PART 3 – Submitters by number – Submitters 83-131

INDEX PAGE

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HAWKES BAY REGIONAL COUNCIL PROPOSED PLAN CHANGE 9 (TANK)

To the HBRC.

On the proposed plan change 9 (TANK)

From

Jim Galloway

530 Raukawa Rd

R D 4

Hasting 4174

Phone 027625755

Email jim.nette@xtra.co.nz

Thank you for this opportunity to submit on the proposed plan change 9, TANK.

I wish to be heard at the hearings in support of my submission.

We farm 54 ha on flat to medium hill country. Our stock, at the moment, is finishing cattle and lambs.

My main concerns include:

The inadequate provisions, and high cost of sourcing via consents, for stock and reasonable domestic water.

The resourcing of Catchment collectives to adequately deliver the requirements asked.

The cost of farm plans due to the requirement to use a qualified independent professional especially on smaller properties.

Catchment Collective

I agree with catchment collectives to provide a path for farming without having to obtain a consent. They will also help support and incentivise farmers to change practices which can improve water quality and reduce water use.

They will require a large amount of administration resource to get governance and financial structures in place and bring the community together. (I have doubts there are enough facilitators etc around to conduct this work.) The amount of information to be collected to report to the council (schedule 30 section B subsections 4 and 5) is huge and needs a significant administration input. I would like the HBRC to commit funds from the general rate to fund these functions of Catchment collectives. The reason it should come from general rates is that the whole community will benefit from the positive outcome from the groups.

There is not a timetable for collectives to be formed and I would like 5 years after the plan becomes operational to be the date. This is due to needing time to bring communities together and get them running efficiently especially given the lack of qualified people to facilitate and provide advice on practices.

I would like the HBRC to provide resources for increased monitoring of water quality in greater detail at more sites and in real time. This will help pinpoint where issues are and enable us to monitor results.

Stock and reasonable domestic water

All stock and reasonable domestic water should be allowed without having to go through the consent process. From what I can see on the HBRC website no new consents are being issued on a large part of the TANK area, so if we fence off a stream and have to reticulate water to stock or house we cannot access water. Also the cost of consent looks to be thousands of dollars especially if proving no affect on other water supplies or streams is required. If HBRC need to monitor the amount of water used on farm for stock and domestic I would suggest a consent that records the approximate take and costs a minimal amount, less than $100, for an administration fee. Many stock water consents will be replacing other water supplies for example when a block is split one may need a new source but no more water will be required than before or as mentioned if a change in water source due to fencing requirements is needed. Stock and domestic should have priority above other non essential takes.

Farm Environment Plans, Overseer reports

FEPs are a good mechanism to help improve on farm activities which result in improved water quality. I would like farmers to be able to prepare their own FEPs and not have to use a professionally qualified person. This will help make farmers own their FEP and especially on small farms reduce the cost. There is also a lack of suitably qualified people around to prepare the FEPs. The cost of Overseer, without the professional to fill it in, is $345/ year (last year $230) so a small farm of say 10 ha has a $34.50/ha cost plus report preparation fees of several hundred to satisfy the council requirement. Schedule 30 2.3a requires **ALL** properties to have an Overseer file this is at odds with the minimum area requirement of 10 ha. I would like the minimum area to need a FEP to be lifted to 50ha as these blocks aren't usually farm businesses.

TANK 3

This should be amended to allow stock to cross 2 times per month across a stream or river.

The term "bed" should be amended to read "active bed means the bed of a stream that is either intermittently or permanently flowing and the bed is predominantly unvegetated and comprises sand, gravel, boulders or similar material".

I would also like this rule to be aligned with the NPS for Freshwater Management specifically that it only applies to streams over 1m wide and that hill country is excluded.

I support Federated Farmers' submission in other matters.

Thank You.

(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)* Grant Edmonds

Organisation: Redmetal Vineyards Ltd

Postal address: *(required)* 2006 Maraekakaho Road, RD1, Hastings

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Email address: info@redmetal.co.nz

Phone number: 027 5526086
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, providing an integrated catchment solution that balances the values and interests of the Hawke's Bay community.
2. I OPPOSE elements of PC9 that do not reflect those agreements
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 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 contaminant loss *where it is possible to do so*…"; 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 drinking water supplies. I support a precautionary approach to such protection but consider that the policies and rules are unnecessarily onerous and reflect an excessive 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 land use 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 "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 land use 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 land use 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 T ūtaekurī 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
Rule TANK 5	Land use change restrictions could have significant economic effects in the event of existing industries (such as viticulture) being impacted by unforeseen diseases, anti-alcohol legislation or just poor returns. Being unable to change crop type could make the business unviable and drive down the value of the land substantially.	Ensure that the rule allows for consideration of future unforeseen circumstances on potential land use change.
Policy 5.10.6.37.d(ii)	Allocating water based on historical use will have a profound effect on viticultural land given that vineyard water use is significantly lower than other crop types and land uses. It effectively locks that land in to that use (or perhaps limited pastoral farming) forever, also locking in the value of the land based on the water allocation. The effect is twofold – the first being the lack of ability to change land use to higher value crops and therefore increasing the capital value of the land, and secondly preventing the redevelopment of the land over time to fit changing market requirements. Grape growers are effectively being penalised for being ultra efficient users of water compared to high volume, very inefficient croppers using big gun irrigators. It seems both inequitable and short sighted to lock in those land uses permanently.	Amend the policy to give efficient users of the resource a greater proportion of their calculated needs and also to allow some leeway in the event of a crop change that would require higher water use. This could be achieved by an "averaging" of water use so that inefficient users would need to become significantly more efficient and already efficient users would not have their property values constrained by a lack of allocation for more water intensive crops. This particularly applies to smaller blocks where water storage is impractical and they are more likely to convert to more intensive high value crops.

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

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Matthew **Last name:** Truebridge

Phone number: 021374591

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
TANK-Farmer-Submission-Template August 2020 Actual presentation
Proposed TANK Plan Change 9

Submission on Hawkes Bay Regional Councils publicly notified proposed Plan Change 9 (TANK).

On: Hawkes Bay Regional Council – proposed Plan Change 9 (TANK).

To: **Hawkes Bay Regional Council**

Company name: **Truebridge Contractors Limited**
Farm Name: **Manganoe**
Given names: Matthew
Surname: Truebridge
Contact person: Matthew
Address: 144 Waihau Road
Region: Dartmoor
Country: New Zealand
Phone: 021374591
Email*: mtruebridge@xtra.co.nz

Farm Background

We are a family farming sheep and beef on 470 hectares of rolling to steep countryside. We farm in the Waihau catchment which flows into the Tutaekuri river. We are considered a priority catchment under the proposed TANK regulation. This is a farming business from which we derive our living from. We have a traditional farming system with a sheep breeding flock of 1500 ewes producing lambs for market and beef growing 200 head of cattle. This farming system provides for some flexibility in a challenging east coast environment.
Purchasing this farm in 2016 we under took an intensive development programme , including fencing, pasture renewal, soil fertility improv ement, water reticulation and tracking. The farm has 37 hectares QE2 existing covenant of bush and gorge river protection. We have extended this environmental protection of stream bed, gorge and bush by a further 35 hectares. Other smaller area with streams and bush have been retired now equating to 20% of our farm with stock exclusion and protection. Adding to that we have shot 300 feral goats as there mere presence is very destructive to our reserves.

We have planted 500 poplar poles on steep slopes prone to slips and erosion since 2016. The majority of this protective work has been at our own expense and without regulation. To mitigate some expense we have improved our natural resources and enhanced our productive country.

Manganoe farm supports the general purpose of plan change 9.

However, from an economic perspective survivability will be a challenge , we need to be able to have flexibility within our farming system as different markets may dictate. Farming is livestock grazing which comes in various forms either sheep breeding, lamb finishing, cattle breeding, finishing and or dairy grazing, calf rearing to name just a few. Land use change needs to capture flexibility.

Issues and Concerns.

1. **Tank 1; the use of productive land.**
   I support that farmers are provided a Permitted Activity pathway and are able to continue to farm without requiring a Resource Consent . On our farm, we have voluntarily fenced off all streams and natural water ways. We have focused on the more productive country and retired the majority of steep Gorges covered in bush. All this been done without regulation. Most farmers consider themselves as guardians of the land. On our farm we have an awareness of water quality and erosion, on a daily basis we eat, live and breathe it ..

2. **Tank 5 Land use change**
   These rules are about individual farmer property rights, protecting for future generations, intergenerational and therefore land use must offer some adaptability in regulation.

I oppose land use specific Nitrogen Loss restrictions. Famers should be able to remain flexible and adaptive to change in circumstances. I support more flexibility and amendment so that the land use threshold for change is 20ha or 20% of the property whichever is greater.

3. **Schedule 29 Land use change. Nitrogen**

I seek that Table 1 in Schedule 29 is deleted and propose that a 'flat rate per hectare' permitted threshold is applied (e.g. 20kgN/ha/yr) irrespective of land use and land use change. Farm viability and flexibility would be compromised with N losses below 20. Our farm is in excess of 20kgN/ha, but without this level, we could not retire the marginal land. By retiring the marginal land, we have created excessively large setbacks from the streams. It is highly unlikely the Nitrogen will be making its way into the stream system. If our N drops to under 13 we will need to review the land we voluntarily retired.

Any Nitrogen risk threshold should be tailored to the catchment and specific to working towards achieving freshwater values. Our catchment Tutuakuri is a priority catchment, silt and erosion is the main issue, not Nitrogen.

4 **Rule 7 Soil disturbance; condition G & H ; Cropping in hill country**.
Although cultivation will be largely prohibited on a number of livestock farms with a degree of slope, interpretation ensues, direct drilling is a very viable option, there is minimal soil disturbance, the soil is not hung out to dry and result in erosion, preserving soil moisture and reducing carbon emissions. Direct drilling is an environmental solution and I purpose to be adopted as a permitted activity for cropping.

5 **Tank 3; Stock access to waterways.**
We have 4 river crossings, our only access to 75% of the farm. These are in steep bush laden gullies where bridging would require 100 metre spans to cope with extreme weather events. For example we have had short bursts of rain, up to 300mm in a 24-48 hour period and the streams can rise 6-8 metres, and recede as quickly. 98% of the time these streams are only ankle deep. Without such simple crossings we could not farm viably. We largely use these crossings for vehicle access every day and traverse stock only once a week on average.

Clarification and some certainty is required that farm access is not compromised by the need for expensive engineered bridges and crossings. I support a more practical approach where a measure of frequency would be far more reasonable. I seek further clarification for this rule. I further seek the time frame to comply with this rule is extended to 2025.

6 **Tank 7 Surface water take; Stock water take**
On my property 20m3 would not be sufficient to run 4000su over the summer months. This amount of stock is the minimum needed for our farm to be an economic unit. I note a recommendation to Horizons was for 30m3 /day. This would be more in line with an average 4-5000su property and consistent with industry best practice. I seek support to lift this limit from 20m3 to 30m3.

In support of

1. Schedule 30, Catchment collectives and farm environmental plans.
2. Sheep and beef sub mission.
3. Wet land enhancement and investment to land owners. We have benefitted from Local and central government funding for land retirement and riparian planting for environmental protection which has allowed us to fast track stock exclusion from waterways

I wish to be heard in support of my submission.

Regards
Matthew Truebridge

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

Name of Submitter: Peter Scott

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 404 Omapere Road, Crownthorpe and comprises of the following crops and acreage:

Asparagus – 16ha.

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

Our horticultural operation is reliant on the continuation of current water allocations, based on best practice. Any reduction to these will have significant detrimental effect on both our ability to produce the current planted crops, as well as our ability to expand our horticultural operations.

I seek the following decision from the local authority: that the recommendations provided above be considered, as per each point outlined.

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

Signature of submitter: 

Date: 12 August 2020

Electronic address for service: omapereholdings@gmail.com

Contact phone number: 0274 516 276 or 06 8749 678

Postal address: 749 Whakapirau Road, RD4, Hastings 4174

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

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

Name: *(required)* Peter Scott

Organisation: Kereru Road Vineyard

Postal address: *(required)* 749 Whakapirau Rd, RD4, Hastings

Email address: kereruroadvineyard@gmail.com

Phone number: 0274 516 276 or 06 8749 678

Contact person and address if different to above: n/a

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 my business, as per the points raised in the submission details following (impact on the wine sector), as well as negatively affecting our desired focus to expand our viticultural capacity on our site.

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 land use 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 land use 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.

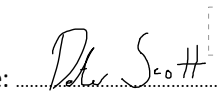
Policy 5.10.7.51 Water Use and Allocation - Priority	This clause provides for an emergency water management group when making water shortage directions under Section 329 of the RMA, with the group including representatives from various sectors of the community but not including the primary sector. As 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? 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

Constellation Brands
WORTH REACHING FOR

14-Aug-2020

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

Submitted by email to: eTANK@hbrc.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: **Jacqui Cormack**

Organisation: **CONSTELLATION BRANDS NZ LIMITED ("CBNZ").**

Postal address: **6/46 Maki Street, Westgate, Auckland 0814**.
Email address: **jacqui.cormack@cbrands.com**.

Phone number: **027 809 9961**.

Introduction: Constellation Brands New Zealand Limited ("CBNZ")

CBNZ is a grower, producer and seller of New Zealand wine brands which are exported globally. Croatian immigrants and pioneers first laid our roots in the New Zealand wine industry in the 1930s and much of that heritage lives on. Today, CBNZ is a proud producer of globally recognised wines including established brands Kim Crawford and Selaks, with Kim Crawford being the top-selling New Zealand wine brand in North America. Selaks, a brand which turned 85 last year, is currently New Zealand's number 3 bottled wine brand. Our 2020 production is estimated at approximately 4 million cases and over 80% of our wines are exported, showcasing Hawke's Bay and New Zealand wines to the world.

In the Hawke's Bay, CBNZ operates over 425 ha of vineyards with additional fruit being sourced from another 335 ha of growers. We also own and operate the 10,000T Selaks Hawke's Bay Winery located on the Heretaunga Plains that is the hub for all of our Rose and Chardonnay production. CBNZ makes important contributions to the Hawke's Bay and its economy. As you will appreciate from this background, CBNZ has vital interests in the impact of PC9 and the manner in which water is managed within the region.

Submission Summary:

1. CBNZ **supports** 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 various stakeholders across the Hawke's Bay community.

2. CBNZ **supports** the amendments proposed by Hawke's Bay Winegrowers' Association Inc. in their submission dated 14 August 2020 and echoes their **opposition** to elements of PC9 that do not reflect the agreements reached by the TANK Group community representatives. Given the complexity of the matters raised within PC9, we do not propose repeating the extensive detail, analysis and reasoning articulated by HBWG in their submission but reiterate our support of the same and especially the following **key concerns**:
    a. PC9's new framework of living within or reducing existing limits unfairly penalises viticulture as a very low water user and emitter (who we also note is being allocated approximately 1/3rd of the water allocated to other irrigated crops under Irricalc). Conversely this approach could provide a windfall for high volume users and emitters who retain the value of all the considerable land uses their assets could be used for either within or below current limits. This would be a perverse outcome.
    b. The assessment of reasonable use being subject to a 2017 cutoff is arbitrary and unfair. In the 3 years subsequent there has been a record drought as well as legitimate changes to operational practices or plantings, all within current permit limits, that should fairly be considered.
    c. Stream flow maintenance obligations and how they may be either justified or expected to work are manifestly unclear and we do not feel adequately informed to be able to comment or critique the same. We look forward to responding separately to more detailed information on Policy 39.
3. CBNZ **seeks its own amendments** as set out in Section A of this submission below.

In summary, CBNZ is very concerned that PC9's approach to allocation of water, restriction of landuse changes and control of farming emissions unfairly penalises viticultural land owners and lessors as very low water users and very low emitters compared to other major primary producers.

Jacqui Cormack | VP Legal APAC | office: +64 9 412 6852 | mobile: +64 278099961
Constellation Brands New Zealand Limited | 6/46 Maki Street, Westgate 0814 | www.constellationnz.com

Constellation Brands

Our Vision: Elevate Life with Every Glass Raised.

Submission Details: CBNZ

Plan Provision	Concerns and Reasons	Decision Sought
	Tank Objectives	
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 (and 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	(1) 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 and is a low- contaminant activity that contributes strongly to community socio-economic development and should rank equally with primary production on versatile soils. (2) 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 exclude or record as 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.
	5.10.2: Surface Water and Groundwater Quality Management	
Policies 5.10.2.6 **5.10.2.7** **5.10.2.8** Protection of source water	These three policies adopt a strengthened approach to protection of the quality and quantity of drinking water supplies. CBNZ supports 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	Remove the references to assessment of actual or potential effects of activities in the source protection zones on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10. Address risks via Farm Environment Plans, Catchment Collectives and Industry Programmes.

	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 Objective 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.	
5.10.3: Managing Adverse Effects from Land Use on Water Quality		
Land Use Change and Nutrient Losses 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.
5.10.6: Heretaunga Plains Groundwater Levels and Allocation Limits		
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.	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

	Similarly, the requirement to (g) "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 cumulative consented volume (sometimes referred to as "paper volume") but not on cumulative consented actual use.	similar wording to achieve the outcome sought in this submission.
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*…". We are led to understand (although this may not be correct) that the intent of this policy is understood to be to provide for replacement consent volumes not exceeding the highest use during the 2012/13 water year (when a drought occurred) and to restrict landuse as at August 2017 (the point at which HBRC apparently decided to cap groundwater usage at then current peak dry-year levels). However, since that date, users have legitimately been using permitted water to do all matter of things including, in our case, change the varietal farmed, change the use for which the varietal is used (merlot to rose wine for example) and these changes have resulted in legitimate changes to yield management and water use. In addition, since TANK completed and the Plan was drafted, Hawke's Bay has experienced the severe drought in 2019/20 water year which was easily our biggest year of irrigation use and exceeded Irricalc allocations but was within out permit limits. Given this recent experience, the water efficiency of viticulture generally and vastly improved water meter data collection in the most recent years, CBNZ considers that the 2019/20 water year data should be available as a benchmark dry year. More fundamentally, CBNZ disagrees with the definition of "Actual and Reasonable" and its inequitable and unworkable approach to	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 amount calculated by a Hawke's Bay-specific IRRICALC model at 95% security of supply; or, if greater - the volume of the expiring consent being replaced if actual use [over the period or the expiring consent] can be demonstrated.", or similar wording to achieve the outcome sought in this submission.

	allocation of water for replacement of consents that existed as at August 2017. The approach does not account for any lack of reliable and comprehensive water metering data from 2012/13, nor the impact of vine age and redevelopment timing on actual annual vineyard irrigation requirements. It ignores the practical difficulties in evidencing historical landuse activities and risks penalising efficient users at the expense of inefficient ones (a problem with PC9 in general).	
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, CBNZ understands 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 CBNZ opposes 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	CBNZ understands that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39 and we look forward to commenting on that further detail.

	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.	
5.10.7: Surface Water Low Flow Management		
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.
New Regional Rules		
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	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.

	permit land use change beyond 10% of the farming enterprises' properties within a water quality management unit	
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. CBNZ considers this to be a critical element of PC9, 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 the need to clarify the drafting details of POL 59 & 60 and subsequent allocation principles of the 20% reservation.
Chapter 6.9: Amendments to Regional Resource Management Plan Rules		
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	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.

	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.	
Schedules		
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. CBNZ supports this general approach over more prescriptive approaches, as it provides flexibility for landowners to achieve environmental objectives in the most efficient ways. As per the HBWG submission, 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-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. CBNZ considers 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.	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 2020 and related S.360 regulations.

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 August 2020

From: Dave Read
To: eTank
Subject: Submission to TANK consultation HBRC
Date: Friday, 14 August 2020 9:29:40 AM

Submission to TANK consultation HBRC

There is considerable confusion as to how the 18su/ha requirement to fence waterways is to be calculated. It is essential that it is average stocking rate for the whole year NOT stocking rate on any one day. A daily rate would put Regenerative Agricultural practices at a disadvantage vis-à-vis extensive agriculture on hill country. High density grazing for short periods of time are a central tenet of Regenerative Agriculture and leads to greater soil porosity and better pasture health and thus less sediment. If the 18su/ha were to apply to daily stocking rates , then a regenerative farmer would need to fence waterways whereas a farmer practising set stocking, with its associated winter overgrazing, would not. The same reasoning also applies to better practice by conventional farmers who also use high density short duration grazing practices. Please choose the yearly stocking rate and make this explicit in the regulations.

Regards,

Dave Read

Submission on proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan (HB RRMP)

Submitted by: Sarah Millington
Date: 14 August 2020

Introduction

My young family and I love walking along, paddling and swimming in rivers. We have lived in Heretaunga for twelve years. Over this time I have witnessed signs of the increasing degradation of Hawke's Bay's waterways and increasing exploitation of the region's freshwater resources. I have a BSc(Hons) in Zoology. My Honours dissertation was in freshwater ecology; specifically, I conducted research into invertebrate indicators of ecosystem health in response to different land use practices, so I can't help but see the state of many of the streams and rivers without feeling pained by the lack of life force that they carry. It's not a natural state of affairs that my children can't swim in the rivers when they want to cool down on a hot summer's day; they are robbed of a fundamental means of connecting with their local ecosystems and the natural world. I am a secondary school teacher, and therefore I hear the concerns and worries that students have about the state of the rivers that they are inheriting. Rangatahi are by nature future-focussed human beings. Another aspect of their future-focus is that they see bicultural partnerships as the way of the future in Aotearoa. For these reasons, it is really for the rangatahi that I know and love that I write this submission.

I also witness the struggles of tangata whenua to have their voices truly heard, their values truly upheld, their incredibly deep and detailed knowledge and understanding of the natural resources of this rohe to be honoured, and their rights and responsibilities as kaitiaki to be upheld and enabled. It seems to me that the TANK waterways wouldn't be in such a degraded state if tangata whenua had had a much greater role in decision-making for the rivers than has been the case under the white man's system of governance since 1840, which is still on-going. Furthermore, in reference to my comment above on swimability of the rivers, one Māori friend articulated it to me thus: "How can I refer to my awa in my pepeha if I can't swim in it or be baptised in it?". In other words, the maintenance and enhancement of the mauri of these rivers is fundamental to the identity of the hāpu and whānau of the area, and Council must therefore honour and enable their kaitiakitanga.

Three purposes of this submission

The purpose of my submission is therefore threefold. Firstly, it is to advocate for a shift in the thinking embodied in the proposed TANK Plan from the apparent current prioritisation of security of water supply for economic activity to prioritising the sustainability, health and wellbeing of our freshwater resources. In other words, this submission urges Council to set RRMP objectives, policies, targets and methods that prioritise the restoration of ecosystem health, well being and values of the water bodies as laid out in the National Policy Statement for Freshwater Management (NPS FW), instead of prioritising security of supply for economic activities.

The second purpose of my submission is to urge Council to move towards a genuine model of equal co-management of the natural resources of the rohe, starting with equal co-management of the TANK catchments through Plan Change 9, in which Ngati Kahungunu, as tangata whenua and therefore kaitiaki of this region, are able to carry out their duties of guardianship of these precious freshwater resources for current and future generations.

The third purpose of this submission is to add my support to submissions from the kaitiaki of this rohe, including whānau, hāpu, marae committees, Māori Trusts, Ngati Kahungunu Iwi Incorporated and Te Taiwhenua o Heretaunga.

Sustainable management of the TANK catchments

Ecological sustainability underpins every other aspect of our lives, and in Hawke's Bay our collective activities are currently undermining the long-term sustainability of our freshwater resources. We need to shift to a precautionary approach in the management of these resources.

The NPS FM obliges Council to improve degraded water bodies. A water body in desperate need of improving is the Paritua / Karewarewa Stream. It is not acceptable that it now regularly runs dry as a result of increased irrigation by agribusiness because this causes adverse impacts on aquatic life (for example, dried out eels and other fish deaths) and on the people of Bridge Pa who lose their river and even their drinking water. To say that the values, customs and practices, including mahinga kai, of the people of Korongata and Mangaroa maraes have been adversely affected by the massive increase in the utilisation of groundwater for irrigation in the area is an understatement.

Over-allocation of freshwater in the TANK catchments must be addressed to ensure that water quantity is maintained for ecosystem health and social and cultural values and needs. Paritua/Karewarewa is but one example among many of the adverse effects of over-allocation.

RECOMMENDATION 1: The TANK Plan includes a clear pathway to phase out the current over-allocation of surface water and ground water resources. From now on, allocation should be based on what is available after ecosystem health needs and essential human needs (including cultural needs) are met rather than in response to demands for ag/hort utilisation.

Water quality must be maintained, enhanced and restored. Sediments, nutrient inputs and stock damage all cause adverse effects on the waterways and result from current land use practices.

RECOMMENDATION 2: The TANK Plan needs to include clear objectives, policies and rules to maintain or improve water quality to at least the bottom lines set out in the NPS FW.

RECOMMENDATION 3: The TANK Plan needs to require that stock must be excluded from all riparian zones along streams, rivers and lakes, as well as from wetlands.

I am concerned about the proposed TANK Plan's schemes of stream flow "enhancement" and "augmentation" to address water quantity in certain sections of a waterway. It is not a sustainable management approach. It would just be re-locating the problem from one area to another, and would be an acknowledgment that management practices are failing. A sustainable management approach would be a 'ki uta ki tai' approach which considers the health and wellbeing of the whole catchment. It would avoid low flow situations by using strategies such as reducing water takes or modifying the land use activities so that they have appropriate water demands for the water that is reasonably available from an ecosystem perspective. My understanding is that tangata whenua has accepted the idea of augmentation in paritua/Karewarewa in order to restore ecological and cultural values, but I do not see that this is a mandate to carry on extracting far too much water for irrigation purposes in the surrounding area; I believe it would be acceptable as an interim measure while over-allocation and over-use is phased out.

RECOMMENDATION 4: That Council takes a very precautionary approach to augmentation, and seeks instead to use sustainable strategies to address the issue.

There is a need for Council to take a much stronger regulatory role in regards to managing the effects of land use and water takes than is currently the case.

RECOMMENDATION 5: The TANK Plan needs to specify objectives, policies and targets that set up an effective and directive regulatory system with firm bottom lines to monitor and enforce the requirements of the NPS FW.

There are many signs that the aquifer is being depleted, including disappearing springs and dry wells. Therefore the extraction of groundwater for water bottling should be a prohibited activity in the TANK catchments.

RECOMMENDATION 6: Include a policy that prohibits extraction of groundwater for the purposes of water bottling in the TANK catchments, including a clear plan for phasing out the existing permits and extractions.

Ngati Kahungunu and kaitiakitanga

Ngati Kahungunu's relationship with these rivers spans many, many centuries. The Mātauranga Māori that has developed and accumulated over that time is of unfathomable value to the sustainable management of these awa. I am second-generation Pākeha. Even though I care about these rivers very much, I am very aware how my caring for, connection with, understanding of and investment in the health and wellbeing, the mauri and the mana of the TANK catchments is miniscule in comparison to the people of Ngati Kahungunu. We will all benefit from enhanced ecosystems once there is an over-arching objective in the TANK Plan for tangata whenua to be equal partners in a co-management model of the catchments. This would also be the best way to 'give effect to te Mana o te Wai' as required of Council in the National Policy Statement for Freshwater Management (NPS FW). I look

forward to the day when Mātauranga Māori has equal status with Pākeha science and sustainable management of natural resources is substantively informed by both.

RECOMMENDATION 7: Include an over-arching objective in the TANK Plan that tangata whenua are equal partners in a co-management model of the catchment areas that gives effect to te Mana o te Wai, as well as an explicit framework for how this will be implemented.

RECOMMENDATION 8: That Council receives, digests and learns from the stories, evidence and Mātauranga Māori in the submissions from the real kaitiaki of the rohe, including whānau, hāpu, marae committees, Māori Trusts, Ngati Kahungunu Iwi Incorporated and Te Taiwhenua o Heretaunga, with utmost seriousness.

Yours sincerely,
Sarah Millington

BERRY FARMS NZ

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

Name of Submitter: Berry Farms NZ

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.

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

Our submission is:

- We 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 we adopt to manage discharges from land we manage (in some cases only temporarily), and our water use. We support requiring all growers to operate at good management practice.
- We 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. We 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, we support that submission.
- We oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. We 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 our 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	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

Replacement of water permits based on actual and reasonable use	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. We understand that the TANK collaborative group did not reach a consensus position on the allocation limit and we 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 programs and landowner collectives	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programs 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. We 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.

Our horticultural operations are located at three separate sites across Hawkes Bay –

- Astill Farm, 100 Evendon Road, Hastings.
- Te Mata Farm, 387 Te Mata Mangateretere Road, Havelock North; and
- Bay View Farm, Thurley Place, Bay View.
- In total we have 17 hectares of berries grown in pots/bags in tunnels.
- They comprise of strawberries, raspberries, blackberries, and blueberries.
- We currently employ 120+ people for picking with peak harvest months being between November through to late April.

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

We are concerned about having enough water throughout the entire calendar year to irrigate our very valuable and precious crop. As we grow in tunnels, we have no benefit from rainfall and must irrigate all year round. The plan change has not made any consideration to growers that utilize tunnels, glass houses, or other cover types.

As an industry (food produces/horticulture), all growers are getting pricing pressure and this can lead to customer driven product changes so as farmers/growers we cannot and should not be told/limited to what we can and cannot grow on our land.

Our irrigation and fertigation systems are highly technical and very accurate in terms of application and efficiencies. We are monitoring the inputs and outputs 2-3 times per day during peak water use, which covers spring, summer, and autumn; we also irrigate and monitor during winter but to a lesser degree.

The development capital investment required for setting up these types of berry fruit farms ranges between $350-480,000 per hectare (depending on berry type) for infrastructure (irrigation systems, trellis system, tunnel purchase and construction, etc.); note that this does not include the actual land purchase.

Rainfall does not have an impact on the crop in terms of it being used to supply crops with water, this is simply because the crops are under cover. The "Irricalc" model factors in annual rainfall averages for a particular region and then a specific crop model – so the key point/issue here is that the model does not feature/include anything for using protected cropping tunnels (as there is not a "no rain" factor) and the models are currently only for apples, crops (outdoor), stone fruit, grapes; not berry fruits.

To add to that, our berries are grown in pots or grow bags and so they do not have any buffer like they would in the soil (in terms of moisture) and the cropping system is such that we need to achieve dry down at certain times so we only give the plants the water they require during the day; therefore with such a precise horticultural operation (as mentioned above) we have no buffer so not having irrigation water is not an option.

We are very efficient users of water as we only give the plants what they require and that is changeable daily as we monitor it closely and make changes for weather and the time of the year relative to crop growth stage and hence crop use. We keep and update these records regularly throughout the day.

Our irrigation inputs are specific to the berry varieties that we are growing, and we are constantly evaluating this. There is a significant amount of research and development (R&D) done by the Driscoll's™ Global technical and Agronomy team and network which we are an integral part of.

Other thoughts and factors that we consider TANK needs to address –

Flexibility – we feel that development of intensive horticultural berry farms and the investment there of should be considered as a positive for Hawkes Bay, we also strongly support that the TANK plan change should have flexibility around change of land use and a flexible policy for increases in water allocation IF it is required for development of this type of production system and that it should recognise and future proof other types of horticulture that may need more water than what is currently being "modelled".

Land use – we have covered this in the above point but is worthy of expanding on as the nature of our growing systems allow us to utilise all sorts of land as we are not necessary looking at what the soil has to offer but rather a location and the climate in that location and of course having the right water allocation by way of volume and quality is key. We think that the flexibility for land owners to have a change of use that is open to development and water being available for that specific crop type as required is key i.e. we could purchase or lease land from an apple grower, stone fruit grower, grape growers or cropping land that is likely to have a water permit for open field crops that are assisted by

rainfall but that possibly would not be sufficient for protected tunnel crops. We also do not know what new types of crop may come in the future.

Modelling and water use history – given this is a fairly new type of horticultural production method, relatively speaking in the region, there is not as much data or very little modelling done so it is a concern when the water use from 2007-17 is being looked at to give some guidance, as that history does not exist for this type of horticulture.

We seek the following decision from the local authority; that the plan change is amended as set out in the above tables.

We wish to be heard in support of my submission.

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

Signature of submitter: Johnny Milmine

Date: 13th August 2020

Electronic address for service: johnny@berryfarms.co.nz

Contact phone number: 021 411 191

Postal address: Berry Farms NZ, 211 Karamu Road, Hastings 4122.

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

Johnny Milmine (General Manager)

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Sally **Last name:** Gallagher
Organisation/Iwi/Hapu: Apollo Foods Limited

Phone number: 0273168994

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.

Consultation Document Submissions

Proposed TANK Plan Change 9

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:

We would request that if a review is conducted of current water consents around water allocation that the Regional Council takes into consideration the following:

Apollo Foods is a new business and it is unlikely that in the short term will be able to demonstrate full use of the current water allocation within consent WP170342T. This puts at risk the 30 million investment that has been made in Hawke's Bay to develop and grow a food beverage business with appropriate food processing infrastructure.Any review needs to take in to account the future potential of a specific consent, not just history. This is critical to allow any new business the opportunity to grow with the appropriate support from regional authorities.

Reason for decision requested:

1. Considerable investment has been made by the company to explore the volume opportunities available
2. It takes time to establish an operation and create the export customers and markets that are required to realise this opportunity.
3. Limiting reallocation based on the early stages of an operation is not a fair representation of the use, compromises the viability of the operation and risks the economic stability of the business. This is particularly relevant with Apollo Foods who has financing obligations behind the investment in infrastructure.
4. Food and beverage processing is identified as a primary value and use in Hawke's Bay and as such is part of the full supply chain and should be supported and provided for by local authorities

5. Compromising such activities would have considerable adverse economic effects

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Attached Documents

File
Proposed TANK Plan Change 9

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Brent **Last name:** Paterson

Phone number: 0274864276

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:

Consultation Document Submissions

Proposed TANK Plan Change 9

- ( ) Support
- (•) Oppose
- ( ) Amend

I seek the following decision from the Regional Council:

A new catchment governance structure supported by HBRC formed by the chairpersons from each catchment group.

