PART 2 – Submitters by number – Submitters 41-82

INDEX PAGE

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Submission on Proposed Plan Change 9 (PC9): Hawke's Bay Regional Resource Management Plan

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.

Name: **Jonathan Milmine**

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Submission Summary:

1. I SUPPORT the overall framework of PC9, to the degree that it reflects agreements reached by the TANK Group community representatives, developed over more than 6 years of intensive dialogue and providing an integrated catchment solution that best balances the values and interests of the Hawke's Bay community.
2. I OPPOSE elements of PC9 that do not reflect those agreements reached by the TANK Group community representatives.
3. I SUPPORT THE AMENDMENTS proposed by Hawke's Bay Winegrowers' Association Inc. in their submission dated 14 August 2020.
4. I SEEK AMENDMENTS as set out in Section A of this submission below.
5. I am concerned that PC9's approach to allocation of water and control of farming emissions unfairly penalises viticultural land owners as very low water users and very low emitters compared to other major primary production systems.

Submission Details:

A. General impact on the wine sector

Plan Provision	Concerns and Reasons	Decision Sought
OBJ TANK 7 Requirement to reduce contaminant losses	This Objective, as currently drafted, could be interpreted to require a reduction in contaminant loss including soil loss from all land use types. Some land use types including viticulture on low-slope land already have negligible contaminant losses (& especially soil losses) and would be unable to achieve any reductions.	Amend OBJ TANK 7 to read "...reduces ***reduceable*** contaminant loss..."; or similar wording to achieve the outcome sought in this submission.
OBJ TANK 16 Priority order for water allocation	This Objective establishes a priority order for water allocation which ranks primary production on versatile soils ahead of other primary production. Some viticultural production is on soils that are not considered to be versatile (eg. LUC 7 stoney soils) but is the highest and best primary production use of such soils, is highly efficient low water-use & low- contaminant activities that contribute strongly to community socio-economic development and should rank equally with primary production on versatile soils. The Objective also does not make it clear what the ranking of water bottling activities would be. The Hawke's Bay community has clearly indicated that water bottling should not be a priority use of water, so should be amended to explicitly record a lower priority, ranking below all other activities involving the economic use of water.	Amend OBJ TANK 16.c to read "Primary production on versatile and ***viticultural*** soils", or similar wording to achieve the outcome sought in this submission. Amend OBJ TANK 16.e to read "***Water bottling and*** other non-commercial end uses", or similar wording to achieve the outcome sought in this submission.
Policy 5.10.2.6/7/8 Protection of source water	These three policies adopt a strengthened approach to protection of the quality and quantity of drinking water supplies. I support a precautionary approach to such protection but considers that the policies and rules are unnecessarily onerous and reflect an over-response to the 2016 Havelock North water crisis. The Plan Change draws source protection zones expansively and the control exerted by Council through matters of discretion under TANK rules 2/4/5/6/9/10	Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10. Address risks via Farm Environment Plans, Catchment Collectives and Industry Programmes.

	is uncertain and potentially onerous, particularly on winery point source discharges but also on vineyard farming practices. In addition to the uncertain scope of control, there is a duplication in control because risks to drinking water will also need to be addressed in Farm Environment Plans, Catchment Collectives and Industry Programmes. Retaining the reference in TANK 2 will ensure that a risk assessment will still be made in the event that a property does not have a Farm Environment Plan or is not part of an Industry Programme or Catchment Collective.	
Policy 5.10.3.21 Assessing resource consents in subcatchments exceeding nitrogen objectives or targets	This policy requires Council to have regard to any relevant Industry or Catchment Collective plans in place when assessing resource consents for effect on diffuse discharge of nitrogen. However, as currently drafted, clause 21.d appears to prevent the issuance of any resource consent for any land or water use change that may result in any increased nitrogen loss, where a subcatchment exceeds dissolved nitrogen objectives or targets in Schedule 26. This is unnecessarily constraining of landuse change, undermines the role of community collectives, discriminates heavily against viticulture as a particularly low nitrogen source and fails to recognise the 2040 timeline for meeting water quality objectives.	Amend so that Catchment Collectives and Industry Programmes may manage land use change in accordance with the 2040 timeline for meeting water quality objectives. Amend 21.d to read "***subject to Policy 21 a)-c),*** avoid land use change...." or similar wording to achieve the outcome sought in this submission.
Policy 5.10.6.36 Heretaunga Plains Aquifer Management	This policy requires Council to "adopt a staged approach to groundwater management that includes: f) avoiding further adverse effects by not allowing new water use and g) reducing existing levels of water use". The requirement to "not allow new water use" is needlessly restrictive and ostensibly prohibits ANY new [take and] use, including use of new water stored under the high flow allocation provisions of the Plan, as well as potentially the replacement of expiring consents. Similarly, the requirement to "reduced existing levels of water use" precludes use of new stored water and fails to recognise that the interim allocation limit of 90 million cubic meters is intended to align with previous actual water usage and that the Heretaunga Plains Aquifer is considered to be overallocated based on	Amend Policy 36.f to read "avoiding further adverse effects by ***controlling net groundwater use within the interim allocation limit set out in Policy 37"*** or similar wording to achieve the outcome sought in this submission. Amend Policy 36.g to read "~~***reducing existing levels of***~~ ***encouraging*** water use ***efficiency***." or similar wording to achieve the outcome sought in this submission.

	cumulative consented volume (sometimes referred to as "paper volume") but not on cumulative consented actual use.	
Policy 5.10.6.37.d(ii) "Actual & Reasonable" water allocation approach	This policy requires Council to "when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; … (ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017…". The intent of this policy is understood to be to provide for replacement consent volumes not exceeding the highest use in the driest year in recent history (generally considered to be the 2012/13 water year), for landuse as at August 2017 (the point at which HBRC publicised the decision to cap groundwater usage at current peak dry-year levels). However, since TANK completed and the Plan was drafted, Hawke's Bay has experienced a severe drought in 2019/20 water year. Given this recent experience and vastly improved water meter data collection in the most recent years, I consider that the 2019/20 water year data should be available as a benchmark dry year. More fundamentally, I disagree with the definition of "Actual and Reasonable" and its inequitable and unworkable approach to allocation of water for replacement of consents that existed as at August 2017. Due to the lack of reliable and comprehensive water metering data from 2012/13 and the impact of vine age and redevelopment timing on actual annual vineyard irrigation requirements, practical difficulties in evidencing historical landuse activities and the risk of penalising efficient users at the expense of inefficient ones, I consider that there should be a presumption that the Hawke's Bay-specific IRRICALC model is the appropriate measure of "Actual and Reasonable" for the purpose of calculating allocations for those replacement consents.	Amend Policy 37.d(ii) to read "(ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to ~~***August 2017***~~ ***30 June 2020 (the end of the 2020 water year)***…". or similar wording to achieve the outcome sought in this submission. Amend the Glossary definition of "Actual and Reasonable to provide that the volume allocated at consent renewals is the lesser of: - the amount calculated by a Hawke's Bay-specific IRRICALC model at 95% security of supply; - the volume of the expiring consent being replaced.", or similar wording to achieve the outcome sought in this submission.
Policy 5.10.6.39	This policy subjects consented water users in the Heretaunga Plains Water Management Unit to a regime which requires them to either participate in	I understand that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. I support, in principle, jointly-funded

Requirement for flow maintenance (augmentation)	stream flow maintenance and habitat enhancement schemes or cease abstraction once a stream flow maintenance trigger is reached. When this policy was conceived in TANK, it was intended to apply initially to 3 named lowland streams which HBRC science indicated were suitable for a stream flow maintenance scheme. Post-TANK, the Plan has incorporated all streams as well as the mainstem of the Ngaruroro River and I OPPOSE this policy on five main grounds: 1. The flow maintenance requirement now proposed, extends far beyond that supported in TANK and the need for such extension has not been justified. 2. In TANK, it was envisaged that HBRC would play a central role in establishing the 3 then-proposed lowland stream augmentation schemes. As HBRC hold all the relevant scientific and technical information required to operationalise such schemes, it is critical that HBRC takes on a central role in their development. 3. Large temporal and spatial spread of consent expiries and large consent numbers make it impractical and inequitable to require consent holders to take full responsibility for the development. 4. No allowance for an orderly transition to any new stream augmentation has been made. The currently proposed provisions could apply immediately from notification of the Plan Change, including to a very large number of currently expired consents (particularly groundwater takes in the unconfined aquifer), whereas stream augmentation schemes may be reasonably expected to take years to commission, particularly the kind of large-scale schemes that would be required to maintain flows in the Ngaruroro River. 5. Consent reallocations under the "Actual and Reasonable" provision of the Plan based on 95% certainty of supply do not provide sufficient water volume to support stream augmentation in dry years and so would decrease the effective certainty of supply of consents.	collective stream flow maintenance schemes on suitable lowland streams, facilitated by HBRC.

Policy 5.10.7.51 Water Use and Allocation - Priority	This clause provides for an emergency water management group when making water shortage directions under Section 329 of the RMA, with the group including representatives from various sectors of the community but not including the primary sector. As decisions made in consultation with this group relate inter alia to the provision of water essential for the maintenance of animal welfare and survival of horticultural tree crops and to seasonal demand for primary production, the primary sector should also be represented in the group.	Amend 5.10.7.51 to read "...emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi, ***affected primary sector groups*** and MPI, to make decisions ..." or similar wording to achieve the outcome sought in this submission.
Policy 5.10.8.59 High Flow Reservation	This policy requires Council to **allocate** "20% of the total water available at times of high flow in the Ngaruroro or Tūtaekurī River catchments for abstraction, storage and use for" contributions to environmental enhancement and Māori development. This policy originated in an agreement in TANK to **reserve** 20% of any NEW high flow allocation for Māori development, then underwent significant development and change as Council explored ways to operationalise it and through iwi and RPC consultations. The resulting policy has some fundamental differences to that originally agreed in TANK: 1. The Policy refers to the Ngaruroro **OR** Tūtaekurī River catchments" (emphasis added), whereas the intention in TANK was for it to apply to BOTH rivers. This may just be a drafting error. 2. The Policy now covers water for both Māori development and environmental enhancement, but Schedule 32 only refers to Māori development. 3. The allocation rate of 1600L/s for the Ngaruroro River in Schedule 32 represents 20% of the total high flow allocation limit for that river, whereas the TANK agreement was for 20% of the new allocation (6000L/s), ie 1200L/s.	Policy 59 needs significant re-write to address the above inconsistencies between the policy as it now stands, and the framework agreed in TANK. It should distinguish clearly between water for environmental enhancement and water for Māori development, reduce the proposed Māori development reservation for the Ngaruroro River from 1600L/s to 1200L/s in line with the 20% new-water allocation agreed at TANK and remove the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the high flow allocation.

	4. Policy 60 now embodies the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the allocation. 5. The Policy now requires "allocation" rather than "reservation", with uncertain implications for private sector interests	
Rule TANK 5 Land use change	This rule controls land use change to production land use activity over more than 10% of a property or farming enterprise. The rule gives no guidance on what constitutes "change to the production land use activity", with the result that it is highly uncertain what types of activity are controlled and the rule cannot be practically enforced. For example, is a change from conventional farming to organic farming captured? A change in planting density? Also the rule fails to account for the possibility that a farming enterprise may span multiple water quality management units within a Surface Water Allocation Zone, which may then unintentionally permit land use change beyond 10% of the farming enterprises' properties within a water quality management unit	The rule needs further development to give more guidance on what changes are intended to be controlled and to control change by farming enterprises within a water quality management unit more appropriately.
Rule TANK 6	This rule restricts change to production land use activity over more than 10% of a property or farming enterprise where there is no Catchment Collective or Industry Programme operative, where modelled land use change effect on total property nitrogen loss exceeds the figures in Table 2 of Schedule 29. Table 2 is populated from per-hectare figures for common primary production systems. The per-hectare figure of 1kg/ha/yr provided for Grapes for Esk/Omahu/Pakipaki Soils is unrealistically low & clearly fails to account for the autumn/winter sheep grazing rotation that commonly occurs on vineyards. Also the Plan Change does not record the version of the models employed to derive the crop loss figures, so is not future-proofed against the effect of future model changes.	Adjust the Grape kg/ha/yr for all soils to recognise winter sheep grazing rotation. Include details of crop model versions used to derive the crop loss figures in Schedule 29 and include a mechanism to address the effects of model and/or version changes to modelled outputs..

Rule TANK 13 Taking water – high flows	This rule provides for capture, storage and use of surface water at times of high flow. I consider this to be a critical element of the overall Plan Change, providing the opportunity to re-engineer the Heretaunga Plains water use profile in a way that multiple & often conflicting interests and values can be addressed.	Supported, subject to amendments to POL 59 & 60 to address concerns about drafting details relating to the 20% Maori/environment reservation.
RRMP Chapter 6.9 - 6.3.1 Bore Drilling & Bore Sealing, Rule 1	This rule change has the effect of making bore drilling within a Source Protection Zone (SPZ) a Restricted Discretionary activity, as opposed to a Controlled activity. The proposed SPZs cover extensive areas of the Heretaunga Plains, particularly in the unconfined aquifer zone where many vineyards are located. The proposed Plan brings in intensive controls over activities in the SPZs and are specifically drawn to capture areas of unconfined aquifer upstream of protected water takes. Given the already-permeable nature of the unconfined aquifer area that comprises the bulk of the SPZs and other substantial controls over landuse activities, there is negligible additional benefit in controlling bore drilling in this area where the bore is a replacement for existing infrastructure. Also, the additional expense and uncertainty of Restricted Discretionary status is likely to act as a deterrent to bore replacement as part of a normal maintenance cycle. Accordingly, bore drilling for the purpose of replacement of existing infrastructure in the SPZs should remain a Controlled activity.	Add a Condition to 6.3.1 Rule 1 reading: "***c. The bore is located within a Source Protection Zone but is a replacement for an existing bore that will be decommissioned."*** or similar wording to achieve the outcome sought in this submission.
Schedule 30 Landowner Collective, Industry Programme and Farm Environment Plan	Schedule 30 sets out the requirements for Farm Environment Plans, Landowner Collectives and Industry Programmes, as a method primarily to address the cumulative effects of landuse. I support this general approach over more prescriptive approaches, as it provides flexibility for landowners to achieve environmental objectives in the most efficient ways. The NZ wine industry has a longstanding and highly respected industry sustainability programme (Sustainable Winegrowing New Zealand - SWNZ), which the industry intends to further develop to achieve equivalency with a Farm Environment Plan. However, as the environmental profile of vineyards is dramatically different from (and in most respects lower than) that of other major primary industries, SWNZ does not comfortably fit within the PC9 framework and	Schedule 30 should be less prescriptive, more facilitative and more industry risk profile-based in respect of Industry Programmes. The Programme Requirements in Section B of Schedule 30 as they relate to Industry Programmes should be re-cast as a more of a guideline, with an acknowledgement that detailed requirements can vary depending on the Industry's risk and emissions profile as it relates to catchment objectives. Amend all references to Farm Environment Plan in this Plan Change to "freshwater farm plan" and otherwise align the Plan Change requirements to

	it is inefficient and counterproductive to apply an essentially pastoral-farming approach to viticulture. Schedule 30 also does not recognise the recent policy advances made nationally via the government's Essential Freshwater package and in particular the Resource Management Amendment Act 2020, which provides for a national framework of "freshwater farm plans", to be operationalised via S.360 regulations. I consider that the references to and requirements for a Farm Environment Plan in this Plan Change ought to be aligned with the Resource Management Amendment Act 2020 and related S.360 regulations and that these national requirements should be adopted by the Plan Change, in the interests of national standardisation and longer-term efficiency.	those of the Resource Management Amendment Act 2020 and related S.360 regulations.

Do you wish to be heard in support of your submission? YES
If others make a similar submission, would you consider presenting a joint case with them at a hearing? YES

Signature: ..... Date: 11/8/2020

To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: Glenn Riddell (Glenmore Orchard)

This is a submission on the following Proposed Plan Change to the Hawke's Bay Regional Resource Management: Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments.

I could not gain an advantage in trade competition in making this submission.

My submission is:

- I generally support the overall framework of Plan Change 9, to the degree that it reflects a staged approach to improving the management of the TANK Catchments freshwater resources.
- Horticulture is critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available to provide for that. The value of horticulture and its role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9.
- The real freshwater improvements come from the practices I adopt to manage discharges from land I manage (in some cases only temporarily), and my water use. I support requiring all growers to operate at good management practice .
- I also support the ability for a group of landowners to be able to manage environmental issues collectively to improve the effectiveness of the response to water issues. I consider Plan Change 9 should better enable collective approaches to water and nutrient management by reducing the level of detail and specificity in the plan, as every collective grouping will be slightly different and work in a slightly different way, and it is important that this is enabled.
- Where this submission aligns with that of Horticulture New Zealand's submission, I support that submission.
- I oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. I also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

The specific provisions of the proposal that my submission relates to are:

Provisions & general description of issue	**Amendments sought**
Policy 39 & 41, Ngaruroro augmentation scheme	It is yet to be determined if the Ngaruroro augmentation scheme is actually feasible. Permit holders who are required to cease abstraction because they are linked to the Ngaruroro River "low flow trigge limit" should be exempt from policy 39 a (i). Because triggerin a low flow without a viable means of augmentation would render their horticultural operations uneconomic.
Policy 39 & 41, Ngaruroro augmentation scheme	The costs associated with implementing an augmentation scheme should be funded by all permit holders who benefit from such a scheme, including municipal and industrial users.
Policy 43, Ngaruroro River actual use	Historical low flow river bans should be taken into account when determining actual use of individual permit holders.

Policy 51, Availability of water for survival of permanent horticultural crops	Representation from horticultural industry groups need to be included in the emergency management group. i.e. NZ Apples & Pears, Hortnz, etc

My horticultural operation is located at 37 Twyford Road, Hastings and comprises of the following crops and acreage - 13 ha of apples.

Plan Change 9/TANK is likely to affect my business in the following ways: We have invested heavily in redeveloping our orchard into an intensive 2-dimensional apple growing system, this type of production requires a consistent and reliable water supply for irrigation purposes. Any disruption to our irrigation water supply, caused by low flow triggers or bans for other reasons, will render our business uneconomic.

I seek the following decision from the local authority: That the plan change is amended as set out in the table above.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter:

Date: 12/8/2020

Electronic address for service:

Contact phone number: 021 079 0019

Postal address: 37 Twyford Road, RD 5, Hastings 4175

Contact person (if submission on behalf of a business or organisation): Glenn Riddell

42

To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: CA & GW Wilson T/A Meiros Orchard Ltd

This is a submission on the following Proposed Plan Change to the Hawke's Bay Regional Resource Management: Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments.

I could not gain an advantage in trade competition in making this submission.

My submission is:

- I generally support the overall framework of Plan Change 9, to the degree that it reflects a staged approach to improving the management of the TANK Catchments freshwater resources.
- Horticulture is critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available to provide for that. The value of horticulture and its role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9.
- The real freshwater improvements come from the practices I adopt to manage discharges from land I manage (in some cases only temporarily), and my water use. I support requiring all growers to operate at good management practice .
- I also support the ability for a group of landowners to be able to manage environmental issues collectively to improve the effectiveness of the response to water issues. I consider Plan Change 9 should better enable collective approaches to water and nutrient management by reducing the level of detail and specificity in the plan, as every collective grouping will be slightly different and work in a slightly different way, and it is important that this is enabled.
- Where this submission aligns with that of Horticulture New Zealand's submission, I support that submission.
- I oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. I also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

The specific provisions of the proposal that my submission relates to are:

Provisions & general description of issue	**Amendments sought**
Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary Replacement of water permits based on actual and reasonable use	Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of: a) the quantity specified on the permit due for renewal or any lesser amount applied for; or b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwis an equivalent method) and to a 95% reliability of supply. Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.

Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32 High flow takes and storage	The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).
Policy 51, 52, TANK 7 and TANK 8 Availability of water for survival of permanent horticultural crops	A specific exemption should be provided in TANK 7 and 8 to allow up to 20m^3 to continue to be taken per day to assist the survival of permanent horticultural crops.
Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b Transfers of water permits	Transfers of all water permits that have been exercised should be enabled.
Policy 37 and 38 Restriction on re-allocation of water	The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primar production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).
Policy 37, 39, 40, 41, TANK 18 and Schedule 36 Stream flow maintenance and augmentation schemes	Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.
Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.

Industry programmes and landowner collectives	
Policy 21, TANK 5, TANK 6, Schedule 26, Schedule 28 and Schedule 29 Land use change and nutrient loss	A definition of what a change to production land use is needs to be provided to clarif what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.

My horticultural operation is located 260 Dartmoor Road, 394/413 Dartmoor Road, 576 Springfield Road Puketapu and comprises of the following crops and acreage - 40HA of apples.

Plan Change 9/TANK is likely to affect my business in the following ways: We need enough water in order to grow our apples. We apply irrigation responsibly using 14 soil moisture probes over the 40 HA that are monitored weekly by AGFIRST. We irrigate through micro sprinklers only targeting the root zone and putting on what is needed for our crop, we tr to irrigate at night to maximize the water use – we do not want to lose the ability to put water on when it is needed. If we cannot put the water on when it is needed and in the amounts required to grow our apples for export, then our business will suffer greatly. We currently turn over 3.5 million, and we employ a number of people both directly and indirectly in growing our crop. We fear that this Plan Change is not going to give us enough water to carry on growing apples for export.

I seek the following decision from the local authority: That the plan change is amended as set out in the table above.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter:

Date: 12/08/20

Electronic address for service:

Contact phone number: 021767980

Postal address: 380 Dartmoor Road, Puketapu, RD6, Napier, 4186

Contact person (if submission on behalf of a business or organisation): Craig Wilson

To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: Brian Fulford – Omahuri Orchards (2019) Ltd.

This is a submission on the following Proposed Plan Change to the Hawke's Bay Regional Resource Management: Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments.

I could not gain an advantage in trade competition in making this submission.

My submission is:

- I generally support the overall framework of Plan Change 9, to the degree that it reflects a staged approach to improving the management of the TANK Catchments freshwater resources.
- Horticulture is critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available to provide for that. The value of horticulture and its role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9.
- The real freshwater improvements come from the practices I adopt to manage discharges from land I manage (in some cases only temporarily), and my water use. I support requiring all growers to operate at good management practice .
- I also support the ability for a group of landowners to be able to manage environmental issues collectively to improve the effectiveness of the response to water issues. I consider Plan Change 9 should better enable collective approaches to water and nutrient management by reducing the level of detail and specificity in the plan, as every collective grouping will be slightly different and work in a slightly different way, and it is important that this is enabled.
- Where this submission aligns with that of Horticulture New Zealand's submission, I support that submission.
- I oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. I also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

The specific provisions of the proposal that my submission relates to are:

Provisions & general description of issue	**Amendments sought**
Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary Replacement of water permits based on actual and reasonable use	Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of: a) the quantity specified on the permit due for renewal or any lesser amount applied for; or b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwis an equivalent method) and to a 95% reliability of supply. Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.

Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32 High flow takes and storage	The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).
Policy 51, 52, TANK 7 and TANK 8 Availability of water for survival of permanent horticultural crops	A specific exemption should be provided in TANK 7 and 8 to allow up to 20m^3 to continue to be taken per day to assist the survival of permanent horticultural crops.
Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b Transfers of water permits	Transfers of all water permits that have been exercised should be enabled.
Policy 37 and 38 Restriction on re-allocation of water	The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primar production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).
Policy 37, 39, 40, 41, TANK 18 and Schedule 36 Stream flow maintenance and augmentation schemes	Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.
Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.

Industry programmes and landowner collectives	
Policy 21, TANK 5, TANK 6, Schedule 26, Schedule 28 and Schedule 29 Land use change and nutrient loss	A definition of what a change to production land use is needs to be provided to clarif what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.

My horticultural operation is located 1447 Southland Road, Hastings and comprises of the following crops and acreage; 30ha Apples, 20ha Peaches & Nectarines and 5ha Cherries

Plan Change 9/TANK is likely to affect my business in the following ways:

I may not get enough water for irrigation, which means I may not be able to produce a crop and trees could also die due to lack of irrigation.

If I cannot produce a crop and if trees die, I will no longer have a business.

The 12 full time people I employ will no longer have a job. I will also be unable to employ the 50 seasonal staff to help harvest the crop.

I seek the following decision from the local authority:

That the plan change is amended as set out in the table above.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter:

Date: 12/08/2020

Electronic address for service: omahuri@xtra.co.nz

Contact phone number: 0276648448

Postal address: 1447 Southland Road, Hastings

Contact person (if submission on behalf of a business or organisation): Brian Fulford

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

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.

Name: *(required)* SYD PARKES.

Organisation/Iwi/Hapu: WESTBROOK FARM LTD.

Postal address: *(required)* 1401 KEREKU RD.
RD1 HASTINGS.

Email address: SGPARKES@OUTLOOK.CO.NZ.

Phone number: 0274 998089.

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☑ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☑ I am not directly affected by an effect of the subject matter of the submission.

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

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

Signature: [signature] Date: 12/8/2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 14 August 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission

- Thank you for the opportunity to provide feedback on the proposed Plan Change 9 (TANK).

Background about my farm

Westbrook Farm is a family company that has been farming in the Kereru district for 19 years now in the Ngaruroro catchment .We farm sheep and beef with some cash cropping. We have had extensive development programmes over the years to maintain a profitable and enviromentally friendly business.This has come at a great cost to us but we now feel we are well established going forward to meet all future requirments with in reason.

Why am I making this submission?

- *Westbrook farm ltd agrees with a lot of the future proposed regulations to maintain a healthy environment and waterways for our future generations that may one day also have the enjoyment of farming this land. We have provided a lot of employment over the years and we wish this to continue with out to many unpractical regulations that may effect the production and profitability of this business.*

Section A: General responses to the proposals:

- I support the purpose of Plan Change 9 to give effect to the Hawkes Bay Regional Council Policy Statement as well as the National Policy Statement for Freshwater Management. I recognise that this requires Council to identify values, and establish methods, including limits, to ensure those objectives are met.
- I support provisions (Obj TANK 1 & 2) which recognise that successful environment outcomes for freshwater ecological health require landowner and community support and leadership. I ask for these to be retained as proposed, and for policies to be amended or included to enable catchment collective approaches to management as a priority. Provisions need to recognise that people are critical to maintaining and enhancing freshwater ecological health and acknowledge the importance of respecting and fostering the contribution of landowners as custodians and Kaitiaki to these catchments.
- I support provisions (policies 5.10.3 Industry Programmes & Catchment Mangement) which recognise farmers and communities contributions to achieving environmental outcomes and

give landowners the opportunity to continue to grow and develop 'ground up' approaches both indiviudlaly or collectively. I ask for these to be retained as proposed.

- I am deeply concerned that stock water is not appropriately provided for (Obj TANK 16, 17, and 18, associated policies 5.10.7, and rules). The continuous provision of water is critical to animal welfare and should be a priority take above other non-essential takes. I oppose provisions which relate to water takes and management and which fail to provide for stock drinking water as a priority take.

- I am deeply concerned about the nitrogen leaching limits set in Schedule 29 which place an upper limit to how much nitrogen can be leached specific to a productive land use. I oppose provisions which restrict innovation and remove the opportunity for landowners to achieve environmental outcomes while remaining adaptable to change in circumstances. I consider sector averaging to be effectively the 'grandparenting ' of land which locks farmers in at their existing farm systems and land uses, preventing the ability to adjust stocking rates, inputs or change land use. Flexibility and the ability to adapt and innovate is an integral part of the resilience of the sector.

- I support with amendments objectives to increase riparian planting and wetlands (policies 5.10.2). I seek that these provisions are implemented through non regulatory methods and not regulation. I seek more information is provided as to how Council intends to facilitate meeting the targets specified i.e. funding assistance and support.

- I oppose provisions which are ambiguous and where the implications for my farm or community are not clear (Rule TANK 3, TANK 7). I seek that these are deleted, or alternatively amended to provide clarity and ensure that they can be implemented on farm in a practicable way. In particular, I seek clarity about what waterways will need to be excluded from stock access.

REGARDS.

SYD PARKES.

TANK Submission

12 August 2020

Submitted by Peter Beaven and Tom Belford

We support Plan Change 9 as recommended by the Hawke's Bay Regional Council.

For over six years a group of about 35 stakeholders investigated and debated the best way to manage the land, waterways and aquifers of the Heretaunga Plains. This so-called TANK group (Tutaekuri, Ahuriri, Ngaruroro, Karamu) consisted of growers, sheep and beef farmers, environmentalists, tangata whenua, DoC, DHB and territorial authorities.

Every aspect of water quality, supply and allocation was examined and debated during this process – irrigation, ecosystem health, land use and soil erosion, municipal and residential water use, stormwater management, drinking water safety, water conservation.

We served as the Regional Council's reps on TANK for most of this process, and we are very pleased that a plan reflecting broad consensus amongst all these parties has been crafted.

Such plans are always a trade-off between environmental, cultural, social and economic values. But despite – or actually because of – the compromises agreed through this process, the resultant plan will advance the effectiveness and equity of our water management for all users … including the most important end-user of all, the environment.

As we see it, the plan accomplishes the following:

1. Puts a "sinking lid" in place whereby new consents for Heretaunga aquifer water are barred, to avoid exacerbating existing stress on the aquifer, while all existing consents will be reviewed and adjusted downward to reflect "actual and reasonable use".
2. No dams will be allowed on the Tutaekuri or Ngaruroro Rivers or their four key tributaries.
3. Water harvesting and on-land storage schemes will be permitted, but these will need to proceed through normal RMA review processes to establish their environmental suitability. And, if meeting that test, they will need to be user paid
4. An entire new suite of water quality standards – covering nitrates, phosphorous, E. coli, dissolved oxygen, MCI levels etc – will be introduced for the first time. And wetlands are protected.
5. Soil erosion is targeted and addressed as a key problem adversely affecting both freshwater and marine water quality and farming productivity.
6. A new "source protection scheme" will better protect both Hastings and Napier drinking water from contamination.
7. New standards and controls will be in place for managing stormwater.
8. A programme to augment stream and spring flows (thereby improving water quality and ecosystem health in our lowland streams like the Karamu) will be trialled and monitored closely for effectiveness.
9. Higher requirements for efficient water use by irrigators will be in place.

10. All farmers and growers will need to either participate in local "catchment collectives" to manage their nutrient loss and soil erosion issues according to HBRC-approved plans, or submit individual Farm Environment Plans for review, approval and monitoring.

    All of this new framework is based on best-available science and water use data, with recognition that over the 10-year span of this plan, even better data and measurement will emerge, allowing further improvements to the regime going forward.

    Supporting this regulatory framework – which manages all water use in the economic engine room of Hawke's Bay – are operational programmes to clean-up waterways via riparian planting, erosion control and stock exclusion ($35m allocated over 10 years, including $5m from government) and feasibility analysis of water harvesting options ($20m allocated, including $15m from government).

    In short, a genuine transformation in water management for the Heretaunga Plains and all users of its waters. Our waters will be far better protected from an environmental perspective, while sustainable supplies of water for drinking, commercial use and recreation will be better enabled as well.

    No one has gotten 100% of what they wanted from this Plan. That simply recognises the complexity of the issues, the more complete understanding of this water system that we still need to achieve, and the reality that a range of legitimate competing interests need to be served.

    In our own case, we believe the Plan could have done more to require water conservation/efficiency measures by all water users, including residents and the territorial authorities who serve them. Everyone needs to treat water as a finite resource and think seriously about how they can use it more efficiently

    We would also note that water storage is not just a matter of interest to irrigators. The need is to store water in every conceivable way and venue. For example every new residence and commercial building should be required to provide for water storage.

    As the Plan is implemented, we would hope that community-wide water conservation and water storage goals might be set, and that land uses be evaluated to ensure that water is used for its optimal environmental and economic value.

    That's the Plan. We endorse it and hope it will meet widespread public approval. And then the real work of implementation can proceed.

Bostock New Zealand ltd. Freshmax ltd. (BF) submission on HBRC plan change 9. Hawkes Bay regional council C/o etank @hbrc.govt.nz

Bostock New Zealand and Freshmax hereinafter called BF provide a joint submission on plan change 9. We could not gain an advantage in trade competition in making this submission.

Bostock New Zealand ltd (BNZL) is a vertically integrated grower, packer, shipper and markets a range of organic & conventional horticultural products, grower, processor and marketer of organic free-range chickens. The company intensively farms organically and conventionally over 2,400 ha of land mostly on the Heretaunga plains employing 240 full time staff and up to 800 staff at the peak of the season. BNZL is committed to sustainable farming including environmentally, socially and financially.

The company believes Hawkes Bay and the Heretaunga plains have some of the finest soils in the world. HB is uniquely positioned with infrastructure, soil and a climate particularly suited to a range of horticultural crops. BNZL believes many of the social issues facing the community can been addressed with full times jobs generated by the growing prosperity of the horticultural sector and resulting service sector.

BNL over the last three years in conjunction with HBRC is funding supporting fencing and organising planting with ongoing husbandr of native trees on the Karamu and Raupere streams. The planting will enhance water quality in the lowland streams of the Heretaunga plains. The company is also managing all farming operations bordering lowland streams either converting cropping to organic with no soluble compound fertilisers or planting organic permanent crops in place of conventional annual crops.

Freshmax employs 250 full time staff and over 1,000 people in Hawkes bay in the season. Freshmax Hawkes Bay, being a fully integrated apple business relies heavily on the Heretaunga Plains to provide well-resourced and fertile soils to help grow its crops.

Since the last drought in 2012, Freshmax has made some key decisions around how it uses its resources and how to better manage these. For example, an area of around 150 hectares of apple orchard in Twyford has capped nine wells to currently only run from two. Extensive tests have shown that these two wells have had a lesser impact on the Ngaruroro River. Also there has been an investment in two fully automated systems that allow Freshmax to better utilise the water resource and water more efficiently.

Freshmax will continue to strive to improve efficiencies in the way they manage resources like water. The company will keep investing in technology to understand micro weather data, daily evapotranspiration, satellite imagery and soil profiles. Freshmax will continue to be a leader in this space for the good of the community to protect the resources for generations to come.

The two companies work cooperatively in several areas including, packing Coolstorage, IP, markets, local issues and some branding development of shared club apple varieties.

The TANK collaborative process was established in 2012 as a first in NZ. The TANK group broadly comprised representatives from Iwi, Environmental Interest groups, regulatory bodies, and the Primar Production sector. People were selected and invited to join the TANK group and were not

elected and do not necessarily represent the views of the community, nor the sector from which they are purported to represent.

BF have **not** been part of the TANK process and were **not** invited and have **not** had an opportunity to give any input to date into plan change 9 .

The BF group broadly supports themes of the TANK Objectives but consider the policies and rules do adequately balance social, environmental and economic sustainability.

All policies, rules, restrictions and regulation to achieve the TANK objectives must be based on sound science and evidence. Adverse effects identified through science requiring regulation or restrictions must be more than minor and given the opportunity for mitigation. This is a fundamental principle of the RMA. BF is very concerned the science is far from complete.

For example, we have not seen the analysis of the helicopter 3D mapping recently undertaken. It seems premature to introduce the plan change when the significantly largest science investment to date on the Heretaunga aquifer has just been completed and the analysis and conclusions are due within 18 months. BF are not prepared to endorse any policy or rule until the science is clear.

The following outlines the key reasons why we oppose the Plan Change in its current form and why it needs amending o ensure we can continue to operate our businesses .

Policy 21 *"The Council will remedy or mitigate the potential impact of diffuse discharge of nitrogen on freshwater quality objectives by regulating land and water use changes that modelling indicates are likely to result in increased nitrogen loss (modelled on an annual, whole of property or whole of farm enterprise basis) and in making decisions on resource consent applications, the Council will take into account:*

d) avoid land use change that will result in increased nitrogen loss that contributes to water quality objectives and targets in Schedule 26 for dissolved nitrogen not being met."

Changing crop types is important for growers where markets, varieties and circumstances are constantly changing. The rule framework needs to be clear as to what circumstances require regulation – with any regulation only applying to certainties where more than minor effects may arise. To regulate all changes, or event changes where there may only be minor consequential effects would result in unnecessar restrictions and costs, a lack of confidence, and would ultimately limit the ability to adapt to both environmental and economic influences.

This policy and its associated rule framework needs to be clearer and amended in order to reflect the concerns raised.

Policies 37 a)-d) and 38 a)-b)." *Adopting an interim allocation limit on the Heretaunga plains of 90 million cubic metres per year based on actual and reasonable water use prior to 2017*"

This limit is an arbitrary number without reference to location and identification of specific adverse effect. There is no provision for mitigation to exceed 90 million cubic metres .

BF disagree with treating the Heretaunga plains water management as an over-allocated unit preventing any further allocations of ground water without reference to adverse effects, mitigation and actual water usage. BF believe treating the Heretaunga plains as one homogeneous unit is simplistic and does not consider the varying locations, proximity to the ocean, underground structures, strata and varying effects on different water bodies.

The actual and theoretical allocations are vastly different, the sum of all consents in the driest of years is double actual water usage. As a result, BF believe any rules and regulations should be based on actual real-world effects demonstrated by science on specific water bodies in specific locations and not on theoretical maximum allocations across the entire catchment .

The approach to limit new and reduce existing consents to fit within a theoretical maximum allocation is fundamentally flawed. Growers over time on the same piece of land use varying amounts of water depending on crop type, age of tree, vine or crop. Growers at the same time will never use the maximum in the same year or even decade simply because growers will always have different land uses and be at different stages of development or redevelopment.

Policy 52a*) 'The council will phase out over allocation by preventing any new allocation of water and* ***Policy 36*** *f) avoiding further adverse effects by not allowing new water use ."*

This is a broad-brush approach without reference to location, adverse effects and mitigation. There are many 'dry' blocks of land (including Iwi owned land) at different locations where adverse effects have not been identified or are insignificant, lag time of the adverse effect, location and the critical need to make some new water available. There is significant unirrigated land including Iwi owned land that needs water. Providing for water on that land supporting the establishment of horticultural crops would be preferable from a nutrient point to some other types of land use such as intensive livestock farming. The plan is unable to balance competing effects and differentiate minor from significant adverse effects.

Policy 42 *g) develop a plan change to ensure any over-allocation is phased out, and policy 52d) reducing the amount of water permitted to be taken without consent, including those provided for by Section 14 (3)(b) of the RMA, except for authorised uses existing before 2 May 2020;*

The plan change should not be based on theoretical over-allocation but on actual use and real-world adverse effects and mitigation.

Policy statements 42g),52a),52d) are inconsistent with policy 52e *"encouraging voluntary reductions, site to site transfers (subject to clause (f)) or promoting water augmentation/harvesting; "*

and **inconsistent with**

Policy 56c: *"The Council will recognise beneficial effects of water storage and augmentation schemes, including water reticulation in the TANK catchments and out-of-stream- storage, and when considering applications for resource consent will take into account the nature and scale of the following criteria; c**) whether the proposal provides for the productive potential of un-irrigated land or addresses the adverse effects of water allocation limits on land and water users, especially in relation to primary production on versatile land**;" [emphasis added]*

Policy 43:

"e) increasing the minimum flow for the T ūtaekurī River and the Mangaone tributary;

f reducing the effects of abstraction from the mainstem and connected groundwater in Zone 1 by reducing the allocation limit for the Tūtaekurī River; "

BF do not believe the adverse effects of the current allocation minimum flow have been demonstrated and do not warrant raising the minimum flow. The benefits of irrigation bans on the Tutaekuri's natural flow have not been quantified.

BF understand most of the influence on the Tutaekuri's flow is rainfall in the catchment. Raising the minimum flow will have negligible effect on river flow. BF believe the benefit to the environment has not been demonstrated and is insignificant compared to the potential cost and loss of confidence for investment in the lands affected by this policy.

*"**Policy 59** (iii) the contribution to the fund is proportional to the amount of reserve water being taken and any commercial returns resulting from the application ."*
This is vague and unworkable, poorly worded, open to dissent and argument. It could be problematic for both Maori and any future water storage schemes.
Rule 9
"(iii) the maximum annual water uses in any one year within the 10 years preceding 1 August 2017"
BF disagrees with this condition. It is important to have the flexibility to rotate and change crop type over the longer term to meet changing circumstances. The ever-changing consumer demand requires crop types to change and growers to have the flexibility to use their full water allocation in the future. This condition is too restrictive and may have the perverse effect of incentivising growers to stay with high water demand crops. BF believe water allocation should be based on the Irricalc calculator model for crop types in place or planned.
The last water metres were required to be installed in 2016 therefore taking the maximum in last 10 years will use incomplete data.

Summary:
BF believe the policy and rule framework identified above are contradictory and unworkable. We believe all the rules which support the problematic policy statements BF has identified need to be amended.

All rules need the opportunity for mitigation and all adverse effects requiring action need to be measurable, supported by science and be more than minor. We believe the plan to be successful should target significant causes of water quality and quantity degradation not the insignificant and non-measurable. In that way the community can work together to enhance all water bodies. This plan as it stands will undoubtably cause dissent and objection, and ultimately will not be workable, practical and allow for pragmatic, judgement-based decision making. We believe the policy statements identified above will cause great harm to the prosperity of Hawkes Bay. The temporary ban on "new water "has already had a significant negative effect on confidence and investment. The proponents of these rules need to understand horticulture is a long-term risky business. Prosperity and full-time jobs are highly dependent on confidence of growers being able to produce world class products fit for purpose.

We have a vision of a growing vibrant community creating long term social, environmental and financial outcomes consistent with the general themes of the objectives expressed by TANK but regrettably the policy statements and rules will work against the TANK objectives. We are concerned the science is incomplete and a great deal of work and scientific study has been carried out recently including helicopter 3D mapping which may materially impact on parts of the plan. BF believe the plan is premature.

The submitters Bostock New Zealand and Freshmax reserve the right to be heard as the TANK framework proceeds through the RMA process. We wish to be heard in support of our submission on all rules and all policies in the plan as the whole plan needs a major overhaul. If others, make a similar submission we will consider presenting a joint case with them at a hearing.

Regards

John Bostock (Bostock New Zealand ltd) Dated 8/8/2020

Eddie Crasborn (Freshmax ltd.) Dated 8/8/2020

Electronic address for service johnb@bostock.nz contact John Bostock and Eddie Crasborn eddiec@crasborn.co.nz

Submission on Proposed Plan Change 9 (PC9): Hawke's Bay Regional Resource Management Plan

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.

Name: Paul Ham

Organisation: Alpha Domus Limited

Postal address: 1829 Maraekakaho Road, RD1, Hastings 4171

Email address: paul@alphadomus.co.nz

Phone number: 021 407 331

Submission Summary:

1. I SUPPORT the overall framework of PC9, to the degree that it reflects agreements reached by the TANK Group community representatives, developed over more than 6 years of intensive dialogue and providing an integrated catchment solution that best balances the values and interests of the Hawke's Bay community.
2. I OPPOSE elements of PC9 that do not reflect those agreements reached by the TANK Group community representatives.
3. I SUPPORT THE AMENDMENTS proposed by Hawke's Bay Winegrowers' Association Inc. in their submission dated 14 August 2020.
4. I SEEK AMENDMENTS as set out in Section A of this submission below.
5. I am concerned that PC9's approach to allocation of water and control of farming emissions unfairly penalises viticultural land owners as very low water users and very low emitters compared to other major primary production systems.
6. I am concerned that PC9 will have significant negative effects on me and/or my business and I have detailed my concerns in Section B below.

Submission Details:

A. General impact on the wine sector

Plan Provision	Concerns and Reasons	Decision Sought
OBJ TANK 7 Requirement to reduce contaminant losses	This Objective, as currently drafted, could be interpreted to require a reduction in contaminant loss including soil loss from all land use types. Some land use types including viticulture on low-slope land already have negligible contaminant losses (& especially soil losses) and would be unable to achieve any reductions.	Amend OBJ TANK 7 to read "…reduces ***reduceable*** contaminant loss…"; or similar wording to achieve the outcome sought in this submission.
OBJ TANK 16 Priority order for water allocation	This Objective establishes a priority order for water allocation which ranks primary production on versatile soils ahead of other primary production. Some viticultural production is on soils that are not considered to be versatile (eg. LUC 7 stoney soils) but is the highest and best primary production use of such soils, is highly efficient low water-use & low- contaminant activities that contribute strongly to community soci o-economic development and should rank equally with primary production on versatile soils. The Objective also does not make it clear what the ranking of water bottling activities would be. The Hawke's Bay community has clearly indicated that water bottling should not be a priority use of water, so should be amended to explicitly record a lower priority, ranking below all other activities involving the economic use of water.	Amend OBJ TANK 16.c to read "Primary production on versatile and ***viticultural*** soils", or similar wording to achieve the outcome sought in this submission. Amend OBJ TANK 16.e to read "***Water bottling and*** other non-commercial end uses", or similar wording to achieve the outcome sought in this submission.
Policy 5.10.2.6/7/8 Protection of source water	These three policies adopt a strengthened approach to protection of the quality and quantity of drinkingwater supplies. I support a precautionary approach to such protection but consider that the policies and rules are unnecessarily onerous and reflect an over-response to the 2016 Havelock North water crisis. The Plan Change draws source protection zones expansively and the control exerted by Council through matters of discretion under TANK rules 2/4/5/6/9/10	Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10. Address risks via Farm Environment Plans, Catchment Collectives and Industry Programmes.

	is uncertain and potentially onerous, particularly on winery point source discharges but also on vineyard farming practices. In addition to the uncertain scope of control, there is a duplication in control because risks to drinkingwater will also need to be addressed in Farm Environment Plans, Catchment Collectives and Industry Programmes. Retaining the reference in TANK 2 will ensure that a risk assessment will still be made in the event that a property does not have a Farm Environment Plan or is not part of an Industry Programme or Catchment Collective.	
Policy 5.10.3.21 Assessing resource consents in subcatchments exceeding nitrogen objectives or targets	This policy requires Council to have regard to any relevant Industry or Catchment Collective plans in place when assessing resource consents for effect on diffuse discharge of nitrogen. However, as currently drafted, clause 21.d appears to prevent the issuance of any resource consent for any land or water use change that may result in any increased nitrogen loss, where a subcatchment exceeds dissolved nitrogen objectives or targets in Schedule 26. This is unnecessarily constraining of landuse change, undermines the role of community collectives, discriminates heavily against viticulture as a particularly low nitrogen source and fails to recognise the 2040 timeline for meeting water quality objectives.	Amend so that Catchment Collectives and Industry Programmes may manage land use change in accordance with the 2040 timeline for meeting water quality objectives. Amend 21.d to read "***subject to Policy 21 a)-c),*** avoid land use change…." or similar wording to achieve the outcome sought in this submission.
Policy 5.10.6.36 Heretaunga Plains Aquifer Management	This policy requires Council to "adopt a staged approach to groundwater management that includes: f) avoiding further adverse effects by not allowing new water use and g) reducing existing levels of water use ". The requirement to "not allow new water use" is needlessly restrictive and ostensibly prohibits ANY new [take and] use, including use of new water stored under the high flow allocation provisions of the Plan, as well as potentially the replacement of expiring consents. Similary, the requirement to "reduced existing levels of water use " precludes use of new stored water and fails to recognise that the interim allocation limit of 90 million cubic meters is intended to align with previous actual water usage and that the Heretaunga Plains Aquifer is considered to be overallocated based on	Amend Policy 36.f to read "avoiding further adverse effects by ***controlling net groundwater use within the interim allocation limit set out in Policy 37***" or similar wording to achieve the outcome sought in this submission. Amend Policy 36.g to read "~~***reducing existing levels of***~~ ***encouraging*** water use ***efficiency***." or similar wording to achieve the outcome sought in this submission.

	cumulative consented volume (sometimes referred to as "paper volume") but not on cumulative consented actual use.	
Policy 5.10.6.37.d(ii) "Actual & Reasonable" water allocation approach	This policy requires Council to "when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; … (ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 …". The intent of this policy is understood to be to provide for replacement consent volumes not exceeding the highest use in the driest year in recent history (generally considered to be the 2012/13 water year), for landuse as at August 2017 (the point at which HBRC publicised the decision to cap groundwater usage at current peak dry-year levels). However, since TANK completed and the Plan was drafted, Hawke's Bay has experienced a severe drought in 2019/20 water year. Given this recent experience and vastly improved water meter data collection in the most recent years, I consider that the 2019/20 water year data should be available as a benchmark dry year. More fundamentally, I disagree with the definition of "Actual and Reasonable" and its inequitable and unworkable approach to allocation of water for replacement of consents that existed as at August 2017. Due to the lack of reliable and comprehensive water metering data from 2012/13 and the impact of vine age and redevelopment timing on actual annual vineyard irrigation requirements, practical difficulties in evidencing historical landuse activities and the risk of penalising efficient users at the expense of inefficient ones, I consider that there should be a presumption that the Hawke 's Bay-specific IRRICALC model is the appropriate measure of "Actual and Reasonable" for the purpose of calculating allocations for those replacement consents.	Amend Policy 37.d(ii) to read "(ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to ~~***August 2017***~~ ***30 June 2020 (the end of the 2020 water year)***…". or similar wording to achieve the outcome sought in this submission. Amend the Glossar definition of "Actual and Reasonable to provide that the volume allocated at consent renewals is the lesser of: - the amount calculated by a Hawke's Bay-specific IRRICALC model at 95% security of supply; - the volume of the expiring consent being replaced.", or similar wording to achieve the outcome sought in this submission.

