



HAWKE'S BAY REGIONAL COUNCIL



SAFEGUARDING YOUR ENVIRONMENT + KAITIAKI TUKU IHO



**Submissions lodged
on RPS Change 5**

Submissions 11 - 20

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 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: 24th 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

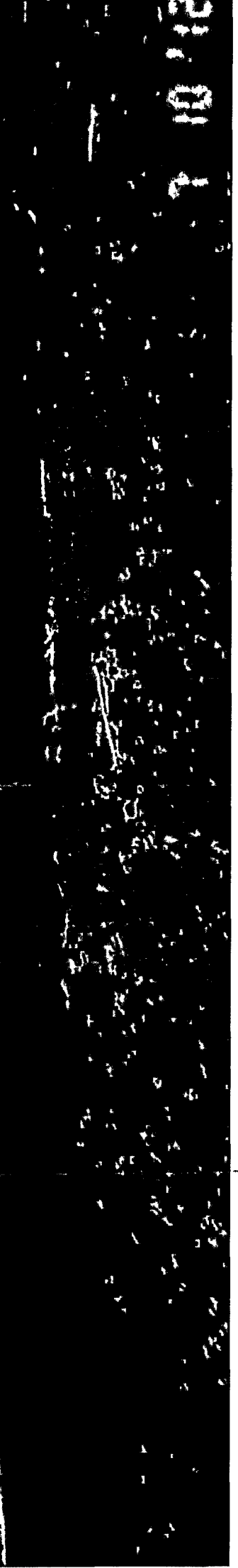
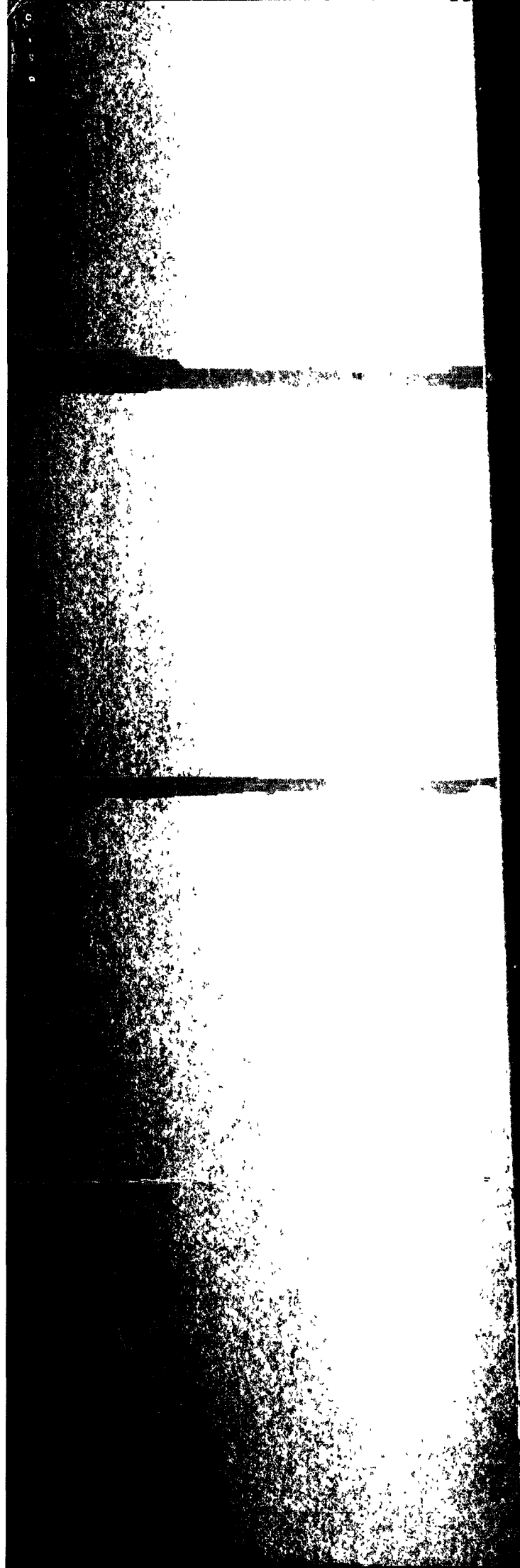
D.W. Renouf.
David Renouf, 603A Ballantyne Street, Hastings 4120

17 October 2012

trp

24th October 2012

Attached colour photo of algae bloom at Marine Parade location on 7th October 2012.



