direction provided in the Resource Management Act 1991.

The Parties also sought changes to the clause relating to transition times, in particular that there be recognition of spatial variation in how prominent individual values are across the region.

#### **Decisions sought:**

Add new clauses to POL LW1 as follows:

recognise and provide for existing use and investment including the production of food, fibre, aggregates and wine

Recognise and provide for entities meeting industry identified standards for good management practice

Amend Clause i) as follows:

provides for limits that recognise spatial variation in values and allow the negotiation of

reasonable transition times and pathways to meet any new water quantity limits or new water quality limits.

## 2.5 Policy LW2 Problem solving approach – Prioritising values

Because POL LW 2 is subject to OBJ LW 1 the values listed in the Objective are not repeated in Table 1. While the rationale is understood, it means that Table 1 does not provide the full list of values relating to the respective catchments, or determine whether the values in OBJ LW 1 are primary or secondary values. For instance OBJ LW 1 (6) recognises the value of freshwater use for beverage, food and fibre production and processing, but it is not clear whether these are a primary or secondary value. Therefore for completeness all values should be included in Table 1.

The policy is intended to give effect to Objective LW1 so it is unclear why it needs to be subject to the Objective. This is implicit in the hierarchy within the RPS.

### Decision sought:

Delete 'Subject to Objective LW1.1 to 1.10' from Policy LW 2 (1) and (3).

Include as primary values in each catchment:

- fresh water for human drinking and animal drinking uses as a primary value
- fresh water use for beverages, food and fibre production and processing;

Include as a secondary value in Table 1 for Mohaka and Tukituki catchments:

- the non-consumptive use of water for renewable electricity generation

## 2.6 Policy LW 3 Problem solving approach – Managing use of production land

Policy LW3 has been added into Chapter 3 as a result of comments on the Draft provisions. The Parties are concerned that, while the RPS does not contain rules, the policy is written in such a way that any change to a regional plan would require rules to give effect to the policy. The policy in a) is also dependent on limits for nitrogen to be set out in regional plans. Therefore the policy is prescribing the policy approach without the information on which it needs to be based. In our view the policy is too directive in terms of an RPS, without a full s32 analysis being undertaken to assess the efficiency and effectiveness of a regulatory regime.

The policy also seeks 'to manage the use of, and discharges from, production land'. The issue is the discharge of nitrogen so that should be the matter that that is managed – not the use of the land. How a landowner would manage the land to achieve the discharge requirements should not be a matter over which the Council has control.

### Decision sought:

Amend POL LW 3 as follows:

Delete 'use of and' from 'to manage the ~~use of, and~~ discharges from production land';

Amend Clause a) as follows:

To establish through the regional plan nitrogen limits for catchments, taking into account the

existing investment (including investment in natural capital), and the ability of existing production land uses to meet those limits.

OR:

Provide for the use of audited self-management programmes to achieve good management of production land

## **2.7 Policy LW 4 Role of non-regulatory methods**

Policy LW 4 lists a number of methods that may be used as non-regulatory methods. However Clause d) is regional plan provisions. These are a regulatory method, so is inappropriate to include in POL LW4.

### **Decision sought:**

Amend POL 4 d) by deleting Regional Plan Provisions or amend to only non-regulatory methods in the regional plans.

## **Schedule Three: Changes to other chapters in Part 3 (RPS) of the HB RRMP**

### **3.1 Objective 15A – Chapter 3.4 Scarcity of indigenous vegetation and wetlands**

Proposed Objective 15A seeks to managed both freshwater and land use and development to protect significant values of wetlands. The Section 32 Report states that Objective 15a is intended to give clearer effect to the NPSFM Objectives A1 and B4. Objective A2 seeks that the overall quality of fresh water is maintained or improved while protecting the significant values of wetlands. Therefore the focus of new Objective 15a should be on the fresh water quality rather than land use and development.

#### **Decision sought:**

Delete 'and land use and development' from Objective 15A.

### **3.2 Chapter 3.8 Groundwater Quality - Policy 16**

Policy 16 in the Draft version had a focus on discharges from production land use activities. The Notified version is 'the effects of land use activities on production land'. This wording does not adequately reflect the issue- which is groundwater quality – not the production land. The clause is sought to be added to the policy that requires regulation of discharges over the Heretaunga Plan and Ruataniwha Plains aquifer systems. In addition the requirement for regulation should only be where it is required to meet nutrient discharge limits, not regulation of land activities per se.

#### **Decision sought:**

Reword the amendment to Policy 16 as follows:

- Discharges from production land activities where required to meet nutrient discharge limits.

**Schedule Four: Additional provisions sought**

- 4.1 The Parties consider that the RPS and Change 5 do not adequately address how management decisions on over-allocated water resources should be made. It is appropriate that the RPS give direction for such decisions and establishes a framework for the work required to underpin such decisions. In the absence of such knowledge the decisions on over-allocation are compromised.

As the matter involves both land and water use it is appropriate that provisions are included in the new Chapter 3.x

- 4.2 New Issue LW x1

**Decision sought:** Add a new LW Issue as follows

ISS LW X1 Management decisions are being made under assumptions that some waterbodies are over-allocated, in the absence of completed water balance models, established limits for groundwater resources, established abstractive limits and methods for assessing the nature of takes, or their contribution to established limits.

- 4.3 New Objective LW x1

**Decision sought:** Add a new LW Objective as follows

*Ensure that there is adequate information available to establish limits for water quantity and water quality.*

*Principal reasons and explanation:*

*Establishing limits for waterbodies is dependent on adequate and robust information. Currently there is a lack of information, particularly on groundwater models and allocation volumes and methods for assessing the nature of takes, or their contribution to established limits. There is pressure on resources and the information is required to enable resource allocation decisions to be made.*

Complete development of:

1. A groundwater model for the Heretaunga Plains by 2013;
2. Groundwater limits for Heretaunga Plains groundwater bodies by 2015;
3. Established groundwater management zones by 2015;
4. Transitional allocation volumes for surface and groundwater bodies by 2013;
5. Allocation volumes for surface and groundwater bodies by 2025;
6. Surface water quality limits by 2017;
7. Ground water quality limits by 2025;
8. Reassessment of allocation status by 2025.

**Or** provide similar relief through a policy suite tied back to an appropriate issue and objective.

- 4.4 New Policies LW x1

POL LW X1 Resource assessment

1. Develop discreet water management zones or units and assign existing takes and uses to the appropriate water body management unit by 2013.
2. Prioritise completion of resource assessments for the Heretaunga Plains, to aid the establishment of limits and to determine the allocation status for the Heretaunga Plains water management zones by 2025.
3. Develop transitional allocation limits not less than the sum of paper allocation (consents), and modelled abstractions (permitted activities and other existing takes) for Heretaunga Plains water bodies by the dates specified in the Objective above.
4. Develop limits for water quality resources that provide for existing primary production activities.
5. Take a whole – of – catchment approach when establishing limits, to ensure that existing land use activities are not compromised by new or proposed land use activities.
6. Provide for transition to the limits – based approach, by establishing transitional limits that protect efficient existing investment in the short term.
7. Develop priorities for management of water in times of restriction, including allowance for drought intolerant crops, water for production and processing of food post-harvest, stock drinking water and human health and sanitation requirements.
8. Develop methods for managing within limits, to detail how over-allocation will be managed once a limit has been established.



## **Schedule Five: Consequential Amendments**

The parties are happy to collaborate with other stakeholders including the Council on alternative wording if it satisfies the intent of the submission. The parties are also aware that consequential amendments may be required to give effect to this submission or any consultation / collaboration in relation to it.

**Decision Sought:** Provide for consequential amendments that give effect to the intent of the submission, other wording other than the relief stated in the decisions sought in schedules above, if it gives effect to the intent of the parties.





**SUBMISSION – Proposed Plan Change 5, Hawke’s Bay Regional Policy Statement**

Date: 05/11/12  
Name of Submitter: Irrigation New Zealand Incorporated  
Postal Address: 6 Sonter Road, Wigram, Christchurch 8042  
Telephone: 03 341 2225  
E-mail: [acurtis@irrigationnz.co.nz](mailto:acurtis@irrigationnz.co.nz)

A handwritten signature in black ink, appearing to read "Andrew Curtis".

**(Andrew Curtis CEO Irrigation NZ)**

**Overview**

1. IrrigationNZ (INZ) is a national body that promotes excellence in irrigation throughout New Zealand. INZ represents the interests of over 3,600 irrigators totaling 350,000ha of irrigation (approximately 50% of NZ’s irrigated area), alongside the majority of irrigation service providers (over 140 researchers, suppliers, installers and consultants). INZ membership in Hawke’s Bay totals just under 8,000ha irrigators. This unique membership combination leads to a well balanced whole of industry approach to INZ’s advocacy activities.
2. All INZ members businesses are founded on secure, on-going access to reliable water supply – without this they, and the regional economies they underpin, do not function. The national economy would also be significantly impacted upon. INZ actively engages with its members on planning issues, proactively facilitating a wider understanding of the relevant issues.

**Submission**

**Issue ISS LW1**

3. The issue (as written) is difficult to understand. It also needs to better reflect that community well-being (cultural, economic, environmental and social aspects) is the overall goal for the Hawke’s bay region.

*Decision Sought - Amend*

Potential for ongoing conflict between the multiple, and often competing, values and uses of freshwater, and limited integration of the region’s land, water and other natural and physical resource management, to allow for community well-being.

## Objective OBJ LW1

4. Overall INZ is supportive of the changes made to the objectives.

*Decision Sought – Support the objective subject to the following amendments*

- a. Matter 2 - water quantity should be included alongside water quality.
- b. Matter 7 - the word non-consumptive should be removed. The use of water for renewable electricity generation is always consumptive as it impacts upon the opportunity for others to utilise the water for other purposes.
- c. Matter 8 - Audited Self Management will be a key management method for the cost effective achievement of freshwater objectives and limits. It should therefore be included in addition to Good Management Practices.
- d. Matter 9 - efficiency should include all of its aspects - technical, dynamic and economic. These could either be added to the text or alternatively added to a definition in the glossary.

## Policy LW1

INZ is very supportive of a catchment-based approach to managing water and land use and generally supports the matters listed. However there needs to be more explicit recognition of existing sunk investment and its related activities (processing for example) in a catchment. This is extremely important as the mix of current land use activities provide for the socio-economic well-being of Hawke's Bay community. Resource management within the proposed integrated catchment management framework must therefore explicitly account for existing sunk investment in its decision making processes and any subsequent transition programmes.

*Decisions sought – Amend clause i) and add a new clause*

- i) recognises and provides for existing sunk investment in the implementation of reasonable transition times and pathways to meet any new water quantity and quality limits included in regional plans
- l) recognises the existing sunk investment for the production and processing of food, fibre and beverages

## Policy LW2

5. Table 1 does not provide the full list of values included in OBJ LW 1. It is therefore unclear, for some, whether they are of primary or secondary importance. Therefore for completeness all values should be included in Table 1.

*Decision sought: Delete and Amend*

Delete 'Subject to Objective LW1.1 to 1.10' from Policy LW 2 (1) and (3)'

Add the following primary values for each catchment

- reasonable domestic and stockwater use

- beverages, food and fibre production and processing

Include as a primary value in the Mohaka catchment

- renewable electricity generation

Include as a secondary value in for the Tukituki catchment:

- renewable electricity generation

### **Policy LW 3**

6. INZ does not support the inclusion of this policy in its current form.
7. The policy is extremely narrow in its management focus (nitrogen, faecal and phosphorous only). 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.
8. A Good Management Practice - Audited Self Management framework that utilises farm environmental plans to identify property specific risks to the achievement of the freshwater objectives, and then provide management solutions for these is therefore a more appropriate approach. Nitrogen, faecal and phosphorous management targets are included within these alongside other important factors such as soil, riparian and irrigation management.
9. The policy also seeks 'to manage the use of production land'. It is the discharge from production land and not the use of it which is the issue. The 'use of land' should therefore be deleted from the policy.
10. *Decision sought –Amend*  
Delete 'use of and' from 'to manage the use of and discharges from production land'  
Add a new clause a) and renumber the existing clauses a) – c) to b) – d)  
a) industry and/or catchment based Good Management Practice - Audited Self-Management programmes are implemented as the preferred management approach for the achievement of the catchment or sub-catchments freshwater objectives.  
Add a new clause e)  
e) catchment wide mitigation options are explored and implemented as appropriate

### **Policy LW 4**

11. Clause d) relates to regional plan provisions. These are a regulatory method and so are inappropriate to be included within a policy for non-regulatory methods.  
*Decision sought: Delete clause d)*

**INZ Submission Ends**



**Submission on:**

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

**Submitter:** Terry Kelly  
PO Box 1113, Hastings 4156  
027 414 1137  
[tckelly17@gmail.com](mailto:tckelly17@gmail.com)

I support the Regional Council's intention to give effect to the NPSFM, in part through Change 5 to the RPS. However, in general, I oppose the approach taken in Change 5, particularly the setting of priorities that undermine the intent of the RMA to protect and enhance the environment.

The key to sustainability and resilience in our region is a strong healthy natural environment, upon which resilient communities and a resilient economy can be built. This is the principle of strong sustainability. And a healthy environment begins with healthy freshwater ecosystems, which depend on sustainable land use and management that doesn't emit pollutants at rates greater than what can be assimilated naturally by the environment. The focus of integrated water and land management must be to achieve desired community and economy outcomes **within the constraints posed by our healthy environment**; the idea that we can trade off environment for economic gain is the antithesis of the whole concept of sustainability, and it is unnecessary.

I believe that Change 5 must be refocussed to ensure the protection and enhancement of our environment, of the mauri of our ecosystems. In the absence of other better indicators, this means that our freshwater throughout entire catchments at the minimum must be suitable for contact recreation and trout habitat. The objectives and policies in Change 5 must be rewritten to reflect this.

**Specifically:**

I oppose ISS LW 1 as it is written, it defines the issue as divisive when it really isn't. ISS LW 1 should be rewritten as: *The lack of an integrated approach to land and water management based on Strong Sustainability (SS) principles, leading to the potential for ongoing conflict between multiple, and often competing, values and uses of fresh water and limited integration in management of land and water to promote sustainable management of the region's natural and physical resources.*

I can support OBJ LW 1.1 – 1.10; OBJ LW 1.11 should be omitted or rewritten to reflect that protection and enhancement of mauri should always be top priority; other priorities may vary within this overriding constraint. The indicators of this are contact recreation and trout habitat in all catchments and sub-catchments. I also oppose references throughout Change 5: subject to OBJ LW 1, as it currently stands.

I am opposed to POL LW 2, which identifies specific sub-catchments in which environmental protection is reduced, for the reasons explained above. Compromises to the environment are not required for economic development; what is required are new ways of thinking as to how we can have both improved environmental outcomes and more resilient communities. There are plenty of examples internationally on which to draw.

I am opposed to amendments to Objective 15 and Policy 4 to the extent that they weaken protection given to wetlands. Wetlands need protection as 'wholes'.

I am opposed to deletion of OBJ 21 and replacing it with OBJ 22.

I can support the amended issue statement in Chapter 3.10.

Thank you for considering my submission.

I would like to be heard in support of my submission.

Terry Kelly  
5 November 2012.