Policy 5.10.6.39 Requirement for flow maintenance (augmentation)	This policy subjects consented water users in the Heretaunga Plains Water Management Unit to a regime which requires them to either participate in stream flow maintenance and habitat enhancement schemes, or cease abstraction once a stream flow maintenance trigger is reached. When this policy was conceived in TANK, it was intended to apply initially to 3 named lowland streams which HBRC science indicated were suitable for a stream flow maintenance scheme. Post-TANK, the Plan has incorporated all streams as well as the mainstem of the Ngaruroro River and I OPPOSE this policy on five main grounds: 1. The flow maintenance requirement now proposed, extends far beyond that supported in TANK and the need for such extension has not been justified. 2. In TANK, it was envisaged that HBRC would play a central role in establishing the 3 then-proposed lowland stream augmentation schemes. As HBRC hold all the relevant scientific and technical information required to operationalise such schemes, it is critical that HBRC takes on a central role in their development. 3. Large temporal and spatial spread of consent expiries and large consent numbers make it impractical and inequitable to require consent holders to take full responsibility for the development. 4. No allowance for an orderly transition to any new stream augmentation has been made. The currently proposed provisions could apply immediately from notification of the Plan Change, including to a very large number of currently expired consents (particularly groundwater takes in the unconfined aquifer), whereas stream augmentation schemes may be reasonably expected to take years to commission, particularly the kind of large-scale schemes that would be required to maintain flows in the Ngaruroro River. 5. Consent reallocations under the "Actual and Reasonable" provision of the Plan based on 95% certainty of supply do not provide sufficient water	I understand that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. I support, in principle, jointly-funded collective stream flow maintenance schemes on suitable lowland streams, facilitated by HBRC.

	volume to support stream augmentation in dry years and so would decrease the effective certainty of supply of consents.	
Policy 5.10.7. 51 Water Use and Allocation - Priority	This clause provides for an emergency water management group when making water shortage directions under Section 329 of the RMA, with the group including representatives from various sectors of the community but not including the primary sector. As decisions made in consultation with this group relate inter alia to the provision of water essential for the maintenance of animal welfare and survival of horticultural tree crops and to seasonal demand for primary production, the primary sector should also be represented in the group.	Amend 5.10.7.51 to read "…emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi, ***affected primary sector groups*** and MPI, to make decisions …" or similar wording to achieve the outcome sought in this submission.
Policy 5.10.8.59 High Flow Reservation	This policy requires Council to **allocate** "20% of the total water available at times of high flow in the Ngaruroro or Tūtaekurī River catchments for abstraction, storage and use for" contributions to environmental enhancement and M āori development. This policy originated in an agreement in TANK to **reserve** 20% of any NEW high flow allocation for Māori development, then underwent significant development and change as Council explored ways to operationalise it and through iwi and RPC consultations. The resulting policy has some fundamental differences to that originally agreed in TANK: 1. The Policy refers to the Ngaruroro **OR** Tūtaekurī River catchments" (emphasis added), whereas the intention in TANK was for it to apply to BOTH rivers. This may just be a drafting error. 2. The Policy now covers water for both M āori development and environmental enhancement but Schedule 32 only refers to M āori development. 3. The allocation rate of 1600L/s for the Ngaruroro River in Schedule 32 represents 20% of the total high flow allocation limit for that river, whereas the TANK agreement was for 20% of the new allocation (6000L/s), ie 1200L/s.	Policy 59 needs significant re-write to address the above inconsistencies between the policy as it now stands and the framework agreed in TANK. It should distinguish clearly between water for environmental enhancement and water for M āori development, reduce the proposed M āori development reservation for the Ngaruroro River from 1600L/s to 1200L/s in line with the 20% new-water allocation agreed at TANK and remove the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the high flow allocation.

	4. Policy 60 now embodies the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the allocation. 5. The Policy now requires "allocation" rather than "reservation", with uncertain implications for private sector interests	
Rule TANK 5 Land use change	This rule controls land use change to production land use activity over more than 10% of a property or farming enterprise. The rule gives no guidance on what constitutes "change to the production land use activity", with the result that it is highly uncertain what types of activity are controlled and the rule cannot be practically enforced. For example, is a change from conventional farming to organic farming captured? A change in planting density? Also the rule fails to account for the possibility that a farming enterprise may span multiple water quality management units within a Surface Water Allocation Zone, which may then unintentionally permit land use change beyond 10% of the farming enterprises' properties within a water quality management unit	The rule needs further development to give more guidance on what changes are intended to be controlled and to control change by farming enterprises within a water quality management unit more appropriately.
Rule TANK 6	This rule restricts change to production land use activity over more than 10% of a property or farming enterprise where there is no Catchment Collective or Industry Programme operative, where modelled land use change effect on total property nitrogen loss exceeds the figures in Table 2 of Schedule 29. Table 2 is populated from per-hectare figures for common primary production systems. The per-hectare figure of 1kg/ha/yr provided for Grapes for Esk/Omahu/Pakipaki Soils is unrealistically low & clearly fails to account for the autumn/winter sheep grazing rotation that commonly occurs on vineyards. Also the Plan Change does not record the version of the models employed to derive the crop loss figures, so is not future-proofed against the effect of future model changes.	Adjust the Grape kg/ha/yr for all soils to recognise winter sheep grazing rotation. Include details of crop model versions used to derive the crop loss figures in Schedule 29 and include a mechanism to address the effects of model and/or version changes to modelled outputs. .

Rule TANK 13 Taking water – high flows	This rule provides for capture, storage and use of surface water at times of high flow. I consider this to be a critical element of the overall Plan Change, providing the opportunity to re-engineer the Heretaunga Plains water use profile in a way that multiple & often conflicting interests and values can be addressed.	Supported, subject to amendments to POL 59 & 60 to address concerns about drafting details relating to the 20% Maori/environment reservation.
RRMP Chapter 6.9 - 6.3.1 Bore Drilling & Bore Sealing, Rule 1	This rule change has the effect of making bore drilling within a Source Protection Zone (SPZ) a Restricted Discretionary activity, as opposed to a Controlled activity. The proposed SPZs cover extensive areas of the Heretaunga Plains, particularly in the unconfined aquifer zone where many vineyards are located. The proposed Plan brings in intensive controls over activities in the SPZs and are specifically drawn to capture areas of unconfined aquifer upstream of protected water takes. Given the already-permeable nature of the unconfined aquifer area that comprises the bulk of the SPZs and other substantial controls over landuse activities, there is negligible additional benefit in controlling bore drilling in this area where the bore is a replacement for existing infrastructure. Also the additional expense and uncertainty of Restricted Discretionary status is likely to act as a deterrent to bore replacement as part of a normal maintenance cycle. Accordingly, bore drilling for the purpose of replacement of existing infrastructure in the SPZs should remain a Controlled activity.	Add a Condition to 6.3.1 Rule 1 reading: "***c. The bore is located within a Source Protection Zone but is a replacement for an existing bore that will be decommissioned."*** or similar wording to achieve the outcome sought in this submission.
Schedule 30 Landowner Collective, Industry Programme and Farm Environment Plan	Schedule 30 sets out the requirements for Farm Environment Plans, Landowner Collectives and Industry Programmes, as a method primarily to address the cumulative effects of landuse. I support this general approach over more prescriptive approaches, as it provides flexibility for landowners to achieve environmental objectives in the most efficient ways. The NZ wine industry has a longstanding and highly respected industry sustainability programme (Sustainable Winegrowing New Zealand - SWNZ), which the industry intends to further develop to achieve equivalency with a Farm Environment Plan. However, as the environmental profile of vineyards is dramatically different from (and in most respects lower than) that of other major primar industries, SWNZ does not comfortably fit within the PC9 framework and it is inefficient and counterproductive to apply an essentially pastoral-	Schedule 30 should be less prescriptive, more facilitative and more industry risk profile-based in respect of Industry Programmes. The Programme Requirements in Section B of Schedule 30 as they relate to Industry Programmes should be re-cast as a more of a guideline, with an acknowledgement that detailed requirements can vary depending on the Industry's risk and emissions profile as it relates to catchment objectives. Amend all references to Farm Environment Plan in this Plan Change to "freshwater farm plan" and otherwise align the Plan Change requirements to

	farming approach to viticulture. Schedule 30 also does not recognise the recent policy advances made nationally via the government's Essential Freshwater package and in particular the Resource Management Amendment Act 2020, which provides for a national framework of "freshwater farm plans", to be operationalised via S.360 regulations. I consider that the references to and requirements for a Farm Environment Plan in this Plan Change ought to be aligned with the Resource Management Amendment Act 2020 and related S.360 regulations and that these national requirements should be adopted by the Plan Change, in the interests of national standardisation and longer-term efficiency.	those of the Resource Management Amendment Act 2020 and related S.360 regulations.

B. Specific impact on me and/or my business

I am concerned that PC9 will impact on me and/or my business in the following ways and seek the following relief:

Plan Provision	Impact, Concerns and Reasons	Decision Sought
Policy 5.10.6.36 Heretaunga Plains Aquifer Management	"not allow new water use" "reduced existing levels of water use" This will potentially have a catastrophic impact on our business, we farm in a very sympathetic way to the land and environment, our water take is low and decisions around the crop and business are made on many levels. We have been growing grapes here for 30 years, developed a brand on the basis of the site we are located on, this employs many people through the chain of grape growing, winemaking, marketing, distribution plus it earns export income for New Zealand. It is an intensive business that is integral in the community	Allow new water use if it is used to enhance the current business or maintain / improve a level of business supporting the local community. Do not reduce current levels of water usage, we are already a very low water usage crop, restrictions on water use will impact financially on the business, which has a large infrastructure and community reliance on the production of grapes to supply the business with.
Policy 5.10.6.37.d(ii) "Actual & Reasonable" water allocation approach	In addition to the concerns and decisions sought in this section, we are also concerned that if the existing consent is lower than what has actually been used our business will suffer to the extent that it may have to close down. We did not have metering until last year when we installed a meter to gauge what is happening, we now have an accurate picture of water use, which is higher than our consent. If this is not implemented it will mean the loss of millions of dollars of business when equally someone next door with say an allocation for cropping will be able to continue their substantially higher use of water on bare land with no infrastructure.	Allow business with existing land use enough water to be able to continue farming in the way that it has been operating in the past 10 years.
Rule TANK 5 Land use change	This severely restricts what can happen on our land. We presently have a business built on grape growing. IF there was a virus or some other reason grapes could not be grown on this land this rule would render it worthless as we could not change the use. If the price of wine dropped to the extent that we had to change our crop we would not be able to do this and again the land would be worthless.	Allow reasonable land use change, which includes usage that requires more water that is presently consented for current land use. This would need to be organised in a way that does not deplete the water resource but makes provision for the long-term success of the area. This could be through high flow storage or some other method.

Do you wish to be heard in support of your submission? No
If others make a similar submission, would you consider presenting a joint case with them at a hearing? Yes

Signature: 

Date: 12 August 2020

To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: John Parsons

This is a submission on the following Proposed Plan Change to the Hawke's Bay Regional Resource Management: Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments.

I could not gain an advantage in trade competition in making this submission.

My submission is:

- I generally support the overall framework of Plan Change 9, to the degree that it reflects a staged approach to improving the management of the TANK Catchments freshwater resources.
- Horticulture is critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available to provide for that. The value of horticulture and its role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9.
- The real freshwater improvements come from the practices I adopt to manage discharges from land I manage (in some cases only temporarily), and my water use. I support requiring all growers to operate at good management practice .
- I also support the ability for a group of landowners to be able to manage environmental issues collectively to improve the effectiveness of the response to water issues. I consider Plan Change 9 should better enable collective approaches to water and nutrient management by reducing the level of detail and specificity in the plan, as every collective grouping will be slightly different and work in a slightly different way, and it is important that this is enabled.
- Where this submission aligns with that of Horticulture New Zealand's submission, I support that submission.
- I oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. I also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

The specific provisions of the proposal that my submission relates to are:

Provisions & general description of issue	**Amendments sought**
Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary Replacement of water permits based on actual and reasonable use	Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of: a) the quantity specified on the permit due for renewal or any lesser amount applied for; or b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwis an equivalent method) and to a 95% reliability of supply. Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.

Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32 High flow takes and storage	The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).
Policy 51, 52, TANK 7 and TANK 8 Availability of water for survival of permanent horticultural crops	A specific exemption should be provided in TANK 7 and 8 to allow up to 20m^3 to continue to be taken per day to assist the survival of permanent horticultural crops.
Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b Transfers of water permits	Transfers of all water permits that have been exercised should be enabled.
Policy 37 and 38 Restriction on re-allocation of water	The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primar production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).
Policy 37, 39, 40, 41, TANK 18 and Schedule 36 Stream flow maintenance and augmentation schemes	Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.
Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary Industry programmes and landowner collectives	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.
Policy 21, TANK 5, TANK	A definition of what a change to production land use is needs to be

6, Schedule 26, Schedule 28 and Schedule 29 Land use change and nutrient loss	provided to clarif what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.

My horticultural operation is located in St Andrews Rd, owning 4ha and leasing 5 blocks of approx. 1.5ha each ,all totaling 12 Ha .These are lifestyle owners , so buy leasing I have an economic operation with myself as the only full time . Apples are grown

Plan Change 9/TANK is likely to affect my business in the following ways: Because there are 6 consents and bores the recording / consenting costs will be high for 12 Ha economic unit. Presently most blocks are under 4.5 L/sec thereby having acceptable compliance. The annually done GAP compliance includes irrigation and should recognized.

The water allocation should be equitable, that all land area should all be treated equally over the plains where consents already exist. As example; one block is older and uses 10% of Irrical figures as they are old deep rooted trees. When it is redeveloped the new trees will require up to Irrical water rates, without this water availability the lease would not be renewed and who could plant a crop without water? All my blocks use differing amounts of water depending on apple/rootstock variety, age, crop loads, market requirements and these can vary year to year. The present allocation works well enough as it allows for the variations that have occurred in my 34 years of Apple growing, using Irrical will enable this to continue on reduced allowances. Generally I use less than Irrical rates so If actuals are used (less 10% reduction) then short and long term growing is in question because options are lost, Operators using more than Irrical with same soil and apples are advantaged.

I seek the following decision from the local authority: That the plan change is amended as set out in the above table

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter: John Parsons

Date: Aug 12 2020

Electronic address for service:

Contact phone number: 021 2153285

Postal address: P O Box 8558 , Havelock North

Contact person (if submission on behalf of a business or organisation):

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

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.

Name: *(required)* ALASTAIR & JO LAWRENCE

Organisation/Iwi/Hapu: OLRIG LIMITED

Postal address: *(required)* 1233 KERERU RD.
MARAEKAKAHO
HASTINGS 4171

Email address: antipodesventures@outlook.co.nz

Phone number: +6421716354

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☑ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

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

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

Signature: A R Lawrence Date: 13/8/20

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 14 August 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

50

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Plan provision (eg. objective, policy or rule number).....

I **Support** ☐ **Oppose** ☐ **Amend** ☑

I seek the following decision from the Regional Council: *[Please 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]*

Please see attachment.

Reason for decision requested:.....

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 JULY 2020

50

TANK PLAN CHANGE 9: SUBMISSION FROM ALASTAIR & JO LAWRENCE

1.0 Background

- We are partners of Richard and Rebecca Riddell in Olrig Station, an 860 ha property in Maraekakato district. Currently the property is principally beef and sheep finishing, with complementary arable cropping.

Farming Philosophy

- Our objective is to build a sustainable eco-system which allows us to develop the farm to;
    1. Build resilience to survive the extraneous impacts of climate, animal or human pandemics, and market-place dynamics for end products.
    2. Manage risk through flexible farming systems and diversified sources of income.
    3. Realise its economic potential.

and concurrently achieve our non-financial objectives which relate to;

    4. Environmental improvements and sustainability.
    5. Animal welfare.
    6. People welfare.

- Our environmental plan incorporates specific initiatives to;
    - Enhance water quality by restricting stock access, riparian land management, improving nutrient and contaminant management.
    - Improve erosion control and sediment reduction.
    - Build soil quality.
    - Enhance bio-diversity through protection and expansion of nature flora and vermin control and planting to build fauna stocks.
    - Manage our waste.
    - Reduce carbon emissions and drive to neutrality.
    - Beautification of the landscape.

2.0 Purpose of this Submission

- In short, we believe there is much we can do to reduce business risk by diversifying our farming activities, increasing the productive capability of the farm while also achieving our environmental aspirations and targets. However change in land use and access to water will be critical to achieving this sustainability.
- Accordingly, we have commented on a number of the plan's aspects, which can facilitate this outcome, and a number which may prevent us from achieving that, or achieving it in an economically beneficial way for ourselves and ultimately the Hawkes Bay economy.

3.0 Comments on Tank Plan Change 9

3.1 General

- We congratulate HBRC on the work and thought that has gone into developing a management Plan for water quality and quantity in our area. We applaud the collaborative and inclusive nature of the plan development process, including the involvement of tangata whenua whose aspirations and values with regard to water provide valuable guidance and insight, for all of us.

3.2 Objectives

- In general we support the general thrust of the objectives as set out.
- However the reality of New Zealand's economic circumstances need to be recognised as part of this Plan. Arising from COVID, and post the wage subsidy, New Zealand is about to experience its deepest economic recession for many years.

  Unemployment levels are about to rise rapidly. Government is committed to inject $60 billion into supporting the economy, which will take Government debt: GDP from 20% to 50%.

  The corollary is that New Zealand's economy and household prosperity is now highly vulnerable to any future extraneous shocks (e.g. foot and mouth disease, future pandemics, or geopolitical disruptions to international trade). We do not have the balance sheet strength to borrow more. We all need to wake up to the fact that New Zealand is in economic trouble. It is nationally critical that we grow our outputs to improve tax revenues and employment opportunities. We submit that TANK Plan Change 9 must have regard for this reality, develop economic growth objectives and policies that can facilitate growth in revenues and employment from productive use of water.
- We do not believe sufficient recognition has been given to potential upside impact of water on the growth of the farming economy, the wider Hawkes Bay economy (e.g. investment, job creation) and thereby its critical importance to the recovery of New Zealand's economy.
- Equally there is no analysis of the adverse economic impact of imposing the proposed restrictions on the farming sector, and thereby the economic well-being of Hawkes Bay (investment, jobs, spending etc).
- Within the constraints of water quality and sustainability for all users, along with due regard for Iwi concerns, we would like to see more focus on how to expand the water allocation available to the farming community as a means of growing the Hawkes Bay economy, thereby improving the fortunes of all residents in the region.
- In addition, there is an underlying theme in the Plan that land use change will be adverse to the environment. While this may reflect the legacy of dairy conversions over the past 20 years in N.Z., many land use changes can be positive for the environment particularly in reduction of nitrate usage and reduction of carbon emissions and positive for the regional economy (e.g. employment opportunities). We consider the objectives and policies should be better balanced and more enabling of sustainable economic development, and sustainable land change use.
- In sum, the objectives of TANK Plan Change 9 should be reviewed with a view to including specific objectives and policies as to role the plan can play in facilitating sustainable economic growth in Hawkes Bay.

3.3 Management Framework: Tank Objectives 1 & 2, Schedule 30

- We support the proposed self-governing framework of catchment collectives. Devolving responsibility to stakeholder groups to operate within defined guidelines is an excellent initiative. Each catchment will have its own characteristics and can tailor a plan to meet those characteristics (rather than one size fitting all). We are confident that self-governance, including peer pressure, will produce superior outcomes in a more cost effective manner for each farmer.
- We do not support the obligation for each Collective Catchment FEP or Individual FEP to be approved, annual reporting and subsequently audited (3.1).
- This adds an unnecessary layer of cost. We believe it should operate in the same manner as Workplace Safety Plans which impose a serious responsibility on farmers to construct and to adopt continuous improvement practices.
- Plans/records should be able to be demanded by HBRC in the event of breach of Plan rules or the investigation of a potential breach.

3.4 Land Use Change: Tank Plan 5 & 6

- We do not support the cap of a maximum 10 ha on discretionary land change. The underlying assumption is that the land change will have adverse environmental consequences. If we are all farming to a set of FEPs, and within Tank Plan guidelines, there should be no limit.
- We consider this to be a fundamental incursion on our property rights.
- We do not wish to be constrained from doing what we need to do to ensure the viability of the farm and to manage risk through diversifying income sources.
- Again, the underlying assumption is that land use charge will have adverse consequences. We do not accept that.
- If there is to be a cap, the cap needs to be meaningful. A cap of 10 ha on a 60 ha property is meaningless. A cap representing 15% of land area would be more appropriate. Flexible farming systems will be the key to our viability. A 15% change in land use means 85% remains unchanged, but offers us the opportunity to materially diversify our income sources, without the need to incur additional cost and time delay associated with the need for regulatory approval.
- We also submit that this should not be a one-off event, but flexibility refreshed around a time horizon, say three years. To illustrate, Olrig may adopt a land use change over 130 ha. Five years later, it may wish to do the same again.

  Providing it is compliant with its FEP or the Collective Catchment FEP, why should we have to incur cost and delay of approval processes.

3.5 Costs of Compliance

- Management of FEPs, and Land Use Change can be self-regulatory by operating within FEP guidelines and TANK parameters.
- We do not think that HBRC understands the reality of scale of costs that will be imposed with annual reporting, auditing, visits etc., or consent application processes.
- We are very concerned about the insidious creep of these proposed regulations. Why should we incur the cost of independent hydrology reports, Geotech reports, ecology reports, the requirement for independent planners to be employed to prepare applications, if we are operating within TANK guidelines and the parameters.

  We ask that HBRC investigate the scale of costs that will be imposed on farmers if the Plan changes are to be implemented as proposed, and reconsiders what it can push back to farmers to self-manage.

- We fully expect HBRC to enforce penalties/remedies on farmers who breach guidelines established by their own FEP's, catchment collective FEPs and Tank Plan parameters.
- Enforcement action focuses on those that do not comply. But self-management avoids the unnecessary imposition of cost on all farmers who wish to be compliant.

3.6 Flows, Levels and Allocation Limits: Schedule 31

The proposed Ngaruroro River allocation limit is 1,300L/sec. Our understanding is this has been reduced from 1581L/sec. This represents an 18% reduction in water availability which can have huge consequences for existing users and for future land use. We can see no scientific justification/analysis to support this reduction. Given the potential size of the economic consequences here, we believe that the base modelling needs to be reviewed, and transparency provided to allow a full understanding for the reduction.

- We note minimum flows remain unchanged but as part of a deeper evaluation, we also contend that the minimum flow needs to be re-visited.

3.7 High Flow Allocation: Schedule 32

- This schedule is complex, and we are unsure that we have interpreted correctly.
- Our understanding of the proposed Rules are;
  - Median Flow for Ngaruroro is assumed to be 20m3/sec.
  - Anything over that is deemed to be High Flow.
  - High Flow needs to be measured on farm, but also is determined in proportion to our tributary's proportion of high flow to the Ngaruroro high flow.
  - Farmers can take high flows as long as the total high flow take does not exceed 10% of the Flushes.
  - After allowing for Iwi apportionment, farmers right to store High Flow represents a volume that is less than 8% of the Flushes.
- This is complex and utterly confusing.
- Capturing and storing some of the winter surpluses available is critically important for Olrig. We respect the fact that for sustainability purposes, the rivers need to flush. We also respect Iwi views on this. However the economic opportunity cost of allowing the large part of winter surpluses to run out to sea is massive.
- We consider that HBRC needs to undertake an economic analysis of this potential opportunity cost, and then look to refine these rules in order to create a practical easily understood, easily complied with framework for farmers to capture some portion of winter surplus and their associated economic benefits.
- We cannot over-emphasise the imperative to develop a practical, workable framework here particularly for the "summer dry" climate that farmers work within our part of the Hawkes Bay region.

3.8 Water Permit Expiry Dates: Schedule 33

- We do not think 15 year expiration for permit rights is adequate. In many cases the associated investment requirement will be significant, the underlying business cases will be long-term in nature and often will be for risk management purposes with lower rates of return. We would contend that 30 years is more appropriate.
- To illustrate, if the average pastoral return on asset is 3%, and an investment in water storage can reduce risk, but only return 4%, the overall farming return improves, but the investment itself has a 25 year payback.

- Where large investments have been made, permit whatever duration is applied, renewals should be automatic, unless there has been a material adverse change to overall water supply.

3.9 Stock and Domestic Water: Tank 16, 17

- We strongly oppose the proposed limits reducing water for these purposes from 20 cm3 to 5 cm3. The right to take water for those purposes is critical to survival and health of stock on farm, and normal human behaviour.
- Analysis we have seen suggests this falls materially below sustainability levels.
- There appears to be no basis for this proposed reduction. Due to its critical nature, we see no reason for any caps/limits to be imposed.
- HBRC has remedies it can pursue if it finds any property abusing the right.

3.10 Stock Access to Water: Schedule 27

- At Olrig, we are 95%, and on our way to 100%, stock proofed around waterways. However we can see how demanding the imposition of the proposed rule would be on other farms. We oppose the exclusion of stock proofing waterways at a 15% slope, we think the exclusion should be set at something more practical circa 7-10%, and a longer time period provided for completion, due to the high cost of fencing.

3.11 Rule 67: Dams and Artificial Water Courses

- We strongly oppose the limits set on permitted dams being;
  - Catchment area of max 50 ha.
  - Stored volume of 20,000 cm3.
  - Dam wall height of 4 m.
- We consider all of these parameters to be unnecessarily constraining. If we comply with maintenance of minimum average flows in these areas such that downstream is unaffected, we can see no rationale for constraining storage of winter surpluses in areas which have non-permanent streams for use in the summer dry experienced at Olrig.
- There is ample opportunity to do so at Olrig in natural storage areas in excess of 20,000 cm3, without detriment to the environment, or our stock, or human safety.
- There is also opportunity to use the natural landscape to store winter surpluses with dam walls of up to 6 metres. If properly constructed, we can see no detriment to environment, and no downstream consequences.
- We have received separate advice that this is part of existing national legislation. We urge HBRC to review and recommend amendments to this legislation, to ensure their appropriateness for rural environments.

Hawkes Bay Regional Council

Submission on TANK Plan Change 9

Submitter: Wairua Dairies Ltd

Contact: Ivan Knauf

Position Managing Director

Date 13th August 2020

Introduction

1. My wife Sue and I and two of our sons Lewis and Carl, farm 970 hectares of land on the south bank of the Ngaruroro River called Wairua Dairies Ltd.
2. Before conversion to dairy this farm employed two people.
   The farm currently employs 14 fulltime and two part time staff
3. Wairua Dairies Ltd and the previous entity IJ and SM Knauf partnership have been recipients of The Gold Award for effluent compliance from Hawkes Bay Regional Council since the award system was instigated.
4. There is a proposal under consideration to put 70 ha Pigsty wetland (RAP 18 Recommended Area for Protection) and surrounding area into a QEII Trust. There is also 64 ha of plantation forestry and 58 ha of native regeneration on farm, with the balance made up of stop banks and un-farmed river-banks etc.
5. Irrigation is used to reliably grow pasture and crops. We take water from the Ngaruroro River and groundwater bores for irrigation, water storage, farm water supply and domestic water.
   Wairua irrigation development has been on-going for 20 years.
6. Over the last five years we have reduced dairy shed freshwater use by half. Dairy shed effluent water is stored for up to 200 days before being sprayed onto pastures as part of our irrigation system. Effluent solids are spread by machinery onto crop areas and pasture.
7. Milk is supplied to Fonterra all year round, all dairy replacements are reared and grazed on farm, beef calves are sold to beef farmers for finishing. The dairy industry is an integral part of the beef industry as currently 70% of beef animals are sourced from the dairy industry.
8. The farm has completed a Farm Environment Plan. Stock are excluded from waterways.
9. All Wairua water takes both groundwater & river water surface takes are telemetered.
10. We are members of the Ngaruroro Irrigation Society (NIS).
11. Ivan was TANK Group Dairy Farmer representative.

Submission

TANK Plan Change 9
5.10.7 policies Surface Water Low Flow Management
Page 28
43. a. Maintaining existing minimum flows for the Ngaruroro River and its' tributaries.

We Agree.

Reasons:
The recent Water Conservation Order Application recognised that fish populations were in a healthy state in the Lower Ngaruroro River and did not seek changes to the low flow settings in the Lower Ngaruroro River.

NIS has trialled pre-emptive shutdowns to attempt to retain river flows above low flow ban levels. These trials had minimal effect on the start of low flow ban commencement or the duration of the ban.

The 2012-13 and 2020 irrigation seasons low flow irrigation ban days substantially reduced crop yields, lead to irrigated pasture requiring re-sowing, culling of capital stock and increased stress to people and animals alike.

During TANK we were told studies carried out in United States showed no measured improvement in habitat from increasing low flow limits as other uncontrollable factors had more effect.

Please refer to the Agfirst & Nimmo Bell economic studies presented to TANK for the effect different low flow scenarios would have on the regional economy.

43.b. Reducing the effects of abstraction from the mainstem and connected groundwater in Zone 1 by reducing allocation limit for the Ngaruroro River.

We oppose

Reasons:

1. The purpose of this allocation limit is to set a maximum environmentally sustainable level of extraction from the river.
   The current allocation limit is 956,189 m3/week or 1581 l/sec, PC9 proposes a reduction to 1300 l/sec or 786,240 m3/week a 17.8% reduction.
   In the 2012-13 drought a maximum of 650,000 m3/week or 68% of allocated weekly volume was abstracted, we believe this is the current effective allocation limit.
   If the proposed allocation reduction, was implemented, we believe the maximum effective take would reduce from 650,000 m3/week (68% of current allocation) to 534,643 m3 /week 56% of current allocation and 68% of the recommended 786,240 m3/week allocation. I.e. (786,240 m3/week x 68% = 534,643 m3/week). This would place further stress on irrigation reliant crops not only in drought years.
   Low flow limits and rates of take are effectively an allocation limit. To further reduce the volume of water by reducing the allocation limit would put further stress on existing irrigators and their business viability and viability of downstream infrastructure in future dry years.
   e.g. Over the January – May 2020 drought the Ngaruroro River 2400 l/sec low flow setting was on ban for 71 days (according to HBRC website) the 5000 l/sec low flow setting was on ban for 104 days and 22,000 l/sec (dam filling) take was on low flow ban for 175 days.

2. The Agfirst and Nimmo Bell economic analysis presented to TANK specifically looked at the effects of increasing low flow ban settings on the Ngaruroro and Tutaekuri rivers. We suggest it would be beneficial to investigate the financial effects of this change to allocation in the same way. This type of economic analysis may also help to inform better decision making with less community stress.
3. We believe a new methodology and terminology should be developed to maximise water availability at the same time as protecting the environment. The current system fails to maximise the economic benefit of this resource, which is a requirement of Regional Council under the Resource Management Act along with environmental protection.
4. If the Twyford Zone 1 was to be included as part of the Ngaruroro River allocation the current Twyford Zone allocation should be added to the Ngaruroro River allocation limit. In the past, Zone 1 has been affecting river flows, but has not been included in the river allocation limits or the actual river take figures.
5. Consent holders facing a reduction in allocation of 2400 l/sec water should be offered at least an equivalent volume of high flow water in compensation.
6. Climate Change. The stated reliability of irrigation water allocation is 95% which is based on records from the preceding years. But with climate change creating more severe extremes, weather events in future will not fit the experiences we have had in the past. We have to plan for more extreme events whether drought or flood. Using models created from past records will not prepare this community for what it faces in the future.
7. During this drought year 2020 Wairua has used no more irrigation water than in an average year, due to low flow bans restricting our water takes.
8. Ngaruroro Irrigation Society has trialled pre-emptive shutdowns attempting to retain river flows above ban levels for longer, this made little or no difference to the commencement of low flow bans.

Page 29 47. c.& d.

allocating water for irrigation on the basis of a minimum water application efficiency of at least 80% & on a reliability standard that meets demand 95% of the time.

We oppose the current wording and recommend the following wording.

It is recommended that HBRC adopt the definition “80% of applied water is retained within the root zone, after an irrigation event and/or for the irrigation season”.

Water Allocation – Permit Duration

Page 30. 49. g. & h. will impose consent durations of 15 years according to water management unit expiry dates.

We support the improvement, but a 30 year duration would be preferred.

Reasons:

For the last 20 years consent renewals have been six yearly. This has been much too short from an investment perspective, creating uncertainty.

The recommended 15 years is an improvement. But other regions e.g. Marlborough have up to 30-year consent durations. These longer terms allow for infrastructure planning, investments and returns, especially for tree & vine crops and associated downstream infrastructure. Some large projects undertaken in this catchment have planning and development terms of 5-10 years. For large downstream infrastructure development, long consent durations are required. Short consent durations make long term development risky.

Most land use investments are for 30 - year timeframes.

Page 31. Over-Allocation

52. b) (i) allocate water according to demonstrated actual and reasonable need.

The Definition of Actual and Reasonable According to the Glossary is

b) the maximum annual amount as measured by water meter data in the 10 years preceding 1 August 2017 in Heretaunga Plains water management zone or in 10 years preceding 2 May 2020 as applicable elsewhere ……

We oppose.

Reasons:

Many consents have been sort with multi-year developments planned. Unused allocation averaged over the past 10 years up to 2 May 2020 will be deducted from a consent to enable the total river allocation to be reduced by 17.8%. This is in-equitable for those planning long term development.

A further 14.2 % of current allocation could be extracted without exceeding the new allocation limit.

First an economic assessment of the impact of this allocation change should be commissioned, then alternative options for implementation of this allocation change should be investigated.

Consent holders who face losing 2400 l/sec water under this allocation change should be granted an equivalent volume of high flow water to compensate for their loss.

Irrigation infrastructure is expensive to alter. This allocation reduction will impose significant extra infrastructure costs on existing consented water takes.

River low flow bans and rate of take limits are defacto volume limits which have suppressed volumes extracted over the 10 years preceding 2020. Therefore, this is not a fair and equitable system for reducing allocations. In calculating a reduction in allocation, low flow bans over the preceding 10 years should be added to the actual volume extracted to give a more balanced actual and reasonable use.

Page 34 Benefits of Water Storage and Augmentation

56. a – h

We agree

Reasons:

Wairua has experienced two major droughts in the past 8 years (2012-13 and 2020) with irrigation water takes subject to low flow bans for extended periods with irrigation infrastructure idle when it was most needed.

These droughts and resulting low flow bans have caused serious financial, stock and human stress.

These events have been described as 1 in 50 year or 1 in 100 year events. It is our belief that Climate Change is resulting in more extreme and more frequent weather events than we have experienced in the past. We should not use past-experience, to plan for what we face in our future climate, instead we should envisage changes greater than our past experiences and records and plan now for those changes. Enabling water storage is a critical part of that planning.

Although we continue to invest in on-farm storage, we believe our catchment community should be investing for the future as well, not leaving these important strategic investments to adhoc private investors only. Thereby a broader scheme with wider community benefits can be developed.

TANK 5 & 6 page 42

"Any change to production land use activity over more than 10ha"

We suggest a wording change:

"Any change to production land use activity over more than 50 ha or 10% of the enterprise or farm area whichever is greater commencing from 2 May 2020"

Our reasons regarding this, are included in comments on Schedule 29 below.

Rule 67 page 82

i. Where the volume of water to be stored or retained by the structure to spill levels exceeds 10,000 m3

We suggest a change of wording:

Where the volume of water to be stored or retained by the structure to spill levels exceeds 20,000 m3

Reason: This would align with dam regulations specifically the definition of a small dam.

Schedule 29 Land Use Change

If the use of production land or farming enterprise in TANK catchment changes over more than 10 ha per property information may be requested from the landowner or land manager to demonstrate or model the annual Nitrogen loss (using Overseer or Spasmo or alternative model approved by council)

We oppose current wording and oppose using rules about land use change as a means of improving water quality.

This wording should be changed to read: "Any change to land use activity over 50 ha or 10% of the enterprise or farm area whichever is greater commencing from 2 May 2020 unless that property is a member of a catchment collective or industry group"

Reasons:

1. FEP's especially at sub-catchment level (catchment collective or industry group) are the best way of monitoring and capturing land use changes. However, there should be a phase in time- line to get these catchment collectives underway. Nor is there a prescribed governance structure for these collectives which could lead to member disputes, financial failures, and management shortcomings.
2. Conflicting and confusing wording**.**
   TANK 5: Any change to production land use activity commencing after 2 May 2020 is more than 10% of property or farming enterprise area
   Compare to
   TANK 6 b) Any change to a production land use activity over more than 10 ha of the property or enterprise area commencing after 2 May 2020
   Compare to
   Schedule 29
   If the use of production land on farm properties or enterprises in the TANK catchments changes over more than 10 ha per property …….
   Compare to
   Schedule 29. Where the land use change activity involves arable or vegetable cropping including grazing on a rotational basis, including on lease land at variable locations, production land use change does not include a change of location of an arable or vegetable cropping rotation, where the area is equivalent (plus 10 ha) of the maximum rotation area in the five years prior to the plan notification.

   We suggest a change of wording:
   TANK 5, 6b) and Schedule 29 : Any change to production land use activity commencing after 2 May 2020 of 50 ha or 10% of property or farming enterprise area whichever is greater unless that property is a member of a catchment collective or industry group…..

3. Concentrate on the effects to the environment and the relevant mitigation of those effects rather than the land use change itself. A dairy farm with e.g. Cow barns, best practice effluent system and best practice management can reduce nutrient losses to levels below most other land uses.
4. Catchment collectives and industry groups have been given the responsibility to monitor and report their members activities including land use change. Individual members should not be required to report separately.
5. Intensification of existing land uses has the potential to cause greater effects to the environment than land use change in smaller blocks. E.g. There is approximately 60,000

ha of sheep and beef in this catchment, if an extra 3.73 kg N/ha was applied over that whole area it would equate to the doubling of the area of dairy.
I.e. Currently there is 7000 ha of dairy @32 kg N /ha x 7000 ha = 224,000 kg N
Sheep and Beef x 60,000 ha x 3.73 kgN/ha = 224,000 kg N.

6. Sub-surface drainage of an existing land use will have a greater effect on Nitrogen and Phosphate loss than land use change.
7. Overseer modelling is complex, inaccurate (30% variation+ or -), time consuming and expensive for the landowner to produce and should only be required when major land use changes are planned or intensification on a large scale is planned.
8. Most paddocks on sheep and beef farms exceed 10 ha in size. If a sheep/beef farmer wants to plant 10 ha into e.g. arable he would possibly be required to produce an Overseer model adding significant cost /ha compared with the production returns from that 10 ha of changed land use. This rule will make development of new crops much more difficult, complex, and costly with no environmental benefit.
9. 50 ha is a more manageable area for farmers and council.
10. Nitrogen loss is the key measure in this land use change rule. However, in the catchment, sediment loss is an equally important indicator of water quality yet there are no guidelines for sediment loss related to land use change.
11. This rule will be unmanageable for council, especially in a region with ever changing crops and land uses. The potential number of land use changes annually in this catchment requiring consenting will require a significant increase in the number of council staff. The number of people with the relevant skills to interpret Overseer/Spasmo and administer this rule will take many years to develop. Does the environmental effect match the administrative cost?
    Or are there other ways of monitoring/managing the effects?
12. This will be just one more cost and hurdle for farmers wanting to exit a less profitable land use and get into a new land use.
13. Policing Land Use Change is a very blunt tool for managing nutrients in waterways and will fail to improve water quality.

Schedule 30 Landowner Collective, Industry Programme and Farm Environment Plan
The TANK plan provides for an Industry Group or Catchment Collective …..

This wording should be changed to:
Schedule 30 Catchment Collective, Industry Group and Farm Environment Plan.
The TANK plan provides for a Catchment Collective or Industry Group ……
The current heading confuses the message and lacks consistency with the following text.

Schedule 32
8000 l/sec which includes 2 m3/sec allocated in consents existing 2 May 2020 and 1600 l/sec for Maori development.

We oppose the current wording and propose a change of wording.
“Up to 10%FRE3 can be allocated that includes allocation included in consents existing 2 May 2020 and 20% for Maori Development.”

Reasons:

This would allow for future water storage projects, climate change and population growth.
This wording would also be more flexible if river flow rates change due to climate change.
This definition gives nationally accepted levels of environmental protection while also allowing for climate change and regional growth.

For all other provisions proposed in this plan change, we support council retaining these as notified.

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 13/08/2020
First name: Laura **Last name:** Kamau
Organisation/Iwi/Hapu: Ngāti Poporo - Korongatā
Marae

Phone number: 0273292001

I could not
Gain an advantage in trade competition through this submission
I am not
directly affected by an effect of the subject matter of the submission that :
a. adversely affects the environment, and
b. does not relate to the trade competition or the effects of trade competitions.
Note to person making submission:

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991

Would you like to present your submission in person at a hearing?

- (•) Yes
- ( ) I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Additional requirements for hearing:

We invite HBRC to Korongatā Marae in Korongatā also known as Bridge Pā to hear our oral submission

Attached Documents

File
Korongata Marae Submission TANK 9 HBRC
Proposed TANK Plan Change 9

Submission on Hawke's Bay Regional Council TANK Plan 9 Change Due: 14 August 2020

Are you submitting as an individual or as an orgainsation? Organisation

Organisation: Korongatā Marae – Ngāti Poporo

Name: Report written by L. M. Kamau on behalf of Korongatā Marae/Ngāti Poporo

Postal Address:

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Hastings 4175

SUMMARY OF SUBMISSION:

1. Korongatā Marae and our hapū Ngāti Poporo submission relates to the Hawke's Bay Regional Council's TANK Plan Change
2. Korongatā Marae and our hapū acknowledge the substantial work that has gone into the preparation of this plan.
3. Korongatā Marae and our hapū acknowledge the work of Te Runanga o Heretaunga and Te Mana Taiao who have continually highlighted, informed and have consulted our people concerning TANK
4. Korongatā Marae and our hapū support the submissions made by Te Runanga o Heretaunga, Te Mana Taiao, Te Taiwhenua o Heretaunga, Heretaunga Tamatea Settlement Trust and Ngāti Kahungunu Iwi Incorporated in relation to this plan.
5. This submission is structured as a report on the impacts and issues concerning Resouces Consents granted since 1960 that relates to our ancestral waters of Paritua, Karewarewa and Karukaru streams, and our aquifer – Te Awa o Te Atua.
6. This submission is also structured as whānau, hapū and Marae narratives that relates to our ancestral waters of Paritua, Karewarewa and Karukaru streams, and our aquifer – Te Awa o Te Atua and Te Mangaroa.
7. We submit utilising the 'Māori Indicia of Ownership' as developed by the claimants of WAI 2357 and WAI 2358 and, the Waitangi Tribunal 's National Fresh Water and Geothermal Resources Inquiry Reports Stage 1 and 2
8. We submit using various hydrogeology reports and research relating to the Ngatarawa and Raukawa Valleys which are our hap ū boundaries
9. These waters we as Ngāti Poporo have relied on for over 500 years of continued use and occupation.
10. That Ngāti Poporo are the traditional owners of these waters from their source in Kuripapango where our traditional pā site and mahinga kai are located
11. That Ngāti Poporo are the traditional owners of these waters as they traverse, Te Ara o Korongatā, in the Ngaruroro River, through to Te Whanawhana as it feeds its tributies and Te Awa o Te Atua.
12. We submit that we have irreversibly suffered from a devastating loss to our traditional food sources and mahinga kai since the 1960's.
13. We submit that we have irreversibly suffered from the loss of our tradtional water sources as a result of overallocation of resource consents and the intensification of farming, vineyards and stonefruit.
14. We submit as the Mana Whenua and Rangatira of these waters that the plan should include a Tiriti Based Partnership, where Ng āti Poporo are key partners in managing our fresh waters whom feed the TANK catchment areas.
15. Korongatā Marae and Ngāti Poporo seek to form a relationship and partnership concerning our ancestral waters.
16. Korongatā Marae and Ngāti Poporo invite HBRC to Korongatā Marae to hear our submission

Waiaroha – Te Ara o Korongat ā - Ngāti Poporo values and rights to fresh water.

Waiaroha, translated as meaning, 'water is precious' is a concept that perfectly describe Ngāti Poporo values towards their ancestral waters. Following the Forshore and Seabed Hikoi in 2004, we have continually challenged the rights to access water and further test our properity rights to water guaranteed under Article two of the Treaty of Waitangi 1840. Recently it was declared that 'no one owns the water' however Ngāti Poporo refute this. For Ngāti Poporo water does have value and the process of resource consents for irrigation and water bottling highlights its economic value . Thus Ngāti Poporo rights to own our waters has been articulated as the 'Ngāti Poporo Indicia of Ownership' over the Paritua/Karewarewa from its source in Kuripapango/Kaweka from our Te Awa Tipuna Ngaruroro through Te Whanawhana then disbursed refered here as 'Te Ara o Korongat ā' The slow moving pathway of Korongatā upon te waka o Te Mangaroa in Te Awa o Te Atua.

Ngāti Poporo Indicia of Ownership

Indicium
Kai Waterways have been a main source of physical sustenance to provide kai such as Koura, Kōkopu, tuna to manaaki our manuhiri. 'Kai Rangatira' derived from our waterways which bestowed mana
Textiles and Materials Traditional garments and houses utilised the resource of Raupo or Harakeke which is sourced from swamps and lakes. The Raupo or Harakeke is used to bind and lash the traditional whare together
Rituals and Spiritually The dabbling of water is highly regarded as a source of taking away tapu or place tapu qualities on something or someone whether it would be for a sick relative or intended journeys
Mauri If the mauri of the waterway is compromised, by no means the strength of kaitiakitanga and rangatiratanga will suffer further with the degradation process. Due to the diversions of ancestral waterways the uniqueness upheld by mauri within the water is impaired. The mauri of the water is the quality of food and other resources, gathering food and bathing practices to ensure the mauri was upheld in these various aspects of life. Differing parts of the river are used for karakia.
Waiata Settlements, like Korongatā, are often found on or near the stream and river banks. Water is often referred to in Waiata as it provided food resources and in other oral forms such as whakatauaki, among others to express the importance and value of the ancestral waterways and, was a medium of communication between hap ū.
Whakatauki and Pepeha Iwi have long-established cultural practices in relation to waterways. Fundamentally, many iwi have an intrinsic connection and are realised Kaitiaki and Rangatira of their waterways

Taniwha Frequent identification of Taniwha as Whakapapa specific to the waterway. The often unanimous presentation of these beliefs reinforces Kaitiakitanga and Rangatiratanga further confers permanent ownership rights to that hapū or iwi
Kaitiakitanga Māori recognition of rights to water is that of Kaitiakitanga that has been maintained. This is justified through the implementation of rāhui and other protections including riparian planting over many generations, and the constant reliance of water for the survival of the people
Mana and Rangatiratanga Mana or Rangatiratanga exercised over the waterway by hapū and iwi is a time honoured ritual and tradition. The consistent mechanisms of rāhui and tāpu asserted by hapū and their rangatiratanga over their waterways have expressed and maintained this ancestral authority
Whakapapa Reinforcing hapū and iwi rights to water is the self-identified, continuing, ancestral connection of whakapapa with waterways. Many individuals can trace their genealogy back to those atua including Papatuānuku whose tears formed our rivers and her menstrual cycle formed our aquifer 's
Authority The final indicium supporting the argument for a hapū right to water, is temporal authority over water due to customary ownership of this location has been continually sustained.

Since the 1960's resource consents granted for agricultural activities near and in the Ngatarawa and Raukawa Valleys by the Hawkes Bay Regional Council has impacted on the community of Korongatā/Bridge Pā and drawing water from over 150 private residential bores which suppled over 300 homes. Bridge Pā is a small predominantly Māori rural community located between the fringes of Hastings City west and east of the Ngatarawa Valley. Ngatarawa valley is known as the biggest user of water for agricultural purposes such as orchards, sheep and cattle farms and vineyards in the Hawkes Bay region (Burden 1980, Baalousha 2010). As a result they draw their water for irrigation from the nearby Ngaruroro River, a river which feeds both the confined and unconfined aquifers of the Paritua/Karewarewa Stream. Both aquifers are said be the largest suppliers of fresh water in the Hastings District, a system that Ngāti Poporo, the local hapū of Bridge Pā have relied on for over 500 years of continued occupation.

In saying this, this report will discuss the Paritua/Karewarewa Stream and its importance for the community of Bridge Pā, a source that Ngāti Poporo has drawn upon for over 500 years. Thus this essay will be organised as follows; a brief summary of Bridge Pā, an overview of the resource and environmental impacts such as severe droughts and the strain that argicultural activities have caused on both the confined and unconfined aquifer. It will then critically analyse the efforts of TANK, which was established as a result of 'the over subscription of water resources'. This essay considers that there is a clash between community needs and economic needs, where economically the community of Bridge Pā has

no say in determining their water supply and those who draw from it. This is an ongoing debate, one that has occured since 1968. Efforts to collaboarate appear to be promising, however due to the nature of local government processes, the voice of local hapū such as Ngāti Poporo will be diluted among the TANK catchment groupings.

Much of the literature drawn in this essay relies on various hydrologies studies limited to the area of interest (Burden 1980, Baalousha 2010, Storey and Quinn 2009, Rosen 1996). Various reports comissioned the Hawkes Bay Regional Council (Cawthorne 2016, NIWA 2009) and their internal reports (Paritua/Karewarewa Hydrology 2007) and documents in relation with TANK as well as various public notices via the Hastings District Council (HDC) and Hawkes Bay Regional Council (HBRC) websites.