Reason for decision requested:

While I fully endorse HBRC's enthusiasm for CC's, I am concerned that the support for the CC's to self manage and engage with their own experts has not been fully investigated with a cost/benefit alternative comparing to the HBRC land management team and resourcing it internally. Adoption is about empowering producers and the CC is the best format to achieve this. We believe that CC's should be structured in a way that provides for the:

- Protection of sensitive and confidential information that will inevitably be held by CC's
- Administration support for CC's to engage with HBRC

- Funding support for the engagement of CC coordinators and expertise
- Funding support for environmental data collection and storage managed by CC's
- Methods to ensure the long-term governance of CC’s is protected from the short-term political nature of HBRC.

Attached Documents

File
Proposed TANK Plan Change 9

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:

Deane Caughey – Group Operations Manager

Organisation:

Indevin Group Ltd

Postal address:

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Blenheim,

7240

Email address:

deane.caughey@indevin.com

Sandy.O'Connell@indevin.com

Phone number:

Deane; 021 811837

Sandy; 021 810178

Contact person and address if different to above:

Deane Caughey; Group Operations Manager

Sandy O'Connell; General Manager Assets and Services

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

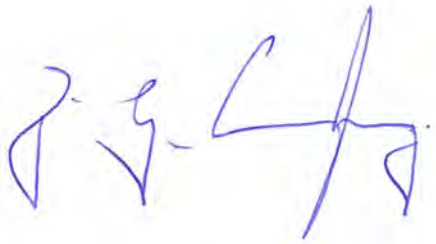
	it is inefficient and counterproductive to apply an essentially pastoral-farming approach to viticulture. Schedule 30 also does not recognise the recent policy advances made nationally via the government's Essential Freshwater package and in particular the Resource Management Amendment Act 2020, which 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.	Impact is that we will have limitations to diversify into alternative horticulture. We have been reviewing this for a number of years to gain a view on how to best to utilise our land footprint. The impact of using 2013 water usage records will have a negative impact on us because we didn't use irrigation during that period.	The ability to change into alternative horticulture without being penalised.
2.		
etc		

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: 13th September 2020

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

Name of Submitter: **Prime Limes 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.

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

Our submission is:

- We 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 we adopt to manage discharges from land we manage (in some cases only temporarily), and our water use. We support requiring all growers to operate at good management practice.
- We 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. We 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, we support that submission.
- We oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. We 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 our 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	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:

Replacement of water permits based on actual and reasonable use	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. We understand that the TANK collaborative group did not reach a consensus position on the allocation limit and we 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	Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner

Stream flow maintenance and augmentation schemes	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 programs and landowner collectives	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programs 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. We 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.

Our horticultural operations are located at two separate sites –

- 1904 Maraekakaho Road, RD1, Hastings; and
- 2439 State Highway 50, RD1, Hastings.
- In total we currently have 4 hectares of citrus, both in and out of tunnels.
-

Plan Change 9/TANK is likely to affect our business in the following ways –

We are concerned about having enough water throughout the entire calendar year to irrigate our crop. As we grow in tunnels, we have no benefit from rainfall and must irrigate all year round. The plan change has not made any consideration to growers that utilize tunnels, glass houses, or other cover types.

As an industry (food produces/horticulture), all growers are getting pricing pressure and this can lead to customer driven product changes so as farmers/growers we cannot and should not be told/limited to what we can and cannot grow on our land.

The development capital investment required for setting up these types of fruit farms ranges between $150-250,000 per hectare for infrastructure (irrigation systems, trellis system, tunnel purchase and construction, etc.); note that this does not include the actual land purchase.

Rainfall does not have an impact on the crop in terms of it being used to supply crops with water, this is simply because the crops are under cover. The "Irricalc" model factors in annual rainfall averages for a particular region and then a specific crop model – so the key point/issue here is that the model does not feature/include anything for using protected cropping tunnels (as there is not a "no rain" factor).

Other thoughts and factors that we consider TANK needs to address –

Flexibility – we feel that development of intensive horticultural berry farms and the investment there of should be considered as a positive for Hawkes Bay, we also strongly support that the TANK plan change should have flexibility around change of land use and a flexible policy for increases in water allocation IF it is required for development of this type of production system and that it should recognise and future proof other types of horticulture that may need more water than what is currently being "modelled".

Land use – we have covered this in the above point but is worthy of expanding on as the nature of our growing systems allow us to utilise all sorts of land as we are not necessary looking at what the soil has to offer but rather a location and the climate in that location and of course having the right water allocation by way of volume and quality is key. We think that the flexibility for land owners to have a change of use that is open to development and water being available for that specific crop type as required is key i.e. we could purchase or lease land from an apple grower, stone fruit grower, grape growers or cropping land that is likely to have a water permit for open field crops that are assisted by rainfall but that possibly would not be sufficient for protected tunnel crops. We also do not know what new types of crop may come in the future.

Modelling and water use history – given this is a fairly new type of horticultural production method, relatively speaking in the region, there is not as much data or very little modelling done so it is a concern when the water use from 2007-17 is being looked at to give some guidance, as that history does not exist for this type of horticulture.

We seek the following decision from the local authority; that the plan change is amended as set out in the above tables.

We wish to be heard in support of my submission.

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

Signature of submitter: Johnny Milmine

Date: 13th August 2020

Electronic address for service: johnny@primelimes.co.nz

Contact phone number: 021 411 191

Postal address: Prime Limes, 1904 Maraekakaho Road, RD1, HASTINGS 4171

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

Johnny Milmine, Director

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

Name of Submitter: Mike Davis -Davis Orchards 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 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 Haumoana, Twyford, Longlands and Pakowhai areas and comprises of the following crops and acreage, plums, peaches, nectarines, apricots and apples with a total of 54 Ha farmed

Plan Change 9/TANK is likely to affect my business in the following ways: Business Sustainability- If I can't grow a quality product through the lack of water I don't have a market, if I don't have a market I don't have a business and A WHOLE LOT OF PEOPLE WONT HAVE JOBS

I seek the following decision from the local authority: That the plan change is to be 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: M DAVIS

Date: 12/08/2020

Electronic address for service: michael.davis@xtra.co.nz

Contact phone number: 0274942201

Postal address 61 Parkhill Road Haumoana RD10 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: Lesley Wilson

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:

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- 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.
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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.

Introduction

We thank Hawke's Bay Regional Council for the opportunity to submit on the TANK (Tutaekuri, Ahuriri, Ngaruroro and Karamu) Plan Change/Plan Change 9 and welcome any opportunity to continue to work with Hawke's Bay Regional Council and to discuss our submission.

We wish to be heard in support of our submission and would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

The details of our submission and decisions we are seeking from Council are set out below.

Background

DN & LR Wilson have been growing in the Dartmoor Valley for 32 years. The Wilson family have been in the valley since 1984. Initially we were Stonefruit then diversified into pipfruit and more recently wine grapes.

We are shareholders in Mount Erin Fruit Services (Packhouse) and Mount Erin Group (Marketing)

Lesley Wilson is a director on New Zealand Apples and Pears and is the Government appointee for Horticulture New Zealand on the Horticulture Export Authority. Lesley is also a Trustee on the HortNZ Grower Support Trust. Also passed President of the Hawke's Bay Fruit Growers Association, and passed Chair of the Hawke's Bay Fruitgrowers' Charitable Trust.

Desmond Wilson is a Director on Mount Erin Packhouse and recently retired Director of Mount Erin Group

We currently grow on 43 hectares of versatile soil than boundaries the Tūtaekurī River producing apples and wine.

Our philosophy is that of kaitiakitanga and were part of the initial trials for the Integrated Fruit Production programme in the '80's, were first adopters and facilitators of that programme and have since engaged in its evolution where possible. We are GlobalGAP certified and GRASP certified. We are also part of the Sustainable Winegrowing New Zealand programme

We have two full-time employees that have undergone apprenticeship training and up to 55 seasonal workers. All seasonal workers under-go training at various level.

General Comments

We support wholly both the submission of Horticulture New Zealand and New Zealand Apples and Pears.

Achieving water security is considered by us to be one of the biggest issues threatening the sustainability of horticultural sector in the TANK catchments, and more broadly in Hawke ’s Bay.

The guaranteed provision of water for food and fibre production, the harvesting of water at high flows, and storage for later utilisation, and ensuring that the TANK plan change provides for all of this, is absolutely critical.

We fundamentally support the intent of the TANK Plan Change 9 but wish to note that the NPSFW states that we need to maintain or improve, not just improve.

A few general points of concern about wording, prioritisation and the maps.

1. Lack of Science Terminology . There is a lot of mentions of monitoring but how is this going to be done, are we going to ask Bob done the road or are we going to do it scientifically. This needs clarification e.g.
    - **OBJ TANK 1** a) recognise the importance of monitoring, …

1. Lack of food and fibre terminology. We would like the term food and fibre producers to replace Primary Producers. This aligns with the Government ’s and Industrys’ latest plans. This is a small point but important to industry.

2. The maps are anomalous and ambiguous. Very few features pointed out , in some cases just red, green and yellow blobs on a page . They are difficult to understand and hard to orientate. Importantly we have no actual idea of boundaries, there are no roads, limited place names etc. This was mentioned numerous times during the TANK process and not changed. It’s unacceptable

3. We need clarification on whether the lists under the Objectives and Priorities etc are in order of importance or not. It appears that some are, while others are unclear. This is a very important point and has wide reaching consequences if not addressed and understood.

4. I am delighted to see a strong acknowledgement of wider Māori perspectives such as tikanga, mauri and mātauranga Māori. I am grateful to have learnt much through the TANK process and while it shouldn’t be necessary, perhaps a glossary of terms would be helpful

General

1. Lack of economic impact reporting: The TANK Economic Assessment Group spent a great deal of time working with the parties who collaborated to write the “Economy Wide Impacts

of Proposed Policy Option for TANK Catchments, 20 August 2018 ' m.e. research. This report is available on the HB Regional Council website.

There were no good outcomes in the forecast but one outcome was that the economic impact on Hawke's Bay was the equivalent to a Kaikoura Earthquake, every year for 30 years. I see no reference to the economic impact of the Plan Change 9 and th e figures in this report need to be worked inputting the changes suggested in Plan Change 9.

Profit should not supercede the environment but we need to know what we are working with here and hence how to best implement any change. This is very important.

2. During the TANK process we were shown that surface connected irrigation had minimal effect on river levels and that it was in fact the rain in the hills that had the major impact on river levels. If it didn't rain in the hills, the river levels dropped and visa versa. We were told that we could pack up all of HB, every last person, every last business and home, move them out, switch off the lights and there would only be a minor change in river levels. Yet this Plan Change singles out irrigators as the major contributor to the drop in river flows.

   It is at this point that I would like to point out that irrigators have been first adopters at monitoring and measuring their water use and while our local councils understand how much their urban consumers use, the actual consumers do not. I would like to see, as part of this plan, a directive to Councils that all new houses being built in Hawke 's Bay be equipped with water meters. While this may add a cost to a new build, the costs of doing nothing will be greater on future generations. Knowledge is power.

3. We pleased to see the acknowledgment of GAP system in the Plan Change. As an industry we are very proud of our work of towards continued improvement in environmental sustainability.

   In the next 18 months there is a raft of new information coming via the LIDAR work and it worries me that we are making decisions based on information that will soon be out of date. This Plan Change needs to be flexible so as to be able to accommodation this and all future information pertinent to the management of our water quality and quantity.

Specific Concerns

Obj TANK 2 When setting objectives, limits and targets

There is no mention for the necessity of food and fibre production to be taken into account when setting objectives, limits and targets. This is a major omission. Food security should be a priority.

Part b) Mentions a continuous improvement approach which is above the NPS recommendation of maintain or improve.

OBJ TANK 8

Aquatic ecosystem health and mauri of water bodies in the TANK catchment is improved by appropriate management of riparian margins to:
a) reduce effects of contaminant loss from land use activities;
b) improve aquatic habitat and protect indigenous species including fish spawning habitat;
c) reduce stream bank erosion;
d) enhance natural character and amenity;
e) improve indigenous biodiversity;
f) reduce water temperature in summer;
g) reduced nuisance macrophyte growth.

We support the intent of OBJ TANK 8, We would also like the addition of

"maintain water quality and quantity for food and fibre production" somewhere near the top of the list

We are happy to be part of a catchment wide scheme.

Priority 1

Should read

f) the protection of water quality for domestic, municipal, and **food and fibre production water supply.**

Policy 5.10.7

Increasing the low flow of the Tūtaekurī. The TANK group went around this ad infinitum during the TANK process. We settled on keeping the Low Flow limit at 2000 , this is what was submitted to the HBRC and what was presented to the RPC .

There is no scientific reason to increase this flow.

We also note that there is a move to decrease the allocation on the Tūtaekurī but no mention of what this is to. What do these two policies put together mean. We need analysis which is sorely lacking in this Plan Change.

One additional point, that others have raised, but on which I wish to expand .

Using 'actual' and 'reasonable' water use to allocate water to irrigators has perverse outcomes.

i) Those of us who have diligently worked with the council to monitor our water use and tailor it to our crops needs using the latest technology will be put at a serious disadvantage c.f. to those that have overwatered and not monitored. We request that the term reasonable, issued alongside crop modelling, be used.
ii) Those of us who are in the process of redevelopment and, over the passed few years, have been using much less water to support our developing trees than we would need if the trees are in full production with be punished for our good management . Development was undertaken with water consents in place, we used less water than consented because it was not needed, and now, under this Plan Change we will be penalised for our good work.

Thank you for your time.

Desmond and Lesley Wilson

DN & LR Wilson Ltd

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:

Electronic address for service:

Contact phone number:

Postal address:

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

From: caitbridge@gmail.com
To: eTank
Subject: FW: TANK Submission: Caitbridge Trust WP080178T
Date: Friday, 14 August 2020 10:31:26 AM
Attachments: TANK SUBMISSION NISInc.pdf

SUBMISSION:

Date: 3 August 2020
Name of Submitter: David France, Caitbridge Trust (WP080178T)
Postal Address: 228 Omapere Road
R.D.9
Hastings
Telephone: 021 929895
Mobile:
E-mail: Caitbridge@gmail.com

David France (Caitbridge Trust) wishes to be heard in support of its submission.

Overview

1. Caitbridge Vineyard have a consent to take bore water (deemed surface water) adjacent to the Ngaruroro River for the purpose of irrigation of 10 hectares viticulture land.

2. The sustainability of our business is dependent on access to water for irrigation.

   Our soil types are pumice based slit loam on stoney base and free draining so naturally prone to drying out. With irrigation water it allows us to produce high quality wine grapes sold to both the domestic and international markets.

   To access these markets, we are required as part of Sustainable Wine Growers and meet sustainable environmental standards in the day to day operation of our business.

3. We have invested our own capital into developing Caitbridge Vineyard at considerable commercial risk taking into account uncertain weather and economic conditions. Certainty of irrigation water also helps us mitigate some risk in or business.

This plan change process is complex for many SME to fully understand so we have listed our main priorities and concerns in simply bullet points below.

a. Security of water supply is very important and enables us to grow a grape crop each year. The key points are:

   i. Assurance of low flow river level cut off (2400 ltr/sec)

   ii. Total volume water takes allow enough water for us to irrigate and potentially store water in the future.

iii. Ltr/sec take allow enough water for us to irrigate and potentially store water in the future.

b. Land owners land use options should remain flexible to account for future changes in market conditions, climate change and or improving technologies.

c. The ability for land owners to optimise their land use within sustainable parameters using the water consent entitlements they have invested in and developed over the years.

d. The provision for future storage and supplementation and the opportunity to utilise new and improved technologies in the future to give more assurance to water users.

e. Maintaining water quality is a high priority.

4. We are a founding member of the Ngaruroro Irrigation Society Inc and endorse the submission attached.

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

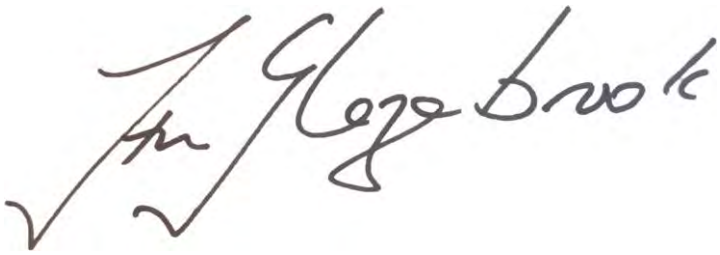
Table 4: Detailed Submission on Glossary of Terms Used -

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

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

TWYFORD
WATER

SUBMISSION ON Hawke's Bay Regional Council TANK Plan Change (PC9)

August 2020
TO: Hawke's Bay Regional Council
NAME OF SUBMITTER: Twyford Cooperative Company Ltd. (Twyford water)

CONTACT FOR SERVICE:
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Introduction

Twyford Water thanks Hawke's Bay Regional Council for the opportunity to submit on the TANK (Tutaekuri, Ahuriri, Ngaruroro and Karamu) Plan Change/Plan Change 9 and welcomes any opportunity to continue to work with Hawke's Bay Regional Council and to discuss our submission.

Twyford Water could not gain an advantage in trade competition through this submission.

Twyford Water wishes to be heard in support of our submission and would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

The details of Twyford Water's submission and decisions we are seeking from Council are set out below

Back ground to Twyford Water.

The HBRC Twyford 2010 consent renewal outcome created large pockets of land with severe irrigation restriction. This would drive down the value of the land in the Semi-Confined zone.

Twyford irrigators group (TIG) covering 1356 hectares was formed to look at options to maintain irrigation during low flows and provide enough irrigation volumes to each consent holder for future development including intensification of the land.

The make-up of growers in the Twyford ranges form large cooperate growers to small "Mam and Pap" operations. It should however not be assumed that these are just small operators. They are an important part of Horticulture on the Heretaunga plains and due to the level of detail and

ownership are very productive on a per hectare basis and in most cases have a great understanding of their place as a growing entity in out environment. Most riparian planting is done by these smaller operators where they have access to the Raupare steam network.

It is hard to state the value to the community that is being generated by the collective Twyford water group. But conservative we are employing 200 permanent staff and this number grows close to 1500 seasonal staff not including the packhouses that process the produce being harvested. The rule of thumb is that there is a 1.5 multiplier effect for every job created in the field. Gross turnover is well in excess of 100 million dollars.

2012 Riparian planting by one of the consent holders.

Twyford has a very diverse cropping model which is ideal for the Global consent concept to manage our water resource sustainably. The following crops are grown in Twyford: Apples, Pears, Kiwifruit, Grapes, Peaches, Nectarines, Plums, Cherries, Apricots, Berries, Asparagus, Sweetcorn, Peas, Beans, Melons, Squash, Onion, Maize and occasionally Beetroot. During the winter months there is grazing of sheep to either cleanup orchards or graze down cropping paddocks to reduce chemical and mechanical use. All properties are fenced to exclude stock from the Raupare and its tributaries. There are very few all year round grazing properties in Twyford due to the high value of the land. This however may change in the future.

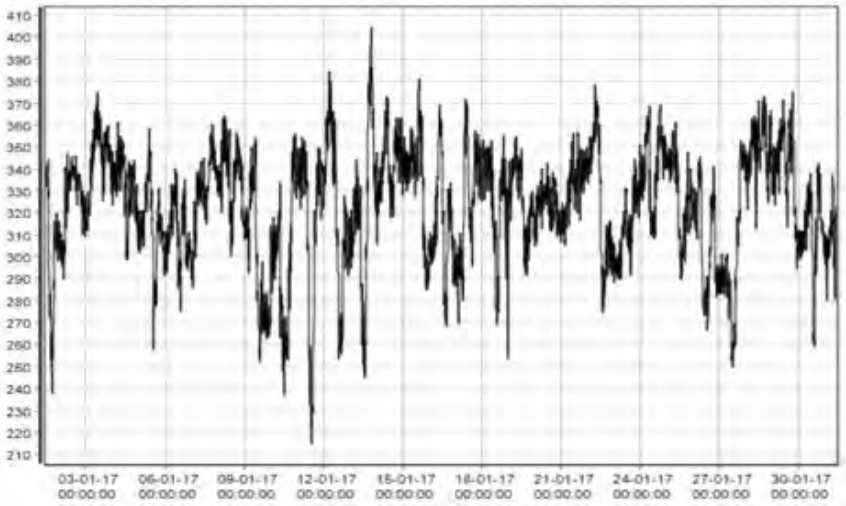
A map of the area covered by TIG. (TIG does not include the Confined Area)

Funding management model

The model chosen was to lev per hectare rather than by volume of water used. The reasoning was to provide for a steady budget and to link the lev to the value of the land. All consent holders in Twyford are members of TIG. TIG set up Twyford Cooperative Company Ltd (TCCL) to manage the Global Consent covering 1067 hectares which was granted in 2015 by the HBRC. The Global consent became active at the point that over 50 % of the consented land area was transferred. The GC allows for consented water to be used for Augmentation.

The constitution of TCCL protects each individual consent members right over their own consent(s). Technology made it possible to measure and manage each individual take and Augmentation point. The development of the online dashboard tool WATERSENSE gives TCCL the tool to capture individual and group user data. This then can be used to manage augmentation, water budgeting if needed and look for efficiency and in-efficiency within the system. Including miss management by individual members. E.g poorly calibrated irrigation systems.

A screenshot of total water used during the 2016/2017 irrigation season by the Global Consent group including augmentation.



A screen shot of the flow of the Raupare during the time TCCL was augmenting the flow. Only one ban day due to a miscommunication between operators of the augmentation pumps.

A photo of the main augmentation points. Water discharged for augmentation is to be cooler and contain higher oxygen levels on a mean daily average than the water it is discharged into.

An independent scientist was employed to verify the results.

The TCCL Global consent is a great community solution to water shortages. Key staff in the HBRC, the TCCL planner and Lawyer all took a very proactive role in this exiting process and amazing result.

Who would have thought that a consenting structure, something usually seen as a barrier, has actually led to a highly mobile allocation and allowed better flexibility for a community. We believe that other water user groups should take note and thinking about it as solutions for their own issues.

2018 Riparian planting along one of the tributaries of the Raupare stream

General Comments

Achieving water security is considered by Twyford Water , to be the single biggest issue threatening the sustainability of the horticultural sector in the TANK catchments, and more broadly in Hawke 's Bay. It is critical that the harvesting of water at high flows, and storage for later utilization , is provided for by the TANK plan change and Twyford Water submits that further work needs to be done to identify whether or not additional water can be taken for this purpose, as it understands that a significant amount of the allocation set out in the proposed plan has already been allocated or applied for, which means that the 'solution' for accessing new water that this plan change hinges on, potentially will provide that additional water for a very limited number of people. The other matters that are of particular concern to Twyford Water (and are listed below in order of priority) are the proposed regulatory approaches to:

- The replacement of water permits based on actual and reasonable use
- Stream flow maintenance and augmentation schemes
- Reallocation of water during the life of the plan
- Lack of process in high flow harvested water allocations.
- Transfers of water permits
- Lack of provision of water for survival of permanent horticultural crops

- Industry programs'

Further detail about each of these matters is provided in the body of this submission, but Twyford Water considers it important to highlight the importance of these matters to the horticultural sector.

Notwithstanding the above comments, Twyford Water fundamentally supports the general approach of the TANK Plan Change, and believe that it strikes a reasonable balance between seeking to improve the quality and quantity of the TANK catchments freshwater resources through a range of different regulatory requirements, and ensuring that those who rely on water can continue to use it. The plan allows time for practice changes to be made, and the impact of those monitored and understood, before decisions about further restrictions are made. This approach is supported by Twyford Water and considered to be consistent with the sustainable management purpose of the RMA. The plan change also provides an opportunity for more information to be gathered to inform future decisions about matters that simply are not understood .

Twyford water also strongly advocates for freshwater plan changes to enable landowners in the form of catchment groups to manage environmental effects collectively – rather than focusing at the individual or enterprise scale.

Twyford Water strongly contends that these costs must be borne by all members of the community that use water – which is arguably almost every person that either lives or works within the TANK Catchments. The costs must not be disproportionately apportioned to irrigators who only use approximately less than 50% of the water abstracted from surface and groundwater resources of the TANK Catchments. The rest of the water abstracted is used for municipal and industrial purposes, and it is appropriate that the cost of improving TANK 's freshwater resources are spread across everyone that benefits from using them.

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. It effectively locks everyone into historic patterns of water and land use, which arguably is a pattern of water and land use that has resulted in some adverse effects on the environment. This plan change needs to provide opportunities for change that will enable improvements in freshwater management to be achieved.

Twyford water submits that if the changes set out in this submission are incorporated into the plan change, then that issue could potentially be addressed.

TWYFORD
WATER

Specific comments on proposed provisions

OBJ TANK 7

Land use is carried out in a manner that reduces contaminant loss including soil loss and consequential sedimentation in freshwater bodies, estuaries and coastal environment.

Some land use, particularly horticultural land use on flat land with permanent crops, will presently be undertaken in a manner that already meets good management practice, or may even be at best management practice, therefore it would be difficult, and arguably unnecessary to reduce contaminant loss further. It is important that growers that are already operating at or exceeding good management practice are acknowledged, while simultaneously recognizing that there are some practices that could and should be improved to reduce contaminant loss. It is also important that the ongoing evolution of good and best management practices is acknowledged and enabled by regulatory frameworks, as particularly the individual horticulture product groups, as well as some larger producers have ongoing research and development programs that are constantly looking for ways to reduce the environmental footprint of horticultural production, and all growers must be enabled to adopt good management practices as and when they are developed.

OBJ TANK 8

Aquatic ecosystem health and mauri of water bodies in the TANK catchment is improved by appropriate management of riparian margins to:

a) reduce effects of contaminant loss from land use activities;
b) improve aquatic habitat and protect indigenous species including fish spawning habitat;
c) reduce stream bank erosion;
d) enhance natural character and amenity;
e) improve indigenous biodiversity;
f) reduce water temperature in summer;
g) reduced nuisance macrophyte growth.

Twyford Water believes this should be addressed/managed through a catchment collective group or landowner collectives. This will involve even those landowners who have no stream, tributaries or wetlands running through or bordering their properties.
The regional council also has an important role to play in the achievement of this objective as providers of expert knowledge about riparian planting.

OBJ TANK18

The current and foreseeable water needs of future generations and for mauri and ecosystem health are secured through;

a) water conservation, water use efficiency, and innovations in technology and management;

b) flexible water allocation and management regimes;

c) water reticulation;

d) aquifer recharge and flow enhancement;

e) Water harvesting and storage.

Water harvesting and storage in this PC provides the only means of accessing 'new' water, Twyford Water cannot emphasis enough how critical it is to ensure the foreseeable water needs of even

current, let alone future, generations. It is therefore Twyford Water's submission that there should be prioritization introduced to this objective, and water harvesting and storage should be recognized as being the most important means of securing water for future generations. Twyford Water agrees that it goes without saying that reductions in water use, and thus steps towards achieving greater water security will be achieved through the matters identified in a), b) and c), however 'gains' are unlikely to be significant, as many horticultural growers are already achieving (or are beyond) good management practice with respect to their water use efficiency, with the technology that is currently available. Technology will continue to develop over time, and all water users should be required to operate in accordance with good management practice, however, this will take some time.

Policies

Policy 1 – Priority Management Approach

The Council with landowners, local authorities, industry and community groups, mana whenua and other stakeholders will regulate or manage land use activities and surface and groundwater bodies so that water quality attributes are maintained at their current state or where required show an improving trend towards the water quality targets shown in Schedule 26 by focussing on:

a) water quality improvement in sub-catchments (as described in Schedule 28) where water quality is not meeting specified freshwater quality targets;
b) sediment management as a key contaminant pathway to also address phosphorus and bacteria losses;
c) the significant environmental stressors of excessive sedimentation and macrophyte growth in lowland rivers and nutrient loads entering the Ahuriri and Waitangi estuaries;
d) the management of riparian margins;
e) the management of urban stormwater networks and the reduction of contaminants in urban stormwater;
f) the protection of water quality for domestic and municipal water supply.

Twyford Water agrees that the protection of water quality for domestic and municipal water supply is important, but also believe that its protection for irrigation purposes is important, and believes that 'irrigation purposes', should be added to f).

Policy 2

In the Clive/Karamū Rivers and their tributaries, in addition to Policy 1 the Council will work with mana whenua, landowners and the Hastings District Council to:

a) reduce water temperature and increase the level of dissolved oxygen by;

(i) the establishment of riparian vegetation to shade the water and reduce macrophyte growth while accounting for flooding and drainage objectives;
(ii) reducing excessive macrophyte growth by physical removal of aquatic plants in the short term;
b) adopt flow management regimes to remedy or mitigate the effects of surface and ground water abstraction;
c) reduce the amount of sediment and nutrients entering the freshwater from adjacent land;
d) improve stormwater and drainage water quality and the ecosystem health of urban waterways and reduce contamination of stormwater associated with poor site management practices, spills and accidents in urban areas (refer also to Policies 28 -31).

Twyford Water would like to point out that the type of riparian plantings is important from a bio-diversity point of view but it should not be forgotten that some native species pose a bio-security risk as in harboring horticultural pests. Catchment groups are once again the preferred driver for planting and maintenance of riparian borders.

Policy 13

The Council will support improvement of riparian management to meet the specified timeframes (Policy 27) to provide for the values in Policies 11 and 12 by;

a) working with industry groups and landowner collectives to identify where riparian management is to be improved;
b) providing information about appropriate riparian planting that assists in meeting the values;
c) regulating cultivation, stock access and indigenous vegetation clearance activities that have a significant adverse effect on functioning of riparian margins in relation to water quality and aquatic ecosystem health in adjacent waterbodies;
d) providing funding assistance for riparian vegetation improvements; and
e) when making decisions on applications for resource consent to;

- *(i) take into account benefits arising to the values in Policy 11 and 12 as a result of the activity;*
- *(ii) consider whether to waive the fees and charges required to process the application where;*
- *1. there is significant public benefit from the activity or the nature and scale of the activity results in significant ecosystem benefits; and*
- *2. the activity is not a requirement of any other resource consent*

Twyford water supports and encourages the council to work alongside catchment collectives to improve riparian management .

Policy 17

The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 26 with landowners, industry groups, and other stakeholders and will implement the following measures;
a) establish programs and processes through Farm Environment Plans, Catchment Collectives and Industry Programs to ensure land managers;

- *(i) adopt industry good practice;*
- *(ii) identify critical source areas of contaminants at both property and catchment scale;*
- *(iii) adopt effective measures to mitigate or reduce contaminant loss;*
- *(iv) prepare nutrient management plans in catchment not meeting targets for dissolved nitrogen.*

Twyford Water submits that many horticultural growers have already adopted industry good practice, and in some cases operate above it, and this should be acknowledged in the wording of

(a)(i) and (iii). With regards to (a)(ii), Twyford Water submits that catchment groups, existing and established industry programmes should be recognised as being an important party and key to the achievement of this policy, and the wording at the start of the policy should be amended to reflect that.

Policy 18

The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 26 by; a) gathering information to determine sustainable nutrient loads;
b) developing nutrient limits and a nutrient allocation regime if the management framework in Policy 17 is not leading to improved attribute states by the time this plan is reviewed;
c) regulating land use change where there is a significant risk of increased nitrogen loss;
d) gathering and assessing information about environmental state and trends and the impact of land use activities on these;
e) working with industry groups, landowners and other stakeholders to undertake research and investigation into;
(i) nutrient pathways, concentrations and loads in rivers and coastal receiving environments;
(ii) nutrient uptake and loss pathways at a property scale;
(iii) measures to reduce nutrient losses at a property as well as catchment scale including those delivered through industry programmes.
Twyford Water submits that many horticultural growers have already adopted industry good practice, and in some cases operate above it, and this should be acknowledged in the wording of (a)(i) and (iii).
(a)(ii), Twyford Water submits that catchment groups should be recognised as being an important party and key to the achievement (or not) of this policy

Twyford Water fundamentally supports the staged approach that has been adopted to nutrient management in this plan change that seeks to gather further information about sustainable nutrient loads over the first phase of this plan change (ie. the next ten years), and then only develop a nutrient allocation regime if this approach is not successful. This approach enables growers to adapt their practices, and seek to reduce the environmental impact of their operations, without being constrained by the additional and arguably unnecessary restrictions (at this point in time) that a nutrient allocation regime would introduce

Land Use Change
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:
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.

Twyford supports in the main the approach that is proposed to address land use change, however we do not agree that nitrogen loss is used as the only trigger trigger for resources consenting. There maybe other triggers that might be of concern and not Nitrogen in particular situations. The word avoid is concerning where minimal use is seen as good practice and prohibits a landowner to change the use of land. This is seen as punishment for good behaviour. Higher users of nitrogen are able to keep the status quo.

Policy 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
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.

Twyford Water submits that new water use is proposed to be allowed through high flow takes, so f) must be reworded to enable that water to be taken. Twyford Water also notes that the wording of this policy as agreed by the TANK collaborative group was to 'restrict' new allocations, rather than avoid, and Twyford Water supports amendment to reflect that. Twyford Water considers 'avoid' to be unnecessarily restrictive. Twyford Water also opposes the requirement to 'reduce existing levels of water use' set out in g) as this precludes the use of new stored water and fails to recognise that the interim allocation limit of 90 million cubic meters (which Twyford Water also opposes and is discussed later in this submission) 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 but not on cumulative consented actual use.

Policy 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.

The proposed interim allocation limit of 90 million cubic meters is based on a modelled estimate of peak 'actual' water use – it is not an accurate reflection of actual and reasonable water use prior to 2017. Given this, Twyford Water is strongly of the view that the specific reference to '90 million cubic meters per year' should be deleted, and the wording amended to actual and reasonable use allocation be inserted without a numeric number. Until such time that we have accurate actual and reasonable date of the use of water in the TANK catchment we are not able to finalize a numerical figure. It is noted that the 90 million cubic meter limit was a non-consensus item in the plan change documentation put together by the collaborative group. Effectively locking in the modelled water is arguably not consistent with the sustainable management purpose of the RMA – it allows no flexibility to respond to the changing climate, and effectively locks in a pattern of water and land use that has had some adverse effects on the environment. It is absolutely critical to the ongoing sustainability of the horticultural sector in Hawke's Bay for there to be some flexibility to allow change in land use, which will have consequential effects on water use patterns.
Twyford Water also questions the avoidance of re-allocation of water that might become available within the interim groundwater allocation, within the life of this plan. Twyford Water submits that this water could and should be made available if it is to be used for primary production purposes, or for use in stream flow maintenance and enhancement schemes. Arguably the re-allocation of water is not the allocation of new groundwater (and therefore would be consistent with c), and given the difficulty of gaining access to any new water, Twyford Water submits that ensuring that water that has already been used can be re-allocated to support the survival of the horticultural industry in the TANK Catchments. The "New high flow water" will be the tool to mitigate the over abstraction of the aquifer and through enhancement of lowland streams will add additional water to the environment above and below the surface. Storage facilities will not be "maxed out" every season which means additional water will be available when rainfall and river flows are favorable. To build over capacity is a discussion that will require community support.