# Submission on proposed plan, plan change or variation

(Form 5)

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

<i>Office Use</i>	
Submission ID#:	Sub # 19
Date received:	_____
DBase entry date:	_____

## SUBMITTER DETAILS

Name of submitter[full name]: Ivan Knaut

Contact person [if different to above, or if submitter is an organisation] : Cameron Drury

Postal address: Cheal Consultants Ltd Phone #(s): 06 835 2096  
PO Box 165  
Taupo Post code: 3351 Fax #: \_\_\_\_\_

Email: camerond@cheal.co.nz

PLEASE NOTE: your 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.

## SUBMISSION DETAILS [a useful guide to writing a submission is attached to this form]

The proposed plan, plan change or variation my submission relates to [title and reference number if applicable]: Plan Change 5

The specific provision(s) of the proposal that my submission relates to are:

see attached

My submission is [include whether you support or oppose the specific provisions or wish to have them amended along with your reasons for your views]:

see attached

I seek the following decision from the Council [give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]  
Attach additional pages if necessary:

*see attached*

Do you wish to be heard in support of your submission?

Yes /  No (circle one)

If others make a similar submission, would you consider presenting a joint case with them at a hearing?

Yes /  No (circle one)

Signature of submitter:   
[or person authorised to sign on behalf of submitter]

Date: *2/11/12*

**SUBMISSION TO HAWKES BAY REGIONAL COUNCIL ON  
PROPOSED PLAN CHANGE 5  
BY IVAN KNAUF – WAIRUA FARMS**

**TO:** The Chief Executive  
Hawke's Bay Regional Council  
Private Bag 6006  
Napier

**SUBMITTER NAME:** Ivan Knauf – Wairua Farms

**ADDRESS FOR SERVICE:** Cheal Consultants Limited  
PO Box 165  
Taupo 3351

Attn: Cameron Drury  
Telephone: 06 835 2096  
Email: camerond@cheal.co.nz

## **1. INTRODUCTION**

This submission provides comment on behalf of Mr Ivan Knauf of Wairua Farms on proposed Plan Change 5.

In this submission we will outline the specific provisions that this submission relates to and will explain our concerns before outlining the relief we seek. We trust this submission will assist staff and decision makers in processing the proposed Plan Change.

## **2. SUBMISSION**

### **The provisions to which this submission relates;**

This submission relates to the following provisions;

- Policy POL LW2 - Problem solving approach - Catchment-based integrated management.
- Integrated Land Use and Freshwater Management Anticipated Environmental Results .
- Policy POL LW2 - Problem solving approach - Prioritising values.
- Objective 29 – Gravel Extraction.

## Our Concerns

### Policy POL LW2

Policy POL LW2 sets out a number approaches in managing fresh water and land use and development in an integrated manner. One of these approaches, as outlined under (k) in the Policy, is;

- (k) enables water storage infrastructure which can provide increased security for water users in water-scarce catchments while avoiding, remedying or mitigating adverse effects on freshwater values.

We agree with the principle of water storage but are concerned that the Policy in its current form favours large scale or municipal storage schemes over smaller or on-farm schemes. These schemes can give rise to the exact outcomes as larger schemes insofar as increased availability of water and increased security of supply.

We are also concerned that the Policy in its current form seems to only favour water storage schemes in water scarce catchments. We consider the benefits of any scale water storage scheme apply whether the catchment is considered a water scarce catchment or not.

To address these concerns we would suggest the following amendments;

- (k) enables water storage ~~infrastructure~~ which can provide increased availability of water and increased security for water users ~~in water-scarce catchments~~ while avoiding, remedying or mitigating adverse effects on freshwater values.

Removing the word "infrastructure" removes the weighting of the Policy towards large or municipal schemes only. Removing the words "in water-scarce catchments" allows the benefits of water storage to be applied to any water body, provided adverse effects on freshwater values are suitably avoided, remedied or mitigated.

These amendments will not compromise the principles associated with the Policy, but will provide a greater opportunity for it to be exercised across the region.

### Integrated Land Use and Freshwater Management Anticipated Environmental Results

We have similar concerns in relation to the Anticipated Environmental Results as currently contained in the Table on Page 5 of the Proposed Plan Change. In the bottom cell the Anticipated Environmental Result is;

"Community water storage projects are developed in water-scarce catchments."

We believe this should be amended as follows;

"~~Community~~ Water storage projects are developed ~~in water-scarce catchments~~."

This will not compromise the establishment of water storage schemes or increase the risk of any adverse effects on freshwater values. As discussed above we consider that water storage should be promoted at all scales of development across the region to buffer instream or groundwater effects during water shortages. Hence we consider the Policy and Anticipated Environmental Results should be broadened to encourage water storage on all schemes whether they provide for a single residence, large farm or municipal scheme.

## Policy POL LW2 - Problem solving approach - Prioritising values

Policy POL LW2 identifies a number of primary and secondary values associated with the greater Heretaunga /Ahuriri catchment. One of these is the "aggregate supply and extraction in the Ngaruroro River downstream of Maraekakaho" (outlined in as a secondary value for the Greater Heretaunga /Ahuriri Catchment). We do not agree that this should be limited to "downstream of Maraekakaho".

Gravel extraction plays a key role in flood mitigation and it may be necessary to implement this practice upstream of Maraekakaho from time to time. We would therefore request the following amendments;

"aggregate supply and extraction in the Ngaruroro River ~~downstream of Maraekakaho~~"

We note that the remaining Policy and rule framework would still effectively manage any effects on freshwater values if this practice was determined to be necessary upstream of Maraekakaho from time to time.

### Objective 29

Objective 29 currently outlines the purposes for which gravel extraction may be undertaken. We believe consideration should also be given to avoiding the effects of flooding on areas of ecological habitat. This may only be necessary in certain cases, but there should be some degree of Policy support for such a purpose.

An example of such an area is an abandoned oxbow of the Ngaruroro River known as the Pigsty. This is located on Mr Knauf's property immediately downstream of Whanwhana and approximately 10 to 15 km upstream of Maraekakaho.

The Pigsty is located on a low terrace adjacent to the Ngaruroro River and is surrounded in most part by a steep semicircular escarpment. It contains large areas of pasture grasses and an area of wetland, which is best described as a shallow raupo-sedge swamp with areas of pussy willow and pockets of open water. A few kanuka, cabbage trees and flax bushes are scattered throughout the area. The Pigsty area has been identified as a "Recommended Area for Protection" (RAP) by the Department of Conservation and is referred to as RAP18.

Mr Knauf has noticed a considerable build up of gravel within the river bed adjoining this area and there is a real risk that flooding will compromise the habitat acknowledged to be of ecological value by the RAP classification.

This is an example of why gravel extraction should not be restricted to downstream of Maraekakaho in the Policy framework and why Objective 29 should consider the preservation of ecological habitat as a reason to undertake such a practice.

We therefore request the following amendments;

"Subject to Objective LW1, the ~~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 or protect the functional integrity of existing structures, whilst ensuring

that any adverse effects of gravel extraction activities are avoided, remedied or mitigated."

### Relief Sought

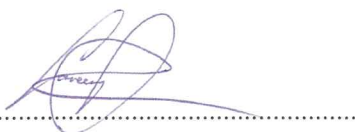
We request the following amendments;

- Policy POL LW2
  - (k) enables water storage ~~infrastructure~~ which can provide increased availability of water and increased security for water users ~~in water scarce catchments~~ while avoiding, remedying or mitigating adverse effects on freshwater values.
- Anticipated Environmental Results (page 5 of the Plan Change)
  - "~~Community~~ water storage projects are developed ~~in water scarce catchments~~."
- Policy POL LW2 – Secondary Values column of Table 1 for the Greater Heretaunga /Ahuriri Catchment.
  - "aggregate supply and extraction in the Ngaruroro River ~~downstream of Maraekakaho~~"
- Objective 29
  - "Subject to Objective LW1, the ~~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 on areas of ecological habitat value), or to maintain or protect the functional integrity of existing structures, whilst ensuring that any adverse effects of gravel extraction activities are avoided, remedied or mitigated."

Finally, we wish to be heard in support of this submission.

Thank you for the opportunity to provide comment on this proposed Plan Change.

Signature on behalf of Ivan Knauf:



**Cameron Drury**  
**Senior Planner**  
**Manager Hawke's Bay**

[2012-205]

Dated: 2 November 2012



# Submission on proposed plan, plan change or variation

(Form 5)

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

Office Use	
Submission ID#:	Sub # 20
Date received:	_____
DBase entry date:	_____

## SUBMITTER DETAILS

Name of submitter[full name]: LOWE CORPORATION LIMITED

Contact person [if different to above, or if submitter is an organisation]: PHILIP HOCQUARD

Postal address: PO BOX 444 Phone #(s): (06) 872-7799  
HASTINGS (027) 208-3302

Post code: 4156 Fax #: (06) 872-7781

Email: pwh@lowecorp.co.nz

PLEASE NOTE: your 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.

## SUBMISSION DETAILS [a useful guide to writing a submission is attached to this form]

The proposed plan, plan change or variation my submission relates to [title and reference number if applicable]: PROPOSED REGIONAL POLICY STATEMENT CHANGE 5

The specific provision(s) of the proposal that my submission relates to are: ALL

My submission is [include whether you support or oppose the specific provisions or wish to have them amended along with your reasons for your views]:

GENERALLY WE SUPPORT THE CONCEPT OF INTEGRATED  
LAND USE AND FRESHWATER MANAGEMENT BUT SUSTAINABLE  
MANAGEMENT, UNDER THE RESOURCE MANAGEMENT ACT, MUST  
MANAGE IN A WAY OR AT A RATE WHICH ENABLES COMMUNITIES

TO PROVIDE FOR THEIR SOCIAL, ECONOMIC AND CULTURAL WELL-BEING AS WELL AS OTHER FACTORS.

WHILE SUSTAINABLE MANAGEMENT IS REFERRED TO IN ISS LW1, THE CONCEPT OF THE SOCIAL, ECONOMIC AND CULTURAL WELL-BEING OF THE COMMUNITY IS NOT OBVIOUS FROM THE OBJECTIVES AND POLICIES THAT FOLLOW.

CLEARLY, THE RPS ITSELF IS A HIGH-LEVEL, OVER-ARCHING DOCUMENT AND CAN BE UNDERMINED BY PROSCRIPTIVE RULES AND REGULATIONS PROMULGATED IN OTHER DOCUMENTS BELOW IT. IF THOSE RULES FAIL TO CONSIDER THE SOCIAL, ECONOMIC AND CULTURAL WELL-BEING THE FLOWS FROM THE USE OF WATER THEN A COMMUNITY MAY WELL SUFFER AT THE EXPENSE OF AN OVER-ZEALOUS FOCUS ON OTHER ASPECTS OF SUSTAINABILITY.

I seek the following decision from the Council [give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]

Attach additional pages if necessary:

THE RPS SHOULD INCLUDE SPECIFIC OBJECTIVES AND POLICIES THAT BALANCE THOSE ALREADY EXPRESSED BY ENSURING THAT ACCOUNT IS SPECIFICALLY TAKEN OF THE COMMUNITY'S SOCIAL, ECONOMIC AND CULTURAL NEEDS. FOR EXAMPLE, THE NEED TO WORK AND THE COST IMPLICATIONS TO BUSINESSES AND LAND OWNERS THAT MAY SERIOUSLY LIMIT THEIR ABILITY TO PROVIDE EMPLOYMENT AND SOCIAL WELL-BEING IF THE BALANCE AND FOCUS ON PROTECTION OF THE ENVIRONMENT IS NOT RIGHT. THE RPS EXPRESSLY REFERS TO A 50 YEAR FOCUS - CARE NEEDS TO BE TAKEN TO ENSURE THAT RULES AND REGULATIONS MADE BELOW THE RPS DO NOT LOSE SIGHT OF THE LONG-TERM AND TRY AND ACHIEVE ALL THINGS IN THE SHORT-MEDIUM TERM

Do you wish to be heard in support of your submission?

Yes /  No (circle one)

If others make a similar submission, would you consider presenting a joint case with them at a hearing?

Yes /  No (circle one)

Signature of submitter:   
[or person authorised to sign on behalf of submitter]

Date: 5/11/12





# Submission on proposed plan, plan change or variation

(Form 5)

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

Office Use	
Submission ID#:	<u>Sub# 21</u>
Date received:	_____
DBase entry date:	_____

## SUBMITTER DETAILS

Name of submitter: Maori Trustee as Responsible Trustee for Poukawa 13B Ahu Whenua Trust

Contact person: Revell Wise

Postal address: P O Box 5038 Lambton Quay Wellington.

Phone #(s): (04) 803 2859

Post code: 6145

Fax #: (04) 803 2895

Email: revell.wise@maoritrustee.co.nz

PLEASE NOTE: your 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.

## SUBMISSION DETAILS [a useful guide to writing a submission is attached to this form]

The proposed plan, plan change or variation my submission relates to

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

The specific provision(s) of the proposal that my submission relates to are:

- ISS LW 1
- OBJ LW 1
- POL LW1
- POL LW2
- POL LW3
- POL LW4
- OBJ 15
- OBJ 15A
- POL 4A
- POL 4
- OBJ 22
- OBJ 25
- OBJ 27
- OBJ 27A
- Definition of Wetland

My submission is [include whether you support or oppose the specific provisions or wish to have them amended along with your reasons for your views]:

The submitter opposes all the specific provisions set about above for the following reasons::

### **Introduction**

Prior to addressing the plan change itself, it is important to provide the decision makers with an understanding of who the submitter is, the history of Lake Poukawa and the key issues of concern.

### **The Submitter**

Poukawa 13B is an area Maori Freehold Land situated at Te Hauke 12 kilometres south of Hastings comprising 522.5072 hectares which includes most of Lake Poukawa. It is subject to an Ahu Whenua Trust known as the Poukawa 13B Trust, constituted under Section 219 of Te Ture Whenua Maori Act 1993. Under this Trust the land is vested in the Maori Trustee as Responsible Trustee with Robin Hape, Thomas Harrison, Tama Huata, Elizabeth Pakai and Garth Miller as Advisory Trustees. These Trustees, including the Maori Trustee are appointed by the Maori Land Court pursuant to Section 231 of this Act.

The objects of the Poukawa 13B Trust are “to provide for the use and management and alienation of the land to best advantage of the beneficial owners or the better habitation or use by beneficial owners and their successors, to make provision for any special needs of the owners as a family group or groups, and to represent the beneficial owners on all matters relating to the land and to the use and enjoyment of facilities associated therewith”.

### **Background**

The Poukawa swamp was converted to productive land use in the 1920s and 30s which involved the digging of the present outlet channel. In 1980 the radial gate was constructed (part funded by the New Zealand Wildlife Service) to protect wildlife values in the lake and to safeguard water storage for downstream irrigators. The outlet stream was upgraded at the same time to enhance flood removal rates from productive land in the Poukawa basin.

The land area of Poukawa 13B is leased to Brownrigg Agriculture Ltd who utilise it for extensive cropping and grazing. Brownrigg Agriculture Ltd owns adjoining general land and leases other neighbouring blocks of Maori Land which they also crop and graze. These land activities are impacting on Lake Poukawa as are the following activities which have operated or are required to operate under Hawkes Bay Regional Council resource consents.

Brownrigg Agriculture Ltd has wells on its lands from which they extract water for irrigation and to provide water for grazing stock. There are also a number of other general land owners within the Poukawa Groundwater Management Zone who also extract water for these purposes from wells on their land. All these resource consents to extract and use groundwater expired on 31 May 2012.