Area of Interest

Figure 1 is a drone shot of the community of Bridge Pā. The community currently has a population of approximately 800 residents and 300 homes. Its principal hapū is Ngati Poporo, who have two marae Korongatā and Mangaroa where the stream Karewarewa/Paritua connects the two. Bridge Pā has a large Latter Day Saint Chapel, which is a civil defence centre, a primary school whose current role sits at 89, two golf courses, an aerodome, and the Hawkes Bay Correctional Institute. Scattered amongst the community zone, are garden centres, IHC activity centres and two chicken farms. A number of vineyards have taken root in this community as well as orchards, stone, vine yards and fruit such as strawberries and pip fruit and, sheep and cattle farms. This community has no public transport, no rubbish collection, no sewerage system and only recently a connection to town water supply, and has one footpath that sits on the opposite side of the school, the school is rated as a decile one which reflects the economic status of the community determined as ‘disadvantaged’.

FIG: 1. Bridge Pā Community. The ‘Green’ lines shown in the paddock are (T) The Karewarewa (FIG. 3.) and the (B) The Paritua (FIG. 2, 4.). Maraekakaho and Raukawa Roads intersections signals the change of the streams’ from Karewarewa into Paritua. (Source: Google Earth Satelite, Maraekakaho and Raukawa Roads intersection, Bridge Pā, Hastings)

Resource Issue

Between 2007 and 2010 Bridge Pā endured severe droughts over the summer months and severe flooding over the winter, water restrictions on the residents of Hastings were put in place and the 150 bores that served the community were dry. Tankers of water had to be transported out to Bridge Pā where local residents had to cart their water for their basic cooking and drinking needs. The lack in a water supply came to a halt in January 2011 when the Bridge Pā community had successfully lobbied to the Hastings District (HDC) and Hawkes Bay Regional Councils (HBRC) (Bridge Pa Residents Get Long Awaited Water, Hastings District Council, Public Notices, 11 January 2011). Those two councils finally agreed to extend the town water supply to Bridge P ā, where residents could ‘opt in’ outside of their normal property rates. Further there was a commitment made to restore the banks of the Karewarewa/Paritua stream as the local hapū Ngati Poporo argued was a result of ‘water banking’ by a farmer situated in the Ngatarawa Valley and the continued water taking

resource consents for the rapidly growing number of vineyards and wineries, known as the Bridge Pā Triangle. (see figure 7)

FIG. 2.

FIG: 2 Paritua Stream, dry stream beds is a normal sight for locals.
FIG.3. Karewarewa Stream. Local children enjoying the rare sight of their water hole being full. (Source: Google Earth 2 Raukawa Road, Bridge Pā, Hastings).
FIG 4 Paritua Stream. Rare sight of stream flow from the Paritua into the Karewarewa. (Source: Google Earth 2 Raukawa Road, Bridge Pā, Hastings).

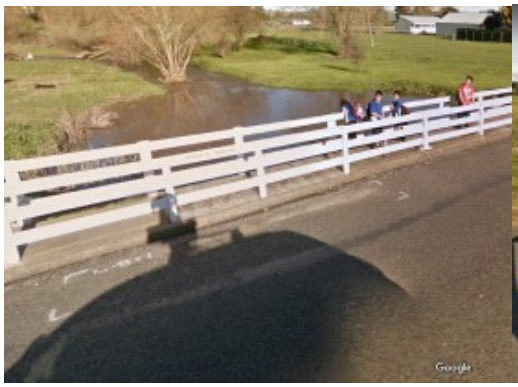

FIG.3

FIG. 4.

While town supply is an option for these residents, it still does not address the environmental issue of dry bores nor do these efforts restore the once full Karewarewa stream that had an abundance of eels, inanga, kokopu (whitebait species) and freshwater crayfish, known to locals as crawlies, all of whom are on their migratory journies to spawn in the river mouths (Storey and Quinn, 2009). As a result of severe drought that stretches over a kilometre of the Paritua/Karewarewa Streams (see Figure 2), access to freshwater via bore and the lost of traditional resources, including watercress, has had a significant impact on the Bridge P ā community. (Paritua/Karewarewa Stream – Hydrology 2007)

Of particular concern for the hapū were the activities of agriculturalist in the Ngatarawa Valley, which consists of over 1450ha of pastoral land that has since the 1960 ’s extended their irrigation activities from 150ha to over 1300ha. (see figure 6). Burden (1980) noted that contaimenation of the ground water supply as a result of irrigation was a serious problem as the Ngatarawa Valley supplied water for Hastings residents. He concluded in his study that (Burden 1980: 104) an ‘alternative water supply should be given to the Ngatarawa Valley’. However this has not been the case, further an over allotment in water taking resource consents granted by the HBRC had caused severe droughts in the Paritua/Karewarewa Streams.

Te Tua and Washpool Stations – Border Dyke System

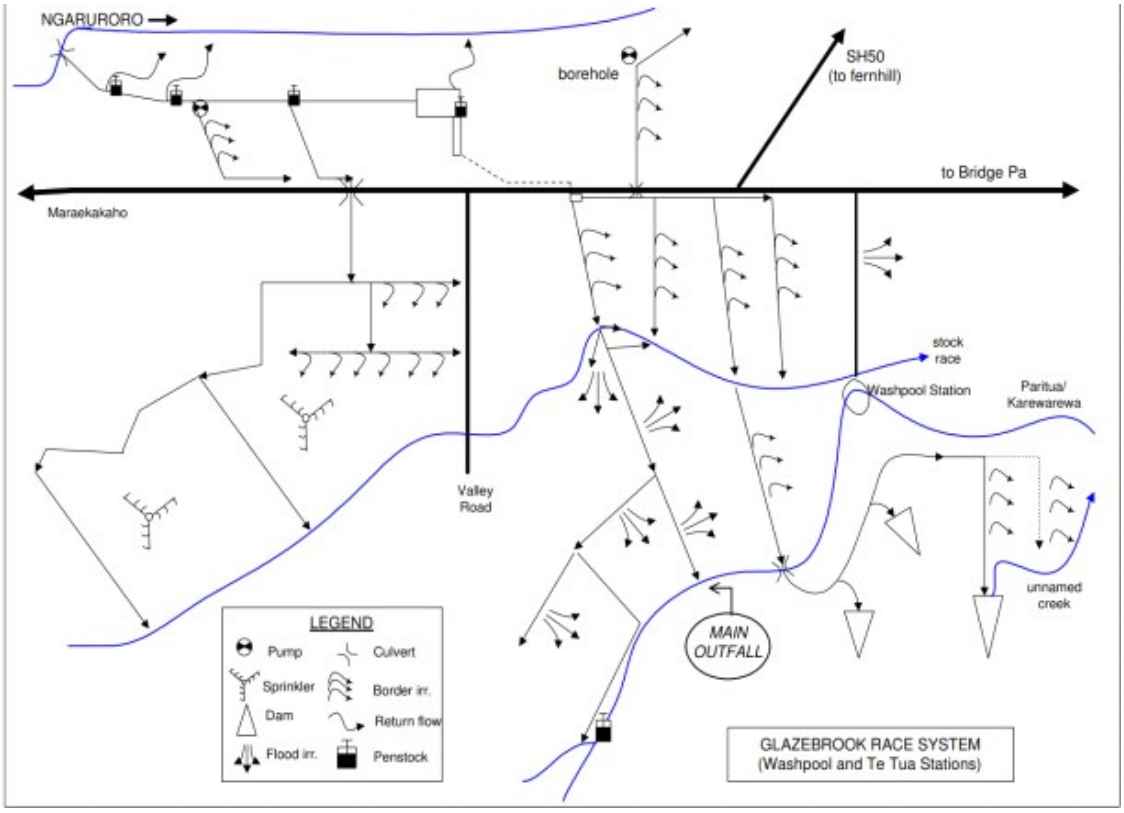

FIG. 5. Border Dyke System, Te Tua Station, 4 kilometres west of Bridge Pā. (Source: Paritua/Karewarewa Hydrology 2007).

Te Tua and Washpool Stations have been drawing water from the Ngaruroro catchment since the mid 1960's. As a result, figure 6 shows the intricate water irrigation system or Border Dyke System that diverts and floods the contured sloping land directed towards a large holding bank. As noted by Burden in 1980, this system permeates the unconfined aquifer, and disrupts the natural ebbing of the stream, towards the community of Bridge Pā. Owner, Michael Glazebrooks, as a condition of his resource consent where any surplus water must not be banked, but be released back into the Paritua/Karewarewa Streams in order to replenish the aquifer which feeds the 150 bores in Bridge Pā and encourages the spawning of eels, crawlies and whitebait species (Storey and Quinn 2009, Paritua/Karewarewa Hydrology 2007).

When this resource consent was renewed in 1997, (Paritua/Karewarewa Hydrology 2007) Glazebrooks was given a maximum take from the Ngaruroro River, further he no longer had to discharge directly into the Paritua/Karewarewa Streams. As a result, these stations continued to 'bank' their water in order to irrigate the land over the long dry summer months. However during the winter months, the flood gates are released, which as a result causes severe flooding, in particular where the Paritua meets the Karewarewa at the Maraekakaho and Raukawa Roads intersection. Thus causing havoc for the residents whom live down Raukawa Road, blocked in by severe flooding and living on a dead end road.

Bridge Pā Triangle

Not only does the resource consent conditions of these stations impact on the availability of water, water taking resource consents of the rapidly growing wine industry (see figure 7) devastates this resource for the Bridge Pā community. As a result of the establishment of over 15 wineries within the Bridge Pā Triangle since the 1990 's, further strain on the Karewarewa/Paritua streams has esclated into severe drought.(Cawthorne, 2016)

FIG. 6. A 18 kilometre 'triangle' – Bridge Pā Triangle, one of New Zealand's fastest growing wine regions. (www.bridgepatriangle.nz) On the top left corner is the Ngaruroro River, one of the three main arteries in the TANK catchment. The bottom half is the Paritua/Karewarewa Streams meandering through one part of the Bridge Pā Triangle heading towards the Ngatarawa Valley.(Source Google Earth, State Highway 50, Maraekakaho and Ngatarawa Roads, Bridge Pā, Hastings)

'Campbell's Block'

The unconsented and then restropective consent concerning the realignment of the Paritua/Karewarewa Streams by farmer Malcolm Campbell to enable stock drinking water has further aggravated the drying of our stream beds, its natural flow and the loss of stream confining materials. During high flow events the river carries sediments comprised of fine materials such as clays, macro and micronutrients, the result of soil forming processes that eventually over time are lain down to form the confining stream bed. The impacts caused by the realignment, combined with the semi confined nature of the underlying gravels cause the fine clay plugs to dry out and shrink during times when the river is dry and flow is absent. Combined with the actions and activities of the argriculturalist and horticulturalist in the Ngatarawa and Raukawa Valleys has increased the the levels of nitrate and other contaminants to be present in our drinking water supply.

'Responsive Action?

In February 2012, Sir Graham Latimer lodged two claims before the Waitangi Tribunal of concerning Māori water rights. Hira Huata of Bridge Pā was called as a witness where she presented to the Waitangi Tribunal (WAI 2358 2012) the loss of rights for the community of Bridge Pā to freshwater through through the granting of various resource consents. Of particular concern for Ngati Poporo are the traditional, water. food and textiles sources that are deeprooted in the maintainance of the Paritua/Karewarewa Streams.

FIG. 7. Bridge Pā Community Day July 14 2014 – Photo Supplied: Laura Kamau

As mentioned previously, the Bridge Pā community, lobbied for a CAP (Capital Assitance Programme) grant administered by the Ministry of Health. Of the 1 million dollars estimated for the Bridge Pā community access to town water supply, the HDC and HBRC pledged to pay for 10 percent of the cost, while the bulk of the cost for connection was passed over to Bridge Pā residents. (Bridge Pa Residents Get Long Awaited Water, January 2011).

The HDC spent a further $100,000 in the community of Bridge Pā on the ‘beautification’ project. Most of which went into signage, a lime cycle track around the Bridge Pā Triangle, a traffic island and four planter boxes. While a very small portion of this was set aside for the Paritua/Karewarewa bank restoration a larger emphasis was placed on community asthetics. This could be due to the growing clientele who have enjoyed cycling around the triangle for a number decades and for those passing through Bridge Pā on their way to the now, international award winning wineries.

In July 2014, the planting of stream beds by the Bridge Pā community took place, initiated by the ‘Karewarewa Awa’ action group.(www.korongatamarae.com) Figure 7 shows some of the community planting enthusiastically in the hopes of restoring their swimming hole, food resources and keeping the water contained instead of flooding the entire community, esclated over winter by the releasing flood gates stemming from the Ngatarawa Valley. In this restoration effort, other hapū whom share the Paritua/Karewarewa Streams resources were also involved. Ruahāpia Marae is situated near the river mouth of the Ngarururo River where the Paritua/Karewarewa and Ngarururo meet. They too had lobbied the HDC and HBRC and

as a result the group known as TANK, a forum founded on collaborative relationships between the councils, key stakeholders such as Heinz-Watties, Fonterra, Bostocks, various wine growers and hapū representatives for the management of freshwater allocations of the four catchment areas of the Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments. Figure 8.

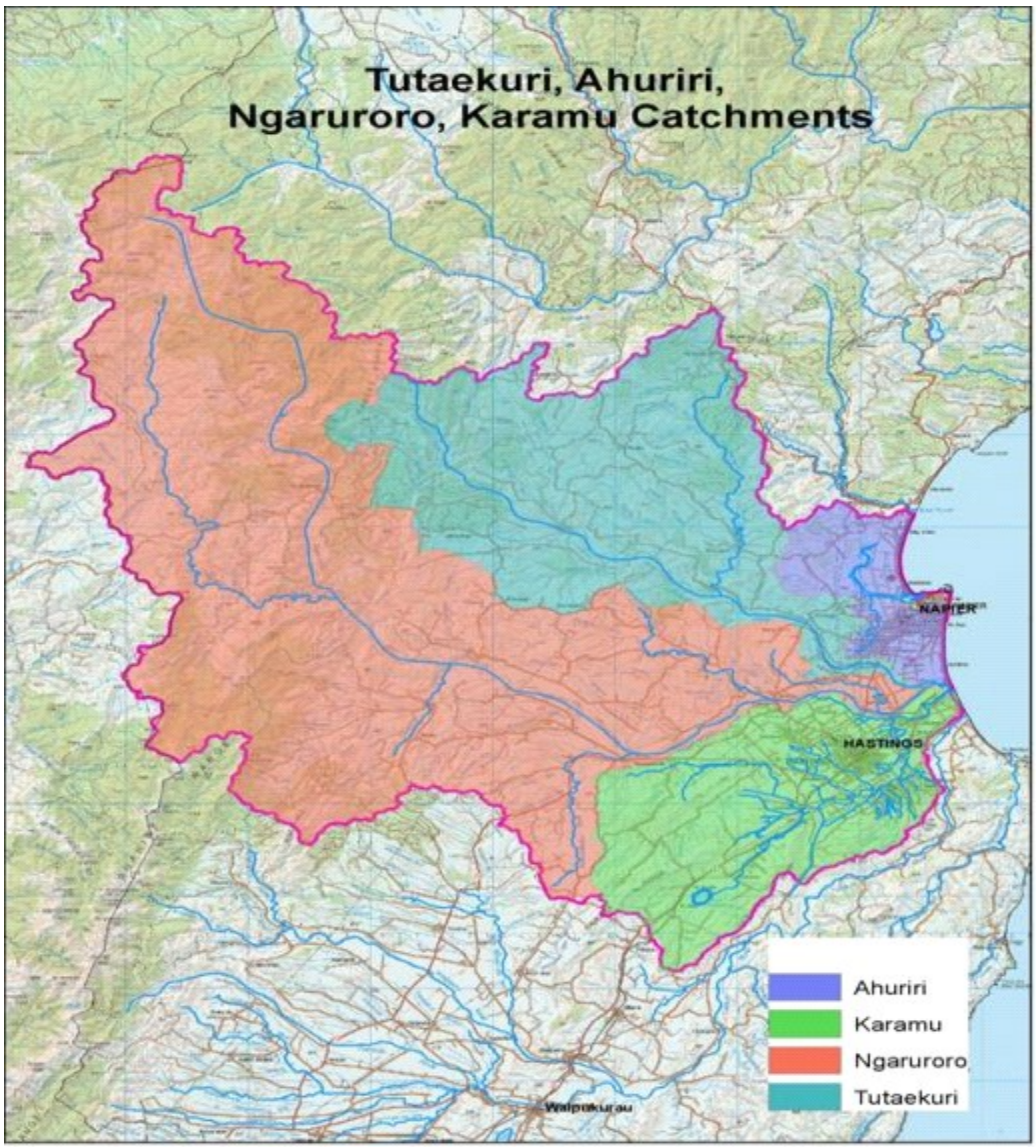

FIG. 8. TANK – Tutaekuri, Ahuriri, Ngaruroro, Karamu Catchments (Source: Hawkes Bay Regional Council Regional Planning Meeting September 2012) The red and green shading are the catchment areas where the Karewarewa/Paritua stream runs from the Kaweka towards the Pacific Ocean via the Ngaruroro river mouth.

Ngāti Poporo hapū representative, environmental and landcare scientist Joella Brown noted that (Korongata Marae Trustee Meeting July 2016) Te R ūnanga o Heretaunga are tasked with

the strategic alignment of hapū management plans concerning the HBRC allocation of resources within hapū domains. This committee it would appear runs alongside the TANK forum (TANK Master Plan 2016). According to Cawthorne's (2016: i) report, TANK are tasked with 'making recommendations to the Hawke's Bay Regional Council on objectives, policies and methods for freshwater management in these catchments'. TANK say (TANK Master Plan 2016) that a number of water permits in the Ngatarawa Valley are due to expire in 2015 with the bulk of the Tūtaekuri consents due to expire in 2018 and the a number of consents to take from the Heretaunga Plains aquifers expiring in 2019. As a result, this recommendatory body has some considerable influence in defining for the HBRC clear resource consent objectives that would lessen the impact on community stakeholders such as Bridge Pā.

Conclusion

In sum, the granting of various resource consents for agricultural activities, more specifically irrigation in the Ngatarawa Valley has had some significant impacts on the community of Bridge Pā including dry water bores and the lost of traditional food sources, including watercress and textile materials. Research has shown that the effects of which can be reversed and that stream flow could be fully restored, where the migratory species could migrate towards the river mouth and aquifers levels could return to their former glory. However due to the economic aims of the HBRC this restoration would severely impact on employment opportunities in the Hawkes Bay. The promise of the TANK forum while it has the best of intentions, the very nature of collaboration has some sticking points as various stakeholders want what is in their best interest. As Te Rūnanga o Heretaunga are only one stakeholder out of a menagerie, the voice of local hapū Ngāti Poporo will be diluted as this is a shared voice for 20 marae. The consensus required to achieve this voice takes time. Time which our water resources does not have. This could mean that the HBRC could place a rāhui on the issuing of resource consents in TANK catchment, however this could be at the expense of the economy. Thus, this possibility would never occur under current conditions and for Ngati Poporo and the community of Bridge Pā the debate continues.

References

Baalousha. Hussam (2010) Assessment of a groundwater quality monitoring network using vulnerability mapping and geostatistics: A case study from Heretaunga Plains. IN: *New Zealand in Agricultural Water Management* 97 pp. 240–246.

Burden.R. J., Distribution of Nitrate-N Concentrations in Groundwater Beneath Intensively Grazed Patureland in the Ngatarawa Valley, Hawkes Bay, (1980) IN *Journal of Hydrology (New Zealand),* 19: 1, pp. 94-105

Richard G. Storey & John M. Quinn (2008) Composition and temporal changes in macroinvertebrate communities of intermittent streams in Hawke's Bay, New Zealand. IN: *New Zealand Journal of Marine and Freshwater Research* , 42:1, pp. 109-125

Robson, M., Bammer, G., Barker, P., Foote, J., Greenhalgh, S., Haremate, G., Lauder, G., Nicholas, G., Small, B., Smith, R., Williams, R., von Pein, T. (2017). The Collaboration Lab: The transformative role of collaboration in managing our land and water. In: *Science and policy: nutrient management challenges for the next generation.* (Eds L. D. Currie and M. J. Hedley)

Rosen. Michael. R. (1996). Hydrogeology, water quality, and nitrate movement in the unconfined gravel aquifer beneath the Maraekakaho sheep feedlot, Hawke's Bay, New Zealand. IN: *Journal of Hydrology (New Zealand),* 35:1 pp. 29-49

Cawthron (2016) Inventory of Values in the TANK Catchments of Hawke's Bay Report No. 2829. HBRC Publication 4805.

Environmental Management Group Technical Report – Internal, (2007) Paritua/Karewarewa Stream – Hydrology. Hawkes Bay Regional Council Plan Number 3992.

Reid. D and Scarsbrook (2009) A review of current groundwater management in Hawke's Bay and recommendations for protection of groundwater ecosystems. NIWA prepared for Hawke's Bay Regional Council. NIWA Client Report: HAM2009-153

Waitangi Tribunal Report (2012) The Stage 1 Report on the National Freshwater and Geothermal Resources Claim WAI 2358.

The TANK Group Resources found on this website, http://www.hbrc.govt.nz/hawkes-bay/projects/tank/resources/
in pdf under the following titles;
The TANK Plan explained (2016)
TANK Group Terms of Reference (2016)
TANK Interim Report (2016)
TANK Master Plan (2016)
TANK Values and Attributes (2016)
www.korongatamarae.com

www.bridgepatriangle.com

www.hastingsdc.govt.nz

Submission on Proposed Plan Change 9 (PC9): Hawke's Bay Regional Resource Management Plan

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.

Name: *(required)* Chris Howell

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Phone number: 027 686 7829

Submission Summary:

1. I SUPPORT the overall framework of PC9, to the degree that it reflects agreements reached by the TANK Group community representatives, providing an integrated catchment solution that tries to balance the values and interests of the Hawke's Bay community.
2. I OPPOSE elements of PC9 that do not reflect the agreements reached by the TANK Group community representatives.
3. I SUPPORT THE AMENDMENTS proposed by Hawke's Bay Winegrowers' Association Inc. in their submission dated 14 August 2020.
4. I SEEK AMENDMENTS as set out in Section A of this submission below.
5. I AM CONCERNED PC9's approach to allocation of water and control of farming emissions unfairly penalises viticultural land owners as very low water users and very low emitters compared to other major primary production systems AND SEEK AMENDMENTS that recognise the unique character of viticulture .
6. I AM CONCERNED that PC9 will have significant negative effects on me and/or my business and I have detailed my concerns in Section B below.

Submission Details:

A. General impact on the wine sector

Plan Provision	Concerns and Reasons	Decision Sought
OBJ TANK 7 Requirement to reduce contaminant losses	This Objective, as currently drafted, could be interpreted to require a reduction in contaminant loss including soil loss from all land use types. Some land use types including viticulture on low-slope land already have negligible contaminant losses (& especially soil losses) and would be unable to achieve any reductions.	Amend OBJ TANK 7 to read "…reduces ***reduceable*** contaminant loss…"; or similar wording to achieve the outcome sought in this submission.
OBJ TANK 16 Priority order for water allocation	This Objective establishes a priority order for water allocation which ranks primary production on versatile soils ahead of other primary production. Some viticultural production is on soils that are not considered to be versatile (eg. LUC 7 stony soils) but is the highest and best primary production use of such soils, is highly efficient low water-use & low- contaminant activities that contribute strongly to community soci o-economic development and should rank equally with primary production on versatile soils. The Objective also does not make it clear what the ranking of water bottling activities would be. The Hawke's Bay community has clearly indicated that water bottling should not be a priority use of water, so should be amended to explicitly record a lower priority, ranking below all other activities involving the economic use of water.	Amend OBJ TANK 16.c to read "Primary production on versatile and ***viticultural*** soils", or similar wording to achieve the outcome sought in this submission. Amend OBJ TANK 16.e to read "***Water bottling and*** other non-commercial end uses", or similar wording to achieve the outcome sought in this submission.
OBJ TANK 16 **OBJ TANK 1 7 c)** Efficient use of water	These objectives set out the priority order for water allocation and makes a general statement about making the allocation and use of water as efficient as possible under the proposed regime. The plan change prioritises water for the essential needs of people but places no imperative on local authorities to promote water conservation in the urban environment. The plan change references the overallocation of water as primarily a rural environment issue.	Amend OBJs TANK 16 & 17 to reflect the need for urban water use to reflect the values of the plan change by way of metering at the consumer level as occurs in other territorial authorities

Policy 5.10.2.6/7/8 Protection of source water	These three policies adopt a strengthened approach to protection of the quality and quantity of drinking water supplies. I support a precautionary approach to such protection but considers that the policies and rules are unnecessarily onerous and reflect an over-response to the 2016 Havelock North water crisis. The Plan Change draws source protection zones expansively and the control exerted by Council through matters of discretion under TANK rules 2/4/5/6/9/10 is uncertain and potentially onerous, particularly on winery point source discharges but also on vineyard farming practices. In addition to the uncertain scope of control, there is a duplication in control because risks to drinking water will also need to be addressed in Farm Environment Plans, Catchment Collectives and Industry Programmes. Retaining the reference in TANK 2 will ensure that a risk assessment will still be made in the event that a property does not have a Farm Environment Plan or is not part of an Industry Programme or Catchment Collective.	Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10. Address risks via Farm Environment Plans, Catchment Collectives and Industry Programmes.
Policy 5.10.3.21 Assessing resource consents in subcatchments exceeding nitrogen objectives or targets	This policy requires Council to have regard to any relevant Industry or Catchment Collective plans in place when assessing resource consents for effect on diffuse discharge of nitrogen. However, as currently drafted, clause 21.d appears to prevent the issuance of any resource consent for any land or water use change that may result in any increased nitrogen loss, where a subcatchment exceeds dissolved nitrogen objectives or targets in Schedule 26. This is unnecessarily constraining of landuse change, undermines the role of community collectives, discriminates heavily against viticulture as a particularly low nitrogen source and fails to recognise the 2040 timeline for meeting water quality objectives.	Amend so that Catchment Collectives and Industry Programmes may manage land use change in accordance with the 2040 timeline for meeting water quality objectives. Amend 21.d to read "***subject to Policy 21 a)-c),*** avoid land use change…." or similar wording to achieve the outcome sought in this submission.
Policy 5.10.6.36 Heretaunga Plains Aquifer Management	This policy requires Council to "adopt a staged approach to groundwater management that includes: f) avoiding further adverse effects by not allowing new water use and g) reducing existing levels of water use ". The requirement to "not allow new water use" is needlessly restrictive and	Amend Policy 36.f to read "avoiding further adverse effects by ***controlling net groundwater use within the interim allocation limit set out in Policy 37***" or similar wording to achieve the outcome sought in

	ostensibly prohibits ANY new [take and] use, including use of new water stored under the high flow allocation provisions of the Plan, as well as potentially the replacement of expiring consents. Similary, the requirement to "reduced existing levels of water use" precludes use of new stored water and fails to recognise that the interim allocation limit of 90 million cubic meters is intended to align with previous actual water usage and that the Heretaunga Plains Aquifer is considered to be overallocated based on cumulative consented volume (sometimes referred to as "paper volume") but not on cumulative consented actual use.	this submission. Amend Policy 36.g to read "~~***reducing existing levels of***~~ ***encouraging*** water use ***efficiency***." or similar wording to achieve the outcome sought in this submission.
Policy 5.10.6.37.c)	This policy requires the council to manage the Heretaunga Plains Water Management Unit as an over allocated management unit and to prevent any new allocations of groundwater	Amend policy to read Policy 5.10.6.37.c) manage the Heretaunga Plains Water Management Unit as a fully allocated resource and to control any new allocations of groundwater to fit within the allocation limits indicated by the review conducted under 5.10.6.37.b)
Policy 5.10.6.37.d(ii) "Actual & Reasonable" water allocation approach	This policy requires Council to "when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; … (ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 …". The intent of this policy is understood to be to provide for replacement consent volumes not exceeding the highest use in the driest year in recent history (generally considered to be the 2012/13 water year), for landuse as at August 2017 (the point at which HBRC publicised the decision to cap groundwater usage at current peak dry-year levels). However, since TANK completed and the Plan was drafted, Hawke's Bay has experienced a severe drought in 2019/20 water year. Given this recent experience and vastly improved water meter data collection in the most recent years, I consider that the 2019/20 water year data should be available as a benchmark dry year. More fundamentally, I disagree with the definition of "Actual and Reasonable"	Amend Policy 37.d(ii) to read "(ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to ~~***August 2017***~~ ***30 June 2020 (the end of the 2020 water year)***…". or similar wording to achieve the outcome sought in this submission. Amend the Glossar definition of "Actual and Reasonable to provide that the volume allocated at consent renewals is the lesser of: - the amount calculated by a Hawke's Bay-specific IRRICALC model at 95% security of supply; - the volume of the expiring consent being replaced.", or similar wording to achieve the outcome

	and its inequitable and unworkable approach to allocation of water for replacement of consents that existed as at August 2017. Due to the lack of reliable and comprehensive water metering data from 2012/13 and the impact of vine age and redevelopment timing on actual annual vineyard irrigation requirements, practical difficulties in evidencing historical landuse activities and the risk of penalising efficient users at the expense of inefficient ones, I consider that there should be a presumption that the Hawke 's Bay-specific IRRICALC model is the appropriate measure of "Actual and Reasonable" for the purpose of calculating allocations for those replacement consents.	sought in this submission.
Policy 5.10.6.39 Requirement for flow maintenance (augmentation)	This policy subjects consented water users in the Heretaunga Plains Water Management Unit to a regime which requires them to either participate in stream flow maintenance and habitat enhancement schemes, or cease abstraction once a stream flow maintenance trigger is reached. When this policy was conceived in TANK, it was intended to apply initially to 3 named lowland streams which HBRC science indicated were suitable for a stream flow maintenance scheme. Post-TANK, the Plan has incorporated all streams as well as the mainstem of the Ngaruroro River and I OPPOSE this policy on five main grounds: 1. The flow maintenance requirement now proposed, extends far beyond that supported in TANK and the need for such extension has not been justified. 2. In TANK, it was envisaged that HBRC would play a central role in establishing the 3 then-proposed lowland stream augmentation schemes. As HBRC hold all the relevant scientific and technical information required to operationalise such schemes, it is critical that HBRC takes on a central role in their development.	I understand that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. I support, in principle, jointly-funded collective stream flow maintenance schemes on suitable lowland streams, facilitated by HBRC.

	3. Large temporal and spatial spread of consent expiries and large consent numbers make it impractical and inequitable to require consent holders to take full responsibility for the development. 4. No allowance for an orderly transition to any new stream augmentation has been made. The currently proposed provisions could apply immediately from notification of the Plan Change, including to a very large number of currently expired consents (particularly groundwater takes in the unconfined aquifer), whereas stream augmentation schemes may be reasonably expected to take years to commission, particularly the kind of large-scale schemes that would be required to maintain flows in the Ngaruroro River. 5. Consent reallocations under the "Actual and Reasonable" provision of the Plan based on 95% certainty of supply do not provide sufficient water volume to support stream augmentation in dry years and so would decrease the effective certainty of supply of consents.	
Policy 5.10.6.50	Water allocation priority As set out by OBJ TANK 16 & 17, the clause outlines the allocation for water use by populations. It attempts to address leakage by setting an Infrastructure Leakage Index of 4 or better. *Index Level 2.0 to < 4.0 Possibilities for further improvement; consider pressure management, better active leakage control, better maintenance* *Index Level 4.0 to < 8.0 Poor leakage management, tolerable only if plentiful cheap resources; even then, analyse level and nature of leakage, intensify reduction efforts* An Infrastructure Leakage Index of 4 indicates there is a plenty of room for improvement and if HBRC is now correct in identifying the plains aquifers as a more fragile and finite resource than previously thought then territorial authorities have to share in the conservation of the resource.	Amend to require territorial authority applicants to promote water conservation in the urban community by way of metered supplies at the consumer level Amend to ensure territorial authorities have a continuous improvement model for reducing water reticulation losses rather than a broad statement of an Infrastructure Leakage Index of 4 or better

	Currently, the plan change does not address inefficient and wasteful use at a n urban consumer level either. Water has become a regional and global issue and the whole population needs to share in the conservation of it.	
Policy 5.10.7. 51 Water Use and Allocation - Priority	This clause provides for an emergency water management group when making water shortage directions under Section 329 of the RMA, with the group including representatives from various sectors of the community but not including the primary sector. As decisions made in consultation with this group relate inter alia to the provision of water essential for the maintenance of animal welfare and survival of horticultural tree crops and to seasonal demand for primary production, the primary sector should also be represented in the group.	Amend 5.10.7.51 to read "…emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi, ***affected primary sector groups*** and MPI, to make decisions …" or similar wording to achieve the outcome sought in this submission.
Policy 5.10.8.59 High Flow Reservation	This policy requires Council to **allocate** "20% of the total water available at times of high flow in the Ngaruroro or Tūtaekurī River catchments for abstraction, storage and use for" contributions to environmental enhancement and M āori development. This policy originated in an agreement in TANK to **reserve** 20% of any NEW high flow allocation for Māori development, then underwent significant development and change as Council explored ways to operationalise it and through iwi and RPC consultations. The resulting policy has some fundamental differences to that originally agreed in TANK: 1. The Policy refers to the Ngaruroro **OR** Tūtaekurī River catchments" (emphasis added), whereas the intention in TANK was for it to apply to BOTH rivers. This may just be a drafting error. 2. The Policy now covers water for both M āori development and environmental enhancement but Schedule 32 only refers to M āori development. 3. The allocation rate of 1600L/s for the Ngaruroro River in Schedule 32 represents 20% of the total high flow allocation limit for that river, whereas the TANK agreement was for 20% of the new allocation	Policy 59 needs significant re-write to address the above inconsistencies between the policy as it now stands and the framework agreed in TANK. It should distinguish clearly between water for environmental enhancement and water for M āori development, reduce the proposed M āori development reservation for the Ngaruroro River from 1600L/s to 1200L/s in line with the 20% new-water allocation agreed at TANK and remove the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the high flow allocation.

	(6000L/s), ie 1200L/s. 4. Policy 60 now embodies the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the allocation. 5. The Policy now requires "allocation" rather than "reservation", with uncertain implications for private sector interests	
Rule TANK 5 Land use change	This rule controls land use change to production land use activity over more than 10% of a property or farming enterprise. The rule gives no guidance on what constitutes "change to the production land use activity", with the result that it is highly uncertain what types of activity are controlled and the rule cannot be practically enforced. For example, is a change from conventional farming to organic farming captured? A change in planting density? Also the rule fails to account for the possibility that a farming enterprise may span multiple water quality management units within a Surface Water Allocation Zone, which may then unintentionally permit land use change beyond 10% of the farming enterprises' properties within a water quality management unit	The rule needs further development to give more guidance on what changes are intended to be controlled and to control change by farming enterprises within a water quality management unit more appropriately.
Rule TANK 6	This rule restricts change to production land use activity over more than 10% of a property or farming enterprise where there is no Catchment Collective or Industry Programme operative, where modelled land use change effect on total property nitrogen loss exceeds the figures in Table 2 of Schedule 29. Table 2 is populated from per-hectare figures for common primary production systems. The per-hectare figure of 1kg/ha/yr provided for Grapes for Esk/Omahu/Pakipaki Soils is unrealistically low & clearly fails to account for the autumn/winter sheep grazing rotation that commonly occurs on vineyards. Also the Plan Change does not record the version of the models employed to derive the crop loss figures, so is not future-proofed against the effect of future model changes.	Adjust the Grape kg/ha/yr for all soils to recognise winter sheep grazing rotation. Include details of crop model versions used to derive the crop loss figures in Schedule 29 and include a mechanism to address the effects of model and/or version changes to modelled outputs. .
Rule TANK 13	This rule provides for capture, storage and use of surface water at times of high	Supported, subject to amendments to POL 59 & 60

Taking water – high flows	flow. I consider this to be a critical element of the overall Plan Change, providing the opportunity to re-engineer the Heretaunga Plains water use profile in a way that multiple & often conflicting interests and values can be addressed.	to address concerns about drafting details relating to the 20% Maori/environment reservation.
RRMP Chapter 6.9 - 6.3.1 Bore Drilling & Bore Sealing, Rule 1	This rule change has the effect of making bore drilling within a Source Protection Zone (SPZ) a Restricted Discretionary activity, as opposed to a Controlled activity. The proposed SPZs cover extensive areas of the Heretaunga Plains, particularly in the unconfined aquifer zone where many vineyards are located. The proposed Plan brings in intensive controls over activities in the SPZs and are specifically drawn to capture areas of unconfined aquifer upstream of protected water takes. Given the already-permeable nature of the unconfined aquifer area that comprises the bulk of the SPZs and other substantial controls over landuse activities, there is negligible additional benefit in controlling bore drilling in this area where the bore is a replacement for existing infrastructure. Also the additional expense and uncertainty of Restricted Discretionary status is likely to act as a deterrent to bore replacement as part of a normal maintenance cycle. Accordingly, bore drilling for the purpose of replacement of existing infrastructure in the SPZs should remain a Controlled activity.	Add a Condition to 6.3.1 Rule 1 reading: "***c. The bore is located within a Source Protection Zone but is a replacement for an existing bore that will be decommissioned."*** or similar wording to achieve the outcome sought in this submission.
Schedule 30 Landowner Collective, Industry Programme and Farm Environment Plan	Schedule 30 sets out the requirements for Farm Environment Plans, Landowner Collectives and Industry Programmes, as a method primarily to address the cumulative effects of landuse. I support this general approach over more prescriptive approaches, as it provides flexibility for landowners to achieve environmental objectives in the most efficient ways. The NZ wine industry has a longstanding and highly respected industry sustainability programme (Sustainable Winegrowing New Zealand - SWNZ), which the industry intends to further develop to achieve equivalency with a Farm Environment Plan. However, as the environmental profile of vineyards is dramatically different from (and in most respects lower than) that of other major primar industries, SWNZ does not comfortably fit within the PC9 framework and it is inefficient and counterproductive to apply an essentially pastoral-farming approach to viticulture.	Schedule 30 should be less prescriptive, more facilitative and more industry risk profile-based in respect of Industry Programmes. The Programme Requirements in Section B of Schedule 30 as they relate to Industry Programmes should be re-cast as a more of a guideline, with an acknowledgement that detailed requirements can vary depending on the Industry's risk and emissions profile as it relates to catchment objectives. Amend all references to Farm Environment Plan in this Plan Change to "freshwater farm plan" and otherwise align the Plan Change requirements to those of the Resource Management Amendment Act

	Schedule 30 also does not recognise the recent policy advances made nationally via the government's Essential Freshwater package and in particular the Resource Management Amendment Act 2020, which provides for a national framework of "freshwater farm plans", to be operationalised via S.360 regulations. I consider that the references to and requirements for a Farm Environment Plan in this Plan Change ought to be aligned with the Resource Management Amendment Act 2020 and related S.360 regulations and that these national requirements should be adopted by the Plan Change, in the interests of national standardisation and longer-term efficiency.	2020 and related S.360 regulations.

B. Specific impact on me and/or my business

I am concerned that PC9 will impact on me and/or my business in the following ways:

1. remove the potential for alternative uses for my land
2. remove security of production by massively decreasing the amount of water available to be used by my business
3. Increase the stress of growing a highly perishable crop by creating an additional pressure point in an increasing number of dry years under climate change
4. Cause a greater decrease in the value of my land in comparison to properties on the same road on the same soil type by way of accident of crop selection and the water requirements of that crop. There is pastoral farming, viticulture, broad acre cropping and orcharding on our road on the exact same soils as our vineyard.
5. Place the full burden of water conservation on the rural sector while the urban environment can continue to deplete the resource unfettered.

Do you wish to be heard in support of your submission? Yes
If others make a similar submission, would you consider presenting a joint case with them at a hearing? No

Signature: Chris Howell. Date 13/08/2020

Submission on Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments.

To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: Apatu Farms Ltd

Address: 2370 Omahu Rd, Twford, Hastings
Contact Person: Mark Apatu
Phone number: 06 8739130
Email: mark@apatugroup.com

Address for Service: Stradegy Planning (MWT) Limited

Address: PO Box 239 Napier, 4140
Contact Person: Phillip Hindrup
Phone number: 021 247 7335
Email: phillip@stradegy.co.nz

Submitter type: Business

INTRODUCTION

Apatu Farms Ltd is a second generation agricultural business farming 1500 hectares of irrigated horticultural land on the Heretaunga Plains. The company has a permanent staff of 65, increasing to a seasonal total of 250.

Apatu Farms business rely on high quality soils, warm dry summers and the ability to efficiently supplement and irrigate crops with water.

We have developed systems that have proven our ability to deliver high quality consistent and reliable product. Our customers demand sustainability and strict environmental protocols, of which we are audited annually to ensure we meet internationally recognized standards for farm production. Our goal is safe and sustainable agricultural production to benefit community, and consumers.

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

Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments.

I could not gain an advantage in trade competition in making this submission.

My submission is:

- I generally support the overall framework of Plan Change 9, to the degree that it reflects a staged approach to improving the management of the TANK Catchments freshwater resources.
- Horticulture is critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient

water is available to provide for that. The value of horticulture and its role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9.

- The real freshwater improvements come from the practices I adopt to manage discharges from land I manage (in some cases only temporarily), and my water use. I support requiring all growers to operate at good management practice.
- I also support the ability for a group of landowners to be able to manage environmental issues collectively to improve the effectiveness of the response to water issues. I consider Plan Change 9 should better enable collective approaches to water and nutrient management by reducing the level of detail and specificity in the plan, as every collective grouping will be slightly different and work in a slightly different way, and it is important that this is enabled.
- Where this submission aligns with that of Horticulture New Zealand's submission, I support that submission.
- I oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table below or amendments to like effect. I also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

The specific provisions of the proposal that my submission relates to are:

Provisions & general description of issue	**Amendments sought**
Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary Replacement of water permits based on actual and reasonable use	Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of: a) the quantity specified on the permit due for renewal or any lesser amount applied for; or b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise an equivalent method) and to a 95% reliability of supply. Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.
Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32 High flow takes and storage	The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).
Policy 51, 52, TANK 7 and TANK 8	A specific exemption should be provided in TANK 7 and 8 to allow up to $20m^3$ to continue to be taken per day to assist the survival of permanent horticultural crops.

Availability of water for survival of permanent horticultural crops	
Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b Transfers of water permits	Transfers of all water permits that have been exercised should be enabled.
Policy 37 and 38 Restriction on re-allocation of water	The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primary production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).
Policy 37, 39, 40, 41, TANK 18 and Schedule 36 Stream flow maintenance and augmentation schemes	Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.
Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary Industry programmes and landowner collectives	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.
Policy 21, TANK 5, TANK 6, Schedule 26, Schedule 28 and Schedule 29 Land use change and nutrient loss	A definition of what a change to production land use is needs to be provided to clarify what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.
Schedule 31 Flows, Levels and Allocation Limits	Oppose the minimum flow of 2500l/s of the Tutaekuri River measured at Puketapu, and suggest it remains at 2000l/s. Given recent changes in landuse, the use profile of water within the catchment has not had time to be fully understood, and changes with no justification from an environmental effects perspective is presumptive and risks significant economic effects and the optimal use of the soil resource. Increased

	irrigation bans would have a catastrophic impact on planned management procedures, production and viability of the orchards of which substantial investment has been made.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter:
(On behalf of Apatu Farms Limited)

Phil Hindrup BRP
Principal Planner I Director
Stradegy Planning (MWT) Limited

Date: 13 August 2020

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

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.

Name: *(required)* Delia Ropiha

Organisation/Iwi/Hapu: Ngati Hinemanu, Ngai Te Upokoiri

Postal address: *(required)* 119 Taihape Road RD 9
Onahu Hastings.

Email address: deliaropiha0@gmail.co.nz

Phone number: 06 8795515, 027 8795519

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☐ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

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

I wish to be heard in support at my marae Onahu

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

Signature: Delia Ropiha Date: 12.8.2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 3 July 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Plan provision (eg. objective, policy or rule number)

I **Support** ☐ **Oppose** ☐ **Amend** ☑

I seek the following decision from the Regional Council: *[Please 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]*

I support the submission of the whanau and Haapu & organisations of Ngati Hinemanu, Ngai Te Upokoiri ona Piringa Haapu authority, Te Tairwhenua O Heretaunga, Ngati Kahungunu Iwi Inc, Ngati Hinemanu Iwi

I want to be inclusive of the Ahi Ka of Omahu, Te Awhina, Runanga Marae, as Mana Whenua

I want to also Ka tu ake au, ki te taha toku Wai Uu. Ko Ohiwia tera

Reason for decision requested: Ohiwia, is one Mainstem tributaries to Ngaruroro Mokotuararo Ki Rangatira

Ohiwia hold Te Mauri, Whakapapa of the Whanau that have being born and breed and reside ~~now~~ presently We have testments that the Whanau from Potaka believes Ohiwia has Mana Atua, Waahi Tapu, Waitohi and Karakia has being recited in regards to Ngaruroro Mokotuaroro Ki Rangatira via Ohiwia

Ohiwia is surrounded by 3 main lakes in Omahu Area Runanga, Oingo, Potaka.

Ohiwia is known for it's Wai Ora. I will support my submission wit. Korero and Patere.

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

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.

Name: *(required)* Delia Ropiha

Organisation/Iwi/Hapu: Ngati Hinemanu, Ngai Te Upokoiri

Postal address: *(required)* 119 Taihape Road RD9 Omahu Hastings

Email address: deliaropiha0@gmail.co.nz

Phone number: 06 8795515, 0278795519

Contact person and address if different to above:

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Please tick the sentence that applies to you:

☐ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

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

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

Signature: Delia Ropiha Date: 12.8.2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 3 July 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

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SUBMISSION ID#

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Database Entry Date:

Database Entry Operator:

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

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I **Support** ☐ **Oppose** ☑ **Amend** ☐

I seek the following decision from the Regional Council: *[Please 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]*

I support the submission of the whanau and Hāpu e organisations of Ngati Hinemanu, Ngai Te Upokoiri Ona Piringa Hāpu authority, Te Taiwhenua O Heretaunga Ngati Kahungunu Iiw Inc, Ngati Hinemanu Iwi.

I want to be inclusive of the Ahi Ka, Ki Omahu, Te Awhina, Runanga Marae hold Mana Whenua

Ka tu ake au, Ki te taha toku Wai Uu Ohiwia tera.

Reason for decision requested: Ohiwia is a Tributaries to the Ngaruroro, Ohiwia runs through and between Omahu, Te Awhina Marae, and is surrounded by 3 main lakes in the Omahu Area Runanga, Oingo, Potaka lake

Ohiwia is Whanau B from Potaka area also known (1890 maps by J.M. Kemp August 1890) "Te Kowhai" Know Ohiwia has Mana Atua Waahi Tapu, (Karukaru Kaitiaki) resides at Ohiwia, Karakia has being recited at Ohiwia, Waitohi (Baptisms) have being performed at Ohiwia, Whanau Whakapapa to this treasure and wish to remain.

Ohiwia is known for it's Wai Ora (Healing + Well being) this is a Toanga that needs to be looked after by all the Whanau who still live along Ohiwia and to make sure the Upper regions do too! The Whanau have submitted Korero to the support the importence of looking after all waterways As the life essence (Mauri) of Life.

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

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.

Name: *(required)* BETTY PUHINUI HANARA.

Organisation/Iwi/Hapu: NGATI HINEMANU, TE UPOKOIRI, HONO MOKAI, MAHUIKA.

Postal address: *(required)*

Email address: bettyhanara@gmail.com

Phone number: 06 8797727

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

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☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☑ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

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

I wish to be heard at my marae.

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

Signature: B Hanara. Date: 10/8/20

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER
or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

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I seek the following decision from the Regional Council: *[Please 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]*

I Timata mai i ngā pae maunga
Ko ngā Kaweka, te Mataapunō
o tōku awa Ngaruroro e

Ko pikopiko mai, Hīrere mai ra
tereterē mai rā e

Ka huri ki Ohiti, Ko Kaiukaru
e tiaki nei i ngā wai o
tōku awa

English
PLEASE NOTE: A full written explanation will be presented when I am heard at my marae

Reason for decision ~~requested~~:

Ka huri ka titiro
ki te Kaweti ki OMAHU
Ko Kahukuranui, Ruatapuwahine
Ko Nga whakarūruhau e

Ko iwi tēnei e tū ake nei
E mihi kauana
Ko Ngāti Hinemanu, Te Upokoiri
Ko Ngāti Honomokai, me Mahuika eei

I support ~~the~~ all submissions of Whanau/hapu and Iwi Organisations within Kahungunu.

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 JULY 2020

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

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.

Name: *(required)* BETTY PUHINUI HANARA

Organisation/Iwi/Hapu: Ngāti Hinemanu, Te Upokoiri, Hono Mokai, Maketeka.