Policy 38

The Council will restrict the re-allocation of water to holders of permits to take and use water in the Heretaunga Water Management Unit issued before 2 May 2020 and will review permits or allocate water according to the plan policies and rules either:
a) upon expiry of the consent; or
b) in accordance with a review of all applicable permits within ten years of;
whichever is the sooner.

Twyford Water questions the basis of restricting re-allocation to existing (as at 2 May 2020) water permit holders, particularly given suggestion above that re-allocated water could be allocated for stream flow maintenance and habitat enhancement schemes – these may well be entities that do not currently exist, and therefore do not currently hold water permits.

Policy 39

When assessing applications to take groundwater in the Heretaunga Plains Water Management Unit the Council will:
a) 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;
b) assess the relative 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
c) 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.

Twyford Water supports maintaining (a)(i) and providing ongoing ability for individuals to manage their own effects. Twyford Water also supports the ability for stream depletion effects to be managed collectively, but believes it will be extremely difficult for schemes to be developed by consent applicants, and therefore submits that these schemes are developed in a progressive manner by HBRC – based on water permit expiry dates . It is critical that HBRC takes on a central role in their development.
There are physical limitations on where schemes will actually work, so some water permit holders will not be able to physically be part of a scheme, and potentially therefore have to either cease take at minimum flow, or just contribute financially and off-set their effect that way .
Twyford Water also notes the importance of ensuring that the stream depletion calculator, that will be used to calculate the stream depletion effect of each take, has been developed using robust scientific approaches, and it has been adequately peer reviewed, given how significant the impact of its calculations are going to be for water permit holders .

Policy 41

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.

Twyford Water opposes the current wording of this policy, as 'remedying' the effects of all groundwater takes on the Ngaruroro which would be a huge undertaking and the only time when this would be beneficial is at the trigger of the low flow of 2400l/s. It is unclear whether from an environmental perspective it would be beneficial, nor whether it would be in the best interests of the broader TANK community. Twyford Water submits that the wording of the policy needs to be amended so that the trigger point for remedying the effects is at the low flow level of 2400l/s which then clearly will see a beneficial gain of the river flow for environmental outcomes. It is understood that the "remedy" will come from "all users" of water on the Heretaunga plains including suburban households and industry.

Policy 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 consistent with the 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).

Twyford water I supportive of large scale water storage however the timeframe of consents needs to be well beyond the 15 year timeframe. An exemption from a 15 year term would be pragmatic.

Policy 51

When making water shortage directions under Section 329 of the RMA, occurring when rivers have fallen below minimum flows and water use has decreased or ceased according to permit conditions, the Council will establish and consult with an emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi and MPI, to make decisions about providing for water uses in the following priority order;
a) water for the maintenance of public health;
b) water necessary for the maintenance of animal welfare;
c) water essential for community well-being and health;
d) water essential for survival of horticultural tree crops;
e) uses where water is subject to seasonal demand for primary production;
f) uses for which water is essential for the continued operation of a business, except where water is subject to seasonal demand for primary production or processing. The following uses will not be authorised under a water shortage direction:
g) use of water not associated with the continued operation of a business or community well-being;
h) non-essential amenity uses such as private swimming pools and car washing.
Takes not subject to any restrictions are:
i) firefighting uses; j) non-consumptive uses;

Twyford Water supports the recognition of the need to enable water to be made available to irrigate horticultural tree crops to ensure their survival.
Policy 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;
b) for applications in respect of existing consents due for expiry or when reviewing consents, to;
(i) 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 promoting water augmentation/harvesting;
f) 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 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 the rostering of water use or reducing the rate of takes in order to avoid water use restrictions at minimum or trigger flows.

Twyford Water submits that the wording of a) needs to be amended to make it explicitly clear that new water is available for allocation from high flows. Twyford Water does not support actual water being used as the basis for water re-allocation at this time given the raft of issues with not only the availability of accurate water meter data, and where it does exist, in many cases does no accurately reflect present water use. Twyford Water submits that the focus should instead by on fair and reasonable water needs – requiring amendments to the drafting of (b)(i). Twyford Water supports the requirements for irrigators to operate at (or above) good management practice. The council cannot simply change the rate at which a system must operate – that would require considerable redesign and potentially redevelopment of irrigation infrastructure which is arguably not justified from an effects perspective . With regards to (f), Twyford Water submits that water permits should be able to be transferred (if they have been exercised) and the volume of water to be transferred is reasonable for its intended use. New Water will be used to overcome over allocation.

Policy 54

When assessing applications to dam water and to take water from the dam impoundment, the Council will avoid, remedy or mitigate adverse effects of;
a) potential changes to water quality arising from subsequent changes to land use activities that may occur as a result of water being allocated for take and use from the dam and whether relevant freshwater quality objectives can be met;
b) the dam and any associated lake or reservoir, and any effects of the volume, velocity, frequency, and duration of flow releases from the dam, either by itself or cumulatively with other storage structures or dams, on;

- *(i) the uses and values for any water body identified in the objectives or Schedule 25;*
- *(ii) water levels and flows in connected water bodies, including lakes and wetlands;*
- *(iii) water quality, including effects on temperature and management of periphyton in connected water bodies;*

(iv) river ecology and aquatic ecosystems, including passage of fish and eels, indigenous species habitat and riparian habitat, including in relation to the storage impoundment;
(v) groundwater recharge;
(vi) downstream land, property and infrastructure at risk from failure of the proposed dam;
(vii) other water users;
(viii) downstream river bed stability, including through sediment transfer and management of vegetation in river beds;

c) whether there are practicable alternatives; and, except as prohibited by Policy 58, will limit the amount of flow alteration so that the damming of surface water either on its own or in combination with other dams or water storage in a catchment does not cumulatively adversely affect the frequency of flows above three times the median flow by more than a minor amount and provided that any dam in combination with other dams or high flow takes shall not cause changes to the river flow regime that are inconsistent with specified flow triggers.

Twyford Water strongly supports provisions in the plan change that enable high flow water to be taken and storage for subsequent use.

Policy 59

The Council will 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 the following activities;
a) contribution to environmental enhancement that is in addition to any conditions imposed on the water storage proposal;
b) improvement of access to water for domestic use by marae and papakāinga;
c) the use of water for any activity, provided that;
(i) it includes contribution to a fund managed by the Council in consultation with mana whenua; and
(ii) the fund will be used to provide for development of M āori wellbeing;
(iii) the contribution to the fund is proportional to the amount of reserved water being taken and any commercial returns resulting from the application
d) the development of land returned to a Post-Settlement Governance Entity (PSGE) through a Treaty Settlement. And in making decisions on applications to take and store this water the Council will;
e) require information to be provided that demonstrates how the activity will provide for M āori economic, cultural or social well-being;
f) have regard to the views of any affected PSGE or iwi authority arising from consultation about the application and any assessment of the potential to provide part, or all of the 20% high flow allocation;
g) have regard to any relevant provisions for the storage and use of high flow allocation water for Māori development in any joint iwi/hapū management plans relevant to the application (where more than one PSGE, iwi/hapū is affected, the iwi management plan must be jointly prepared by the affected iwi/hapū)

Twyford Water is not opposed to a portion of 20% high flow allocation to be reserved for Maori. However this high flow allocation must be used for environmental flows or unlocking Maori land that is unconsented and therefore is not able to access existing water and is therefore reliant on ”New Water“ from the high flow allocation.

Policy 60

When making decisions about resource consent applications to take and store high flow water, the Council will take into account the following matters:

a) whether water allocated for development of M āori 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 wellbeing 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 M āori 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 M āori 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 M āori 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 flow water allocated to M āori development is not appropriate or feasible, and the reasons why this is the case.

Twyford Water submits that an amendment is required to make clear that Policy 60 is only relevant to consideration of applications under Policy 59.

TWYFORD
WATER

Rules

TANK 1

Twyford Water questions h ow do we accommodate those growers who extensively crop right across the Heretaunga plains and by good practice rotate crops frequently to maintain productivity etc . How are farm plans in those instances expected to be managed, as multiple owners are involved, and the definition of farming enterprise requires common ownership.

TANK 5

Twyford Water submits that if catchment collectives are genuinely to be enabled to help manage land use in an integrated way, then a) should be reworded to make the 'trigger' for consent a change in land use over more than 10% of the land area managed by the collective. This would create a genuine incentive for landowners to become part of collectives, and provide a degree of flexibility that would enable rotation of certain crops, that is necessary from a good management perspective for both soil health and disease management reasons .

TANK 7 & 8

Twyford Water in general supports the reduction of permitted water takes . However, during periods of low flow when water permits linked to minimum flows have been unable to be us the permitted take of up to 20m3 could be used to irrigate to ensure the survival of horticultural tree crops. Animals on farms can be sold moved or feed and water can be trucked in. This is not the case with a permanent tree crop. Therefore rootstock survival is critical to protect the investment made over may years which could be lost by one severe drought. This is a critically important use, that should

continue to be enabled, therefore Twyford Water submits that an exclusion is provided within both TANK 7 & 8. Such takes could be considered to be existing, because they have occurred prior to 2 May 2020 . However it is not clear if this will remain in place when consents are renewed. Therefore an additional exclusion should be added to subsection b) takes up to 20 cubic meter's per property per day to aid the survival of permanent horticultural crops and or for stock water use .

TANK 9 &10

Twyford Water submits that the quantity of water taken and used for irrigation should be the actual and reasonable amount – as determined based on the quantity specified on the expiring water permit, or Irricalc – whichever is the lesser. Twyford Water is possibly the only collective that has reliable water meter data but this is possibly the exception , which makes it impossible for growers to demonstrate actual use.
Twyford Water supports the inclusion of the option to cease take when trigger level is reached, although questions why the cease take is not linked to the minimum flow . Twyford Water submits that the inclusion of options is important, and while there are clearly advantages to joining a stream maintenance and habitat enhancement scheme .

TANK 18

Twyford Water questions the discretionary status of such applications, and suggests that this doesn't incentivize joining a stream flow maintenance and habitat enhancement scheme. A restricted discretionary status provides a slightly higher level of comfort for an applicant, and also through identification of matters of discretion, provides clearer guidance about what information needs to be provided in a consent application, which has material impacts on cost and time associated with preparing them .

TWYFORD
WATER

RRMP 32 & 33

Twyford Water suggests given the low level of knowledge about the quality of drainage water that the proposed changes to the rule are deleted, and their inclusion revisited at the time the plan is reviewed.

Schedules

Schedule 31

Flow, levels and allocation limits

Twyford Water opposes the proposed increase to minimum flow on the Tutaekuri River, as this is not based on requirements of aquatic ecosystems, which is what the minimum flows for all other rivers within the TANK catchments are. There are a large number of horticultural growers within the Tutaekuri Catchment, and the proposed increase could impact on their ability to take water. Twyford Water also submits that a clear exemption from the allocation limits specified also needs to be included for water used for frost protection purposes – in a similar manner as has been done for water use that utilised stored water. Twyford Water also opposes any potential change to the location of the monitoring site for the Ngaruroro River (as denoted by 'Note 2' to the table). The current monitoring site has a significant historical record with flow statistics growers have built businesses around. The Council would need to demonstrate that the existing site is inappropriate for sound technical reasons and that the new site will not adversely affect existing reliability if a change in location was to be contemplated. Twyford Water however would support an additional site for the reasons outlined in the PC.

Schedule 32

High Flow allocation

Twyford Water is strongly of the view, that the ability for the community to access and use water harvested during high flows. This is critical to the ongoing success of the horticultural sector in Hawke's Bay, and supports the inclusion of provisions that allow for the abstraction of water at times of high flow. Without this high flow harvesting of this water would have the following results. 1) a significant impediment to the survival of existing horticultural operations that have any development plans. 2) Make the establishment of any new horticultural operations almost impossible.
Twyford Water also submits that the allocation limit for the Ngaruroro high flow take should be revisited. The TANK collaborative group did not reach a consensus position on the allocation limit and we believe that the ability to make more water available through harvesting should be revisited, particularly in light of our understanding that a significant portion of the 8,000L/s has already been applied for.

Schedule 36

Heretaunga Plains Stream Flow Maintenance and Habitat Enhancement Scheme

Twyford Water supports a collective approach to the management of the stream depletion effects of groundwater takes.
While Twyford Water acknowledges how successful the augmentation scheme established in our area has been, it does note that it cannot be expected that the same approach to scheme development, nor uptake will occur elsewhere within the TANK catchments, as the context in every case will differ, therefore it is critically important that the drafting of Schedule 36 provides the flexibility and adaptability that will be required to enable successful schemes to be set up.

Twyford Water submission in general :

- Twyford Water 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 we adopt to manage discharges from land we manage (in some cases only temporarily), and our water use. We support requiring all growers to operate at good management practice .
- Twyford Water 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. we 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, we support that submission.
- Twyford Water opposes 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 our 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	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

Replacement of water permits based on actual and reasonable use	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.
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 and or reasonable volumes for stockwater.
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 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.
Obj TANK 7	Amend to say "Land use is carried out in a manner reduces contaminant loss in accordance with good, or where necessar best management practice, including soil loss …"
Policy 1	Amend f) by adding 'and irrigation purposes'.
Policy 2	Amend by adding 'landowner collectives' to the start of the policy, and add to the end of a)i) and biosecurity requirements of adjacent land use'
Policy 37	Amend as follows: In managing the allocation and use of groundwater in the Heretaunga Plains Water Management Unit, the Council will; a) adopt an interim allocation limit based on reasonable us b) restrict 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 to primar production purposes, or for use in stream flow maintenance and enhancement schemes. 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 (using Irricalc) e) mitigate stream depletion effects on lowland streams by providing for stream flow maintenance and habitat enhancement schemes.
Policy 41	Amended so that the trigge point for remedying the effects is at the low flow level of 2400l/s which then clearly will see a beneficial gain of the river flow for environmental outcomes. "remedy" should come from "all users" of water on the Heretaunga plains including suburban households and industry.
Policy 49	An exemption from a 15 year term consent duration for high flow storage.

Twyford Water wishes to be heard in support of our submission.

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

Signature of submitter:

Date: August 14, 2020

Hawke's Bay Airport Ltd
PO Box 721, Napier 4140, New Zealand
Telephone: 06 834 0742
Email: admin@hawkesbay-airport.co.nz
www.hawkesbay-airport.co.nz

14 August 2020

Ceri Edmonds
Manager Policy & Planning
Hawke's Bay Regional Council
Private Bag 6006
NAPIER, 4142

Via email: eTANK@hbrc.govt.nz

SENT VIA EMAIL

Dear Ceri

Submission Proposed Plan Change 9: Tūtaekurī, Ahuriri, Ngaruroro and Karamū ("TANK") Catchments ("PC9")

Please find attached a submission from Hawke's Bay Airport Limited on the above plan change in accordance with Form 5 of the Resource Management (Forms, Fees & Procedure) Regulations 2003.

Regards

S. Murphy

Stephanie Murphy
Airport Planner

Enclosed: Submission

FORM 5

SUBMISSION ON NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN, CHANGE OR VARIATION

Clause 6 of Schedule 1, Resource Management Act 1991

To: Hawke's Bay Regional Council, Private Bag 6006, Napier 4142

Name: Hawke's Bay Airport Limited ("HBAL")

1. This is a submission on the following proposed Plan Change (the proposal):

Proposed Plan Change 9: Tūtaekurī, Ahuriri, Ngaruroro and Karamū ("TANK") Catchments ("PC9")

2. HBAL could not gain an advantage in trade competition through this submission.

3. The specific provisions of the proposal that our submission relates to are:

PC9 insofar as it relates to the Ahuriri Catchment and more specifically, the extent to which it relates to activities occurring at Hawke's Bay Airport.

4. Our submission is:

a) Introduction

Hawke's Bay Airport Limited (**"HBAL"**) is the owner and operator of Hawke's Bay Airport (**"the Airport"**). HBAL is a council controlled-trading organisation under the Local Government Act 2002. It is 50% owned by the Crown, 26% owned by the Napier City Council and 24% owned by the Hastings District Council. HBAL's core business is to provide appropriate facilities for all users of the Airport and the travelling public.

Hawke's Bay Airport is an important and regionally significant asset for the Hawke's Bay region. It is the third busiest airport in the North Island and provides an essential role in connecting the Hawke's Bay region's people and products with the wider national and international economy. The Airport therefore comprises a fundamental part of the social and economic wellbeing of the community.

The Airport is located upon a former tidal lagoon which was uplifted during the 3rd February 1931 earthquake. The large and flat airport site occupies approximately 230 hectares of land. This includes land owned or leased by the Airport. Much of the Airport land located to the east of the runway have been and continues to be developed and utilised for airport and airport related purposes. To the south, north and west of runway, much of the land remains vacant and provides a buffer between aircraft operational areas and surrounding farmland. This buffer protects the airport from the future development of land use which may be incompatible with airport activities. It also preserves land with direct airside access.

The Airport is bound by the Ahuriri Estuary to the south and the Westshore Wildlife Reserve. Artificial drains and wetlands are located on site which serve a drainage and stormwater treatment function before discharging into the Ahuriri Estuary. HBAL currently holds two stormwater discharge permits for these activities, including:

- A permit to discharge pumped drainage water from a pumped drainage system to the Ahuriri Estuary; [1] and,
- A permit to divert and discharge stormwater from a piped stormwater drainage system ("the airside catchment consent)".[2]

Both permits do not expire until 31 May 2031. These permits cover activities located on land (and thus managed under the Hawke's Bay Regional Resource Management Plan) and within the coastal environment (and thus managed under the Hawke's Bay Regional Coastal Environment Plan).

Despite the drainage provided on site, areas of the Airport site can experience extended periods of water ponding due to the low-lying nature of the site. These areas can create operational issues for HBAL, with birds crossing the flight path in order to seek refuge and in doing so, pose a risk to aircraft on the final stages of approach or departure.

It is against this backdrop that HBAL has considered PC9 and the potential effects it may have the on ongoing and future development and use of the Airport.

b) Theme 1: Strategic Infrastructure

Strategic infrastructure is defined in the Regional Resource Management Plan as including all necessary facilities, services and installations which are of greater than local significance and can include infrastructure that is nationally significance. Despite this recognition, PC9 does not appear to afford such strategic infrastructure with an alternative of different consenting pathway.

c) Theme 2: NPSFM and NES

PC9 is intended to give effect to the National Policy Statement for Freshwater Management ("NPSFM") and National Environmental Standard ("NES"). Since PC9 was filed, the Ministry for the Environment has released a new NPSFM and NES for freshwater management. PC9 either needs to be amended to give effect to these documents or the relevant sections of the plan which duplicate controls in these documents removed.

d) Theme 3: Mapping

The mapped "Ahuriri Catchment" as mapped in PC9 overlaps with areas identified in the Regional Coastal Environment Plan as being part of the Coastal Environment. Due to the jurisdictional boundaries of these two documents and to avoid confusion and potential duplication around their

[1] Consent No. DP110012Wa
[2] Consent No DP100217Wa

application, the Ahuriri Catchment map may require amendments to ensure this overlap is removed.

e) Theme 4: Future Development of the Airport Site

Due to the nature of airport activities and their operational and locational constraints, they do not have a great deal of flexibility in terms of alternative options and locations for development and expansion activities. For this reason, HBAL owns and/or leases a large area of land surrounding the airport. This land also serves to provide a buffer that protects the Airport from the future development of incompatible land use activities. Some of this land is grazed for land maintenance purposes. Due to the broad definition of "production land", and "farming enterprises" there is potential for HBAL's land to be considered "production land" and thus when HBAL comes to develop this land in the future, resource consents to be required under the relevant "Use of Production Land" rules. This was unlikely to be the intent of these rules, particularly given the location of the site in the lower Ahuriri Catchment and given that any discharges in this area are to the coastal environment.

f) Theme 5: Stormwater

The Airport is in a somewhat unique situation whereby the stormwater discharges to land are captured by the Regional Resource Plan and PC9, however the actual point of discharge is located within the coastal environment and is therefore governed by the Regional Coastal Environment Plan. There is no Council reticulated stormwater network in this area. PC9 introduces new small scale stormwater management rules. These apply to industrial or trade premises with less than 1,000m^2 of impervious areas compared to the 2 hectare threshold within the Operative Regional Resource Plan. Many Airport supporting activities exceed this footprint and therefore require resource consent under PC9 under the relevant "Stormwater Activity" rules. The rationale for this change has not be clearly articulated or evaluated in terms of section 32 of the Act.

g) Conclusion:

In light of the above:

i. Does PC9 promote the sustainable management or efficient use and development of natural and physical resources;
ii. Is PC9 the most appropriate way to achieve the purpose of the RMA, particularly when having regard to the efficiency and effectiveness of the provisions relative to other means;
iii. Does PC9 appropriately fulfil the requirements of Section 32 of the RMA, particularly in terms of evaluation the costs of implementing the provisions under Section 32(2)(a); and
iv. Is PC9 representative of sound resource management practice particularly with respect to strategic infrastructure such as Airports.

5. HBAL seeks the following decision from the local authority:

a) That the submission points contained in section 4 above be accepted, or that PC9 be amended in a similar or such other way as may be appropriate to address HBAL's submission points; and,

b) Any consequential amendments required to other parts of PC9 as a result of the above relief.

6. HBAL wish to be heard in support of its submission.

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

Date: 13 August 2020

Signature:

Stephanie Murphy
Airport Planner
Hawke's Bay Airport Limited

Date: 14 August, 2020

Address for Service: Hawke's Bay Airport Limited
PO Box 721
NAPIER, 4140
Contact: Stephanie Murphy
Email: stephanie@hawkesbay-airport.co.nz
Phone: 021 681 326

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Greg **Last name:** Mitchell
Organisation/Iwi/Hapu: Mitchell Dairy Farms ltd

Phone number: +64272242400

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.

Consultation Document Submissions

Proposed TANK Plan Change 9 > 5.10.3 Policies: Managing Adverse Effects From Land Use on Water Quality (Diffuse Discharges) > Land Use Change and Nutrient Losses > POL TANK 21

- ○ Support
- ◉ Oppose
- ○ Amend

I seek the following decision from the Regional Council:
Remove increased Nitrogen loss from land use.

Reason for decision requested:
Is Nitrogen use the problem? I was to understand that sediment loss was the biggest contributor to poor water quality. If so we should focus on that.

Proposed TANK Plan Change 9 > 5.10.3 Policies: Managing Adverse Effects From Land Use on Water Quality (Diffuse Discharges) > Stock Exclusion > POL TANK 22

- ◉ Support
- ○ Oppose
- ○ Amend

I seek the following decision from the Regional Council:
We support Stock Exclusion

Reason for decision requested:
Mitchell Dairy Farms Ltd has 100% stock exclusion at our own cost. We would like council to consider the effects of feral animals, and their plan to exclude them from the rivers. Eg Deer

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Proposed TANK Plan Change 9 > 5.10.3 Policies: Managing Adverse Effects From Land Use on Water Quality (Diffuse Discharges) > Industry Programmes and Catchment Management > POL TANK 24

- ◉ Support

- ○ Oppose
- ○ Amend

I seek the following decision from the Regional Council:
We support Council working with Catchment collectives

Reason for decision requested:
Council must offer clear reporting guidelines for the CC's to work on. Council will also need to provide funding and support to help collect information and encourage slow up-takers.

Proposed TANK Plan Change 9 > 5.10.3 Policies: Managing Adverse Effects From Land Use on Water Quality (Diffuse Discharges) > Industry Programmes and Catchment Management > POL TANK 25

- ◉ Support
- ○ Oppose
- ○ Amend

I seek the following decision from the Regional Council:
Support this, subject to clear costs of what these catchment groups can charge members.

Reason for decision requested:

Farmers must not feel pressured to belong to catchment group. Some farmers may achieve better results by working individually.

For a catchment group to work well it can't be seen as another rate or levy.

?what will it cost to belong to a catchment collective.

Attached Documents

File
Submission for tank
Proposed TANK Plan Change 9

101

Mitchell Dairy Farms Ltd
Greg Mitchell
115 High Road
R.D 6
Napier 8146

Mitchell Dairy Farms is a family owned business which owns 2 dairy farms in the Patoka district. Environmental practices are a very important part of our business. We have both farms running under Farm Environmental plans which helps to guide our decisions around crop planting, and fertiliser use.
Each year we do a large area of riparian planting, recently we have retired 10ha to be planted over the next few years.
As Dairy farmers we pay a levy to Dairy NZ which helps fund research into best on farm practices and to help reduce our environmental footprint.
Over the last 6 yrs we have spent in excess of $1million in upgrades around both farms to ensure we are reducing our environmental footprint.
As Fonterra suppliers we already fully record all fertiliser usage, imported feed and stock management. We are happy to share this information with council, but don't want to be duplicating time nor costs.

Overall we support the plan.

102

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)* Ritchie Garnham.

Organisation: Booster Wine Group.

Postal address: *(required)* 2016 Maraekakaho RD.
RD1
Hastings

Email address: ritchie.garnham@boosterwinegroup.nz

Phone number: .0272927548.
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 landowners 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 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 sub catchments 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 sub catchment exceeds dissolved nitrogen objectives or targets in Schedule 26. This is unnecessarily constraining of land use 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 land use 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 land use 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), i.e. 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 land use 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 land use. 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

About Booster Wine Group

Booster Wine Group leases 210Ha of vineyards across Hawkes Bay from 11 different properties and 9 different owners. 8 of these vineyards are in the area affected by this Plan change. We support the submission made by HB Winegrowers and make this submission on behalf of the landowners we lease property from.

There are 9 permanent staff employed on the vineyards and up to 40 casual labour staff during the peak of the season along with the vineyards we run a winery on Maraekakaho Rd which employs 5 permanent staff members.

Business Impacts

The main concerns for Booster Wine group are **Policy 5.10.6.36** reduction in actual water use, **Policy 5.10.6.36.d(ii)** "Actual & Reasonable" water allocation approach and **Rule 6** the change in land use.

With regard to **Policy 5.10.6.36** reduction in actual water use, we only apply water required by the crop as determined by soil moisture monitoring and have well maintained efficient irrigations system. During the past season, on some properties, we have struggled to maintain suitable soil moisture levels to enable us to hit the desired cropping levels required for the wine styles produced. Any reduction in that water use would impact directly on yield and overall business profitability. This leads into **Policy 5.10.6.36.d(ii)** "Actual & Reasonable" water allocation approach. As detailed above we have just been through the driest year on record, so we believe that the 2019 - 2020 irrigation year be used as a baseline requirement.

Rule 6 the change in land use, will potentially have a major impact on potential property values and this is directly related to the lease price we pay. This would negatively impact the owners / investors return as the lease prices are based of the capital value of this versatile land.

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 August 2020

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

Name: Ian Quinn
Organisation: Two Terraces Vineyard
Postal address: 450 Kereru Road, Maraekakaho
Email address: ian@twoterraces.nz
Phone number: 027 361 0686

Submission Summary:

1.ĀI 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.ĀI SUPPORT submissions put forward by Hawke's Bay Winegrowers' Association Inc. dated 14 August 2020, and by the Ngaruroro Irrigation Society Incorporated dated 14 August 2020, acknowledging that there are some variances between them.
3.ĀI SEEK AMENDMENTS as set out in Section B of this submission below.
4.ĀI 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.

I am concerned that PC9 will have significant negative effects on me and/or my business and I have detailed my concerns in Section A below.

Overview

Two Terraces Vineyard is family owned business focused on growing grapes for premium wine production. While we have anticipated the introduction of this plan change, support the consensus driven approach of the TANK process, and support HBRC's overall environmental objectives, this submission also seeks to outline our concerns around how it might be implemented.

We do not have a planning background nor the means to employ external consultants to help with writing this submission, hence the approach is one of providing feedback in relatively plain English (and perhaps set out in a less formal structure than others).

Some background at a high level;

- Ā Two Terraces Vineyard is a young business owned by Linda and Ian Quinn, formed in 2015 with the purchase of 24ha on Kereru Road, on the Mangatahi Terraces. We planted the first ~10ha of vineyard in 2016, with further ~10ha in 2018. Our residence is on the property, living in the environment within which we farm.

- Ā While our property has sufficient scale to enable us to farm it on a full-time basis, we also recognise that as a family business we don't have the scale or the desire to

compete on producing volume at the lowest cost. We are focused both economically and aspirationally to grow high quality winegrapes, maximising the value of what we produce.

- Our investment in establishing the vineyard has resulted in significant infrastructure work for local contractors (vines, trellis infrastructure, irrigation, frost fans, sheds, planting etc), as well as employment through reputable labour contractors (both during development and on an ongoing basis). Both Linda and I work on the vineyard as our sole occupation as well.

- Our focus is on partnering with premium wine producers to grow high value wines. This includes;
  - Approximately 70% of our production goes to a large winery focused on and recognised for quality wine production
  - The remainder is targeted at smaller niche producers also targeting premium wine production. These smaller producers are a combination of established industry names and younger winemakers building their reputations and businesses. The relationships we have established with our winemaker customers have a medium-long focus, providing both parties with continuity and the ability to grow and evolve together.

  We believe our business is well aligned with wider regional efforts to continue to develop the Hawke's Bay region as a recognised producer of premium food products including wine, in our case through our partnership supporting a variety of wineries and winemakers.

- We believe strongly in farming in a sustainable manner, ideally improving our properties environment over time, including soil health and biodiversity. Vineyards are inherently relatively low input, with relatively low and targeted water requirements. We are an accredited vineyard within the Sustainable Winegrowing New Zealand (SWNZ) program operated by New Zealand Winegrowers. We are into our second year of transitioning a number of blocks to organic production, within the Biogro certification system. We are also following the development of regenerative farming, particularly how this is best applied in a vineyard environment. We believe this overall focus aligns well with many of the HBRC's efforts to evolve farming practices in the region to help achieve it's overall environmental goals.

- Efficient irrigation is key to our business, and we strive to utilise the best tools and practices available.
  - Winegrowing requires precise irrigation, particularly for wines targeting the premium end of the market. In the leadup to flowering starting in late November, vines need sufficient soil moisture to establish a healthy canopy. During the key ripening phase over summer, vines need to be maintained in a mildly water stressed state such that they can continue to photosynthesize while not growing additional canopy.
  - Given our focus on premium wine production, we tightly manage the use of irrigation, informed by an onsite weatherstation (rainfall, temperature, evapotranspiration), weather forecasts customised to our subregion and site,

soil moisture probes, visual observation and through regular monitoring of actual vine water stress using a pressure chamber (aka pressure bomb). We also customise our irrigation for each block based on the winemaking objectives of our customers.

- oÃ Being a relatively new vineyard with young vines, we also need to be careful to provide sufficient water to enable the establishment of healthy vines with good root systems. Water requirements during the establishment of a newly planted or redeveloped block are correspondingly higher during the early years, but result in a more resilient vineyard in the longer term.
- oÃ With the planting of our second stage, we deployed subsurface irrigation (dripline buried below ground). While this is more expensive and complex to install, it delivers additional benefits in terms of water efficiency, development of more deeply rooted vines and less water on weeds undervine (less competition, less need to weedspray in conventional blocks, etc).

In summary, we believe our irrigation focus and practices are well aligned to HBRC's goals around the use of water for irrigation, with the expectation that we will continue to evolve and improve these as experience and best practice continue to develop. This is partly driven by the desire to be efficient users of water (and power), but also heavily influenced by the focus on quality.

- •Ã We are a relatively young business, founded with significant capital investment in developing our vineyard infrastructure since 2015. Vineyards such as ours don't typically start producing fruit and income until three years after planting, only reaching full production after five years. Decisions and investment are very long term in nature. The value of our land and what it can be used to produce (either in it's current use or under other alternatives) is an important foundation for our business.

We are members of Hawke's Bay Winegrowers and the Ngaruroro Irrigation Society.

Section A - High Level Feedback

There are several areas not specifically tied to a particular or single section of the plan change that we wish to provide feedback on.

- •Ã **Engagement**

  We support the consultative and collaborative approach that HBRC took with the TANK process. While this did not deliver agreement in every area, the effort to collaboratively sit around a table, collectively understand each stakeholders interests and perspectives, and arrive at consensus is preferable to alternative approaches reliant on hearings and legal processes. We believe the HBRC needs to approach the development of it's strategies and policies in this manner, and to implement as much of that consensus as possible. Disagreements that result in expensive legal processes exclude parties such as ourselves who cannot afford to participate.

- •Ã **General Approach To Cost Recovery**

There are various potential approaches to funding work that the HBRC and this plan change require. As a relatively small business, we already face a significant number of charges that have a high fixed or up-front cost regardless of the area of land farmed. Examples include SWNZ and Biogro certification, consent and water science charges.

This approach to cost recovery is a factor driving farming operations to consolidate into fewer larger operations, to the detriment of involvement of smaller family-owned operations such as ours. It also helps reduce the opportunities for new generations to get involved in land ownership and farming, reducing opportunities, involvement and inclusion, and diversity of businesses in the primary sector within Hawke's Bay. This involvement and diversity drives innovation and contributes to the overall richness of the Hawke's Bay story, experience and societal fabric.

Where it seeks to recover cost, we would like to see HBRC take this into account and implement scalable and equitable approaches.

- Ā **Flow Maintenance Schemes**

  The plan change would result in opportunities to mitigate the effects of the combination of naturally low flows and the taking of water for irrigation. These flow maintenance solutions could be beneficial for environmental outcomes, businesses dependant on water and the overall socioeconomic wellbeing of the region.

  We strongly believe that the HBRC with it's unique position, experience and expertise has a key role in helping facilitate the development of these solutions, in partnership with the other stakeholders. We are concerned that without the benefit of HBRC's leadership (supported by other stakeholders of course), the plan change could be implemented but without some of the initiatives that mitigate some of the likely impacts. While most of this concern is for the region achieving the best possible outcome as a whole, we recognise that this could hit those smaller operations in particular (as one example, those without the scale or opportunity to implement individual water storage solutions where the plan change might require it).