Over a number of years, Brownrigg Agriculture Ltd has carried out extensive unconsented drainage and bunding work mainly on their lands to mitigate the effects of flooding on the areas cropped and grazed. The Hawkes Bay Regional Council has only recently determined that these activities require resource consent. It has however sanctioned the existing work pending the granting of retrospective consents.

The Maori Trustee as Trustee for Poukawa 13B is also a co -resource consent holder for the operation of a Radial Gate located on the Lake Poukawa outlet canal. The other consent holders are Brownrigg Agriculture Ltd, R & C Buddo Partnership and Buddo Agriculture Ltd (Bill Buddo) on whose land the radial gate is located. This resource consent expired on 30 June 2012.

The Hawkes Bay Regional Council has received and is at different stages of processing the resource consent applications for the extraction and use of ground water, the pumping and bunding activities and the operation of the radial gate. There is a hydrological connection between the activities covered by the various resource consents currently under consideration and they are interrelated in that they all impact on Poukawa 13B, Lake Poukawa and on other neighbouring Maori Land including areas both upstream and downstream of the lake. It is crucial therefore that the granting of the new resource consents sought is considered concurrently.

While it is evident that the land activities and water extraction and control activities are impacting on Lake Poukawa and its associated wetlands the full and long term effects cannot be determined at this time due to a lack of recent and on-going monitoring.

### Lake Management History

A comprehensive Management Plan for Poukawa was prepared in 1988, a detailed Technical Report in 1992 and an Issues and options paper in 1995 for the Hawkes Bay Regional Council. In 1998 the Poukawa lake/wetland was ranked second priority by the HBRC. In 1999 and 2001 ecological monitoring was carried out on the lake, but this was neither collated nor continued. A second Management Plan was prepared in 2001 but did not proceed beyond draft status. In 2002 the consent for operating the radial gate was transferred from the HBRC to a committee of landowners, and operating levels lowered from RL29.9-30.35m to RL29.7-29.9m in response to shrinking peat levels in the basin.

Ten years ago the Poukawa 13B Trust was instrumental in getting the edge of the permanent lake fenced (with help from Hawkes Bay Fish & Game and funding from Nga Whenua Rahui) to prevent stock entry. The Trust also engaged NIWA in 2009 to carry out an eel survey and to advise on conservation measures.

### Primary Concerns of Submitter

Poukawa 13B Trust, as owner of most of the lake bed, has advocated for lake conservation measures for some time, and see the need to balance sustainable management of the lake with productive land uses beyond the lake

The HBRC, on the other hand, has implemented practically none of the conservation measures or monitoring programmes recommended by their 1988 Management Plan, or subsequent reports. The outlet flow gauge is downstream from the radial gate and is located to provide information on flows to the Pekapeka Swamp and for downstream water consents; flow data has not been calibrated against lake depth or size, neither of which has been monitored. In fact, other than peat level surveys in 1992 and 2003, there has been no significant HBRC monitoring in the Poukawa basin for 20 years, despite the declared No.2 priority ecological rating of the lake, and despite the greatly increased intensity of agricultural land use over that period and the concomitant increasing threats to the lake (and to downstream water users) from potentially damaging trends such as rising nutrient concentrations.

From earlier environmental reports and from recent discussions with Poukawa 13B Owners, the local Offices of the Department of Conservation and Fish and Game it is evident that the activities being carried out on the land surrounding Lake Poukawa are impacting detrimentally on the Lake and its associated wetlands. The Department of Conservation and Fish and Game too have grave concerns around the level of the lake and as a consequence its ability to sustain the eco-system including juvenile tuna stocks.

The Poukawa 13B Trust wishes to continue to derive an economic return from its land and that over time it will seek to become more proactively involved with the management of the activities being carried out on it. It has however determined that this must be carried out in balance with good guardianship of the lake and surrounding area. In order to do this the trust has recognised the need for a holistic sustainable water and land management plan. An overall catchment plan for the Poukawa basin is required to manage the complexities of the area and to assist the Trust identify the tipping point where land activities become unsustainable and impact on the health of the Lake and wetlands. In summary, the Hawkes Bay Regional Council has not policed the existing resource consents well and the full impacts of the current farming and horticultural practices, the water extraction, the operation of the radial gate and of the extensive drainage and bunding carried out by Brownrigg Agriculture Ltd are not known. A monitoring regime must be implemented to inform the development of a holistic sustainable water and land management plan and the granting of resource consents for activities impacting on Lake Poukawa and surrounding lands.

### Specific issues with Plan Change 5

It is unclear if the plan change 5 is intended to enable the achievement of a level of environmental protection that did not occur under the current provisions (as discussed above) or if it is simply a "streamlining" exercise. What is also unclear is whether the Changes will actually assist in improving the current very low level of implementation.

These are very important points for clarification as they are the Submitter's primary concerns with the current regime, which must be guided by the relevant Policies, Plans and Strategies. If it's a streamlining exercise, then the submitter's significant concerns remain but if it is more than that, then the submitter seeks further clarification and detail on how this will actually be achieved.

It is suggested that the Councillors seek information from the Council on the performance of the existing provisions prior to determining what changes are required

More specific comments follow:

### ISS LW 1 and OBJ LW 1

Much of this Objective deals with development issues, but items 1 and 4 are of particular relevance to Poukawa, as safeguarding it as an ecosystem (rather than merely a water resource) and protecting water quality have not featured to date in Council priorities within the basin. However, since items 1-11 are not prioritised, it is not clear how these sub-clauses will be applied at individual locations and whether some will take precedence over others. We submit, for instance, that sub-clause LW1.4 will take precedence at Poukawa.

### POL LW1

This Policy clearly applies to Poukawa 13B, Council has not addressed items d), e) or f) to date with respect to Poukawa. We seek clarification as to exactly how POL LW1 will be applied in the absence of prioritisation under POL LW2. We are also concerned that this policy does not specifically state that the long-term planning perspective specified in LW1.f will also be applied to significant wetlands.

### POL LW2

Although Poukawa is not specifically prioritised under POL LW2, we seek clarification that its high status (at least No. 2 in the Pekapeka Management Plan) will be re-affirmed or restored (ie as an independent ecosystem, not merely as a source of water for Pekapeka) in POL LW2.

### POL LW3

There is currently no nitrogen limit for the Poukawa sub-catchment. We wish to see a guidelines set for both nitrogen and phosphorus. We are also concerned that phosphorus runoff 'will be managed by non-regulatory methods and industry-led best practice'. Non-regulatory methods are basically only data-gathering strategies and industry does not have the range of perspectives or objectivity to police itself over nutrient use and losses. We would like to see Council-promoted best practice adopted and then applied by industry to balance production 'wants' against environmental 'needs'.

### POL LW4

No timeframes are given for putting these methods in place at specific locations and no intermediate goals (ie pre-2030) have been set. As no timeframes were set in the 1988 Poukawa Management Plan and no significant monitoring was carried out in the following 25 years, and since timeframes for compiling reliable models for wetland management are long, we believe that these intermediate goals need to be established now in order to effectively meet both the 2030 NPS deadline as well as the much earlier demands of development/conservation conflict at Poukawa.

### OBJ 15

We support clarifying and strengthening the objectives by devoting OBJ 15 to native biodiversity across all ecosystem types, including wetlands.

### OBJ 15A

We support the creation of a separate Objective to protect wetlands from development activities, provided that priority wetlands have management priority over development activities. Even though it does not have strong statutory support in all locations, this is a clear statement of intent and needs to be applied consistently across the region. We would like to see Poukawa specified as a priority location.

### POL 4A

The use of non-regulatory methods to support regulatory methods is axiomatic. Non-regulatory methods are general by nature and their use will be selective depending on priorities. It is an uncertain fall back measure and we prefer to see Poukawa clearly specified in statutes as a priority site which automatically attracts priority measures.

### POL 4

This policy is still subject to prioritisation within the provisions of the Annual Plan and therefore still requires locations to be prioritised.

## OBJ 22

Although this Policy is formulated with the Heretaunga Plains and the Ruataniwha Plains in mind, the principles need to be applied on a more widespread basis. Thus the quality of borehole waters at Poukawa should be monitored for deterioration especially during drought periods.

More importantly, OBJ 22c requires addressing the issue of potential degradation of lakes and wetlands from point-source discharges. At present discharge of agricultural land drainage water directly to Poukawa Lake has received no Council attention. In order to apply this Policy consistently, it is expected that nutrient and hydrological loadings will need to be monitored at Poukawa.

## OBJ 25

Subject to OBJ LW1.1 & LW1.4, we suggest that Poukawa clearly features high on the priority list and that 'maintaining the life-supporting capacity of ecosystems' is a much stronger commitment to protecting the quality of freshwaters than merely maintaining 'water resources'. Indeed since ecosystem priorities have to take precedence over resource requirements, we see this as a strong Objective supporting natural freshwater lakes and wetlands, particularly Lake Poukawa. However, we do seek clarification that, for a high value wetland such as Poukawa, maintaining satisfactory flows for aquatic ecosystem management on a sustainable basis will take precedence over development demands.

## OBJ 27

Again, we support use of the specific term 'ecosystem' rather than the less specific 'resources'. However, the water quality should be suitable for sustaining not just 'any' aquatic ecosystem, but 'specified' aquatic ecosystems with particular qualities – such as the Lake Poukawa ecosystem as defined by a competent ecological survey.

Under the POL LW1 default condition, this ought to require the collection of enough water quality data to be able to adequately address OBJ 27.

## OBJ 27A

This Objective, maintenance of riparian vegetation, is of particular relevance to Lake Poukawa because of its extensive ephemeral margins. This type of wetland ecosystem needs those seasonally flooded areas as well as appropriate marginal vegetation. We suggest that OBJ 27A notes that the amount and type of riparian vegetation will be specific both to wetland type and to individual wetlands within each type.

## OBJ 47A

'Contaminant' needs to be defined in terms of the purpose and function of the water body into which it is discharged. Excess nitrogen, phosphorus and suspended solids all behave as contaminants in Lake Poukawa. OBJ 47A therefore strongly reinforces OBJ 27 and this should be acknowledged in the OBJ 47A wording.

## Definition of Wetland

The definition of 'wetland' used in the Change 5 document (Glossary, p.9) is satisfactory, but we wish to point out the difference between 'tolerance' and 'adaptation.' A tolerant plant is able to survive waterlogged conditions only for a very limited time, but an adapted plant will endure waterlogging permanently, or seasonally. This has relevance to exclusion (a) 'wet production land'. 'Wet pastoral land' (rough pasture, seasonal pasture) is 'production land', but it often falls well within the definition of 'wetland' too, when it is dominated by adapted native swamp plants. This is the case at Poukawa, where 'seasonal wetland', dominated by adapted native swamp plants can, under the Change 5 exclusion, have its status changed simply by putting cows on it. We suggest that the exclusion is deleted, so that the ecological wetland definition applies where there is a conflict between a priority conservation wetland and development interests.

**I seek the following decision from the Council** [give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]

Decline the plan change until such time as there is full understanding of the issues raised in this submission, particularly with regard to the actual intent of the plan change and its overall effectiveness.

---

Do you wish to be heard in support of your submission?

Yes

If others make a similar submission, would you consider presenting a joint case with them at a hearing?

Yes

Signature of submitter:

*Shelley A. Mar. Trustee*

[or person authorised to sign on behalf of submitter]

Date:

*5 November 2012*

**Submission on Proposed Regional Policy Statement Change 5**

Sub# 22

To: The Chief Executive Officer  
Hawkes Bay Regional Council  
Private Bag, 6006  
Napier, 4142  
Email: [submission@hbrc.govt.nz](mailto:submission@hbrc.govt.nz)

**SUBMITTER DETAILS**

Name: Nicholas Jones, Medical Officer of Health  
Postal Address: PO Box 447,  
Napier, 4140

Phone: 06-834-1815

Email: [Nicholas.jones@hbdhb.govt.nz](mailto:Nicholas.jones@hbdhb.govt.nz)

I wish to be heard in support of this submission

**SUBMISSION DETAILS:**

- 1.0 The general aim of integrating land use and fresh water management is supported
- 2.0 The proposed plan change does not specifically provide for protection of groundwater dependent ecosystems (GDE) as was recommended in a recent National Institute of Water and Atmospheric (NIWA) review.<sup>1</sup>
- 3.0 Deletion of objective 21 reduces council's ability to prevent groundwater contamination that might impact on ground water dependent ecosystems. Degradation of such systems might ultimately impact on drinking water suitability and other uses. The submitter requests that objective 21 is retained or otherwise modified to recognize the need for protection of ground water dependent ecosystems
- 4.0 Water supply for cities and townships is not recognized as a primary value for the Mohaka Catchment area. Objective 22 provides that aquifers are protected to ensure suitability of water for human consumption. However this objective is subject to Objective LW1 and it is not clear whether protection of ground water for human consumption in smaller settlements will be regarded as a priority. The submitter requests that protection of drinking water supplies is included as a primary value and use in all catchments.

Yours faithfully



Nicholas Jones  
Medical Officer of Health  
Hawke's Bay District Health Board

Date: 5.11.2012

---

<sup>1</sup> NIWA. A review of current groundwater management in Hawke's Bay and recommendations for protection of groundwater ecosystems. NIWA. September 2009.





Hawke's Bay Regional Council  
Private Bag 6006  
NAPIER 4142

[submissions@hbrc.govt.nz](mailto:submissions@hbrc.govt.nz)



**Ngāti Kahungunu Iwi**  
INCORPORATED

Sub # 23

***HAWKE'S BAY REGIONAL COUNCIL'S  
Proposed amendments***

***REGIONAL POLICY STATEMENT  
CHANGE 5  
LAND USE AND FRESHWATER MANAGEMENT***

***SUBMISSION FROM  
NGATI KAHUNGUNU IWI INCORPORATED***

5/11/2012

*Background*

1. **Ngāti Kahungunu Iwi Incorporated** (NKII) is the mandated iwi organisation responsible for all aspects of Ngāti Kahungunu development. Ngāti Kahungunu has the third largest iwi population (55,946<sup>1</sup>) and the second largest tribal rohe and coastline, from Paritu and extending inland across the Wharerata ranges in the north to Turakirae (Palliser Bay) in the south.

The mission of Ngāti Kahungunu Iwi Incorporated is:  
*“To enhance the mana and well-being of Ngāti Kahungunu”.*

2. The iwi authority maintains an independent position to advocate for the interests and rights, including values, beliefs and practices of all Ngāti Kahungunu tāngata whenua, whanau, hapū and iwi. Tāngata whenua hold significant cultural, economic and spiritual connection to the natural environment and have rights and interests to its resources. This includes a responsibility and obligation as kaitiaki to care and protect the natural environment for future generations, there is particularly concern given to adverse cultural and environmental effects.
3. Land and Water are arguably the two most significant natural elements that have guided characterized Ngāti Kahungunu tāngata whenua; marae, whānau and hapu have always been strategically located near freshwater or waimāori. The very terms ‘tāngata whenua’<sup>2</sup> and ‘waimaori’<sup>3</sup> are terms that demonstrate the importance of land and water to Māori and its link to our identity.
4. Ngāti Kahungunu Iwi Incorporated invests considerable amount of time, resources and energies in drawing together and considering the views and aspirations of Ngāti Kahungunu tāngata whenua mai Paritu ki Turakirae including the appropriate hapū, Taiwhenua and communities. Maintaining these networks and appreciating all perspectives is vital for a holistic over view and progressing towards enduring outcomes and solutions.