Postal address: *(required)*

Email address: bettyhanara@gmail.com

Phone number: 06 8797727

Contact person and address if different to above:

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Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☐ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☑ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

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

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

Signature: B Hanara. Date: 14/8/20

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 3 July 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Plan provision (eg. objective, policy or rule number)

I **Support** ☐ **Oppose** ☑ **Amend** ☐

I seek the following decision from the Regional Council: *[Please 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]*

I timata mai i ngā Pae Maunga
Ko ngā Kaweka te Maatapuna
O Tōku Awa Ngaruroro e i

Kopikopiko mai Hirere mai ra teretere mai ra e i

Ka huri ki Ohiti, Ko [redacted] Karukaru
e tiaki nei i ngā wai o tōku Awa

Ka huri ka titiro ki te Kareti
Ki Omahu, Ko Kahukuraniui, Ruatapuwahine
Ko ngā whakaruruhau e

Reason for decision requested:

Ko Wai mātou e tu ake nei
E mihi kauana
Ko Ngāti Hmemanu, Te Upokoiri
Ko Ngāti Hono Mokai me Mahuika e..i

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 JULY 2020

From: Melanie Nuku
To: eTank; marytukiwaho@gmail.com; melanienuku
Subject: I amend the plan provision
Date: Thursday, 13 August 2020 12:41:59 PM

Heretaunga Hauku nui
Heretaunga ararau
Heretaunga haaro o te kaahu
Heretaunga takoto noa
E rere ana au I tōku taumata ko Puketapu
Whakateuru te titiro ki ōku pae maunga ko Ruahine ko kaweka e
Ka tirohia ki raro nei o Ngaruroro-mokotuararo te rangatira te awa tapu te korio nā Karukaru te kaitiaki
E tere kopikopiko ana ki te moana
Ka hoki kōmuri nei au ki te tae tōku pāpākohatu ko Omahu
Tū mai rā o ngā tupuna
Ko Kahukuranui kei tona taha ko Ruatapuwahine e
Ko Tamatea arikinui raua ko Tangiia ngā Kaihautu
Ko te waka tipua
Ko te waka atua
Ko te waka Takitimu e

My name is Melanie Nuku.
As a mother, sister, aunty, grandaunt. I have a responsibility to speak on behalf of my unborn grandchildren and their future.
My parents generation and others were very proud to have built their homes in Omahu, making me ahi karoa. I am the existing flame of my tupuna Mahuika. She is my hapu.
Growing up in a small rural community, on the outskirts of Heretaunga and living on a reserve near a Marae. We all knew one another and as kids we made our fun down the river were we spent heaps of time there.
I remember jumping straight off the bank into the water then swim across to the other side, some would jump off the bridge it was that deep you couldn't even touch the bottom, at times we would lay on our backs or puku raise our feet and float down to the maori point (the old pillars of the first bridge) where a lot of whanau would set there hinaki then they would share out to our kaumatua.

The current was that strong we would travel like this no hands no feet raised out of the water for miles, it was just hours of awesome fun. We spent all our time as kids outside near or in the river, making huts, finding new deep swimming posses/holes, searching for tadpoles, listening for frogs, looking for freshwater koura, one part there having a handline on a stick was our fishing rod, this was our way as kids in hanging out together.
I never thought in my life time that I would see our river get so low and shallow, showing signs of distress from cow teko and cow Mimi and our awa look so sick, my daughter would never know what it was like to swim to the middle of the river to catch the fast train (current) and you end up passing everyone, then repeat this for hours. The river made us strong we were fit we were athletic this was our gym, recreational park what ever you want to call it.
Our awa provided us as in whanaungatanga we looked out for one another, it gave us kai to share, it made our tinana strong which gave us skills to walk, balance in swift water. We were very happy kids with no trouble with the law.
You come along with this catchment plan that you would consider us maori in this plan. With a 50/50 input. Even using some of our words to make it look like you are considering us. But you have no understanding or respect for our kupu. Your just mocking us because you know its load of rubbish looking at your plan I don't see me I don't see my grandchildren. Youve made a hell of mess with Karewarewa no bloody water and we have had rain still no water.
I no longer trust or believe in your catchment plan. Its bloody disgusting and I refuse to watch you all destroy our waterways. Because you have already sucked up our wetlands. This has to stop and it has to stop now. This is all about greed and your greedy ways.
Whakahokia – give it back, because its our mana our aroha for waimaori
Whakahokia Nga Pona springs
Whakahokia Ngarepo wetlands
Whakahokia Ngamanga stream
Whakahokia Te teretere o te awa swift water
I support the submissions of the whanau hapu, organisations of Ngati Hinemanu iwi me Ngati Kahungunu ink me ona piringa hapu. Mauri ora.
I wish to be heard on Omahu marae.

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 13/08/2020
First name: Peter **Last name:** Wilson
Organisation/Iwi/Hapu: Hawkes Bay Fish and Game Council

Phone number: 0211513486

I could not
Gain an advantage in trade competition through this submission
I am
directly affected by an effect of the subject matter of the submission that :
a. adversely affects the environment, and
b. does not relate to the trade competition or the effects of trade competitions.
Note to person making submission:

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991

Would you like to present your submission in person at a hearing?

- (•) Yes
- ( ) I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Additional requirements for hearing:

Attached Documents

File
Hawkes Bay Fish and Game Council TANK submission
Proposed TANK Plan Change 9

Fish & Game NEW ZEALAND	Hawkes Bay Fish and Game Council 22 Burness Road Greenmeadows NAPIER 4112

SUBMISSION ON PROPOSED PLAN CHANGE 9 TO THE HAWKES BAY REGIONAL RESOURCE MANAGEMENT PLAN

TO: Hawkes Bay Regional Council

FROM: Hawkes Bay Fish and Game Council
22 Burness Road
Greenmeadows
NAPIER 4112

Person acting:
Peter Wilson
pwilson@fishandgame.org.nz

NAME OF SUBMITTER: Hawkes Bay Fish and Game Council

1 This is a submission on proposed plan change 9 (**PC9**) to the Hawkes Bay Regional Resource Management Plan(**Regional Plan**).

2 Hawkes Bay Fish and Game Council could not gain an advantage in trade competition through this submission.

3 This submission relates to all of the provisions of **PC9.** The provisions of particular concern to the Hawkes Bay Fish and Game Council are:

a. The objectives that appear to place primacy on abstraction over instrinsic value of water

b. Inconsistences in the policies

c. The lack of recognition of value of small streams

d. The supplementary allocation regime

e. Inconsistences and errors in the technical tables for calculation of diffuse source pollution.

4 Hawkes Bay Fish and Game Council's submission is set out in Appendix 1.

5 Hawkes Bay Fish and Game Council seeks the relief from Hawkes Bay Regional Council (**the Regional Council**) set out in Appendix 1, or such similar, other, further, and /or consequential relief as necessary to address this submission.

6 Hawkes Bay Fish and Game Council wishes to be heard in support of its submission.

7 If others make a similar submission, Hawkes Bay Fish and Game Council will consider presenting a joint case with them at hearing.

DATED 13 August 2020

_____

Jessie Friedlander
Manager

For Hawkes Bay Fish and Game Council

APPENDIX 1: HAWKES BAY FISH AND GAME COUNCIL SUBMISSION

INTRODUCTION

1. Hawkes Bay Fish and Game Council is a statutory body established under the Conservation Act 1987 to manage, maintain and enhance sports fish and game bird resource in the recreational interests of hunters and anglers.

2. Hawkes Bay Fish and Game Council represents over 4000 sports fish and gamebird licence holders in its advocacy function to maintain and enhance habitat for sports fish and game birds. In this capacity Fish and Game has actively participated in regional planning process relating to freshwater management.

3. Fish and Game has been involved in the TANK collaborative planning process since its inception. However, Fish and Game notes the substantial difference between PC9 and the draft plan change written by the TANK collaborative group.

RELIEF

4. PC 9 provisions are supported except as in the table below:

5. Hawkes Bay Fish and Game Council seeks the following specific amendments to PC2 or any such similar, other, further, and /or consequential relief to give effect to this submission.

Provision	Relief sought
Definitions	
Definition of local authority	• Create a definition of the Hawkes Bay Fish and Game Council in order to avoid repetitious wording for the policies that list the agencies required to be consulted on for implementing Schedule 26
Objectives	
	•
Objective 2	• Insert “the habitat of trout and salmon” after “indigenous biodiversity” in clause (b), in order to give effect to section 7(h) RMA.
Objective 3	• Insert “the habitat of trout and salmon” after “indigenous biodiversity” in clause (b), in

	order to give effect to section 7(h) RMA.
Objective 4	• Clarify how the the determination of past, current, or future state instream applies.
Objective 8	• Insert “the habitat of trout and salmon” as an additional clause in order to give effect to section 7(h) RMA.
Objective 10	• Insert “the habitat of trout and salmon” as additional wording in (c) order to give effect to section 7(h) RMA.
Objective 15	• Insert “recreational” into the list of values in order to appropriate reflect section 6(d) RMA. Recreation in wetlands includes waterfowl hunting, bird watching, and boating.
Objective 16	• As written, this objective does not clearly reflect the intent of PC9 to implement Te Mana o Te Wai across the catchments. This objective does not clearly reference this requirement to place the mauri of the catchment first. Amend objective to state “subject to limits, targets, and flow regimes that reflect Te Mana o Te Wai or the mauri of the waterway” or as recommended by tangata whenua.
Objective 17	• Similar to above, this Objective does not clearly state the requirement to achieve and maintain the mauri of the waterway. Amend objective to include Te Mana O Te Wai and/or mauri of waterway, or as recommended by tangata whenua.
Objective 18	• This objective at least references the mauri of the waterway, but has reversed the order of requirements, by putting the needs of future

	generations ahead of mauri. Amend to place the present and future mauri of the waterway ahead of the needs of future generations or as recommended by tangata whenua.
Policies	
Policy 1	• Despite Schedule 26 listing nitrogen as a contaminant of freshwater to be managed within catchments, Policy 1 does not explicitly state it, whereas it does list sediment. As other catchment specific policies reference policy 1 this clearly needs to be stated. Amend Policy to include nitrogen in Policy 1 and/or in all other policies that recursively reference Policy 1.
Policy 3	• Policy 3 appears to refer only to catchments downstream of lakes and wetlands, rather than where a lake or wetland is a receiving environment, including most sensitive receiving environment for catchments above the lake or wetland.
Policy 10	• The Policy is not clear on how Schedule 26 limits and targets apply to the immediate vicinity of the discharge. The Rules do not assist I this regard either. Amend to state a no greater than 20% change in QMCI downstream (after reasonable mixing) of the point source discharge site when compared with a reference site immediately upstream of the discharge site.
Policy 14	• Amend (a) to state “as a habitat for indigenous and valued introduced” species. This may also require a subsequent change to the definitions.
Policy 15	• As a major supporter and

	creator of wetlands, not to mention a statutory authority with direct requirements to maintain and enhance wetlands, the Hawkes Bay Fish and Game Council
Policies 17-19	• These policies do not mention the Rules that govern land use intensification. Not referencing the rules breaks down the chain of authority within the plan from objectives to policies to rules. Amend by directly referencing "rules that govern land use intensification"
Policy 27	• Reference that these timeframes may change as a result of the NPS-FM changes, which will likely be known by the time of the hearing.
Policy 30	• Presumably this less stringent standard on stormwater discharges (as compared to Schedule 26) applies to a specific spatial area associated with the discharge and reasonable mixing. • Amend the policy to define the discharge zone as the zone of reasonable mixing or equivalent spatial area. • Remove the reference to the Stream Ecological Valuation methodology as this does not occur anywhere else in the plan.
Policy 25	• The dates and timeframes within this will need to be amended to comply with any new NPS-FM changes.
Policy 36 and 37	• Policy 36 states that Council will cap existing groundwater use and reduce water use over time, but then in Policy 37 undertakes to allocate 90M cubic metres of water annually, without scientific evidence to support this increase in water use. Interim limits are not interim limits if consents are issued under

	them for 10 years or longer. • Amend to cap groundwater use at 70M cubic metres until the hydrological investigations and aquifer modelling have been undertaken.
Policies 39 and 40	• The policies assume that diverting groundwater to streamflow enhancement is likely to have beneficial effects. It may, but similarly, there may be detrimental effects. This requires detailed investigation which the policy is not explicit on. • Amend to include clauses that state: "A numeric assessment of the degree of aquifer/streamflow depletion at the point of take versus the length and value of the habitat restored by streamflow enhancement"
Policy 42	• This policy is written in the reverse of what it should be. The policy waits for the consents to be reviewed and water reallocated, presumably to assess their water use and any savings possible, and only then begins the process of replacing the interim groundwater allocation limit with an appropriate limit. This kicks the can down the road, and breaches NPS-FM Objective and Policy requirements to avoid further over-allocation. • Remove Policy 42 in its entirety.
Policy 45 (a)	• This policy is unclear, particularly in the context of 45 (c) • Remove and/or clarify to ensure it is not misused.
Policy 47	• Council has not explained why a reliability standard of 95% is required and what the technical details of this standard are (over what time

	period). Other industry standards for irrigation are 90% reliability. • Replace with 90% reliability to reflect other regions or explain why 95% is required.
Policy 52	• There is a potential conflict between the requirement of this policy to phase out the over allocation of water resources by not issuing consents for new water and the requirement for efficiency gains. An efficiency gain does not necessarily result in a decrease in over-allocation unless it is the total volume (over any time period) that is the aim of the policy. Otherwise efficient water allocation methods result in the old volume of water spread more thinly over more land/resources, and the issue of overallocation is not fixed (Jevons Paradox). • Amend to place primary on the total allocation volume as driving the consent consideration.
Policy 55	• This policy as currently written opens the gateway to large scale allocation, including overallocation, of flows above median. It contains little hard hydrological standards and numerics to guide such allocation. • For instance, the policy appears to state that allocation above FRE3 must have only a minor effect on rivers, but then allows for that allocation to occur right through the hydrograph to median flow, without any mention of flow sharing to preserve the natural character of the river through the critical part of the hydrograph from median to FRE3.

	• Insert 50:50 flow sharing to ensure that blocks of water between median and FRE3 are fairly allocated. Further information on this is in the Rules and Schedules.
Policy 56	• Clause (b) refers to enhancing security of supply to existing users, but this can surely only be to the limits in the plan elsewhere, which is 95% surety of supply as written (and 90% as requested by Fish and Game).
Rules	
All rules	• The matters of control/discretion should also state control/discretion/notification, as the plan provides no direction on how notification/affected party decisions will be made.
TANK 17	• Current rivers excluded from mainstem damming are: (i) Ngaruroro River (ii) Taruarau River (iii) Omahaki River (iv) Tūtaekurī River: (v) Mangaone River (vi) Mangatutu River The following rivers and tributaries also require protection from damming: Gold Creek Donald River Otakarara Stream Kiwi Creek Rocks Ahead Stream Ngaawapurua (Harkness) Stream Panoko Stream (Gold Creek) Mangamingi Stream Te Waiotupuritia Stream Poporangi Stream Ohara Stream Waikonini Stream

TANK 22	• Amend to include a requirement for no greater than 20% MCI/QMCI change between upstream and downstream of the discharge of stormwater. This helps to ensure that stormwater discharge effects are monitored based on actual long term ecological health within the stream.
TANK 70	• In practice, Fish and Game has found that the Hawkes Bay Regional Council is struggling even to comply with the 5 day notification period for river works under this Rule. • When compared with other regional plans, this permitted activity rule provides almost carte-blanche license for the regional council to do whatever it likes within the river, with no ongoing measurement and monitoring of the effects of the activity on river morphology and habitat. • Fish and Game opposes the Rule in its entirely, and wishes to see such works fall to the default discretionary activity standard.
Schedule 26	• There is no guidance on the required frequency of sampling
Schedule 27	• Many of the aspects of Schedule 27 apply now, despite the narrative stating that it is non-statutory. For instance, all limits and targets in Schedule 26 must apply to the most sensitive downstream receiving environment, which in the case of the Hawkes Bay is often the estuary. • Also, the New Zealand Coastal Policy Statement has a more stringent standard of protection within these

	environments than the regional plan. • Amend Schedule 26 based on the components of Schedule 27 that apply in the coastal environment currently, based on NPS-FM and NZCPS requirements.
Schedule 29	• This Schedule is riddled with errors, but yet is a critical part of the plan • Table 2 is effectively unusable because it does not relate its values to a per hectare figure, as used elsewhere in the plan • It also refers to SPASMO to calculate the changes, yet the table applies to all land uses, and thus should reference Overseer as well (for pastoral applications) • The calculations of these figures have not been made public. • Remove Schedule 29 and replace with appropriate values, and relate to per ha loss rates
Schedule 32	• High flow allocation is not defined • The measurements for any high flow take appear to occur well downstream of the potential site of take (i.e. at existing flow recorders). This risks double counting. Instead, relevant flow recording sites should be installed in any catchments that have been consented for high flow applications, otherwise the triggers for the taking will be hydrologically meaningless. • There is no mention of flow sharing for high flow allocations, whereby defined blocks of water (determined off the relevant hydrology of the tributary) are allocated to the river and the user respectively, up to the total limit for high flow allocation.

	• For the Ngaruoro it is not clear what the limit is – is it 10% of the FRE, or what the policy states, which is inconsistent with this. • Worse, the limit for tributaries appears to be based on the limit in the mainstem. This is comparing apples with oranges, and makes no hydrological sense.
Schedule 33	• These catchment expiry dates may be inconsistent with consent term limits as applied by policy
Schedule 35	This needs to include Fish and Game.

59

SUBMISSION: Hawkes Bay Regional Council

Plan Change 9 (TANK)

Date:	12 August 2020
Name of Submitter:	WaterForce Limited
Postal Address:	2068 Pakowhai Road, Napier
Mobile:	021 495 925
E-mail:	rmcfetridge@waterforce.co.nz

(Ronald Hugh McFetridge, Director WaterForce Limited)

WaterForce Limited does not wish to be heard in support of its submission.

Overview

1. WaterForce Limited (WaterForce) is a leading irrigation service company in New Zealand. It operates nationally, including a design and service store on the Heretaunga Plains. It holds Irrigation New Zealand accreditations for both Irrigation Design and Water Measurement.

2. WaterForce has invested into its staff over the past decade and have ten staff nationwide who hold the New Zealand Certificate for Irrigation System Design of which three are employed at the Hawkes Bay store. It also has trained in excess of 20 staff nationwide to become certified under the NZQA Water Measurement unit standards for verification and installation. Of these, 4 currently work in the Hawkes Bay store. WaterForce, as a Design Accredited company undertakes design, installation and servicing work to industry agreed standards and works to industry agreed codes of practice.

3. The majority of the WaterForce clients in the four TANK catchments, are horticulturists and viticulturists. Reliability of supply is of particular importance to these clients, as water is an essential component for production - the right amount of water is applied at the right time.

4. WaterForce clients businesses are founded on security of water supply which allows clients to make sound investments when purchasing irrigation systems and support products, which in turn ensures they can use the resource efficiently. Efficient water use results in reduced environmental impacts.

Submission

Table 1: Detailed Submission on Policies
Table 2: Detailed Submission on Rules
Table 3: Detailed Submission on Schedules
Table 4: Detailed Submission on Glossary of Terms Used

Table 1: Detailed Submission on Policies-

Policy	Issue	Relief sought
37	In managing the allocation and use of groundwater in the Heretaunga Plains Water Management Unit, the Council will; a) adopt an interim allocation limit of 90 million cubic meters per year based on the actual and reasonable water use prior to 2017; b) avoid re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body until there has been a review of the relevant allocation limits within this plan; c) manage the Heretaunga Plains Water Management Unit as an over-allocated management unit and prevent any new allocations of groundwater; d) when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; (i) allocate groundwater the basis of the maximum quantity that is able to be abstracted during each year or irrigation season expressed in cubic meters per year; (ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 (except as provided by Policy 50); e) mitigate stream depletion effects on lowland streams by providing for stream flow maintenance and habitat enhancement schemes.	a) Oppose and recommend the following changes: The date of 2017 should be changed to 2 May 2020 to reflect the rules of TANK 10 and the WaterForce submission for a change to TANK 9. Further the date of 2017 affects those who have undertaken investments into water use infrastructure legitimately under existing consents and until 2 May 2020 when the plan was notified. There is also no timeframe specified for the confirmation of the new permanent limit. There must be a clear deadline for this work to be completed. b) Oppose, with the following recommended change This is in conflict with rules TANK rules 9 and 10 for consents under section 124 rights. This rule would prevent the first consents which expire from being re-granted as the limit would still be breached with a current paper allocation well in excess of the interim limit. It also may inhibit the transfer of consents from site to site. WaterForce does not believe this is the intent of the Council. Wording is recommended below. "avoid *the* re-allocation of any water surrendered to the Council~~that might become available within~~ if the interim groundwater allocation limit or ~~within~~ the limit of any connected water body remains in excess of the interim limit until there has been a review of the relevant allocation limits within this plan; c) Oppose in entirety. This should be deleted because conditions a) and the recommended change to b) already ensure there is an allocation cap and that it cannot be exceeded.

		d)ii) Oppose. This condition prevents land use change and will also impact those who have made investments and changed land use post August 2017 and prior to 2 May 2020 within their current consent limits. Conditions a and b already apply an allocation cap without needing to prevent land use change. The following wording is proposed: "apply an assessment of actual and reasonable use *but will not grant water if the take exceeds the allocation limit for the catchment as stated in a and b* ~~reflects land use and water use authorised in the ten years up to August 2017~~ (except as provided by Policy 50); e) Support with the following recommendation: Reference to proposed stream flow maintenance schemes
40e) iii	"(iii) impose consent durations of 15 years that are consistent with the term for groundwater takes affected by stream flow maintenance requirements, except where stream flow maintenance is being provided by significant water storage infrastructure in which case consent duration is consistent with the scale of the infrastructure"	In support. 15-year consent duration allows for sound investment in irrigation infrastructure and maintenance.
41a)	"further investigating the environmental, technical, cultural and economic feasibility of a water storage and release scheme to off-set the cumulative stream depletion effect of groundwater takes"	In support. Water storage is an important mechanism to secure reliable water supply, safeguard for climate change and ensuring food security. Storage also may solve the current supply and reliability issue on the Heretaunga Plains.
45b)	"require water meters to be installed for all water takes authorised by a water permit and water use to be recorded and reported via telemetry provided that telemetry will not normally be required where the consented rate of take is less than 5l/sec or where there are technical limitations to its installation;"	In support: Accurate water use records are of high importance for both the consent holders irrigation system monitoring and environmental reporting. As an accredited company, WaterForce requests additional wording to include reference to the installation and verification of water meters to be completed by a person with suitable qualifications and that the work is completed to the industry agreed code of practice The New Zealand Water Measurement Code of Practice. Working to

		the industry agreed code allows for improved national consistency for our staff;
47a)	47. When considering applications for resource consent, the Council will ensure water is allocated and used efficiently by: a) ensuring that the technical means of using water are physically efficient through; (i) allocation of water for irrigation end-uses based on soil, climate and crop needs; (ii) requiring the adoption of good practice water use technology and processes that minimise the amount of water wasted; and (iii) the use of water meters;	In support with the following revision: Recommend the words "technical", "physically" and "wasted" be removed. From an irrigation perspective technical efficiency includes headworks efficiency, hydraulic efficiency, power consumption and associated cost. These are not important to the Council because they are not environmental matters or effects. The word "wasted" is emotive and should be replaced with the word "lost". Recommend the following wording to prevent confusion. a) ensuring that the use of water is efficient through; (i) allocation of water for irrigation -use based on soil, climate and plant needs; (ii) requiring the adoption of good ~~(or best)~~ practice water use technology and processes that minimise the amount of water lost from the soil profile; and (iii) the use of water meters;
47b)	When considering applications for resource consent, the Council will ensure water is allocated and used efficiently by: b) using the IRRICALC water demand model if available for the land use being applied for (or otherwise by a suitable equivalent approved by Council) to determine efficient water allocations for irrigation uses;	In Support:
47c)	When considering applications for resource consent, the Council will ensure water is allocated and used efficiently by: c) allocating water for irrigation on the basis of a minimum water application efficiency standard of 80% and on a reliability standard that meets demand 95% of the time;	In support with the following revision: Application efficiency needs to be defined.

		The Irrigation New Zealand Technical Glossary defines Application Efficiency as being "The percentage of applied water that is retained in the root zone, or in the target area, after an irrigation event." It recommended that HBRC adopt the following definition: "80% of applied water is retained within the plant root zone, after an irrigation event." Application efficiency and reliability are not and do not have standards. To be a standard there needs to be a quantifiable measure to determine if the practice meets the standard. Application efficiency appears to be confused with Application Uniformity (also known as Distribution Uniformity) which is defined in the Technical Glossary as "The spatial variability of application. This can be defined in a variety of ways. Common examples are: • *Distribution* Uniformity (DU) • Coefficient of Uniformity (CU) • Coefficient of Variation (CV)." These measures determine the upper limit of Application Efficiency. A definition for the two terms "Application Efficiency" and "Distribution Uniformity" is included in Table 4. The definition of "reliability standard of 95%" is non-sensical. It cannot be measured against any quantifiable measure. It is a statistical measure; being the volume required to meet irrigation use in the 95th percentile demand season, whether that is measured (water meter) or empirical (modelled) demand. The 95th-percentile demand is considered very high and is not consistent with other irrigated areas in NZ.
47e) and f)	When considering applications for resource consent, the Council will ensure water is allocated and used efficiently by:	In support: As an accredited system design company for WaterForce pride ourselves on undertaking work according to industry codes of

	e) requiring new water takes and irrigation systems to be designed and installed in accordance with industry codes of practice and standards; f) requiring irrigation and other water use systems to be maintained and operated to ensure on-going efficient water use in accordance with any applicable industry codes of practice.	practice and standards. It is requested however that the plan list these codes of practice; • The New Zealand Piped Irrigation Systems Design Code of Practice • The New Zealand Piped Irrigation Systems Design Standards • The New Zealand Piped Irrigation Systems Installation Code of Practice • The New Zealand Water Measurement Code of Practice • The New Zealand Performance Assessment Code of Practice
48e)	e) except where a change of use and/or transfer is for the purpose of a flow enhancement or ecosystem improvement scheme, declining applications to transfer water away from irrigation end uses in order to protect water availability for the irrigation of the versatile land of the Heretaunga Plains for primary production especially the production of food;	• In support: it is important that water allocated to irrigation be maintained to ensure that high value crops can continue to be produced in the region.
49g)	g) will impose consent durations of 15 years according to specified water management unit expiry dates. Future dates for expiry or review of consents within that catchment are every 15 years thereafter.	In support. 15-year consent duration allows sound investment in irrigation infrastructure and maintenance.
54-58	High Flow Allocations, Water Storage and Augmentation	In support

Table 2: Detailed Submission on Rules-

Rule	Activity	Issue	Relief sought
TANK 7	The take and use of surface water in the TANK water Management Zones including under Section14(3)(b) of the RMA		In Support
TANK 8	The take and use of groundwater in the TANK Water Management Zones including under Section14(3)(b) of the RMA		In Support
TANK 9	Take of water from the Heretaunga Plains Water Management Unit where Section 124 of the RMA applies (applies to existing consents).	**Conditions/Standards/Terms** Actual and Reasonable Re-allocation c) The quantity taken and used for irrigation is the actual and reasonable amount. d) The quantity taken and used for municipal, community and papakāinga water supply is: (i) the quantity specified on the permit being renewed; or (ii) any lesser quantity applied for. e) Other than as provided in (c) or (d) the quantity taken and used is the least of: (i) the quantity specified on the permit due for renewal or (ii) any lesser quantity applied for (iii) the maximum annual water use in any one year within the 10 years preceding 1 August 2017 (including as demonstrated by accurate water meter records).	**Conditions/Standards/Terms** In Support with the following Amendments: c) Support with the variation to the definition proposed in Table 4 to the definition of Actual and Reasonable e) support that rule e does not apply to irrigation takes. Rule e(iii) needs a definition for Accurate Water Use Data. A recommended definition is provided in Table 4 **Matters for Control/Discretion** 1)Support with the addition of clarification on the definition of the completeness of the water use record. The completeness of the record of water metering data has also not been defined within the plan and should be to avoid ambiguity. A proposed a definition for "Accurate Water Use Data" is provided in Table 4. Completeness should also be defined using the National Environmental Monitoring Standard (NEMS) for Water Metering:

		Matters for Control/Discretion 1)The extent to which the need for water has been demonstrated and is actual and reasonable provided that the quantities assessed or calculated may be amended after taking account of: a. the completeness of the water permit and water meter data record; b. the climate record for the same period as held by the Council (note: these records will be kept by the Council and publicly available) and whether that resulted in water use restrictions or bans being imposed; c. effects of water sharing arrangements d. crop rotation/development phases 4) The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any minimum or trigger flow or level given in Schedule 31 and rates of take to limit drawdown effects on neighbouring bores 7) Measures to achieve efficient water use or water conservation and avoid adverse water quality effects including the method of irrigation application necessary to achieve efficient use of the water and avoid adverse water effects through ponding and runoff and percolation to groundwater.	Measurement, Processing and Archiving of Water Meter *Data* and assigned a Quality Code of at least QC500 4) oppose: as this rule relates to replacement consents, it is opposed that a matter for consideration is the "rate of take" without appropriate protections in place. Irrigation systems are designed to run at a specified rate of take. Changing a consented rate of take to below that of system requirements would result in existing systems needing to be completely redesigned and physically changed at considerable cost. It is recommended that wording is provided to ensure irrigation system rates of take are protected. "The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any minimum or trigger flow or level given in Schedule 31 and rates of take to limit drawdown effects on neighbouring bores. *For irrigation takes, the consented rate of take will be no less than that of the irrigation systems designed rate of take*." This would allow for consents with an "over allocation" on paper to be reduced while protecting existing infrastructure. 7) oppose: it is opposed that the Councils can control the "method of irrigation application". Irrigation systems are costly investments and are not easily "replaced". Farmers and growers however, can manage existing systems in such a way that the policies of efficient application, zero run off and ponding can be met. The recommended change to the wording is as follows "Measures to achieve efficient water use or water conservation and ~~avoid adverse water quality effects including the method of~~

			~~irrigation application necessary to achieve efficient use of the water and~~ avoid adverse water effects through ponding and runoff and percolation to groundwater."
TANK 10	To take and use water where Section 124 applies (applies to existing consents)	**Conditions/Standards/Terms** Actual and Reasonable Re-allocation e) The quantity taken and used for irrigation is the actual and reasonable amount. f) The quantity taken and used for municipal, community and papakāinga water supply is: (i) the quantity specified on the permit being renewed; or (ii) any lesser quantity applied for. g) Other than as provided in (e) or (f), the quantity taken and used is the least of: (i) the quantity specified on the permit due for renewal; or (ii) any lesser quantity applied for; (iii) the maximum annual water use in any one year within the 10 years preceding 2 May 2020 (including as demonstrated by accurate water meter records). **Matters for Control/Discretion** 1)The extent to which the need for water has been demonstrated and is actual and reasonable provided that the quantities assessed or calculated may be amended after taking account of:	**Conditions/Standards/Terms** In Support with amendments: e) Support with the variation to the definition proposed in Table 4 to the definition of Actual and Reasonable g) support that rule g does not apply to irrigation takes Rule g(iii) needs a definition for Accurate Water Use Data. A recommended definition is provided in Table 4 **Matters for Control/Discretion** 1)Support with the amendment that water meter records do not apply to irrigation takes as per the definition proposed in Table 4 of this submission. The completeness of the record of water metering data has also not been defined within the plan and should be to avoid ambiguity. A proposed a definition for "Accurate Water Use Data" is provided in Table 4. Completeness should also be defined using the National Environmental Monitoring Standard (NEMS) for Water Metering: Measurement, Processing and Archiving of Water Meter *Data* and assigned a Quality Code of at least QC500 3) oppose: as this rule relates to replacement consents, it is opposed that a matter for consideration is the "rate of take" without appropriate protections in place.

		a. the completeness of the water permit and water meter data record; b. the climate record for the same period as held by the Council (note: these records will be kept by the Council and publicly available) and whether that resulted in water use restrictions or bans being imposed; c. effects of water sharing arrangements d. crop rotation/development phases 3) The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any minimum or trigger flow or level given in Schedule 31 and rates of take to limit drawdown effects on neighbouring bores 10) Measures to achieve efficient water use or water conservation and avoid adverse water quality effects including the method of irrigation application necessary to achieve efficient use of the water and avoid adverse water effects through ponding and runoff and percolation to groundwater.	Irrigation systems are designed to run at a specified rate of take. Changing a consented rate of take to below that of system requirements would result in existing systems needing to be completely redesigned and physically changed at considerable cost. It is recommended that wording is provided to ensure irrigation system rates of take are protected. "The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any minimum or trigger flow or level given in Schedule 31 and rates of take to limit drawdown effects on neighbouring bores. *For irrigation takes, the consented rate of take will be no less than that of the irrigation systems designed rate of take.*" This would allow for consents with an "over allocation" on paper to be reduced while protecting existing infrastructure. 10) partially oppose: it is proposed that the Council can control the "method of irrigation application" to achieve environmental outcomes. Irrigation systems are costly investments and are not easily "replaced". Irrigation systems can be managed in such a way that the policies to achieve efficient application, zero run off and ponding can be met.
TANK 11	The take and use of surface (low flow allocations) or groundwater		In Support
Tank 12	The take and use of surface or groundwater		In Support
Tank 13	The taking and use of surface water at times of high flow		In Support

	(including for storage in an impoundment)		
Tank 14	Damming of surface waters and discharge from dams except as prohibited by Rule TANK 17		In Support
Tank 15	Take and use from a dam or water impoundment		In Support
TANK 16	Damming, take and use at high flow or take from a dam or water impoundment		In Support
Tank 17	Construction of dams or the damming of water		In Support
TANK 18	Transfer and Discharge of groundwater into surface water in the Heretaunga Plains Water Management unit (quantity)		In Support

Table 3: Detailed Submission on Schedules-

Schedule	Title	Issue	Relief sought
Schedule 31:	Flows, Levels and Allocation Limits	Ngaruroro River (surface and Zone 1) Fernhill[2] (note 2) Trigger Flow 2400 Allocation Limit 1300 l/sec	Fernhill Note 2) Oppose: the monitoring site has a significant historical record which members have built businesses around. The Council needs to make a determination now as to suitability of retaining this site or shifting it so that decisions can be made on certainty of record. A new site may increase or decrease the reliability of flow measurements which could result in more days of ban than currently anticipated when using the historic record. Trigger Flow 2400) Support: our clients have built businesses based on reliability of supply at this trigger level and some have made investment into storage to ensure on-going security once this trigger level has been met.

			Allocation Limit 1300l/sec) Oppose: irrigators already have consented takes for more water than this allocation. Some consents in the Twyford area have now been included into this allocation. We are concerned this reduction may have significant consequences on current "surface water" using irrigators and their system requirements. The consented rate of take should remain at 1582l/sec.
Schedule 32:	High Flow Allocation		Support
Schedule 33:	Water Permit Expiry Dates		Support

Table 4: Detailed Submission on Glossary of Terms Used - Provided in Chapter 9

Term	Definition	Issue	Relief sought
Actual and Reasonable	Actual and Reasonable in relation to applications to take and use water means; a) no more than the quantity specified on the permit due for renewal or any lesser amount applied for; and the least of either; b) the maximum annual amount as measured by accurate water meter data in the ten years preceding 1 August 2017 for groundwater takes in the Heretaunga Plains Water Management Unit or in the preceding ten years preceding the 2 May 2020 as applicable elsewhere if accurate water meter data is available. (If insufficient or no accurate data is available either clause a) or c) will apply) or	TANK rules 9 and 10 say water will be granted on an actual a reasonable basis. Policy says that allocations will be based on with a 80% application efficiency and reliability of supply 95% of the time. While the rules and policy seemingly acknowledge the inappropriateness of using water use records for determining Actual and Reasonable need, water meter data is considered a measure in the definition. Water use records do not show the times of need when supply was unavailable, does not take into account crop rotations,	Actual and Reasonable in relation to applications to take and use water means; a) no more than the quantity specified on the permit due for renewal or any lesser amount applied for; ~~and the least of either~~; b) *for non irrigation takes,* the maximum annual amount as measured by accurate water meter data in the ten years preceding 2 May 2020 for groundwater takes in the Heretaunga Plains Water Management Unit or in the preceding ten years preceding the 2 May 2020 as applicable elsewhere if accurate water meter data is available. (If insufficient or no accurate data is available either clause a) or c) will apply) or

	c) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise with an equivalent method), and to a 95% reliability of supply where the irrigated area is; (i) no more than in the permit due for renewal, or any lesser amount applied for, and in the case of Heretaunga Plains Water Management Unit, is not more than the amount irrigated in the ten years preceding 1 August 2017 and (ii) evidence is supplied to demonstrate that the area has, and can continue to be, irrigated and the permit substantially given effect to.	orchard redevelopment phases and are variable due to climatic factors. Further "Accurate water meter data" has also not been defined within the plan and should be to avoid ambiguity. A proposed a definition is provided in Table 4. Using data pre 1 August 2017 has been opposed earlier in this submission and 2 May 2020 has been requested to align with other water users.	c) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise with an equivalent method), and to a 95% reliability of supply where the irrigated area is; (i) no more than in the permit due for renewal, or any lesser amount applied for, and in the case of Heretaunga Plains Water Management Unit, is not more than the amount irrigated in the ten years preceding ~~1 August 2017~~ 2 May 2020 and (ii) evidence is supplied to demonstrate that the area has, and can continue to be, irrigated and the permit substantially given effect to. *(iii) water use records will be used as a guidance tool but not a definitive measure of need.*
Accurate Water Meter Data		No definition supplied	Is water use data that has been assessed against the *National Environmental Monitoring Standard (NEMS) for Water Metering: Measurement, Processing and Archiving of Water Meter Data* and assigned a Quality Code of QC600.
Application Efficiency (for irrigation)		No definition supplied	Insert the following definition: "80% Application Efficiency means that 80% of applied water is retained within the plant root zone, after an irrigation event."
Distribution Uniformity		No definition supplied	Insert the following definition: "Distribution uniformity is a measure of how evenly water is applied to the ground. It is calculated using the low quarter distribution uniformity coefficient DU_{lq}"

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

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.

Name: *(required)* JUNIOR HAGIWAI

Organisation/Iwi/Hapu: OMAHU.

Postal address: *(required)* 814 PURIRI ST, RAUREKA
HASTINGS.

Email address:

Phone number: 0277200846

Contact person and address if different to above:
HILLARY HAGIWAI
ADDRESS AS ABOVE

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☐ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

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

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

Signature: Date: 13. 8. 2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 3 July 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Plan provision (eg. objective, policy or rule number)

I **Support** ☐ **Oppose** ☐ **Amend** ☑

I seek the following decision from the Regional Council: *[Please 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]*

TO PASS ONTO MY MOKOPUNA EVERYTHING I KNOW ABOUT OUR AWA, LIKE MY AUNTIES, UNCLES, PARENTS PLUS WHANAU DID WITH ME. WE USED TO SLEEP OVERNIGHT WITH THE VIBRANT LIFEFORCE, FOOD AND NOURISHMENT ALONG VARIOUS PLACES OF THE NGARUROA

Reason for decision requested:

I WANT TO KNOW WHAT IS GOING ON WITH OUR RIVER WHO MANAGES AND CONTROLS NGARUROA THE INTEREST OF OUR ANCESTRAL WATERS ITS PEOPLES AND TAONGA TUKU IHO.
MY WELLBEING DEPENDS ON THE WELLBEING OF OUR RIVER, IF THE RIVER FLOWS HEALTHY, I'm HEALTHY. IF THE RIVER IS SICK THE WAY IT IS NOW I DON'T FEEL VERY HEALTHY MYSELF. I HAVE COME BACK FROM AUSTRALIA AFTER 38 YEARS TO FIND WE ARE BLOCKED OFF FROM OUR RIVER BY BARRICADES. CATTLE ROAM WHERE WE USED TO, TO WHOSE BENEFIT.
THE TUNA, INANGA, KOURA, WATERCRESS WERE NATURAL AND NOW WE ~~WONDER~~ NOW WONDER WHAT HAPPENED.

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 JULY 2020

To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: Greg Simpson.

This is a submission on the following Proposed Plan Change to the Hawke's Bay Regional Resource Management: Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments.

I could not gain an advantage in trade competition in making this submission.

My submission is:

- I generally support the overall framework of Plan Change 9, to the degree that it reflects a staged approach to improving the management of the TANK Catchments freshwater resources.
- Horticulture is critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available to provide for that. The value of horticulture and its role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9.
- The real freshwater improvements come from the practices I adopt to manage discharges from land I manage (in some cases only temporarily), and my water use. I support requiring all growers to operate at good management practice.
- I also support the ability for a group of landowners to be able to manage environmental issues collectively to improve the effectiveness of the response to water issues. I consider Plan Change 9 should better enable collective approaches to water and nutrient management by reducing the level of detail and specificity in the plan, as every collective grouping will be slightly different and work in a slightly different way, and it is important that this is enabled.
- Where this submission aligns with that of Horticulture New Zealand's submission, I support that submission.
- I oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. I also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

The specific provisions of the proposal that my submission relates to are:

Provisions & general description of issue	**Amendments sought**
Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary Replacement of water permits based on actual and reasonable use	Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of: a) the quantity specified on the permit due for renewal or any lesser amount applied for; or b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise an equivalent method) and to a 95% reliability of supply. Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.

Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32 High flow takes and storage	The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).
Policy 51, 52, TANK 7 and TANK 8 Availability of water for survival of permanent horticultural crops	A specific exemption should be provided in TANK 7 and 8 to allow up to 20m^3 to continue to be taken per day to assist the survival of permanent horticultural crops.
Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b Transfers of water permits	Transfers of all water permits that have been exercised should be enabled.
Policy 37 and 38 Restriction on re-allocation of water	The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primary production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).
Policy 37, 39, 40, 41, TANK 18 and Schedule 36 Stream flow maintenance and augmentation schemes	Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.

Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary Industry programmes and landowner collectives	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.
Policy 21, TANK 5, TANK 6, Schedule 26, Schedule 28 and Schedule 29 Land use change and nutrient loss	A definition of what a change to production land use is needs to be provided to clarify what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.

My horticultural operation is located at 238/250 & 252 Napier Rd Havelock North and comprises of the following crops and acreage Pipfruit mainly apples and covers 10 ha

Plan Change 9/TANK is likely to affect my business in the following ways: If insufficient water is available we would not be able to grow a sustainable crop to the standard that the industry requires. We are predominately an export grower and require staff to enable our business.A non supply or interrupted supply of water would put the employment of staff at risk with the ongoing repercussions on those staff members being obvious.We understand we don't use or full allocation but cutting our consent allocation would only put more stress on growers in an already highly compliance/ regulated industry.

I seek the following decision from the local authority:That the plan change be amended as above.

Signature of submitter:

Date:12/8/20

Electronic address for service:gpsorchard@xtra.co.nz

Contact phone number:021 1233091Postal address:252 Napier Rd RD 10 Hastings

Contact person (if submission on behalf of a business or organisation):

To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: Jonty Moffett

This is a submission on the following Proposed Plan Change to the Hawke's Bay Regional Resource Management: Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments.

I could not gain an advantage in trade competition in making this submission.

My submission is:

- I generally support the overall framework of Plan Change 9, to the degree that it reflects a staged approach to improving the management of the TANK Catchments freshwater resources.
- Horticulture is critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available to provide for that. The value of horticulture and its role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9.
- The real freshwater improvements come from the practices I adopt to manage discharges from land I manage (in some cases only temporarily), and my water use. I support requiring all growers to operate at good management practice.
- I also support the ability for a group of landowners to be able to manage environmental issues collectively to improve the effectiveness of the response to water issues. I consider Plan Change 9 should better enable collective approaches to water and nutrient management by reducing the level of detail and specificity in the plan, as every collective grouping will be slightly different and work in a slightly different way, and it is important that this is enabled.
- Where this submission aligns with that of Horticulture New Zealand's submission, I support that submission.
- I oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. I also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

The specific provisions of the proposal that my submission relates to are:

Provisions & general description of issue	**Amendments sought**
Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary Replacement of water permits based on actual and reasonable use	Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of: a) the quantity specified on the permit due for renewal or any lesser amount applied for; or b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise an equivalent method) and to a 95% reliability of supply. Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.

Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32 High flow takes and storage	The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).
Policy 51, 52, TANK 7 and TANK 8 Availability of water for survival of permanent horticultural crops	A specific exemption should be provided in TANK 7 and 8 to allow up to $20m^3$ to continue to be taken per day to assist the survival of permanent horticultural crops.
Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b Transfers of water permits	Transfers of all water permits that have been exercised should be enabled.
Policy 37 and 38 Restriction on re-allocation of water	The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primary production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).
Policy 37, 39, 40, 41, TANK 18 and Schedule 36 Stream flow maintenance and augmentation schemes	Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.
Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary Industry programmes and landowner collectives	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.

Policy 21, TANK 5, TANK 6, Schedule 26, Schedule 28 and Schedule 29 Land use change and nutrient loss	A definition of what a change to production land use is needs to be provided to clarify what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.

My horticultural operation is located 1723 Korokipo Road RD3 Napier and comprises of the following crops and acreage - apples, rock melon, water melon, beans, pumpkin, courgettes and sweetcorn. Total area – 200 Hectares

Plan Change 9/TANK is likely to affect my business in the following ways: I may not be able to get enough water for irrigation, which would make our family business economically unviable. The business has 50 fulltime employees and employs up to 120 at the peak of the season. The business is also the sole source of income for at least 12 families. Fruit growing is our passion and has been in the family for many years. If our business became unviable myself and my family, plus extended family would be forced to leave Hawkes Bay to find other opportunities to support us. Given that our business specialises in growing, packing and marketing fresh produce for the New Zealand market, with dispatching 7 days a week to major supermarket chains and wholesale floors. I also feel New Zealand food security is threatened by possible water restrictions.

I seek the following decision from the local authority: That the plan change is amended as set out in the table above.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter:

Date:13/08/2020

Electronic address for service: jonty@moffetts.co.nz

Contact phone number:021 446 257

Postal address: 1723 Korokipo Road, RD3, Napier

Contact person (if submission on behalf of a business or organisation): Jonty Moffett

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 13/08/2020
First name: Keith **Last name:** Marshall
Organisation/Iwi/Hapu: Napier City Council

Phone number: 068357579

I could not
Gain an advantage in trade competition through this submission
I am not
directly affected by an effect of the subject matter of the submission that :
a. adversely affects the environment, and
b. does not relate to the trade competition or the effects of trade competitions.
Note to person making submission:

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991

Would you like to present your submission in person at a hearing?

- (•) Yes
- ( ) I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Additional requirements for hearing:

Attached Documents

File
2020-08-12 NCC Cover letter TANK Submission FINAL
PC9 Submission Appendix 1_NCC
Proposed TANK Plan Change 9

NAPIER CITY COUNCIL
Te Kaunihera o Ahuriri

17 July 2020

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

RE: Napier City Council Submission on Plan Change 9 to the Hawke's Bay Regional Resource Management Plan (TANK Plan Change)

Tēnā koe James

1. This submission is lodged by Napier City Council (NCC) in respect of Plan Change 9 (PC9) to the Hawke's Bay Regional Resource Management Plan (RRMP).

2. In preparing our submission, NCC has liaised with Hastings District Council (HDC) as an adjoining territorial authority with the same statutory roles and responsibilities as Napier. NCC and HDC are consistent in the relief sought as detailed in Appendix A (or amendments to like effect). In the case of any potential conflict or inconsistencies between the two submissions any additional points raised by NCC should prevail over those lodged by HDC.

3. NCC sees the benefit of aligning our submission with HDC given the shared District Planning land use responsibilities that TLAs hold to provide for both current and growing productive, industrial, commercial and residential land uses on the Heretaunga Plains. Specifically, HDC and NCC share the TANK catchments as suppliers of drinking water development, our role (with HBRC) in regional economic development, as holders of HBRC water permit consents and discharge permits and the statutory requirements to prepare District Plans that respond to requirements of the National Policy Statement for Urban Development, amongst others.

4. Generally, NCC is in support of the overall direction of PC9 that seeks to ensure the sustainable management of water resources in the TANK catchments, however NCC considers it necessary for PC9 to provide further options and opportunities for our business and urban communities to be able to sustainably grow within the limits of the water resources.

5. Therefore, the main objectives of NCC's submission are to:

    a) protect NCC's ability to abstract groundwater for municipal supply to provide for growth and;
    b) protect the economic development of the region, while ensuring environmental sustainability.

6. The following provides a summary of NCC's main concerns. These submission points are developed further in Appendix 1 which sets out the provision of concern, reasons for the concern and the remedy sought in relation to these concerns. Where amendments are set out in Appendix 1, the relief sought is for the suggested wording or amendments to like effect.

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Reference to all versions of HPUDS to ensure water availability for growth

7. In accordance with NCC's legal requirements under the National Policy Statement for Urban Development 2020 (NPS-UD), NCC seeks an amendment to Objective 16 and Policy 50 to ensure that sufficient water is allocated for domestic and municipal supplies to allow for future and existing growth demands.

8. We request an amendment to policy 50 to ensure water demand is calculated to include all residential and non-residential uses that better reflect the demands within our network (i.e. schools, hospitals, commercial, industrial, and recreational, social, cultural and religious).