- Ā **Land Use Change**

  The plan change seeks to limit land use change and revise water allocation based on current and historic use. We are concerned that this would have a disproportionate impact on land used for viticulture, both in terms of the ability to evolve land use to match the best use as well as to land values which are a foundation for many primary sector businesses. From a regional perspective, the ability for farmers to evolve from viticulture to other forms of food production as market conditions shift could be important but impended by basing the revision on the relatively low amounts of water required for viticulture.

- Ā **Time To Implement**

  We support maintaining the current minimum flow setting of 2400lps (at Fernhill) on the Ngaruroro River (Schedule 31), as well as the proposed 15 year term for consents

(49.g, Schedule 33). The latter comes closer to the timeframes that are required for much of the investment decisions made in terms of investment in viticulture (eg vineyard establishment or redevelopment). While we believe viticulture with it's relatively low impact is a good land use for parts of Hawke's Bay (and HBRC's desire for lower impact options for farming land), it has high capital investment coupled with margins that drive the requirement to make decisions with long timeframes.

Section B - Point-By-Point Feedback

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 5.10.3.21 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	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.

	low nitrogen source and fails to recognise the 2040 timeline for meeting water quality objectives.	
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. *From a specific Two Terraces Vineyard perspective, we are on a surface take rather than groundwater (which this section applies to), but I think it is worth*	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: -Ā the amount calculated by a Hawke's Bay-specific IRRICALC model at 95% security of supply; -Ā the volume of the expiring consent being replaced.", or similar wording to achieve the outcome sought in this submission.

	sharing some perspective regardless in case some of these factors are considered for surface takes at some point. *From the outset, our business has been structured around a requirement to meet a basic level of financial viability. We settled on the property in early 2015, planted the first ~10ha in 2016, paid a deposit on vines for the second ~10ha in mid 2017 (prior to August) and planted in spring 2018 and 2019 (delayed due to vine leadtime and availability). For a business of our scale, this staged investment is required from a practical perspective, needs to be completed in its entirety to be economically feasible, was committed to in 2015, but spans the August 2017 date.* *As experienced throughout the region, the very dry nature of the 2019/20 growing season meant that we used more water than we had previously modelled as a worst case (based on the 2012/13 year).* *We monitored actual vine water stress closely over this season, irrigating only when required. From this experience, it was obvious that even four year old vines need more water than older blocks to avoid severe effects such as defoliation. This is a key issue for newly developed or replanted blocks, and exacerbated when these represent a large proportion of the property.* *We also note that the soil type sourced by IRRICALC for our property doesn't appear to match the soil type we have seen through extensive work undertaken to look at the soil profile prior to development.* *We understand the benefits of and support using IRRICALC to baseline water requirements and support this albeit with the points made here and elsewhere in this submission. The consent renewal process is an obvious point where any anomalies could be submitted on and considered (if the IRRICALC model isn't further refined in the meantime).*	
Policy 5.10.7.51	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	Amend 5.10.7.51 to read "…emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ

Water Use and Allocation - Priority	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.	Fire Service, DHB, iwi, ***affected primary sector groups*** and MPI, to make decisions …" or similar wording to achieve the outcome sought in this submission.
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	Supported, subject to HBWG concerns around inconsistences on POL 59 & 60.

	the opportunity to re-engineer the Heretaunga Plains water use profile in a way that multiple & often conflicting interests and values can be addressed.	
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 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. *From a specific Two Terraces Vineyard perspective, we already produce extensive plans for both SWNZ and Biogro certification (with a fair degree of duplication), are regularly audited on those, and face some substantial fixed costs to comply with these. We strongly submit that the best path forward is to enable sufficient flexibility within PC9 to enable schemes such as SWNZ to be used (with adaptation to meet regional*	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 2020 and related S.360 regulations.

	requirements) rather than impose third environmental compliance plan requirement to businesses such as ours. *To add a third plan separate requirement significantly increases our fixed costs and overhead as a small business. As noted elsewhere in this submission, this disproportionately impacts small businesses with the consequential impacts outlined earlier.*	

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: .... Ian Quinn..... Date:.....14 August 2020.....

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

Name of Submitter: **John Loughlin, Chairman for Rockit Global 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 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 18 Cooper Street, Havelock North and comprises of the following crops and acreage

Crop: Rockit™ Apples

Land Location, Address and Hectaras:

Home Block	83 Stock Road, Paki Paki, Hastings 4173	12.57 ha
West Block	West Road, 83 Stock Road, Paki Paki, Hastings 4172	4.63 ha
Stock Road South	70 Stock Road, Paki Paki, Hastings 4172	6.58 ha
Stock Road North	74 Stock Road, Paki Paki, Hastings 4172	2.13 ha
Stock Road Central	76 Stock Road, Paki Paki, Hastings 4172	2.35 ha
Raukawa	127 Raukawa Road, Bridge Pa 4174	13.58 ha
Te Aute Road North	562 Te Aute Road, Paki Paki, Hastings 4172	4.96 ha
Te Aute Road South	659 Te Aute Road, Paki Paki, Hastings 4172	2.37 ha
Lobb Block	81 Stock Road, Paki Paki, Hastings 4172	5.46 ha
Manahi Block	188 Stock Road, Paki Paki, Hastings 4172	20.09 ha
Tennant Road	79 Tennant Road, Haumoana, Hastings 4180	8.33 ha
Napier Road Central	428 Napier Road, Havelock North 4180	3.02 ha
Napier Road North	438 Napier Road, Havelock North, Hastings 4180	3.26 ha
Napier Road South	402 Napier Road, Havelock North, Hastings 4180	3.49 ha
Lawn Road 1	265 Lawn Road, Clive, 4172	8.60 ha
Rockit Watson Road	25 Watson Road, RD 2, Hastings 4172	2.60 ha
Lawn Road 2	279 Lawn Road, Clive, 4172	12.10 ha
Whareranga	615 Puketitri Road, Poraiti, Napier 4182	6.72 ha
Moteo Pa	100 Moteo Pa Road, Puketapu, RD 3, Napier 4183	5.95 ha
Whareranga 2	611 Puketitri Road, Poraiti, Napier 4182	4.00 ha
Dartmoor	388 Dartmoor Road, Puketapu, Napier 4186	6.09 ha
Penrith	75 Penrith Road, Poraiti 4182	14.80 ha
Simmons 2	492 Puketitri Road, Poraiti, Napier 4182	5.18 ha
Steel Block	490 Puketitri, Poraiti, Napier 4182	9.00 ha
Manzana 1	266 Moteo Pa Road, Puketapu 4183	23.38 ha
Manzana 3	262 Moteo Pa Road, Puketapu 4183	9.38 ha
Omahu Orchard	721 Taihape Road, Pukehamoamoa, 4179	23.24 ha
Crown Orchard	4179 Matapiro Rd, Pukehamoamoa, 4179	6.50 ha
Lowry Block	4179 Matapiro Rd, Pukehamoamoa, 4179	36 ha
Lowry Block	4179 Matapiro Rd, Pukehamoamoa, 4179	18.50 ha
Valley Road	104 Valley Road, Raukawa	41 ha
Valley Road	104 Valley Road, Raukawa	8 ha
Pioneer	445 Ngatarawa Rd, Flaxmere, Bridge Pa 4175	16.5 ha
Mana	116 & 118 Stock Road, Bridge Pa 4175	22.5 ha

Rockit Long Acre	1795 Korokipo Road, Waiohiki 4183	10.00 ha

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

Following is an outline of the Rockit business planning which all relies on the development, planting and establishment of healthy trees with our carbon footprint and sustainability at the forefront. The taking of water and irrigation of which is highly depended upon.

Due to the success of the miniature Rockit™ apple, and the global growth of the company, Rockit is in a phase of expansion and development. The expansion consists of two distinct phases:

1. Orchard expansion. Development of 150 hectares of orchards in 2020, 128 hectares in 2021 and 228 hectares in 2022. Trees have been purchased, land is leased, now orchard infrastructure and planting needs to take place.
2. Irongate Development: construction of a"state-of-the-art" packhouse, cool stores and management office facility incorporating advance automation and sustainability features (completion expected in late 2020, early 2021).

Benefits

- The development of the orchard infrastructure will provide **35-40 jobs immediately** for a duration of at least three months in each year as noted above. With further expansion planned.
- Once complete, there will be **30-40 full time employees** required each year for the operation of the orchards.
- The processing and packhouse facility will employ **340 operational staff and house 50 management staf**f. These will be high value positions operating and maintaining a state-of - the art automated production environment.
- Collaboration with primary sector industry training schemes and Covid-19 recovery initiatives to assist moving local unemployed workforce into high value roles within Rockit's operations.
- **Total jobs created by the expansion project: 460 to 500**

Alignment with HBRED Matariki development strategy priorities

- Sustainability – the planning and design of the expansion project has sustainability at its core. Wastewater generated will be self-treated before discharge, the use of solar panels aims to create a zero global warming impact from operations and packaging used will be either reusable or biodegradable.
- Productivity - Direct impact on employment, skills and capability with the provision of 400+ jobs and training opportunities to move in to high-value roles.
- Innovation – Innovation is inherent to the Rockit brand. This innovation flows through to the new processing and packhouse facility that will be a state-of -the art automated production environment incorporating the latest technologies.

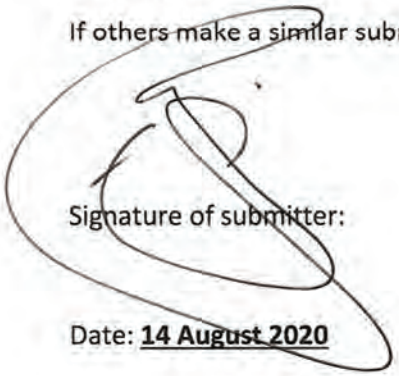
Partnership - Through relationships with pending business partners Hineuru Iwi Trust, Wi Pere Trust and Koua Capital Limited there is the potential to provide returns to the Iwi and Hapu interests that they represent.

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:

Date: **14 August 2020**

Electronic address for service: **admin@rockitapple.com**

Contact phone number: **+64 6 8785664 or +64 274 346808**

Postal address: **P O Box 8560, Havelock North**

Contact person (if submission on behalf of a business or organisation): **Natalie Murtagh for John Loughlin**

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

Name of Submitter: Scott Lawson

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 , 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**
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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	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.

My horticultural operation is located at 302 Ngatarawa Road, Hastings and comprises of blueberry production on a 12 ha title.

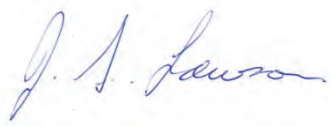
Plan Change 9/TANK is likely to affect my business in the following ways: as we are located on the unconfined aquifer we are very aware of our environmental impacts, we aim to minimize our water use through increasing use of mulches and other remedial actions etc. However our investment and job opportunities are based upon the security of our water supply.

I seek the following decision from the local authority:

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: 14.8.20

Electronic address for service: scott@trueearth.co.nz

Contact phone number: 027 444 6267

Postal address: 302 Ngatarawa Road, RD5 Hastings 4175

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

To: **Hawkes Bay Regional Council, Private Bag 6006, NAPIER**

Submission on Proposed Plan Change 9 (The TANK Plan);

Hawkes Bay Regional Resource Management Plan

Pursuant to Clause 6 of the First Schedule, Resource Management Act 1991

Email: eTANK@hbrc.govt.nz

Name of Submitter: Taraia Marae, Pakipaki

Address for service: 79 Old Main Road, Pakipaki, HASTINGS 4178

Contact Person: Kane Koko

Email: kokowhanau@gmail.com

Phone: 021415521

Ko wai hoki ? [Who are we?]

Kei te ora te wai, kei te ora te whenua, kei te ora te tangata

Ko Kahuranaki te maunga

Ko Ngaruroro, ko Tukituki ngā awa

Ko Takitimu te waka

Ko Ngāti Kahungungu te iwi

Ko Tamatea Arikinui te tangata

Ko Taraia te Marae

Ko Ngāti Hotoa, ko Ngāti Taraia nga hapū

Ko Taraia te whare

Ko Taraia te tekoteko

Pakipaki is "an abbreviation of Te-Pakipakitanga-o-Hinetemoa. Hinetemoa, the grand-daughter of the chief Ngarengare, was surprised when she emerged naked from a pool after bathing. She snatched up her rapaki (skirt) and wrapped it round her body". This event took place and the pool identified was in fact the Awanui stream, not far from Old Main Road and adjacent to Anderson Road, which is still known to the many whanau today.

The Pakipaki settlement is situated five kilometers south of Hastings. Pakipaki community is tight knit. We have 3 marae, a kohanga reo, one school and two physical church's and many denominations for a population of around 640. However the number of people living in the Hawkes Bay district who are tax payers and whakapapa to Pakipaki is in the thousands. Although the community is considered small, we have whānau living all over the world for whom Pakipaki is their turangawaewae.

"Taraia Marae is located on Old Main Road. Its principal hapū are Ngāti Hōtoa and Ngāti Taraia. The wharenui and tekoteko is also called Taraia. The marae connects ancestrally to the waka

Takitimu, the maunga Kahurānaki and the awa Ngaruroro and Tukituki." These are the hapū, the whenua and the awa that our people use to identify themselves in their pepeha.

The manga or streams that we have a strong cultural association to are the Awanui and Kahumoko/Karewrewa. The Paritua at Raukawa bridge becomes and feeds into the Kahumoko/Karewarewa, at Pakipaki the Kahumoko/Karewarewa meets the Awanui Stream in the settlement, which subsequently meets the Poukawa stream and flows into the Karamu Stream at a junction at the beginning of Te Aute Road. As you can see the streams have different names along different stretches of its journey.

All of our submission is relevant to the TANK plan change [Plan Change 9].

We support in their entirety the Heretaunga Tamatea Settlement Trust, Te Taiwhenua o Heretaunga and Ngāti Kahungunu Iwi submissions and thank them for the many substantive hours advocating for Māori, and for small communities such as ours. Ngā mihi mo to koutou mahi, mo ngā whakaaro, mo te manaaki ki a matou.

We are not a party or a group who would gain a commercial advantage through this submission.

We would like to speak to our submission.

If other parties or groups present submissions on matters similar to what we have, we would wish to present evidence together with them. We would like all submissions jointly heard on the marae.

What do we want for our awa?

We want the awa to be an awa. Its mauri has been degraded, it is paru and a stream needs sufficient water to flow – the fact that we have to write this is the saddest thing to be explaining to an entity that is supposed to protect our natural resources.

It is like the tap has been turned off because the water has been taken or diverted. It was our pataka (food cupboard) a place of spiritual connection, for cleansing and communion. I want to take my children to learn from the awa – all of our traditional practices – not to learn from photos or videos.

How do you see your connection and association to the awa?

Our connection is absolute. As Māori whose ancestors and whānau have had generations of land taken, and now the water has been taken. It has meant that our whānau has not been able to connect to the awa as we would normally. Because it has been polluted, diverted and manipulated we don't know where the stream really is in some parts. If you look at what is happening at the top with the irrigation raceways, drainage and the water network, where is our awa?

What we know

The TANK plan change is complex, complicated and full of jargon. It obscures what could be simple in that the catchment has been mismanaged and that private interests have benefited from taking the water (groundwater and surface water). It could be very simple and our submission is in that vein.

> "It's a challenging balancing act between water use and protection. The rivers and waterways have to come first, but water users should also be able to rely on safe, secure water when they need it." HBRC TANK website

The scales of the 'balancing act' have been tipped toward commercial interests. In areas there is intensive dairy and stock areas of which are not fenced, not planted and waterways being straightened and channeled for a commercial profit at the expense of a lessened biodiverse environment. This contravenes Te Tiriti o Waitangi, Te Mana o Te Wai, the Regional Policy statement and the National Policy Statement for Freshwater Management. We agree that the

rivers and waterways should come first but do not agree with HBRC agenda of investigating water storage to secure current consent holder supply. This project shows the clearly the horticultural priorities of HBRC before communities.

"The Paritua/Karewarewa Stream is located in the Karamu catchment as shown in Figure 2. The Paritua Stream rises in the limestone hills of the Raukawa and drains an area of former wetland crossed by Valley Road. It flows through the Te Tua and Washpool stations (Glazebrook property) where the channel was modified in the early 1970's during development of the Glazebrook irrigation race. On leaving Washpool station the Paritua Stream flows across the Ngatarawa valley to Bridge Pa. *The stream loses water in this reach and will often dry naturally at the Raukawa Road bridge at Bridge Pa. During the dry summer months, the stream can often dry between Raukawa Road bridge* and approximately 1km upstream of the bridge and up to approximately 1.5km downstream"[1] (emphasis added)

Just because it has been the case after extensive development, does not mean that we should 'just get used to it'. If the abstraction, diversion and other work stopped upstream and 100% of the water in the stream was allowed to flow as it used to, then we would confirm if the stream dries naturally or if it is as we suspect, and too much water has been taken. Water has been manipulated and is stored greedily before it is given to what is needed which is the actual stream. The cost of business upstream is being subsidised by the Pakipaki community. Seeing the straight lines on the map and how the water is pushed on to paddocks, then the runoff goes into the stream is unnatural, it is not acceptable.

HBRC has failed in its duty to manage our catchments, streams and rivers and is putting economics and economic development, horticulture and big business interests above human health, cultural health and the Paki Paki community. We recently attended a presentation by Dr Cole, who summed up the cycle of unfairness very well:

[1] Pages 4-12 https://www.hbrc.govt.nz/assets/Document-Library/Projects/TANK/TANK-Key-Reports/Paritua-Karewarewa-Stream-Hydrology-2007.pdf

Inter-generational fairness *- land alienation means the current generation have been deprived of access to te whānau o Rangi rāua ko Papatūānuku within the rohe of whānau Kahungunu ki te Heretaunga. This has diminished opportunities for their cultural wellbeing and survival.*

Intra-generational fairness *– the regional economy has failed to allocate and distribute the financial resources, jobs, homes and basic wellbeing means needed for whānau Kahungunu ki te Heretaunga to achieve shared community wellbeing and cultural survival. This situation has been exacerbated by ecosystem decline and growing income inequality.*[2]

Ngā Korero - Whānau Memories

Water is life and identity. Ko wai koe? Who are you? When you identify yourself, you speak of your awa. How sad that our children may say 'My awa WAS the Ngaruroro'. I listen to our kaumatua and one in particular would tell me his stories.

> "There was always water, now there is not. At Te Awa o Te Atua I used to marvel at how clean and pristine the water was, the flow was constant and regular. Watercress, freshwater koura, tuna and inanga, it was all there. Now you would have to trespass on someone's land to get to our traditional kai gathering areas. The sprays that they use, it makes the water end up smelling paru. When the water turbidity was high it would push that away, it used to have gravel on the bottom. Koura need gravel to live, that's where they hide and use the rocks to move along the bottom of the stream, they lay their eggs in the gravel too but the stream has changed so much with sedimentation plus the loss of the insects and plants. That all impacts the stream life and general biodiversity. Before the Glazebrooks did all of their digging and channels. Since they came the stream has dried up."

[2] Slide 147 https://www.hbrc.govt.nz/assets/Document-Library/TANK/TANK-Key-Reports/Social-and-Cultural-Impact-Assessment-TANK-Catchments-Powerpoint-Dr-Cole-June-2020.pdf

Lee Ropitini (43) spent his childhood in Pakipaki.

> "Mum and Dad used to take us down to the river and we'd have a swim. Like a real swim, up to our chests. It was me and all my siblings, cousins, uncles and aunts. It was a thriving community with the Rugby club, Netball. There were many community events. I whakapapa to Pakipaki through the Mete and Bartlett lines. We had our land taken as many Māori did, so there is no legal ownership in that area for us, but there is a strong connection. As children we used to catch eel, go swimming. Pakipaki is where I learnt the flax knot trick to catch eel, we made hinaki, put down pirau. It was a great playground for us. My Uncle Charles Ropitini lived there for decades, he married into the Kenrick whānau but we have our own connection into Mihiroa and Houngarea Marae. I have four kids. I wouldn't take them to gather kai now, definitely would not have them swim there. There isn't enough water."

Brodie Koko (16) is a teenager currently living in Pakipaki.

> "Those streams by home? it's a drain, I wouldn't swim there. My Dad (Kane Koko) tells me that he used to swim there and how fun it was as kids to go down with my aunties and uncles, cousins and the rest of the community, particularly when there were functions on at Houngarea Marae. I can't see how. I know what a healthy stream and river looks like, through Te Taitimu Trust camps, I have done heaps of study on the Mohaka river and its tributaries through wānanga with Te Whare Wānanga o Awanuiārangi, we have been down to the South Island to explore relationships with the wai and have rafted the Whanganui awa from Whakahoro to Pipriki over a period of days. Whilst on the Whanganui awa we drank water from natural falls and tributaries under direction of our guides on the Whanganui awa, no way would I let my little brothers drink the water from the streams around Pakipaki."

Janice Mangere married into whanau at Pakipaki and has been there since the late 1970's.

> "The stream used to flood, that's why they changed it. It used to go straight out to the creek to the Karamu stream. The council changed it but what they did was change the

stream and took half of the marae whenua (Taraia). Sewerage comes down it from up river, well it smells like sewerage. All of the kids used to run through the flax and go for a swim in the stream. Not now. They say you can eat it but I wouldn't eat any eels out of there. I wouldn't even put my feet in there"

Paula Savae (57) grew up and lives in Pakipaki.

"We have no birdlife now, the birds don't come back. We used to have fresh water mussels in the creek behind the marae, we used to swim there as kids. I'm 57 years old. Back then it was safe. We can't provide for tangi or manaaki our manuhiri anymore. We don't get watercress like we used to. Right now in summer you are lucky to get your ankles wet and its definitely unsafe for our babies. There is a shortage of water, the stream levels have dropped and there is an odor, it smells like poo or a septic tank. Where the bridges are eels and crayfish used to be born and swim there, you don't see that anymore. We used to go and watch the fish but its dried up now. Behind Macarena's house there hasn't been any water for years – it used to be a stream.

Grace Campbell grew up and lives in Pakipaki.

At the Awanui stream we used to climb up the willow trees and jump in. The creek was crystal clear, there were eels, we swam in it and it was totally beautiful. We swam there all the time, my brothers and sisters, cousins, the Whakaruru's and many other whanau. We would all meet at the creek. Now its gross, I don't even like looking at it, sometimes I wonder if the willows helped keep it clean. I wouldn't even contemplate a swim. Sheep and cows walk on the stockbank, there is no fencing to the creek, they took some of our land to do the stockbank, there is no eeling, no watercress. Pakipaki used to always flood, some would come to school in a boat, or kids would wade. There was a waterhole by the railway tracks back behind the church, we used to jump off the railways lines into the water. Now there's no way that would happen, there is nowhere to even put hinaki. We have wells on our whanau property. With all of this irrigation it brings the aquifer levels down so we run out of water, the lessor fills my tank. You can't see the bottom like we

used to, but you do sometimes see dead cows and sheep. My kids wouldn't hop in the stream but I wouldn't let them anyway. We manage how we can.

Te Mana o Te Wai

The Pakipaki community values of being able to be kaitiaki over the streams that flows through its community directly influences and supports the health and well-being of freshwater as this has been a customary tradition.

The link between Te Mana o Te Wai and the proposed Plan Change 9, is that there is no real balance, whereby social and cultural values held by the community continue to be eroded to prioritise economic activities and the over allocation water resources to farmers, orchardists, vineyards etc. it has a detrimental effect to the health and wellbeing of our waterways, our people, and the environment.

Legislation and policy continues to this day to extinguish our cultural rights to the point that there will no longer be waterways of which our Māori community are to be kaitiaki of. "When Te Mana o te Wai is given effect, the water body will sustain the full range of environmental, social, cultural and economic values held by iwi and the community."

Te Mana o Te Wai, requires councils to consider and recognise Te Mana o te Wai in freshwater management. "The policy requires councils to make or change plans to achieve the objective, noting the connection between fresh water and the broader environment; and the role of community values when setting freshwater objectives and limits".

To us, the wai would then come first, any take or use would come after the wellbeing of the stream itself. Water flowing out to sea is not wasted, it is part of the cycle.

This submission is on the proposed TANK plan change, Plan Change 9.

I seek the following relief from the hearings panel considering these matters on behalf of the Hawke's Bay Regional Council as noted with reasons below.

The specific provisions of the proposed plan that my submission relates to are those provisions relating to:	**Reference** Page, paragraph or schedule in Proposed Plan Change	**Agree/Disagree, Submission Point, Relief Sought and Reasons**
Over-allocation and consents	Schedule 31	**Disagree** **Submission Point:** Before there is any allocation – the stream should flow at all times of the year. After that there needs to be a community and Maori allocation. **Relief Sought:** Community and Maori allocation first. Reduce over-allocation and abstraction from groundwater and surface water that contribute to low flows in, or no water being available in the karewarewa and Paritua streams. **Reasons:** Groundwater takes and abstraction from streams are part of the larger picture. Individual businesses should come last in line.
Roll over of consents		**Disagree** **Submission Point:** The TANK plan change has identified that there is over allocation. We can identify that our stream dries up. **Relief Sought:** Urgency made to look to reduce allocations as soon as TANK becomes operative, not ten years later in 2033 (or whenever). **Reasons:** It does not make sense to let things remain as they are. Communities are suffering. Proposed Plan Change 9 does not recognize and provide for the relationship of Māori with their ancestral waters and other taonga.

High flow allocation	Schedule 32	**Disagree.** **Submission point:** Although damming on the main stream of the Ngaruroro is prohibited, people are still looking to use dams on the streams that flow into the Ngaruroro. **Relief Sought:** **Reasons:** Water is being dammed before it gets to the community below. The proposed TANK plan does not promote sustainable management of freshwater resources.
Location of monitoring at Turamoe		**Disagree.** **Submission point:** Minimum flow site at Turamoe there is always flow. We don't think that HBRC data shows the true picture of the 1.5-2km stretch that is completely dried up. There is no monitoring at that site so it does not show up in the data. **Relief Sought:** Monitoring at the area that is dried up **Reasons**: Karewarewa – beyond the dry part there is an aquifer which gives a constant flow of water, but the flow of the water is not strong enough to wash the paru away because the water is stagnant. More information is needed to inform decision making.
Māori values	(5.10, figure 2)	**Disagree that Māori Values have been given effect.** **Submission point:** In reading the Proposed Plan Change 9, while there are references to Māori values, and legislation that has requirements for tangata whenua – when it comes down to it, cost to remediate and protection of status quo has been given precedence. **Relief Sought:** Te Mana o Te Wai is in effect **Reasons**: We support the Maori values but do not see them reflected in the report or the actions of HBRC.
Māori values	5.10.5 33	**Agree** **Submission Point:** Our streams water has been taken to fund individual businesses who have not left enough water for the stream, the life it supports and our community.

		Relief Sought: We think there should be a stronger requirement than 'recognise and support' – Māori need to be funded to monitor according to our tikanga. **Reasons**: Proposed Plan Change 9 fails to recognize and provide for the relationship of Maori with their ancestral waters and other Taonga.
Riparian Land Management and Stock Exclusion	Page 16 Page 19	**Agree** **Relief Sought:** We think there should be a stronger requirement than what is written. **Reasons:** The proposed TANK plan does support sustainable management of freshwater resources in this instance but we think it needs to be stronger.
Any groundwater needed to maintain flows will come from within the amount allocated to permit holders.		**Disagree.** **Submission point:** While this plan has been undertaken, landowners have had plenty of time to get their whare in order. They will maintain their status quo for as long as they can and it could be a long time before they give up their allocation. **Relief Sought:** Urgency needs to be made on the highest and over allocated streams such as the Paritua and Karewarewa. **Reasons**: Proposed Plan Change 9 fails to recognize and provide for the relationship of Maori with their ancestral waters and other Taonga, this contravenes the Tiriti o Waitangi and the UN Declaration of Indigenous Rights (Article 25, Article 29).
Stream flows could be maintained by pumping from groundwater into depleted streams		**Disagree.** **Submission point:** While it may have provided 'good results' in other areas, taking from groundwater does not start at the source of the problem which is that too much water has been allocated. **Relief Sought:** Urgency and priority given to streams that have been allocated over 60%, starting from the highest allocated, to get that allocation reduced to encourage flow. **Reasons**: If you do not know exactly how some of the groundwater and surface water is interacting, it is not reasonable to allow it to be harvested. Taking groundwater to tip at the top of streams to be acceptable to government limits is not dealing with the problem.

• Habitat enhancement schemes are operating within 10 years of the operative date of the plan • Other mitigation measures will take 10 years		**Agree.** **Submission point:** While we agree with habitat enhancement and other mitigation measures being put in place, 10 years is too slow **Relief Sought:** These schemes should be operating as soon as possible **Reasons:** Urgency needs to be made on the highest and over allocated streams such as the Paritua and Karewarewa. 10 years is too long. These schemes could be planned for and being implemented in 6 months.
Land Collectives, Industry programmes, Land Environment Plans	Schedule 30	**Agree.** **Submission point:** We agree with the sentiment of schedule 30 but do not think that the timing of submission and then audit (which may not capture all landowners) will catch infractions early enough **Relief sought:** We would like auditing to be more rigorous and more detail to be provided on this.
Water bottling		**Disagree.** **Submission point:** For the record **Relief Sought:** No water bottling **Reasons** We do not support abstraction and sale of water while Māori are disadvantaged and do not have access to water for basic human rights. This needs to be addressed before profit, whether this sale is to locals, Māori or foreign companies.

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

Name: *(required)* .....Christopher Brett Harrison.....

Organisation: .....Beach House Wines LTD.....

Postal address: *(required)* .....93 Mere Road, RD5, Fernhill, Hastings

.....

Email address: .....chris@beachhouse.co.nz.....

Phone number: .....0297704459.....

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 Requirement for flow maintenance	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	I understand that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. I support, in principle, jointly-funded

(augmentation)	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	This clause provides for an emergency water management group when making	Amend 5.10.7.51 to read "...emergency water

Water Use and Allocation - Priority	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.	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. 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.	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.

	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	This rule change has the effect of making bore drilling within a Source Protection	Add a Condition to 6.3.1 Rule 1 reading: "***c. The bore***

- 6.3.1 Bore Drilling & Bore Sealing, Rule 1	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.	***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 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	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 2020 and related S.360 regulations.

	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.	

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:

Statement of Evidence of Chris Harrison for Beach House Wines Ltd

14 August 2020

INTRODUCTION

My name is Chris Harrison and I am the owner of Beach House Wines Ltd. I have a Bachelors' degree in Food Technology from Massey University and a Post Graduate Diploma in Oenology from Roseworthy College in South Australia. I am also the son of a hill country sheep farmer.

I'm writing today to highlight my concerns about the application for a water conservation order and the possible effect on small winemakers like myself if the restrictions are too severe.

Beach House Wines current position

Currently my wife Jill and I have a 4 hectare vineyard on Mere road with a small winery on site. This is the culmination of a plan put in place 28 years ago when we meet, to own our own vineyard and produce and sell our own wine. I was told as a young man that to be viable as a rural producer you needed to add value to your primary produce.

I was aware of the risks involved, being told around the dinner table as a child, of natural events that had destroyed the family's annual income on a few occasions.

1. Frosts, Snow
2. Hail
3. Cyclone
4. Global financial crises
5. Disease out breaks
6. Droughts

7. Plague and pandemics

I therefore considered the site selection of our future vineyard very carefully to minimise these risks. 93 Mere Road was selected as a premium site for grape growing.

1. It was near to the river therefore less frost prone due to the effects of katabatic wind overnight.
2. It was not prone to hail as it was not north of a large hill prone to creating Stratocumulus clouds.
3. It had very free draining soils able to reduce soil moisture quickly after heavy rain events.
4. It was known to produce globally competitive wines.
5. It had low humidity due to lower water holding potential therefore less disease prone
6. It sat above a large aquafer with water available to keep the vine alive in the event of droughts.

The property was purchased, a water permit was obtained and we spent the next 20 years working long hours to achieve our goal, battling the above mentioned hazards as they duly appeared. Today we have largely achieved this goal.

We have a vineyard producing trophy winning wine on a regular basis. We contribute to the local economy by employing people in our community. We have created a cellar door that contributes significantly to the Hawke's Bay tourist experience. The smaller wineries create the colour and diversity for the wine tasting experience.

The threat of water restrictions

In our quest to produce the best wine possible we limit the vines water supply to the absolute minimum. If the vine gets too much water it puts its energy into growing a bigger vine and the fruit becomes dilute. To this end the vines are always kept on the edge of water stress. If an irrigation line becomes disconnected without being noticed the vine will defoliate after 3 to 5 days in the height of summer and die 2 weeks later.

Therefore, the need for a consistent supply of water especially in the height of summer is absolutely critical.

I am writing this letter today to try and convince you to consider the small wine growers position, of which there are many on the backs of the Ngaruroro River.

Of maximum concern is the section 39.e. As our vineyard is on Mere Road and the changes as I understand them may result in us being unable to take water from the aquifer at the height of the summer. Our soils are class 1.a and 1.b very free draining Gimblett Gravels with very little water holding capacity this would result in total crop lose and vine death within days not weeks.

We are battling myriad risks managing a vineyard / winery and we have already reduced our irrigation needs to its absolute minimum. Please consider the many wine growers in this world renowned appellation when making decisions related to this matter.

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?

Signature: ..... Date: 14-8-2020

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)* Brian Eccles

Organisation/Iwi/Hapu: Jet Boating New Zealand

Postal address: *(required)* 17 Roger Renall Ave
Masterton 5810

Email address: brian.eccles@jbnz.co.nz

Phone number: 0274 410 820

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: Brian Eccles Date: 14/8/2020

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.

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SUBMISSION ID#

Date Received:

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

Plan Change 9

Submission Details

OBJ TANK 11, c
Page 10,

Support inclusion of Jet-Boating

Because it is a highly valuable and highly used recreation resources.

5.10.8 Policies: High Flow Allocation., Adverse Effects - Water Damming, Policy 54 c
Page 33

and, except as prohibited by Policy 58, will limit the amount of flow alteration so that the damming of surface water either on its own or in combination with other dams or water storage in a catchment does not cumulatively adversely affect the frequency of flows above three times the median flow by more than a minor amount and provided that any dam in combination with other dams or high flow takes shall not cause changes to the river flow regime that are inconsistent with specified flow triggers.