Hāngai ana ki te whakatauāki:  
*“Nāku te rourou nāu te rourou ka ora ai te iwi”.*

5. NKII has held a number of public meetings for tāngata whenua that primarily focused on issues and initiatives associated with water. The hui highlighted the commonality amongst tāngata whenua in terms of their values. However, despite the best efforts of tāngata whenua to work with councils, there has been little change to the outcomes over the years. It also highlighted that the same frustrations and disappointments in terms of natural resource (mis)-management that has inadequately and continually failed to address the long standing concerns and values of tāngata whenua.

---

<sup>1</sup> 2006 Census of Population and Dwellings, New Zealand Kahungunu population only.

<sup>2</sup> Local people, hosts, indigenous people of the land – born of the whenua, i.e. of the placenta and of the land where the people’s ancestors have lived and where their placentas are buried. Whenua means both land and placenta.

<sup>3</sup> Freshwater, mineral water.

6. There are a number of documents that provide valuable references to the values and interests of Ngāti Kahungunu tāngata whenua in terms of natural resource management:
  - a. W. Hodges (1992) *Kaitiaki Mo Ngā Taonga Tuku Iho*, Ngāti Kahungunu – provides councils with an introduction to an Ngāti Kahungunu ethic for sustainable resource management.
  - b. Ngāti Kahungunu (2008) *Kahungunu ki Uta, Kahungunu ki Tai Marine and Freshwater Strategy* – sets out the aspirations of Kahungunu for the use and management of marine and freshwater fisheries within our rohe.
  - c. Te Manga Maori Eastern Institute of Technology (2010) *Cultural Impact Assessment of the Tukituki Proposed Water Storage Dams*.
  - d. Te Manaaki Taiao: Te Taiwhenua o Heretaunga (2012) *Cultural Values and Uses of the Ko Wai Ka Hua: Cultural Values and Uses, Cultural Impact Assessment of the Tukituki Catchment on Heretaunga Marae Hapu Tukituki Catchment*.
7. However, the documents alone only provide an introduction; direct dialogue with the appropriate tāngata whenua is needed for more robust effective management. Also, the scope and timing of each publication may vary in terms of relevance to resource management objectives, policies and subsequent management decision.
8. To effectively provide for the involvement of tāngata whenua and their values and interests in the management and decision-making of natural resources, their direct involvement is needed in the planning stages. Tāngata whenua involvement would help interpret how their values and interests could appropriately be incorporated into management. In most instances the values and interests can add value to other ‘interests’.
9. This submission does not intend to exclude or undermine any other Ngāti Kahungunu responses or submissions. Ngāti Kahungunu Iwi Incorporated supports the submissions made by other tāngata whenua and encourages greater involvement of hapū and their interests in resource management planning and implementation.

### *Introduction*

10. The Proposed Regional Policy Statement Plan Change 5 has the capacity to substantially affect Ngāti Kahungunu values and interests in land and water if the plan change does not recognise and provide for mātauranga Māori and tikanga Māori. An operative regional policy statement or plan has effect for in excess of ten years, and directs territorial authorities towards specific management options. If resource management within the Hawke’s Bay region is to be more inclusive of Māori values and interests, an appropriate and inclusive planning mechanism needs to be put in place to deliver outcomes for Māori that reflect the status and philosophy of existing Treaty settlements, and without compromising the aspirations of tāngata whenua who have yet to settle their Treaty grievances with the Crown. In addition, impediments towards rightful Treaty redress can be promulgated via statutory planning provisions if they are not sufficiently cognisant of the Māori world view, particularly towards environmental issues.

11. As we move towards a post-Treaty settlement era, it is essential that the partnership envisioned within the Treaty, is supported at the regional level as councils derive their powers and functions from legislation passed by the Crown.
12. We acknowledge regional council's prior consultation with the iwi authority and the opportunity to make initial comments on the draft plan change document, although we note that only some of our suggestions have been included in the notified plan change.
13. Land and water management and the mechanisms outlined through the proposed plan derive partly from the Hawke's Bay Regional Council's Land and Water Strategy. This strategy has a strong economic focus and this is carried through to the proposed RPS Plan Change 5. Our submission seeks to re-balance this focus towards a more holistic management approach.
14. As the proposed plan is setting the platform for other plan changes being prepared for the Tukituki, Ngaruroro, Tutaekuri, Ahuriri and Karamu catchments, it is essential that the foundations are solid and address all relevant issues, especially those raised by the HBRC's Treaty partner.

#### *The Waitangi Tribunal*

15. Ngāti Kahungunu has never relinquished ownership over our water bodies; the Treaty of Waitangi confirmed and guaranteed our interests over this extremely important taonga. Since the Treaty of Waitangi, the Crown has wrongly and progressively acted as the owner, under the assumption of exclusive rights of control, without the informed consent of Ngāti Kahungunu.
16. In 1992, the Waitangi Tribunal made specific findings that the rangatiratanga over the Mohaka River has never been relinquished and that the assumption by the Crown of exclusive rights of control, without the consent of Ngāti Pāhauwera, constitutes a Treaty breach.<sup>4</sup>
17. These findings are equally applicable to all water bodies within the Ngāti Kahungunu rohe - Ngāti Kahungunu have never relinquished mana, rangatiratanga or kaitiakitanga over Ngā wai a te ao Māori, a Ngāti Kahungunu (all of the water bodies within the Ngāti Kahungunu rohe).
18. More recently, the Waitangi Tribunal found that Māori had proprietary rights and interests in freshwater and that those rights are sufficiently linked to commercial developments and companies that use water, without paying.<sup>5</sup>
19. Ngāti Kahungunu Iwi Incorporated agree with the Waitangi Tribunal's interim findings and as the mandated iwi organisation we have a constitutional duty and obligation to:
  - promote, protect and assert the mana, rangatiratanga and kaitiakitanga of ngā hapu o Ngāti Kahungunu;
  - act in the beneficial interests of all descendants of Kahungunu, particularly where the interests and rights of Ngāti Kahungunu tāngata whenua, hapu and whānau have been unfairly subjugated.

---

<sup>4</sup> Wai 119, *The Mohaka River Report 1992*.

<sup>5</sup> Wai 2359, *Waitangi Tribunal Interim Report on Freshwater*

20. On September 3<sup>rd</sup> 2012 NKII lodged a contemporary statement of claim on behalf of ngā hapū o Ngāti Kahungunu.

WAI 2379: A Contemporary Treaty Claim to Freshwater and Geothermal Resources within their respective rohe on behalf of the iwi, hapū, Whanau and marae of Ngāti Kahungunu.

21. In line with the Waitangi Tribunals recommendation for meaningful discussion with iwi, Ngāti Kahungunu have invited the Crown to come and talk with us, *kanohi ki te kanohi (face to face)*, to develop mutually beneficial pathways forward *pokohiwi ki te pokohiwi (shoulder to shoulder)* in freshwater.

Discussion with the 11 councils and territorial authorities within Ngāti Kahungunu will follow, once a clear direction with the Crown has been agreed.

22. Ngāti Kahungunu are also prepared to litigate our case in court, should this be required.

23. NKII is concerned that so many important plans and strategies e.g. Ruataniwha Storage, Plan change 5 and Tukituki Choices and consent renewals are being reviewed currently and are scheduled to take effect before this important ruling on proprietary rights is made. Decisions made now could prejudice Ngāti Kahungunu rights and interests and we INSIST that the HBRC takes action to ensure that this does not occur. Failure to instigate adequate measures to protect Ngāti Kahungunu interests could be considered another Treaty Breach.

24. In the meantime, while proprietary rights to water are decided in the courts, or though discussions with the Crown, it is IMPERATIVE that the HBRC works together with Ngāti Kahungunu whanau and hapū to ensure that Māori have 'meaningful' engagement with HBRC at all levels. While the joint-planning committee is a valuable first step, the powers and functions of this group DOES NOT go far enough to ensure that the rangatiratanga of Whanau and hapū are adequately expressed and protected. There are other ideas and options which will need to be discussed and explored in more detail with Ngāti Kahungunu Whanau and hapū and also the joint-planning committee. Discussion is also required with the joint-planning committee to ensure that they are supported in their roles by the iwi, hapū and whanau.

### *The Section 32 Analysis*

25. A section 32 report and its purpose is clearly prescribed in the Act, however there are some aspects related to the section 32 report for the proposed plan and the analysis, that have led to the proposed plan not constituting or contributing to the most appropriate way towards achieving the purpose of the Act, particularly in terms of efficiency and effectiveness. These include: -

- a. Proposed provisions related to Māori (iwi, hapu or tāngata whenua) not being comprehensive enough or given sufficient priority to enable their cultural well-being (in relation to water resources);
- b. Insufficient cognisance has been given to the hapu and tāngata whenua provisions and directions within the National Policy Statement for Freshwater Management (NPS FM);

- c. The proposed plan forming the foundation for enabling further degradation of water resources which does not give effect to Objective 5 of the RPS FM
  - d. No recognition of the significance of iconic rivers and water bodies to tāngata whenua/hapu
  - e. Lack of consistency in provision for Maori values and interests.
26. As a consequence, proposed Plan Change 5 could lead to drawn out hearing and litigation processes as Māori constantly seek recognition and provision for their values and interests when future plan change processes are undertaken by the regional council, who have 12-14 plan changes currently on their work programme.
27. Adequate consideration of and inclusion in the proposed Plan Change 5 for mātauranga Māori and tikanga Māori, would ensure better and more efficient processes, imbue a more inclusive approach towards tāngata whenua/hapu and aid towards the achievement of their environmental aspirations.

### ***Issues and Recommendations***

28. In general there is a missed opportunity in the current draft, to incorporate objectives and policies that adequately recognise Maori values and interests as well as giving greater and more meaningful effect to the NPS FW. Notwithstanding that no urgency is needed to give effect to NPS FW in terms of timelines, current decisions need not ignore or go against the intentions and purpose of the NPS FW. Particularly the promotion and further decline of water quality in the regions surface and ground water bodies.
29. Seeking to address both land use and water management within one objective however, as in draft OBJ LW 1 has resulted in a rather cumbersome approach that lacks clarity, is open to interpretation and will require a constant balancing act through decision-making processes as competing priorities are compared and assessed. The objective (s) should be more concise. In addition, the direction for lower tier planning instruments is not well defined. Breaking down the proposed objective into two separate objectives, one for water and one for land management would provide better direction and lead to greater cohesion with relevant sections of the HBRRMP and district plans.
30. Inclusion of clause 1.5 regarding Māori spiritual values within this context implies a trade-off when comparisons are made between these and all other matters raised within the objective. This will result in a prioritisation of separate elements, and risks inadequate 'taking into account' of Māori values. This is specified in the issue statement ISS LW1 where it states *"...requires the balancing of multiple, and often competing, values."* Wairuatanga is an absolute value. It should not be balanced off against any other value. Only recognising wairuatanga and mauri will not ensure that they are specifically *"provided for"* as required by section 6(e) of the Resource Management Act (RMA).
31. The additions and changes for plan change 5 are for the purpose of Hawke's Bay Regional Resource Management. Tāngata whenua and regional values should be the main objective, the inclusion of 'national value' and any subsequent recognition, devalues tāngata whenua and the

Hawkes Bay regional community and rate payers interests. It appears to be included to support a proposed dam or water storage project of apparent national significance. This is a regional plan and should be treated as such, any land or water use should be an objective of the region while nationally significant values are catered and are directed for in the NPS FW. Are international values to be added in the future?

**Recommendation:**

31.1 We strongly insist the following changes to OBJ LW 1 in particular the removal of the terms “national value”:

“5. recognises the significant ~~national and~~ regional value of freshwater for human drinking and animal drinking uses;

“6. recognises the significant regional ~~and national~~ value of freshwater use for beverages, food and fibre;

“7. recognises the potential for significant regional ~~and national~~ value arising from the non-consumptive use of water for renewable electricity generation;

32. The regional council has several plan changes and variations proposed over the next few years. Given that the average time taken for one plan change to traverse the statutory landscape is around 5 years, it would be prudent to combine several similar plan changes into one major plan change, thus reducing the considerable time and expense associated with multiple plan changes and variations. This plan change consisting of amendments to the regional policy statement section of the Hawke’s Bay Regional Resource Management Plan (HBRRMP) will need to encompass regional priorities across several catchments while implementing some of the directives contained within the National Policy Statement for Freshwater Management including those associated with water quantity in over-allocated catchments and degraded water quality issues.

33. The Heretaunga aquifer system is the manawa or beating heart of the Hastings economy, supplying water of exceptional quality for domestic, industrial and agricultural use, for most uses or purposes, it requires no treatment. Protection of the aquifer from contamination is paramount if our economy is to remain competitive. The management of aquifer systems will require the setting of limits so that abstraction does not lead to unsustainable practices being encouraged. Allocations within Heretaunga are constantly exceeding average annual recharge rates. The recommendations from the draft NES for Ecological Flows could be used as a default level to guide abstraction limit setting, and help prevent the decline in aquifer pressures and levels. This is particularly relevant where there is a high incidence of ground water interaction with surface water bodies. Clear guidance within the RPS would ensure aquifer recharge rates are not exceeded thus promoting the purpose of the RMA.

**Recommendation:**

34.1 **Include** an objective aligning maximum water abstraction from the Ruataniwha and Heretaunga aquifer systems with 33 % of their average annual recharge rates, thus allowing for the effects of drought periods and supporting the purpose of the RMA.

35. Chapter 3.14 of the plan, which is also referred to in OBJ LW 1.5, has not been sufficient in the past to protect or enhance Māori values and their constituent parts, as it only recognises tikanga Māori values without directing lower tier strategies or plans to provide for them.

36. As Plan Change 5 is a change to the Regional Policy Statement containing Chapter 3.14, one would expect it to address the requirements in the NPS for Freshwater Management that relate to tāngata whenua, thus capturing the intent of: -

*“Objective D1*

*To provide for the involvement of iwi and hapū, and to ensure that tāngata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to;” and*

*Policy D1*

*Local authorities shall take reasonable steps to:*

*a) Involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region*

*b) Work with iwi and hapū to identify tāngata whenua values and interests in fresh water and freshwater ecosystems in the region and*

*c) Reflect tāngata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region.”*

37. This objective and policy from the NPS signals a need to amend Chapter 3.14 so as to enable Māori values and interests to be provided for. This would then direct positive outcomes for tāngata whenua when the other plan changes for the Ngaruroro, Mohaka, Tukituki and Tutaekuri Rivers, and the Karamu Stream are drafted and publicly notified by council. Better management of these catchments has been on HBRC’s agenda for the last few years for various reasons, and associated plan changes will follow in due course.

***Inclusion of a Specific Objective and Policies for Tāngata Whenua Issues***

38. As proposed, the interests of Māori and tāngata whenua are encompassed with other values in Objective LW 1 and associated policies. This implies a prioritisation of values during decision-making processes and fails to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands rivers, lakes, wāhi tapu and other taonga, as a matter of national importance, and inasmuch, does not reflect Objective 8 of the NPS FM. In some instances, provisions in the proposed plan could relegate Māori interests and values through decision-making so that they are not considered to be of national importance.

39. The word “importance” means “of great significance or value; outstanding; eminent; esteemed (Collins). In the normal meaning of the word, it should follow that Māori values are themselves prioritised. This is partly acknowledged where HBRC has convened the Regional Planning Committee to a position of co-governance. The interests and values of the Māori representatives on this committee need to be enabled throughout the Regional Policy Statement and subsequent amendments to the regional plan.