Interim Heretaunga Aquifer limit

9. NCC requests the current wording of an 'interim' aquifer limit of 90 million m3 is treated as a target, with a view to developing a formal limit in accordance with policy 42. All policies relating to the groundwater management review require a strategic approach as PC9 comes into effect, with the purpose of ensuring any future aquifer limit is strongly evidence based.

Providing for economic growth when within sustainable limits

10. NCC supports the submission by HDC seeking a softening of the approach for new water consent requests by adding in an 'exceptional circumstances' policy.

11. This new policy (37A) is to guide decisions when the granting of new takes may be considered under certain criteria so that applications are assessed for their proposed use and consider:

    a) Water necessary for beverage, food or fibre processing
    b) To enable the development of Māori economic, cultural and social wellbeing
    c) To enable significant local employment opportunities or wider economic benefits
    d) To enable the servicing of urban growth (including new zones) and social infrastructure facilities.

Applications to change or transfer water use to protect regional industries

12. NCC supports Policy 48 which provides that applications to transfer ground or surface water away from irrigation end uses will generally be declined (so to protect the water availability for this use) but requests that it be expanded to allow transfer to food processing uses as these uses also support the economic vitality of the Heretaunga plains.

13. Where the policy wording allows transfer to municipal supplies but excludes transfers to industrial uses above 15m3, we request this option be reinstated.

Stream depletion mitigation schemes

14. While NCC does not, as a matter of principle, oppose offsetting stream depletion effects of its water takes, it is unclear in the provisions how the Stream Mitigation Scheme will be implemented. It is therefore difficult to establish how these provisions will be workable in practice. Considering that the costs to contribute to a stream depletion scheme would need to be passed onto the ratepayer, NCC would require clarification and greater certainty before offering support for stream depletion mitigation schemes. NCC does not currently have sufficient understanding as to how a requirement to contribute to such a Scheme would impact on its legislative requirements in making financial decisions on behalf of our community. As such, it cannot support this requirement being included in the RRMP.

15. Instead, or until such time as certainty and clarity are provided, NCC requests that municipal takes be excluded from this provision and instead, that a water conservation strategy approach be required. This is on the basis that it is impractical to differentiate an amount needed for essential human health when it comes to municipal supply, and a well implemented water conservation strategy approach could achieve the same outcome.

Water permit durations

16. NCC oppose the requirement for a 15-year duration for its future water permits. A duration of 30 years is sought to align with NCC's infrastructure strategy timeframes and associated legislative requirements to undertake long term infrastructure and financial planning in accordance with the NPS-UD (2020).

Stormwater

17. NCC and HDC officers have been actively involved in the development of the Stormwater provisions via the stormwater working group. NCC's submission therefore supports the direction towards alignment between the three councils through an integrated catchment management approach and working to align policies, standards and bylaws to achieve water quality objectives. To ensure that integrated management can be achieved however, NCC seeks changes to PC9 to provide:

    - Greater clarity on roles and responsibilities;
    - Removal of the direction to amend District Plans due to third party rights of objection and appeal;
    - Further refinement of the risk matrix for industrial and trade premises in consultation with TLA officers to appropriately define low, medium and high risk sites.

Source Protection Zone provisions

18. NCC supports the spatial definition of Source Protection Zones around the Napier water supply bores. This mechanism will enable improved understanding of the land use activities in these areas and the risks they pose on the safety of drinking water. The Source Protection Zone provisions were developed closely with the Hawke's Bay Drinking Water Joint Governance Committee (JWG) of which NCC is a part. Council will defer to the JWG's submission as it relates to source protection zones.

Napier City Council wishes to speak in support of our submission.

The contact person in relation to this submission is Kim Anstey email: kima@napier.govt.nz

Ngā mihi

Keith Marshall
INTERIM CHIEF EXECUTIVE

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
Water Quantity			
Objective 16	Sets out the priority under which water is to be allocated	This objective refers to HPUDS 2017 in terms of demand expectations for municipal and papakainga supplies but makes no reference to new versions following HPUDS reviews. This suggested change aligns with the integrated planning approach in Policy 50 c) i) that requires Council to give effect to all National Policy statements within the limits of the finite resources. Refer comments re Policy 50 also.	**Support** Objective 16, particularly the priority order, and **amend** subclause (b) as follows:
Suggested Amendment – add words in bold italics as follows: (b) The allocation and reservation of water for domestic supply including for marae and papakāinga, and for municipal supply so that existing and future demand as described in HPUDS (2017) **and successive versions and/or any requirements prescribed under a NPS on Urban Development** can be met within the specified limits;			
Policy 36	Sets out the management approach and tools for managing groundwater quantity.	Prevents re-allocation of unused water without exception and consideration of scale of overall environmental impacts in the context of re-allocation to efficient use.	**Amend** subclause (f) to allow new takes under 'exceptional circumstances' or similar terminology and introduce an additional Policy to guide what these circumstances may be (refer relief sought in relation to Policy 37).
Suggested Amendment – add words in bold italics as follows: "36. The Council recognises the actual and potential adverse effects of groundwater abstraction in the Heretaunga Plains Water Management Unit on: a) groundwater levels and aquifer depletion; b) flows in connected surface waterbodies; c) flows of the Ngaruroro River; d) groundwater quality through risks of sea water intrusion and water abstraction; e) tikanga and mātauranga Māori; and will adopt a staged approach to groundwater management that includes; **f)** avoiding further adverse effects by not allowing new water use **unless deemed an exceptional instance under Policy 37A** g) reducing existing levels of water use; h) mitigating the adverse effects of groundwater abstraction on flows in connected water bodies; i) gathering information about actual water use and its effects on stream depletion; j) monitoring the effectiveness of stream flow maintenance and habitat enhancement schemes; k) including plan review directions to assess effectiveness of these measures."			

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
Policy 37	Builds on Policy 36 and sets out the tools to manage the reallocation and use of groundwater. The 'interim limit' appears to be treated as a 'proper' limit, when in fact it is not, and in the context of this Plan is acting as a target to change mind sets/user behaviour/expectations and base the implementation of different tools around to review and reduce allocation until a fuller review under Policy 42 in 10 year's time.	In this context Policy 37(a) - (c) introduces too high a level of restriction and removes the ability to apply judgment over the term of the Plan. Policy 37(d) is narrowly focused and risks uses/industries not being able to realise benefits of existing and pre-planned investment.	**Amend** Policy 37 as follow to: 1. Treat the interim 'limit' as a target 2. Still manage the resource as over-allocated (generally) subject to exceptions – particularly those supported by Policy LW2 of the RPS. 3. Better acknowledge that new allocations based on actual use over previous years may not be a reasonable approach for all replacement processes.
			Introduce an additional Policy (referred to as Policy 37A) to guide situations where the granting of new takes will be considered.

Suggested Amendment – add words in bold italics as follows:

"37 In managing the allocation and use of groundwater in the Heretaunga Plains Water Management Unit, the Council will;

a) ~~Adopt~~ ***Set as a target*** an interim allocation limit of 90 million cubic meters per year ***(***based on the actual and reasonable water use prior to 2017***)***, ***with a view to developing a formal limit in accordance with Policy 42;***

b) avoid re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body until there has been a review of the relevant allocation limits within this plan ***unless supported by Policy 37A***;

c) ***generally*** manage the Heretaunga Plains Water Management Unit as an over-allocated management unit and prevent any new allocations of groundwater;

d) when considering applications in respect of existing consents due for expiry, or when reviewing consents, to;

(i) allocate groundwater ***on*** the basis of the maximum quantity that is able to be abstracted during each year or irrigation season expressed in cubic meters per year;

(ii) ***as a starting point***, apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 (except as provided by Policy 50), ***and then, subject to the proposal being for no more than the quantity specified on the existing consent, consider any volume beyond this taking the following into account***;

1. ***reasons for the proposed volume of water;***
2. ***efficiency of use;***
3. ***the proposed use, particularly if for beverages, food and fibre production and processing and other land-based primary production***
4. ***the value of the investment associated with the certainty of the volume as previously authorised;***
5. ***whether substantial progress or effort has been, and continues to be, made towards giving effect to the proposed use and investment enabled by the original volume authorised;***

e) mitigate stream depletion effects on lowland streams by providing for stream flow maintenance and habitat enhancement schemes."

"37A. Notwithstanding Policy 37b) and c), and provided:

(i) There are no feasible alternatives,

(ii) Significant progress is being or is likely to be made toward achieving the target in Policy 37(a), and

(iii) The allocation limits in Schedule 31 and 32 as at <the operative date>are not or are not likely to be exceeded;

the re-allocation of groundwater not otherwise addressed under Policy 37(d) or 50 may be considered where the proposed use is:

1. ***Necessary for beverage, food or fibre processing;***
2. ***to enable the development of Māori economic, cultural and social well-being;***
3. ***to enable significant local employment opportunities or wider economic benefits***
4. ***To enable the servicing of urban growth (including new zones) and social infrastructure facilities;***

The volume of take and consent duration may also be distinguishing factors."

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
Policy 38	Sets out the ability/intention to review existing allocation at either replacement or times of review.	Change will only be implemented at either replacement or review. There needs to be a more strategic approach around this – with replacement processes being aligned with investigations around flow enhancement schemes and other initiatives.	**Amend** the Policy to outline what is proposed to be investigated/enabled prior to replacement processes to achieve a reduction in allocation as a result of those processes.
Policy 39	Applies when considering applications to take groundwater and requires groundwater uses to cease when a stream flow trigger is reached or allows them to continue under a flow enhancement scheme.	The sequence of the Policy is confusing. Community supplies should not need to cease, rather they should be managed under a Water Conservation Strategy approach as is currently embodied in the majority of resource consent applications for municipal takes. This should be	**Amend** Policy 39 as follow to: 1. Re-order the sequence of the Policy 2. Provide for a Water Conservation Strategy approach for municipal takes rather than a requirement to cease.
	Subclause (b) provides for individual contributions to offset effects be made according to their relative contribution to overall stream depletion effects. No contribution is required for the proportion of take used for essential human health Subclause (c) implies such schemes are anticipated at the time of batch replacements/review.	provided for in Policy rather than being raised in the resource consent process.	
Suggested Amendment: Shift b and c to a and b as shown underlined, add words in bold italics as follows: "39 When assessing applications to take groundwater in the Heretaunga Plains Water Management Unit the Council will: a. <u>assess the relative the contribution to stream depletion from groundwater takes and require stream depletion to be off-set equitably by consent holders while providing for exceptions for the use of water for essential human health; and</u> b. <u>enable permit holders to progressively and collectively through Water User Collectives develop and implement flow maintenance and habitat enhancement schemes as water permits are replaced or reviewed, in the order consistent with water permit expiry dates.</u> c. **With the exception of takes for municipal purposes, where a water conservation strategy will be undertaken**, either; i. require abstraction to cease when an applicable stream flow maintenance scheme trigger is reached; or ii. enable consent applicants to develop or contribute to stream flow maintenance and habitat enhancement schemes that; 1. contribute flow to lowland rivers where groundwater abstraction is depleting stream flows; and 2. improve oxygen levels and reduce water temperatures;		
Policy 40	Sets out the matters to be considered when assessing applications for flow enhancement schemes.	Sub policy (e)(i) allows transfers but is unclear if this is limited to the actual use component of an existing allocation or up to the full existing allocation.	Enable transfers of allocated but un-used water if this is to assist augmentation.

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
Suggested Amendment – add words in bold italics as follows: "40 When assessing applications for a stream flow maintenance and habitat enhancement scheme the Council will have regard to: a. opportunities for maximising the length of waterbodies where habitat and stream flow is maintained or enhanced; b. any improvements to water quality, especially dissolved oxygen, and ecosystem health as a result of the stream flow maintenance and habitat enhancement schemes; c. the duration and magnitude of adverse effects as a consequence of flow maintenance scheme operation; d. the extent to which the applicant has engaged with mana whenua; e. and will; i. allow site to site transfer of water ***(including allocations issued prior to 2 May 2020)*** to enable the operation of a flow enhancement scheme; ii. enable water permit holders to work collectively to develop and operate stream flow maintenance and habitat enhancement schemes consistent with the requirements of Schedule 36 iii. impose consent durations of 15 years that are consistent with the term for groundwater takes affected by stream flow maintenance requirements, except where stream flow maintenance is being provided by significant water storage infrastructure in which case consent duration is consistent with the scale of the infrastructure."			
Policy 41	States that HBRC will continue to investigate a storage/release scheme to remedy stream depletion effects on the Ngaruroro River arising from groundwater takes.	This needs to happen ahead of the Plan review in 10yrs time.	**Amend** Policy 41 so there is a clear intention to be working towards this such that its implementation can be considered as part of the Plan review in 10 years when the groundwater limit is to be defined as this is likely to be a very relevant factor.
Suggested Amendment – add words in bold italics as follows: ***"41 Over the 10 year period leading into the groundwater management review under Policy 42, and to inform that process,*** the Council will remedy the stream depletion effects of groundwater takes in the Heretaunga Plains Water Management Unit on the Ngaruroro River, in consultation with mana whenua, land and water users and the wider community through: a. further investigating the environmental, technical, cultural and economic feasibility of a water storage and release scheme to off-set the cumulative stream depletion effect of groundwater takes; b. if such a scheme is feasible, to develop options for funding, construction and operation of such a scheme including through a targeted rate; and c. if such a scheme is not feasible, to review alternative methods and examine the costs and benefits of those." Policy 42	States that HBRC will review the Plan provisions within 10 years of the plan becoming operative with the aim: • of reviewing the appropriateness of the interim limit/target (90Mm^3) and • developing a plan change to ensure any over-allocation is phased out.	Apart from calculating the amount of water allocated in relation to the interim allocation/target and the total annual metered groundwater use during the ten year prior to the time of review and reporting on any changes in the relationship between groundwater abstraction and the flows of rivers and groundwater levels, it is only the benefits of flow enhancement schemes that will inform any new allocation. One issue is that these schemes /or their benefits may not be established/understood within this period. Furthermore, information on the long term sustainable equilibrium of the groundwater resource that accounts for annual variation in climate and prevents seawater intrusion as referred to in	A more strategic approach around investigating and establishing flow enhancement schemes is required to inform/enable this review. **Amend** the Policy to include consideration of information on the long term sustainable equilibrium of the groundwater resource.

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
		Objective 14 should be considered.	

Suggested Amendment – add words in bold italics as follows:

"42. After water has been re-allocated and consents reviewed in accordance with Policies 36 - 38, the Council will commence a review of these provisions within ten years of <operative date> in accordance with Section 79 of the RMA and will determine:

a) the amount of water allocated in relation to the interim allocation limit;
b) the total annual metered groundwater use for the Heretaunga Plains Water Management Unit during the ten years prior to the time of review;
c) if any changes in the relationship between groundwater abstraction and the flows of rivers and groundwater levels have occurred;
d) the extent of any stream flow maintenance and habitat enhancement schemes including in relation to;
   (i) the length of stream subject to flow maintenance;
   (ii) the extent of habitat enhancement including length of riparian margin improvements, and new or improved wetlands;
   (iii) the magnitude and duration of stream flow maintenance scheme operation;
   (iv) trends oxygen and temperature levels in affected streams.

And will;

e) In relation to plan objectives and adverse effects listed in Policy 36, will;
   (i) Consider new information on the long term sustainable equilibrium of the groundwater resource that accounts for annual variation in climate and prevents seawater intrusion;
   (ii) assess;
      1. the effects of the groundwater takes on stream flows;
      2. effectiveness of stream flow maintenance schemes in maintaining water flows and improving water quality;
      3. effectiveness of habitat enhancement including through improved riparian management and wetland creation in meeting freshwater objectives;

~~e)~~ f) review the appropriateness of the allocation limit in relation to the freshwater objectives;
~~f)~~ g) develop a plan change to ensure any over-allocation is phased out."

Policy 48	Applies when considering applications to transfer ground or surface water takes.	Sub-policy (e) encourages applications to transfer water away from irrigation end uses to be declined (in order to protect water availability for the irrigation of the versatile land of the Heretaunga Plains for primary production especially the production of food), however such a transfer may be appropriate if enabling food processing. Sub policy (f) prevents the transfer of allocated but un-used water, however the feasibility of a flow enhancement scheme may require the transfer of the full allocation – noting that this allocated but un-used water would be for environmental gain. Sub-policy (h) allows transfers to municipal supplies but not to industrial uses greater than 15m3/day. This gives municipal takes options but would prevent the servicing of a new industrial zone for example.	**Amend** the Policy as follows to: 1 allow transfers under (e) to food processing uses 2 Regarding (f), allow the transfer of allocated but unused water where this enables flow enhancement schemes 3 Allow transfers to be a tool for managing urban growth.

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
Suggested Amendment – add words in bold italics and delete words struck out as follows: "48. When considering any application to change the water use specified by a water permit, or to transfer a point of take to another point of take, to consider: a) declining applications where the transfer is to another water management zone unless; (i) new information provides more accurate specification of applicable zone boundaries; (ii) where the lowland tributaries of the Karamū River are over-allocated, whether the transfer of water take from surface to groundwater provides a net beneficial effect on surface water flows; b) effects on specified minimum flows and levels or other water users' access to water resulting from any changes to the rates or volume of take; c) any alteration to the nature, scale and location of adverse effects on the water body values listed in Schedule 25 and in the objectives of this Plan; d) effects of the alteration to the patterns of water use over time, including changes from seasonal use to water use occurring throughout the year or changes from season to season; e) except where a change of use and/or transfer is for the purpose of a flow enhancement or ecosystem improvement scheme ***or food processing***, declining applications to transfer water away from irrigation end uses in order to protect water availability for the irrigation of the versatile land of the Heretaunga Plains for primary production especially the production of food; f) in Water Quality Management Units that are over-allocated, ***and except where provided for under Policy 37A or for the purpose of a flow enhancement or ecosystem improvement scheme,*** ensuring that transfers do not result in increased water use and to prevent the transfer of allocated but unused water; g) declining applications for a change of use from frost protection to any other end use; h) enabling the transfer of a point of take and change of water use to municipal water supplies, including for marae and papakāinga ~~(not including the transfer to industrial uses above 15m3/day)~~ from any other use ~~for the efficient delivery of water supplies and to meet the communities' human health needs for water~~ subject to clause (b)."			
Policy 49	Outlines the duration of resource consents for various uses	**Note: Different from HDC** Sub-policy (h) states that HBRC will impose a consent duration for municipal supply consistent with the most recent HPUDS and reviews that align with other consents in the zone. The new NPS-UD has significantly increased HPUDS requirements. Mid term reviews will be required every 3 years to align with LTPs. HPUDS will need to include spatial identification of development areas *and* supporting infrastructure for the next 30 year timeframes. For this reason, a consent duration of 30 years is appropriate to provide the certainty for future planning under the NPS-UD. This suggested change aligns with the integrated planning approach in Policy 50 c) i) that requires HBRC to give effect to all National Policy Statements within the limits of finite resources.	**Amend** the Policy as follows:

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
Suggested Amendment – add words in bold italics and delete words struck out as follows: "49. When making decisions about applications for resource consent to take and use water, the Council will set common expiry dates for water permits to take water in each water management zone, that enables consistent and efficient management of the resource and will set durations that provide a periodic opportunity to review effects of the cumulative water use and to take into account potential effects of changes in: a) knowledge about the water bodies; b) over-allocation of water; c) patterns of water use; d) development of new technology; e) climate change effects; f) efficacy of flow enhancement schemes and any riparian margin upgrades; and the Council; g) will impose consent durations of 15 years according to specified water management unit expiry dates. Future dates for expiry or review of consents within that catchment are every 15 years thereafter. h) will impose a consent duration for municipal **supply for 30 years to align with the required infrastructure and planning decisions under the NPS-UD 2020** ~~consistent with most recent HPUDS and will impose consent review requirements that align with the expiry of all other consents in the applicable management unit;~~ i) may grant consents granted within three years prior to the relevant common catchment expiry date with a duration to align with the second common expiry date, except where the application is subject to section 8.2.4 of the RRMP)."			
Policy 50	Policy 50 relates to making decisions on resource consents for municipal and papakainga takes.	This policy refers to HPUDS 2017 (to 2045) in terms of demand expectations but makes no reference to new versions following the 5 yearly reviews (of HPUDS). This suggested wording change aligns with the integrated planning approach at Policy 50 c) i) that requires Council to give effect to all National Policy statements within the limits of the finite resources and aligns with Objective 16. The policy refers to an ILI of 4, however this is just one tool and the level of assessment to confirm may be too onerous for papakainga and smaller community supplies.	**Amend** the Policy as follows to: 1 Include successive versions of HPUDS. 2 Ensure that the definition of non-residential includes all possible scenarios that municipal demand can supply. 3 Not limit the measure of efficiency to the 'Infrastructure Leakage Index 4' tool.
Suggested Amendment – add words in bold italics and delete words struck out as follows: "50.In making decisions about resource consent applications for municipal and papakāinga water supply the Council will ensure the water needs of future community growth are met within water limits and; a) allocate water for population and urban development projections for the area according to estimates provided by the HPUDS (2017) ***and successive versions and/or any requirements prescribed under an NPS on Urban Development*** ~~to 2045~~; b) calculate water demand according to existing and likely residential, non-residential (schools, hospitals, commercial***,*** ~~and~~ industrial, ***recreational, social, cultural and religious***) demand within the expected reticulation areas; and (i) require that water demand and supply management plans are developed and adopted and industry good practice targets for water infrastructure management and water use efficiency ~~including whether an infrastructure leakage index of 4 or better can be~~ ***are*** achieved ***taking tools such as an Infrastructure Leakage Index of 4 into account***; (ii) seek that the potential effects of annual water volumes are reflected in level of water supply service and reliability of supply objectives in asset management plans and bylaws for water supply; c) work collaboratively with Napier City and Hastings District Councils to; (i) develop an integrated planning approach thorough HPUDS that gives effect to the National Policy Statements within the limits of finite resources; (ii) develop a good understanding of the present and future regional water demand and opportunities for meeting this; (iv) identify communities at risk from low water reliability or quality and investigate reticulation options."			

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
Policy 52	Builds on Policy 36 and outlines the tools to phase out over allocation.	Unsure if this Policy follows Policy 42 or applies from the outset.	***Amend*** the Policy as follows if it applies form the outset so as to better align with other areas of relief sought in relation to concerns raised.

Suggested Amendment – add words in bold italics and delete words struck out as follows:

"52.The Council will phase out over-allocation by;

a) preventing any new allocation of water (not including any reallocation in respect of permits issued before 2 May 2020) ***unless supported under Policy 37A***;
b) for applications in respect of existing consents due for expiry or when reviewing consents, to;
   (i) ***generally*** allocate water according to demonstrated actual and reasonable need (except as provided for by Policy 50)
   (ii) impose conditions that require efficiency gains to be made, including through altering the volume, rate or timing of the take and requesting information to verify efficiency of water use relative to industry good practice standards;
c) provide for, within the duration of the consent, meeting water efficiency standards where hardship can be demonstrated;
d) reducing the amount of water permitted to be taken without consent, including those provided for by Section 14 (3)(b) of the RMA, except for authorised uses existing before 2 May 2020;
e) encouraging voluntary reductions, site to site transfers (subject to clause (f)) or, ***separate to the Councils own initiates under Policy 57***, promoting ***and supporting permit holders, ahead of consent replacement processes, to develop*** water augmentation/harvesting ***schemes***;
f) ***limit*** ~~prevent~~ site to site transfers of allocated but unused water that does not meet the definition of actual and reasonable use;
g) enabling and supporting permit holders, ahead of consent replacement processes, to develop flexible approaches to management and use of allocatable water within a management zone including through catchment collectives, water user groups , consent or well sharing or global water permits;
h) enabling and supporting, ***including ahead of consent replacement processes***, the rostering of water use or reducing the rate of takes in order to avoid water use restrictions at minimum or trigger flows."

Policy 56	Acknowledges the beneficial effects of water storage and augmentation schemes and outlines the matters that will be taken into account when considered resource consent applications for these purposes.	The beneficial effects identified are presented as a criteria that must be met. The level of information required to confirm this would be extensive. This may be appropriate for an augmentation scenario or where stored water is delivered to uses by a run of the river system, however as simple individual out of stream storage proposal should not be subject to this level of expectation/information.	**Amend** the Policy as follows to provide discretion as to the type of activity and scale of activity that is to be subject to the full extent of the Policy.

Suggested Amendment – add words in bold italics

"56 The Council will recognise beneficial effects of water storage and augmentation schemes, including water reticulation in the TANK catchments and out-of-stream- storage, and when considering applications for resource consent will take into account the nature and scale of the following criteria ***in a manner commensurate to the scale of activity proposed***;

a) benefits for aquatic organisms and other values in Schedule 25 or in relation to the objectives of this plan in affected water bodies;
b) whether water availability is improved or the level to which the security of supply for water users is enhanced;
c) whether the proposal provides for the productive potential of un-irrigated land or addresses the adverse effects of water allocation limits on land and water users, especially in relation to primary production on versatile land;
d) whether the proposal provides benefits to downstream water bodies at times of low flows provided through releases from storage or the dam;
e) the nature and scale of potential ecosystem benefits provided by the design and management of the water storage structure, its margins and any associated wetlands;
f) benefits for other water users including recreational and cultural uses and any public health benefits;
g) other community benefits including improving community resilience to climate change;
h) whether the proposal provides for renewable electricity generation."

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
Policy 57	Sets out that HBRC will carry out further investigation to understand the present and potential future regional water demand and	This needs to happen before the review under Policy 42.	**Amend** the Policy as suggested below.
	supply including for abstractive water uses and environmental enhancement and in relation to climate change and will consider water storage and augmentation options.		
Suggested Amendment – add words in bold italics ***"57 To support and inform the review under Policy 42,*** the Council will carry out further investigation to understand the present and potential future regional water demand and supply including for abstractive water uses and environmental enhancement and in relation to climate change. It will consider water storage options according to the criteria in Policy 56 in consultation with local authorities, tangata whenua, industry groups, resource users and the wider community when making decisions about water augmentation proposals in its Annual and Long Term Plans.'			
Policy 60	Outlines the matters to be considered in assessing resource consent applications to take and store high flow water – all of which generally relate to Maori well-being.	Unclear as to whether this policy relates to all high flow takes or just the high flow allocation reserved for Maori development in Schedule 31.	**Amend** the Policy to link it to takes considered under Policy 59 as follows:
Suggested Amendment – add words in bold italics as follows: "60 When making decisions about resource consent applications to take and store high flow water as ***reserved under Policy 59***, the Council will take into account the following matters: a) whether water allocated for development of Māori well-being is still available for allocation; b) whether there is any other application to take and use the high flow allocation for development of Māori well- being relevant to the application; c) the scale of the application and whether cost effective or practicable options for taking and using the high flow allocation for Māori development can be incorporated into the application; d) the location of the application and whether cost effective or practicable options for including taking and using water for Māori development can be developed as part of the application; e) whether there has been consultation on the potential to include taking and using all or part of the water allocated for Māori development into the application; f) whether it is the view of the applicant that a joint or integrated approach for the provision of the high flowwater allocated to Māori development is not appropriate or feasible, and the reasons why this is the case."			
Rule TANK 9 – Groundwater takes	Restricted Discretionary Activity Take of water from the Heretaunga Plains Water Management Unit where Section 124 of the RMA applies (applies to existing consents).	The activity description should not refer to s124 as whether or not s124 rights are obtained is separate to/should not influence activity status. Note: Sub-headings above the conditions also confuse the understanding of the rule framework and are not necessary. As considered in relation to Policy 39, a Water Conservation Strategy approach should be taken for municipal and papakainga takes as supported in condition 6 (a) rather than a requirement to cease. The suggested amendments to (g) have the effect of excluding Napier City Council from	**Amend** the Activity Description in Rule 9 by ***adding the words in bold italics and deleting the words shown as struck out*** as follows; ***"Replacement of an existing Resource Consent to*** take ~~***of***~~ water from the Heretaunga Plains Water Management Unit ~~***where Section 124 of the RMA applies***~~ ~~*(applies to existing consents)"*~~ **Amend** Condition (g) by ***deleting the words shown as struck out*** as follows; "(g) Any take authorised under clause (d) is

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
		contributing to a stream flow maintenance and habitat enhancement scheme. The rationale provided with policy 39 applies here also. Napier City Council would need full details of how such schemes will work so they can consider the legality of contributing to such a scheme outside of our jurisdictional boundaries. This needs to be worked through for the purpose of passing this cost on to the ratepayer. Matter of control/discretion (6) includes reference to an Infrastructure Leakage Index of 4, does not include successive versions of HPUDS and does not include full spectrum of non-residential uses that may utilise municipal supplies (refer issues raised in relation in Policy 39)	not subject to conditions (f) **but instead the water permit holder will comply with a Water Conservation Strategy approved as part of the application.** ~~in respect of that part of the total allocated amount used for essential human health~~ **Amend** Matter for Control/Discretion 5 **by *adding the words in bold italics*** as follows; "Where the take is in a Source protection Zone ***or Source Protection Extent*** …." **Amend** Matter of Control/Discretion 6 ***by adding the words in bold italics and deleting the words shown as struck out*** as follows: " a) provisions for demand management over time so that water use is at reasonable and justifiable levels~~ including whether an infrastructure Leakage Index of 4 or better will be achieved~~' b) Rate and volumes of take limited to the projected demand for the urban area provided in HPUDS 2017***, or successive versions***" c) water demand based on residential and non-residential use including for schools, rest homes, hospitals, commercial, industrial, **recreational, social, cultural and religious** demands within the planned reticulated area

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
Rule TANK 10 – surface and groundwater takes	Restricted Discretionary Activity To take and use water where Section 124 applies (applies to existing consents). Applies to surface water takes and groundwater takes now connected to surface water i.e. those outside the Heretaunga Plains Water Management Unit (Quantity)	The activity description should not refer to s124 as whether or not s124 rights are obtained is separate to/should not influence activity status. Note: Sub-headings above the conditions also confuse the understanding of the rule framework and are not necessary. Matter for Control/Discretion 4 needs to refer to Source Protection Extents (See comments relating to Schedule 35). Matter of Control/Discretion (5) includes reference to an Infrastructure Leakage Index of 4 and does not include successive versions of HPUDS (refer issues raised in relation to Policies).	**Amend** Activity description in Rule 10 by ***adding the words in bold italics and deleting the words shown as struck*** **out** as follows; ***Replacement of an existing Resource Consent to*** take ~~***of***~~ water from the Heretaunga Plains Water Management Unit ~~***where Section 124 of the RMA applies***~~ ~~*(applies to existing consents)*~~*"* **Amend** Matter of Discretion 4 description by ***adding the words in bold italics*** as follows; "Where the take is in a Source protection Zone ***or Source Protection Extent*** …." **Amend** Matter of Discretion 5 by ***adding the words in bold italics and deleting the words struck out*** as follows: " • provisions for demand management over time so that water use is at reasonable and justifiable levels ~~including whether an infrastructure Leakage Index of 4 or better will be achieved~~' • Rate and volumes of take limited to the projected demand for the urban area provided in HPUDS 2017***, or successive versions***." **Amend** Rule 11 to avoid new takes within the existing allocation as at the date of the plan becoming operative falling to Prohibited or consider the introduction of a new Non-comping activity 'in-between' and clarify the effect of the interim limit/target and the long term limit set in line with Policy 42 in relation to this rule. Either way, and as noted in relation to the relief sought around Policy 36 and 37 and suggested Policy 37A, only takes where the existing allocation (as at the date of the Plan
Rule TANK 11 – ground and surface takes not complying with TANK 7-10	Discretionary Activity	Condition (b)(i) picks up 'existing' takes not meeting the 'actual and reasonable use' definition. Condition (b)(ii) picks up 'new' takes provided allocation limits are still complied with (except takes for frost protection and takes of water associated with and dependant on release of water from a water storage impoundment). Rule TANK 11(b)(ii) is the only pathway for a 'new' take, however as there is effectively no available allocation, no new take would be	

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
		able to fall within (b)(ii), meaning they would fall to Prohibited under TANK 12. Rule 11 clearly intends to provide for the consideration of new takes provided the existing allocation is not exceeded, but redrafting is required to enable this. The further guidance provided by the amended Policy 37 and new Policy 37A would assist in the assessment of such applications.	becoming operative) will be exceeded or the limit set pursuant to Policy 42, should fall to prohibited under Rule 12.
Rule TANK 12	Prohibited Activity	Prohibited Activity Status is too restrictive without changes tom Rule 11as sought above and generally inappropriate in relation to an interim target/limit within a staged approach with uncertainty in the severity of any adverse effects.	**Subject** to the outcome of relief sought in relation to Rule TANK 11, **change** the Activity Status of Rule 12 to ***Non-Complying.***
Rule 62a – New rule pertaining to transfers Controlled Activity	Controlled Activity		**Amend** Rule 62a by ***deleting the words shown as struck*** **out** from Condition (j) as follows: "The transfer enable efficient delivery of water supply to meet the communities' ~~human health~~ needs." ***Add*** the following advice note shown in bold italics: ***"For the purpose of (i), the transfer of water from a municipal supply to a point of take servicing industrial uses with a demand of greater than 15m^3 per day is not considered to be a change of use."***
Rule TANK 15 Take and use from a dam or water impoundment	Discretionary Activity	Re format for clarity.	**Add** the words ***"That does not comply with the conditions of TANK Rule 7***" to the Activity Description and **delete** Condition (a).
Rule TANK 16 – activities that do not comply with the conditions of Rules TANK 13- 15	Non-complying Activity	Re format for clarity.	**Add** the words ***"That does not comply with the conditions of TANK Rules 13-15***" to the Activity Description and delete the words "***The activity does not comply with the conditions of TANK Rules 13-15*** in the Conditions/Standards and Terms.
Rule TANK 18 Transfer and Discharge of groundwater into surface water in the Heretaunga Plains Water Management unit (quantity) as associated with a Stream Flow Maintenance and Habitat Enhancement Scheme	Discretionary Activity	Compliance with Schedule 36 as a condition of consent may be too onerous for smaller schemes. Also, a proposal would be a Discretionary regardless whether or not it fully complies with Schedule 36	**Delete** condition (a) and refer to Schedule 36 in the right hand column as an Assessment Criteria (not a matter of control/restriction).

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
Stormwater			
Policy 28: Urban Infrastructure	The policy sets up a de facto objective of reducing or mitigating effects of stormwater quality and quantity on aquatic ecosystems and community wellbeing by January 2025 and then sets out a number of activities / initiatives for achieving this.	Clause (h) directs amendments to district plans, standards, codes of practice and bylaws to specify design standards for stormwater reticulation and discharge facilities. While integration and alignment of policies and provisions may be appropriate, the direction to do such in a Regional Plan is considered inappropriate and should be removed.	**Amend** by ***adding the words in bold italics and deleting the words shown as struck out*** as follows***:*** a) Local Authorities adopting an integrated catchment management approach to the ***management***, collection, ***treatment*** and discharge of stormwater. b) requiring ~~increased~~ retention or detention of stormwater, ***where necessary to prevent***, ~~while not exacerbating~~ ***the exacerbation*** of flood hazards. d) taking account sites specific constraints including areas of high groundwater, source protection zones ***or extents*** and or an outstanding water body. … g) amending ~~district plans~~, standards, codes of practice and bylaws to specify design standards for stormwater reticulation and discharge through consent conditions that will achieve freshwater objectives set out in this plan.
Policy 30 Dealing with the Legacy	Sets out water quality objectives for stormwater that will be achieved by HBRC working with Napier City and Hastings District with respect to stormwater networks, namely: • 80th percentile level of species protection by January 2025 • 95th percentile level of species protection by December 2040. Plus achievement of management objectives of Schedule 25 for freshwater and estuary health	Should be measured after reasonable mixing	**Amend** Policy 30(a) by ***adding the words shown in bold italics*** as follows: "(i) the 80th percentile level of species protection in receiving waters ***after reasonable mixing*** by January 2025. (ii) the 95th percentile level of species ***in receiving waters after reasonable mixing*** protection by December 2040***.***"

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
Policy 31: Consistency and Collaboration – integration of city, district and regional council rules and processes.	Provides a policy direction for implementing similar stormwater protection standards across NCC, HDC and HBRC through adoption of good practice engineering standards; consistent plan rules and bylaws, shared information, consistent levels of service, integrated stormwater catchment management approach, mapping and aligning consent processes.	Need to ensure that Regional Plan is not directing amendments to District Plan or LGA documents. Also need provisions to clarify roles and responsibilities of the various agencies.	**Amend** Policy 31 by ***adding the words shown in bold italics and deleting those shown as struck out*** as follows: "b) consistent ~~plan rules and~~ bylaws" ***c)*** shared information and processes for monitoring and auditing individual site management on sites at high risk of stormwater contamination, ***including clarification of roles and responsibilities for managing stormwater.***
			e) an integrated stormwater catchment management approach, ***which determines roles and responsibilities for managing stormwater"***
Rule TANK 19 Small Scale Stormwater Activities	Permitted Activity for small scale stormwater discharges	Condition (b) provides for discharges as a permitted activity that cannot connect to a 'current' of 'planned reticulated stormwater network'. What is meant by 'planned reticulation stormwater network' – is there a time horizon that is relevant?	**Clarify** the implementation of Condition (b) in relation to what 'planned reticulation' is defined as.
Rule TANK 20 Small Scale Stormwater Activities (Restricted Discretionary)	Provides a consent pathway where Permitted Activity criteria of TANK 19 are unable to be met.	Criteria should apply irrespective of whether stormwater potentially affects source water for a registered drinking water supply that is treated or not.	**Amend** Clause 7 of Matters for Control/ Discretion by ***adding the words shown in bold italics*** as follows: "The actual or potential effects of the activity on the quality of source water for Registered Drinking Water Supplies ***irrespective of treatment*** …… " **Add** the following matter of discretion: ***"Where consent is required because TANK 19(b) cannot be met due to a planned reticulation network not being available, conditions requiring connection to the network when that network becomes available."***

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
TANK 21 Stormwater Activities - Local Authority Managed Network (Controlled)	Provides a controlled activity pathway for local authority networks; controlled activity is subject to Integrated Management Plan	Support subject to minor amendments to assist implementation and simplify Some minor wording changes may be sought to	**Amend** Conditions by ***adding the word in bold italics and deleting those shown as struck out*** as follows: "a)(ii) cause or contribute to flooding of any property ***except where flooding occurs over a watercourse or designated secondary flow path.*** a)vi)(v) ~~cause to occur or continue to~~ the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water (vi)(vi) ~~Cause to occur or continue to~~ the ***exceedance of water quality targets for*** ~~discharge of~~ microbiological contaminants ~~including sewerage, blackwater, greywater or animal effluent~~ " b)(xi) Where the stormwater network (or part thereof) of discharge locations are situated within a Source Protection Zones of a registered drinking water supply, a description of measures to prevent or minimise adverse effects on the quality of the source water ***irrespective of treatment*** …."

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
TANK 22 Stormwater Activities – Industrial or Trade Premises (Restricted Discretionary)	Provides consenting pathway where there is no reticulated stormwater network at the property boundary. Where there is a network, any application for on-site management would not meet TANK 22 and would be considered a Discretionary Activity under TANK 23. Requires Urban Site Specific Stormwater Management Plan as per Schedule 35	Consider that "urban" should be removed from "Urban Site specific stormwater management plan" as activities are unlikely to be in the "urban" area given that they are unable to connect to urban reticulation.	**Amend** Conditions by ***adding the words in bold italics and deleting those shown as struck out*** as follows: "a) An application for resource consent must include an ~~Urban~~ Site Specific Stormwater management Plan (Schedule 34)." d)(ii) the ***exceedance of water quality targets for*** ~~discharge of~~ microbiological contaminants ~~including sewerage, blackwater, greywater or animal~~ ~~effluent~~" **Amend** Clause 1of Matters for Control/ Discretion by ***deleting the word in bold italics*** as below: "1. "the efficacy of the ~~*Urban*~~ Site Specific Stormwater Management Plan" **Amend** Clause 3 of Matters for control/ Discretion by ***adding the word in bold italics*** as below: 3 The actual or potential effects of the activity on the quality of source water for Registered Drinking Water Supplies ***irrespective of treatment*** ……
TANK 23 Stormwater Activities (Discretionary)	Any stormwater activities which cannot be considered under TANK 19 to 22 are to be assessed as Discretionary under this rule	Support with the exception that the notes associated with a review are not necessary as these are guided by S128 of the RMA	**Delete** the sole Matter of Control/Discretion referring to Reviews
Schedule 34: Urban Site Specific Stormwater Management Plan	Sets out basic requirements for Urban Site Specific Stormwater Management Plan	Support, with deletion of the word Urban for the reasons given in respect of Rule 22	**Delete** the word "**Urban"** in the heading to Schedule.
			Amend the Site Management Plan (SMP) reference wherever it appears in the Plan Change by ***adding the words shown in bold italics*** as follows: "Site ***Specific Stormwater*** Management Plan (S***SS***MP)" **Amend** the 3rd bullet point in (5) by ***adding the words shown in bold italics*** as follows: - *"Source control: methods of good site management* ***including contingency measures in event of a spill or hazardous event."***

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Plan provision (eg. objective, policy or rule number)

I **Support** ☐ **Oppose** ☐ **Amend** ☑

I seek the following decision from the Regional Council: *[Please 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]*

The quality of our awa. IS DIRTY Ngaruroro Means ? (INA)
Shingle taken from our awa without our consent.

My kids swim in then
but they come home sick Rashes, Sore Puku,
and no kai tom nver anymore.

Reason for decision requested:

IS TO GET OUR AWA BACK TO ITS RIGHTFULL OWNERS OF THAT HAPU.

I Support the submissions of the whanau and hapu and organisations of Ngati Hineamaru.

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 JULY 2020

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

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.

Name: *(required)* Owen Tiopira

Organisation/Iwi/Hapu: HINEMANU, NGAI TUHOE

Postal address: *(required)* 52 TAIHAPE ROAD
OMAHU HASTINGS

Email address: owentamatitiopirasmason@gmail.com

Phone number: 027 722 0007

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☐ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☑ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

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

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

Signature: O Tiopira Date: 13-8-20

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 3 July 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

HAWKES BAY REGIONAL COUNCIL

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

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.

Name: *(required)* Nadia Staples

Organisation/Iwi/Hapu: Ngati Hine Hineroma Mahuika

Postal address: *(required)* 52 Taihape Rd
Onehunga

Email address: psalmystaples@icloud.com

Phone number: 0223980633

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☐ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

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

In the presence of ancestors @ our very marae.

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

Signature: [signature] Date: 13/08/2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

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HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

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Plan provision (eg. objective, policy or rule number) .....

I **Support** ☐ **Oppose** ☐ **Amend** ☒

I seek the following decision from the Regional Council: *[Please 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]*

The health of our awa reflects the health of our whakapapa which reflects the health of our self identity. Very important vitals when forging a healthy, clear pathway for our tamariki and mokopuna. Health, whakapapa, self identity To enable us united whanau to co-govern, co-ordinate, co-operate, co-mmunicate on behalf of the awa this will allow us to have more control of our well being, our rivers been a main source of self-sustainability, provision physically mentally and spiritually. The river is the beginning of our whakapapa. and all within, above & below are included.
Ngaruroro = named by illustrious explorer MAHU. (Whakatapoowi)
IO - MAHU - OROTU - WHATUMAOMAO - US (yesterday today tomorrow).

Reason for decision requested:

I support the submissions of all whanau hapu / iwi organisations within Kahungunu regarding awa / waterways.

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 JULY 2020

SUBMISSION: Hawkes Bay Regional Council Plan Change 9
TANK

Date:	13 August 2020
Name of Submitter:	Ngaruroro Irrigation Society Incorporated
Contact for Service:	Anthony Davoren of SWIMS Ltd
Mobile:	027 433 6552
E-mail:	tony@swims.co.nz and mike@glazebrooks.co.nz

Ngaruroro Irrigation Society Incorporated (NISInc) wishes to be heard in support of their submission.

Overview

1. Ngaruroro Irrigation Society Incorporated (NISI) is a group of farmers and growers who take and use water from the Ngaruroro River for the primary purpose of irrigation. Membership usually rests at 36 entities, representing approximately 3000ha in the Ngaruroro catchment.

2. Irrigated land uses include cropping, viticulture, orcharding, pasture and fodder crops for sheep and beef, and dairy. Some of our members also have frost fighting consents and consents for water storage. Water is also taken for permitted uses such as for stock water and domestic purposes.

3. The sustainability of our members businesses are dependent on access to water. This allows them to produce high quality food and fibre for both the domestic and international markets. To access these markets, our membership is required to meet environmental standards. To meet these standards the use must be sustainable and efficient, adopting practices to avoid or mitigate environmental effects on water quality and biodiversity.

Submission

Tables 1-4 detail the matters that constitute the NIS Inc submission.

Table 1: Detailed Submission on Policies-

Policy	Issue	Relief sought
21	21. The Council will remedy or mitigate the potential impact of diffuse discharge of nitrogen on freshwater quality objectives by regulating land and water use changes that modelling indicates are likely to result in increased nitrogen loss (modelled on an annual, whole of property or whole of farm enterprise basis) and in making decisions on resource consent applications, the Council will take into account: a) whether freshwater quality objectives or targets are being met in the catchment where the activity is to be undertaken; b) where any relevant TANK Industry Programme or Catchment Collective is in place the extent to which the changed land use activity is consistent with the Industry Programme or Collective outcomes, mitigation measures and timeframes; c) any mitigation measures required, and timeframes by which they are to be implemented that are necessary to ensure the actual or potential contaminant loss occurring from the property, in combination with other contamination losses in the catchment will be consistent with meeting freshwater quality objectives, including performance in relation to industry good practice, efficient use of nutrients and minimisation of nutrient losses; and will; d) avoid land use change that will result in increased nitrogen loss that contributes to water quality objectives and targets in Schedule 26 for dissolved nitrogen not being met.	Oppose: Section 21 d) uses the word "avoid". In the Supreme Court decision for Environmental Defence Society Inc v New Zealand King Salmon Company Limited (2014) NZSC 38 the word avoid was determined to mean "not allow" or "prevent the occurrence of". This case law this is in conflict with TANK Rules 5 and 6 and schedule 29 as it will prevent any land use change that would see an increase in nitrogen loss. This will have detrimental effect on NISInc members. It is requested that Section 21 d) is deleted in entirety.
37	In managing the allocation and use of groundwater in the Heretaunga Plains Water Management Unit, the Council will; a) adopt an interim allocation limit of 90 million cubic meters per year based on the actual and reasonable water use prior to 2017;	a) Oppose and recommend the following changes: The date of 2017 should be changed to 2 May 2020 to reflect the rules of TANK 10 and the NISInc submission for a change to TANK 9. Further the date of 2017 affects those who have undertaken investments into water use and irrigation infrastructure legitimately

	b) avoid re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body until there has been a review of the relevant allocation limits within this plan; c) manage the Heretaunga Plains Water Management Unit as an over-allocated management unit and prevent any new allocations of groundwater; d) when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; (i) allocate groundwater the basis of the maximum quantity that is able to be abstracted during each year or irrigation season expressed in cubic meters per year; (ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 (except as provided by Policy 50); e) mitigate stream depletion effects on lowland streams by providing for stream flow maintenance and habitat enhancement schemes.	under existing consents and until 2 May 2020 when the plan was notified. There is also no timeframe specified for the confirmation of the new permanent limit. There must be a clear deadline for this work to be completed. b) Oppose, with the following recommended change This is in conflict with rules TANK rules 9 and 10 for consents under section 124 rights. This rule would prevent (with the use of the word avoid) the first consents which expire from being re-granted as the allocation limit would still be breached because the current paper allocation well in excess of the interim limit. It also may inhibit the transfer of consents from site to site. NISInc does not believe this is the intent of the Council. Wording is recommended below. "avoid *the* re-allocation of any water surrendered to the Council~~that might become available within~~ if the interim groundwater allocation limit or ~~within~~ the limit of any connected water body remains in excess of the interim limit until there has been a review of the relevant allocation limits within this plan; c) Oppose in entirety. This should be deleted because conditions a) and the recommended change to b) already ensure there is an allocation cap and that it cannot be exceeded. d)ii) Oppose. This condition prevents land use change and will also impact those who have made investments and changed land use post August 2017 and prior to 2 May 2020 within their current consent limits. Conditions a and b already apply an allocation cap without needing to prevent land use change. The following wording is proposed:

		"apply an assessment of actual and reasonable use *but will not grant water if the take exceeds the allocation limit for the catchment as stated in a and b* ~~reflects land use and water use authorised in the ten years up to August 2017~~ (except as provided by Policy 50); e) Support with the following recommendation: Reference to proposed stream flow maintenance schemes
40e) iii	"(iii) impose consent durations of 15 years that are consistent with the term for groundwater takes affected by stream flow maintenance requirements, except where stream flow maintenance is being provided by significant water storage infrastructure in which case consent duration is consistent with the scale of the infrastructure"	In support. 15-year consent duration allows for sound investment in irrigation infrastructure and maintenance.
41a)	"further investigating the environmental, technical, cultural and economic feasibility of a water storage and release scheme to off-set the cumulative stream depletion effect of groundwater takes"	In support with the following change. "further investigating the environmental, technical, cultural and economic feasibility of a water storage and release scheme to offset the effects of flow below the minimum flow (2400L/s)" Water storage is an important mechanism to mitigate environmental effects of flows below the minimum flow, provide reliable water supply and safeguard for climate change.
45b)	"require water meters to be installed for all water takes authorised by a water permit and water use to be recorded and reported via telemetry provided that telemetry will not normally be required where the consented rate of take is less than 5l/sec or where there are technical limitations to its installation;"	In support: Accurate water use records are of high importance for both the consent holders and the Regional Council to monitor take and use, irrigation system performance and environmental effects. Where telemetry connectivity is unreliable, having/allowing alternate options available in these cases is essential.
47a)	47. When considering applications for resource consent, the Council will ensure water is allocated and used efficiently by: a) ensuring that the technical means of using water are physically efficient through;	In support with the following revision: Recommend the words "technical", "physically" and "wasted" be removed. Technical efficiency of an irrigation system includes headworks efficiency, hydraulic efficiency, power consumption and

	(i) allocation of water for irrigation end-uses based on soil, climate and crop needs; (ii) requiring the adoption of good practice water use technology and processes that minimise the amount of water wasted; and (iii) the use of water meters;	associated costs. These are not important to the Council because these do not result in allocative or environmental effects. The word "wasted" is emotive and should be replaced with the "lost from the soil profile". Recommend the following wording to prevent confusion. a) ensuring that the ~~technical means of~~ *use of water is* ~~are physically~~ efficient through; (i) allocation of water for irrigation based on soil, climate and crop needs; (ii) adoption of good (or best) practice water use technology and processes that minimise the amount of water ~~wasted~~ *lost* from the soil profile; and (iii) the use of water meters;
47b)	When considering applications for resource consent, the Council will ensure water is allocated and used efficiently by: b) using the IRRICALC water demand model if available for the land use being applied for (or otherwise by a suitable equivalent approved by Council) to determine efficient water allocations for irrigation uses;	In Support: Irricalc is widely accepted around the country as a primary water allocation tool when assessing irrigation needs.
47c)	When considering applications for resource consent, the Council will ensure water is allocated and used efficiently by: c) allocating water for irrigation on the basis of a minimum water application efficiency standard of 80% and on a reliability standard that meets demand 95% of the time;	Oppose because the use of an application efficiency "standard" is not correct and recommend the following revision: i. "a minimum application efficiency standard of 80%" is not a standard and is not an accepted concept. There is clearly confusion between application efficiency and distribution uniformity (which is a measurable quantity and can be considered a standard). ii. Reliability is not a quantity that has any associated standard. iii. Application efficiency needs to be defined.