21.01.1

COMMENTS

TELEPHONE 0800 327 646 | WEBSITE 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

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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:

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"> • Industrial & commercial water supply • Natural character in sub-catchments upstream of Whanawhana cableway • Urban water supply for cities and townships • Water use associated with maintaining or enhancing land-based primary production 	<ul style="list-style-type: none"> • Aggregate supply and extraction in Ngaruroro River • Amenity for contact recreation (incl. swimming) in lower Ngaruroro River, Tutaekuri River and Ahuriri Estuary • Native fish habitat • Recreational trout angling • Trout habitat
Mohaka Catchment Area	<ul style="list-style-type: none"> • Amenity for water-based recreation between SH 5 bridge and Willowflat • Long-fin eel habitat and passage • Recreational trout angling in Mohaka River and tributaries upstream of SH 5 bridge • Scenic characteristics of Mokonui and Te Hoe gorges 	<ul style="list-style-type: none"> • Aggregate supply and extraction in Mohaka River below railway viaduct • Native fish habitat below Willowflat • Water use associated with maintaining or enhancing land-based primary production
Tukituki Catchment Area	<ul style="list-style-type: none"> • Industrial & commercial water supply • Native fish and trout habitat • Urban water supply for towns and settlements • Water use associated with maintaining or enhancing land-based primary production 	<ul style="list-style-type: none"> • Aggregate supply and extraction in the lower Tukituki River • Amenity for contact recreation (incl. swimming) in lower Tukituki River. • Recreational trout angling in: middle Tukituki River and tributaries between SH50 and Tapairu Road; and middle Waipawa River and tributaries between SH50 and SH2.

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

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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
3.2A INTEGRATED LAND USE AND FRESHWATER MANAGEMENT			
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 26th 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"> - 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 - Establishing freshwater objectives to be set in the RPS and Plan which provide for these values; and - 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 - Identifying the process by which these values, objectives, limits and targets would be developed, and a timeframe for doing so; and - 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 - 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 - Such other or further relief as addresses the issues raised by this submission.

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"> - The identification in the RPS of freshwater values for all waterbodies in each catchment; - The establishment of freshwater objectives to be set in the RPS which provide for these values; - The setting of water quality and quality limits which when met will allow the freshwater values to be protected; - The identification of the process by which these values, objectives, limits and targets would be developed, and a timeframe for doing so. <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"> - The pre-emption of the identification of values at a catchment level by setting them in the RPS (as in policy POL LW2); and - 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) <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"> - 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;

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"> - Retain clause 1 - 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 - Delete clauses 5, 6 and 7; and - Provide for clause 11 as a stand-alone objective; and - Include a clause ensuring the life-supporting capacity, and ecosystem processes of freshwater are safeguarded; - Include clause to ensure that the natural Character of wetlands, river, and lakes is protected; - 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; - 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. - Include a clause that provides for the phasing out of over allocation of freshwater resources - Amend clause 9 of OBJ LW 1 to enable an assessment as to whether resource use and allocation is necessary,

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"> - removing reference to some values and not others - provide a framework for implementation of the NPSFM including identification of values, limits, target and addressing over allocation. - Specifies clear goals including environmental bottom lines <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"> - Setting values for freshwater; - Setting freshwater objectives and freshwater quality limits for all bodies of freshwater; - Setting environmental flows and/or levels for all bodies of freshwater - Ensuring that limits will be implemented through targets and necessary plan provisions. <p>Objective 2:</p> <p>In setting values and objectives for the region’s fresh water resources,</p> <ul style="list-style-type: none"> - the life-supporting capacity, ecosystem processes and

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"> - the mauri of the fresh water shall be safe-guarded.

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"> - For the purposes of achieving integrated management of the region's freshwater resources, identify where freshwater values may apply; - The values for which the region's freshwater bodies will be recognised and provided for include: <ul style="list-style-type: none"> • Ecosystem values (e.g. natural state, life-supporting capacity, Sites of Significance – aquatic, Sites of Significance – riparian, native fish spawning); • Recreational and cultural values (e.g. contact recreation, amenity, native fishery, mauri, shellfish gathering, Sites of Significance – cultural, trout fishery, trout spawning, aesthetics);