40. We ask for the inclusion of a specific Objective and associated policies as Objective LW 2 and Policy LW 2, related specifically to Māori interests in land and water, and reference to these where relevant throughout the proposed plan.

**Recommendation:**

- 40.1 Make a consequential amendment to Objective 34: -

*OBJ 34: recognise and provide for mātauranga a hapū o Ngāti Kahungunu and local tikanga Māori values and interests, and the contribution they make to sustainable development management and the fulfillment of HBRC's role ~~as guardians~~, as established under the RMA, and tāngata whenua roles as kaitiaki.*

**Catchment Management**

41. It is enlightening to see that the regional council is moving more towards a “whole of catchment” approach, and better integration between management of land and water. However, there are a number of issues that involve areas of significance to Ngāti Kahungunu that risk being overlooked or not adequately catered for in the councils approach to catchment management, but are important to local tāngata whenua.
42. One issue that does not appear to be covered in any detail in the proposed plan is an adequate consideration of the cumulative effects of catchment activities on the coastal marine area. In their wisdom or otherwise, past environmental managers have heavily modified the lower catchments of three of our iconic and significant rivers so they now share one discharge point to the sea. The regional policy statement traverses the whole of the region including the coastal marine area (CMA) and sufficient recognition and provision for tāngata whenua interests within the CMA needs to be signaled in the regional policy statement.

**Recommendation:**

- 42.1 We seek the addition of another objective in Chapter 3.14 of the RPS (OBJ 34A): -

*“To recognise that the **whole of the coastal marine area is of significance to Ngāti Kahungunu** and to reflect this significance in policies and plans”*

Or words of like meaning and effect, we note that in the past this has been recognised by the Regional Council.

Inclusion of this statement within the Regional Policy Statement will enable appropriate recognition of the status of Ngāti Kahungunu and their hapū, whanau and iwi interests within the coastal marine area to be recognised and provided for in lower tier plans and policies.

43. Many Ngāti Kahungunu hapū have had their relationship with their culturally and spiritually significant waterways and water bodies adversely affected due to both natural but mainly man-made changes to their waters.
44. In these instances these particular tāngata whenua may appear to have no or less of an interest to a particular catchment and relevant land use or development. Part of this relationship is relevant to the surface and ground water hydrology. The traditional relationship should be taken into account and provision made for the relationship to continue.

45. Within a “whole of catchment” approach towards fresh water, there needs to be acknowledgment of the **interconnections between surface and ground water resources**, and respect for the integrity of aquifers. This could be achieved through regional plans placing limits on aquifer abstraction either via quantity or aquifer levels. None of these issues are covered in the proposed provisions for Surface water resources.
46. Discharges to land as a result of land-use have the potential to degrade groundwater resources and their interconnections with surface water result in cross-contamination. The effect of ground water abstraction on water quantity in surface water has been a relevant issue for renewal of resource consents over the last few years, and cross-contamination should receive similar attention.

**Recommendation:**

46.1 We ask for the addition of the following sub-clauses to the Issue Statement for Chapter 3.10.

*“(d) The potential contamination of aquifers and consequential degradation of surface water”, and*

*“(e) The relationship between ground water quantity and surface water recharge”*

Or words of like meaning and effect.

47. POL LW1 enables unrealistic expectations for meeting demands and pressures on water resources arising from irrigation within existing over-allocated catchments. National policy direction is aimed at working within resource limits in terms of quantity and quality. Striving to meet unreasonable or unsustainable demands in over-allocated catchments is not realistic.
48. Irrigators have been aware of the failure of HBRC’s policy framework to address over-allocation issues within catchments for some time, particularly since the last 4 bulk consent renewals which led to reduced durations for consents while council addressed new allocation limits and minimum flows. They have already been notified that on renewal their consents may be subject to further restrictions. Resource consents should not be permitted or renewed where they promote unsustainable practices.
49. POL LW1 k) Using the term “water scarce” implies that there is a lack of water when the problems within catchments have been identified as:
- a. water being available at the appropriate time.
  - b. unnecessary allocation i.e. land owners and water users seeking ‘extra’ security, resource rights or ‘assets’ by seeking water consent / use that far exceeds their current water requirements and reasonable forecasts.
  - c. over-allocation, and
  - d. failure of water managers to acknowledge the inter-connectivity between ground and surface water resources.

**Recommendations:**

49.1 **Amend** POLICY LW1 as below: -

*“(d) protects water quality and water quantity of outstanding freshwater bodies identified in Policy LW1” and*

*“i) allows reasonable transition times ~~and pathways~~ to meet any new water quantity reductions or new water quality limits in regional plans.*

*“k) allows for large-scale community water storage infrastructure ~~which can~~ to provide increased security for water users in ~~water-scarce-over-allocated~~ catchments while avoiding, remedying or mitigating adverse effects on ~~freshwater~~ resources, associated ecosystems, environments and tikanga Māori values.*

*l) takes into account cumulative adverse effects when managing water quantity and quality.”*

*Proposed Table 1*

50. POLICY LW2 is connected to the values stipulated in TABLE 1. The level of priority shown is in balanced and heavily influenced by commercial and industrial values. A sustainable resources management regime should consider climate change and less resource intensive activities. Environmental values are treated in a dismissive manner in Table 1. This denigrates the overwhelming public support in Hawke’s Bay for increased provision for environmental values and a more caring approach to water management in general. It would be strategic to plan for change in values and the growth in environmental considerations.
51. The proposed table does not include specific Māori values as either primary or secondary values, indicating that they are subservient to the other values listed. This fails to acknowledge the taonga values inherent within tikanga Māori whereby rivers, lakes and wetlands and the resources they contain, are regarded as taonga by tāngata whenua and intrinsic to their identity.
52. The Mauri value is likewise not included, indicating lack of appropriate regard for the outcomes of consultation with tāngata whenua prior to the proposed plan being publicly notified.
53. If the table is designed to refer to an overall Maori objective or similar statement as requested then there is still opportunity to provide specific recognition and priority values in each catchment.
54. The table does not include natural character and places a secondary value on taonga (native fish) and trout habitat even though these are matters of national importance and warrant protection in their own right under section 6 of the RMA. The recharge of groundwater, likewise, is omitted.
55. The coupling of all matters associated with water use and primary production as primary values is arbitrary, and does not recognise that some such matters should not be accorded priority over some other values including basic human needs.
56. In addition Māori relationships with their rivers are not specified as a priority at all.
57. The definition of a “Heretaunga catchment” is problematic as it is not a specific river catchment in the regional plan, nor is there a set allocation volume based on reliable information. HBRC’s Environment and Services committee meeting agenda for July indicates that this purported catchment incorporates several rivers and streams including the Ngaruroro, Tutaekuri, the Karamu catchment as well as sub-catchments associated with Ahuriri and the Twyford area of Hastings. Parts of Ahuriri and are not even within Heretaunga. Inclusion of all these as one catchment is cumbersome, and would require an immense amount of additional research to quantify to what degree each water body interacts with the others and with the Heretaunga

aquifer system. Many river and stream reaches within the Heretaunga Plains have specific minimum flows and allocations in the operative RRMP. Although not ideal, this is a system that most people have become accustomed to and the proposed “Heretaunga catchment” approach is a radical departure from current practice.

58. Tikanga Māori values associated within these separate (sub) catchments should only be determined by tāngata whenua who hold mana whenua status within each of them. Although they have similarities in concept, there are differences in how the values are interpreted by different hapū, and these differences should be reflected within the regional policy statement and the management of each sub-catchment. Adopting a “one size fits all approach is not appropriate as it does not give respect for or acknowledgment of the mana and rangatiratanga of our hapū, and could potentially create further issues and management inefficiencies.

**Recommendations: -**

58.1 For proposed Table 1: -

- a. **Include** as a priority, *“the relationship tāngata whenua with the river be preserved and enabled”*.
- b. **Separate** the *“Heretaunga catchment”* into separate parts – *Karamu, Ngaruroro* etc
- c. **Add** to primary values *“tikanga Māori”, “kaitiakitanga”, “taonga”, “natural character”, “aquifer recharge zones”,* as primary values for each of the catchments listed, or cross-reference values listed elsewhere in the RRMP.
- d. **Transfer** trout habitat and native fish habitat and contact recreation across to the “Primary Values” column for all catchments
- e. **Add** *“tikanga Māori and the values therein are taken into account when managing freshwater”,* or words to like meaning and effect to the AER’s table following Table 1.
- f. **Add** *“water quality in the Heretaunga aquifer”* to the primary value section for Greater Heretaunga / Ahuriri catchment.
- g. **Add** *“water quality in the Ruataniwha aquifer”* to the primary value section in the Tukituki catchment
- h. **Reconfigure** *“water use associated with maintaining or enhancing land-based primary production”* in the Greater Heretaunga / Ahuriri Catchment Area and Tukituki Catchment Area so that stock water use is a secondary value

59. There is no sound reason for diminishing the values associated with the Heretaunga and Ruataniwha aquifers and enabling the degradation of water quality within these water bodies as indicated by the deletion of OBJECTIVE 21, and proposed amendments to OBJECTIVE 22. It is abhorrent to remove the objective and replace it with the words “after treatment where this is necessary because of the natural water quality.”

60. The water quality of both the Ruataniwha and Heretaunga aquifer is exceptional. Treatment as a result of ‘natural water quality’ hasn’t happened in a thousand years, and unlikely to happen unless the safe guards are inadequate and miss-management continues. Also the burden of proof for which users will likely be responsible will rest entirely on those without the financial means.

61. This is a clear attempt to remove liability and reduce the safe guards around groundwater in the Ruataniwha and Heretaunga. The regional council manages water and land use which is a significant activity that can lead to irreversible degradation in ground water quality, as a result of water extraction and nutrient run-off.
62. This course of planning and removal of safeguards brings into question the Regional Councils ability to objectively manage and protect our natural resources for future generations. At present they are not in a state in which we received them. The NPS FW goals are to maintain or improve water quality.

**Recommendations: -**

**Retain** the operative version of OBJ 21.

- a. *“OBJ 21 No degradation of existing groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems.”*
- b. **Amend** OBJ 22 thus: -
- c. **OBJ 22** ~~Subject to Objective LW1, the~~The sustainable management ~~maintenance or enhancement of groundwater quality~~*quantity* in the Heretaunga Plains and Ruataniwha Plains aquifer systems and unconfined or semi-confined ~~productive aquifers~~<sup>7</sup> in order that it is they are suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality.
- d. Insert the following sentence into Explanation and reasons at 3.8.2: -
- e. *“The Heretaunga Plains aquifer system is one of the region’s outstanding freshwater bodies (see Policy LW1). Objective A2(a) of the 2011 National Policy Statement for Freshwater Management expects that the overall quality of freshwater within the region is maintained or improved while protecting the quality of outstanding freshwater bodies.”*

63. The draft version of RPS Plan Change 5 contains a new policy as POL LW3. This policy appears to support the discharge of contaminants from production land to surface and ground water, which could lead to pollution of the Heretaunga and Ruataniwha aquifer systems and the regions surface water bodies. If nitrogen is leaching from production land then it is a waste product and indicates that too much nitrogen is being applied. Commercial gain should not be achieved at a cost to the wider community through loss of public amenity or environmental values. Neither should tāngata whenua have to endure a reduced quality in the aquatic environment and consequential adverse effects of commercial operations. The draft policy appears to enable the degradation of water resources without providing any mechanism for avoiding, remedying or mitigating adverse effects. Ensuring environmental issues affecting water is more effectively managed to maintain, restore and enhance mauri and to avoid, remedy or mitigate adverse effects on fisheries and their habitats is a goal of The KKUKKT Marine and Freshwater Strategy.
64. Ngāti Kahungunu wishes to see consistency across all its regions (entire rohe) including the implementation of best practice resource management. In this respect Horizons Regional Council has set limits on the Manawatu River, halting further degradation of water quality and aiming to improve it over time through the one plan. The better practice is to adequately address nutrient leaching and set adequate limits.

**Recommendations:**

64.1 **Amend** the policy as below: -

**POL LW3 Managing use of production land use**

To manage the use of production land in specified catchments so that:

- (a) the discharge of nitrogen to land, and thereafter to ground water. is restricted to minimise adverse effects on water quality, and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded;
- (b) the discharge of animal faecal matter to land, and thereafter to groundwater and surface water, does not cause human consumption and irrigation guidelines for water quality set out in regional plans to be exceeded;
- (c) ~~any monitored exceedence of soluble reactive phosphorous limits set out in Policy 71 of this Plan will be regulated through resource consent conditions.~~ is used to target and prioritise the Regional Council's non-regulatory methods.

65.1 **Amend** the policy as below: -

**Explanation and Reasons**

Policy LW3 makes it clear that HBRC will manage production land use activities to minimise the leaching of nitrogen, phosphorous and faecal coliform bacteria to groundwater and surface water under section 9 of the RMA in order to ensure that groundwater and surface water values identified in specified catchment areas are maintained or enhanced where necessary." ~~Phosphorous leaching and run-off will be managed by non-regulatory methods as it is primarily caused by soil loss and cannot be practicably controlled by way of permitted activity conditions or consent conditions. This approach will complemented industries' implementation of good agricultural practices.~~

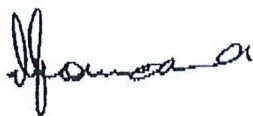
The council cannot ensure industries will implement the 'good agricultural practices' nor that the practices qualify as 'good'.

66.1 The proposed amendment to the AER associated with Policy is not supported as in some cases it would promote the degradation of existing good water quality.

We wish to be heard in support of our submission at any hearing or pre-hearing convened for such considerations.

Ngāti Kahungunu Iwi Incorporated are interested in contributing further to the drafting of the RPS in addition to these preliminary comments and will discuss matters further with our constituent hapū. NKII also wish to be informed of any further discussions or information sessions relative to the plan, preferably prior to release of the next version. We are available for face to face follow up. For any additional information on this submission, please contact Dr Adele Whyte, Pouarataki – Ngā tini a Tangaroa (Director of Fisheries), [adele@kahungunu.iwi.nz](mailto:adele@kahungunu.iwi.nz).

Nā māua,



Ngahiwi Tomoana  
Tumuaki/Chairman  
Ngāti Kahungunu Iwi Incorporated



Meka Whaitirii  
Kaiwhakahaere Matua/Chief Executive  
Ngāti Kahungunu Iwi Incorporated



**FORESTRY & LOGISTICS**  
Private Bag 6203  
Napier 4142, New Zealand  
Telephone 64 6 835 9260  
Facsimile 64 6 835 9288  
Email forests@panpac.co.nz

File No: H300-11

25<sup>th</sup> October 2012

Hawke's Bay Regional Council  
Private Bag 6006  
NAPIER

**Submission on Proposed Plan Change 5**

Attached is Pan Pac's submission on the proposed Plan Change 5.

Pan Pac is a fully integrated forest products company with 33,000 hectares in plantation forests, a pulp and lumber processing facility at Whirinaki, and subsidiary importing company in China. Pan Pac is one of the largest customers of the Port of Napier. Pan Pac annually processes approximately 1.4 million tonnes of logs sourced from mostly within the region, however, logs do come from the Central North Island and the Wairarapa. Pan Pac is one of the largest employers in Hawke's Bay and a major contributor to the regional economy.

This submission is on behalf of the Forestry and Logistics of Pan Pac Forest Products Limited.