		The Irrigation New Zealand Technical Glossary defines Application Efficiency as being "The percentage of applied water that is retained in the root zone, or in the target area, after an irrigation event." It recommended that HBRC adopt the following definition: "80% of applied water is retained within the crop root zone, after an irrigation event and/or for the irrigation season." Application efficiency and reliability are not and do not have standards. To be a standard there needs to be a quantifiable measure to determine if the practice meets the standard. Application efficiency appears to be confused with Application Uniformity or Distribution Uniformity as defined in the IrrigationNZ Technical Glossary "The spatial variability of application. This can be defined in a variety of ways. Common examples are: • Distribution Uniformity (DU) • Coefficient of Uniformity (CU) • Coefficient of Variation (CV)." These measures determine the upper limit of Application Efficiency. "Distribution uniformity is a measure of how evenly water is applied to the ground. It is calculated using the low quarter distribution uniformity coefficient DU_{lq}" The definition of "reliability standard of 95%" is non-sensical. It cannot be measured against any quantifiable measure. It is a statistical measure; being the volume required to meet irrigation use in the 95^{th} percentile demand season, whether that is measured (water meter) or empirical (modelled) demand. The 95^{th}-percentile demand is considered very high and is not consistent with other irrigated areas in NZ which usually refer to meeting demand 90% of the time.
47e) and f)	When considering applications for resource consent, the Council will ensure water is allocated and used efficiently by:	In support: high quality design, installation and ongoing maintenance ensure we as irrigators are able to optimise the water

	e) requiring new water takes and irrigation systems to be designed and installed in accordance with industry codes of practice and standards; f) requiring irrigation and other water use systems to be maintained and operated to ensure on-going efficient water use in accordance with any applicable industry codes of practice.	allocated to us, use water to ensure water stress is avoided or minimised, optimise power use.
48e)	e) except where a change of use and/or transfer is for the purpose of a flow enhancement or ecosystem improvement scheme, declining applications to transfer water away from irrigation end uses in order to protect water availability for the irrigation of the versatile land of the Heretaunga Plains for primary production especially the production of food;	In support: it is important that water allocated to irrigation be safeguarded to ensure that high value crops can continue to be produced in the region.
49g)	g) will impose consent durations of 15 years according to specified water management unit expiry dates. Future dates for expiry or review of consents within that catchment are every 15 years thereafter.	In support. 15-year consent duration allows sound investment in irrigation infrastructure and maintenance.
54-58	High Flow Allocations, Water Storage and Augmentation	In support

Table 2: Detailed Submission on Rules-

Rule	Activity	Issue	Relief sought
TANK 5	The changing of a use of production land on farm properties or farming enterprises that are greater than 10 hectares in the TANK catchments pursuant to Section 9(2) RMA and associated nonpoint source discharges pursuant to Section 15 of the RMA	**Conditions/Standards/Terms** a) Any change to the production land use activity commencing after 2 May 2020 is over more than 10% of the property or farming enterprise area. b) The production land is subject to a Catchment Collective Programme meeting the requirements of Schedule 30B by a TANK Catchment Collective which meets the requirements of Schedule 30A. c) The Council may require information to be provided about production land use changes (note that the Schedul	Oppose: the following amendment is sought a) Any change to the production land use activity commencing after 2 May 2020 is *either* over more *than 10 hectares or* 10% of the property or farming enterprise area, *whichever is the greater*
TANK 6	The changing of a use of production land on farm properties or farming enterprises that are greater than 10 hectares in the TANK catchments pursuant to Section 9(2) RMA and associated non-point source discharges pursuant to Section 15 of the RMA	**Conditions/Standards/Terms** a) The activity does not meet the conditions of TANK 5. b) Any change to a production land use activity over more than 10ha of the property or enterprise area commencing after 2 May 2020 that results in the annual nitrogen loss increasing by more than the applicable amount shown in Table 2 in Schedule 29.	Oppose: the following amendment is sought b) Any change to a production land use activity over more than either, 10ha *or 10%* of the property or enterprise area *whichever is the greater*, commencing after 2 May 2020 that results in the annual nitrogen loss increasing by more than the applicable amount shown in Table 2 in Schedule 29.
TANK 7	The take and use of surface water in the TANK water Management Zones including under Section14(3)(b) of the RMA		In Support

TANK 8	The take and use of groundwater in the TANK Water Management Zones including under Section14(3)(b) of the RMA		In Support
TANK 9	Take of water from the Heretaunga Plains Water Management Unit where Section 124 of the RMA applies (applies to existing consents).	**Conditions/Standards/Terms** Actual and Reasonable Re-allocation c) The quantity taken and used for irrigation is the actual and reasonable amount. d) The quantity taken and used for municipal, community and papakāinga water supply is: (i) the quantity specified on the permit being renewed; or (ii) any lesser quantity applied for. e) Other than as provided in (c) or (d) the quantity taken and used is the least of: (i) the quantity specified on the permit due for renewal or (ii) any lesser quantity applied for (iii) the maximum annual water use in any one year within the 10 years preceding 1 August 2017 (including as demonstrated by accurate water meter records). **Matters for Control/Discretion** 1)The extent to which the need for water has been demonstrated and is actual and reasonable provided that the quantities	In Support with the following Amendments: **Conditions/Standards/Terms** c) Support with the variation to the definition proposed in Table 4 to the definition of Actual and Reasonable e) support: that the rule does not apply to irrigation takes Rule e(iii) needs a definition for Accurate Water Use Data. A recommended definition is provided in Table 4 **Matters for Control/Discretion** 1)Support with the amendment that water meter records do not apply to irrigation takes as per the definition proposed in Table 4 of this submission. Further the clarification on the definition of the completeness of the water use record is required to avoid ambiguity. A proposed a definition for “Accurate Water Use Data” is provided in Table 4. Completeness should also be defined using the National Environmental Monitoring Standard *(*NEMS) for Water Metering: Measurement, Processing and Archiving of Water Meter *Data* and assigned a Quality Code of at least QC500. 4)Oppose: as this rule relates to replacement consents, it is opposed that a matter for consideration is the “rate of take” without appropriate protections in place.

		assessed or calculated may be amended after taking account of: a. the completeness of the water permit and water meter data record; b. the climate record for the same period as held by the Council (note: these records will be kept by the Council and publicly available) and whether that resulted in water use restrictions or bans being imposed; c. effects of water sharing arrangements d. crop rotation/development phases 4) The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any minimum or trigger flow or level given in Schedule 31 and rates of take to limit drawdown effects on neighbouring bores 7) Measures to achieve efficient water use or water conservation and avoid adverse water quality effects including the method of irrigation application necessary to achieve efficient use of the water and avoid adverse water effects through ponding and runoff and percolation to groundwater.	The design of an irrigation systems requires a specific flow rate and is commonly the same as the rate of take. Changing a consented rate of take to less than the system flow rate would result in existing systems needing to be completely redesigned at considerable cost. It is recommended that wording revised to ensure the rate of take and therefor system flow rate is protected. "The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any minimum or trigger flow or level given in Schedule 31 and rates of take to limit drawdown effects on neighbouring bores. *For irrigation takes, the consented rate of take will be no less than that of the irrigation systems design flow rate*." 7) Oppose: it is proposed that the Council can control the "method of irrigation application" to achieve environmental outcomes. Irrigation systems are costly investments and are not easily "replaced". Irrigation systems can be managed in such a way that the policies to achieve efficient application, zero run off and ponding can be met.
TANK 10	To take and use water where Section 124 applies (applies to existing consents)	**Conditions/Standards/Terms** Actual and Reasonable Re-allocation e) The quantity taken and used for irrigation is the actual and reasonable amount.	**Conditions/Standards/Terms** e) Support with the variation to the definition proposed in Table 4 for the definition of Actual and Reasonable g) support that Rule g) does not apply to irrigation takes

		f) The quantity taken and used for municipal, community and papakāinga water supply is: (i) the quantity specified on the permit being renewed; or (ii) any lesser quantity applied for. g) Other than as provided in (e) or (f), the quantity taken and used is the least of: (i) the quantity specified on the permit due for renewal; or (ii) any lesser quantity applied for; (iii) the maximum annual water use in any one year within the 10 years preceding 2 May 2020 (including as demonstrated by accurate water meter records). **Matters for Control/Discretion** 1)The extent to which the need for water has been demonstrated and is actual and reasonable provided that the quantities assessed or calculated may be amended after taking account of: a. the completeness of the water permit and water meter data record; b. the climate record for the same period as held by the Council (note: these records will be kept by the Council and publicly available) and whether that resulted in water use restrictions or bans being imposed; c. effects of water sharing arrangements d. crop rotation/development phases	Rule g(iii) needs a definition for Accurate Water Use Data. A recommended definition is provided in Table 4 **Matters for Control/Discretion** 1)Support with the amendment that water meter records do not apply to irrigation takes as per the definition proposed in Table 4 of this submission. Further the clarification on the definition of the completeness of the water use record is required to avoid ambiguity. A proposed a definition for "Accurate Water Use Data" is provided in Table 4. Completeness should also be defined using the National Environmental Monitoring Standard *(*NEMS) for Water Metering: Measurement, Processing and Archiving of Water Meter *Data* and assigned a Quality Code of at least QC500. 3)Oppose: as this rule relates to replacement consents, it is opposed that a matter for consideration is the "rate of take" without appropriate protections in place. The design of an irrigation systems requires a specific flow rate and is the same as the rate of take. Changing a consented rate of take to less than the system flow rate would result in existing systems needing to be completely redesigned at considerable cost. It is recommended that wording revised to ensure the rate of take and therefore system flow rate is protected. "The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any minimum or trigger flow or level given in Schedule 31 and rates of take to limit drawdown effects on neighbouring bores. *For irrigation takes, the*

		3) The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any minimum or trigger flow or level given in Schedule 31 and rates of take to limit drawdown effects on neighbouring bores 10) Measures to achieve efficient water use or water conservation and avoid adverse water quality effects including the method of irrigation application necessary to achieve efficient use of the water and avoid adverse water effects through ponding and runoff and percolation to groundwater.	*consented rate of take will be no less than that of the irrigation systems design flow rate*." 10) Oppose: it is proposed that the Council can control the "method of irrigation application" to achieve environmental outcomes. Irrigation systems are costly investments and are not easily "replaced". Irrigation systems can be managed in such a way that the policies to achieve efficient application, zero run off and ponding can be met.
TANK 11	The take and use of surface (low flow allocations) or groundwater		In Support
Tank 12	The take and use of surface or groundwater		In Support
Tank 13	The taking and use of surface water at times of high flow (including for storage in an impoundment)		In Support
Tank 14	Damming of surface waters and discharge from dams except as prohibited by Rule TANK 17		In Support
Tank 15	Take and use from a dam or water impoundment		In Support
TANK 16	Damming, take and use at high flow or take from a dam or water impoundment		In Support
Tank 17	Construction of dams or the damming of water		In Support

TANK 18	Transfer and Discharge of groundwater into surface water in the Heretaunga Plains Water Management unit (quantity)		In Support

Table 3: Detailed Submission on Schedules

Schedule	Title	Issue	Relief sought
Schedule 31:	Flows, Levels and Allocation Limits	Ngaruroro River (surface and Zone 1) Fernhill[2] (note 2) Trigger Flow 2400 Allocation Limit 1300 l/sec	Fernhill Note 2) Oppose: the current monitoring site has a significant historical record with flow statistics members have built businesses around. The Council needs to demonstrate that the existing site is inappropriate for sound technical reasons and that the new site will not adversely affect existing reliability. Trigger Flow 2400 L/s. Support: our members have built businesses based on reliability of supply at this trigger level and some have made investment into storage to ensure on-going security once this trigger level has been met. Allocation Flow Limit 1300l/sec). Oppose: our members already have consented takes for more water than this allocation. Some consents in the Twyford area have now been included into this allocation. Our members are concerned this reduction may have significant consequences on existing "surface water" irrigation takes and their system requirements. The consented river flow rate should remain at 1582l/sec.
Schedule 32:	High Flow Allocation		Support:
Schedule 33:	Water Permit Expiry Dates		Support

Table 4: Detailed Submission on Glossary of Terms Used -

Term	Definition	Issue	Relief sought
Actual and Reasonable	Actual and Reasonable in relation to applications to take and use water means; a) no more than the quantity specified on the permit due for renewal or any lesser amount applied for; and the least of either; b) the maximum annual amount as measured by accurate water meter data in the ten years preceding 1 August 2017 for groundwater takes in the Heretaunga Plains Water Management Unit or in the preceding ten years preceding the 2 May 2020 as applicable elsewhere if accurate water meter data is available. (If insufficient or no accurate data is available either clause a) or c) will apply) or c) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no	Quantity is an abstract terminology – it would be best for this to be replaced by rate of take and/or volume TANK rules 9 and 10 say water will be granted on an actual a reasonable basis. Policy says that allocations will be based on an application efficiency of 80% and reliability of supply 95% of the time. While the rules and policy seemingly acknowledge the inappropriateness of using water use records for determining Actual and Reasonable need, water meter data is considered a measure in the definition. Water use records do not show the times of need when supply was unavailable, does not take into account crop rotations, orchard redevelopment phases and are variable due to climatic factors. Using data pre 1 August 2017 has been opposed earlier in this submission and 2 May 2020 has	Actual and Reasonable in relation to applications to take and use water means; a) no more than the quantity (rate of take and/or volume) specified on the permit due for renewal or any lesser amount applied for; ~~and the least of either~~; b) *for non irrigation takes* the maximum annual amount as measured by accurate water meter data in the ten years preceding 2 May 2020 for groundwater takes in the Heretaunga Plains Water Management Unit or in the preceding ten years preceding the 2 May 2020 as applicable elsewhere if accurate water meter data is available. (If insufficient or no accurate data is available either clause a) or c) will apply) and that season is equivalent to the empirical demand season (90%-ile or 95%-ile) or c) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an application efficiency of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise with an equivalent method), and with a 95% reliability of supply where the irrigated area is; (i) no more than in the permit due for renewal, or any lesser amount applied for, and in the case of Heretaunga Plains Water Management Unit, is not more than the amount irrigated in the ten years preceding ~~1 August 2017~~ 2 May 2020 and (ii) evidence is supplied to demonstrate that the area has, and can continue to be, irrigated and the permit substantially given effect to. *(iii) accurate water use records may be used as a guidance tool but not as a definitive measure of need.*

	less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise with an equivalent method), and to a 95% reliability of supply where the irrigated area is; (i) no more than in the permit due for renewal, or any lesser amount applied for, and in the case of Heretaunga Plains Water Management Unit, is not more than the amount irrigated in the ten years preceding 1 August 2017 and (ii) evidence is supplied to demonstrate that the area has, and can continue to be, irrigated and the permit substantially given effect to.	been requested to align with other water users.	
Application Efficiency (for irrigation)		No definition supplied	Insert the following definition: "Application Efficiency means that 80% of applied water is retained within the crop root zone, after an irrigation event and/or for the irrigation season."
Distribution Uniformity		No definition supplied	Insert the following definition: "Distribution uniformity is a measure of how evenly water is applied to the ground. It is calculated using the low quarter distribution uniformity coefficient DU_{lq}"
Accurate Water Meter Data		No definition supplied	Is water use data that has been assessed against the *National Environmental Monitoring Standard (NEMS) for Water Metering: Measurement, Processing and Archiving of Water Meter Data* and assigned a Quality Code of QC600.

Completeness of the water permit and water meter data record		No definition supplied	The completeness of the water use record is assessed using the National Environmental Monitoring Standard *(*NEMS) for Water Metering: Measurement, Processing and Archiving of Water Meter *Data* and complete data is data assigned a Quality Code of QC500 or better.

Signed:

Mike Glazebrook, Date: 13 August 2020
Chairperson, Ngaruroro Irrigation Society Incorporated

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

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.

Name: *(required)* Helen Liddle

Organisation/Iwi/Hapu: Focus Maraekakaho

Postal address: *(required)* 3399 State Highway 50
Maraekakaho
HASTINGS

Email address: admin@focusmkk.org.nz

Phone number: 027 240 8294

Contact person and address if different to above: Charlie Bogard
164 Tait Road, Maraekakaho
HASTINGS

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☐ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

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

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

Signature: [signature] Date: 13/8/20

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 14 August 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

67

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Plan provision (eg. objective, policy or rule number).....

I **Support** ☐ **Oppose** ☐ **Amend** ☑

I seek the following decision from the Regional Council: *[Please 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]*

AS ATTACHED

Reason for decision requested:.....

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 JULY 2020

STRATEGIC DEVELOPMENT GROUP

HAWKES BAY REGIONAL COUNCIL

- Submission from

MARAEKAKAHO FOCUS GROUP

PROPOSED TANK PLAN CHANGE 9

Background

The Maraekakaho community is committed to:

1. the preservation of, both above and below, the Maraekakaho Stream for the purposes of recreational activity, the preservation of cultural values, tikanga Māori and as a rich resource for the local school.
2. to uphold and protect water quality of the Ngaruroro River to a level which supports the ecosystem and human health for drinking, recreation and food gathering, (as per the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007) the minimum level acceptable being the safe swimming standard.
3. the protection of the only public recreational amenity for Maraekakaho and the greater surrounding community.
4. the preservation of the riparian strip and its repair and restoration to its natural state, free from pollutants, introduced pest plants and unsympathetic commercial or industrial operations.

Support

Tank 8 and in particular (d).
Tank 11
5.10.1 TANK objectives

We would support and advocate that the following measures are allowed for:

a) Improved riparian management i.e. no extensive tree felling creating flood risk.
b) Riparian planting with informative signage to foster public awareness.
c) Monthly water quality testing of the Maraekakaho Stream and the Ngaruroro River downstream of any commercial or industrial activity on the riparian strip.
    i. No permanent buildings
    ii. No equipment, machinery or vehicle servicing onsite
    iii. No machinery wash/cleaning areas
    iv. No fuel, oil or chemical storage

Amend

5. Tank 1 - land size to be increased to 50ha.
   Tank 1 needs to consider the impact of climate change and the adaptation required by landowners in the decision-making process. Effective adaptative action ensures the flexibility required to enable local circumstances to be reflected across the local environment and community.

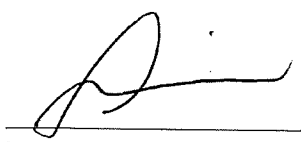
Appose

6. Tank 5 – Use of productive land should not be locked in.
   Given the diverse mix of mixed farming, horticultural, viticultural, forestry, lifestyle holdings, home industries, visitor accommodation, food and entertainment facilities, educational and sports facilities to name a few, some of which utilise poor and unproductive land of the Maraekakaho district, it would be good practise to incentivise stakeholder behaviour for self-organisation to meet the challenges of climate change.
   Tank 5 would effectively constrain the resilience, adaptability and transformability of land for this region.

Suggested Solution to commercial or industrial access to the Ngaruroro River at Maraekakaho

7. We feel it would be judicious to revisit the first proposition of utilising the intersection off Valley Road for vehicles to have access to the shingle site. Future-proofing any increase in activity would be reliant on the provision of safe vehicle access and egress to and from the site and this intersection has the space to allow for speed changes between the highway and the site access as well as the elimination of potential conflicts with other directions of traffic.

DATED this 12th day of August 2020



Lynn Quinn
Signed on behalf of
The Maraekakaho Focus Group

Submission on Proposed Plan Change 9 (PC9): Hawke's Bay Regional Resource Management Plan

Name: Geoffrey Smith

Organisation: Vine Nursery New Zealand and Waikahu Vineyard

Postal address: 1884 Maraekakaho Road

RD1

Hastings 4171

Email address: geoff@vinenursery.co.nz

Phone number : 0279402115

Who are we:

Vine Nursery New Zealand is a supplier of Certified Grafted Grapevines to the New Zealand wine industry, employing 5 full time equivalents. Waikahu Vineyard is a supplier of super-premium standard wine grapes to a to a leading New Zealand wine producer. Waikahu employs 3 full time equivalents.

Submission Summary:

1. I SUPPORT the overall framework of PC9 , to the degree that it reflects agreements reached by the TANK Group community representatives, developed over more than 6 years of intensive dialogue and providing an integrated catchment solution that best balances the values and interests of the Hawke's Bay community.
2. I OPPOSE elements of PC9 that do not reflect those agreements reached by the TANK Group community representatives.
3. I SUPPORT THE AMENDMENTS proposed by Hawke 's Bay Winegrowers' Association Inc. in their submission dated 14 August 2020.
4. I SEEK AMENDMENTS as set out in Section A of this submission below.
5. I am concerned that PC9's approach to allocation of water and control of farming emissions unfairly penalises viticultural land owners as very low water users and very low emitters compared to other major primary production systems .
6. I am concerned that PC9 will have significant negative effects on me and/or my business and I have detailed my concerns in Section B below.

Submission Details:

A. General impact on the wine sector

Plan Provision	Concerns and Reasons	Decision Sought
OBJ TANK 7 Requirement to reduce contaminant losses	This Objective, as currently drafted, could be interpreted to require a reduction in contaminant loss including soil loss from all land use types. Some land use types including viticulture on low-slope land already have negligible contaminant losses (& especially soil losses) and would be unable to achieve any reductions.	Amend OBJ TANK 7 to read "…reduces ***reduceable*** contaminant loss…"; or similar wording to achieve the outcome sought in this submission.
OBJ TANK 16 Priority order for water allocation	This Objective establishes a priority order for water allocation which ranks primary production on versatile soils ahead of other primary production. Some viticultural production is on soils that are not considered to be versatile (eg. LUC 7 stoney soils) but is the highest and best primary production use of such soils, is highly efficient low water-use & low- contaminant activities that contribute strongly to community soci o-economic development and should rank equally with primary production on versatile soils. The Objective also does not make it clear what the ranking of water bottling activities would be. The Hawke's Bay community has clearly indicated that water bottling should not be a priority use of water, so should be amended to explicitly record a lower priority, ranking below all other activities involving the economic use of water.	Amend OBJ TANK 16.c to read "Primary production on versatile and ***viticultural*** soils", or similar wording to achieve the outcome sought in this submission. Amend OBJ TANK 16.e to read "***Water bottling and*** other non-commercial end uses", or similar wording to achieve the outcome sought in this submission.
Policy 5.10.2.6/7/8 Protection of source water	These three policies adopt a strengthened approach to protection of the quality and quantity of drinkingwater supplies. I support a precautionary approach to such protection but considers that the policies and rules are unnecessarily onerous and reflect an over-response to the 2016 Havelock North water crisis. The Plan Change draws source protection zones expansively and the control exerted by Council through matters of discretion under TANK rules 2/4/5/6/9/10	Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10. Address risks via Farm Environment Plans, Catchment Collectives and Industry Programmes.

	is uncertain and potentially onerous, particularly on winery point source discharges but also on vineyard farming practices. In addition to the uncertain scope of control, there is a duplication in control because risks to drinkingwater will also need to be addressed in Farm Environment Plans, Catchment Collectives and Industry Programmes. Retaining the reference in TANK 2 will ensure that a risk assessment will still be made in the event that a property does not have a Farm Environment Plan or is not part of an Industry Programme or Catchment Collective.	
Policy 5.10.3.21 Assessing resource consents in subcatchments exceeding nitrogen objectives or targets	This policy requires Council to have regard to any relevant Industry or Catchment Collective plans in place when assessing resource consents for effect on diffuse discharge of nitrogen. However, as currently drafted, clause 21.d appears to prevent the issuance of any resource consent for any land or water use change that may result in any increased nitrogen loss, where a subcatchment exceeds dissolved nitrogen objectives or targets in Schedule 26. This is unnecessarily constraining of landuse change, undermines the role of community collectives, discriminates heavily against viticulture as a particularly low nitrogen source and fails to recognise the 2040 timeline for meeting water quality objectives.	Amend so that Catchment Collectives and Industry Programmes may manage land use change in accordance with the 2040 timeline for meeting water quality objectives. Amend 21.d to read "***subject to Policy 21 a)-c),*** avoid land use change…." or similar wording to achieve the outcome sought in this submission.
Policy 5.10.6.36 Heretaunga Plains Aquifer Management	This policy requires Council to "adopt a staged approach to groundwater management that includes: f) avoiding further adverse effects by not allowing new water use and g) reducing existing levels of water use ". The requirement to "not allow new water use" is needlessly restrictive and ostensibly prohibits ANY new [take and] use, including use of new water stored under the high flow allocation provisions of the Plan, as well as potentially the replacement of expiring consents. Similary, the requirement to "reduced existing levels of water use " precludes use of new stored water and fails to recognise that the interim allocation limit of 90 million cubic meters is intended to align with previous actual water usage and that the Heretaunga Plains Aquifer is considered to be overallocated based on	Amend Policy 36.f to read "avoiding further adverse effects by ***controlling net groundwater use within the interim allocation limit set out in Policy 37***" or similar wording to achieve the outcome sought in this submission. Amend Policy 36.g to read "~~***reducing existing levels of***~~ ***encouraging*** water use ***efficiency***." or similar wording to achieve the outcome sought in this submission.

	cumulative consented volume (sometimes referred to as "paper volume") but not on cumulative consented actual use.	
Policy 5.10.6.37.d(ii) "Actual & Reasonable" water allocation approach	This policy requires Council to "when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; … (ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 …". The intent of this policy is understood to be to provide for replacement consent volumes not exceeding the highest use in the driest year in recent history (generally considered to be the 2012/13 water year), for landuse as at August 2017 (the point at which HBRC publicised the decision to cap groundwater usage at current peak dry-year levels). However, since TANK completed and the Plan was drafted, Hawke's Bay has experienced a severe drought in 2019/20 water year. Given this recent experience and vastly improved water meter data collection in the most recent years, I consider that the 2019/20 water year data should be available as a benchmark dry year. More fundamentally, I disagree with the definition of "Actual and Reasonable" and its inequitable and unworkable approach to allocation of water for replacement of consents that existed as at August 2017. Due to the lack of reliable and comprehensive water metering data from 2012/13 and the impact of vine age and redevelopment timing on actual annual vineyard irrigation requirements, practical difficulties in evidencing historical landuse activities and the risk of penalising efficient users at the expense of inefficient ones, I consider that there should be a presumption that the Hawke 's Bay-specific IRRICALC model is the appropriate measure of "Actual and Reasonable" for the purpose of calculating allocations for those replacement consents.	Amend Policy 37.d(ii) to read "(ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to ~~***August 2017***~~ ***30 June 2020 (the end of the 2020 water year)***…". or similar wording to achieve the outcome sought in this submission. Amend the Glossar definition of "Actual and Reasonable to provide that the volume allocated at consent renewals is the lesser of: - the amount calculated by a Hawke's Bay-specific IRRICALC model at 95% security of supply; - the volume of the expiring consent being replaced.", or similar wording to achieve the outcome sought in this submission.

Policy 5.10.6.39 Requirement for flow maintenance (augmentation)	This policy subjects consented water users in the Heretaunga Plains Water Management Unit to a regime which requires them to either participate in stream flow maintenance and habitat enhancement schemes, or cease abstraction once a stream flow maintenance trigger is reached. When this policy was conceived in TANK, it was intended to apply initially to 3 named lowland streams which HBRC science indicated were suitable for a stream flow maintenance scheme. Post-TANK, the Plan has incorporated all streams as well as the mainstem of the Ngaruroro River and I OPPOSE this policy on five main grounds: 1. The flow maintenance requirement now proposed, extends far beyond that supported in TANK and the need for such extension has not been justified. 2. In TANK, it was envisaged that HBRC would play a central role in establishing the 3 then-proposed lowland stream augmentation schemes. As HBRC hold all the relevant scientific and technical information required to operationalise such schemes, it is critical that HBRC takes on a central role in their development. 3. Large temporal and spatial spread of consent expiries and large consent numbers make it impractical and inequitable to require consent holders to take full responsibility for the development. 4. No allowance for an orderly transition to any new stream augmentation has been made. The currently proposed provisions could apply immediately from notification of the Plan Change, including to a very large number of currently expired consents (particularly groundwater takes in the unconfined aquifer), whereas stream augmentation schemes may be reasonably expected to take years to commission, particularly the kind of large-scale schemes that would be required to maintain flows in the Ngaruroro River. 5. Consent reallocations under the "Actual and Reasonable" provision of the Plan based on 95% certainty of supply do not provide sufficient water	I understand that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. I support, in principle, jointly-funded collective stream flow maintenance schemes on suitable lowland streams, facilitated by HBRC.

	volume to support stream augmentation in dry years and so would decrease the effective certainty of supply of consents.	
Policy 5.10.7. 51 Water Use and Allocation - Priority	This clause provides for an emergency water management group when making water shortage directions under Section 329 of the RMA, with the group including representatives from various sectors of the community but not including the primary sector. As decisions made in consultation with this group relate inter alia to the provision of water essential for the maintenance of animal welfare and survival of horticultural tree crops and to seasonal demand for primary production, the primary sector should also be represented in the group.	Amend 5.10.7.51 to read "…emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi, ***affected primary sector groups*** and MPI, to make decisions …" or similar wording to achieve the outcome sought in this submission.
Policy 5.10.8.59 High Flow Reservation	This policy requires Council to **allocate** "20% of the total water available at times of high flow in the Ngaruroro or Tūtaekurī River catchments for abstraction, storage and use for" contributions to environmental enhancement and M āori development. This policy originated in an agreement in TANK to **reserve** 20% of any NEW high flow allocation for Māori development, then underwent significant development and change as Council explored ways to operationalise it and through iwi and RPC consultations. The resulting policy has some fundamental differences to that originally agreed in TANK: 1. The Policy refers to the Ngaruroro **OR** Tūtaekurī River catchments" (emphasis added), whereas the intention in TANK was for it to apply to BOTH rivers. This may just be a drafting error. 2. The Policy now covers water for both M āori development and environmental enhancement but Schedule 32 only refers to M āori development. 3. The allocation rate of 1600L/s for the Ngaruroro River in Schedule 32 represents 20% of the total high flow allocation limit for that river, whereas the TANK agreement was for 20% of the new allocation (6000L/s), ie 1200L/s.	Policy 59 needs significant re-write to address the above inconsistencies between the policy as it now stands and the framework agreed in TANK. It should distinguish clearly between water for environmental enhancement and water for M āori development, reduce the proposed M āori development reservation for the Ngaruroro River from 1600L/s to 1200L/s in line with the 20% new-water allocation agreed at TANK and remove the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the high flow allocation.

	4. Policy 60 now embodies the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the allocation. 5. The Policy now requires "allocation" rather than "reservation", with uncertain implications for private sector interests	
Rule TANK 5 Land use change	This rule controls land use change to production land use activity over more than 10% of a property or farming enterprise. The rule gives no guidance on what constitutes "change to the production land use activity", with the result that it is highly uncertain what types of activity are controlled and the rule cannot be practically enforced. For example, is a change from conventional farming to organic farming captured? A change in planting density? Also the rule fails to account for the possibility that a farming enterprise may span multiple water quality management units within a Surface Water Allocation Zone, which may then unintentionally permit land use change beyond 10% of the farming enterprises' properties within a water quality management unit	The rule needs further development to give more guidance on what changes are intended to be controlled and to control change by farming enterprises within a water quality management unit more appropriately.
Rule TANK 6	This rule restricts change to production land use activity over more than 10% of a property or farming enterprise where there is no Catchment Collective or Industry Programme operative, where modelled land use change effect on total property nitrogen loss exceeds the figures in Table 2 of Schedule 29. Table 2 is populated from per-hectare figures for common primary production systems. The per-hectare figure of 1kg/ha/yr provided for Grapes for Esk/Omahu/Pakipaki Soils is unrealistically low & clearly fails to account for the autumn/winter sheep grazing rotation that commonly occurs on vineyards. Also the Plan Change does not record the version of the models employed to derive the crop loss figures, so is not future-proofed against the effect of future model changes.	Adjust the Grape kg/ha/yr for all soils to recognise winter sheep grazing rotation. Include details of crop model versions used to derive the crop loss figures in Schedule 29 and include a mechanism to address the effects of model and/or version changes to modelled outputs. .

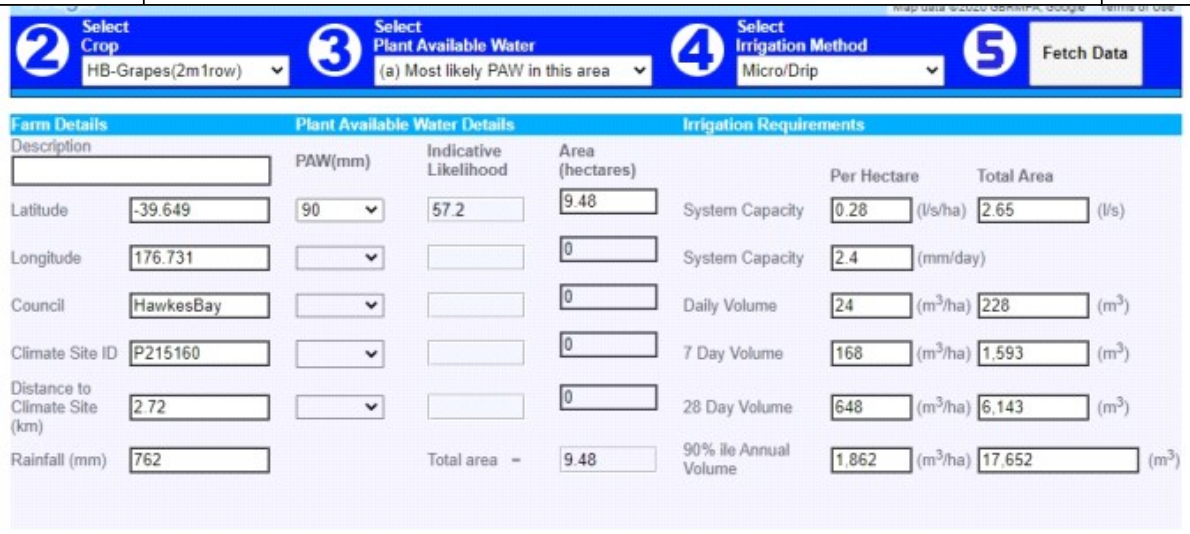
Rule TANK 13 Taking water – high flows	This rule provides for capture, storage and use of surface water at times of high flow. I consider this to be a critical element of the overall Plan Change, providing the opportunity to re-engineer the Heretaunga Plains water use profile in a way that multiple & often conflicting interests and values can be addressed.	Supported, subject to amendments to POL 59 & 60 to address concerns about drafting details relating to the 20% Maori/environment reservation.
RRMP Chapter 6.9 - 6.3.1 Bore Drilling & Bore Sealing, Rule 1	This rule change has the effect of making bore drilling within a Source Protection Zone (SPZ) a Restricted Discretionary activity, as opposed to a Controlled activity. The proposed SPZs cover extensive areas of the Heretaunga Plains, particularly in the unconfined aquifer zone where many vineyards are located. The proposed Plan brings in intensive controls over activities in the SPZs and are specifically drawn to capture areas of unconfined aquifer upstream of protected water takes. Given the already-permeable nature of the unconfined aquifer area that comprises the bulk of the SPZs and other substantial controls over landuse activities, there is negligible additional benefit in controlling bore drilling in this area where the bore is a replacement for existing infrastructure. Also the additional expense and uncertainty of Restricted Discretionary status is likely to act as a deterrent to bore replacement as part of a normal maintenance cycle. Accordingly, bore drilling for the purpose of replacement of existing infrastructure in the SPZs should remain a Controlled activity.	Add a Condition to 6.3.1 Rule 1 reading: "***c. The bore is located within a Source Protection Zone but is a replacement for an existing bore that will be decommissioned.*** " or similar wording to achieve the outcome sought in this submission.
Schedule 30 Landowner Collective, Industry Programme and Farm Environment Plan	Schedule 30 sets out the requirements for Farm Environment Plans, Landowner Collectives and Industry Programmes, as a method primarily to address the cumulative effects of landuse. I support this general approach over more prescriptive approaches, as it provides flexibility for landowners to achieve environmental objectives in the most efficient ways. The NZ wine industry has a longstanding and highly respected industry sustainability programme (Sustainable Winegrowing New Zealand - SWNZ), which the industry intends to further develop to achieve equivalency with a Farm Environment Plan. However, as the environmental profile of vineyards is dramatically different from (and in most respects lower than) that of other major primar industries, SWNZ does not comfortably fit within the PC9 framework and it is inefficient and counterproductive to apply an essentially pastoral-	Schedule 30 should be less prescriptive, more facilitative and more industry risk profile-based in respect of Industry Programmes. The Programme Requirements in Section B of Schedule 30 as they relate to Industry Programmes should be re-cast as a more of a guideline, with an acknowledgement that detailed requirements can vary depending on the Industry's risk and emissions profile as it relates to catchment objectives. Amend all references to Farm Environment Plan in this Plan Change to "freshwater farm plan" and otherwise align the Plan Change requirements to

	farming approach to viticulture. Schedule 30 also does not recognise the recent policy advances made nationally via the government's Essential Freshwater package and in particular the Resource Management Amendment Act 2020, which provides for a national framework of "freshwater farm plans", to be operationalised via S.360 regulations. I consider that the references to and requirements for a Farm Environment Plan in this Plan Change ought to be aligned with the Resource Management Amendment Act 2020 and related S.360 regulations and that these national requirements should be adopted by the Plan Change, in the interests of national standardisation and longer-term efficiency.	those of the Resource Management Amendment Act 2020 and related S.360 regulations.

B. Specific impact on me and/or my business

I am concerned that PC9 will impact on me and/or my business in the following ways and seek the following relief:

Plan Provision	Impact, Concerns and Reasons	Decision Sought
1.	I am concerned that any reduction in water alloca ted to the consent under my name would deem my property uneconomic and put my crop and plant production at risk of loss and or death. The Irricalc model provided by HBRC shows that the water consent for the property is already under allocated. Irricalc does not consider the higher demand on water that the 1.08 hectare of grapevine nursery production has.	To allocate a fair volume of water for the current land use and a resource consent water permit that has weekly take volumes representative of Irricalc.



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Do you wish to be heard in support of your submission? Yes
If others make a similar submission, would you consider presenting a joint case with them at a hearing? Yes

Signature:  Date: 13/8/20

To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: Jos Dames on behalf of Dames Limited

This is a submission on the following Proposed Plan Change to the Hawke's Bay Regional Resource Management: Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments.

I could not gain an advantage in trade competition in making this submission.

My submission is:

- I generally support the overall framework of Plan Change 9, to the degree that it reflects a staged approach to improving the management of the TANK Catchments freshwater resources.
- Horticulture is critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available to provide for that. The value of horticulture and its role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9.
- The real freshwater improvements come from the practices I adopt to manage discharges from land I manage (in some cases only temporarily), and my water use. I support requiring all growers to operate at good management practice.
- I also support the ability for a group of landowners to be able to manage environmental issues collectively to improve the effectiveness of the response to water issues. I consider Plan Change 9 should better enable collective approaches to water and nutrient management by reducing the level of detail and specificity in the plan, as every collective grouping will be slightly different and work in a slightly different way, and it is important that this is enabled.
- Where this submission aligns with that of Horticulture New Zealand's submission, I support that submission.
- I oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. I also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

The specific provisions of the proposal that my submission relates to are:

Provisions & general description of issue	**Amendments sought**
Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary Replacement of water permits based on actual and reasonable use	Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of: a) the quantity specified on the permit due for renewal or any lesser amount applied for; or b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise an equivalent method) and to a 95% reliability of supply. Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.

Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32 High flow takes and storage	The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).
Policy 51, 52, TANK 7 and TANK 8 Availability of water for survival of permanent horticultural crops	A specific exemption should be provided in TANK 7 and 8 to allow up to $20m^3$ to continue to be taken per day to assist the survival of permanent horticultural crops.
Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b Transfers of water permits	Transfers of all water permits that have been exercised should be enabled.
Policy 37 and 38 Restriction on re-allocation of water	The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primary production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).
Policy 37, 39, 40, 41, TANK 18 and Schedule 36 Stream flow maintenance and augmentation schemes	Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.
Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary Industry programmes and landowner collectives	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.
Policy 21, TANK 5, TANK	A definition of what a change to production land use is needs to be

6, Schedule 26, Schedule 28 and Schedule 29 Land use change and nutrient loss	provided to clarify what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.

Horticultural operations are located at 65 Lawn Road, 229 Havelock Road and 223 St Georges Road North, 12 Gordon St Fernhill and comprise of the following crops and area 80ha of apples

Plan Change 9/TANK is likely to affect my business in the following ways:

We may not be able to grow our export apple crop to harvest because of size/suburn/crop loading and poor maturity management.

The effect of this outcome will be that we will be unable to employ workers for the harvesting packing and other export operations.

As growers we are well used to the balance of weather and other uncertainties which impact on our farming operations and as farmers are always mindful of preserving our food production soils as a generational asset.

The proposed plan change management requirements have a potential completely reshape any certainty on our future abilities to continue growing food on our soils.

In order to maintain the contribution our crops have as a multiplier of employment and other regional opportunities I feel it is important to revisit some of the plan change proposals and their effects.

I seek the following decision from the local authority: that the plan change is amended as set out in the table above.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter: 

Date: 13AUG2020

Electronic address for service:jos@dames.co.nz

Contact phone number:0274 490099

Postal address:229 Havelock Road Akina Hastings 4122

Contact person (if submission on behalf of a business or organisation): Jos Dames

Submission on Plan Change 9

Mike Glazebrook
103 Valley Road
RD4
Hastings 4174
mike@glazebrooks.co.nz
0274459795

Background

Farmer, irrigator, compost maker, a storer of water, Chairman of Ngaruroro Irrigation Society, and was a member of the TANK collaborative stakeholder group.

This submission is made in my own personal capacity not on behalf of the organisations I am part of.
There is much to support in the plan, but I think it has at least two potentially serious flaws.

Main concerns.

1) The restriction on further groundwater extraction on the Heretaunga Plains as described in Policies 36 and 37.

In 2017 the TANK group was asked to endorse a moratorium on any new consents to extract ground water from the Heretaunga Plains. The basis for the request was that a recent ground water model indicated that ground water extraction was having a greater than anticipated effect on the regions streams and rivers.

The group did unanimously endorse the moratorium, but only once it was agreed that there would no further groundwater extraction *without mitigation.*

This proviso is critically important. The storage and release of high flow river water provides the opportunity to supply abundant water to all who need it on Heretaunga Plains. There is more than ample water falling in the catchment for environmental and cultural purposes, new water for irrigation, industry, recreation, and urban domestic water supplies. We need only capture a tiny fraction of it.

However having taken advantage of this abundance, the water still needs to be distributed efficiently.

High flow water storage is the key to abundant water; the aquifer is one of the keys to getting the water to where it is needed.

Piping water from rivers and streams will be feasible in some situations. However in others it will be completely impractical, or prohibitively expensive.

Policies 36 and 37 need to have added the same proviso that was agreed at the time of the moratorium. That is to say, in effect, "there will be no further allocations of groundwater *without mitigation".*

I have been advised by HBRC staff that, just because further extraction is not provided for under the PC9, doesn't mean applications can't made under the RMA. If this is so, it may solve the problem. However, I submit that this whole issue needs further clarification.

The Hawkes Bay community needs to be fully aware of the costs and consequences of not allowing the aquifer to act as a conduit. This will be the case if no further extraction of ground water is permitted despite the mitigation of adverse effects.

2) Change in Land use.

Policy 21 d)

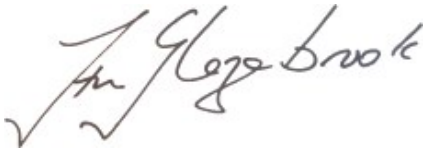
(The Council) .. will
" avoid land use change that will result in increased nitrogen loss that contributes to water quality objectives and targets in Schedule 26 for dissolved nitrogen not being met"

The Ngaruroro Irrigation Society (NIS) has submitted that, due to a legal ruling, the wording in Policy 21(d) conflicts with the obvious purposes of Tank Rule 5 and 6 and the Tables in Schedule 29. The simplest way to avoid this conflict is to delete Policy 21 (d). Failing that, the wording of 21 (d) should be amended so that the word "avoid" retains its common meaning i.e. "to minimise" or "prevent as far as practical" rather than simply "not allow" as interpreted in the Supreme Court decision for Environmental Defence Society Inc v New Zealand King Salmon Company Limited (2014) NZSC 38.

Hastings is the fruit bowl of New Zealand. A misunderstanding over a single word could accidentally prevent the establishment of new orchard blocks and other traditionally accepted activities on the Heretaunga Plains.

I wish to be heard in support of this submission.

Mike Glazebrook 13th Aug 2020



To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: Bellingham Orchard Ltd./Carl Knapp

This is a submission on the following Proposed Plan Change to the Hawke's Bay Regional Resource Management: Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments.

I could not gain an advantage in trade competition in making this submission.

My submission is:

- I generally support the overall framework of Plan Change 9, to the degree that it reflects a staged approach to improving the management of the TANK Catchments freshwater resources.
- Horticulture is critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available to provide for that. The value of horticulture and its role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9.
- The real freshwater improvements come from the practices I adopt to manage discharges from land I manage (in some cases only temporarily), and my water use. I support requiring all growers to operate at good management practice .
- I also support the ability for a group of landowners to be able to manage environmental issues collectively to improve the effectiveness of the response to water issues. I consider Plan Change 9 should better enable collective approaches to water and nutrient management by reducing the level of detail and specificity in the plan, as every collective grouping will be slightly different and work in a slightly different way, and it is important that this is enabled.
- Where this submission aligns with that of Horticulture New Zealand's submission, I support that submission.
- I oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. I also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

The specific provisions of the proposal that my submission relates to are:

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Policy 37 and 38 Restriction on re-allocation of water	The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primar production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).
Policy 37, 39, 40, 41, TANK 18 and Schedule 36 Stream flow maintenance and augmentation schemes	Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.
Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.

Industry programmes and landowner collectives	
Policy 21, TANK 5, TANK 6, Schedule 26, Schedule 28 and Schedule 29 Land use change and nutrient loss	A definition of what a change to production land use is needs to be provided to clarif what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.

My horticultural operation is located at 45 Longlands Road West and comprises of the following crops and acreage: Organic apples 15 hectares; organic pears 6 hectares; organic plums 1 hectare.

Plan Change 9/TANK is likely to affect my business in the following ways:

If water allocation is based upon actual use instead of reasonable use (based on irricalc) our ability to modernize our growing systems may be inhibited. Many of our older plantings are less efficient in terms of productivity but more efficient in terms of water usage – they require less irrigation than modern plantings.

In order to keep up with the rest of the world we need to continue updating our planting systems and varieties to make our production processes more efficient, and to keep up with the requirements and demands from the market. The world market is very demanding and requires more consistency in product quality than our older plantings can deliver. Modern horticultural technology as promoted by Plant & Food, Hort NZ, Apples and Pears New Zealand and all the companies that we deal with in the export of our fruit, requires higher planting densities on dwarfing root stocks. These root stocks need more irrigation than many older root stocks because they are more shallow rooting, drawing their water from what is available in the top layers of soil.