Support retention of this clause as it is worded.

Because flows three times above the median are extremely important for maintaining the intensity and frequency of the braided river characteristics.

5.10.8 Policies: High Flow Allocation., Adverse Effects - Water take and storage, Policy 55, b), (V11).
Page 33

Support this clause in its entirety. Special reference to

and will limit the amount of flow alteration so that the taking of surface water does not cumulatively adversely affect the frequency of flows above three times the median flow by more than a minor amount and provided that;

JBNZ strongly supports that the principal that the frequency of flows above three times the median flow is really important for protecting the river.

5.10.8 Policies: High Flow Allocation. Adverse Effects - Water Damming, Policy 58,

Page 34,

The Council will protect the instream water values and uses identified in Objectives 11 and 12 for the Ngaruroro and Tūtaekurī Rivers and their tributaries, the Taruarau, Omahaki, Mangatutu and Mangaone Rivers by prohibiting the construction of dams on the mainstem of those rivers.

Support policy 59, retention of this clause as it is worded.

JBNZ opposes dams in the main stems of these rivers because: -

1. The potential downstream effects on braiding caused by interruption to aggregate movement and interruption to the frequency of flows above three times the median flow.
2. The blocking of passage by craft

5.10.8 Policies: High Flow Allocation, Adverse Effects - Water Damming, Policy 59
Page 34

The Council will 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 the following activities;

Oppose policy 59, the allocation of 20% of the total water available

No change of more than 10% to FRE_3 in the mainstem is a widely accepted standard for river management. Policy 59 completely ignores the standard.

The 10% of FRE_3 standard is adhered to in other parts of plan change 9 such as in relation to dams, but is ignored for high flow water harvesting.

JBNZ is concerned about the changes to riverbed morphology that will result from high flow takes beyond those specified in Schedule 32 and seeks a change to the policy so that the schedule reflects the policy.

Schedule 32 sets an acceptable take when the river exceeds the high flow trigger. The massive gap between the sensible schedule 32 and the policy it sits under must be resolved.

Wording like the following is proposed

Abstraction at high flows will limit the amount of flow alteration so that the take, either on its own or in combination with other takes in the catchment does not cumulatively adversely affect the frequency of flows above three times the median flow by more than a minor amount.

Plan Change 9

5.10.8 Policies: High Flow Allocation, Adverse Effects - Water Damming, Policy 60
Page 35

Oppose policy 60 as currently worded.

JBNZ proposes the addition of clauses that the council should take into account: -

1. The effect of the take on the morphology of the downstream riverbed, including the effect of reducing the frequency of flows exceeding three times the median flow (FRE_3) by more than a minor amount.
2. The impact of intake works on the riverbed
3. Any restrictions the intake may place on access to the river within the area of the intake.

6.10.2 Water – Take and Use, Rule TANK 13, page 50

Support the rule and in particular the reference to the conditional rule detailed in schedule 32

6.10.2 Water – Take and Use, Rule TANK 14, page 50

Support the rule and in particular the reference to the conditional rule detailed in schedule 32

6.10.2 Water – Take and Use, Rule TANK 15, page 50

Support the rule and in particular the reference to the conditional rule detailed in schedule 32

6.10.2 Water – Take and Use, Rule TANK 17, page 51

Support the status of Prohibited for dams on the main stems of the listed rivers.

Schedule 32: High Flow Allocation

Support the criteria set out in the schedule for the Ngaruroro or any tributaries of the Ngaruroro.

A Maximum of 8,000 litres/ sec above the trigger of 20 m3/sec is acceptable for this river and its tributaries.

Significant concern that the Rules TANK 13-17 enable 20% of any flow. This is opposed by JBNZ. While 8,000 litres/sec is acceptable, leaving the rules as 20% is not.

Submission on Hawkes Bay Regional Councils publicly notified proposed Plan Change 9 (TANK).

On: Hawkes Bay Regional Council – proposed Plan Change 9 (TANK).

To: **Hawkes Bay Regional Council**
C/o etank@hbrc.govt.nz

Submitters Information

Company name: Turamoe Farm
Submission from; Turamoe Trustees
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Thank you for the opportunity to provide feedback on the proposed Plan Change 9 (TANK).

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

This submission is being made by the Turamoe Trustees as owners of Turamoe Farm (referred to hereafter “we”) and we wish to be heard in support of our submission.

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

Background of our farm

Turamoe Farm is located at 193 Raukawa Road, with access from Rosser Road to the side and Turamoe Road at the rear of the property and is approximately 177 hectres of land.

The MacIntyre family has been farming Turamoe since 1923 (97 years) and has involved three generations. Over the past 97 years, Turamoe has operated as a mixed cropping operation, producing a sheep and cattle and crops including onions, carrots, potatoes, tomatoes, sweetcorn, squash, cereals, vegetable seed, maize, and alfalfa grown for stock and also horse chaff). Also, there is a block of trees implanted with Truffle spores.

Turamoe farm has a long history of soil and water conservation, across a number of areas including being one of the early users of no tillage, growing to an extensive contracting operation from Lochinver in Taupo to Porangahau. We were also one of the founding members of Landwise Hawkes Bay looking at strip tillage cropping of squash and sweetcorn and how to improve irrigation efficiency. We have been irrigating property from 3 wells since the 1960s, initially with pipes and sprinklers, then moved to travelling guns, and in 2007 with our lessees, Apatu Farms Ltd, installed 2 centre pivots irrigating approximately 140ha with the remainder being irrigated with a travelling gun.

Turamoe was founded on being early adopters of new technology which improved its productivity and environmental outcomes.

Overview of our submission

Having operated for nearly 100 years, adopting new technology to improve both environmental and economic outcomes and employing people from the local community, we wish to continue enhancing this asset for future generations which will benefit employment, and food it produces, while enhancing the environment.

We already operate a lease with clauses that target soil organic matter levels, and crop rotation to ensure the farming practises are enhancing or at the very least maintaining solid soil health characteristics.

We do agree with the principle of TANK seeking to improve environmental and social outcomes for the Hawkes Bay region and ensure sustainability.

We do however have concerns that the objectives, policies and rules being implemented are not based on enough scientific understanding of the issues that Hawkes Bay faces, have not been adequately tested and could have unintended adverse consequences to the Hawkes Bay economy and wider community.

The approach taken in Plan Change 9 is likely to have a chilling effect on investment in the primary sector on the Heretaunga Plains. This is because many of the solutions to the key questions that Plan Change 9 seeks to address are not clearly set out in its provisions. For example, critical decisions for the economics of the primary sector and the well-being of the Hawkes Bay community, such as continued access to enough water to grow crops and the ability to provide nutrients for those crops, are deferred. These are to be addressed when water take consents are renewed or when nutrient leaching and other freshwater attributes are tackled as part of Farm Environment Plans on the joint plans of the water use collectives. While the broad parameters of how these are to be achieved are set out in Plan Change 9, the details and their potentially serious effects on local farmers are not clear. For example to illustrate economic uncertainty, how recharge of streams will be solved for individually or as a catchment group, given set up and opex costs of the solutions (recharge wells, or dams or other), and how that will flow back as a potential levy on water access.

To those not familiar with planning processes the Plan Change 9 documents present a bewildering array of information that has not been penned with the end user, the rate payer, in mind. References in the key documents to earlier documents relied on to draft the current Plan Change are sometimes inaccurate, including giving the documents inconsistent names, making it difficult to source the correct information. Some of the key components of the Plan Change are very complexity and poor explained, for example, Schedule 29, Land Use Change and how it links to other parts of the Plan and to what effect on growers. This makes it very difficult for the people of Hawkes Bay to understand or respond effectively to this consultation process. We therefore encourage the HBRC to think about how this plan change and its effects can be better explained by thinking through how some of the key Plan Change provisions are likely to affect people. Worked hypothetical examples of how water take consents are expected to be reconsented or what sorts of approaches might be expected of farmers with high nutrient demands, could be useful.

General responses to the proposals:

- The Turamoe Trustees support the overall idea 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. We recognise that this requires the Council to identify values, and establish methods, including limits, to ensure those objectives are met.

- We support provisions (Obj TANK 1 & 2) which recognise that successful environment outcomes for freshwater ecological health require landowner and community support and leadership.

- We are deeply concerned that the Plan Change 9 proposed changes will have a significant negative impact on farming activities across the Hawkes Bay Region. With the limited time we've had to study these changes, we believe the cumulative effect of all the potential impacts will include additional ongoing compliance costs. These will be combined with the increased farming risks implied or incurred by these proposed changes. The overall impact of these proposed changes and the poor communication of them is likely to chill investment in the region.

- We are deeply concerned that the Plan Change 9 proposed changes are so complicated and so interwoven, that a significant number of farms currently operating under 'PERMITTED' rules, will now be required to obtain resource consents, increasing uncertainty and thereby decreasing returns and the economic returns to the region and community. This can be justified by environmental gains but these are often not well explained either.

  As one example, we could not find any single pathway which provides a clearly defined 'PERMITTED' use of productive land.

  Paragraph 3.2 of Section B of Schedule 30, incorporated in TANK 1 rule, provides the Hawkes Bay Regional Council with the ability to approve or disapprove a Farm Environment Plan. If a Farm Environment Plan is not approved, the TANK 2 'CONTROLLED' rule comes into affect.

  As the criteria for approval or disapproval of a Farm Environment Plan are not clearly defined, this appears to disqualify the TANK 1 rule from being clearly defined as a 'PERMITTED' classification.

  The evaluation and subsequent enforcement of the TANK 2 rule Matters for Control are not clearly defined, and as currently proposed, suggest that both TANK 1 and TANK 2 rules should be classified as 'DISCRETIONARY'.

  As a second example, we could not find a defined list of land use activities for the TANK 5 rule. We are aware of Sustainable Land Use index (4) as defined by "Schedule 2. Sustainable Land Use" from the Regional Resource Management Plan, but it is very unclear if the land use activities referred to in TANK 5 rule are "Horticulture, Cropping, Dairying, Pasture, Pastoral Farming with Trees, Forestry, and Protection", or the different list of Land Use Types in Table 1; Schedule 29.

  We believe that TANK Rule 5 also needs to be better communicated to reduce uncertainty about the meaning of Conditions/Standards/Terms c) The Council may require information to be provided about production land use changes (note that the Schedule 30 requires collectives to record land use changes)' and how Table 2 in Schedule 29 is likely to be applied. (See Page 41 of the Proposed Plan Change 9 Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments Notification 2 May 2020 FINAL.)

We are not aware of any explanation or examples given to explain Table 2 in Schedule 29.

Currently Schedule 29 states: 'Table 2 specifies the allowable change in nitrogen load. The loads are calculated according to the following formula. For each column; the value given is the maximum difference between the highest and lowest Nitrogen loss x 10ha.' Esk/Omahu/Pakipaki soil types appear to allow the least change in nitrogen losses from land use changes of 80kg/year.

This high level of complexity and uncertainty is clearly not in the best economic or environmental interests of Hawkes Bay or the Hawkes Bay Regional Council.

- We are deeply concerned that these changes impose unfair burdens on smaller land holders through the potential increased costs, and increased farming risks included within the current Plan Change 9 proposal.

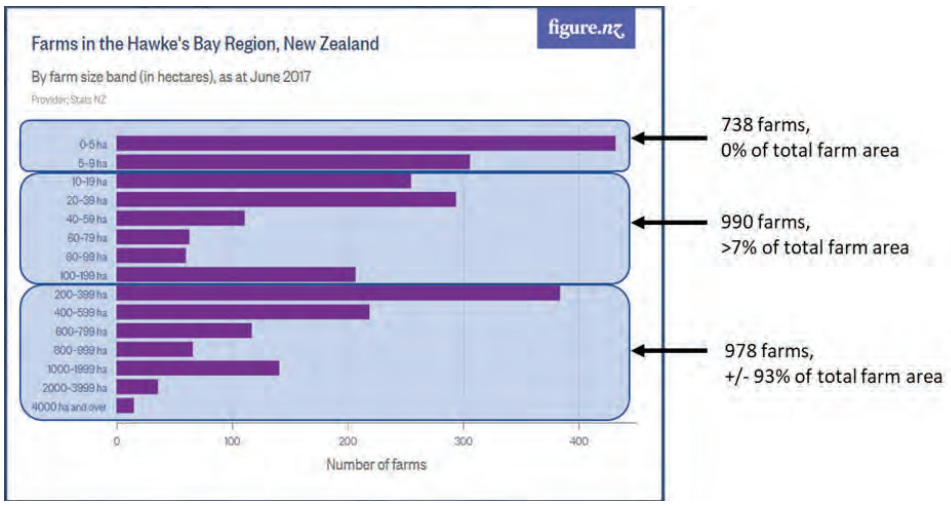
For example, the positive and/or negative impact to the regional environment is largely determined by the number of hectares affected by the specific means and methods employed on any individual farm. Smaller land holdings obviously have a much smaller environmental footprint and/or impact, yet these proposed changes impose the same cumulative costs and increased farming risks on all farms, regardless of farm size.

Statistically, there are approximately 2706 farms located in the Hawkes Bay region.

Approximately 738 of these farms are under 10 Hectares in size.

Approximately 990 of these farms are sized between 10 and 199 hectares.

Approximately 978 of these farms are sized over 200 hectares.

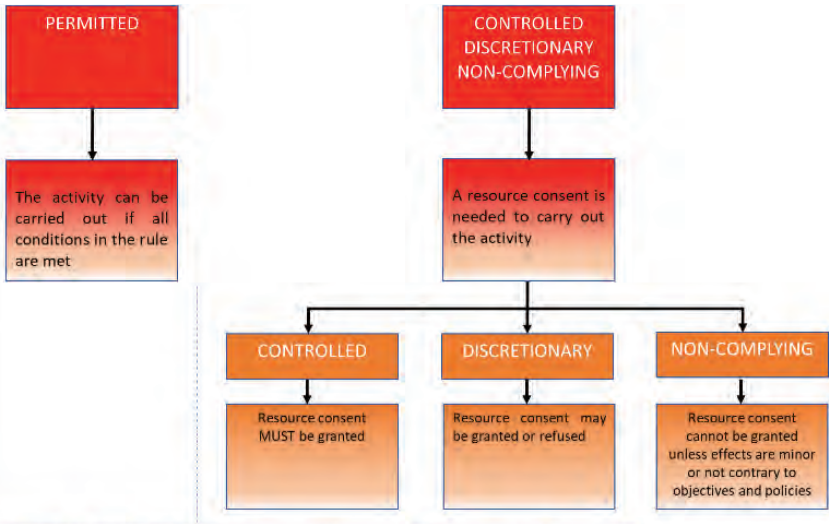


The Farms with more than than 200 Hectares of land account for more than 93% of the total regional farming area in the Hawkes Bay.

We suggest that it would be benefical to structure the Plan Change 9 rules to account for differences in farm size. Providing rules which allow graduated requirements by farm size allow these rules to provide the biggest positive impact from a smaller number of farms which have the greatest overall environmental impact; thus, making these rules more efficient. If the TANK 1 rule was split into three rules (TANK 1, TANK1A, TANK1B) with different requirements for different farm sizes, the certainity of being able to fall into a

'PERMITTED' land use could substantially reduce the ongoing costs, and ongoing risks associated with the currently proposed changes.

Figure 1.



RULE	TANK 1	TANK 1A	TANK 1B	TANK 2
FARMS (#)	738	990	978	t.b.d
Size (ha)	<10 ha	10-199 ha	>200 ha	n/a
Total ha	1.5k – 4.9k ha	42k-74k ha	460k-1.213k ha	
% of total ha	+/- 0%	+/- 7%	+/- 93%	

We believe these currently proposed changes unfairly burden smaller land holders, which is not balanced by their limited ability to contribute to the long-term sustainability of the Hawkes Bay environment. We suggest raising the minimum hectares before farm environment plans are required to 20 hectares or more.

- We strongly oppose provisions which are ambiguous and where the implications for our farm or community are not clear (Rule TANK 1, TANK 2, TANK 3, TANK 5 and 6, TANK 7, Schedule 29, Schedule 30). We 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, we seek clarity about what waterways will need to be excluded from stock access.

- We strongly oppose the the ambiguous water takes wordings in the TANK 9 rule. Specifically, the wording under the 'Actual and Reasonable Re-allocation', 'section c)' is unclear and can mean very different amounts. For example; according to the "Heretaunga Aquifer Groundwater Model, Scenarios Report", the following amounts could be actual and/or reasonable;

    - The actual amount of groundwater used in the dry year of 2012/13 was 90 million m3,
    - The average amount of groundwater pumped between 2005-2015 was 76 million m3,
    - And we understand the currently regional resource consents for taking ground water (which have been deemed 'reasonable' in the past) was somewhere in the range of 160-180 million m3, and
    - The actual amount of pumped water in the year 2019/2020 is undefined.

With all these different figures, the words 'Actual and Reasonable' could be interpreted to mean any amount between 180 million m^3 and 76 million m^3.

We believe this lack of definition and ambiguity should be resolved.

- We are 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. We oppose provisions which relate to water takes and management and which fail to provide for stock drinking water as a priority take.
- We are deeply concerned about the approach taken in Schedule 29 which are designed to limit nutrients leaching from productive land use. We oppose provisions which restrict innovation and remove the opportunity for landowners to achieve environmental outcomes while remaining adaptable to change in circumstances. We 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.
- The specific provisions of the proposal that this submission relates to and the decisions it seeks are as detailed in the table in Section B below.

Specific responses to the proposals:

Specific Provision in the Proposed Plan	Submission	Decision sought
TANK 1 (The use of productive land greater than 10ha.)	• We support this rule with modifications. • We support activity approval pathways which allow farming to continue without onerous or discretionary approvals. Promoting 'permitted' and/or 'controlled' pathways in recognition that location based solutions and innovative and flexible responses are effective in managing all environmental resource outcomes. • We support provisions which recognise and empower ground up, landowner and community led conservation actions, and which prioritise non-regulatory over regulation management frameworks. • We support provisions which incentivise farmers (by means of a permitted activity pathway) to	• We seek that TANK 1 and TANK 2 Rules are modified as per the suggested TANK 1, TANK 1A, TANK 1B and TANK2 content below. These modifications are proposed in order to reduce the impact of the Farm Environment Plan requirements (including clauses from Schedule 30, and Schedule 28) which incur real and significant costs in both time and money to both the HBRC and every individual farm. There are over 2700 farms in the Hawkes Bay region and well over 2500 consents related to the abstraction of water. The impact of; reviewing annual Farm Environment Plans submissions, evaluating compliance with expected results, and approving ongoing consent applications, as well as correlating these administrative tasks against all the annually collected water quality and water quanitity metrics, - and then trying to ensure a positive affect to water quality and/or water quantity through onging land use restrictions, will overload the small number of HBRC staff skilled enough to complete these reviews, analysis and management tasks on an annual basis. The details of the Tank 1 rule combined with the details of Schedule 30, section 3.1 and Section 3.2 suggests that the classification the TANK 1 rule should be 'Discretionary', and not 'Permitted'. Therefore, this submission proposes proposed modifications for TANK 1, TANK1A, and TANK1B rules, which identify conditions for 'permitted', 'controlled', and 'restricted discretionary' classifications.

	develop a Farm Environment Plan or be part of a Catchment Collective. • We support the recognition that people and communities are critical to achieving good environmental outcomes.	Figure 1 above attempts to quantify the number of farms impacted by the adoption of the proposed TANK 1/2 modifications which HBRC will need to process. • We seek to have the proposed headings of the new rules to be inserted as section 6.10 are modified as per below. This will align the headings of section 6.10 with the table headings of the previous sections (6.3 – 6.8). • We seek that Tank 1 rule and Tank 2 rules be changed as per below, to reflect the contribution and impact different size farms can make to the expected environmental outcomes. All farms need to operate profitably - without incurring undue overhead costs, administrative procedures, or restrictions on the use of land. For farms under 200 ha, (7% of the total farming area) the environmental impact of land use changes to water quality and water quantity is minimal, and the reduction of the annual Schedule 30 Section 3 approval processes and the Section reporting processes will be appreciated by the almost 1000 farms removed from this requirement. • We seek that the requirement for the Farm Environment Plan be prepared by a person with the professional qualifications necessary to prepare such a plan (Schedule 30, Section C, 1.1(a)) be removed and propose that farmers with farms under 200 ha are able to prepare their own Farm Environment Plan if the would like to. Farmers involved in the preparation of their own Farm Environment Plan typically 'own' their plan, and by being involved in the preparation, the implementation of them is more likely to be successful.

		Farms Environment Plans prepared by professionals with little appreciation of the day to day operation of the Farm are less likely to be affective. • We seek that timeframes are identified and added to Schedule 30, which describe the HBRC review and approval processes of land use consent applications, and that minimum and maximum timeframes for these processes are included in Schedule 30.
TANK 2 The use of productive land greater than 10ha. Associated Objectives and Policies.	• We support this Rule with modifications. • We support the controlled activity status given to use of productive land that does not meet TANK 1 (is operated without a Farm Environment Plan or part of a Catchment Collective). This gives landowners options where they do not favour a FEP or working collectively. This provides Council the ability to identify the specific conditions to be addressed by a farm but also gives certainty to farmers that their consent will be granted.	• We seek that TANK 1 and TANK 2 Rules, and the proposed headings of the rules to be inserted are modified as per below. • We seek that specific restriction criteria are identified and defined for the consent approval of land use, for applications which do not meet the conditions of the proposed TANK 1, TANK 1A, and/or TANK 1B Rules. • We seek that the proposed headings of the rules to be inserted are modified as per below. This will align the headings of section 6.10 with the table headings of the previous sections (6.3 – 6.8).

Propsed TANK 1, TANK 1A, TANK 1B, and TANK 2 modifications:

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Specific Provision in the Proposed Plan	Submission	Decision sought
TANK 5 Use of Productive Land	• We support this rule with modifications.	• We seek that area requirement of this rule be increased from 10 hectares to 200 hectares. Increasing the area requirement to properties or farming enterprises greater than 200 hectares ensures provides a reasonable level of oversite on land use changes which could have a statistically significant impact on the expected environmental outcomes.

Specific Provision in the Proposed Plan	Submission	Decision sought
TANK 6 Use of Productive Land	• We support this rule, however, believe that this rule can be combined with TANK 5 rule, if the previous TANK 5 rule modification is enacted.	• In conjunction with the modification to TANK 5 rule above, we seek that the TANK 5 and TANK 6 Conditions/Standards/Terms, and Matters for Control/Discretion are reviewed against each other and combined into one rule.

Specific Provision in the Proposed Plan	Submission	Decision sought
TANK 9 Groundwater Take – Heretaunga Plains	• We support this rule with modifications.	• We seek that within paragraph c.) under the Actual and Reasonable section, that the terms 'actual and reasonable' amounts are clearly defined.

		• We seek that within paragraph e.) under the Actual and Reasonable section, that the the words "For farms with total areas equal to, or greater than 200 ha," be inserted at the beginning of the sentence. • We seek that within paragraph f.) under the Stream Flow Maintenance section, that the the words "For farms with total areas equal to, or greater than 200 ha," be inserted at the beginning of the sentence.

Specific Provision in the Proposed Plan	Submission	Decision sought
OBJ TANK 6 and Schedule 27 Freshwater Quality Objectives	• We generally support the Freshwater quality objectives identified in OBJ TANK 6 and Schedule 27. • We note that the quality of TANK freshwater bodies will be achieved through future plan changes.	• We seek that these future plan changes are proposed and executed with this set of proposed Plan 9 Changes. •

Specific Provision in the Proposed Plan	Submission	Decision sought
Schedule 29 Land Use Changes	• We oppose this provision.	

	• Management frameworks should be equitable across land uses and focussed on environmental outcomes/ effects. • We oppose land use specific Nitrogen Loss restrictions. Famers should be able to remain flexible and adaptive to change in circumstances. • Allocating nutrients in such a way that unnecessarily limits land use change contrains the ability of land users to respond to those changes and optimially utilise the land resource. • Including land use specific Nitrogen restrictions places unfair advantage on some land uses over others, and limits farmers ability to adapt to change in circumstances. • We generally support this schedule with modifications.	• We seek that the definition and classification of land use types be clearly articulated. Specifically, are land use types defined by table 1 of this section, or by Sustainable Land Use index (4) as defined by "Schedule 2. Sustainable Land Use" from the Regional Resource Management Plan. When this clarification and/or definition is supplied, we may have additional comments on 'Land Use'.

Specific Provision in the Proposed Plan	**Submission**	**Decision sought**

Schedule 30 Landowner Collective, Industry Programme and Farm Environment Plan	• We generally support this schedule with modifications.	• We seek that a Schedule 30a be created which defines Farm Environment Plans for farms under 200 ha in area differently. Our expectation is that this request will reduce the complexity and confusion of how the 1100 farms under 200ha can meet Farm Environment Plans which meet the condition of a 'Permitted' rule.

Specific Provision in the Proposed Plan	Submission	Decision sought
Stock Drinking Water Section 6.10.2 Water Take and Use. Associated Objectives and Policies.	• We oppose that the TANK Plan does not appropriately provide for stock drinking water as a permitted activity and priority take.	• We propose that the taking of water for reasonable domestics needs and the needs of animals for drinking water is appropriately provided for and that taking of water for these purposes is prioritised above other non-essential takes. • This ensures the welfare of animals is protected.

Conclusion

- Thank you again for the opportunity to comment on the proposed changes. I/We welcome the opportunity to further discuss any of the points above with Hawkes Bay Regional Council, should you wish for more information.

- For any inquiries relating to this feedback please contact Stuart MacIntyre on 021 344652 Stuart.macintyrenz@gmail.com

Yours faithfully,

Jane MacIntyre, Peter MacIntyre, Simon Speedy and Stuart MacIntyre

14 August 2020

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

Name of Submitter: Edward Whyte c/o Whyte & Co

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 at; 90, 61 Main Rd Clive & Cnr Richmond & Mill Rds, Clive and comprises of the following crops and acreage; 4.5ha grapes & 26ha of apples.

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

It may restrict the ability to irrigate crops that I currently have in the ground because of the limits that maybe put in place with stream depleting models being adopted. We are located on the banks of the Karamu and it is very tidal all the way up to us. This may very well be limiting and we have no control of this.

Also with land change in terms of crops the ability to do this within the water that we have historically taken (based on water meter readings) with grapes specifically is a lot less than apples for instance and we could well be inhibited from certain crops based on this method. Whereas using our current consent we would still be able to grow most crops.

If we are then restricted from growing crops then employment of staff will be reduced if we pull crops out and have no options to replace them because of the restrictions around plan changes and consenting.

I seek the following decision from the local authority: That the plan change is amended as set out in the table above and the stream depleting model be suspended till further work is completed on it and independently peer reviewed.

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: 14/8/2020

Electronic address for service: whyte.co2004@gmail.com

Contact phone number: 0274 465 972

Postal address: P.O. Box 8, Clive

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

Friday 14 August

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)* Lisa Tuhi

Organisation/Iwi/Hapu: Ngati Hinemanu Ngai Te Upokoiri

Postal address: *(required)* 73 Sunderland drive
flaxmere hastings 4021

Email address: lisagtuhi@gmail.com

Phone number: —

Contact person and address if different to above: 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: [signature] Date: 14 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)

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]*

See attached Submission

Reason for decision requested:

Lisa Tuhi submission on TANK PROPOSED PLAN CHANGE 9

Restoration and political redress for Ngati Hinemanu Ngai Te Upokoiri Ngati Honomokai and Ngati Mahuika over our awa ngaruroro and its tributaries and tribal estate;
Declaration of guiding prionciples from a hapuu world view to monitor, check and report on the quality and usage of the awa ngaruroro and its tributaries and tribal estate;
Full moratorium on water consents being granted for water bottling companies taking/ drawing from the Heretaunga Acquifer and awa Ngaruroro and its tributaries;
The adverse effects of the health and wellbeing on the 'te wai mauri' awa ngaruroro and its tributaries and tribal estate;
As treaty partners we the hapuu need 50% capapbility and capacity to decide and define over awa ngaruroro and its tributaries and tribal estate of Ngati Hinemanu Ngai Te Upokoiri Ngati Honomokai and Ngati Mahuika;
Promotion and enhancing 'te wai mauri' the kainga tuturu of our kaitiaki Karukaru;
Partnerships over future project designs awa ngaruroro and its tributaries and tribal estate shared with our hapuu;
To preserve and protect the integrity of our matauranga maori and intricate tribal korero belonging to that of our said hapuu from being used to our detriment;
Te maintain excellence in the quality of drinkable, washable, swimmable water;
To maintain excellence and quality of all natural sources;
Maintain adequate/ excellence in the quantity flow to avoid stagnation, pollution and bacterial widespread;
Maintain healthy excellent monitoring on land usage to allow clean, flourishing waterways;
Devolve services to the hapuu driven, marae based, crown funded, fully resourced environmental research units to design hapuu born intiatives;
Investigation on the unpaid royalties to our hapuu of the extraction of gravel; (will present evidence);
Allow for face to face formulation of policy and legislative frameworks;
Protect all natural and native flora and fauna on and around our awa ngaruroro and its tributaries;
Protect the Heretaunga Acquifer, all other awa, awa ngaruroro and its tributaries from being completely depleted;
Repatriation of all native species that once flourished in our awa ngaruroro and its tributaries;
Engagement with hapuu to implement our Post Settlement Treaty strategies;

i wish to conclude that it is my intention to fully support my fellow hapuu members submissions. I oppose the proposed plan change 9.

Kia ora

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Ainsley **Last name:** Harte

Phone number:

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.

Consultation Document Submissions

Proposed TANK Plan Change 9 > 5.10.3 Policies: Managing Adverse Effects From Land Use on Water Quality (Diffuse Discharges) > Stock Exclusion > POL TANK 22

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
I support with amendments - avoid adverse effects on waterways caused by stock but need the rule to be amended to provide clarity and be practicable when implemented.

Reason for decision requested:

- I seek that the word 'bed' in TANK 3 & 4 is defined and that the definition used by Horizons Council is adopted being *'Active bed means the bed of a river that is intermittently flowing and where the bed is predominantly unvegetated and comprises sand, gravel, boulders or similar material'.*

- I seek that the provision is changed to align with the National Policy Statement for Essential Freshwater Management, specifically that exclusion only apply to waterways greater than 1m wide, the stocking rate of 18su/ha is deleted and that hill country farms are excluded.
- This provides clarity to landowners when implementing the rule and is a practical and reasonable definition.

SCHEDULES > Schedule 29: Land Use Change

- ○ Support
- ◉ Oppose
- ○ Amend

I seek the following decision from the Regional Council:
I seek that Table 1 in Schedule 29 is deleted. I oppose land use specific nitrogen loss restrictions.

Reason for decision requested:

Farmers should be able to remain flexible and adaptive to change in circumstances. I have had a lot to do with farmers in the Horizon's district under the One Plan and have seen how limiting N limits are on farming. I think from a business point of view it is extremely detrimental to farm develop and change. It makes day to day farming so difficult and not enjoyable for farmers - having an effect on their mental well-being.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.2 Water > Water Take and Use

- ○ Support
- ◉ Oppose
- ○ Amend

I seek the following decision from the Regional Council:

- I oppose that the TANK Plan does not appropriately provide for stock drinking water as a permitted activity and priority take.

Reason for decision requested:

- I propose that the taking of water for reasonable domestics needs and the needs of animals for drinking water is appropriately provided for and that taking of water for these purposes is prioritised above other non-essential takes.

- This ensures the welfare of animals is protected.

Proposed TANK Plan Change 9 > 5.10.3 Policies: Managing Adverse Effects From Land Use on Water Quality (Diffuse Discharges)

- ◉ Support
- ○ Oppose
- ○ Amend

I seek the following decision from the Regional Council:

- I support provisions (policies 5.10.3 Industry Programmes & Catchment Management) 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 individually or collectively. I ask for these to be retained as proposed.

Reason for decision requested:

Proposed TANK Plan Change 9 > 5.10.2 Policies: Surface Water and Groundwater Quality Management

- ◉ Support
- ○ Oppose
- ○ Amend

I seek the following decision from the Regional Council:

- 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.

Reason for decision requested:

Attached Documents

File
TANK submission - Waiwhenua
Proposed TANK Plan Change 9

July 2020

HAWKES BAY REGIONAL COUNCIL PROPOSED PLAN CHANGE 9 (TANK)

Submission on Hawkes Bay Regional Councils publicly notified proposed Plan Change 9 (TANK).

On: Hawkes Bay Regional Council – proposed Plan Change 9 (TANK).

To: **Hawkes Bay Regional Council**

Personal Information

Company name: **Waiwhenua Farms Limited**
Given names: **Ainsley and Willie**
Surname: **Harte and Hill**
Contact person: **Ainsley**
Address: **744 River Road RD9 Waiwhare**
Region: **Hawke's Bay**
Phone: **021 900 318**
Email: **ainsley.harte@hotmail.com**

July 2020

Submission

Background about my farm

Waiwhenua has been in my partners family farm for 60 years, and he is third generation. We are located on the Tutaekuri River and have flat to rolling topography across the farm. Our system is a diverse lamb and Friesian bull beef finishing operation with a deer breeding and velveting unit also. We finish roughly 8000 lambs, 400 fresian bulls and harvest about 2 tonne of velvet in a year. Our finishing numbers can fluctuate due to the type of seasons we have - eg. Drought. My partners mother, Kirsty, has been actively planting native trees around dams and flowing waterways for many years. Many wet areas of the farm have been retired and encouraged to regenerate. All stock is excluded from the Tutaekuri River and trees – a mix of native, poplars and pines – line the river's banks.

Why am I making this submission?

Willie and myself are excited for the opportunities we have in our next chapter, and we fully appreciate the fact we would not have them if it wasn't for the generations before us. We both have strong aspirations to conituning farming this land as a profitable business that is sustainable and will provide the same,if not better, lifestyle for the generations to come. We don't just wish this for us, but for our whole community. The idea of a catchment level plan is an awesome approach as it involves the whole community and makes us think about the bigger picture / future together.

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.
- The specific provisions of the proposal that this submission relates to and the decisions it seeks are as detailed in the table in Section B below.