Pan Pac would like to present its submission in person to the council in conjunction with the Hawke's Bay Forestry Group's submission.

Sincerely

Brett Gilmore  
Environmental and Technical Advisor

Part	Page	Section Title	Support/Oppose	Comment
POL LW2	3	Table 1	Oppose	<p data-bbox="874 315 1386 450">Pan Pac opposes Table 1 even though we understand the intent is to differentiate what are the most important values and uses in the catchments.</p> <p data-bbox="874 495 1386 730">Pan Pac notes that forestry is not listed as a value in any of the catchments. Forestry (plantation or as part of farm plans) is an essential tool, and part of the Council's strategy, to improve landscape resilience and water quality so it should specifically be mentioned.</p> <p data-bbox="874 775 1386 1301">Pan Pac is concerned about the implications of a split between primary and secondary values and issues, and the problems that could be generated prior to consensus from the just started collaborative groups which Council has sort guidance from. All values and uses are vitally important for someone and many are interlinked regardless of whether they are in the primary or secondary category. Is it really OK to avoid, if reasonably practical (POL LW2 3 b)), impacts to recreation yet maintain and enhance some economic drivers? What is that saying?</p> <p data-bbox="874 1346 1386 1872">Pan Pac feels table 1 is the 'cart before the horse'. Once a Plan Change is approved, then the only way to change it is via another Plan Change. This provides a dilemma because it makes good ideas and collaborative outcomes in processes already started hard to incorporate because the Plan Change would only have been approved six months previously. It also may make participants of the collaborative process question the value of their involvement because the Council has already decided what is/isn't as important in specific catchments because they are listed in the Plan Change.</p> <p data-bbox="874 1917 1386 2016">In a Pan Pac specific example, if the Mohaka did not yield aggregate Pan Pac would have much more expensive and</p>



				<p>potentially inferior aggregate. Aggregate sourcing is of primary importance to us. At the moment, our aggregate source falls outside of even the secondary factors.</p> <p>There is also the risk of perverse outcomes. If there is a need to maintain and enhance industrial and commercial water supply and land-based primary production, does this mean that new planting of trees on the unstable hill country should be stopped because they use water that isn't listed as a Primary Value? It has already happened in other regions of NZ.</p>
OBJ 27A	8	Insert new objective into Cpt 3.10	Oppose until further clarification	<p>Pan Pac supports the intent of riparian margins for biodiversity and water quality. However Pan Pac would like clarification on what '<u>remnant indigenous riparian vegetation</u>' means. If <u>remnant</u> means original or primary forest we would be supportive. If <u>remnant</u> meant all riparians that are currently remaining along river, lake or wetland margins then Pan Pac would not support this in all situations. Sometimes the best environmental outcome in logging is to accept damage to riparians. For example, logging across a stream may be better than building an extensive road system to access the wood from the other side of the stream.</p>
OBJ 29	8	Amend objective 29 in Cpt 3.11	Support with an addition	<p>Economics often drives gravel extraction. River aggregate is a valuable resource as well as simply desirable for river management or minimising flood risk. Pan Pac suggests the economic necessity of the resource needs to be included in the objective.</p>

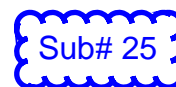




Silver Fern Farms Limited  
Christchurch Office  
34 Branston Street, Hornby, Christchurch 8042  
PO Box 283, Christchurch Mail Centre,  
Christchurch 8140  
New Zealand

TEL: +64 3 379 6900  
FAX: +64 3 344 1656  
www.silverfernfarms.co.nz  
www.bestcutsbestrecipes.co.nz

5 November 2012



Chief Executive  
Hawke's Bay Regional Council  
Private Bag 6006  
NAPIER 4142

fax: 06 8353601

email: [submissions@hbrc.govt.nz](mailto:submissions@hbrc.govt.nz)

**Re: Silver Fern Farms Submission on Hawke's Bay Regional Resource Management Plan Proposed Change 5 – Land and freshwater management**

Dear Sir/ Madam,

Thank you for the opportunity to submit on the Proposed Change 5 – Land and freshwater management.

Silver Fern Farms recognises the need to achieve appropriate water quality outcomes within Hawke's Bay and nationally, and commends Hawke's Bay Regional Council on the approach for an integrated plan that recognises the four well beings - cultural, social economic and environment.

It is hoped the subsequent regional plan changes that will follow also reflect this integrated approach. An outcome based ethos is encouraged to allow choice, flexibility and innovation in achieving objectives.

Silver Fern Farms has a significant presence nationally and across Hawke's Bay with its operations relying on the productivity and success of the regions farmers' to supply livestock for our products and brands exported to more than 60 countries worldwide.

Silver Fern Farms is a farmer owned co-operative and as such it is not only the interests of our processing facilities we have to consider when looking at the potential impacts of the plan but also the impacts and implications for our farmer suppliers and shareholders.

Therefore, Silver Fern Farms makes this submission on the basis of generally supporting the submissions and points made by industry good organisations like Beef + Lamb NZ, and Federated Farmers in respect of supporting our farmer suppliers and shareholders, whilst making an individual submission to reflect concerns in recognition of our operations across Hawke's Bay; four processing sites (Frasertown, Leathers, Pacific, Takapau) and a support office in Hastings.

Yours sincerely,

Alison Johnstone  
Environmental Advisor - Group Environmental



## Silver Fern Farms Submission – Hawkes Bay Regional Council

**Full Name of Submitter** Silver Fern Farms Limited  
**Contact Person** Alison Johnstone – Environmental Advisor  
**Full Postal Address** PO Box 30, Ashburton 7700  
**Phone Number** 027 496 6129  
**Email** alison.johnstone@silverfernfarms .co.nz

I confirm that I am authorised on behalf of Silver Fern Farms to make this submission.

This is a submission on the Proposed Change 5 – Land and freshwater management.

Silver Fern Farms cannot gain an advantage in trade competition through this submission.

Silver Fern Farms and its shareholders are directly affected by the proposed plan that forms the subject matter of the submission.

Silver Fern Farms submission relates to the whole of the Proposed Change 5 – Land and freshwater management.

Silver Fern Farms wishes to be heard in support of its submission.

If others make a similar submission, Silver Fern Farms will consider presenting a joint case with them at the hearing.



Alison Johnstone  
Environmental Advisor - Group Environmental

**See table below for Silver Fern Farms submission**



# Submission on proposed plan, plan change or variation

(Form 5)

To: Chief Executive  
Hawke's Bay Regional Council  
Private Bag 6006  
NAPIER 4142  
fax: 06 83 53601  
email: submissions@hbrc.govt.nz

<i>Office Use</i>	
Submission ID#:	<u>Sub# 25</u>
Date received:	_____
DBase entry date:	_____

## SUBMITTER DETAILS

Name of submitter[full name]: Silver Fem Farms Limited

Contact person [if different to above, or if submitter is an organisation]: Alison Johnstone (Environmental Advisor)

Postal address: PO Box 30 Phone #(s): (03) 307 8282 ext 3481  
Ashburton 027 496 6129  
Post code: 7700 Fax #: (03) 3076828

Email: alison.johnstone@silverfemfarms.co.nz

PLEASE NOTE: your 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.

## SUBMISSION DETAILS [a useful guide to writing a submission is attached to this form]

The proposed plan, plan change or variation my submission relates to [title and reference number if applicable]: Hawke's Bay Regional Resource Management Plan: Proposed Change 5 - Land and freshwater management

The specific provision(s) of the proposal that my submission relates to are: \_\_\_\_\_

Please see attached pages for details

My submission is [include whether you support or oppose the specific provisions or wish to have them amended along with your reasons for your views]:

Please see attached pages for details



Title, Section & Page Number	Provision	Oppose/ support (in part or full)	Reasons	Decision Sought
<b>ISSUE</b>				
ISS LW 1, p1		Support	<p>Silver Fern Farms agrees with this issue statement that there is potential for ongoing conflict and often competing values and uses of fresh water.</p> <p>Silver Fern Farms is well aware of the need to balance sometimes competing facets, as a farmer owned co-operative we have to consider what best reflects the overall choice that would be beneficial to supporting both our primary sector support industry and the needs of our farmer partners and suppliers.</p>	<p>Retain ISS LW1.</p> <p>However, Silver Fern Farms note that HBRC will need to ensure that subsequent plan changes include the appropriate analysis outlining how the balancing of competing facets has been achieved in respect to any rule changes / additions.</p>
<b>OBJECTIVES</b>				
OBJ LW 1, p1	Point 6	Support	<p>Silver Fern Farms supports the appropriate recognition of the value of fresh water use for beverage, food and fibre production and processing.</p> <p>Point 6 of OBJ LW1 is consistent with the national values in the National Policy Statement for Fresh Water Management. A secure, reliable supply of quality water is paramount for primary sector and primary support industries.</p> <p>Silver Fern Farms has a number of operations throughout Hawke's Bay and is a significant employer in the region. The viability of our food processing operations and the productivity of our farmer suppliers rely on a secure supply of good quality water.</p>	Retain point 6 of OBJ LW1

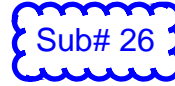


Title, Section & Page Number	Provision	Oppose/ support (in part or full)	Reasons	Decision Sought
OBJ LW 1, p1	Point 11	Support in part	<p>Silver Fern Farms supports point 11 in that it recognises differing demands and values in different catchments and its commitment to provide clear priorities.</p> <p>However, the council must ensure appropriate mechanisms are put in place to assess priorities based on sound information and take into account all four well beings (social, cultural, economic and environmental).</p>	Retain intent of point 11 and ensure appropriate mechanisms are implemented to assess priorities.
<b>POLICIES</b>				
POL LW1, p2	Point e)	Support	<p>Silver Fern Farms supports the promotion of a collaborative approach. It is important that all stake holders are adequately and actively engaged, especially those who will be expected to implement actions required to achieve objectives.</p> <p>Silver Fern Farms does request that should catchment and sub-catchment committees or groups be set up that provision is made to manage and facilitate parties with interests in multiple catchments/ region wide.</p> <p>It also submits that these groups/ committees must be made up of a balanced spectrum of the stakeholders in the community, in order that all facets are represented to avoid oversights and bias. With outcomes consistent with the values set out in the Policy Statement.</p>	Retain intent of point e) and ensure parties with multiple interests are adequately provided for. Also ensure that any catchment groups/ committees encompass all facets of the community, and that outcomes are consistent with the Policy Statement.
POL LW1, p2	Point f)	Support	A strategic long term outlook is supported as time is required to adequately asses what is required, how to achieve the desired outcomes, implement changes and measure the effects of those changes, this being so the only option is for a long term approach.	Retain intent of point f)
POL LW1, p2	Point g)	Support	It is important to recognise differing demands and values and make provision to cater for all of them	Retain intent of point g)



Title, Section & Page Number	Provision	Oppose/ support (in part or full)	Reasons	Decision Sought
POL LW1, p2	Point i)	Support	Appropriate transition times are essential especially where significant changes and capital expenditure are required, allowing adequate time to implement change can soften and spread economic impacts.	Retain provision to allow for a period of transition.
POL LW2 p3	Table 1	Support	<p>Silver Fern Farms supports the inclusion of industrial and commercial water supplies in the primary values and uses.</p> <p>A secure, reliable source of quality water is essential for Silver Fern Farms operations. Security of supply is important for business investment and viability.</p> <p>Silver Fern Farms provides a valuable and value adding service to it farmer supplier shareholders. Sustainable resources provide confidence for the continued provision of services and for staff and communities for stable employment.</p>	Retain industrial and commercial water supply as a primary value/use.
POL LW3		Support in Part	Silver Fern Farms submits that catchment and sub-catchment limits for nitrogen should be based on sound technical information.	Ensure nitrogen limits are set using sound technical information.
POL LW4, p4		Support in Part	<p>Silver Fern Farms supports the use of non-regulatory methods. However the funding of such methods needs to be fair and equitable and provided for within the Annual plan if appropriate.</p> <p>Silver Fern Farms request that should any non-statutory documentation be integrated into statutory legislative plans or documents that due process is followed including consultation.</p>	Ensure that adequate funding is provided for and that any non-statutory recommendations integrated into regional planning documents follow due process in public notification and consultation.
POL LW4, p5	Anticipated Environmental Results	Support in part	Silver Fern Farms supports the maintenance and enhancement of primary values, However, Silver Fern Farms purports that targets and limits set for catchments must be based on sound technical information.	Targets, limits and rules must be based on sound technical information including a transparent assessment of the four well beings.

Title, Section & Page Number	Provision	Oppose/ support (in part or full)	Reasons	Decision Sought
POL LW4, p5	Anticipated Environmental Results		The efficient allocation of water is supported however the allocation needs to reflect and adequately provide for the values identified.	Ensure the framework for water allocation adequately provides for the identified values.
POL LW4, p5	Anticipated Environmental Results		Silver Fern Farms supports the use of water storage projects to increase the availability and reliability of water. However, this must not come at the detriment of water quality.	
<b>CHAPTER 3.10 – SURFACE WATER RESOURCES</b>				
OBJ 27, p7			OBJ 27 provides for water quality suitable to support contact recreation where appropriate. Silver Fern Farms supports this statement as there may be parts of a water body that are not suitable for certain activities and this must be recognised, a one size fits all approach to water standards can create unnecessary conflict.	Retain the statement “...where appropriate...”
OBJ 27			Silver Fern Farms supports the maintenance and enhancement of remnant indigenous vegetation. The funding for this needs to be fair and equitable taking into account the benefits and adequate provision needs to be made in Annual plan to provide funding in order to meet the desired outcome.	Ensure adequate provision is made for funding.



**GREAT LAKE TAUPŌ**

Taupō District Council

Private Bag 2005, Taupō Mail Centre  
Taupō 3352, New Zealand

T 07 376 0899

F 07 378 0118

E [general@taupo.govt.nz](mailto:general@taupo.govt.nz)

[www.taupo.govt.nz](http://www.taupo.govt.nz)

5 November 2012

Gavin Ide  
Team Leader Policy  
Hawke's Bay Regional Council  
Private Bag 6006  
Napier 4142

Dear Gavin,

## **SUBMISSION TO PROPOSED CHANGE 5 HAWKE'S BAY REGIONAL POLICY STATEMENT**

This submission is from Taupō District Council staff and is subject to approval by its elected members. Taupō District Council does not wish to be heard in support of our submission.

Contact details for this submission are: Kara Maresca, Taupō District Council, Private Bag 2005, Taupō Mail Centre, Taupō 3352, telephone 07 376 0899.

### **Overview**

Taupo District Council's (TDC) submission to the Hawke's Bay Regional Council (HBRC) is summarised as follows:

1. Support in principle for aligning the regional policy statement (RPS) so that it gives effect to the national policy statement for freshwater management (NPSFM)
2. Support for listing the primary values and uses of fresh water bodies (POL LW2 Table 1).
3. Relief sought to remove the use of the term "maintain and enhance" (POL LW2)
4. Relief sought to amend existing explanatory text to reflect the new associated objective (OBJ 15, 15A and explanatory text 3.4.6)
5. Relief sought to remove duplicate wording in the proposed objective (Obj27A)

### **Introduction**

The Taupō District covers an area of 6,970km<sup>2</sup> over four regions. Approximately 785km<sup>2</sup> are within the jurisdiction of HBRC. This entire area is within the upper reaches of the Mohaka catchment area.