The ongoing difficulties with sourcing labour also demand that we be more efficient, to make better use of the labour that is available.

Allocating water on historical use does not account or allow for changes to crop types or planting systems, which are essential to keep our competitiveness with the rest of the world. We strive to be efficient users of water and would be very disappointed to be penalized for being efficient in the past when others who have been profligate users will benefit from an allocation system based on past actual use.

I seek the following decision from the local authority: That the plan change is amended as set out in the table above.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter:

Date: 12/08/20

Electronic address for service: ctmjknapp@gmail.com

Contact phone number: 64 27 445 0687

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Contact person (if submission on behalf of a business or organisation): Carl Knapp

To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: Armadale Orchard Ltd

This is a submission on the following Proposed Plan Change to the Hawke's Bay Regional Resource Management: Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments.

I could not gain an advantage in trade competition in making this submission.

My submission is:

- I generally support the overall framework of Plan Change 9, to the degree that it reflects a staged approach to improving the management of the TANK Catchments freshwater resources.
- Horticulture is critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available to provide for that. The value of horticulture and its role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9.
- The real freshwater improvements come from the practices I adopt to manage discharges from land I manage (in some cases only temporarily), and my water use. I support requiring all growers to operate at good management practice .
- I also support the ability for a group of landowners to be able to manage environmental issues collectively to improve the effectiveness of the response to water issues. I consider Plan Change 9 should better enable collective approaches to water and nutrient management by reducing the level of detail and specificity in the plan, as every collective grouping will be slightly different and work in a slightly different way, and it is important that this is enabled.
- Where this submission aligns with that of Horticulture New Zealand's submission, I support that submission.
- I oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. I also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

The specific provisions of the proposal that my submission relates to are:

Provisions & general description of issue	**Amendments sought**
Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary Replacement of water permits based on actual and reasonable use	Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of: a) the quantity specified on the permit due for renewal or any lesser amount applied for; or b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwis an equivalent method) and to a 95% reliability of supply. Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.

Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32 High flow takes and storage	The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).
Policy 51, 52, TANK 7 and TANK 8 Availability of water for survival of permanent horticultural crops	A specific exemption should be provided in TANK 7 and 8 to allow up to 20m^3 to continue to be taken per day to assist the survival of permanent horticultural crops.
Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b Transfers of water permits	Transfers of all water permits that have been exercised should be enabled.
Policy 37 and 38 Restriction on re-allocation of water	The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primar production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).
Policy 37, 39, 40, 41, TANK 18 and Schedule 36 Stream flow maintenance and augmentation schemes	Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.
Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.

Industry programmes and landowner collectives	
Policy 21, TANK 5, TANK 6, Schedule 26, Schedule 28 and Schedule 29 Land use change and nutrient loss	A definition of what a change to production land use is needs to be provided to clarif what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.

My horticultural operation is located 598 Te Aute Rd, Havelock North and comprises of the following crops and acreage: 18ha Apples, 4 ha Peaches

Plan Change 9/TANK is likely to affect my business in the following ways: If we are unable to obtain enough water for the REQUIRED amount of irrigation necessar to grow our crops, especially during redevelopment phases (It should be noted that in most operating orchards there is always 5-10% a year on average in a redevelopment stage) it will become unviable to support such an operation, both practically and economically. This will affect employment directly, we will not be able to continue to employ the number of people we currently do, if we can even maintain a business. This will then affect exports and local food supply for NZ. Simply put: **Not enough water = not enough food**. The flow on effect from this is enormous. Not to mention land values. We also live in an environment where pest and disease threats are constant and everchanging. If we do not have the ability to change land use and adapt water to suit the evolving crops we grow. It will be the end of an industry in the area and land values will plummet.

I seek the following decision from the local authority: Whilst we support protection and sustainable use of the resource we all require. Pragmatism and reality need to be considered for real world use on a commercial level not just environmental. We support water storage concepts (council owned Dams) that are recharged in winter months, we even support paying **REASONABLE** levies to contribute to its construction, on the basis our water takes are protected for our growing requirements long term and sustainability targets are met. The other points listed in the table above are amended also.

A further aspect to be considered in making a decision is the quality of the data used to model stream flow levels and aquifer volumes. To date, we have only heard of "assumed" data and modeling based on computer program outputs using incomplete or unconfirmed data. Before potentially industry changing decisions are made, we need to be 100% sure of the data we are using so that any solutions are based accordingly and appropriately recognizing all aspects involved.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter: Armadale Orchard Ltd

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Contact person (if submission on behalf of a business or organisation):

Justin Addis

To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: Bevan Davidson

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I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter: 

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Contact person (if submission on behalf of a business or organisation):

Bevan Davidson

SUBMISSION
Proposed Plan Change 9
Hawke's Bay Regional Resource Management Plan

Date:	12 July 2020
Submitter:	Bayley Produce Limited
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Tel:	06 879 5046
Email:	kkbayley@xtra.co.nz

Introduction

Firstly, we acknowledge the work and commitment of the Hawkes Bay Regional Council and the TANK Working Group who have contributed to this document for the past 6 years. This demonstrates the number of perceived issues and values at hand across the TANK catchment, their complexities, and the careful consideration and consultation required.

While there are many encouraging objectives laid out in the proposed TANK Plan, particularly around collective engagement initiatives and improving the quality and quantity of our freshwater resources, there are several proposals which we believe lack future focus, and which fail to give consideration to the significance of Horticulture to the Hawkes Bay Region, and the significant investment made in land and infrastructure to date. These matters will be discussed below.

Specific to Bayley Produce, there are several proposals around addressing water quantity measures that pose risk to future growth (and expansion) opportunities, by limiting the ability to operate with flexibility and importantly reliability of water.

Background to Bayley Produce Ltd

We are a family owned and operated business who have successfully grown and cropped high-quality produce for the past 30 years, occupying 280 hectares of prime horticulture and cropping land throughout Twyford and outskirt Hastings. Growing and harvesting high-quality produce is central to the operation of our business, which we are proud to supply to the local market here in Hawkes Bay, as well as domestically.

Bayley Produce has an extremely diverse operation which includes growing and supplying nectarines, peaches, plums, apples (only export crop), beans, peas, pumpkin, melons, strawberries, and sweetcorn. All of this produce is supplied and sold locally from our Fruit Shop stall on Pakowhai Rd, as well as some domestic distribution.

Bayley Produce employ a total of 27 permanent workers throughout the year, 38 seasonal workers over the period November to May, and up to 150 RSE workers for the harvest season. We value the diversity and work ethic of all our employees and are committed to providing personal development and training opportunities for them to upskill and progress within the horticultural and/ or cropping industry.

The long-term vision for Bayley Produce is to continue building our existing operations, while maintaining our reputation for high quality produce. We also aim to continue providing employment opportunities and growth within the company, and to complement future expansion.

Summary of Plan Change 9

This Plan Change is about providing an effective framework for decision making when it comes to future resource consent applications[1] and ensuring that the objectives and new policies outlined in the TANK Plan fit within this decision-making framework. While we acknowledge there is considerable room for improvement and efficiency when it comes to resource consenting processes and decisions, many of these proposals add further stringency to how we can and cannot operate by imposing further compliance.

The Heretaunga Plains are notably a nationally outstanding source of highly productive land; therefore, as a responsibility and result of this, we are subject to stricter limits to how we operate, through district and regional rules. While we acknowledge this responsibility and duty to protect our land and our waterways, we believe further regulations should impact fairly across the entire community, particularly concerning water as a fundamental resource. Furthermore, costs associated with managing freshwater resources across the TANK catchment must not be disportionately put on consented water users to pay, and must meet a reasonable balance in providing for the needs of the sector.

Overall, we believe this Plan Change lacks a future focus for the Hawkes Bay Region, instead presenting a short-sighted approach to what is clearly an over allocation issue that has existed for some time, and one which concerns the urban community too.

The proposals of particular concern to Bayley Produce (in priority order) are regarding the proposed policies:

- Water Use Change/ Transfer - *Oppose*
- Land Use Change - *Amend*
- Water Use and Allocation – Efficiency - *Amend*

These are presented in further detail below (in order of how they are presented in the proposed TANK Plan):

5.10.3 Policies: Managing Adverse Effects From Land Use on Water Quality (Diffuse Discharges)

Land Use Change

Policy 21. d) *"avoid land use change that will result in increased nitrogen loss that contributes to water quality objectives and targets in Schedule 26 for dissolved nitrogen not being met".*

Bayley Produce is concerned about the above wording, in particular the use of 'avoid', and how this may imply a limitation on any further and future land use change across the TANK catchment, and on future growth opportunities for our business. The trigger in assessing changes in land use should be measured instead in relation to good management practice,

[1] Proposed Plan Change 9 Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments, 2 May 2020, (pg 1).

not nitrogen limits which cannot be accurately understood nor measured. While we acknowledge increased nutrients should be mitigated wherever possible, this should not go so far to hinder opportunities for land use change and diversification, that will otherwise continue to contribute signficantly to the communities needs and to the overall economy.

5.10.7 Policies: Surface Water Flow Management

Water Use and Allocation – Efficiency

Policy 46. ***"The Council will ensure efficient management of the allocation of water available for abstraction by:***

a) ensuring allocation limits and allocations of water for abstraction are calculated with known security of supply;
b) ensuring water is allocated to meet actual and reasonable requirements;
c) encouraging and supporting flexible management of water by permit holders so that the allocatable water can be used efficiently and within specified limits;
d) on-going data collection and monitoring of water resources and water use to better understand patterns of water availability and water use and further develop efficient and effective water management provisions".

It is important to note for the purposes of efficiency, water transfers offer a means of efficient allocation and use of water, as allocation will move/ change to reflect the current state of play in terms of where land use activities exist across Heretaunga Plains, and in our case across land in Twyford. This would otherwise prevent water banking, which though this plan seeks to address, will take time to overcome and amend. The wording in c) above specifically states the Council will ensure efficient allocation by "*encouraging and supporting flexible management of water by permit holders…"* [2], yet the proposed policy around transfers contradicts this statement.

Regarding d) on-going data collection and monitoring of water use, we would like to see effective and meaningful use of this data, not only to verify actual use information, but to ensure the investment made on behalf of the landowner is justified. Bayley Produce spends roughly $10,000 annually on monitoring costs alone for telemetry and would like to see more transparency about how this data is used for allocation and modelling purposes moving forward. If landowners are expected to continue to invest in real time monitoring of all water takes, it is the regulatory authorities duty to ensure proper use and analysis of this data.

Water Use Change/ Transfer

Policy 48. "*When considering any application to change the water use specified by a water permit, or to transfer a point of take to another point of take, to consider: a) declining applications where the transfer is to another water management zone unless; (i) new information provides more accurate specification of applicable zone boundaries…"*

[2] Proposed Plan Change 9 Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments, 2 May 2020, (pg 29, 46.c)).

While we recognise the matter of over allocation in many cases across Hawkes Bay and across the Heretaunga Plains, the above policy offers little to no flexibility when it comes to transferring water across consents and subsequent locations. This poses risk to the reliability of supply in terms of adequate volume and timing which is critical to production needs.

Water transfers are an essential enabler for horticulture, where crop types, varieties, and land use in general is constantly changing. This is especially relevant to Bayley Produce where new land is being continually purchased and leased, often resulting in new plantings and/ or development. This requires reliable and sufficient supply and given the significant cost investment in purchasing and developing land, this proposal offers little flexibility or consideration to this.

Security of supply is critical to ensuring cropping yields can meet and sustain future demand for food production. This proposal looks to restrict opportunities for land use change and/ or development (as previously discussed), and although some consented water may be seen as unutilised now, it is highly likely to be utilised in the immediate future. This is particularly significant given no applications for new water will be granted.

We wish to see some flexibility and/ or consideration for transfers particularly where the transferrable area is directly neighbouring each other and within close proximity. Though we appreciate there must be a definable boundary across water management zones, there needs to be some practical sense as to whether there is in fact any negative effect between or within the particular groundwater zone in question.

It is also financailly unfeasbile to expect applicants to invest thousands of dollars in order to prove the level of effect on groundwater and minimum flows. For example, Bayley Produce in one case invested over $100,000 for well/ pump test investigations, in order to prove there was little to no effect on the Ngaruroro River. While we acknowledge this was our choice to make, had this money not been invested, our ability to irrigate in critical growth and production periods would have been highly impacted (for the two sites tested), and for little to no benefit on nearby water bodies. To invest even a portion of this amount in order to present a case to Council for resource decision making, is not reasonable and economically viable for landowners to do.

Submission end.

Submission on Proposed Plan Change 9 (PC9): Hawke's Bay Regional Resource Management Plan

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.

Name: *(required)* .....Andria Monin.....

Organisation: .....Stonecroft Wines Limited.....

Postal address: *(required)* .....121 Mere Road RD 5 Hastings 4175.....

Email address: .....wine@stonecroft.co.nz.....

Phone number: .....021837181.....

Contact person and address if different to above:

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Submission Summary:

1. I SUPPORT the overall framework of PC9, to the degree that it reflects agreements reached by the TANK Group community representatives, developed over more than 6 years of intensive dialogue and providing an integrated catchment solution that best balances the values and interests of the Hawke's Bay community.
2. I OPPOSE elements of PC9 that do not reflect those agreements reached by the TANK Group community representatives.
3. I SUPPORT THE AMENDMENTS proposed by Hawke's Bay Winegrowers' Association Inc. in their submission dated 14 August 2020.
4. I SEEK AMENDMENTS as set out in Section A of this submission below.
5. I am concerned that PC9's approach to allocation of water and control of farming emissions unfairly penalises viticultural land owners as very low water users and very low emitters compared to other major primary production systems.

75

Submission Details:

A. General impact on the wine sector

Plan Provision	Concerns and Reasons	Decision Sought
OBJ TANK 7 Requirement to reduce contaminant losses	This Objective, as currently drafted, could be interpreted to require a reduction in contaminant loss including soil loss from all land use types. Some land use types including viticulture on low-slope land already have negligible contaminant losses (& especially soil losses) and would be unable to achieve any reductions.	Amend OBJ TANK 7 to read "...reduces ***reduceable*** contaminant loss..."; or similar wording to achieve the outcome sought in this submission.
OBJ TANK 16 Priority order for water allocation	This Objective establishes a priority order for water allocation which ranks primary production on versatile soils ahead of other primary production. Some viticultural production is on soils that are not considered to be versatile (eg. LUC 7 stoney soils) but is the highest and best primary production use of such soils, is highly efficient low water-use & low- contaminant activities that contribute strongly to community socio-economic development and should rank equally with primary production on versatile soils. The Objective also does not make it clear what the ranking of water bottling activities would be. The Hawke's Bay community has clearly indicated that water bottling should not be a priority use of water, so should be amended to explicitly record a lower priority, ranking below all other activities involving the economic use of water.	Amend OBJ TANK 16.c to read "Primary production on versatile and ***viticultural*** soils", or similar wording to achieve the outcome sought in this submission. Amend OBJ TANK 16.e to read "***Water bottling and*** other non-commercial end uses", or similar wording to achieve the outcome sought in this submission.
Policy 5.10.2.6/7/8 Protection of source water	These three policies adopt a strengthened approach to protection of the quality and quantity of drinkingwater supplies. I support a precautionary approach to such protection but considers that the policies and rules are unnecessarily onerous and reflect an over-response to the 2016 Havelock North water crisis. The Plan Change draws source protection zones expansively and the control exerted by Council through matters of discretion under TANK rules 2/4/5/6/9/10	Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10. Address risks via Farm Environment Plans, Catchment Collectives and Industry Programmes.

	is uncertain and potentially onerous, particularly on winery point source discharges but also on vineyard farming practices. In addition to the uncertain scope of control, there is a duplication in control because risks to drinkingwater will also need to be addressed in Farm Environment Plans, Catchment Collectives and Industry Programmes. Retaining the reference in TANK 2 will ensure that a risk assessment will still be made in the event that a property does not have a Farm Environment Plan or is not part of an Industry Programme or Catchment Collective.	
Policy 5.10.3.21 Assessing resource consents in subcatchments exceeding nitrogen objectives or targets	This policy requires Council to have regard to any relevant Industry or Catchment Collective plans in place when assessing resource consents for effect on diffuse discharge of nitrogen. However, as currently drafted, clause 21.d appears to prevent the issuance of any resource consent for any land or water use change that may result in any increased nitrogen loss, where a subcatchment exceeds dissolved nitrogen objectives or targets in Schedule 26. This is unnecessarily constraining of landuse change, undermines the role of community collectives, discriminates heavily against viticulture as a particularly low nitrogen source and fails to recognise the 2040 timeline for meeting water quality objectives.	Amend so that Catchment Collectives and Industry Programmes may manage land use change in accordance with the 2040 timeline for meeting water quality objectives. Amend 21.d to read "***subject to Policy 21 a)-c),*** avoid land use change...." or similar wording to achieve the outcome sought in this submission.
Policy 5.10.6.36 Heretaunga Plains Aquifer Management	This policy requires Council to "adopt a staged approach to groundwater management that includes: f) avoiding further adverse effects by not allowing new water use and g) reducing existing levels of water use". The requirement to "not allow new water use" is needlessly restrictive and ostensibly prohibits ANY new [take and] use, including use of new water stored under the high flow allocation provisions of the Plan, as well as potentially the replacement of expiring consents. Similarly, the requirement to "reduced existing levels of water use" precludes use of new stored water and fails to recognise that the interim allocation limit of 90 million cubic meters is intended to align with previous actual water usage and that the Heretaunga Plains Aquifer is considered to be overallocated based on	Amend Policy 36.f to read "avoiding further adverse effects by ***controlling net groundwater use within the interim allocation limit set out in Policy 37"*** or similar wording to achieve the outcome sought in this submission. Amend Policy 36.g to read "~~***reducing existing levels of***~~ ***encouraging*** water use ***efficiency***." or similar wording to achieve the outcome sought in this submission.

	cumulative consented volume (sometimes referred to as "paper volume") but not on cumulative consented actual use.	
Policy 5.10.6.37.d(ii) "Actual & Reasonable" water allocation approach	This policy requires Council to "when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; ... (ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017...". The intent of this policy is understood to be to provide for replacement consent volumes not exceeding the highest use in the driest year in recent history (generally considered to be the 2012/13 water year), for landuse as at August 2017 (the point at which HBRC publicised the decision to cap groundwater usage at current peak dry-year levels). However, since TANK completed and the Plan was drafted, Hawke's Bay has experienced a severe drought in 2019/20 water year. Given this recent experience and vastly improved water meter data collection in the most recent years, I consider that the 2019/20 water year data should be available as a benchmark dry year. More fundamentally, I disagree with the definition of "Actual and Reasonable" and its inequitable and unworkable approach to allocation of water for replacement of consents that existed as at August 2017. Due to the lack of reliable and comprehensive water metering data from 2012/13 and the impact of vine age and redevelopment timing on actual annual vineyard irrigation requirements, practical difficulties in evidencing historical landuse activities and the risk of penalising efficient users at the expense of inefficient ones, I consider that there should be a presumption that the Hawke's Bay-specific IRRICALC model is the appropriate measure of "Actual and Reasonable" for the purpose of calculating allocations for those replacement consents.	Amend Policy 37.d(ii) to read "(ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to ~~August 2017~~ *30 June 2020 (the end of the 2020 water year)*...". or similar wording to achieve the outcome sought in this submission. Amend the Glossary definition of "Actual and Reasonable to provide that the volume allocated at consent renewals is the lesser of: - the amount calculated by a Hawke's Bay-specific IRRICALC model at 95% security of supply; - the volume of the expiring consent being replaced.", or similar wording to achieve the outcome sought in this submission.
Policy 5.10.6.39	This policy subjects consented water users in the Heretaunga Plains Water Management Unit to a regime which requires them to either participate in	I understand that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. I support, in principle, jointly-funded

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Requirement for flow maintenance (augmentation)	stream flow maintenance and habitat enhancement schemes, or cease abstraction once a stream flow maintenance trigger is reached. When this policy was conceived in TANK, it was intended to apply initially to 3 named lowland streams which HBRC science indicated were suitable for a stream flow maintenance scheme. Post-TANK, the Plan has incorporated all streams as well as the mainstem of the Ngaruroro River and I OPPOSE this policy on five main grounds: 1. The flow maintenance requirement now proposed, extends far beyond that supported in TANK and the need for such extension has not been justified. 2. In TANK, it was envisaged that HBRC would play a central role in establishing the 3 then-proposed lowland stream augmentation schemes. As HBRC hold all the relevant scientific and technical information required to operationalise such schemes, it is critical that HBRC takes on a central role in their development. 3. Large temporal and spatial spread of consent expiries and large consent numbers make it impractical and inequitable to require consent holders to take full responsibility for the development. 4. No allowance for an orderly transition to any new stream augmentation has been made. The currently proposed provisions could apply immediately from notification of the Plan Change, including to a very large number of currently expired consents (particularly groundwater takes in the unconfined aquifer), whereas stream augmentation schemes may be reasonably expected to take years to commission, particularly the kind of large-scale schemes that would be required to maintain flows in the Ngaruroro River. 5. Consent reallocations under the "Actual and Reasonable" provision of the Plan based on 95% certainty of supply do not provide sufficient water volume to support stream augmentation in dry years and so would decrease the effective certainty of supply of consents.	collective stream flow maintenance schemes on suitable lowland streams, facilitated by HBRC.

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Policy 5.10.7.51 Water Use and Allocation - Priority	This clause provides for an emergency water management group when making water shortage directions under Section 329 of the RMA, with the group including representatives from various sectors of the community but not including the primary sector. As decisions made in consultation with this group relate inter alia to the provision of water essential for the maintenance of animal welfare and survival of horticultural tree crops and to seasonal demand for primary production, the primary sector should also be represented in the group.	Amend 5.10.7.51 to read "...emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi, ***affected primary sector groups*** and MPI, to make decisions ..." or similar wording to achieve the outcome sought in this submission.
Policy 5.10.8.59 High Flow Reservation	This policy requires Council to **allocate** "20% of the total water available at times of high flow in the Ngaruroro or Tūtaekurī River catchments for abstraction, storage and use for" contributions to environmental enhancement and Māori development. This policy originated in an agreement in TANK to **reserve** 20% of any NEW high flow allocation for Māori development, then underwent significant development and change as Council explored ways to operationalise it and through iwi and RPC consultations. The resulting policy has some fundamental differences to that originally agreed in TANK: 1. The Policy refers to the Ngaruroro **OR** Tūtaekurī River catchments" (emphasis added), whereas the intention in TANK was for it to apply to BOTH rivers. This may just be a drafting error. 2. The Policy now covers water for both Māori development and environmental enhancement but Schedule 32 only refers to Māori development. 3. The allocation rate of 1600L/s for the Ngaruroro River in Schedule 32 represents 20% of the total high flow allocation limit for that river, whereas the TANK agreement was for 20% of the new allocation (6000L/s), ie 1200L/s.	Policy 59 needs significant re-write to address the above inconsistencies between the policy as it now stands and the framework agreed in TANK. It should distinguish clearly between water for environmental enhancement and water for Māori development, reduce the proposed Māori development reservation for the Ngaruroro River from 1600L/s to 1200L/s in line with the 20% new-water allocation agreed at TANK and remove the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the high flow allocation.

	4. Policy 60 now embodies the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the allocation. 5. The Policy now requires "allocation" rather than "reservation", with uncertain implications for private sector interests	
Rule TANK 5 Land use change	This rule controls land use change to production land use activity over more than 10% of a property or farming enterprise. The rule gives no guidance on what constitutes "change to the production land use activity", with the result that it is highly uncertain what types of activity are controlled and the rule cannot be practically enforced. For example, is a change from conventional farming to organic farming captured? A change in planting density? Also the rule fails to account for the possibility that a farming enterprise may span multiple water quality management units within a Surface Water Allocation Zone, which may then unintentionally permit land use change beyond 10% of the farming enterprises' properties within a water quality management unit	The rule needs further development to give more guidance on what changes are intended to be controlled and to control change by farming enterprises within a water quality management unit more appropriately.
Rule TANK 6	This rule restricts change to production land use activity over more than 10% of a property or farming enterprise where there is no Catchment Collective or Industry Programme operative, where modelled land use change effect on total property nitrogen loss exceeds the figures in Table 2 of Schedule 29. Table 2 is populated from per-hectare figures for common primary production systems. The per-hectare figure fails to account for the autumn/winter sheep grazing rotation that commonly occurs on vineyards. Also the Plan Change does not record the version of the models employed to derive the crop loss figures, so is not future-proofed against the effect of future model changes.	Adjust the Grape kg/ha/yr for all soils to recognise winter sheep grazing rotation. Include details of crop model versions used to derive the crop loss figures in Schedule 29 and include a mechanism to address the effects of model and/or version changes to modelled outputs.
Rule TANK 13 Taking water – high flows	This rule provides for capture, storage and use of surface water at times of high flow. I consider this to be a critical element of the overall Plan Change, providing	Supported, subject to amendments to POL 59 & 60 to address concerns about drafting details relating to the 20% Maori/environment reservation.

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	the opportunity to re-engineer the Heretaunga Plains water use profile in a way that multiple & often conflicting interests and values can be addressed.	
RRMP Chapter 6.9 - 6.3.1 Bore Drilling & Bore Sealing, Rule 1	This rule change has the effect of making bore drilling within a Source Protection Zone (SPZ) a Restricted Discretionary activity, as opposed to a Controlled activity. The proposed SPZs cover extensive areas of the Heretaunga Plains, particularly in the unconfined aquifer zone where many vineyards are located. The proposed Plan brings in intensive controls over activities in the SPZs and are specifically drawn to capture areas of unconfined aquifer upstream of protected water takes. Given the already-permeable nature of the unconfined aquifer area that comprises the bulk of the SPZs and other substantial controls over landuse activities, there is negligible additional benefit in controlling bore drilling in this area where the bore is a replacement for existing infrastructure. Also the additional expense and uncertainty of Restricted Discretionary status is likely to act as a deterrent to bore replacement as part of a normal maintenance cycle. Accordingly, bore drilling for the purpose of replacement of existing infrastructure in the SPZs should remain a Controlled activity.	Add a Condition to 6.3.1 Rule 1 reading: "*c. The bore is located within a Source Protection Zone but is a replacement for an existing bore that will be decommissioned."* or similar wording to achieve the outcome sought in this submission.

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

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

Signature: ..... Date:.....13 August 2020.....

Submission on Proposed Plan Change 9 (PC9): Hawke's Bay Regional Resource Management Plan

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.

Name: *(required)* Larry Morgan

Organisation: Te Mata Estate Winery Ltd

Postal address: *(required)* PO Box 8335, Havelock North 4157

Email address: larry@temata.co.nz

Phone number: 021 401 092

Contact person and address if different to above:

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Submission Summary:

1. I SUPPORT the overall framework of PC9, to the degree that it reflects agreements reached by the TANK Group community representatives, developed over more than 6 years of intensive dialogue and providing an integrated catchment solution that best balances the values and interests of the Hawke's Bay community.
2. I OPPOSE elements of PC9 that do not reflect those agreements reached by the TANK Group community representatives.
3. I SUPPORT THE AMENDMENTS proposed by Hawke's Bay Winegrowers' Association Inc. in their submission dated 14 August 2020.
4. I SEEK AMENDMENTS as set out in Section A of this submission below.
5. I am concerned that PC9's approach to allocation of water and control of farming emissions unfairly penalises viticultural land owners as very low water users and very low emitters compared to other major primary production systems.
6. I am concerned that PC9 will have significant negative effects on me and/or my business and I have detailed my concerns in Section B below.

Submission Details:

A. General impact on the wine sector

Plan Provision	Concerns and Reasons	Decision Sought
OBJ TANK 7 Requirement to reduce contaminant losses	This Objective, as currently drafted, could be interpreted to require a reduction in contaminant loss including soil loss from all land use types. Some land use types including viticulture on low-slope land already have negligible contaminant losses (& especially soil losses) and would be unable to achieve any reductions.	Amend OBJ TANK 7 to read "…reduces ***reduceable*** contaminant loss…"; or similar wording to achieve the outcome sought in this submission.
OBJ TANK 16 Priority order for water allocation	This Objective establishes a priority order for water allocation which ranks primary production on versatile soils ahead of other primary production. Some viticultural production is on soils that are not considered to be versatile (e .g. LUC 7 stony soils) but is the highest and best primary production use of such soils, is highly efficient low water-use & low-contaminant activities that contribute strongly to community soci o-economic development and should rank equally with primary production on versatile soils. The Objective also does not make it clear what the ranking of water bottling activities would be. The Hawke's Bay community has clearly indicated that water bottling should not be a priority use of water, so should be amended to explicitly record a lower priority, ranking below all other activities involving the economic use of water.	Amend OBJ TANK 16.c to read "Primary production on versatile and ***viticultural*** soils", or similar wording to achieve the outcome sought in this submission. Amend OBJ TANK 16.e to read "***Water bottling and*** other non-commercial end uses", or similar wording to achieve the outcome sought in this submission.
Policy 5.10.2.6/7/8 Protection of source water	These three policies adopt a strengthened approach to protection of the quality and quantity of drinking water supplies. We support a precautionary approach to such protection but consider that the policies and rules are unnecessarily onerous and reflect an over-response to the 2016 Havelock North water crisis. The Plan Change draws source protection zones expansively and the control exerted by Council through matters of discretion under TANK rules 2/4/5/6/9/10	Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10. Address risks via Farm Environment Plans, Catchment Collectives and Industry Programmes.

	is uncertain and potentially onerous, particularly on winery point source discharges but also on vineyard farming practices. In addition to the uncertain scope of control, there is a duplication in control because risks to drinking water will also need to be addressed in Farm Environment Plans, Catchment Collectives and Industry Programmes. Retaining the reference in TANK 2 will ensure that a risk assessment will still be made in the event that a property does not have a Farm Environment Plan or is not part of an Industry Programme or Catchment Collective.	
Policy 5.10.3.21 Assessing resource consents in subcatchments exceeding nitrogen objectives or targets	This policy requires Council to have regard to any relevant Industry or Catchment Collective plans in place when assessing resource consents for effect on diffuse discharge of nitrogen. However, as currently drafted, clause 21.d appears to prevent the issuance of any resource consent for any land or water use change that may result in any increased nitrogen loss, where a subcatchment exceeds dissolved nitrogen objectives or targets in Schedule 26. This is unnecessarily constraining of landuse change, undermines the role of community collectives, discriminates heavily against viticulture as a particularly low nitrogen source and fails to recognise the 2040 timeline for meeting water quality objectives.	Amend so that Catchment Collectives and Industry Programmes may manage land use change in accordance with the 2040 timeline for meeting water quality objectives. Amend 21.d to read "***subject to Policy 21 a)-c),*** avoid land use change…." or similar wording to achieve the outcome sought in this submission.
Policy 5.10.6.36 Heretaunga Plains Aquifer Management	This policy requires Council to "adopt a staged approach to groundwater management that includes: f) avoiding further adverse effects by not allowing new water use and g) reducing existing levels of water use ". The requirement to "not allow new water use" is needlessly restrictive and ostensibly prohibits ANY new [take and] use, including use of new water stored under the high flow allocation provisions of the Plan, as well as potentially the replacement of expiring consents. Similarly, the requirement to "reduce existing levels of water use" precludes use of new stored water and fails to recognise that the interim allocation limit of 90 million cubic meters is intended to align with previous actual water usage and that the Heretaunga Plains Aquifer is considered to be overallocated based on	Amend Policy 36.f to read "avoiding further adverse effects by ***controlling net groundwater use within the interim allocation limit set out in Policy 37***" or similar wording to achieve the outcome sought in this submission. Amend Policy 36.g to read "~~***reducing existing levels of***~~ ***encouraging*** water use ***efficiency***." or similar wording to achieve the outcome sought in this submission.

	cumulative consented volume (sometimes referred to as "paper volume") but not on cumulative consented actual use.	
Policy 5.10.6.37.d(ii) "Actual & Reasonable" water allocation approach	This policy requires Council to "when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; … (ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 …". The intent of this policy is understood to be to provide for replacement consent volumes not exceeding the highest use in the driest year in recent history (generally considered to be the 2012/13 water year), for landuse as at August 2017 (the point at which HBRC publicised the decision to cap groundwater usage at current peak dry-year levels). However, since TANK completed and the Plan was drafted, Hawke's Bay has experienced a severe drought in 2019/20 water year. Given this recent experience and vastly improved water meter data collection in the most recent years, I consider that the 2019/20 water year data should be available as a benchmark dry year. More fundamentally, we disagree with the definition of "Actual and Reasonable" and its inequitable and unworkable approach to allocation of water for replacement of consents that existed as at August 2017. Due to the lack of reliable and comprehensive water metering data from 2012/13 and the impact of vine age and redevelopment timing on actual annual vineyard irrigation requirements, practical difficulties in evidencing historical landuse activities and the risk of penalising efficient users at the expense of inefficient ones, we consider that there should be a presumption that the Hawke's Bay-specific IRRICALC model is the appropriate measure of "Actual and Reasonable" for the purpose of calculating allocations for those replacement consents.	Amend Policy 37.d(ii) to read "(ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to ~~***August 2017***~~ ***30 June 2020 (the end of the 2020 water year)***…". or similar wording to achieve the outcome sought in this submission. Amend the Glossary definition of "Actual and Reasonable" to provide that the volume allocated at consent renewals is the lesser of: - the amount calculated by a Hawke's Bay-specific IRRICALC model at 95% security of supply; - the volume of the expiring consent being replaced.", or similar wording to achieve the outcome sought in this submission.

Policy 5.10.6.39 Requirement for flow maintenance (augmentation)	This policy subjects consented water users in the Heretaunga Plains Water Management Unit to a regime which requires them to either participate in stream flow maintenance and habitat enhancement schemes, or cease abstraction once a stream flow maintenance trigger is reached. When this policy was conceived in TANK, it was intended to apply initially to 3 named lowland streams which HBRC science indicated were suitable for a stream flow maintenance scheme. Post-TANK, the Plan has incorporated all streams as well as the mainstem of the Ngaruroro River and I OPPOSE this policy on five main grounds: 1. The flow maintenance requirement now proposed, extends far beyond that supported in TANK and the need for such extension has not been justified. 2. In TANK, it was envisaged that HBRC would play a central role in establishing the 3 then-proposed lowland stream augmentation schemes. As HBRC hold all the relevant scientific and technical information required to operationalise such schemes, it is critical that HBRC takes on a central role in their development. 3. Large temporal and spatial spread of consent expiries and large consent numbers make it impractical and inequitable to require consent holders to take full responsibility for the development. 4. No allowance for an orderly transition to any new stream augmentation has been made. The currently proposed provisions could apply immediately from notification of the Plan Change, including to a very large number of currently expired consents (particularly groundwater takes in the unconfined aquifer), whereas stream augmentation schemes may be reasonably expected to take years to commission, particularly the kind of large-scale schemes that would be required to maintain flows in the Ngaruroro River. 5. Consent reallocations under the "Actual and Reasonable" provision of the Plan based on 95% certainty of supply do not provide sufficient water	We understand that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. We support, in principle, jointly-funded collective stream flow maintenance schemes on suitable lowland streams, facilitated by HBRC.

	volume to support stream augmentation in dry years and so would decrease the effective certainty of supply of consents.	
Policy 5.10.7. 51 Water Use and Allocation - Priority	This clause provides for an emergency water management group when making water shortage directions under Section 329 of the RMA, with the group including representatives from various sectors of the community but not including the primary sector. As decisions made in consultation with this group relate inter alia to the provision of water essential for the maintenance of animal welfare and survival of horticultural tree crops and to seasonal demand for primary production, the primary sector should also be represented in the group.	Amend 5.10.7.51 to read "…emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi, ***affected primary sector groups*** and MPI, to make decisions …" or similar wording to achieve the outcome sought in this submission.
Policy 5.10.8.59 High Flow Reservation	This policy requires Council to **allocate** "20% of the total water available at times of high flow in the Ngaruroro or Tūtaekurī River catchments for abstraction, storage and use for" contributions to environmental enhancement and M āori development. This policy originated in an agreement in TANK to **reserve** 20% of any NEW high flow allocation for M āori development, then underwent significant development and change as Council explored ways to operationalise it and through iwi and RPC consultations. The resulting policy has some fundamental differences to that originally agreed in TANK: 1. The Policy refers to the Ngaruroro **OR** Tūtaekurī River catchments" (emphasis added), whereas the intention in TANK was for it to apply to BOTH rivers. This may just be a drafting error. 2. The Policy now covers water for both M āori development and environmental enhancement but Schedule 32 only refers to M āori development. 3. The allocation rate of 1600L/s for the Ngaruroro River in Schedule 32 represents 20% of the total high flow allocation limit for that river, whereas the TANK agreement was for 20% of the new allocation (6000L/s), ie 1200L/s.	Policy 59 needs significant re-write to address the above inconsistencies between the policy as it now stands and the framework agreed in TANK. It should distinguish clearly between water for environmental enhancement and water for M āori development, reduce the proposed M āori development reservation for the Ngaruroro River from 1600L/s to 1200L/s in line with the 20% new-water allocation agreed at TANK and remove the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the high flow allocation .

	4. Policy 60 now embodies the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the allocation. 5. The Policy now requires "allocation" rather than "reservation", with uncertain implications for private sector interests.	
Rule TANK 5 Land use change	This rule controls land use change to production land use activity over more than 10% of a property or farming enterprise. The rule gives no guidance on what constitutes "change to the production land use activity", with the result that it is highly uncertain what types of activity are controlled and the rule cannot be practically enforced. For example, is a change from conventional farming to organic farming captured? A change in planting density? Also, the rule fails to account for the possibility that a farming enterprise may span multiple water quality management units within a Surface Water Allocation Zone, which may then unintentionally permit land use change beyond 10% of the farming enterprises' properties within a water quality management unit .	The rule needs further development to give more guidance on what changes are intended to be controlled and to control change by farming enterprises within a water quality management unit more appropriately.
Rule TANK 6	This rule restricts change to production land use activity over more than 10% of a property or farming enterprise where there is no Catchment Collective or Industry Programme operative, where modelled land use change effect on total property nitrogen loss exceeds the figures in Table 2 of Schedule 29. Table 2 is populated from per-hectare figures for common primary production systems. The per-hectare figure of 1kg/ha/yr provided for Grapes for Esk/Omahu/Pakipaki Soils is unrealistically low & clearly fails to account for the autumn/winter sheep grazing rotation that commonly occurs on vineyards. Also the Plan Change does not record the version of the models employed to derive the crop loss figures, so is not future-proofed against the effect of future model changes.	Adjust the Grape kg/ha/yr for all soils to recognise winter sheep grazing rotation. Include details of crop model versions used to derive the crop loss figures in Schedule 29 and include a mechanism to address the effects of model and/or version changes to modelled outputs.

Rule TANK 13 Taking water – high flows	This rule provides for capture, storage and use of surface water at times of high flow. We consider this to be a critical element of the overall Plan Change, providing the opportunity to re-engineer the Heretaunga Plains water use profile in a way that multiple & often conflicting interests and values can be addressed.	Supported, subject to amendments to POL 59 & 60 to address concerns about drafting details relating to the 20% Maori/environment reservation.
RRMP Chapter 6.9 - 6.3.1 Bore Drilling & Bore Sealing, Rule 1	This rule change has the effect of making bore drilling within a Source Protection Zone (SPZ) a Restricted Discretionary activity, as opposed to a Controlled activity. The proposed SPZs cover extensive areas of the Heretaunga Plains, particularly in the unconfined aquifer zone where many vineyards are located. The proposed Plan brings in intensive controls over activities in the SPZs and are specifically drawn to capture areas of unconfined aquifer upstream of protected water takes. Given the already-permeable nature of the unconfined aquifer area that comprises the bulk of the SPZs and other substantial controls over landuse activities, there is negligible additional benefit in controlling bore drilling in this area where the bore is a replacement for existing infrastructure. Also the additional expense and uncertainty of Restricted Discretionary status is likely to act as a deterrent to bore replacement as part of a normal maintenance cycle. Accordingly, bore drilling for the purpose of replacement of existing infrastructure in the SPZs should remain a Controlled activity.	Add a Condition to 6.3.1 Rule 1 reading: "***c. The bore is located within a Source Protection Zone but is a replacement for an existing bore that will be decommissioned."*** or similar wording to achieve the outcome sought in this submission.
Schedule 30 Landowner Collective, Industry Programme and Farm Environment Plan	Schedule 30 sets out the requirements for Farm Environment Plans, Landowner Collectives and Industry Programmes, as a method primarily to address the cumulative effects of landuse. We support this general approach over more prescriptive approaches, as it provides flexibility for landowners to achieve environmental objectives in the most efficient ways. The NZ wine industry has a longstanding and highly respected industry sustainability programme (Sustainable Winegrowing New Zealand - SWNZ), which the industry intends to further develop to achieve equivalency with a Farm Environment Plan. However, as the environmental profile of vineyards is dramatically different from (and in most respects lower than) that of other major primary industries, SWNZ does not comfortably fit within the PC9 framework and it is inefficient and counterproductive to apply an essentially pastoral-	Schedule 30 should be less prescriptive, more facilitative and more industry risk profile-based in respect of Industry Programmes. The Programme Requirements in Section B of Schedule 30 as they relate to Industry Programmes should be re-cast as more of a guideline, with an acknowledgement that detailed requirements can vary depending on the Industry's risk and emissions profile as it relates to catchment objectives. Amend all references to Farm Environment Plan in this Plan Change to "freshwater farm plan" and otherwise align the Plan Change requirements to

	farming approach to viticulture. Schedule 30 also does not recognise the recent policy advances made nationally via the government 's Essential Freshwater package and in particular the Resource Management Amendment Act 2020, which provides for a national framework of "freshwater farm plans", to be operationalised via S.360 regulations. We consider that the references to and requirements for a Farm Environment Plan in this Plan Change ought to be aligned with the Resource Management Amendment Act 2020 and related S.360 regulations and that these national requirements should be adopted by the Plan Change, in the interests of national standardisation and longer-term efficiency.	those of the Resource Management Amendment Act 2020 and related S.360 regulations.

B. Specific impact on me and/or my business

I am concerned that PC9 will impact on me and/or my business in the following ways and seek the following relief:

Plan Provision	Impact, Concerns and Reasons	Decision Sought
5.10.6.36 f & i	We support the submission made on this plan provision by HB Winegrowers (see above) but would like to add the following comments: 1. The statement in point f "avoiding further adverse effects by not allowing new water use" is very restrictive and would prevent landowners from either expanding existing vineyards onto undeveloped bare land (e.g. pasture or cropping areas) or from changing crops e.g. from grapes to apples. 2. We purchased our Woodthorpe Terraces property on Kawera Road in 1994 and obtained appropriate consents with a view to a staged development over the next three decades. Those consents were granted following due process, so to now say that these are no longer valid does not seem fair and reasonable. 3. The statement in point i "gathering information about actual water use" is very important. We believe that there is a large discrepancy between consented water use and actual water use. Presumably the majority of commercial water takes in Hawkes Bay are now telemetered, so it must be possible for council to compare consented take with actual take for much of the area covered by the TANK scheme. 4. If actual water use across the Heretaunga Plains could be accurately determined, this would give more certainty in deciding whether existing use is sustainable and whether any new consents are possible. 5. Any change of land use from grapes to other fruit crops will usually involve an increase in water use as we know that grapes have very low water requirements when compared to other fruit crops. 6. Any increase in water use will be incremental, so will be the difference	We ask that council put maximum effort into establishing accurate records of actual water use to enable fair allocation of existing resources. We also ask that any change of land use be assessed in terms of overall impact on the wider Hawkes Bay economy while taking into account any incremental increase in water use.

	between existing and new land use. If modern plant and soil monitoring techniques are employed on a new crop (see below for examples), then changes in land use may not necessarily involve large increases in water use, so should be assessed on their merits in terms of overall contribution to a productive primary industry sector.	
5.10.6.37 d (ii)	We support the submission made on this plan provision by HB Winegrowers (see above), but would like to add the following comments: 1. The season of 2019/20 was one of the driest on record and produced grapes of generally excellent quality across all viticultural areas of Hawkes Bay. This has resulted in the production of wines of outstanding quality from vintage 2020. 2. We have vineyards situated in the Bridge Pa area, in the Gimblett Gravels area and adjoining the Tutaekuri River in the Dartmoor area, with a total planted area of 122 ha. 3. Over the last 5 years we have introduced several technological changes which have assisted us in obtaining maximum efficiency from our irrigation systems. These are: (a) Telemetered water meters at all sites, allowing almost real time monitoring of water use. (b) Establishment of several Sentek Enviroscan soil moisture probes at all sites to enable almost real-time monitoring of soil moisture levels (see https://sentektechnologies.com/product-range/soil-data-probes/enviroscan/ for more information). (c) Increased monitoring of Stem Water Potential (SWP) to determine vine water requirements. After several years of using an external contractor, we now have our own pressure chamber and have a staff member dedicated to using this device each growing season (see https://www.pmsinstrument.com/resources/using-a-pressure-chamber-with-wine-grapes/ for more information).	We ask that council take into account the fact that grapes have a very low water requirement and that many grape growers already employ a range of techniques to ensure that they only supply their vines with exactly the amount of water they require. Grape growers should not be penalised for efficiently managing a crop with an inherently low water requirement. The 2019/20 season would provide a reasonable baseline for the highest potential water use in any future season. The Irricalc model should be used in conjunction with 2019/20 data to provide a baseline for future allocations of water to vineyards.

ion controllers to Galcon web-based units, rrigation intervals plus full manual control via ://galconc.com/product/g-s-i/ for more ove allow integration of factors such as vine tatus, weather conditions and potential end- grape vines with precisely the amount of quantity and quality of the final product. use in the 2019/20 season with predictions that the model makes reasonable estimates ents for a variety of Hawkes Bay soil types.	

nting a joint case with them at a hearing? Yes

18/20

Page 12 of 12

To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: David & Sheryl Mackie

This is a submission on the following Proposed Plan Change to the Hawke's Bay Regional Resource Management: Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments.

I could not gain an advantage in trade competition in making this submission.

My submission is:

- I generally support the overall framework of Plan Change 9, to the degree that it reflects a staged approach to improving the management of the TANK Catchments freshwater resources.
- Horticulture is critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available to provide for that. The value of horticulture and its role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9.
- The real freshwater improvements come from the practices I adopt to manage discharges from land I manage (in some cases only temporarily), and my water use. I support requiring all growers to operate at good management practice .
- I also support the ability for a group of landowners to be able to manage environmental issues collectively to improve the effectiveness of the response to water issues. I consider Plan Change 9 should better enable collective approaches to water and nutrient management by reducing the level of detail and specificity in the plan, as every collective grouping will be slightly different and work in a slightly different way, and it is important that this is enabled.
- Where this submission aligns with that of Horticulture New Zealand's submission, I support that submission.
- I oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. I also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

The specific provisions of the proposal that my submission relates to are:

Provisions & general description of issue	**Amendments sought**
Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary Replacement of water permits based on actual and reasonable use	Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of: a) the quantity specified on the permit due for renewal or any lesser amount applied for; or b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwis an equivalent method) and to a 95% reliability of supply. Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.

Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32 High flow takes and storage	The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).
Policy 51, 52, TANK 7 and TANK 8 Availability of water for survival of permanent horticultural crops	A specific exemption should be provided in TANK 7 and 8 to allow up to 20m^3 to continue to be taken per day to assist the survival of permanent horticultural crops.
Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b Transfers of water permits	Transfers of all water permits that have been exercised should be enabled.
Policy 37 and 38 Restriction on re-allocation of water	The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primar production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).
Policy 37, 39, 40, 41, TANK 18 and Schedule 36 Stream flow maintenance and augmentation schemes	Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.
Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.

Industry programmes and landowner collectives	
Policy 21, TANK 5, TANK 6, Schedule 26, Schedule 28 and Schedule 29 Land use change and nutrient loss	A definition of what a change to production land use is needs to be provided to clarif what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.

My horticultural operation is located 56 Franklin Road Waiohiki Napier. This comprises of the following crops and acreage : 2.5 ha of apples, 2.43 ha kiwifruit gold and green, 1 ha stone fruit.

Plan Change 9/TANK is likely to affect my business in the following ways: I may not be able to get enough water to irrigate my fruit crops. Kiwifruit has a higher transfer evaporation rate than other crops. This was proven in a study between HBRC, HBFA, Zespri, apples & pears.

I seek the following decision from the local authority: That the plan change is amended as set out in the table above.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter:

Date: 13/08/2020

Electronic address for service: cedarwood@xtra.co.nz

Contact phone number: 021 799 030

Postal address: 56 franklin road Waiohiki

Contact person (if submission on behalf of a business or organisation): David Mackie

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

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.

Name: (required) Ben & Georgia Humphrey

Organisation/Iwi/Hapu:

Postal address: (required) PO Box 8087, Havelock North, 4157.

Email address: benjameshumphrey2@gmail.com

Phone number: 0276723340 or 021826926

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☑ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

Do you wish to be heard in support of your submission? unsure. **Yes / No**

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

Signature: B Humphrey Date: 13/8/20

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 14 August 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

HAWKE'S BAY

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Plan provision (eg. objective, policy or rule number) Hawkes Bay Regional Council Plan Change 9. Tank Plan.

I **Support** ☑ aspects **Oppose** ☑ aspects **Amend** ☑ aspects.