July 2020

Section B: Specific responses to the proposals:

Specific Provision in the Proposed Plan	Submission	Decision sought
The specific provisions my submission relates to are:	*My submission is that:*	*The decision I would like Hawkes Bay Regional Council to make is:*
TANK 1 (The use of productive land greater than 10ha.) Associated Objectives and Policies.	• I support with amendments. • I support that farmers are provided a Permitted Activity pathway and are able to continue to farm without requiring a Resource Consent in recognition that location solutions and innovative and flexible responses are effective in managing water quality outcomes. • I support provisions which recognise and empower ground up, landowner and community led conservation actions, and which prioritise non-regulatory over regulation management frameworks. • I support provisions which incentivise farmers (by means of a permitted activity pathway) to develop a Farm Plan or be part of a Catchment Collective. • I support the recognition that people and communities are critical to achieving good environmental outcomes.	• I seek that the requirement for the Farm Environment Plan be prepared by a person with the professional qualifications necessary to prepare such a plan (Schedule 30, Section C, 1.1(a)) be removed and propose that farmers are able to prepare their own Farm Environment Plan. • Farmers should be involved in the preparation of their own Farm Plan and 'own' the document. By being involved in the preparation, the implementation of them is more likely to be successful. • Farms Plans prepared by professionals with little appreciation of the day to day operation of the Farm are less likely to be affective.
Schedule 29: Land Use Change Associated Objectives and Policies.	• I oppose this provision. • Management frameworks should be equitable across land uses and focussed on environmental outcomes/ effects.	• I seek that Table 1 in Schedule 29 is deleted and propose that a 'flat rate per hectare' permitted threshold is applied (e.g. 20kgN/ha/yr) irrespective of land use and land use change. • Any Nitrogen risk threshold

	• I oppose land use specific Nitrogen Loss restrictions. Famers should be able to remain flexible and adaptive to change in circumstances. • Allocating nutrients in such a way that unnecessarily limits land use change contrains the ability of land users to respond to those changes and optimially utilise the land resource. • Including land use specific Nitrogen restrictions places unfair advantage on some land uses over others, and limits farmers ability to adapt to change in circumstances.	should be tailored to the catchment and specific to working towards achieving freshwater values. • This approach will ensure that those land uses which contribute unsustainable amounts bear the cost of reducing the overallocation while those discharging at or below the sustainable level (<20kgN/ha) are enabled to continue and are flexible to adapt to change in circumstances.
TANK 2 The use of productive land greater than 10ha. Associated Objectives and Policies.	• I support this Rule. • I support the controlled activity status given to use of productive land that does not meet TANK 1 (is operated without a farm environment plan or part of a catchment collective). This gives landowners options where they do not favour a FEP or working collectively. This provides Council the ability to impose conditions bespoke to the farm in its catchment context but also gives certainty to farmers that their consent will be granted.	• I seek that TANK 2 is retained as proposed.
TANK 3 Stock Access to rivers, lakes and wetlands.	• Support with amendments. • I support requirements to avoid adverse effects on	• I seek that the word 'bed' in TANK 3 & 4 is defined and that the definition used by Horizons Council is adopted being *'Active bed means*

Associated Objectives and Policies.	waterways caused by stock but need the rule to be amendended to provide clarity and be practicable when implemented.	*the bed of a river that is intermittently flowing and where the bed is predominantly unvegetated and comprises sand, gravel, boulders or similar material'* . • I seek that the provision is changed to align with the National Policy Statement for Essential Freshwater Management, specifically that exclusion only apply to waterways greater than 1m wide, the stocking rate of 18su/ha is deleted and that hill country farms are excluded. • This provides clarity to landowners when implementing the rule and is a practical and reasonable definition. • This definition ensures stock are not unneccesarily excluded from certain areas of the farm which would lead to unnecessary cost and loss of productive land.
TANK 5 Use of Production Land (change in use of more than 10% of land on a property greater than 10ha) Associated Objectives and Policies.	• I support with amendments. • I support the Controlled Activity Status given to Change in Land Use but oppose the requirement for landowners to be part of a Catchment Collective to be a Controlled Activity when changing the use of their land.	• I seek that Condition b) be amended to include Farm Environment Plans meeting the requirements of Schedule 30C. • I seek that this rule is amended so that the threshold for change is 20ha or 20% of the property whichever is greater. • This is consistent with TANK 1 & 2 which encourage the development of Farm Environment Plans **or** landowners to be part of Catchment Collectives.
	• I oppose that the TANK Plan does not appropriately provide for	• I propose that the taking of water for reasonable domestics needs

Stock Drinking Water Section 6.10.2 Water Take and Use. Associated Objectives and Policies.	stock drinking water as a permitted activity and priority take.	and the needs of animals for drinking water is appropriately provided for and that taking of water for these purposes is prioritised above other non-essential takes. • This ensures the welfare of animals is protected. • A hot summer Hawke's Bay day or drought like what we have just been through, our stock need access to water constantly. It is concerning to think their water will be limited therefore, stock walfare will be at stack.

Conclusion

- Thank you for the opportunity to comment on the proposed changes. We welcome the opportunity to further discuss any of the points above with Hawkes Bay Regional Council, should you wish for more information.

- For any inquiries relating to this feedback , please contact me.

Yours faithfully,

Ainsley Harte

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Teree **Last name:** Brown
Organisation/Iwi/Hapu: Te Tumu Paeroa

Phone number: 04 474 4661

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 14 Maori Trustee Submission on HBRC Proposed Plan Change 9 - TANK
Proposed TANK Plan Change 9

Te Tumu Paeroa
Level 3 Seabridge House,
110 Featherston Street, Wellington 6011
Aotearoa New Zealand

14 August 2020

Hawke's Bay Regional Council
159 Dalton Street, Napier 4110
Aotearoa New Zealand

Tēnā koe

Re: Proposed Plan Change 9 – Tūtaekuri, Ahuriri, Ngaruroro and Karamū Catchments Submission

Please find attached the Māori Trustee's submission in response to Proposed Plan Change 9 – Tūtaekuri, Ahuriri, Ngaruroro and Karamū Catchments.

Please feel free to contact my executive assistant, Teree Brown, should you have any questions or queries. She can be contacted on (04) 474 4661 or by email at teree.brown@tetumupaeroa.co.nz.

Nāku noa, nā

Dr Charlotte Severne
Māori Trustee

SUBMISSION

PROPOSED PLAN CHANGE 9 – TŪTAEKURI, AHURIRI, NGARURORO AND KARAMŪ CATCHMENTS

SUBMISSION BY THE MĀORI TRUSTEE ON PROPOSED PLAN CHANGE 9 – TŪTAEKURI, AHURIRI, NGARURORO AND KARAMŪ CATCHMENTS

14 August 2020

Contents

Summary of position

1. It is the Māori Trustee's responsibility to review the Hawkes Bay Regional Council's Proposed Plan Change 9 – Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments (the Proposed PC9-TANK) through the lens of Māori landowners as kaitiaki for their (often) underdeveloped Māori land.

2. The Māori Trustee, and Te Tumu Paeroa as the office supporting the Māori Trustee, acknowledges the good work of the Hawkes Bay Regional Council on this important kaupapa of protecting and restoring wai. The Māori Trustee supports what it understands to be the general thrust of the Proposed PC9-TANK namely the changes to further protect unique waterways within the TANK catchments.

3. However, the Māori Trustee has serious concerns about how the implementation of the Proposed PC9-TANK change and the (over) allocation of water and water resources will impact on Māori Land Owners and Trusts' to effectively utilise and develop their land for the benefit of future generations.

4. In particular, the Māori Trustee has concerns that Māori Land Owners & Trusts' have not been appropriately considered or engaged in the development of the Proposed PC9-TANK, and a more principled approach is encouraged, particularly given that Māori Land Trusts are predominantly made up of owners who have genealogical and whakapapa links to the lands held in trust, affording them a more significant status than a stakeholder interest within a catchment.

5. The Hawkes Bay Regional Council needs to carefully consider the recommendations contained within this response and give meaningful consideration to co-management opportunities with Māori Land Owners in managing and implementing the values of Te Mana o te Wai within the TANK catchment area.

6. The Māori Trustee is also concerned about the impact the cost of compliance with these changes will have on the economic viability of some of the blocks we manage.

The Māori Trustee

Who we are

7. The Māori Trustee is appointed by the Minister for Māori Development under the Māori Trustee Act 1953. The role of the Māori Trustee is to provide accurate and timely administration and management of client assets in compliance with the principles and obligations of trusteeship and agency, and in accordance with the Māori Trustee Act 1953, Trustee Act 1956, Te Ture Whenua Māori Act 1993 and other legislation. The current Māori Trustee, Dr Charlotte Severne, was appointed for a three-year term in November 2018.

8. Te Tumu Paeroa is the organisation that supports the Māori Trustee undertake her legal functions, duties and responsibilities.

9. The Māori Trustee administers around 87,000 hectares of Māori Freehold land, as well as general land and other interests and investments, on behalf of nearly 100,000 Māori Land owners and stakeholders.

10. A primary objective of The Māori Trustee is to protect, utilise and grow the assets of our Māori Land owners. The organisation provides land administration and professional trustee services to over 1,800 trusts, as well as targeted development and sector-specific expertise. The organisation is involved in the management of a number of Māori enterprises and development projects.

11. The Māori Trustee employs 115 staff across five different main offices throughout New Zealand, with our head office based in Wellington. Our team is made up of, but not limited to, trust and property management, law, registry and owner services, and other specialist teams. Our employees are service driven to our whenua and our landowners.

12. The Maōri Trustee is unique in that it is the only nation-wide organisation that manages significant tranches of Māori land and assets on behalf of Māori landowners.

13. The Māori Trustee is Responsible Trustee for 30 individual blocks of 1,403 hectares that will be affected by Proposed PC9-TANK of which, Poukawa 13B is the largest.

14. The Māori Trustee welcomes the ability to submit on the Proposed PC9-TANK and welcomes further involvement particularly given her statutory responsibilities.

Our vision and priorities

15. Our vision is ensuring Māori land is protected and enhanced, now and for generations to come. Our vision requires a careful balance between protection of the whenua (land) and the taiao (environment), and enhancement of the whenua through a range of pathways including commercial development.

16. Our purpose is to be a dedicated professional trustee service for Māori.

17. Our strategic outcomes are:

    a. Operational excellence: enhanced delivery of relevant, high quality, effective and efficient professional trustee services.
    b. Enhanced productivity: streamlined systems and processes, easy to use, and embedded as part of our organisation's DNA.

c. Client satisfaction: enhanced client experience of the services of the Māori Trustee, making every interaction one worth sharing.
d. Capability development: more owners transitioning to governance roles who have received relevant training and support.

18. Our responsibility as trustee in the context of this Proposed PC9-TANK is to ensure that the voices of the whenua that we are responsible for, and those landowners who whakapapa to that whenua, are heard and understood.

Our mahi

19. The Māori Trustee has the responsibility to ensure that the best interests and outcomes for Māori land owners are advanced by Te Tumu Paeroa's mahi.

20. Our core services are:
    a. Responsible trustee, custodian trustee, agent
    b. Convening meetings of beneficial owners
    c. Responding to requests for information
    d. Consulting with advisory trustees
    e. Managing and investing cash assets in the Common Fund
    f. Reporting to beneficial owners
    g. Acquiring and paying for goods and services
    h. Keeping proper records and preparing financial statements
    i. Keeping records for trusts we administer
    j. Making trust distributions
    k. Making applications with the Māori Land Court
    l. Reviewing land use and considering, where appropriate, alternative land use options
    m. Developing and enhancing property and land management including asset management and Farm Environment Plans
    n. Managing and providing support services for the General Purposes Fund

Showing leadership in living our kaitiaki values

21. We strive to show leadership when considering options to care for and develop whenua Māori.

22. For example, 90 of our farms already have established farm environmental plans and more are currently in development. We have engaged a nationwide farm consultancy firm to provide over 1,100 of these plans for us throughout the next 5 years.

23. The Māori Trustee is committed to pursuing Te Tumu Paeroa's vision of ensuring Māori land is protected and enhanced, now and for generations to come, in a way that is consistent with her kaitiaki responsibilities both as a trustee and in accordance with the kaitiaki obligations of our owners. In that regard, The Māori

Trustee supports reform that accords with Te Tumu Paeroa's vision. In her view, parts of Proposed PC9-TANK achieves this.

Proposed plan change 9 water quality and quantity

24. The Māori Trustee acknowledges the good work of the Hawkes Bay Regional Council on this important kaupapa of protecting and restoring wai. The Māori Trustee supports what it understands to be the general thrust of the changes to further protect unique waterways within the council boundaries.

25. At a philosophical level, the Māori Trustee supports the principle of Proposed PC9-TANK, which is, enabling an integrated and holistic approach to water body management incorporating the concept of Te Mana o te Wai, that builds on the more fundamental requirements of the National Policy Statement for freshwater management (NPS-FM). Then putting in place a values based approach to identify objectives for water management in the TANK catchments that will assist the Hawkes Bay Regional Council to meet the NPS-FM as set out by the Ministry for the Environment. It is also acknowledged that this (intended) TANK plan change will give effect to the NPS-FM 2017 and give effect to the Council's regional policy statement, including in relation to the protection of the values of the outstanding water bodies.

26. The Māori Trustee cannot speak for Iwi and Hapū (mana whenua) however, in working with our tangata whenua landowners, it has become clear that where Te Mana o te Wai is involved, the tangata whenua of these lands must take a leadership role in characterising the indicators and determiners of Te Mana o te Wai and the use and quality of water. The Māori Trustee recognises the involvement of tangata whenua representatives in the development of this work, although we strongly encourage more consistent engagement with the Māori Trustee to ensure appropriate consultation with our landowners, who by inheritance are Tangata Whenua and intrinsic members of Hapū and Iwi within the TANK catchment area(s).

27. The Māori Trustee also notes that there are several Iwi Planning documents in relation to freshwater waterways. The Māori Trustee strongly encourages the Hawkes Bay Regional Council to understand these values from our landowners perspective and ensure these values and attributes (described by Iwi) are reflected in the criteria and the outcomes sought by Proposed PC9-TANK.

General Objectives

28. The Māori Trustee supports the integrated management approach to freshwater and the effects of land use to ensure the achievement of Te Mana o te Wai and in alignment with Mātauranga Māori which is based on the interconnectedness of all ecosystems.

29. The Māori Trustee notes that the wording of this section as a whole is not clear in how the objectives contribute to Te Mana o te Wai. We support these changes as

they do improve the mauri of the wai and consequently the freshwater quality. However, by demonstrating the specific link to Te Mana o te Wai it provides an appropriate connection to Te Mana o te Wai.

30. Furthermore, there is a deficiency in the explanation and definition of Mauri in the overall section, and the Māori Trustee believes it is appropriate to include further discussion and specific objectives that focus on the improvement of Mauri.

OBJ TANK 1: Integrated management of fresh water and land use and development

31. The Māori Trustee recommends the inclusion of the following;
Recognising the unique characteristics of Māori land and ensuring that, as a result of the legal framework which the land is operated under, there is equal access to sustainable economic development options, including the allocation and use of water in the development of Māori Land.

OBJ TANK 2: When setting objectives, limits and targets

32. The Māori Trustee recommends the inclusion of the following;
Recognising the unique characteristics of Māori land and ensuring that, as a result of the legal framework which this land is operated under, there is equal access to sustainable economic development options, including the allocation and use of water in the use and development of Māori Land.

33. Recognising the overarching imperative of Te Mana o te Wai in the application of all policies in this plan.

POL 3: In lakes and Wetlands – Council will work with landowners in the wetland or lake catchment

POL 14 and 15: Wetland and Lake Management

34. Poukawa 13B Trust is a 522.50 hectare block which also takes in Lake Poukawa. The lake and area's unique characteristics and history, along with its traditional values and uses (mahinga kai etc.) is well known to our owners, as is their responsibility as Kaitiaki, and the protection of the mauri of the Waiū and the utilisation of their lands for future generations.

35. Poukawa 13B Trust is already engaged in protection work for the lake and wetland area. Poukawa 13B Trust has a contractual arrangement with the Ngāti Pāhauwera

Development Trust for the development and implementation of a restoration and management plan for the lake and surrounding area, water quality (testing) and alternative/sustainable land use options (lake/wetland).

36. In the case of Poukawa 13B Trust, the Māori Trustee considers that the land utilisation and management practices could be more appropriately determined by an individual or site specific plan rather than a generic approach as signalled by the provisions of schedule 24 - wetland mapping area for Poukawa (2015).
The determination of the setback area from the water edge (and incoming freshwater requirements) is unclear when viewed in conjunction with the lake (verge) and the outline of the wetland as shown in schedule 24 (Pc5).

37. At the time of assessment for schedule 24 these rules were not accounted for. The regulations under the plan (PC5; PC7) in accordance with schedule 24 render a large amount of the trusts' land unusable in the future i.e. grazing. Cropping land that could have adverse effects are being mitigated with current restoration planning for the area as outlined above.

38. Recent communication with the council highlights the importance of everyone having a clear understanding of each other's objectives, particularly as government has just passed new freshwater regulations of which the implementation is unknown, especially in regards to schedule 24 map and the definition of the waterbody. This uncertainty impacts on the trust leased lands and the ability to negotiate a long term lease. The current lease is due to expire in the very near future.

39. In partnership, and with a site specific plan, the Māori Trustee considers that the Poukawa 13B Trust can assist the council to achieve its statutory obligations, including the NPS-FM as set out by the Ministry for the Environment. Such a partnership will also acknowledge the position of our owners as Kaitiaki of the land/lake, including the current development of the Trusts' restoration plan. There may also be other mutual benefits that the trust and council can continue to develop as demonstrated recently in May 2020, where the Poukawa 13B Trust supported the council in a waterway (weed) management and eel recovery project at Lake Poukawa.

40. The Māori Trustee recommends the following;
That council engage directly with Te Tumu Paeroa and the Poukawa 13B Trust to develop and determine a site specific plan for Poukawa Waiū, including land utilisation and improvement of the water quality of the lake; Mitigation and alignment of the restoration plan to Te Mana o te Wai.

Cost of compliance for Māori landowners

41. The Māori Trustee is concerned that the Proposed PC9-TANK process has not adequately considered the cost of compliance on Māori land blocks. Whilst the planning document refers to the council providing funding assistance for riparian management and the restoration, reinstatement or creation of natural wetlands and

lakes in POL 13 and POL 15 respectively, the Māori Trustee does not believe the extent and nature of this funding has been adequately addressed.

42. The Māori Trustee is concerned further that the costs associated with Proposed PC9-TANK, will push some potential tenants out of the market for our land, resulting in a potential drop in yearly rental for blocks as there will be less competition. The rental on some of our blocks is already very low.

43. The potential impact of these compliance costs also do not align with the Government's other priorities for the development of Māori land (including work being undertaken by the Provincial Growth Fund and Te Puni Kokiri). It is important that this Proposed PC9-TANK does not unintentionally undermine other Government initiatives focused on strengthening the connection of owners to their Māori land.

Conclusion

44. The Māori Trustee looks forward to discussing this submission with Hawkes Bay Regional Council officials.

45. Please contact Teree Brown to arrange a time for a representative of the Māori Trustee to speak to this submission.

Dr Charlotte Severne
Māori Trustee

Teree Brown
Executive Assistant to the Māori Trustee
P: 04 474 4661
M: 027 222 7004
E: teree.brown@tetumupaeroa.co.nz

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: James **Last name:** Lyons

Phone number: 0274579814

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
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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.

Attached Documents

File
TANK SUBMISSION
Proposed TANK Plan Change 9

July 2020

HAWKES BAY REGIONAL COUNCIL PROPOSED PLAN CHANGE 9 (TANK)

Submission on Hawkes Bay Regional Councils publicly notified proposed Plan Change 9 (TANK).

On: Hawkes Bay Regional Council – proposed Plan Change 9 (TANK).

To: **Hawkes Bay Regional Council**

Personal Information

** indicates required fields*

Company name: Keirunga Farms
Given names*: James William
Surname: Lyons
Contact person: James Lyons
Address: 1982 Maraekakaho Road, RD1, Hastings, 4171
Region*: Raukawa Hawkes Bay
Country: NZ
Phone: 0274579814
Email*: jwlyons250@gmail.com

July 2020

Submission

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

Background about my farm

We are currently running a small family farm consisting of 2 blocks in the Raukawa region of Hawkes Bay. I live on the property with my wife and young daughter. We are a tradition al system based predominantly in sheep and beef. Our larger block of 175 ha consist of mainly rolling/steep limestone hill country. This property has been in the family for 3 generations. Our smaller 26 ha block is flat in the Bridge Pa region. We winter stock on low impact crops such as new grass and fodder crops and make hay during the summer season. Depending on the season we sometimes plant a cash crop such as maize or peas.
The smaller property (Morvern View) has a modest water storage dam that fills naturally in winter with the occasional supplemental water taken from our irrigation consent on the paritua stream should we need to top up. Our future plans for the property is to continue with the riparian planting we have already begun, and develop the quality of the soil structure through selective planting and appropriate tillage.
We began planting and fencing off of the Paritua stream which runs through the middle of the property about 5 years ago. We have consulted with HBRC in regards to specimens and are enjoying watching this area mature. Its been tough going as the area is prone to severe dry and some flooding but we keep chipping away at it!

Why am I making this submission?

July 2020

Our aspirations for the property is to develop it into a healthy character filled piece of land, featuring healthy waterways and productive pasture , we can earn a living and grow a legacy for future generations. We want to work cohesively with others in the community to achieve this goal and grown our sense of pride and sense of togetherness with our neighbours and family.

Section A: General responses to the proposals:

- 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.
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July 2020

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- *We currently work very hard to improve the health and bio diversity on our property. Planting waterways and wetlands is a major focus for us going forward. We have already done significant planting of our stream (one of only a few locals who have done so), have put in place efficient water storage at great financial cost , plated of any areas of vulnerability, such as dams, waterways, and natural springs.*
  The ability for us to manage our water and resources is vital to the ongoing viability of our business. We have invested heavily in systems to maintain compliance and have worked hard to be good caretakes of the land and achieve our obligationsas caretakers. This is motivated from a personal and business perspective.
  We have a pest control program in partnership with the HBRC and also have undertaken our program of pest

July 2020

trapping to help the natural wildlife that live in the area. *We are only a small property on the Paritua stream and recognize that to enhance the health of the stream and any surrounding waterways the approach needs to be collaborative and a positive process. We have grave concerns that any new regulations are going to have a punitive nature. There needs to be positive reinforcement and landowner engagement needs to be incentivise. The catchment groups that have been set up so far have been well received and well attended. They give us the opportunity to identify common objectives and work collaboratively.* *The ability to design and manag our own farm plan gives us autonomy and a sense of ownership and pride in what we do. It allows us to develop a plan that is achievable and economically viable while being sympathetic to and enhancing our natural environment*		
Schedule 29: Land Use Change Associated Objectives and Policies.	• I oppose this provision. • Management frameworks should be equitable across land uses and focussed on environmental outcomes/ effects. • I oppose land use specific Nitrogen Loss restrictions. Famers should be able to remain flexible and adaptive to change in circumstances. • Allocating nutrients in such a way that unnecessarily limits land use change contrains the ability of land users to respond to those changes and optimially utilise the land resource. • Including land use specific Nitrogen restrictions places unfair advantage on some land uses over others, and limits farmers ability to adapt to change in circumstances.	• I seek that Table 1 in Schedule 29 is deleted and propose that a 'flat rate per hectare' permitted threshold is applied (e.g. 20kgN/ha/yr) irrespective of land use and land use change. • Any Nitrogen risk threshold should be tailored to the catchment and specific to working towards achieving freshwater values. • This approach will ensure that those land uses which contribute unsustainable amounts bear the cost of reducing the overallocation while those discharging at or below the sustainable level (<20kgN/ha) are enabled to continue and are flexible to adapt to change in circumstances.
TANK 2 The use of productive land greater than 10ha.	• I support this Rule. • I support the controlled activity status given to use of	• I seek that TANK 2 is retained as proposed.

Associated Objectives and Policies.	productive land that does not meet TANK 1 (is operated without a farm environment plan or part of a catchment collective). This gives landowners options where they do not favour a FEP or working collectively. This provides Council the ability to impose conditions bespoke to the farm in its catchment context but also gives certainty to farmers that their consent will be granted.	
TANK 3 Stock Access to rivers, lakes and wetlands. Associated Objectives and Policies.	• Support with amendments. • I support requirements to avoid adverse effects on waterways caused by stock but need the rule to be amendended to provide clarity and be practicable when implemented.	• I seek that the word 'bed' in TANK 3 & 4 is defined and that the definition used by Horizons Council is adopted being *'Active bed means the bed of a river that is intermittently flowing and where the bed is predominantly unvegetated and comprises sand, gravel, boulders or similar material'* . • I seek that the provision is changed to align with the National Policy Statement for Essential Freshwater Management, specifically that exclusion only apply to waterways greater than 1m wide, the stocking rate of 18su/ha is deleted and that hill country farms are excluded. • This provides clarity to landowners when implementing the rule and is a practical and reasonable definition. • This definition ensures stock are not unneccesarily excluded from certain areas of the farm which

		would lead to unnecessary cost and loss of productive land.
Our hill country farm has numerous natural springs which run from the top of the limestone hills down to the valleys below. Our plan is to fence and plant the waterways in the valley where the collection of water is plentiful. TO exclude stock from any and all waterways is complety impractical and a crazy cost. I am very concerned about the practical application of this.		
TANK 5 Use of Production Land (change in use of more than 10% of land on a property greater than 10ha) Associated Objectives and Policies.	• I support with amendments. • I support the Controlled Activity Status given to Change in Land Use but oppose the requirement for landowners to be part of a Catchment Collective to be a Controlled Activity when changing the use of their land.	• I seek that Condition b) be amended to include Farm Environment Plans meeting the requirements of Schedule 30C. • I seek that this rule is amended so that the threshold for change is 20ha or 20% of the property whichever is greater. • This is consistent with TANK 1 & 2 which encourage the development of Farm Environment Plans **or** landowners to be part of Catchment Collectives.
.		
Stock Drinking Water Section 6.10.2 Water Take and Use. Associated Objectives and Policies.	• I oppose that the TANK Plan does not appropriately provide for stock drinking water as a permitted activity and priority take.	• I propose that the taking of water for reasonable domestics needs and the needs of animals for drinking water is appropriately provided for and that taking of water for these purposes is prioritised above other non-essential takes. • This ensures the welfare of animals is protected.
• *We currently have a reticulated trough network on both our properties, however systems can be prone to breakdown. The complete lack of freshwater for stock leaves us very vulnerable and is a serious animal and farm health issue.*		

Conclusion

- Thank you again for the opportunity to comment on the proposed changes. I welcome the opportunity to further discuss any of the points above with Hawkes Bay Regional Council, should you wish for more information.

- For any inquiries relating to this feedback please contact James Lyons 027457914

Yours faithfully,

James Lyons

13.08.2020

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Patricia D **Last name:** Nuku

Phone number: 0273615428

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.

Consultation Document Submissions

Proposed TANK Plan Change 9

- ○ Support
- ◉ Oppose
- ○ Amend

I seek the following decision from the Regional Council:

*Reduce overall allocations and abstractions from groundwater and surface water that contribute to low flows in, or no water being available in the Karewarewa and Paritua streams.

*Amend PC-9 so as to include sustainable allocation Volumes and sustainable abstraction Rates from the Ngaruroro River

*Limit the amounts of nutrients that discharge or Leach into the Karamu River to prevent adverse effects on the habitat an aquatic life in the River.

*Impose limits of abstractions from the Heretaunga plains aquifer system so that Springs that feed into the Karamu are not restricted.

*Raise the minimum flow in the Ngaruroro River to provide 90% habitat provision for range of fish species that prefer fast flowing River reaches.

Reason for decision requested:

I oppose much of Plan Change 9 in its notified form, and ask for it to be substantially amended and for it to

1. Align better with provisions in the Regional Resource Management Plan that are not being amended
2. Give effect to the National Policy Statement for Freshwater Management and the Regional Policy Statement

3. Better recognise and provide for Māori relationships with their taonga, and their values and interests with freshwater resources within Heretaunga

4. Take into account the principles of the Treaty as acknowledged by regional council in Schedule 1 of the Regional Resource Management Plan, in particular the principle of active protection, and For regional council to make some additional, consequential amendments to the regional plan

---

SCHEDULES
- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:

Reason for decision requested:

SCHEDULES
- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:

Reason for decision requested:

SCHEDULES
- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:

Reason for decision requested:

Chapter 9 Glossary of Terms Used
- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:

Reason for decision requested:

Chapter 9 Glossary of Terms Used
- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:
Included as attachment

Reason for decision requested:
Included as attachment

Proposed TANK Plan Change 9
- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:
Included as attachment

Reason for decision requested:
Included as attachment

SCHEDULES

- ○ Support
- ◉ Oppose
- ○ Amend

I seek the following decision from the Regional Council:
Included as attachment

Reason for decision requested:
Included as attachment

Consequential Amendments to Chapter 5 of the Regional Resource Management Plan

- ○ Support
- ◉ Oppose
- ○ Amend

I seek the following decision from the Regional Council:
Included as attachment

Reason for decision requested:
Included as attachment

Chapter 9 Glossary of Terms Used

- ○ Support
- ◉ Oppose
- ○ Amend

I seek the following decision from the Regional Council:
Included as attachment

Reason for decision requested:
Included as attachment

Attached Documents

File
Photos of the Ngaruroro Awa back in 1997
CCF14082020_00001
Proposed TANK Plan Change 9

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)* Patricia Dawn Nuku

Organisation/Iwi/Hapu: Ngati Hinemanu Hapu Nui

Postal address: *(required)* 1845 Korokipo Road RD5 Fernhill Hastings 4175

Email address: patriciamuku@hotmail.com

Phone number: 027 3615428

Contact person and address if different to above: 06 8704157 Trisha Nuku

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 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 B
REGIONAL COUNC
TE KAUNIHERA Ā-ROHE O TE MATAU-

IN THE MATTER OF THE RESOURCE MANAGEMENT ACT AND IN THE MATTER OF PROPOSED PLAN CHANGE 9 A SUBMISSION FROM PATRICIA D NUKU 13th AUGUST 2020

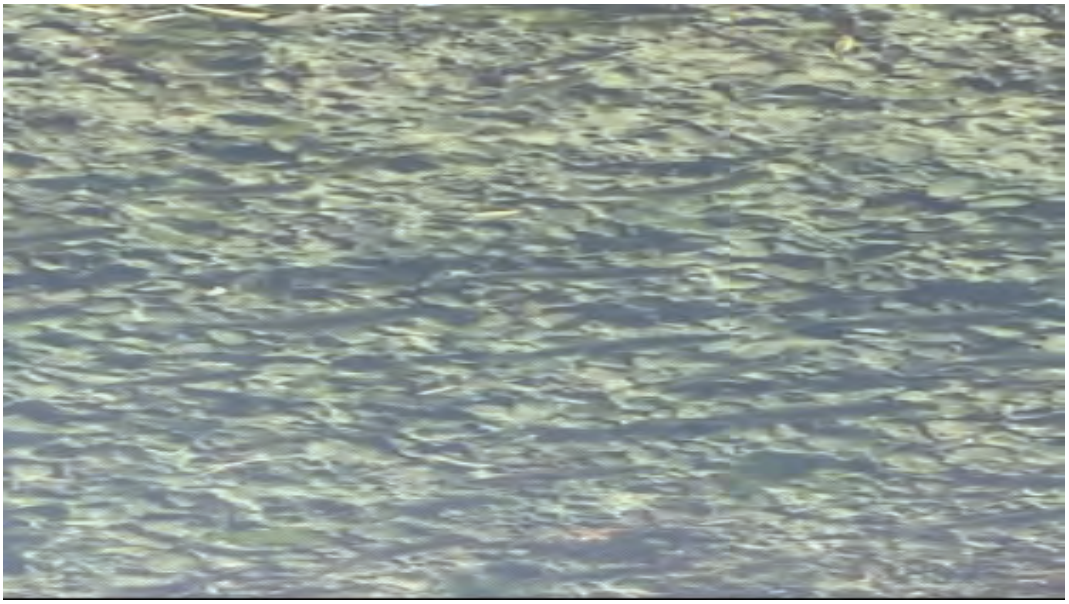
Photos of the Ngaruroro Awa back in 1997

Photos of the Ngaruroro Awa in March 2020 during lock down

Pockets of water with no flow

Loads of trout in the Ngaruroro during lockdown at confined to a small area

Photos taken on the Fernhill bridge 12th April 2020



When we went into level 3 and the dredging started back up NO MORE TROUT

Digger & loader dredging the Awa standing on the Omahu Bridge

Ko Ngā Ngaru o Ngā Ūpokororo, Te Awa o Te Atua.. e rere ma i te ...mātāpuna ki t ō tātou kainga o Ōmahu... atu ki tōna ngutuawa ki Rangatira. ...
(explanation is waves of smelt going up the river) plentiful food supply of the river .. also known as the Ngaruroro Awa

Ko Ruahine kawera puketapu I āku ngā pae maunga
Ko Ngaruroromoko tuararo ki rangatira te Awa
Ko Karu Karu te Kaitiaki o te awa Ngaruroro
Ko Takitimu te waka
Ko Renata Kawepo te tangata
Ko Kahukuranui te Whare Tipuna
Ko Huikai te teko teko
Ko Ōmahu te Marae
Ko Ruatapuwahine te wharekai
Ko Ngāti Hinemanu te hapunui me Ngāi Te Upokoiri

Ko Patricia Nuku ahau ,

MY REQUEST OR INTENT FOR MY SUBMISSION TO TANK PLAN CHANGE 9

***Reduce overall allocations and abstractions from groundwater and surface water that contribute to low flows in, or no water being available in the Karewarewa and Paritua streams.**

***Amend PC-9 so as to include sustainable allocation Volumes and sustainable abstraction Rates from the Ngaruroro River**

***Limit the amounts of nutrients that discharge or Leach into the Karamu River to prevent adverse effects on the habitat an aquatic life in the River.**

***Impose limits of abstractions from the Heretaunga plains aquifer system so that Springs that feed into the Karamu are not restricted.**

***Raise the minimum flow in the Ngaruroro River to provide 90% habitat provision for range of fish species that prefer fast flowing River reaches .**

REASONS

I oppose much of Plan Change 9 in its notified form, and ask for it to be substantially amended and for it to

1. Align better with provisions in the Regional Resource Management Plan that are not being amended
2. Give effect to the National Policy Statement for Freshwater Management and the Regional Policy Statement
3. Better recognise and provide for Māori relationships with their taonga, and their values and interests with freshwater resources within Heretaunga

4. Take into account the principles of the Treaty as acknowledged by regional council in Schedule 1 of the Regional Resource Management Plan, in particular the principle of active protection, and

For regional council to make some additional, consequential amendments to the regional plan

I have concern's around
The quality and quantity of our Awa in the Ngaruroro
The depletion of flounder tuna fresh water koura īnanga and other various water species
The amount of consents for water extraction and the processes
The extraction of shingle and the processes
The changes in water flow due to dredging
Our Lakes Oingo Potaka Runanga Ohiti

WATER QUANTITY ISSUES

Ground water use / allocation

Effects on streams and springs around the edges of the Heretaunga plains aquifer system, decline in steam flows, no water in streams for a major part of the year, reduced ability to use streams for recreation, fishing, mahina kai, cultural practices for teaching tamariki / rangatahi about their streams & rivers (Waimaori)
Unsustainable use of the aquifer system, More water coming out then what's going in, declining water levels wells drying up more frequently , council looking to reduce the amount allocated for personal use.