### **Submission point 1 - General**

**No relief sought.** TDC supports in principle the introduction of new objectives, policies, and text into the RPS so that it gives effect to the (NPSFM).

### **Submission point 2 – Table 1**

**No relief sought.** TDC supports listing the values and uses that are considered important to the management of fresh water bodies. TDC submits that listing the values helps provide greater clarity in understanding how the intent of the policy can be met.

### Submission point 3 – LW2.1, LW2.3(a)

**Relief sought:** Delete “and” where it appears in the context of maintenance or enhance, and replace with the word “or”.

**Reason:** Proposed policy LW2.1 recognises and gives priority to maintaining and enhancing the primary values and uses of the listed freshwater bodies (including the Mohaka Catchment Area). Similarly policy LW2.3(a) seeks to manage fresh water bodies in a manner that recognises and gives priority to maintaining and enhancing primary values and uses.

TDC submits that including the term “maintaining and enhancing” implies that recognition and priority will only be given if the primary values are both maintained and enhanced together. TDC submits that it may not be necessary in all instances to both maintain and enhance the values. Some activities with very minor effects may not require enhancement to occur.

TDC also submits that combining “maintaining and enhancing” extends beyond the objective of the NPSFM (Objective A2) which seeks overall quality of fresh water within a region to be “maintained or improved”. TDC supports the use of the word “or” in this context and submits that HBRC also use consistent wording in order to efficiently give effect to the NPSFM.

### Submission point 4 – OBJ 15 and 15A, and explanatory paragraph 3.4.6

**Relief sought:** Amend explanatory text 3.4.6 so that it is consistent with the proposed change to objective 15 and new proposed objective 15A.

**Reason:** Proposed amendment to Objective 15 removes the preservation and enhancement of wetlands, and creates a new Objective 15A, which focuses on protection of the values of wetlands. In doing so the current explanatory paragraph 3.4.6 becomes inconsistent with the objective, as it still refers to preservation of wetlands.

*3.4.6 “Because the extent of indigenous vegetation and wetlands is already limited in Hawke’s Bay, it is important that those areas remaining are preserved, rather than reduced even further.”*

TDC submits the above explanatory text should be amended so that it is consistent with the new wording of objective 15 and 15A, in order to maintain efficiency of the objectives.

### Submission point 5 – OBJ 27A

**Relief sought:** Amend proposed objective 27A by removing the duplicate wording (TDC relief shown using strike through):

*Obj 27A Subject to Objective LW1, remnant indigenous riparian vegetation on the margins of rivers, lakes and wetlands is maintained or enhanced ~~in order to~~ for:*

*(a) ~~maintain~~ biological diversity: and*

*(b) ~~maintain and enhance~~ water quality and aquatic ecosystems.*

**Reason:** Objective 27A is supported as it uses the term “maintained or enhanced”. However TDC submits the next two parts (a) and (b) contain duplicate wording by repeating the word “maintain” and the word

“enhance”, resulting in reduced efficiency of the objective. In addition for the same reasons in submission point 3, the wording of (b) is not supported for its use of the word “and”.  
TDC submits proposed objective 27A be amended to remove duplicate wording to improve efficiency of the objective and to make the objective consistent with the NPSFM.

TDC would like to thank HBRC for the opportunity to submit on proposed RPS change 5.

Please contact me if further clarification to this submission is required.

Yours sincerely

Kara Maresca  
**Policy Analyst**

**On behalf of Taupō District Council – subject to approval.**





5 Nov 2012

To: Chief Executive  
Hawkes Bay Regional Council  
Napier

Sub# 27

Fax: 06-8353601

Submission - Te Taiaroa Hawkes Bay  
Environment Forum.

Regional Policy Statement  
Change 5.

I enclose a three page submission

John Cheyne  
Coordinator  
Te Taiaroa Hawkes Bay Environment  
Forum.

Page 1 of 3

To: Chief Executive  
Hawkes Bay Regional Council  
Napier  
Fax: 06-8353601

Regional Policy Statement - Changes  
Name of submitter: Te Tarao Hawkes  
Bay Environment Forum

Contact: John Cheyne

Address: P.O. Box 305, Waipukuruan

Phone: 06-8589506

Email: johncheyne@xta.co.nz

Te Tarao Hawkes Bay Environment Forum is an umbrella organisation which provides an opportunity to coordinate some activities/interests of the member groups.

The principles that guide the organisation are based around the sustainability of the soil, water and other natural resources, and their inter-connectedness.

We are interested in the long term sustainable use of these resources.

Our concerns relate to declining water quality and summer flows, declining biodiversity and associated habitats.

We value the waterways for their natural character life supporting capacity, cultural intrinsic recreation, amenity and aesthetic values.



Page 2 of 3

Our groups are interested in the long term sustainable use of these resources.

Our concerns relate to declining water quality and flows in our waterways and wetlands, declining terrestrial habitats and biodiversity.

Our values are not protected by the RPS with regards to protecting natural character, life supporting capacity, the ecosystem, intrinsic recreation, amenity and aesthetic value of waterbodies. The RPS does not maintain, or where degraded enhance the quality of freshwater and habitats to protect these values. The RPS does not ensure that resource use is reasonable and efficient. The RPS does not adequately address the regionally significant natural resource management issues.

Our concerns could be met by:

1. The RPS explicitly stating and including these values for waterbodies for protection (refer above)
2. The RPS should establish water quality and quantity limits to protect these values
3. The values priority system used in RPS should reflect the RIVAS ranking compiled by HRAC.

Page 3 of 3

4. The RPS should establish a framework to ensure water quality is maintained or where degraded that such values are improved hydrology maintained or where degraded such that its values are improved.
5. Resource use should be first necessary, second reasonable and third where it meets these criteria it should be efficient.
6. The RPS needs to provide better protection for wetlands and biodiversity in the region.
7. The proposed exclusion of "production land" for wetlands will impact significantly on ephemeral wetlands at sites like Poukawa and Whakahi. These wetlands are nationally significant for some ecological values.
8. Hawkes Bay currently only has 3% of its original freshwater wetlands remaining. All wetlands, including ephemeral wetlands, are significant and should be protected.

We wish to be heard in support of our submission and would consider presenting a joint case with other similar submissions.

Jul. Payne (J.W. CHEYNE)  
4 November 2012

***IN THE MATTER OF***

Sub # 28

***THE HAWKE'S BAY REGIONAL COUNCIL***

***AND***

***PROPOSED PLAN CHANGE 5 TO  
THE REGIONAL POLICY STATEMENT***

***A SUBMISSION FROM***

***TE TAIWHENUA O HERETAUNGA***

**Address for service:**

Te Manaaki Taiao  
Te Taiwhenua O Heretaunga  
P O Box 718  
HASTINGS

## He Mihi

*E mihi kau ana ki te hunga e noho pūāhuru mai nā i waenganui i ō rātau whānau,*

*Me mihi anō hoki ki te hunga kua māwehe atu ki te pō,*

*Nā rātau i waiho mai ēnei taonga ki a tātau hei whāngai ki ngā reanga kei te heke,*

*Nō reira, mokori anō te tangi ki ō tātau tīpuna kua wehe atu i tēnei ao, ā, ka mihi ki te mātauranga me ngā taonga i waiho mai e rātau,*

*Nō reira, haere, haere, haere atu rā.*

### 1. Introduction:

Te Taiwhenua o Heretaunga represents and advocates for the general environmental interests of Heretaunga hapū and whānau through our elected chairman and Board members. In addition, we have an established Rūnanganui structure whereby the collective environmental interests of the marae hapū of Heretaunga can be discussed and pathways towards meaningful input into statutory regulations can be advanced. Often we provide a default mechanism whereby hapū environmental values and aspirations are conveyed through statutory planning processes and into environmental policy and planning.

There is a growing awareness amongst tangata whenua of the speeding up of regulatory processes under the Resource Management Act, and in the recent past we have seen moves by HBRC towards stakeholder engagement. Helpful as this mechanism is, it is often driven by economic considerations, which tend to devalue mātauranga Māori and tīkanga Māori. Section 36A of the RMA has determined that there is no requirement for anyone to consult on resource consent applications, although regional authorities are still required to consult with Māori during the preparation and drafting of plans and plan changes.

Water is a taonga of the utmost importance to Māori. For Ngāti Kahungunu ki Heretaunga water plays a central role in their culture, traditions and the ongoing identity of the iwi, particularly in relation to the custom of mahinga kai as a pre-existing customary proprietary right.

*Ko Heretaunga Haukunui, Ararau, Haaro te Kaahu, Takoto Noa  
Heretaunga - of the life-giving dew, of the hundred pathways, the vision of the far-sighted hawk, left to us, the humble servants.*

“Ko Heretaunga Haukunui, Ararau, Haaro te Kaahu, Takoto Noa” is a centuries old tribal whakataukī (proverb), that is as relevant today as it was when it was first uttered. It has many layers from which to identify and describe the tāngata whenua (people of the land), acknowledging Māori and their spiritual connection and

birthplace of Heretaunga, the environment, and their relationship to each other”<sup>1</sup>, and as such is the framework upon which this submission is based.

The whakataukī is a statement of mana whenua (authority, possession and spiritual connection to certain land), and is the foundation that says ngā hapū o Heretaunga (clans of the Heretaunga region), are entitled to be equal partners at all levels of engagement, to be decision-makers for the future, and to have guardianship of the whenua (land) and awa (waters), which cannot be broken.

### **Section 32 Report:**

The Section 32 report highlights a number of key issues including the hierarchy of relevant documents under the Resource Management Act and the consultation undertaken to date around land and water related issues with specific reference to the regional Land and Water Management Strategy (LWMS). Although non-statutory, this document was drafted with assistance from multiple agencies with interests within the region, and provides guidance to future direction for managing land and water.

HBRC’s website acknowledges the decline in water quality across a number of catchments and states:

*“..those declines are being investigated by the Regional Council. It is putting in place practical actions and policies to arrest that trend which is mainly caused by diffuse runoff associated with agricultural land-use and land-use intensification.”*

This implies a pro-active approach towards protection and enhancement of water quality, an aspiration reflected within the existing policy framework and a requirement of the National Policy Statement for Freshwater Management. However some provisions in the proposed Plan Change appear to promote a further decline of water quality in the region’s surface and ground water bodies.

## **HBRC Proposed RPS Plan Change 5**

### **SPECIFIC:**

#### **Preliminary:**

1. Do we want Māori values and interests to be included within the over-arching Objective LW 1 or do we want a specific objective related to things Māori?  
The issue as identified suggests conflict between competing values when the RMA and many plans and policies support “recognising and providing for” the

---

<sup>1</sup> Ko Wai Ka Hua, Lower Tukituki CVU & CIA Final Report, Te manaaki Taiao/Te Taiwhenua o Heretaunga, May 2012

relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, as a matter of national importance.

By including Māori interests within the plethora of other interests, we risk devaluing and dilution of the significance of things Māori.

#### **Recommendation:**

- Create an objective that clearly identifies and promotes mātauranga Māori and tikanga Māori interests as there is precedent setting within other Treaty settlements (Ngai Tahu, Waikato-Tainui etc) and we should aim high given that this is the regional policy statement which will direct the regional plan and its rules when the Tukituki, and TANK plan changes come up. We also need to be consistent with advocacy for Plan Change 4 which will be going to hearing early December (Enabling of HPUDS and infrastructure)
  - Add principal reasons and explanation
2. Create policy strand for the above. The policies can be redrafted from the Māori related provisions currently in the proposed plan as notified. At present the Māori / tangata whenua provisions in the RPS are at Chapter 3.4 including Objectives 34-36 and in my view are deficient, e.g. Objective 34 says:

***OBJ 34: To recognise tikanga Māori values and the contribution they make to sustainable development and the fulfillment of HBRC's role as guardians, as established under the RMA, and tangata whenua roles as kaitiaki.***

This objective is rather weak as it focuses only on the kaitiaki function and doesn't direct lower tier plans and policies to "provide for" the relationship of Māori with their lands water, taonga, etc.

#### **Recommendation:**

- Seek redrafting of Objective 34 as a consequential amendment to Proposed Plan Change 5. The NPS for Freshwater Management supports this.
- Suggested wording:

***OBJ 34: To recognise and provide for mātauranga Māori and tikanga Māori values and interests, and the contribution they make to sustainable management and the fulfillment of HBRC's role as established under the RMA, and tangata whenua roles as kaitiaki.***

3. Move relevant proposed Māori provisions to new location (2) and include words “taonga” and “kaitiakitanga” in new policies.

Caution: - Look out for decision-making processes and other policies that are “Subject to Objective LW 1 and/or Policy LW 1”. Where necessary make them also subject to the new Māori objective, the redrafted Objective 34, and Schedule 1. The extra wording may be too cumbersome, but could be sorted out at hearing or on appeal.

It may either be a new Māori objective and policy strand, or the rewording of existing Objectives 34, 36 and 37. Objectives 36 and 37 contain the riders (out clauses) “where necessary”. Objective 35 is OK in its current form. Reference to Schedule 1 of the RRMP is helpful as the schedule contains the Treaty principles.

4. Amend Table 1

Table 1 contains the methodology for prioritising values, and in my view, some 2<sup>nd</sup> tier values should be across in the first column. E.g. native fish habitat in lower reaches. Not having them in the primary column means that their migratory pathways and patterns are not significant. In addition, elvers and juvenile species are more sensitive and increased predation will occur if flows fall below a certain level.

#### **Recommendations:**

- Add Māori values as they are absent from the primary value section
- Quote Section 6 matters for rationale
- Urban water supply for towns and cities should be primary
- Domestic supply also where houses do not have access to reticulated services
- Add “Ability to use water from the Heretaunga and Ruataniwha aquifers without treatment”. This is currently a high value resource
- Move “land-based primary production” to secondary
- Unpack and reword stock water use from primary production paragraph
- Consider moving stock water on irrigated pastures to secondary, this would require a differentiation at consenting stage, i.e: Permitted - stock water up to a set quantity; Restricted discretionary – stock water under an irrigation regime
- Move ecosystem health of tributaries and main stems to primary value
- Add “Natural character” to primary value
- Include aquifers in table

- Include health of coastal marine area
5. Include a preliminary statement re whānau, hapū and iwi have never relinquished their rights and interests in water. Removal or extinguishment of customary rights through statute or statutory plans would create further Treaty grievance.
  6. Add appropriate AER's based on new (Māori) objective and policy
  7. Consider including narrative re co-governance role and engagement methodology for Treaty claimant groups
  8. Identify and provide for outstanding water bodies of national significance
    - Include Ahuriri Estuary and quote from the Ahuriri Management Plan (non-statutory report) that references wading birds migratory species, fish nursery for several taonga species, tīkanga Māori and cultural/historical significance as Te Whanganui a Orotu
    - Include Tukituki, Ngaruroro, Mohaka and Tutaekuri as water bodies of National significance for various reasons – cultural association, taonga value for all (Waitangi report quotes), renowned trout fishery, ararau, etc
    - Include Heretaunga and Ruataniwha aquifer systems as water bodies of national and regional significance
  9. Ask for a map to be inserted showing all of these
  10. Deletion of proposed Objective 22 and re-instatement of Objective 21 (aquifers)

Retention of Objectives 42 ND 43 IN Chapter 5.6 of the regional plan apart from the addition of the word “unconfined” preceding “aquifers...”  
 Water quality in the Heretaunga and Ruataniwha aquifers, particularly the deeper layers, is of exceptional quality. Encouraging degradation of these is not sustainable management, and is inconsistent with existing national directives and regional policy re “maintain and enhance” water quality. Loss of quality could lead to expensive remedial action to be undertaken by industry, councils and commercial interests to ensure adequate water quality and to meet export requirements

11. Refer to the need to address/ accommodate cross-boundary issues and consistent approaches – Manawatu River source is in Hawke's Bay and Horizons OnePlan seeks to halt any further degradation of this rivers water quality and improve it over time.