I seek the following decision from the Regional Council: [Please 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]

- We support the submissions filed by Beef + Lamb NZ and Horticulture NZ.
- We farm a hill country block, medium dry block and some cropping land. We have been preoccupied by the draught and haven't had the time to put together a detailed submission relating to our properties.
- We have however read Beef + Lamb NZ + Horticulture NZ submissions and wish to support those.
- We wish to reserve our rights to be heard on this matter and be part of the process if the need arises.

Reason for decision requested:

Thankyou Ben + Georgia.

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 JULY 2020

To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: Richard Pentreath

This is a submission on the following Proposed Plan Change to the Hawke's Bay Regional Resource Management: Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments.

I could not gain an advantage in trade competition in making this submission.

My submission is:

- I generally support the overall framework of Plan Change 9, to the degree that it reflects a staged approach to improving the management of the TANK Catchments freshwater resources.
- Horticulture is critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available to provide for that. The value of horticulture and its role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9.
- The real freshwater improvements come from the practices I adopt to manage discharges from land I manage (in some cases only temporarily), and my water use. I support requiring all growers to operate at good management practice.
- I also support the ability for a group of landowners to be able to manage environmental issues collectively to improve the effectiveness of the response to water issues. I consider Plan Change 9 should better enable collective approaches to water and nutrient management by reducing the level of detail and specificity in the plan, as every collective grouping will be slightly different and work in a slightly different way, and it is important that this is enabled.
- Where this submission aligns with that of Horticulture New Zealand's submission, I support that submission.
- I oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. I also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

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Provisions & general description of issue	**Amendments sought**
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Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary Industry programmes and landowner collectives	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.

Policy 21, TANK 5, TANK 6, Schedule 26, Schedule 28 and Schedule 29 Land use change and nutrient loss	A definition of what a change to production land use is needs to be provided to clarify what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.

My horticultural operation is located at 1088 Links Road and comprises of 2.4 Ha of kiwifruit, 1 Ha of stonefruit and 1.2 Ha of land that is currently not being used to grow fruit but has previously grown both kiwifruit and stone fruit and will be re-planted in the near future.

Plan Change 9/TANK is likely to affect my business in the following ways:

1. The area of land that is currently not growing fruit is being grazed but has consent to irrigate for the production of stone fruit. With a decline in stone fruit prices, the stone fruit trees were removed several years ago and we have not had been in a position financially to redevelop this land into a higher value crop. However, returns for kiwifruit have been strong we intend to plant more kiwifruit on this land in the near future. I am concerned that the proposed plan change would restrict the volume of water available to irrigate kiwifruit on these blocks if the recent historic water use was used to determine the future consented water take. The soil types on our property are amongst the best on the Heretaunga plains and therefore, in my view the land should be used to produce high value crops such as kiwifruit rather than being restricted grazing or low intensity horticulture.
2. In the future we may want replace remaining stone fruit plantings with either apples or kiwifruit. Like point #1 above, the proposed plan change may make this impossible because the early nectarines that are currently planted require much less irrigation than kiwifruit or apples. If this type of restriction/calculation was applied, the sustainability of horticulture on the Heretaunga plains will be severely impacted.

I seek the following decision from the local authority: That the plan change is amended as set out in the table above.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Date: 13/08/2020

Electronic address for service: richard.pentreath@gmail.com

Contact phone number: 027 279 6289

Postal address: 1088 Links Road, RD3, Napier

Contact person (if submission on behalf of a business or organisation): Richard Pentreath

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

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.

Name: *(required)* Graeme B Gleeson

Organisation/Iwi/Hapu:

Postal address: *(required)* 441 Mangare Road
RD1 Pukeatua
3880

Email address: gbg.redley@xtra.co.nz

Phone number: 0277273720

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☑ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

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

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

Signature: GBGleeson Date: 14th August 2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 3 July 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Plan provision (eg. objective, policy or rule number) TANK 3 Stock Access to rivers, lakes and wetlands..

I **Support** ☐ **Oppose** ☑ **Amend** ☑

I seek the following decision from the Regional Council: *[Please 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]*

Livestock exclusion from waterways in hill country

The intent of the proposed rule where land slope is above 15-degree and stocking rate exceeds 18 su/ha in any paddock adjacent to a waterway is understood, however it disregards farm system management and practice, and it is mischevious in assessing and identifying risk of contaminant loss which makes application of the rule impractical thereby it will force many farmers to seek a consent rather than continue operating as a permitted activity supported by a farm plan and community group. A well crafted farm plan ensures the farm business is cognisant of responsiblity and need for a positive response developed with awareness of contaminant loss, understanding where it arises, noting whether it is a diffuse and / or critical source area problem, allows appropriate mitigative actions to be undertaken in a nominated time period. The farm plan provides option for multiple actions as it is the total response that is preferred rather than reliance only upon one mitigation.

Reason for decision requested:

Singular one-size-fits-all rules appear initially to provide certainty coupled with regualtory authority however they are a blunt instrument that does not allow for an innovative, tailorised and step change response which would be more encouragingly beneficial towards engaging farmers to do what is required.

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 JULY 2020

(Submit by email at eTANK@hbrc.govt.nz or post to HBRC, by 5pm Friday August 14th)

Submission on Proposed Plan Change 9 (PC9): Hawke's Bay Regional Resource Management Plan

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.

Name: *(required)* ...Tony Smith.....

Organisation: .Babich Wines .....

Postal address: *(required)* .211 Leo St.....

.....Akina.....

.....Hastings 4122.....

Email address:

.....tonysmith@babichwines.co.nz.....

.....

Phone number: .....0272311392.....

Contact person and address if different to above:

.....

.....

.....

Submission Summary:

1. I SUPPORT the overall framework of PC9, to the degree that it reflects agreements reached by the TANK Group community representatives, developed over more than 6 years of intensive dialogue and providing an integrated catchment solution that best balances the values and interests of the Hawke's Bay community.
2. I OPPOSE elements of PC9 that do not reflect those agreements reached by the TANK Group community representatives.
3. I SUPPORT THE AMENDMENTS proposed by Hawke's Bay Winegrowers' Association Inc. in their submission dated 14 August 2020.
4. I SEEK AMENDMENTS as set out in Section A of this submission below.
5. I am concerned that PC9's approach to allocation of water and control of farming emissions unfairly penalises viticultural land owners as very low water users and very low emitters compared to other major primary production systems.
6. I am concerned that PC9 will have significant negative effects on me and/or my business and I have detailed my concerns in Section B below.

Submission Details:

A. General impact on the wine sector

Plan Provision	Concerns and Reasons	Decision Sought
OBJ TANK 7 Requirement to reduce contaminant losses	This Objective, as currently drafted, could be interpreted to require a reduction in contaminant loss including soil loss from all land use types. Some land use types including viticulture on low-slope land already have negligible contaminant losses (& especially soil losses) and would be unable to achieve any reductions.	Amend OBJ TANK 7 to read "...reduces ***reduceable*** contaminant loss..."; or similar wording to achieve the outcome sought in this submission.
OBJ TANK 16 Priority order for water allocation	This Objective establishes a priority order for water allocation which ranks primary production on versatile soils ahead of other primary production. Some viticultural production is on soils that are not considered to be versatile (eg. LUC 7 stoney soils) but is the highest and best primary production use of such soils, is highly efficient low water-use & low- contaminant activities that contribute strongly to community socio-economic development and should rank equally with primary production on versatile soils. The Objective also does not make it clear what the ranking of water bottling activities would be. The Hawke's Bay community has clearly indicated that water bottling should not be a priority use of water, so should be amended to explicitly record a lower priority, ranking below all other activities involving the economic use of water.	Amend OBJ TANK 16.c to read "Primary production on versatile and ***viticultural*** soils", or similar wording to achieve the outcome sought in this submission. Amend OBJ TANK 16.e to read "***Water bottling and*** other non-commercial end uses", or similar wording to achieve the outcome sought in this submission.
Policy 5.10.2.6/7/8 Protection of source water	These three policies adopt a strengthened approach to protection of the quality and quantity of drinkingwater supplies. I support a precautionary approach to such protection but considers that the policies and rules are unnecessarily onerous and reflect an over-response to the 2016 Havelock North water crisis. The Plan Change draws source protection zones expansively and the control exerted by Council through matters of discretion under TANK rules 2/4/5/6/9/10	Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10. Address risks via Farm Environment Plans, Catchment Collectives and Industry Programmes.

	is uncertain and potentially onerous, particularly on winery point source discharges but also on vineyard farming practices. In addition to the uncertain scope of control, there is a duplication in control because risks to drinkingwater will also need to be addressed in Farm Environment Plans, Catchment Collectives and Industry Programmes. Retaining the reference in TANK 2 will ensure that a risk assessment will still be made in the event that a property does not have a Farm Environment Plan or is not part of an Industry Programme or Catchment Collective.	
Policy 5.10.3.21 Assessing resource consents in subcatchments exceeding nitrogen objectives or targets	This policy requires Council to have regard to any relevant Industry or Catchment Collective plans in place when assessing resource consents for effect on diffuse discharge of nitrogen. However, as currently drafted, clause 21.d appears to prevent the issuance of any resource consent for any land or water use change that may result in any increased nitrogen loss, where a subcatchment exceeds dissolved nitrogen objectives or targets in Schedule 26. This is unnecessarily constraining of landuse change, undermines the role of community collectives, discriminates heavily against viticulture as a particularly low nitrogen source and fails to recognise the 2040 timeline for meeting water quality objectives.	Amend so that Catchment Collectives and Industry Programmes may manage land use change in accordance with the 2040 timeline for meeting water quality objectives. Amend 21.d to read "***subject to Policy 21 a)-c),*** avoid land use change...." or similar wording to achieve the outcome sought in this submission.
Policy 5.10.6.36 Heretaunga Plains Aquifer Management	This policy requires Council to "adopt a staged approach to groundwater management that includes: f) avoiding further adverse effects by not allowing new water use and g) reducing existing levels of water use". The requirement to "not allow new water use" is needlessly restrictive and ostensibly prohibits ANY new [take and] use, including use of new water stored under the high flow allocation provisions of the Plan, as well as potentially the replacement of expiring consents. Similary, the requirement to "reduced existing levels of water use" precludes use of new stored water and fails to recognise that the interim allocation limit of 90 million cubic meters is intended to align with previous actual water usage and that the Heretaunga Plains Aquifer is considered to be overallocated based on	Amend Policy 36.f to read "avoiding further adverse effects by ***controlling net groundwater use within the interim allocation limit set out in Policy 37"*** or similar wording to achieve the outcome sought in this submission. Amend Policy 36.g to read "~~***reducing existing levels of***~~ ***encouraging*** water use ***efficiency***." or similar wording to achieve the outcome sought in this submission.

	cumulative consented volume (sometimes referred to as "paper volume") but not on cumulative consented actual use.	
Policy 5.10.6.37.d(ii) "Actual & Reasonable" water allocation approach	This policy requires Council to "when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; ... (ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017...". The intent of this policy is understood to be to provide for replacement consent volumes not exceeding the highest use in the driest year in recent history (generally considered to be the 2012/13 water year), for landuse as at August 2017 (the point at which HBRC publicised the decision to cap groundwater usage at current peak dry-year levels). However, since TANK completed and the Plan was drafted, Hawke's Bay has experienced a severe drought in 2019/20 water year. Given this recent experience and vastly improved water meter data collection in the most recent years, I consider that the 2019/20 water year data should be available as a benchmark dry year. More fundamentally, I disagree with the definition of "Actual and Reasonable" and its inequitable and unworkable approach to allocation of water for replacement of consents that existed as at August 2017. Due to the lack of reliable and comprehensive water metering data from 2012/13 and the impact of vine age and redevelopment timing on actual annual vineyard irrigation requirements, practical difficulties in evidencing historical landuse activities and the risk of penalising efficient users at the expense of inefficient ones, I consider that there should be a presumption that the Hawke's Bay-specific IRRICALC model is the appropriate measure of "Actual and Reasonable" for the purpose of calculating allocations for those replacement consents.	Amend Policy 37.d(ii) to read "(ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to ***~~August 2017~~ 30 June 2020 (the end of the 2020 water year)***...". or similar wording to achieve the outcome sought in this submission. Amend the Glossary definition of "Actual and Reasonable to provide that the volume allocated at consent renewals is the lesser of: - the amount calculated by a Hawke's Bay-specific IRRICALC model at 95% security of supply; - the volume of the expiring consent being replaced.", or similar wording to achieve the outcome sought in this submission.
Policy 5.10.6.39	This policy subjects consented water users in the Heretaunga Plains Water Management Unit to a regime which requires them to either participate in	I understand that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. I support, in principle, jointly-funded

Requirement for flow maintenance (augmentation)	stream flow maintenance and habitat enhancement schemes, or cease abstraction once a stream flow maintenance trigger is reached. When this policy was conceived in TANK, it was intended to apply initially to 3 named lowland streams which HBRC science indicated were suitable for a stream flow maintenance scheme. Post-TANK, the Plan has incorporated all streams as well as the mainstem of the Ngaruroro River and I OPPOSE this policy on five main grounds: 1. The flow maintenance requirement now proposed, extends far beyond that supported in TANK and the need for such extension has not been justified. 2. In TANK, it was envisaged that HBRC would play a central role in establishing the 3 then-proposed lowland stream augmentation schemes. As HBRC hold all the relevant scientific and technical information required to operationalise such schemes, it is critical that HBRC takes on a central role in their development. 3. Large temporal and spatial spread of consent expiries and large consent numbers make it impractical and inequitable to require consent holders to take full responsibility for the development. 4. No allowance for an orderly transition to any new stream augmentation has been made. The currently proposed provisions could apply immediately from notification of the Plan Change, including to a very large number of currently expired consents (particularly groundwater takes in the unconfined aquifer), whereas stream augmentation schemes may be reasonably expected to take years to commission, particularly the kind of large-scale schemes that would be required to maintain flows in the Ngaruroro River. 5. Consent reallocations under the "Actual and Reasonable" provision of the Plan based on 95% certainty of supply do not provide sufficient water volume to support stream augmentation in dry years and so would decrease the effective certainty of supply of consents.	collective stream flow maintenance schemes on suitable lowland streams, facilitated by HBRC.

Policy 5.10.7.51 Water Use and Allocation - Priority	This clause provides for an emergency water management group when making water shortage directions under Section 329 of the RMA, with the group including representatives from various sectors of the community but not including the primary sector. As decisions made in consultation with this group relate inter alia to the provision of water essential for the maintenance of animal welfare and survival of horticultural tree crops and to seasonal demand for primary production, the primary sector should also be represented in the group.	Amend 5.10.7.51 to read "...emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi, ***affected primary sector groups*** and MPI, to make decisions ..." or similar wording to achieve the outcome sought in this submission.
Policy 5.10.8.59 High Flow Reservation	This policy requires Council to **allocate** "20% of the total water available at times of high flow in the Ngaruroro or Tūtaekurī River catchments for abstraction, storage and use for" contributions to environmental enhancement and Māori development. This policy originated in an agreement in TANK to **reserve** 20% of any NEW high flow allocation for Māori development, then underwent significant development and change as Council explored ways to operationalise it and through iwi and RPC consultations. The resulting policy has some fundamental differences to that originally agreed in TANK: 1. The Policy refers to the Ngaruroro **OR** Tūtaekurī River catchments" (emphasis added), whereas the intention in TANK was for it to apply to BOTH rivers. This may just be a drafting error. 2. The Policy now covers water for both Māori development and environmental enhancement but Schedule 32 only refers to Māori development. 3. The allocation rate of 1600L/s for the Ngaruroro River in Schedule 32 represents 20% of the total high flow allocation limit for that river, whereas the TANK agreement was for 20% of the new allocation (6000L/s), ie 1200L/s.	Policy 59 needs significant re-write to address the above inconsistencies between the policy as it now stands and the framework agreed in TANK. It should distinguish clearly between water for environmental enhancement and water for Māori development, reduce the proposed Māori development reservation for the Ngaruroro River from 1600L/s to 1200L/s in line with the 20% new-water allocation agreed at TANK and remove the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the high flow allocation.

	4. Policy 60 now embodies the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the allocation. 5. The Policy now requires "allocation" rather than "reservation", with uncertain implications for private sector interests	
Rule TANK 5 Land use change	This rule controls land use change to production land use activity over more than 10% of a property or farming enterprise. The rule gives no guidance on what constitutes "change to the production land use activity", with the result that it is highly uncertain what types of activity are controlled and the rule cannot be practically enforced. For example, is a change from conventional farming to organic farming captured? A change in planting density? Also the rule fails to account for the possibility that a farming enterprise may span multiple water quality management units within a Surface Water Allocation Zone, which may then unintentionally permit land use change beyond 10% of the farming enterprises' properties within a water quality management unit	The rule needs further development to give more guidance on what changes are intended to be controlled and to control change by farming enterprises within a water quality management unit more appropriately.
Rule TANK 6	This rule restricts change to production land use activity over more than 10% of a property or farming enterprise where there is no Catchment Collective or Industry Programme operative, where modelled land use change effect on total property nitrogen loss exceeds the figures in Table 2 of Schedule 29. Table 2 is populated from per-hectare figures for common primary production systems. The per-hectare figure of 1kg/ha/yr provided for Grapes for Esk/Omahu/Pakipaki Soils is unrealistically low & clearly fails to account for the autumn/winter sheep grazing rotation that commonly occurs on vineyards. Also the Plan Change does not record the version of the models employed to derive the crop loss figures, so is not future-proofed against the effect of future model changes.	Adjust the Grape kg/ha/yr for all soils to recognise winter sheep grazing rotation. Include details of crop model versions used to derive the crop loss figures in Schedule 29 and include a mechanism to address the effects of model and/or version changes to modelled outputs..

Rule TANK 13 Taking water – high flows	This rule provides for capture, storage and use of surface water at times of high flow. I consider this to be a critical element of the overall Plan Change, providing the opportunity to re-engineer the Heretaunga Plains water use profile in a way that multiple & often conflicting interests and values can be addressed.	Supported, subject to amendments to POL 59 & 60 to address concerns about drafting details relating to the 20% Maori/environment reservation.
RRMP Chapter 6.9 - 6.3.1 Bore Drilling & Bore Sealing, Rule 1	This rule change has the effect of making bore drilling within a Source Protection Zone (SPZ) a Restricted Discretionary activity, as opposed to a Controlled activity. The proposed SPZs cover extensive areas of the Heretaunga Plains, particularly in the unconfined aquifer zone where many vineyards are located. The proposed Plan brings in intensive controls over activities in the SPZs and are specifically drawn to capture areas of unconfined aquifer upstream of protected water takes. Given the already-permeable nature of the unconfined aquifer area that comprises the bulk of the SPZs and other substantial controls over landuse activities, there is negligible additional benefit in controlling bore drilling in this area where the bore is a replacement for existing infrastructure. Also the additional expense and uncertainty of Restricted Discretionary status is likely to act as a deterrent to bore replacement as part of a normal maintenance cycle. Accordingly, bore drilling for the purpose of replacement of existing infrastructure in the SPZs should remain a Controlled activity.	Add a Condition to 6.3.1 Rule 1 reading: "***c. The bore is located within a Source Protection Zone but is a replacement for an existing bore that will be decommissioned."*** or similar wording to achieve the outcome sought in this submission.
Schedule 30 Landowner Collective, Industry Programme and Farm Environment Plan	Schedule 30 sets out the requirements for Farm Environment Plans, Landowner Collectives and Industry Programmes, as a method primarily to address the cumulative effects of landuse. I support this general approach over more prescriptive approaches, as it provides flexibility for landowners to achieve environmental objectives in the most efficient ways. The NZ wine industry has a longstanding and highly respected industry sustainability programme (Sustainable Winegrowing New Zealand - SWNZ), which the industry intends to further develop to achieve equivalency with a Farm Environment Plan. However, as the environmental profile of vineyards is dramatically different from (and in most respects lower than) that of other major primary industries, SWNZ does not comfortably fit within the PC9 framework and	Schedule 30 should be less prescriptive, more facilitative and more industry risk profile-based in respect of Industry Programmes. The Programme Requirements in Section B of Schedule 30 as they relate to Industry Programmes should be re-cast as a more of a guideline, with an acknowledgement that detailed requirements can vary depending on the Industry's risk and emissions profile as it relates to catchment objectives. Amend all references to Farm Environment Plan in this Plan Change to "freshwater farm plan" and otherwise align the Plan Change requirements to

	it is inefficient and counterproductive to apply an essentially pastoral-farming approach to viticulture. Schedule 30 also does not recognise the recent policy advances made nationally via the government's Essential Freshwater package and in particular the Resource Management Amendment Act 2020, which provides for a national framework of "freshwater farm plans", to be operationalised via S.360 regulations. I consider that the references to and requirements for a Farm Environment Plan in this Plan Change ought to be aligned with the Resource Management Amendment Act 2020 and related S.360 regulations and that these national requirements should be adopted by the Plan Change, in the interests of national standardisation and longer-term efficiency.	those of the Resource Management Amendment Act 2020 and related S.360 regulations.

B. Specific impact on me and/or my business

I am concerned that PC9 will impact on me and/or my business in the following ways and seek the following relief:

Plan Provision	Impact, Concerns and Reasons	Decision Sought
1. **OBJ TANK 16** Priority order for water allocation	This Objective establishes a priority order for water allocation which ranks primary production on versatile soils ahead of other primary production. Some viticultural production is on soils that are not considered to be versatile (eg. LUC 7 stoney soils) but is the highest and best primary production use of such soils, is highly efficient low water-use & low- contaminant activities that contribute strongly to community socio-economic development and should rank equally with primary production on versatile soils. The Objective also does not make it clear what the ranking of water bottling activities would be. The Hawke's Bay community has clearly indicated that water bottling should not be a priority use of water, so should be amended to explicitly record a lower priority, ranking below all other activities involving the economic use of water.	Amend OBJ TANK 16.c to read "Primary production on versatile and ***viticultural*** soils", or similar wording to achieve the outcome sought in this submission. Amend OBJ TANK 16.e to read "***Water bottling and*** other non-commercial end uses", or similar wording to achieve the outcome sought in this submission.
Policy 5.10.6.36 Heretaunga Plains Aquifer Management	This policy requires Council to "adopt a staged approach to groundwater management that includes: f) avoiding further adverse effects by not allowing new water use and g) reducing existing levels of water use". The requirement to "not allow new water use" is needlessly restrictive and ostensibly prohibits ANY new [take and] use, including use of new water stored under the high flow allocation provisions of the Plan, as well as potentially the replacement of expiring consents. Similary, the requirement to "reduced existing levels of water use" precludes use of new stored water and fails to recognise that the interim allocation limit of 90 million cubic meters is intended to align with previous actual water usage and that the Heretaunga Plains Aquifer is considered to be overallocated based on cumulative consented volume (sometimes referred to as "paper volume") but not on cumulative consented actual use.	Amend Policy 36.f to read "avoiding further adverse effects by ***controlling net groundwater use within the interim allocation limit set out in Policy 37"*** or similar wording to achieve the outcome sought in this submission. Amend Policy 36.g to read "~~***reducing existing levels of***~~ ***encouraging*** water use ***efficiency***." or similar wording to achieve the outcome sought in this submission.

Policy 5.10.7.51 Water Use and Allocation - Priority	This clause provides for an emergency water management group when making water shortage directions under Section 329 of the RMA, with the group including representatives from various sectors of the community but not including the primary sector. As decisions made in consultation with this group relate inter alia to the provision of water essential for the maintenance of animal welfare and survival of horticultural tree crops and to seasonal demand for primary production, the primary sector should also be represented in the group	Amend 5.10.7.51 to read "...emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi, ***affected primary sector groups*** and MPI, to make decisions ..." or similar wording to achieve the outcome sought in this submission.
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	it is inefficient and counterproductive to apply an essentially pastoral-farming approach to viticulture. Schedule 30 also does not recognise the recent policy advances made nationally via the government's Essential Freshwater package and in particular the Resource Management Amendment Act 2020, which provides for a national framework of "freshwater farm plans", to be operationalised via S.360 regulations. I consider that the references to and requirements for a Farm Environment Plan in this Plan Change ought to be aligned with the Resource Management Amendment Act 2020 and related S.360 regulations and that these national requirements should be adopted by the Plan Change, in the interests of national standardisation and longer-term efficiency.	those of the Resource Management Amendment Act 2020 and related S.360 regulations.

On a personal note

Regarding Water Use

Most if not all grape growers in Hawkes Bay are extremely careful with the amount of water used in their business. This is a natural occurrence which stems from using water to control vigour. The more water applied, the more vigour we have. The more vigour we have, the more costs we have to control that vigour.

Regarding Water Allocation

My allowable consented water take has very little "fat" in a dry year such as the previous summer. Babich wines has planted and re-developed vineyards in Hawkes Bay consistently over the years while continuing to stay within the confines of the consent.

Regarding Land Use

Though some of our blocks can only be used for growing grapes (on the gravels), we do have blocks that were purchased knowing that the land had been and could be used for other crops other than viticulture. Bringing in a Land Use rule will seriously devalue the properties and therefore reduce the likelihood of further investment and employment opportunities.

Viticulture in Hawkes Bay is a very hard industry to be involved in. We are consistently trying to reduce chemical use, energy use and water use while also working hard to employ local, spend local and be involved in anything local that will showcase and promote Hawkes Bay to New Zealand and the world. I understand and support that we need clean and flowing waterways, but feel that enforcing rules and reducing water volumes to an industry that has proven to use the least water (apart from stock water)and have minimal leachates will achieve nothing or very little of what the WCO is trying to do.

Do you wish to be heard in support of your submission? No
If others make a similar submission, would you consider presenting a joint case with them at a hearing? Yes

Signature: ..... Date: 14/8/2020

SUBMISSION ON PROPOSED PLAN CHANGE 9

HAWKES BAY REGIONAL RESOURCE MANAGEMENT PLAN

To: Hawke's Bay Regional Council

Submitter: Lowe Corporation Limited
499 Coventry Road
Hastings

Address for Service: Trevor Robinson
Barrister
PO Box 8018
Wellington 6143

Email: trob@trobinson.co.nz
Phone: 0274 468 644

1. Lowe Corporation Limited could not gain an advantage in trade competition through this submission.

2. Lowe Corporation Limited wishes to be heard in support of this submission.

3. For the details of its submission, including the relief sought, see attached.

4. If others make a similar submission, Lowe Corporation Limited would consider presenting a joint case with them at a hearing.

Trevor Robinson
Barrister
For Lowe Corporation Limited

Dated: 13 August 2020

Submission Details:

Background to Submitter:

1. As well as holding significant interests in farming and conservation land, Lowe Corporation Limited (LCL) is a privately-owned multi-site animal by-products processor. LCL owns and operates two hides and skins processing plants and a fellmongery plant in Hawkes Bay (variously at Pandora, Tomoana and Whakatu). It also has a joint venture interest in rendering plants in Hawkes Bay (at Awatoto) and in the Waikato (at Tuakau).

2. LCL has been a significant player in the NZ meat industry for over 50 years and is one of the largest privately-owned by-products processors in the country, processing raw material from across both the North and South Islands. Over its history, the company is known for its innovativeness in developing new processing techniques and use of the latest technology. Around 95% of the products it processes are exported. LCL's turnover is well in excess of $100M per annum. It employs approximately 190 people in Hawke's Bay, and continues to grow the business and add to its staff.

3. In recent years, LCL has been consolidating its operations, shifting production capacity from plants elsewhere in New Zealand (variously Auckland, Te Aroha, Wanganui, Dunedin, Christchurch and Shannon) to its Tomoana plant (Coventry Road). Subject to the outcome of the Plan Change 9 (PC9) process, LCL seeks to continue that process, progressively increasing the scale of its operations at Coventry Road in particular. Continued expansion of its operations at Coventry Road, however, is dependent on the availability of process water within the limits imposed by LCL's existing groundwater take consents.

4. LCL invests millions of dollars into the local community. It has been, and remains, the principal sponsor of the Hawkes Bay rescue helicopter service for over 25 years and is a major contributor to Hawkes Bay sport, youth development, iwi and general community projects. A key focus for LCL is conservation. The company, and its CEO Andy Lowe in particular, is the vision keeper, part-owner and driver behind the Cape Sanctuary at Ocean Beach, Hawkes Bay. The Sanctuary is the largest privately-owned wildlife sanctuary on mainland coastal New Zealand and over the last 20 years has reintroduced to mainland New Zealand at Cape Kidnappers and Ocean Beach a wide array of endangered species at serious risk of extinction.

5. As a major player in New Zealand processing and exporting by-products that would otherwise go to landfill and as a major player in NZ conservation efforts, LCL is well aware of the balance required between the need for water for production processes and the need for water conservation. It is also aware of industry's need for continued access to water to continue to provide new opportunities and employment in Hawkes Bay.

6. LCL's interest in PC9 is limited to the provisions governing take and use of water from the Heretaunga Plains aquifer. All of its Hawke's Bay plants utilise that resource, either directly by means of on-site takes, or (in the case of its Pandora plant) via the Napier municipal water supply network.

Priority for Municipal Water Supply Takes

7. There is a theme running through the PC9 provisions relating to water quantity that municipal water takes should be prioritised. This is stated most obviously in Objective 16 which provides, among other things, that the allocation and reservation of water for municipal supply (so that existing and future demand as described in HPUDS (2017) can be met within the specified limits) is prioritised over, firstly, primary production on versatile soils, and then "*other primary production, food processing, industrial and commercial end users"*. The latter would include LCL's plants at Tomoana, Whakatu and Awatoto.

8. Another indication of that priority is in the combination of Policies 37 and 50, providing a separate provision for municipal water supply that provides, among other things, for future residential , commercial and industrial growth, whereas Policy 37 ratchets back all other agricultural, commercial and industrial users on the basis of their water use in the ten years up to August 2017. Likewise, Rule 9 provides that a municipal water supply at the quantity specified on a permit being renewed is a restricted discretionary activity but for other non-irrigation uses, replacement consents must be limited to the maximum water use in the ten years to 1 August 2017 to be a restricted discretionary activity.

9. The prioritisation of municipal water supplies over regionally significant industry sourcing its own water needs from groundwater cannot be justified.

10. No one could argue with Objective 16 making water for the essential needs of people a priority. Municipal water supplies, however, cater for far more than the essential needs of people (Objective 16 treats them as separate categories, emphasising the

point). Domestic water users are notoriously profligate with unmetered water, utilising it for a wide range of activities spanning the spectrum between reasonable and necessary at one end, and entirely unnecessary at the other. Municipal water supplies also cater for any commercial and industrial activities of all sizes within their respective water supply areas.

11. There is no basis for distinguishing between industry supplied from municipal water supplies and industry that sources its own process water from groundwater, particularly given that the latter is likely to use water much more efficiently as it will extract water on or near its site of operation, whereas municipal supplied industrial plants could be anywhere within the municipal supply area, bringing network losses into play.

12. Making such a distinction has the potential to create perverse incentives, generating inefficient and potentially sub-optimal environmental outcomes. For LCL, for instance, it would indicate the desirability of retaining and increasing production levels at its Pandora Plant, solely by reason of it being within the Napier municipal water supply area, contrary to its preferred strategy of concentrating its processing at Whakatu and Tomoana to realise the benefits of rationalising its previous multiplicity of plants across New Zealand and creating efficiencies of scale (including water use) at Hastings in suitable industrial locations. It is understood this is also consistent with the preferred strategy of Napier City Council in moving heavier and processing industries away from Pandora, primarily due to concerns about stormwater runoff as well as the integrity of the Trade Waste reticulation system.

13. Another likely outcome is that local authorities will be under pressure to increase water supplied and/or increase the areal extent of their water supply networks, to maintain industrial production levels. To the extent industry converts from self-supply (via groundwater bores on/adjacent to production plants) to municipal supply, that will cause inefficient investment in upgraded and extended municipal water supply networks, together with less efficient overall water use. The significance of this inefficiency is that both the municipal supply and the existing industrial bore supplies are from the same Heretaunga Plains Water Management Unit.

14. **Relief Sought:**

    (a) Define Regionally Significant Industry for the purposes of PC9 as meaning “an economic activity based on the use of natural and physical resources in the region and which has social, economic or cultural benefits that are significant at a regional or national scale”, or words to similar effect;

(b) Amend Objective 16(b) to read:

"*The allocation and reservation of water for domestic supply for marae and papakainga, for municipal supply so that existing and future demand as described in HPUDS (2017), and for the existing and likely future water demand of regionally significant industry can all be met within the specified limits,.”* or wording to similar effect.

(c) Amend Policy 50 to refer in the first line to resource consent applications for regionally significant industry and insert a new Policy 50(aa) worded as follows:

“Allocate water for the operational needs of existing and future regionally significant industry not supplied as part of a municipal water supply based on existing and likely demand for that purpose, while requiring water use by regionally significant industry to meet or exceed best industry practice, including for efficiency of water supply and water use.”

(d) Alternatively, provide at a policy level for water allocation enabling continuity of supply to regionally significant industry.

Retrospective Operation

15. As above, PC9 uses the ten years to 1 August 2017 as a reference point. Thus, for instance, Policy 17 directs that in the case of applications to renew existing consents to take and use groundwater in the Heretaunga Plains Water Management Unit for non-irrigation use, an assessment should be applied "*of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 (except as provided by Policy 50)”*.

16. Policy 52(2)(b) similarly refers to "*demonstrated actual and reasonable need”* in the context of a statement of how HBRC will go about phasing out over-allocation.

17. These provisions need to be read in the light of the definition of "*actual and reasonable”* which specifies that in relation to applications to take and use water, actual and reasonable means:

(a) No more than the quantity specified on the permit due for renewal or any lesser amount applied for;

and the lesser of either;

(b) *The maximum annual amount as measured by accurate water meter data in the ten years preceding 1 August 2017 for groundwater takes in the Heretaunga Plains Water Management Unit….*

18. Rule 9 imposes the same test as a condition of any application to take water from the Heretaunga Plains Water Management Unit replacing an existing consent.

19. The law has a general policy of avoiding retrospective regulation, for good reason. In this case, LCL's Coventry Road plant has increased its water use by approximately 25% since 1 August 2017, in order to enable the increased production already referred to. While, in theory, PC9 Rule 11 would enable consideration of an application to renew LCL's existing groundwater take consent for its Coventry Road plant as a discretionary activity, both the content and the directive nature of Policy 37 would make it very difficult to secure consent to enable continued production at existing levels, never mind any increased production levels that drive social, economic and cultural wellbeing in the Hawkes Bay community.

20. For this plant, limiting water use to the maximum use in the ten years to August 2017 is neither actual nor reasonable. Indeed, the defined term, presumably intentionally, serves to shift the meaning of the policies and rules referring to actual and reasonable use from their ordinary and natural meaning.

21. The Section 32 evaluation does not assess the costs and benefits of taking this approach, as opposed to the more usual stance of having the Plan take effect at notification and on that account also, the Plan is flawed.

22. The provisions noted above are also flawed, because they do not tell the reader whether the reference to a "year" is a calendar year, an irrigation year (1 August to 31 July), or some other 12 month interval.

23. Similar uncertainties arise in relation to irrigation takes, exacerbated by reference to irrigation areas in terms of quantity ("*no more"* and *"amounts"*), rather than areal extent.

24. **Relief sought:**

(a) Amend point (b) of definition of "*actual and reasonable"* to read:

"The maximum amount of water taken in any 12 month period over the ten years preceding 2 May 2020 as measured by accurate water meter data if accurate water meter data is available (if insufficient or no accurate data is available either clause (a) or (c) will apply); or"

(b) Amend point (c) of the definition of "*actual and reasonable"* to make the date of notification the reference point, consistently with the amendment sought in (a) above.

Grandparenting

25. Locking the region's regionally significant industry into production levels based on historic water use levels penalises those who are already operating efficiently, because they have no scope to improve efficiency as a means to enable expanded operations. In summary, it creates all of the adverse effects typical of a 'grandparenting' approach to water allocation. It is not coincidental that grandparenting is also typically the approach adopted in collaborative/consultative exercises, since it provides the greatest level of protection to existing vested interests as opposed to alternatives that seek, consistently with Part 2 of the RMA, to identify the most efficient water allocation, that is to say the allocation that achieves the greatest net return to the community.

26. Such an approach fails to take account of the contribution that regionally significant industry already makes to the wellbeing of the community and the increased wellbeing that could result if regionally significant industry were allowed some scope to expand its current level of operation.

27. It is accepted that to comply with the National Policy Statement for Freshwater Management 2014 (NPSFM 2014) (and its replacement, the National Policy Statement for Freshwater Management 2020 (NPSFM 2020)), PC9 cannot and should not provide that a consent might be granted that causes a relevant allocation limit to be exceeded, except on a temporary basis or if there is other good reason to do so (such as that specified in TANK Rule 11(b)(ii)ii).

28. PC9 should not, however, preclude increases in industrial use of Heretaunga Aquifer groundwater, particularly if the relevant reference point is some historic use, if it does not cause a relevant allocation limit to be exceeded.

29. Schedule 31 states that the allocation limit for the Heretaunga Plains Water Management Unit is "*existing use only"* which is defined by a note to mean:

"Allocation limit reflects total amount allocated to existing consents that were granted prior to 2 May 2020 or lesser amount as relevant where water is allocated subject to actual and reasonable use for takes in the Heretaunga Plains Water Management Unit".

30. PC9 does not, on its face allocate water "*subject to actual and reasonable use for takes in the Heretaunga Plains Water Management Unit"*. Rather, it indicates an intention (in Policy 37) to allocate water in future on this basis, except where taken for papakainga use or municipal supply.

31. Schedule 31 is also potentially inconsistent with the direction provided in Policy 37 that 90Mm^3 is the interim annual allocation limit for the Heretaunga Plains Water Management Unit, pending further review.

32. The allocation limit for the Heretaunga Plains Water Management Unit should be clearly stated, consistent with the policies of PC9.

33. **Relief Sought:**

    (a) Amend Policy 36(f) and (g) to permit increased water take and use by regionally significant industry, provided such increased water use accords with best industry practice, (including in relation to the efficiency of the take and use of water) and does not cause an allocation limit in the Plan to be exceeded;

    (b) Amend Schedule 31 to state that the allocation limit for the Heretaunga Plains Water Management Unit is as specified in Policy 37, or alternatively reflects actual and reasonable use over the 10 years prior to 2 May 2020, subject to the application of Policy 50.

Interim Allocation Limit

34. Policy 37 indicates that in managing the allocation and use of groundwater in the Heretaunga Plains Water Management Unit, HBRC will "*adopt an interim allocation limit of 90 million cubic metres per year based on the actual and reasonable water use prior to 2017"*. A statement as to what the interim allocation unit is based on is unnecessary. An allocation limit has a particular purpose under the NPSFM 2014. The NPSFM 2020 uses slightly different terminology (take limit) to similar effect. The Policy need only state what the (interim) allocation (or take) limit is.

35. Further, having adopted that interim allocation limit, Policy 37(b) guts it of any apparent effect by stating that the Council will avoid re-allocation of any water within the interim groundwater allocation limit.

36. More substantively, the s32 evaluation records that the currently allocated take from the Heretaunga aquifer is 140-180Mm^3/year. It also records that it is uncertain what current actual levels of take are. The suggested interim allocation is a modelled figure,

meaning that it is not currently possible to estimate the relationship that bears to current water use with any confidence, and therefore what the costs of reducing allocation to it are. However, the modelling methodology indicates that it will almost certainly be less than current takes.

37. The s32 evaluation records the scientific view that the aquifer is reaching an equilibrium at current levels.

38. Against that background it is suggested that the interim allocation (take) limit be set at 100Mm^3 in the first instance. The s32 evaluation notes that this accords with iwi feedback received during consultation.

39. The concept of an interim limit is just that. It recognises that it is intended to be revised when better information is in hand.

40. Policy 37(d) also requires amendment to clarify that land use is relevant only to irrigators.

41. **Relief Sought:**

(a) Delete the words "*based on the actual and reasonable water use prior to 2017"* from Policy 37(a) and amend the allocation limit to 100Mm^3;

(b) Delete Policy 37(b) and amend Policy 37(c) to add the words "*that cause the allocation limit in Policy 37(a) above to be exceeded",* or words to like effect;

(c) Amend Policy 37(d)(ii) to read:

"*Apply an assessment of actual and reasonable use that reflects land use (for irrigation users) and water use (for all users) authorised in the ten years up to 2 May 2020 (except as provided by Policy 50)."*

Action First then Gather Information

42. Policy 36 directs a staged approach to groundwater management involving:

"(f) avoiding future adverse effects by not allowing new water use;

(g) reducing existing levels of water use;

(h) mitigating the adverse effect of groundwater abstraction on flows in connected water bodies;

(i) gathering information about actual water use and its effects on stream depletion…".

43. The normal approach to environmental management is to gather information about the activities going on in the environment and their effects before determining the optimum strategy to address those effects.

44. There are obvious risks of identifying a management strategy, particularly one that seeks to alter current behaviour, in the absence of adequate knowledge about what is actually occurring in the relevant environment. Section 32 of the Act seeks to manage those risks by requiring evaluation of the risks both of action and inaction, including a quantification where possible of costs and benefits. While the reports supporting PC9 indicate a substantial technical effort to understand and evaluate both the use of groundwater on the Heretaunga Plains, and its effects, it is evident that PC9 is proceeding against a background of substantial information gaps regarding the true level of groundwater abstraction for irrigation use from the Heretaunga aquifer. Modelling has assumed that that use is being undertaken relatively efficiently, which may or may not be correct.

45. Clearly, where use of a resource is demonstrably having an unacceptable effect, action may be required in the absence of complete information. The soon to be operative NPSFM 2020 reinforces that, but a precautionary approach cuts both ways. Such action should target the most obvious causes of adverse effects first while the information gap is plugged.

46. In the case of the Heretaunga aquifer, an adverse effect of water takes is on summer surface flows of the surface water bodies the subject of PC9. While summer low flows are likely the cumulative result of all groundwater takes from the aquifer, clearly some takes are having a greater effect than others. The most obvious indicator of unsustainable groundwater use is falling groundwater levels, which the supporting reports indicate are occurring within the unconfined aquifer. It is summer takes from the unconfined aquifer that should be targeted in the first instance. If appropriately targeted regulation is not adequate to improve the situation, then, at that point, further measures can and should be contemplated.

47. **Relief Sought:**

(a) Amend Policy 36(g) to refocus the policy on achieving reductions in cumulative water abstraction that target those periods in which cumulative abstractions will

have greatest effect on other abstractors and on ecological and other ground or surface water values. We expect that such rewording would focus on reducing summer groundwater takes from the unconfined aquifer, particularly those assessed as causing a direct and virtually immediate effect on surface water flows.

Requiring Efficiency Gains

48. One of the steps Policy 52 indicates will be taken to phase out over-allocation is by imposing conditions on resource consents "*that require efficiency gains to be made, including through altering the volume, rate or timing of the take and requesting information to verify efficiency of water use relative to industry good practice standards".* (Policy 52(b)(ii)).

49. This policy assumes that efficiency gains can be made in all cases. The focus should be on water users operating at industry good practice standards, and to the extent they are not, being required to do so.

50. **Relief Sought:**

(a) Amend Policy 52(b)(ii) to refer to conditions "*that require implementation of industry good practice standards for efficiency of water use, including through alterations in the volume, rate or timing of water take where necessary to achieve industry good practice standards",* or words to like effect;

(b) Add new subclause (iii) allowing for imposition of conditions requiring information sufficient to verify efficiency of water use relative to industry good practice standards.

Streamflow Maintenance and Habitat Enhancement

51. Policy 39 identifies two approaches to groundwater management when stream flow maintenance scheme triggers are reached. The intention appears to be that either abstraction must cease, or consent holders must contribute to a stream flow maintenance and habitat enhancement scheme, established in accordance with Schedule 36.

52. The first option fails to take account of the time lag between groundwater take and stream depletion. While (as above) some groundwater takes have immediate or virtually immediate effects on surface water flows, that is not universally the case. The Section 32 report records (at page 279) that HBRC modelling shows that any difference

in flows would take 30-150 days to become evident after the cessation of abstraction. There is obvious potential for a ban on abstraction to have minimal beneficial effect until after surface water flows have recovered to sit above the relevant trigger. In section 32 terms, an abstraction ban in such cases imposes costs (potentially very significant costs for users like LCL) for little or no useful purpose.

53. As the section 32 report concludes, a low flow ban is an inappropriate solution in many cases, but may form part of an appropriate mitigation approach in some circumstances. PC9 does not, however, draw this distinction.

54. The alternative, of stream flow augmentation, requires clarity:

    (a) How much augmentation is required;

    (b) Where the water to provide the augmentation is coming from;

    (c) Where it is required; and

    (d) How it can practicably be delivered within the time required.

55. PC9 does not provide clarity on any of these matters.

56. It relies on use of the Stream Depletion Calculator to assess the extent of augmentation required. While made available following notification of PC9, the TANK Fact Sheet states that further work is underway to refine the stream depletion amount so that only pumping that is affecting stream flow is subject to the calculation.

57. To be relied on in a regulatory context, the Stream Depletion Calculator needs to be 'locked down' so it is clear what it is that PC9 is referencing, and so that its robustness can be assessed.

58. It appears from the section 32 report that the source of water for augmentation will either be from groundwater, or from water stored during periods of high flow. Other plan provisions limit increasing groundwater takes from historic use levels (except for papakainga and municipal takes) and so water augmentation will necessarily lead to reduced production levels – probably significantly reduced production given the modelled percentage depletion levels across the Heretaunga Plans Water Management Unit.

59. The section 32 report suggests (page 281) that streamflow maintenance will incentivise efficient water use, but other provisions of PC9 already require that. More importantly, groundwater takes will usually be in the wrong place. Water will need to be pumped

up hill potentially significant distances to provide for the ecosystem benefits sought. No assessment has been made of the sustainability or practicability of doing so. If it were unsustainable (in the section 5 sense), presumably HBRC would not approve the scheme.

60. The alternative of water storage during periods of high flow, and augmentation during summer low flows, appears theoretically sound, but raises obvious questions about the practical hurdles that would have to be overcome, and the time that would be required, before it is a practical reality.

61. LCL's Coventry Road consent expires in May 2023. The First Schedule process will occupy a significant proportion of that time, and it is only when the final form of PC9 is resolved that the nature and shape of the arrangements required to be put in place will be known with certainty.

62. For example, the Stream Depletion Calculator suggests the principal depletion effect of LCL's Coventry Road takes is (unsurprisingly) on the Karamu Stream, but that it has a minor effect on the Ngaruroro and Tutaekuri Rivers. Covering commentary on PC9 suggests that LCL would need to augment only the Karamu River, but that is not clearly stated in Schedule 36.

63. Assuming the final form of PC9 makes that clear, LCL would face a position where it would need to identify, develop, consent and implement a water storage project in the headwaters of the Karamu Stream. If PC9 required augmentation of all affected surface water bodies, that task would be correspondingly greater (three schemes rather than one).

64. If LCL chose to undertake that task in conjunction with other water users in the Karamu Catchment (obviously much more efficient than each water user seeking to develop their own), time would be required to put the necessary administrative arrangements in place. The complexity of those arrangements, and the time required to put them in place, will depend on the number and nature of users, none of which are known at present.

65. Clearly that will not all be achieved by May 2023, nor probably within ten years of May 2023.

66. Policy 41 indicates HBRC's intention to take the initiative on water storage and augmentation for the Ngaruroro River and it is understood that HBRC will seek (by submission on PC9) to amend the notified Plan provisions for a more wide-ranging

review and development of stream augmentation options within ten years of PC9 becoming operative.

67. The number of water users (or groups of users) and the interactions between the Heretaunga aquifer and multiple surface water bodies means that no one water user, or group of users, can practicably address the issues posed by stream depletion caused by groundwater abstraction, and certainly not within the time available before existing groundwater consents expire. Only HBRC (and/or the territorial councils) have the resources and statutory powers to make that happen.

68. Having multiple individual (or Groups of) users seeking to develop their own stream augmentation options will only prejudice Council work to develop a more wide ranging solution. Individual schemes may also affect the viability of larger-scale council schemes.

69. The notified Plan provisions providing for stream augmentation are accordingly fundamentally flawed. The section 32 analysis finding them to be the most efficient and effective option available is similarly flawed.

70. What is required is:

(a) A Council commitment to drive development of stream augmentation infrastructure as above;

(b) A policy and rule focus in the interim on ensuring efficient water use by all entities taking groundwater (including Councils) and (as above) targeting takes having the greatest and most immediate effect on summer low flows.

71. **Relief Sought:**

(a) Delete Policy 39 and substitute:

(i) A Council commitment to assess and develop stream augmentation options in consultation with all sectors of the community including iwi that are efficient, cost effective, and which ensure satisfactory ecosystem outcomes in the surface water bodies affected by groundwater takes from the Heretaunga Aquifer during summer low flow periods; and

(ii) Require applications to renew consents for groundwater abstraction in the Heretaunga Plains Water Management Unit to demonstrate and implement

industry good practice standards in the interim in accordance with Policy 52';

(b) Amend the rules of PC9 to be consistent with the outcomes in (a) above.

72. **General Relief Sought:** In addition to the relief particularised above LCL seeks such further, more refined, additional, other or alternative relief that might give effect to this submission and/or better serve the overall objectives of the regional plan and the purpose and principles of the Resource Management Act 1991.