Over Allocation

I ask for a reduction in all allocations overall in PC 9
PC9 would need to have a provision in it that requires both a reduction in overall quantity of water abstracted from the Heretaunga plains aquifer system, and a method to ensure expiring consents are

dealt with in such a manner that these reductions are applied as resource consents come up for renewal

SURFACE WATER ALLOCATION / USE

I ask for a reduction in total allocation of surface water abstraction of up to 90%
Over water abstraction has an adverse effect on our environment as a result the health of streams and rivers have no water for several months of the year which reduces fish passage and so indigenous fish can no longer migrate during various life stages
PC9 seeks to change this and allow irrigation for some purposes to continue b elow the minimum flow this show's no protection in stream values including tikanga M āori values and so aquatic habitat becomes meaningless.
I oppose the Global consents process alot more detail should be required and such schemes given a non-complying activity status rather the n restricted discretionary as is currently the case for rule TANK 9

WATER QUALITY ISSUES

Algae from our rivers due to becoming to warm, far to many nutrients and / or contaminants entering the water insufficient dissolved oxygen in the water which is affecting aquatic life, sedimentation, suspended solids/ clarity issues, the abstraction of too much water resulting in water quality decline ,
The consent to discharge into or pollute the water then detracts for other people or the general public being able to enjoy the rivers / streams as much as we use to,
Resulting in business profit at the expense of our environment , another issue is that there is often insufficient water left in the river or stream so as to provide flow variation, varieties of habitat and oxygenated the water

MY STORY

For me growing up in Ōmahu the Ngaruroro Awa was a huge part of my life it was plentiful with fresh water flounder, tuna, fresh water kōura, water quality and quantity was amazingly clean and full, being able to go down to the awa , having a swin and connecting with our wai māori has always been something I loved being able to do , I would sing to Karukaru the waiata we learnt at kura, I remember at the age of six a picture of Karukaru that I creatively made with twiggs pebbles sand & other natural taonga I collected at the river won 1st prize in a art competition in Wellington I was at Omahu Kura at the time so at a young age I have always acknowledged Karukaru te kaitiaki o te awa Ngaruroro.
But seeing our Awa in the state it's in now makes me tino pouri ,
We would spend s chool holidays there weekends , lying around warming ourselves in the sand dunes that are no longer,
I have taken my two boys there we have fished swum canoed floated around on tyre tubes had numerous BBQ's my eldest is now 30 years old and my baby is 10 years old .
My grandmother and grandfather's house is on the road into the River and so the love for the Awa was within our whole whanau my father and his seven siblings lived on at and around the Awa being brought up right next to the Awa,
Furthermore my grandmother whom is of Kati Mamoe descent, her tipuna lived on Puketa pu Maunga,
My grandfather's grandmother Wiramina Ngahuka a highly and well regarded local historian in her time lived further up the Awa in the Kawera area she is also from Ahuriri .
And so for me and my whanau we have cultural and historical connections to the Ngaruroro & Ahuriri Awa from the top of Nga pae Maunga to the Moana,
Survived from the bountiful supply of kai where my whanau remain still to this day as Ahikā,

We have spent weekends cleaning up rubbish that is continuously dumped along our rivers edge down by the Ōmahu bridge end I ring the HBRC pollution hotline on a regular basis voicing my concerns around the dumping
council have failed to actively protect tangata whenua values in our waterways

Mana whenua should have the right to monitor our waterways, re-plant view consents and have an equal say on all matters concerning our water ways our waimaori.
Living here now and having to drink water that is now bein g chlorinated is making us unwell, we now have to buy bottled or boxed water and yet we have puna everywhere, All while living amongst horticultural sprays,
I hope you take consideration and time while viewing our submissions as a whole Hapu nui / IWI

Ngā Mihi nui kia koutou

Patricia Nuku

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Alexander John **Last name:** Macphee

Phone number: 027 2303568

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.
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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:

Consultation Document Submissions

Proposed TANK Plan Change 9

- ( ) Support
- ( ) Oppose
- (•) Amend

I seek the following decision from the Regional Council:
Please go to my supporting documents for my submission points

Reason for decision requested:
As per my supporting documents

SCHEDULES

- ( ) Support
- ( ) Oppose
- (•) Amend

I seek the following decision from the Regional Council:
Please go to supporting documents to view my submission details

Reason for decision requested:
As per my supporting documents

Attached Documents

File
TANK submission - Introduction
TANK submission -
Proposed TANK Plan Change 9

Submission on Hawkes Bay Regional Council's Plan Change 9 – TANK

Alexander John Macphee

Mason Ridge

1024 Whakapirau Rd

R D 4

Hastings 4174

Contact – John Macphee

john.masonridge@gmail.com

027 2303568

06 8749496

Introduction

My family has been farming "Mason Ridge" since the very early 1900s, and now the sixth generation is growing up on the property. The farm comprises some 700ha of easy to medium limestone based hill country. Two main streams flow through the farm, the Wye to the west, and the larger Maraekakaho River through the centre. A Romney based flock and Aberdeen Angus cattle have grazed the land from early times as a breeding/fatening enterprise. Successive generations have approached their tenure of the land as being the current guardians, with the aim that they pass it on in as good, or better state than when they started their tenure. Successful long term farming relies on treating both ones stock and land with care and respect, and our family has adhered to those principals. Weed and pest control, erosion protection, stock management, cultivation policies, grazing management, stock shelter and more have been at the forefront our farming methods. Six generations have enjoy the recreational aspect of the Maraekakaho River – canoed, swum in, fished, and even drunk its clear clean water. In recent times our concern for its continued good health has led to management practices that we hope will help to further protect the waters and land of Mason Ridge, and its associated environment, well into the future. Fencing, planting where appropriate, creation of a wetland area, bridging and culverts for stream crossings, increased water reticulation and the like all take time, and are a considerable expense. These projects are ongoing will take time. We are committed to maintaining and improving where necessary the quality of our land and water.

My interest in the future quality of the land and water on both our own property, and the wider Hawkes Bay area, led me to becoming involved the TANK process, and in particular, as a member of the Farmer Reference Group. I became concerned that with water quality becoming a nationwide issue, that there were a multitude of often politically driven solutions and rules being presented as a solution. Most of these were of the "one size fits all" theme, and when applied to such a hugely varied environment, were never going to be the right solution. To enable our communities to move forward and implement policies that worked, there needed to be a better way. Locals attending to local issues, using local knowledge and genuine information. Use the resources where they are needed, keep it simple. Be outcome based, determine the action by what is wrong, not a whole realm of blanket across the board rules that may be "politically" acceptable, but not necessarily problem solving.

I acknowledge there is a need for the Hawkes Bay Regional Council to put in place a policy to enable it to fulfill its obligations regarding the National policy Statement for Fresh Water management. I generally support the Proposed Plan Change 9 TANK Catchments (document5456) as notified on May 2 2020, but I do wish to make comment in some areas, and feel change is required in others.

TANK rules 1 & 2 – Use of Productive land.

I strongly support these rules as written.

TANK rule 3

Given that it will be 2 to 3 years from now before the proposed Plan Change 9 is finally accepted as law, would it not be more appropriate to specify a period of say 2 or 3 years from the date of acceptance until these rules are to be enforced. It is possible that acceptance may not even occur before 31 may 2023

TANK rules 5 & 6 – Use of Productive Land – Changing land use

Contradicting figures. Both 10% of the property, or 10 ha per property is referred to. 10 ha is far too restrictive for a large property. I suggest that it should read

“10 ha, or 10% of the property, whichever is the greater”

TANK rule 7 – Surface water take

(b) “The take does not exceed 5cubic metres per day per one property…..

This is unworkable, and even with the existing allowance of 20m3 per day, it is simply not possible on many farms. The rule makes no allowance for properties of differing sizes and assumes that a 10 ha property has the same requirements as a 100 or even 1000 ha property. In my own case, 7000 su requiring some 10l per su during hot summer weather could consume up to 70m3 per day. Add a few houses and we are well above the permitted take. In addition, a water source on my property provides water to not only our own farm, but another three small farms with the combined area of some 150 ha, as well as a further 6 life style blocks

There should be no limit on the amount of water that can reasonably be taken for both stock water and domestic use

In addition, I would like to comment on the right to take water for irrigation purposes on hill country. Like many other farms, our land contains a number of springs that, in our case in particular, add significantly to the flow of the Maraekakaho River as it passes though the property. As a land owner we are charged with the responsibility of ensuring that the water leaves our property is clean and free of contaminants. This so as it can continue to the plains, and either through its entering the aquifer, of helping fill the rivers, is available for others for both private and commercial activities. It is in my opinion that the landowner, through perhaps a controlled activity, should have a right to use a percentage of

that water for their commercial use. That should not add to the overall take from the catchment as a whole, but may mean a reduction as to the take of those "downstream"

TANK rule 67 – Dams, weirs….

(c) T

"The height of the structure (as measured vertically from the downstream bed to the crest) shall be no greater than 4m"

Given that a dam of 4m in height would have a footprint of some 20 plus metres, and it would be not unusual on some farms to build in a valley with a slope of perhaps 10 deg, the actual depth of the dam itself is severely limited. This has an effect on its volume, its ability to store sediment without regular cleaning, and the quality of the water contained due to higher temperature. This rule needs revisiting, with a suggestion that the rule is changed to read "upstream bed to the crest shall be no greater than 4m"

Schedules 28 and 29 – Priority Catchments and Land Use Change

Both these passages refer to the use of the Modeling tool known as "Overseer"

Overseer was developed as an on farm tool to help with nutrient planning through fertilizer use. It was not designed as, and was never intended to be used as, a regulatory tool. It is just one "tool" to help plan, but should never be solely depended upon.

"Modeling" is referred to many times in the overall document, and the reliance on this way of determining outcomes is extremely concerning. It appears to be used extensively when there is limited genuine data available, and is often used with other "modeled" inputs and other dubious data. The reason is often given that the cost of gathering accurate data is a deterrent. My comment is that rules and regulations put in place based on incorrect data can be extremely expensive to those it is applied to when things go wrong. In all areas there needs to be more emphasis on the collection of genuine and accurate information.

Schedule 30 - Landowner collective….

Having been on the Farmer Reference Group of the TANK process, I am well aware of what has been proposed. Our aim as a group was that farmers/locals take ownership of local problems, act where necessary, and avoid "one size fits all" solutions. Very much in our minds was Plan Change 6. The Tukituki Plan has proven to be expensive in both time and money for all involved and fraught with problems. We did not wish to go there. It was our desire to keep it simple, but the overriding goal was to produce a Land Management Plan that was outcome based. Actual data as to water quality was extremely limited, and modeling was not acceptable. There was a need to collect accurate data, regularly and ongoing, and act accordingly. "If it aint broke, don't fix it". Put the resources where they are needed and attend to the problems as and where required.

We are very pleased that our plan was accepted by the larger TANK group, and that the idea has been taken up by other sectors as well. It is imperative that this proposal be accepted and put in place. It is also important that there is room for its format to be modified in the future, as it will not be until it is activated and operating that it can be tested.

Schedule 31 – Flows….

The minimum flow for the Maraekakaho River has been raised. There has been no consultation on this and no reason given. It should be restored to the original level

Schedule 33 – Water Permit Expiry Dates

If a capital project is embarked upon for an irrigation scheme, the cost may be in the millions of dollars. To have confidence that the project can be financially viable there needs to be guarantee that the cost can be repaid. In many cases 15 years may not provide certainty and I feel a longer period would be more acceptable

Conclusion

The TANK catchment area is in many parts a highly modified environment. It has been formed over millions of years to provide the fertile plains and rolling hinterland that we inhabit. By virtue of our existence, man has had an effect on its landscape, clearing the hills, containing the rivers to prevent flooding, covering its surface with roads, towns and cities. We can never expect it to be the pristine environment of a thousand years ago. It is, as it always has been, ever changing, something we cannot halt. Nature is a very powerful entity. It is the responsibility of all of us, urban, rural, whatever our beliefs and background, to care for our land and water as best we can, maintaining a balance between progress and the care or our environment

This document is of utmost importance, just like the need for it to be effective and workable.

Thank you for the opportunity to make this submission on the TANK Plan

I would be interested in discussing my points further with the HBRC when the time is appropriate, and welcome any queries or discussion.

John Macphee

12 August 2020

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Alison **Last name:** Johnston
Organisation/Iwi/Hapu: Silver Fern Farms Limited

Phone number: +64 3 307 6810

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.
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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
Silver Fern Farms - PC 9 TANK Submission
Proposed TANK Plan Change 9

Submission on Publicly Notified Proposal for Proposed Plan Change 9 (TANK Plan Change)

Clause 6 of Schedule 1, Resource Management Act 1991

To: Hawkes Bay Regional Council

Name of Submitter: Silver Fern Farms Limited (**Silver Fern Farms**)

1. This is a submission on Proposed Plan Change 9 (**PC 9**) to the Regional Resource Management Plan to manage water quality and quantity for the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments.

2. Silver Fern Farms could not gain an advantage in trade competition through this submission.

3. Silver Fern Farms is directly affected by effects of the subject matters of the submission that:
    a. Adversely affects the environment; and
    b. Do not relate to trade competition or the effects of trade competition.

4. This submission includes:
    a. A brief overview of Silver Fern Farms and its operations at Whakatu in Hastings; and
    b. An outline of Silver Fern Farms interest in PC 9.

5. Silver Fern Farms does wish to be heard in support of the submission.

6. Silver Fern Farms will consider presenting its submission on a joint basis with others making submission at any hearing.

Overview of Silver Fern Farms

7. Silver Fern Farms was first established in 1948 and is New Zealand's leading processor, marketer and exporter of premium quality lamb, beef, venison and associated products.

8. The contribution of Silver Fern Farms to regional communities across New Zealand is significant. Silver Fern Farms consists of 14 processing sites spread throughout the North and South Islands of New Zealand. Silver Fern Farms is cooperatively owned by partner shareholders, who comprise a mix of family owned farms and corporate entities. At peak seasonal processing, over 7000 staff are employed across all the sites.

9. The Head Office of Silver Fern Farms Limited is based in Dunedin, with satellite offices in Christchurch, Hastings, and locations around the world.

10. Within the Hawkes Bay region, Silver Fern Farms owns and operates a single chain beef processing operation in Hastings at 97 Rangitane Road, Whakatu (Silver Fern Farms Pacific). Operations began at the Pacific Plant first commenced in 1974 by Dawn and Richmond Ltd, which was later brought out by Richmond Ltd in 1986. In 2005 the site was acquired by Primary Producers Co-operative Society (PPCS) which was later re-branded as Silver Fern Farms

Limited in 2008. In 2014 the business was separated into three separate species groups resulting in the Pacific site becoming a business unit of Silver Fern Farms Beef Limited.

11. The Silver Fern Farms Pacific site includes stockyards, processing operations, chilling / freezing facilities and a boiler house. By-products including blood, offal, paunch, renderable material and cattle hides are sent offsite for further processing. The site is situated on approximately 11.79 hectares, which includes buildings, car parks, access ways, hardstand and open space areas. During rainfall events, runoff from across the site is collected and directed through various networks and discharged into either:
    a. Trade waste network – receives storm water from 'high risk' areas across the site; or
    b. Karamu Stream – receives storm water from the remainder of the processing site.

12. Also within the Hawkes Bay Region, but outside of the Tank Plan Change catchment, Silver Fern Farms also operates a processing plant in Takapau, south of Waipukurau. The Takapau plant processes lamb and mutton as well as packaging for the retail products following processing. In the peak season, approximately 700 staff ae employed.

Interest in PC 9

13. Silver Fern Farms currently hold a range of resource consents necessary for the operation its Silver Fern Farms Pacific site. These include:
    a. Stormwater discharge consent (Consent No. DP140593W) to discharge defrost water, cooling water and stormwater into the Karamu Stream – duration until 31 May 2025.
    b. Water permit (Consent No. WP050007T) to take water from well no. 235 and 4596 for general use in a freezing works operation, processing livestock – duration until 31 May 2025.

14. The Silver Fern Farms Pacific site is located within the Karamu River catchment of the TANK plan change in addition to the Karamu Freshwater Management Unit of proposed Schedule 31D and the Heretaunga Plains Groundwater Management Unit of proposed Schedule 31E.

Submission

15. Silver Fern Farms is generally supportive of PC 9 and the proposition to introduce total water allocation limits for the relevant water management units. However, Silver Fern Farms opposes Proposed TANK Rule 12 to introduce a prohibited activity status for an activity that does not comply with the conditions of TANK Rule 11 (i.e. water take that exceeds the total water allocation limits for water management units).

16. Silver Fern Farms considers this activity status of TANK Rule 12 to be significantly restrictive and does not properly take into account seasonal changes and droughts in the Hawkes Bay region that could have the flow on effect of increased production by primary industries. Increased production will inevitably involve the increased need and use of water for processing activities. A prohibited activity status for water take exceeding water allocation limits for the relevant water management units is considered to have considerable effects for primary production operators, such as Silver Fern Farms. Silver Fern Farms seeks the relief of a non-complying activity status for TANK Rule 12.

17. Silver Fern Farms is generally supportive of OBJ Tank 16 but opposes the priority order of water allocation groups listed under (a) to (e) of this objective. Primary production food processing (i.e. the operations by Silver Fern Farms) is ranked 4th out of the five priorities listed which does not sufficiently give due regard to the significance of primary production activities and its contribution to a thriving economy that is essential to the functioning of successful and sustainable communities. Silver Fern Farms seeks the relief of bringing forward the priority order of primary production food processing from (d) to (b) in OBJ Tank 16.

18. Silver Fern Farms note that the National Policy Statement for Freshwater Management 2020 (NPS-FM) and National Environmental Standards for Freshwater 2020 (NPS-F) were recently gazetted and come into effect from the 3 September 2020. The objective of the NPS-FM in particular is to:

    Ensure that natural and physical resources are managed in a way that prioritises:

    (a) First, the health and well-being of water bodies and freshwater ecosystems
    (b) Second, the health needs of people
    (c) Third, the ability of people and communities to provide for their social, economic, and cultural well-being now and in the future

    All regional councils are required to give effect to this new national direction following the commencement date in September. Silver Fern Farms highlight the importance that Hawkes Bay Regional Council ensure alignment and consistency of PC9 with the policy direction and regulations set out in the NPS-FM and NES-F respectively.

19. Silver Fern Farms notes that PC 9 adopts an ammonical nitrogen limit equivalent to the NPS-FM 2020 Attribute Band A (providing a 99% species protection level with no observed effect on any species tested). With respect to ammonical nitrogen, recent reporting indicates that the Karamu Catchment typically sits in either Band A or B limits during average conditions. The guideline limit in the operative Regional Resource Management Plan (RRMP) is currently within Band B.

    Silver Fern Farms considers that retention of the operative limit under Band B would be appropriate as it is suitable in the Karamu Catchment. Retention of Band B would provide a 95% species protection level and starts impacting occasionally on the 5% most sensitive species. The adoption of a more stringent Band A proposed in PC 9 requires further careful consideration. This has minimal potential to support the actual life supporting capacity of the catchment yet but has the potential to cause significant costs to Silver Fern Farms, and other water uses, within the catchment in attempt to that limit and cause unintended consequences as a result.

20. Silver Fern Farms generally supports the conditions/standards/terms of proposed rule Tank 22 to include an Urban Site Specific Stormwater Management Plan for the discharge of stormwater from any industrial or trade premises. Silver Fern Farms records their interest on this proposed initiative and requirement of PC 9 and will be seeking to review any other submissions received on this subject matter.

Signed for and on behalf of Silver Fern Farms Limited by its authorised agents Barker & Associates Limited.

_____

Matt Norwell
Director
14 August 2020

Address for service of submitter:

Silver Fern Farms Limited
c/- Matt Norwell
Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140

Email: mattn@barker.co.nz
Mob: 029 850 2780

Copied to:
Silver Fern Farms Limited
c/- Alison Johnston – Group Environmental Manager
alison.johnstone@silverfernfarms.co.nz

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: hugo **Last name:** beamish

Phone number: 021965112

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 :
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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:

Consultation Document Submissions

Proposed TANK Plan Change 9 > 5.10.7 Policies: Surface Water Low Flow Management

- ( ) Support
- ( ) Oppose
- (•) Amend

I seek the following decision from the Regional Council:
47a) In support with the following revision:

Recommend the words “technical”, “physically” and “wasted” be removed.

Reason for decision requested:
The word “wasted” is emotive and should be replaced with the “lost from the soil profile”.

Proposed TANK Plan Change 9 > 5.10.7 Policies: Surface Water Low Flow Management > Water Use and Allocation – Efficiency > POL TANK 47

- ( ) Support
- (•) Oppose
- ( ) Amend

I seek the following decision from the Regional Council:
47c) - remove application efficiency standard

Reason for decision requested:
Oppose because the use of an application efficiency standard is not correct.

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.”

SCHEDULES > Schedule 31: Flows, Levels and Allocation Limits
- ○ Support
- ◉ Oppose
- ○ Amend

I seek the following decision from the Regional Council:

Schedule 31 -;Ngaruroro River (surface and Zone 1)

-Fernhill2 (note 2)
-Trigger Flow 2400
-Allocation Limit 1300 l/sec

Reason for decision requested:
Fernhill Note 2) Oppose: the current monitoring site has a significant historical record with flow statistics members

Trigger Flow 2400) 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: 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.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.1 Use of Production Land > Stock Access
- ○ Support
- ◉ Oppose
- ○ Amend

I seek the following decision from the Regional Council:
Tank 3 -;Remove limit of 18SU/Ha.

Reason for decision requested:

Tank 3 ;This is effectively 2-3 large cattle beasts per hectare, which makes grazing these paddocks on a rotational basis not practical. It also goes against the principals of regenerative agriculture which is to graze intensively for short periods of time, allowing pasture to recover over longer periods of time. What regenerative agriculture discourages is 'set stocking', which is effectively what 18 SU/Ha is (2-3 cattle per hectare)..
Some information on regenerative ag:
https://www.rcsaustralia.com.au/rcs-regenerative-grazing-principles/#:~:text=The%20objective%20of%20regenerative%20grazing,desirable%20plants%20until%20they%20die.

andnbsp;

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.1 Use of Production Land > Land Use Change
- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
Tank 6 ;Suggest that the criteria should be 10Ha or 10%, whichever is greater.
Schedule 29 - Currently schedule 29 does not provide the necessary Nitrogen loss detail to determine what land use changes are permitted (ie how changes from dry stock or dairy to arable/vegetation rotation).

Reason for decision requested:
Limit of 10Ha does not provide the necessary flexibility to adapt farming systems to future demands and needs.andnbsp;

SCHEDULES > Schedule 29: Land Use Change
- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
provide the information necessary to enable determination of allowable land use changes

Reason for decision requested:
currently not sufficient information to determine what is acceptable, ie changes to arable/vegetation rotation

Attached Documents

File
Proposed TANK Plan Change 9

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Liz **Last name:** Lambert
Organisation/Iwi/Hapu: Hawke's Bay Drinking Water Governance Joint Committee

Phone number: 0274285618

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Additional requirements for hearing:

Attached Documents

File
JWGCTANKsubmission
Proposed TANK Plan Change 9

13 August 2020

Hawke's Bay Regional Council
159 Dalton Street
NAPIER 4110

via email to: eTANK@hbrc.govt.nz

SUBMISSION ON PLAN CHANGE 9 – "TANK"

1. Thank you for this opportunity to submit on Plan Change 9. This submission is made on behalf of the following agencies under the auspices of the Hawke's Bay Drinking Water Governance Joint Committee:

    a) Central Hawke's Bay District Council
    b) Hastings District Council
    c) Hawke's Bay Regional Council
    d) Napier City Council and
    e) Wairoa District Council.
    f) Hawke's Bay District Health Board

2. The contents of this submission relate solely to the supply of safe drinking water. It is noted that most of the agencies represented on the Drinking Water Governance Committee will also lodge individual submissions on TANK provisions, beyond the scope of this submission.

INTRODUCTION

3. The Hawke's Bay Drinking Water Governance Joint Committee ("the Joint Committee") was established at the behest of the Board of Inquiry into the Havelock North Drinking Water Contamination Event.

4. The purpose of the Joint Committee is to strengthen interagency relationships, collaboration and information sharing pertaining to drinking water. The Committee provides governance oversight to a group of officials from the member agencies, the Joint Working Group, who are tasked with the implementation of recommendations from the Inquiry Panel and the implementation of the ongoing work plan approved by the Joint Committee.

5. An agreed purpose of the Joint Committee is to make recommendations as appropriate to relevant agencies and decision making fora on initiatives and priorities related to water, having regard to

    a. the needs of the region for adequate and secure water resources suitable for the supply of safe drinking water

    b. the multi-barrier approach to safe drinking water recommended by the Havelock North Government Inquiry and

    c. the six principles of safe drinking water.

6. Given this kaupapa the Joint Committee was requested by the TANK collaborative group to provide recommendations on source protection provisions within the Resource Management Act regulatory framework and to include draft policies and rules for inclusion in Plan Change 9. This has been a top priority for the Joint Committee.

7. The Joint Committee tasked its officers in the Joint Working Group with undertaking this work. *Good Earth Matters* (GEM) was engaged to develop and deliver the framework back to the Joint Working Group.

8. GEM presented three options:

    a. Option A – objectives and policies only

    b. Option B – objectives and policies supported by non-regulatory source protection zone maps

    c. Option C – regulation of activities based on mapped source protection zones.

9. Ultimately the Joint Committee approved the approach set out in Option C and this was forwarded to the TANK development process as best presenting one of the first steps in the multi-barrier approach. Option C not only makes the need for protecting drinking water sources explicit, but it also provides guidance to decision makers as to how resource consent decisions may be made.

GENERAL COMMENTS

10. The Hawke's Bay Drinking Water Governance Joint Committee's mandate includes both drinking water quality and quantity, although the work programme to date has focused primarily on drinking water quality and source protection zones in particular.

11. The Hawke's Bay Drinking Water Governance Joint Committee supports the drinking water source protection provisions in Plan Change 9. We consider this to be the first tranche of a multi-barrier approach to the provision of safe drinking water.

12. The Joint Committee submits that the security of water quality and adequate access to drinking water are major issues for public health. The objectives and policies in Plan Change 9 must not be amended in any way that would undermine this fundamental principle. The Joint Committee notes that the Regional Policy Statement includes an objective of *no degradation of existing groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifers* (OBJ 21)and that this objective remains unchanged by Plan Change 9. Any amendments to the relevant objectives and policies in Plan Change 9 must not be inconsistent with this overarching objective.

13. Allied to the water quality provisions the Joint Committee wishes to note its interest in the provisions relating to water quantity and the allocation framework in Plan Change 9. The Joint Committee's mandate includes oversight of water quantity issues that relate to safe drinking water.

14. While water quantity and quality are traditionally treated as separate problems the Committee supports Plan provisions that acknowledge the impact of water quantity on safe drinking water. Excessive pumping of groundwater over time can diminish water quality through an increase in the concentration of naturally occurring compounds or as saltwater intrusion as examples.

15. The regulation of activities based on Source Protection Zones intends that certain activities are able to be regulated and that there is an ability to impose conditions on activities to ensure that

risks are appropriately managed. There is also the ability to decline resource consents should the assessment outcome be that the risks (both quality and quantity) to the source water of a registered drinking water supply are unacceptable and unable to be mitigated.

16. The regulation of activities allows both the water supplier and the regulator to have a greater level of visibility of activities located within source protection zones. This will provide for increased oversight and strongly mitigate the risk of contamination such as that which occurred in Havelock North.

17. We note that following the establishment of the new central water services body, *Taumata Arowai*, that a second bill on the Water Services Regulations is to be issued later in 2020 and this will complete the legislative package designed to implement the government's policy reforms on drinking water. We expect that national regulations may see the need for amendments to the Plan Change 9 provisions but until the former are finalised we request the Hearing Panel continue with the inclusion of the provisions to protect the source of drinking water, as proposed by the Joint Committee.

18. Overall the Drinking Water Joint Governance Committee supports the provisions in Plan Change 9 relating to the protection of source drinking water and we wish to be heard in relation to our submission.

SPECIFIC COMMENTS

19. The following table lists the specific provisions for drinking water source protection and outlines the Joint Committee's position:

Provision Reference	Summary of Provision	Specific Submission
Objective 9	Activities in Source Protection Areas for Registered Drinking Water Supplies are managed to ensure that they do not cause water in these zones to become unsuitable for human consumption, and that risks to the supply of safe drinking water are appropriately managed.	**Support,** noting that the risk of contamination arises from a number of activities, including: (a) on-site sewage disposal (particularly septic tanks) (b) the use, transport and storage of hazardous substances, including hydrocarbon fuels and agrichemicals (c) industrial discharges (d) intensive horticultural and agricultural land uses (e) stormwater discharges (f) landfills and offal holes, and (g) mining and quarrying
Objective TANK 14	Groundwater is maintained to enable people and communities to safely meet their domestic water needs and to enable the provision of safe and secure supplies of water for municipal use.	**Support**, noting OBJ 21 in the RRMP refers to no degradation of existing groundwater quality.
Objective TANK 16	Subject to limits, targets and flow regimes established to meet the needs of the values for the water body, water quantity allocation management and processes ensure water allocation in the following priority order;	**Support,** in recognition that the quality of source drinking water is directly impacted by water quantity and the allocation framework needs to be protected.

	a) Water for the essential needs of people; 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) can be met within the specified limits; c) etc.	Further research (SkyTem) is being undertaken to understand the effects and impacts of water quantity on water quality pertaining to the SPZs and request that the Panel recommend to HBRC the prioritising of the implementation of the research findings.
Policy 6	Identify water source areas and regulate activities in those areas to protect quality of groundwater used for community supply	**Support**
Policy 7	Enable specified SPZs to be amended through a resource consent process	**Support**, noting that the definition of Registered Drinking Water Supply will be a focus of the Taumata Arowai Establishment Unit and in particular for them to consider how the regulatory arrangements might apply to small suppliers (such as marae and rural/agricultural drinking water suppliers) and ensure these are proportionate to the scale, complexity, and risk profile of supplies.
Policy 8	Manage risks to groundwater quality from identified high risk land and water use activities	**Support**
Policy 9	HBRC will work with other agencies to ensure a multi-barrier approach is adopted and managed collectively	**Support in part** - support intent of this policy while suggesting that the wording is amended by removing reference to all agencies by name, given the prospective changes to roles and responsibilities under the upcoming three waters reforms.
Schedule 35	Instructions and methodology for establishing protection areas for community groundwater supplies	**Support**, noting that the findings from the HBRC SkyTem Study may better inform the methodology options once they are received. See also our commentary on the source protection zone maps
Rules relating to installation or decommissioning of bores	**Bore Management**	**Support in part** Where the bore is in a Source Protection Zone we seek that the provision of evidence of compliance criteria should be provided as a requirement and not just "on request".
Rule TANK 1	**Production Land Use on farms > 10ha** *Permitted Activity if part of TANK Catchment Collective or has Farm Environment Plan.*	**Support**

	Where land is within SPZ or default radius of community supplies must include identification of potential risk to source water	
Rule TANK 2	**Production Land Use on farms > 10ha** *Controlled Activity if not part of TANK Catchment Collective and no Farm Environment Plan.* Matters for control include measures to prevent effects on quality of source water for Registered Drinking Water Supplies.	**Support**
Rule TANK 4	**Stock access to rivers, lakes, wetlands** *Restricted discretionary activity if conditions in TANK 3 not met* Matters for discretion include measures to prevent effects on quality of source water for Registered Drinking Water Supplies	**Support**
Rule TANK 5	**Change of use of production land** *Controlled activity* Matters for control include measures to prevent effects on quality of source water for Registered Drinking Water Supplies	**Support**
Rule TANK 6	**Change of use of production land** *Restricted discretionary activity* Matters for discretion include measures to prevent effects on quality of source water for Registered Drinking Water Supplies	**Support**
Rule TANK 9	**Reapplication for Water Permits – Groundwater in HPWMZ** *Restricted discretionary activity* Matters for discretion include within an SPZ effects of the rate of take and volume abstracted on the quality of source water for Registered Drinking Water Supplies	**Support**
Rule TANK 10	**Surface and Groundwater Takes (at low flows)** *Restricted discretionary activity* Matters for discretion include within an SPZ effects of the rate of take and volume abstracted on the quality of source water for Registered Drinking Water Supplies	**Support**
Stormwater TANK 20	**Stormwater from an existing or new TLA managed stormwater network into water, or onto land where it may enter water**	**Support**

	Controlled Activity Matters for control include measures to prevent effects on quality of source water for Registered Drinking Water Supplies.	
Stormwater TANK 21	**Stormwater into land or water from industry or trade premises where low risk of contaminants** *Controlled Activity* Matters for control include measures to prevent effects on quality of source water for Registered Drinking Water Supplies.	**Support**
Stormwater TANK 22	**Stormwater into land or water from industry or trade premises where high risk of contaminants** *Restricted Discretionary Activity* Matters for discretion include measures to prevent effects on quality of source water for Registered Drinking Water Supplies.	**Support**
Definitions	**Relevant definitions particularly "Registered Drinking Water Supply or Supplies)**	The Taumata Arowai – Water Services Regulator Bill has had its third reading in Parliament and is awaiting Royal Assent for enactment. The definition of drinking water supplier in the legislation includes a person who supplies drinking water to consumers through a drinking water supply. In other words anyone other than a domestic self-supplier will be a registered drinking water supplier and will need to be considered in the application of the source protection rules.
Source Protection Zones	**Methodology for establishment and updating of SPZs.**	It is acknowledged that two different models (an analytical based model and a numerical based one) were used to map the source protection zones in the initial stages and that these arrived at different results. The GNS review of the modelling approach adopted by HBRC concluded that this model accommodates more of the complexity of groundwater systems and in particular the groundwater flow directions and gradients than the Hastings District Council model. We also note that further information coming through HBRC's SkyTem project will drive further changes to the zones in time. Therefore we **support**:

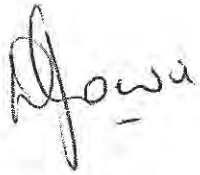
		• The proposition of mapping source protection zones • The notification of the Hawke's Bay Regional Council model • The ability to update the zones during the Hearings process should additional information become available

20. The Drinking Water Joint Governance Committee wishes to be heard in respect of this submission.

21. The contact person as an address for service in relation to this submission is:

Liz Lambert, Group Manager Regulation
Hawke's Bay Regional Council
Private Bag 6006, Napier 4142
email: liz@hbrc.govt.nz

Yours faithfully



Garth Cowie
Chairman
Hawke's Bay Drinking Water Joint Governance Committee

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Ngahiwi **Last name:** Tomoana
Organisation/Iwi/Hapu: Ngati Kahungunu Iwi
Incorporated

Phone number: 06 876 2718

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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:

Hearings should be held at Marae

Attached Documents

File
NKII TANK Submission 2020
Proposed TANK Plan Change 9

120

To: Hawke's Bay Regional Council
Submitter: Ngāti Kahungunu Iwi Incorporated (Ngāti Kahungunu or NKII as context requires)

Form 5 Submission on notified proposal for policy statement or plan, change or variation
Clause 6 of Schedule 1, Resource Management Act 1991

This is a submission on the following change proposed to the Hawke's Bay Regional Resource Management Plan:
Proposed Plan Change 9 for TANK Catchments (Plan Change 9 or PC9 as context requires).
We could not gain an advantage in trade competition through this submission.
The specific provisions of the proposal that my submission relates to are:
The entirety of Plan Change 9. Further particulars are set out below.