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"> • Water use values (e.g. water supply, industrial abstraction, irrigation, stockwater); and • Social and economic values (e.g. capacity to assimilate pollution, flood control, drainage, existing infrastructure) <ul style="list-style-type: none"> - The process that will be used to identify values of freshwater bodies, and for setting limits and targets will be catchment based and will: - Provide for Maori values and uses of the catchment in accordance with tikanga Maori; - Recognise the inter-connected nature of natural resources within the catchment area, including the coastal environment; - Protects water quality of outstanding freshwater bodies; - Promotes collaboration and information sharing between relevant management agencies, iwi, landowners and others stakeholders; - Takes a strategic long-term planning outlook to consider the future state, values and uses of water resources for future generations; - Such provisions as necessary to achieve the objective
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>

Change 5 Provision	Support/Oppose	Reason	Decision/Relief Sought
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); or 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” ; or 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"> - identify criteria for recognition of freshwater bodies as outstanding - identify waterbodies that currently meet that criteria and - provide for the protection of water quality and other values within those waterbodies. - <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"> a) Are in their natural state; or 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"> a. Biodiversity b. Habitat for indigenous fauna, wildlife, trout or salmon c. Values to tangata whenua d. Spiritual and cultural e. Recreation and amenity f. Community g. Landscape h. Natural character i. Scientific j. Historical <p>or</p> <ol style="list-style-type: none"> c) are the best remaining example of a particular freshwater

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"> - Lake Waikareiti - Lake Waikaremoana - Mohaka River catchment above Willow flat - Ngaruroro, Tauarau River and their tributaries above Whanawhana cable way - Tukituki River - Tutaekuri River - Maraetotara River - Ruakituri River - Waiau River - Waikaretaheke River - Hopuruahinem River - Lake Whakaki complex - Opoutama Swamp - Maungawhio Lagoon - Lake Poukawa, - Pekapeka Swamp Lake Hatuma - Lake Runanga - Lake Oingo - Waitangi wetland, - Ngamotu Lagoon - Whakamahia Lagoon <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"> - prevent any additional allocation of water for abstraction or the site-to-site transfer of allocated but unused water, from that water body; and - prevent any additional discharge permits being granted in the catchment which may cause the water quality to further decline; and - 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.
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"> - Retain the existing definition of 'wetland' provided in the operative RPS <p>Or</p> <ul style="list-style-type: none"> - Amend the definition of 'wetland' to read: <p>"Wetland 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"> i. Damp gully heads, or paddocks subject to regular ponding, dominated by pasture or exotic species in association with wetland sedge and rush species. <p>Or</p> <ul style="list-style-type: none"> 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. <p>Or</p> <ul style="list-style-type: none"> iii. Areas of wetland habitat specifically designed, installed and maintained for any of the following purposes: <ul style="list-style-type: none"> (a) stock watering (including stock ponds), or (b) water storage for the purposes of fire fighting or irrigation (including old gravel pits), or

			<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.

CHAPTER 3.8 GROUNDWATER QUALITY			
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"> • <u>the use of production land</u>

		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.	
CHAPTER 3.10 SURFACE WATER RESOURCES			
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>

CHAPTER 3.11 RIVER BED GRAVEL EXTRACTION			
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"> - 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. - 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>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>
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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

25th 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

Sub #	Provision – PC5	Submission and Reasons	Decision Requested
1	<p>OBJ LW1 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>POL LW1 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 and water based 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	POL LW2 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"> • Aggregate supply and extraction within the following watercourses has been identified as a secondary value and use within the table: • Aggregate supply and extraction in Ngaruroro River downstream of Maraekakaho (Heretaunga Catchment Area) • Aggregate supply and extraction in Mohaka River below railway viaduct (Mohaka Catchment Area) • Aggregate supply and extraction in lower Tukituki River (Tukituki Catchment Area) <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	Consequential Amendments OBJ29	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:

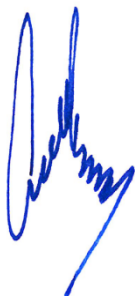
Schedule 1: Overall comments
Schedule 2: Chapter 3.x Integrated Land Use and Freshwater Management
Schedule 3: Other Chapters in Part 3 (RPS) of the HBRRM
Schedule 4: Other provisions sought

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:

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Horticulture New Zealand
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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

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

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 refocused 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
Tauupo 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
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NAPIER 4142
fax: 06 8353601
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Office Use	
Submission ID#:	Sub # 20
Date received:	_____
DBase entry date:	_____

SUBMITTER DETAILS

Name of submitter[full name]: LOWE CORPORATION LIMITED

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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