Take cognisance of the nutrient leaching limits in the One Plan and the LUC classes and subsequent restrictions

12. The imposition of new chapters into the RPS and the need to cross-reference existing chapters/provisions for appropriate integration
13. Chapters 3.3; 3.5; 3.6 and 3.7 each address some aspect of land-use management. Placing a new provision into an existing RPS should take heed of other operative parallel considerations/provisions. The proposed Chapter 3.X appears to be imposing a priority rather than guiding integrated management through full consideration of all land-use provisions. Most objectives and policies are therefore made subservient to Objective LW 1.
14. The AER for Chapter 3.8 (Groundwater quality)
  - Delete the proposed amendment in the first AER column
  - Add "soluble reactive phosphorus" and "soluble inorganic nitrogen" to the parameters to be measured
  - Add Cultural health monitoring as a data source and as a parameter
15. Amend the proposed change for the Issue Statement in Chapter 3.10 (Surface water resources):
  - Add "(d) The potential contamination of aquifers and consequential degradation of surface water"
16. Proposed Objective 25:
  - Add – sustaining "or enhancing" aquatic ecosystems
17. Proposed Objective 27:
  - Delete "where appropriate"
18. Add to new Objective 27A:
  - Add "(c) support tīkanga Māori values and uses of natural resources".
19. Amend new policy 47A:
  - Delete "when it is the best practicable option" and replace with, "in emergencies only".
20. Consider deletion of references to – "Subject to Objective LW 1 OR amend to "Subject to Objective LW 1 and Objective LW 2 (the new Mana whenua objective) and Schedule 1.

21. Include acknowledgment: "The whole of the coastal marine area is of significance to Ngāti Kahungunu" in Water Bodies of national significance section.
22. Quote potential for further degradation due to land-use practices.

We wish to be heard in support of this submission

A handwritten signature in blue ink, consisting of a large loop at the top, followed by a horizontal line, and then a vertical line that ends in a small hook.

Marei Apatu  
**Te Kaihautū**  
**Te Manaaki Taiao Unit**

**FORM 5****SUBMISSION ON PROPOSED REGIONAL POLICY STATEMENT CHANGE 5 UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

**To:** Hawke's Bay Regional Council  
Private Bag 6006  
Napier 4142

**Email:** submissions@hbrc.govt.nz

**Submission on:** Proposed Plan Change 5

**Name:** TrustPower Limited

**Address:** TrustPower Limited  
Private Bag 12023  
TAURANGA

**Introduction**

TrustPower Limited ("TrustPower" or "the Company") is an electricity generator and retailer in New Zealand, using predominantly renewable energy generation to serve just over a quarter of a million customers throughout the country. The majority of TrustPower customers are regionally based residential and small commercial customers. However, TrustPower also provides electricity to a number of major industrial customers nationwide. TrustPower is a predominantly New Zealand owned, listed company, employing approximately 400 people. TrustPower owns and operates a range of generation assets, consisting of 36 small to medium-sized hydro electric power generation stations and two wind farms. the Tararua Wind Farm which was consented and constructed in three stages

Within the Hawkes Bay, TrustPower has resource consent for a hydro generation scheme in the northern Esk Valley on the Esk River Left Branch, and two tributaries of the Toronui Stream locally known as the Quarry and Sutherland Stream, which is presently under construction.

TrustPower is generally supportive of the provisions within Proposed Plan Change 5 and the approach adopted by Council. In particular, TrustPower is supportive of the catchment based approach and recognition of renewable electricity generation in Objective LW1. It follows that similar recognition of the local, regional and national benefits from renewable electricity generation are also provided for in Policy LW1.



Government initiatives and the existing statutory framework are focused toward both maintaining and building upon the current level of generation from renewable resources. Section 7(j) of the Resource Management Act (“RMA”) sets out that particular regard is to be had to “the benefits to be derived from the use and development of renewable energy”. In May 2011 the National Policy Statement for Renewable Electricity Generation (“NPS”) came into effect. The NPS has as its sole objective “To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand’s electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government’s national target for renewable electricity generation.”

The NPS serves to reinforce the significance of maintaining and further developing the renewable generation base in New Zealand. The operative New Zealand Energy Strategy (“NZES”) also contains the 90% renewable energy target and it is of note that this target has been retained in the recently notified draft NZES.

Given the national level policy framework provided in the NPS REG, it is therefore expected that the Hawke’s Bay Regional Policy Statement encourages and facilitates the appropriate development of further renewable energy generation assets.

It is noted the earlier draft version of Plan Change 5 had a specific policy that identified outstanding freshwater bodies. This draft policy (previously Policy LW1) dovetailed to the recognition and protection of these identified waterbodies in Objective LW1 and Policy LW2. TrustPower understands that the deletion of this former policy identifying outstanding freshwater bodies is to be addressed in subsequent workstream to more widely assess the values of freshwater bodies across the region. Arising from this workstream, a further change(s) will be made to the regional policy statement and/or regional plans. It is understood this work will be done as part of the Council’s progressive programme to implement the National Policy Statement for Freshwater Management.

## Submission Point 1

The specific provision of the Proposed Plan Change 5 that TrustPower Ltd's submission relates to is as follows:

### **New Issue**

***ISS LW 1 Potential for ongoing conflict between multiple, and often competing, values and uses of fresh water and limited integration in management of land and water to promote sustainable management of the region's natural and physical resources.***

*The provision is supported*

### **Reasons**

The Issue is supported as it recognises that there are competing values and uses for fresh water.

### **Relief sought**

- (i) That the New Issue ISS LW 1 be retained as proposed.
- (ii) Any similar or consequential amendments that stem from the submissions and relief sought.

## Submission Point 2

The specific provision of the Proposed Plan Change 5 that TrustPower Ltd's submission relates to is as follows:

### **New Objective**

#### ***OBJ LW1 Integrated management of fresh water and land use and development***

*The management of fresh water and land use and development in an integrated and sustainable manner that:*

- 1. identifies outstanding freshwater bodies in Hawke's Bay region and protects their water quality;*
- 2. specifies targets and implements methods to assist improvement of water quality in catchments to meet those targets within specified timeframes;*
- 3. recognises that land uses, freshwater quality and surface water flows can impact on the receiving coastal environment;*
- 4. safeguards the life-supporting capacity and ecosystems of fresh water with a priority for indigenous species;*
- 5. recognises the significant national and regional value of fresh water for human drinking and animal drinking uses;*
- 6. recognises the significant regional and national value of fresh water use for beverages, food and fibre production and processing;*
- 7. recognises the potential for significant regional and national value arising from the nonconsumptive use of water for renewable electricity generation;*
- 8. promotes and enables the adoption of good land and water management practices;*
- 9. ensures efficient allocation and use of water;*

10. recognises and provides for wairuatanga and the mauri of fresh water bodies in accordance with the values and principles expressed in Chapter 1.6, Schedule 1 and the objectives and policies in Chapter 3.14 of this Plan; and

11. recognises the differing demands and pressures on freshwater resources within catchments across the Hawke's Bay region, and where significant conflict exists between competing values, the regional policy statement and regional plans provide clear priorities for the protection or use of those freshwater resources.

The provision is **supported**

### Reasons

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.

The NPS REG is of specific importance and relevance from a policy formulation perspective as it confirms that:

- Renewable electricity generation, regardless of scale, makes a crucial contribution to the well-being of New Zealand, its people and the environment, and any reductions in existing generation will compromise achievement of the Governments' renewable electricity target of 90% of electricity from renewable sources by 2025.
- The development, operation, maintenance and upgrading of new and existing renewable electricity activities, and the associated benefits, are matters of national significance.

Objective LW11 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.

Section 55 of the RMA requires local authorities to amend plans and proposed plans (and policy statements) to give effect to a National Policy Statement. In this regard TrustPower supports the approach in proposed Objective LW1.

### Relief sought

- (i) That the New Objective OBJ LW 1 be retained as proposed, in particular subclause 7.
- (ii) Any similar or consequential amendments that stem from the submissions and relief sought.

### Submission Point 3

The specific provision of the Proposed Plan Change 5 that TrustPower Ltd's submission relates to is as follows:

#### **New Policy**

#### **POL LW1 Problem solving approach - Catchment-based integrated management**

To adopt a whole-of-catchment approach to managing fresh water and land use and development within each catchment area, that (in no particular order):

- a) is consistent with the integrated management approach outlined in OBJ LW1
- b) provides for Maori values and uses of the catchment in accordance with tikanga Maori
- c) recognises the inter-connected nature of natural resources within the catchment area, including the coastal environment
- d) protects water quality of outstanding freshwater bodies
- e) promotes collaboration and information sharing between relevant management agencies, iwi, landowners and other stakeholders
- f) takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water resources for future generations
- g) aims to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible in accordance with POL LW2
- h) ensures the timely use and adaptation of statutory and non-statutory measures to respond to any significant changes in resource use activities or the state of the environment
- i) allows reasonable transition times and pathways to meet any new water quantity limits or new water quality limits included in regional plans
- j) ensures efficient allocation and use of fresh water within limits to achieve freshwater objectives
- k) enables water storage infrastructure which can provide increased security for water users in water-scarce catchments while avoiding, remedying or mitigating adverse effects on freshwater values.

The provision is **supported in part**.

#### Reasons

Policy LW1 is supported insofar as it provides for a whole-of-catchment approach to managing competing values and interests over freshwater resources. However, Policy LW1 does not explicitly follow through the recognition provided in Objective LW1 of the national and regional value renewable electricity generation by non-consumptive hydro-schemes.

Policy LW1 manages all catchments not identified and provided for in Policy LW2. The listing of relevant matters to be considered, without priority, but to be determined on a case by case basis is supported, subject to the inclusion of an additional consideration which gives effect to the NPS REG as discussed previously in this submission.

#### Relief sought

- (i) That Policy LW1 be amended as follows:

*l) recognises the national significance of the national, regional and local benefits from renewable electricity generation activities and provide for the establishment, operation, maintenance and upgrading of new and existing activities.*

- (ii) Any similar or consequential amendments that stem from the submissions and relief sought.

## Submission Point 4

The specific provision of the Proposed Plan Change 5 that TrustPower Ltd's submission relates to is as follows:

### *New Policy*

#### **Policy LW2 – Problem solving approach – Prioritising values**

1. Subject to Objective LW1.1 to 1.10, recognise and give priority to maintaining and enhancing the primary values and uses of freshwater bodies shown in Table 1 for the following catchment areas in accordance with Policy LW2.3:

- a) Greater Heretaunga / Ahuriri Catchment Area;
- b) Mohaka Catchment Area; and
- c) Tukituki Catchment Area.

2. In relation to catchments not specified in POL LW2.1 above, the management approach set out in POL LW1 will apply.

3. Subject to Objective LW1.1 to 1.10, manage the fresh water bodies listed in Policy LW2.1 in a manner that:

- a) recognises and gives priority to maintaining and enhancing primary values and uses identified in Table 1; and
- b) avoids, as far as is reasonably practicable, significant adverse effects on secondary values and uses identified in Table 1; and
- c) uses a catchment-based process in accordance with POL LW1 to evaluate and determine the appropriate balance between any conflicting primary values and uses in Table 1.

Table 1

Catchment Area	Primary Value(s) and Uses –in no priority order	Secondary Value(s) and Uses – in no priority order
Greater Heretaunga / Ahuriri Catchment Area	<ul style="list-style-type: none"> <li>• Industrial &amp; commercial water supply</li> <li>• Natural character in sub-catchments upstream of Whanawhana cableway</li> <li>• Urban water supply for cities and townships</li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in Ngaruroro River downstream of Maraekakaho</li> <li>• Amenity for contact recreation (including swimming) in lower Ngaruroro River, Tutaekuri River and Ahuriri Estuary</li> <li>• Native fish habitat</li> <li>• Recreational trout angling</li> <li>• Trout habitat</li> </ul>
Mohaka Catchment Area	<ul style="list-style-type: none"> <li>• Amenity for water-based recreation between State Highway 5 bridge and Willowflat</li> <li>• Long-fin eel habitat and passage</li> <li>• Recreational trout angling in Mohaka River and tributaries upstream of State Highway 5 bridge</li> <li>• Scenic characteristics of Mokonui and</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in Mohaka River below railway viaduct</li> <li>• Native fish habitat below Willowflat</li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> </ul>



	<i>Te Hoe gorges</i>	
<i>Tukituki Catchment Area</i>	<ul style="list-style-type: none"> <li>• Industrial &amp; commercial water supply</li> <li>• Native fish and trout habitat</li> <li>• Urban water supply for towns and settlements</li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in lower Tukituki River</li> <li>• Amenity for contact recreation (including swimming) in lower Tukituki River.</li> <li>• Recreational trout angling in: middle Tukituki River and tributaries between SH50 and Tapairu Road; &amp; middle Waipawa River and tributaries between SH50 and SH2.</li> </ul>

The provision is **supported in part**

**Reasons**

Policy LW2 subclauses 1 – 3 are supported. However given the noted importance of renewable electricity generation, Table 1 and the secondary values associated with the Tukituki Catchment Area and Mohaka Catchment Area should also include reference to water use for renewable electricity generation in upper Tukituki River tributaries and the Mohaka Catchment Area. While renewable electricity generation is referenced within Objective LW1, for the sake of clarity it is recommended reference be included within Table 1 below.

**Relief sought**

(i) That Table 1 of Policy LW2 be amended as follows:

<i>Mohaka Catchment Area</i>	<ul style="list-style-type: none"> <li>• Amenity for water-based recreation between State Highway 5 bridge and Willowflat</li> <li>• Long-fin eel habitat and passage</li> <li>• Recreational trout angling in Mohaka River and tributaries upstream of State Highway 5 bridge</li> <li>• Scenic characteristics of Mokonui and Te Hoe gorges</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in Mohaka River below railway viaduct</li> <li>• Native fish habitat below Willowflat</li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> <li>• <u>Water use for renewable electricity generation</u></li> </ul>
<i>Tukituki Catchment Area</i>	<ul style="list-style-type: none"> <li>• Industrial &amp; commercial water supply</li> <li>• Native fish and trout habitat</li> <li>• Urban water supply for towns and settlements</li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in lower Tukituki River</li> <li>• Amenity for contact recreation (including swimming) in lower Tukituki River.</li> <li>• Recreational trout angling in: middle Tukituki River and tributaries between SH50 and Tapairu Road; &amp; middle Waipawa River and tributaries between SH50 and SH2.</li> <li>• <u>Water use for renewable electricity generation in upper Tukituki River tributaries.</u></li> </ul>

(ii) Any similar or consequential amendments that stem from the submissions and relief sought.

TrustPower Limited wishes to be heard in support of its submissions and if others make a similar submission TrustPower would be prepared to consider presenting a joint case with them at any hearing.



---

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

**Date** 5 November 2012

**Address for Service** TrustPower Limited  
Private Bag 12023  
TAURANGA

**Email** [laura.marra@trustpower.co.nz](mailto:laura.marra@trustpower.co.nz)

**Telephone** (07) 574 4444 ex 4304