Our submission is:
The starting point for our submission is whakapapa between Ngāti Kahungunu and our water as taonga - Tūtaekuri, Ahuriri, Ngaruroro and Karamū (the TANK catchments). In 1840, Ngāti Kahungunu had full, exclusive and undisturbed rangatiratanga, possession and control of the TANK catchments. There has been no extinction of that right. Ngāti Kahungunu continues to exercise rangatiratanga and kaitiakitanga over the TANK catchments. The TANK catchments are over-allocated, mauri and water quality are degraded. This must change, and Plan Change 9 represent an opportunity to improve our relationship with our waterways.

By way of overview, Ngāti Kahungunu seeks that substantial amendments are made to Plan Change 9. These are required to give effect to Te Mana o te Wai, recognise and provide for our ancestral connections to our waters, wāhi tapu and taonga, address our Treaty rights and proprietary interests, and address the cultural wellbeing of Ngāti Kahungunu. Other considerations are identified in this submission. If all of the amendments identified by Ngāti Kahungunu are not made, then Plan Change 9 should be withdrawn or declined. General and specific relief is identified through this submission and attachments.

Ngāti Kahungunu **seeks the following decision from the local authority:**

As primary relief, amend Plan Change 9 to address all of the issues, effects, general and specific relief, and consequential relief identified by our submission and appendices.

As secondary relief, if all of our primary relief is not granted, then decline or withdraw Plan Change 9 because it fails to address the relevant statutory and planning framework, including rangatiratanga, kaitiakitanga, Part 2 RMA and the National Policy Statement on Freshwater 2020 (NPSFM) and (to the extent relevant) the NPSFM 2017.

Further particulars are set out in this submission and its Attachments.
Ngāti Kahungunu wishes to be heard in support of our submission.
If others make a similar submission, we will consider presenting a joint case with them at a hearing.

Ngahiwi Tomoana
Tumuaki/Chairman
Ngāti Kahungunu Iwi Incorporated
14 August 2020

Chrissie Hape
Kaiwhakahaere Matua/Chief Executive
Ngāti Kahungunu Iwi Incorporated

Electronic address for service of submitter:
Telephone: 06 876 2718
Postal Address: PO Box 2406 Hastings 4153
Contact Person: Ngaio Tiuka
Email: tank@kahungunu.iwi.nz

Copy to Counsel:
Rob Enright
Barrister
e: rob@publiclaw9.com
m: 021 276 5787

BACKGROUND

1. This background forms part of the submission.

2. Ngāti Kahungunu Iwi Incorporated (Ngāti Kahungunu) is the mandated Iwi authority with interests in all aspects of Ngāti Kahungunu development. Ngāti Kahungunu has the third largest iwi population (62,000 in the country and over 36,000 registered members). The rohe of Ngāti Kahungunu extends from Paritu, north of Wairoa to Turakirae in South Wairarapa; the second largest tribal rohe in the country.

3. The mission of Ngāti Kahungunu Iwi Incorporated is **to enhance the mana and well-being of Ngāti Kahungunu.**

4. The iwi authority advocates for the interests and rights of Ngāti Kahungunu, underpinned by the values, beliefs, and practices of hapū and Marae. Tangata whenua hold significant cultural, social, economic and spiritual connection to the taiao. This includes a responsibility and obligation as kaitiaki of care and protection for future generations. This has led to many responses from tangata whenua concerned with adverse effects on the taiao, that have developed since the advent of western values, practices, management and science and accumulation of the adverse effects upon tangata whenua values, practices, management and mātauranga.

5. The natural environment has guided, shaped and characterised Ngāti Kahungunu tangata whenua, iwi, hapū and whānau, who have always been strategically located near important natural resources. Māori 'traditionally' made great use of the environment and worked in conjunction with it to develop their physical world (resources) sustainably, bringing certainty and safety to their communities and those of future generations. These practices and ways of life have been eroded drastically by contemporary resource management practices and policies.

6. Ngāti Kahungunu invests considerable time, resources and energies in drawing together and considering the views and objectives of Ngāti Kahungunu mai Paritu ki Turakirae. Discussions have highlighted the commonality amongst tangata whenua in terms of their values. However, despite the best efforts of tangata whenua to work with Council, there has been little positive change to the outcomes over the years. These discussions have also highlighted common frustrations and disappointments in terms of inadequacies and continual failures in natural resource management to address the long-standing concerns of tangata whenua.

7. Ngāti Kahungunu is a Treaty partner with the Crown who governs via Local Council who act as Crown representative in the partnership. In this regard we expected full and genuine collaboration, empowerment and input, in preparation of Plan Change 9. In true partnership, co-design would proceed stakeholder engagement. However, we participated in good faith and provided substantial time and resource into the HBRC process. The outcome, particularly the notified version of Plan Change 9, does not reflect our mahi, fails to recognise and provide for our relationships, tikanga and beliefs under section 6(e) RMA; and Plan Change 9 is not Treaty-compliant.

8. Resource management objectives were identified in a series of hui across Ngāti Kahungunu from 2010- 2015 (ie concurrent to the TANK process). These objectives were subsequently discussed and amended by tangata whenua involved with TANK specifically for those water ways. Tangata whenua objectives and values were shared with Council in 2015 when objectives and values for TANK waterways were under development. Tangata whenua objectives include, but were not limited to:

   - Revitalise the Mauri of waterways;
   - Repatriate our values, practices and customs and enable access and use of waterways and resources;
   - Water quality and quantity are safe and reliable for drinking water[1];
   - Maintain, enhance and restore water quality;
   - Recognise and provide for our relationships, tikanga and beliefs with our ancestral waterways, wāhi tapu and taonga;
   - Reflect Treaty principles and give effect to Te Mana o te Wai.

9. Significant work was undertaken to attribute values to logical Hapu Freshwater Management Units. Initially, all TANK stakeholders were asked to provide values based on location characteristics, to eventually contribute to

[1] Without treatment – this should be assumed, in any dealings and regard to Ngati Kahungunu interests. As identified in numerous in available iwi plans, and relevant Court submissions.

the development of Freshwater Management Units. This was identified as a key step to developing the catchment plan going forward. However, this approach was abandoned and eventual Freshwater Management Units and corresponding values were prescribed by HBRC without thorough consideration of iwi and stakeholder input.

10. The tangata whenua values are reflected in a significant body of work available to Council and Stakeholder representatives. For example iwi/hapū plans (including the Ngaruroro specific values and attributes report), catchment reports, relevant Waitangi Tribunal claims, reports and publications, as well as most, if not all strategic documents by relevant Māori organisations.

11. The tangata whenua objectives and the body of work defining tangata whenua values outlined above form part of this submission.

REASONS FOR SUBMISSION

12. Plan Change 9 does not promote sustainable management and is inconsistent with Part 2 RMA. It is inconsistent with, or results in adverse effects to:

- the s6(e) RMA relationship between Ngāti Kahungunu and our culture, traditions, whanaungatanga and tikanga over our ancestral waters, wāhi tapu and taonga;
- implementation of the principles of Te Tiriti o Waitangi (including rangatiratanga, our native title and proprietary rights and interests in the TANK catchment, and the active duty to protect taonga);
- exercise of kaitiakitanga by Ngāti Kahungunu s7(a) RMA;
- preservation of the natural character of wetlands, lakes and rivers and their margins, and the protection of them from inappropriate use and development, and integrated protection of estuaries and coastal environments relevant to the TANK catchments s6(a) RMA;
- protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna s6(c);
- the efficient use and development of natural and physical resources s7(b)
- the maintenance and enhancement of amenity values s7(c)
- intrinsic values of ecosystems s7(d)
- maintenance and enhancement of the quality of the environment s7(f)
- any finite characteristics of natural and physical resources s7(g)
- Council's statutory functions and powers appropriateness and the relevant tests in s32 RMA, other relevant statutory provisions, Part 2 RMA, and the relevant planning instrument hierarchy (including the NPSFM 2020).
- The findings of the Waitangi Tribunal reports: Waitangi Tribunal 2012 & 2019, The Stage 1 & 2 Report on the National Freshwater and Geothermal Resources Claims. Claim WAI 2358. Which describe the inadequacies of providing for tangata whenua within resource management planning in New Zealand, and provide recommendations.

13. Plan Change 9 will continue to result in more than minor, and significant, actual, potential and cumulative adverse effects on the environment. These include significant adverse cultural effects to Ngāti Kahungunu.

14. Plan Change 9 promotes a minimal regulatory environment, expanding on this theme found in other connected planning documents, i.e. the Operative 2006 Hawkes Bay Regional Policy Statement and Regional Resource Management Plan (RPS/RRMP), Plan Change 5 – Regional Policy Statement and Plan Change 6 / Tukituki Catchment Proposal (TCP). This emphasis of a non-regulatory management approach within Plan Change 9, is despite criticism by Board of Inquiry for the TCP, which noted in its decision that the proposed plan was "hands off" and ultimately made significant changes to the final now operative plan. Also, the Environment Court decision *[2015] HBRC v Ngāti Kahungunu Env50c*, stated the rationale given by HBRC in effectively limiting or removing objective policy to protect the water quality of the Heretaunga Aquifer, as "fundamentally flawed" and "illogical". In 2016, the Havelock Brookvale's bores – public drinking water supply[2], which draws its water

[2] In 2008, Ngati Kahungunu Iwi Incorporated also opposed the placement of the public drinking water supplies in Brookevale on the old Tukituki river bed, due to its effects and connection to the nearby Mangateretere Stream. The Mangateretere Stream,

from the Heretaunga Aquifer, were contaminated and caused the biggest gastro outbreak in New Zealand's recorded history. The non-regulatory approach, is also the opposite direction of current National Policy Statement directions and growing public sentiment.

15. The overall approach taken in the plan change and subsequent catchments is that recognition of cultural values is through Te Ao Pakeha values and indicators. There's an assumption that tangata whenua values will be met by these indicators that approximate our cultural values such as Mauri. It's our submission that tangata whenua indicators add value and provide a strong foundation and framework for sound holistic assessment of overall environmental well-being, long term sustainability and sound management. We submit coexistence of parallel world views can exist in this context and that existing outcomes demonstrate that priority focus and measures for Te Ao Pakeha values and commerce are not comprehensive enough to uphold Councils responsibilities. For example, Ngāti Kahungunu submissions to protect the Heretaunga Aquifer (Havelock North drinking water) were seen as too precautionary and ignored.

16. The plan fails to recognise the breadth and scope of cultural values; the insertion of a place holder in schedule 26 for "matauranga Māori attributes", a schedule solely focused on water quality is evidence of this and contrary to the recommendations made by tangata whenua. This placeholder also has no attachment to policies, objectives or rules. We provide, solution in our relief sought below. This is also covered further by the Te Taiwhenua o Heretaunga submission.

17. Plan Change 9 raises the issue of allocation of water within degraded, over abstracted and over-allocated TANK catchments. It does not use the allocative tools that are available to give effect to Te Mana o Te Wai, and address key cultural parameters under sections 5, 6(e), 7(a) and Treaty principles. The RMA enables a range of methods to allocate scarce natural and physical resources. Proper consideration to these alternatives is required, given the active duty to protect taonga. Relevant alternatives identified by the Court of Appeal in Fleetwing Farms v Marlborough District Council [1997] 3 NZLR 257 (CA) include:

    "(1) provide for a comparative assessment of the competing alternatives;

    (2) provide for purchase of the entitlement say by tender;

    (3) provide for a proportional allocation, based, for instance, on the applicant's history in the activity;

    (4) provide for allocation by lot;

    (5) proceed on a first come first served basis."

18. These are non-limiting examples. Allocative models may also include tikanga, whakapapa, recognition of rangātiratanga and Ngāti Kahungunu's native title and proprietary interests; and a mixed model that applies elements of the above. Plan Change 9 must be amended to address the wider range of allocative models available, to ensure sustainable management and give effect to Te Mana o Te Wai and Treaty principles.

19. Objectives, policies, rules and methods for the coastal marine area and estuarine receiving environment, were to be included as part of the development of the TANK catchment plan process and are recorded as such in the stakeholder group Terms of Reference. As this was viewed as a logical consideration to avoid adverse effects in the ultimate receiving environments. Particularly in terms of issues such as sedimentation and eutrophication. However, despite the interest to do so from the TANK stakeholders, Ngāti Kahungunu and Hawke's Bay Marine and Coastal Group, this did not occur. Integrated management, the NZCPS and NPSFM 2020, require that additional provisions are promoted to manage the ultimate receiving environment. This may require a new method, to identify steps being taken by Council in conjunction with tangata whenua, as Treaty partners, to undertake further plan review.

20. A significant amount of data, information and reports were not shared with all stakeholders and Ngāti Kahungunu, post the conclusion of the TANK Stakeholder collaborative process. In fact, new information was constantly being considered by Council and other groups like the Joint Drinking Water Group, up to and following formal notification. This makes full informed decision making impossible, in breach of Treaty partnership and information-sharing principles.

21. Additional grounds are set out in Attachment One. These form part of the submission and relief.

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currently has 85% natural flow extracted due to allocated groundwater takes, HBRC 2018, Heretaunga Aquifer Model, scenarios report.

120

GENERAL AND SPECIFIC RELIEF

22. Ngāti Kahungunu seeks the following general and specific relief:

23. As primary relief, amend Plan Change 9 to address all of the issues, effects, general and specific relief, and consequential relief identified by this submission and Attachments. Full particulars of all changes sought will be identified at any hearing of Plan Change 9.

24. As secondary relief, if all of our primary relief is not granted, then decline or withdraw Plan Change 9 because it fails to address the relevant statutory and planning framework, including rangātiratanga, kaitiakitanga, Part 2 RMA and the National Policy Statement on Freshwater 2020 (NPSFM), RPS and (to the extent relevant) the NPSFM 2017.

Primary Relief

25. Plan Change 9 should be amended to address the general and specific relief identified in this submission and Attachments. This submission has not redrafted all relevant provisions that are required, but it has identified the relevant RMA issues, effects and general nature of relief, that require amendments to Plan Change 9.

26. General relief includes to include directive provisions (including objectives, policies, methods, rules) within the scope of Plan Change 9 that:

- Reduce **over abstraction** and allocation[3] of the Heretaunga Aquifer by introducing a capped total groundwater allocation limit of a maximum of 70 million m^3 per annum;
- Cease mining groundwater and phase out overdrafting within the Heretaunga Plains Aquifer System, including mining of springs and spring fed streams.
- Reduce over abstraction and allocation of TANK surface waters (see Attachment 2 for numerical values).
- Introduce (over the 10 year life of the Plan) a new system of allocation of water in the TANK catchments that does not rely exclusively on "first in, first served" and "grandparenting"; and that enables allocation of water in a way that provides for tikanga, whakapapa, recognition of rangātiratanga and Ngāti Kahungunu's native title and proprietary interests in the TANK catchments and wider sustainable management.
- Over the life of Plan Change 9, introduce a mixed allocative model that enables recognition of competing interests, giving appropriate priority to Te Mana o Te Wai and Ngāti Kahungunu's cultural and Treaty interests. A core allocation, or similar, should be established that gives priority to specified limits that provide for mauri and environmental protections, and followed by a cultural share to Ngāti Kahungunu and allocation for essential community wellbeing and use (such as drinking water for communities). Beyond these core allocation purposes allocation could occur via a mixed market model incorporating a tender or bidding system for water allocation to commercial users on a competitive (willing lessee) on a discretionary basis, that also takes into account existing users.
- Amend PC9 to give effect to the NPSFM 2020 in priority to the NPSFM 2017 (if the 2017 instrument remains relevant after September 2020).

26. Add new provision as follows:

[3] When adverse effects of water takes are experienced, it is often wrongly referred to as over allocation. Although this is technically correct, adverse effects can be felt long before the total allocation limit is being met (assuming an allocation limit is exists). Therefore, the appropriate reference is **over abstraction**, this also provides a more accurate picture of what is required when managing and resolving the issues. This is the case for Heretaunga Aquifer.

NEW OBJECTIVE – Tangata whenua objective

Restore and revitalise the mauri and te mana o te wai of all the waters within the Karamu, Ngaruroro, Tutaekuri, Ahuriri catchments and in particular the Heretaunga muriwaihou; and

Recognise and provide for Ngāti Kahungunu's relationships, tikanga and beliefs with their ancestral waters and taonga including rangatiratanga and kaitiakitanga;

Repatriate and protect tangata whenua values, customs, culture and relationships with these waters.

Policy: Council will recognised, provide for, protect and prioritise Ngāti Kahungunu tikanga, customs, cultural relationships, and Treaty interests and rights with these waters by;

i. Protecting and enhancing Mauri and Mana o te Wai.
ii. Recognising and providing for the proprietary interests and Treat rights of Ngāti Kahungunu in their ancestral waters and taonga.
iii. Active protection of Ngāti Kahungunu taonga through reducing, and over the life of the Plan, avoiding, over-allocation of water by introducing new allocation rules and methods.
iv. Enabling access and use of waterways and resources for customary practices
v. Enabling Mahinga kai and Uu practices (as defined in Ngaruroro Values and Attributes Report, 2016)
vi. Identifying and enabling nohoanga for each hapū (see corresponding policy and values noted in the Regional Policy Statement), and ensuring these are accessible.
vii. Protecting the hauora (health and well-being) of native flora and fauna.
viii. Providing for cultural monitoring facilitated by Taiwhenua and Ngāti Kahungunu Iwi Incorporated who will determine methodology and conduct monitoring through hapū / kaitiaki. Resourcing, through the long term plan.
ix. Enabling the cultural monitoring data and information collection to improve management of TANK waters in accordance with this objective and the other objectives of this plan.

This objective and policy is given effect in part by amendments to the proposed rules framework (including environmental bottom lines, such as allocation of cultural share) and a new tangata whenua schedule (see Attachment 2).

Water Quality - Relief Sought

27. Water quality and ecosystem health are degraded in some areas of the TANK catchments. The Ngaruroro River has high water quality and exceptional indigenous fish communities that need to be protected and maintained. However, sediment is a key issue for the Ngaruroro River along with elevated nutrients from diffuse sources from land within its the tributaries.

28. The Tūtaekurī River shows some evidence of declining ecosystem health in the lower reaches and has elevated nutrients in the mainstem and tributaries.

29. Nutrient inputs to the Waitangi Estuary from the Ngaruroro, Tūtaekurī and Karamū Rivers need to be reduced to provide for ecosystem health.

30. The Ahuriri and Karamū catchments have degraded ecosystem health, heavy sedimentation (including contaminated sediment) and poor dissolved oxygen levels which need to be improved – they have the poorest water quality in the Hawkes Bay Region and are unsuitable for primary contact despite being highly valued culturally and recreationally.

31. The diffuse impacts of production land use and contaminants from urban land are key contributors to degraded water quality in the TANK catchments and should be more effectively regulated through PC9 to maintain or achieve water quality objectives and targets in Schedule 26 and to meet the requirements of sections AA and A of the NPS FM.

32. Clear objectives (with stated goals or outcomes) are needed to safeguard life-supporting capacity, ecosystem health and human health, to protect the significant values of outstanding freshwater bodies and wetlands, to maintain or improve water quality and to recognise Te Mana o te Wai.

33. FMUs are not sufficient nor clearly defined in PC9 and there are multiple references to different management units that need to be clarified throughout the plan.

34. Freshwater values are not clearly identified in PC9, a schedule of freshwater values is needed for each FMU, this could include the values listed in Schedule 26 within a separate schedule of values which defines what they mean and where they apply.

35. Outstanding freshwater bodies, wetlands and their significant values are not defined in PC9 and it is difficult to see how they will be protected by the proposed provisions.

36. Implementation of PC9 water quality provisions is largely through non-regulatory measures specified in a non-statutory document (the draft TANK implementation plan) and generally through permitted activities in the Plan rules. As such, the outcomes are not certain with respect to freshwater objectives and providing for tangata whenua, compulsory and other values. Regulatory implementation must be included in the statutory document (PC9) to ensure outcomes and objectives are certain for freshwater values and water quality.

37. Regulation of production land use is needed in priority catchments with identified water quality issues and these catchments need to be clearly defined within Schedule 28 of PC9, alongside timeframes by which the water quality issues will be addressed. Regulation of land use is also needed in other catchments where water quality objectives are not currently met, to achieve the targets within the life of the plan. Devolving the management of land use to third parties via permitted activity status, catchment collectives and industry programmes does not provide a clear and certain regulatory pathway to achieving the objectives and targets and therefore does not give effect to the requirements of the NPS FM 2020 (and the earlier NPS FM 2017. Land management based on sound land use capability and water retention practices in alignment with environmental. ecological and cultural values should be incentivised and rewarded preference. This supports the most sustainable approach and true adaptation for climate change.

38. Schedule 26 (water quality) must contain all of the freshwater objectives for all waterbodies in the TANK catchments and include the objectives in Schedule 27 (including for Ahuriri, Karamū and both estuaries – Ahuriri and Waitangi). Freshwater objectives to provide for values are not optional under the NPS FM. Targets (where objectives are not currently met) must be clearly identified within Schedule 26 so progress can be measured and reported over time.

39. The relief sought in relation to water quality is generally set out below as well as in other parts of the submission;

    - Include clear objectives and policies to maintain or improve water quality, safeguard life-supporting capacity, ecosystem health and human health, protect the significant values of outstanding freshwater bodies and wetlands and provide for other instream freshwater values (including tangata whenua values). In addition, PC9 must give effect to the RPS objectives for no degradation of the quality of the Heretaunga Aquifer.
    - Include schedules of FMUs and freshwater values and clearly define where they apply.
    - Include the Ahuriri and Waitangi Estuaries in separate and distinct FMU's, in accordance with the recommendation in the Parliamentary Commissioner for the Environment's recent report "Managing our estuaries" (August 2020).
    - Water quality attributes listed in Schedule 27 that relate to estuarine health in the Ahuriri and Waitangi estuaries be listed in Schedule 26, and that objectives are met within the life of the plan.
    - Include a schedule of outstanding waterbodies and wetlands and their significant values for protection.
    - Include all water quality objectives in Schedule 26 and identify limits and targets to be achieved within the life of the plan where objectives are currently not met.
    - Set objectives and targets in Schedule 26 for the Ahuriri catchment and estuary.
    - Amend Schedule 26 to ensure it is correct, fit for purpose, and contains all water quality objectives and targets for the TANK area (including those in proposed Schedule 27).
    - Identify (delineate) priority catchments and define timeframes for improvement in Schedule 28.
    - Regulate (require consent for) production land in priority catchments to resolve water quality issues in Schedule 28 and in catchments required to meet water quality targets in Schedule 26 within the life of the plan.

- Control the use of production land all other catchments to maintain water quality.
- Require farm plans for all farms >4ha in the TANK catchments.
- Exclude stock from all wetlands, lakes and rivers and from riparian margins used for fish spawning (specifically including īnanga) regardless of slope with minimum setbacks of at least 10 metres.
- Exclude breakfeeding from all waterbodies regardless of slope.
- Include defined setbacks from water for all stock exclusion provisions.
- Regulate and manage all stormwater discharges and require them to meet water quality objectives and targets in Schedule 26 within the life of the plan.
- Regulate and manage all point source discharges and require them to meet water quality objectives and targets in Schedule 26 within the life of the plan.
- Increase setbacks for vegetation clearance and cultivation to 10 metres to avoid sedimentation.

Additional Specific Relief

40. In addition to the above general relief in respect of water quality, specific relief is sought as set out in Attachment 2.

Water Quantity and Allocation- Relief Sought

41. Water levels and flows are a primary issue of concern in the TANK catchments. NKII consider that PC9 fails to ensure that over-abstraction and over-allocation of the TANK waterbodies will be phased out during the lifespan of Plan Change 9. The Plan Change provides for unsustainable patterns of water use, including over-abstraction and over-allocation, and does not effectively address the resource management issue. Figure 1 shows the increase in groundwater abstraction for irrigation over time and difference between use and actual consented volume of groundwater (total consented allocation of approx. 180Mm^3/annum or around 200% of estimated consented pumpage, as at 2015). HBRC Groundwater Scientist Pawel Rakowski was succinct in his summation of this disparity '...if the full allocation were to be used, it would be dangerous, e.g. probable salt water intrusion'.

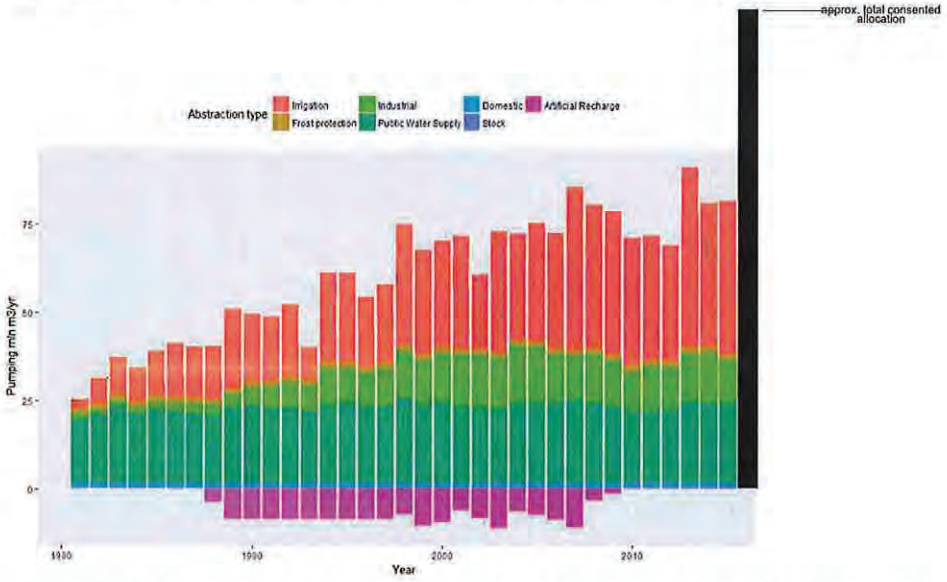

Figure 1: Estimated groundwater pumpage from the Heretaunga Aquifer by abstraction type, and approximate representation of consented allocation 180Mm^3/annum (black bar).

42. Over-abstraction and over allocation must be halted and phased out during the life of Plan Change 9, with future over-allocation avoided, and consented allocations clawed back accordingly. (As opposed to supporting individual water users, to vary their consent to use their full allocation, as noted in Regional Planning Committee meeting minutes Wednesday 3rd June 2020, in total opposition to the stated objectives of the proposed plan to phase out over allocation and the risks identified by Council hydrologists. The support was to the extent that Council has moved to change its own policy, to no longer notify the general public with regards to water bottling applications.) This variation to the consent also, effectively undermines and circumnavigates Councils own moratorium to no longer allocate any further ground water consents and to phase out over allocation. As

drafted, Plan Change 9 does not meet the requirements of Objective B2 of the NPS FM (2017) and the NPSFM 2020.

43. A range of changes are required to PC9 if the current trend is to be halted and ultimately reversed and if the higher order national direction is to be given effect to. This includes adoption of clear, regulatory flow management regimes now (not at a future date) and the setting of minimum flows and low and high flow allocations as opposed to the setting of only minimum flow requirements and flow maintenance triggers as per Schedules 31 and 32 as drafted. All takes must be subject to minimum and cultural flows (e.g., cease take at minimum flow) except for restricted (and reduced) takes for essential human drinking water below minimum flow. No takes for primary production should occur below minimum and cultural flows and takes for these purposes should not be given priority under water shortage directions. Only takes within the allocation limit should be allowed consent, water takes beyond the allocation limits (both low flow and high flow allocations) should be prohibited by PC9 (include those for water storage, augmentation and commercial interests[4]), if water is to be efficiently allocated and waterbodies protected from over-abstraction.

44. Furthermore, high flow allocation limits should be set to ensure there is no significant departure from natural hydrological regimes (e.g., as a percentage departure from/alteration of natural FRE3). This includes the Ngaruroro and Tūtaekurī River mainstem high flow allocations, which are not set to maintain high flow regimes in these rivers and are likely to result in excess sedimentation and accumulation of algae and alter the natural character. All minimum flows should provide adequate habitat for indigenous freshwater species to safeguard the life-supporting capacity, uphold, and give effect to Te Mana o te Wai, and active protection of taonga.

45. Secondly, a groundwater allocation limit of 70 million m3 per year needs to be implemented for the Heretaunga Plains Aquifer. There has been considerable debate during the Plan Change 9 development process as to the limit that should be set and we consider that the 90 million m3 per annum interim limit is grossly inappropriate and merely encompasses a best guess as to what is being used currently if the 'actual and reasonable use' test is applied. Evidence suggests that even the estimated pumped groundwater quantity of 78.1m3, as stated in the HBRC Heretaunga Groundwater Model Report would contribute to the overall declining trend in groundwater levels and this is unacceptable. The allocation limit must be a conservative one that provides for Te Mana o te Wai and Ngāti Kahungunu's cultural interests.

46. As currently drafted, PC9 lacks a clear message to plan users that water resources within the TANK catchments are over-allocated and therefore that there must be reduction in takes of water (e.g., over-allocation is phased out, consistent with Objective B2 of the NPS FM (2017) and the NPSFM 2020; and new allocative models are introduced over the lifespan of Plan Change 9). Rather, the Plan provides for a system by which existing consents are able to 'rolled over', and whilst they are subject to an 'actual and reasonable use' test, that is inadequate. It is in opposition to the need to claw back consents and over allocation. There is in fact no process by which water is 'clawed back' and in effect returned to the waterbodies.

47. State of the Environment monitoring of groundwater levels at selected sites, e.g. bore 10371, indicates an overall declining trend within the Heretaunga Aquifer recharge zone and this must be halted and reversed. It is submitted that proportional claw backs across all existing consents are required in order to ensure that Te Mana o Te Wai is given full and proper effect and that the Mauri and other cultural values of the waterbodies within the TANK catchments are restored and protected. This must be reflected in the rules framework.

48. We also consider that the renewal of water take permits needs to be on a case by case, discretionary basis, rather than implicitly provided for by PC9. Existing consents for water abstraction were issued under previous regimes and therefore those permits do not address the existing over allocation issues, adverse cultural effects to Ngāti Kahungunu and their relationships and tikanga with their ancestral waters and taonga, and do not reflect up to date information on effects and the state of water resources within the TANK catchments. Allowing a roll-over of all existing consents and setting allocation limits at the current level of consented use grandparents over-allocation and over-abstraction in the TANK catchments. The first in, first served, allocative model must be reformed in the lifespan of Plan Change 9.

49. With respect to surface water takes, the existing regime and allocable volumes are based on the Summer 7-day Q95 statistic, whereby allocation is the difference between the minimum flow and the Summer 7-day Q95. The 7-day Q95 statistic is calculated on flows which are already subject to abstraction and effects. This is not consistent with robust setting of minimum flows, using naturalised flow statistics (e.g., MALF) to determine the acceptable degree of hydrological alteration and effects.

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[4] See policy 51 –water allocation priority, amendments

50. PC9 allows a roll-over of existing consents and replaces the assessment criteria with a more lenient system than that which currently applies. It is considered that the criteria proposed are not scientifically robust. Furthermore, the Plan enables takes which are not sustainable by providing a pathway by which the effects of these takes can be mitigated by damming activities (which in turn have their own adverse effects) and 'stream flow enhancement' schemes. Any dam for this purpose has yet been consented or built, and the efficacy of proposed mitigations are unproven. This is akin to supporting unsustainable practices until sometime in the future, when we 'may be able to' mitigate over-allocation and we submit that this is unacceptable and uncertain to address the current effects.

51. There are a number of interrelated concerns as to how water is allocated which we submit need to be accounted for and remedied within PC9 and in fact indicate the need to ensure alignment between PC9 and the RRMP to ensure integrated management occurs across all receiving environments and ecosystems (e.g., including estuarine environmental flows).

52. For example, excessive surface water and groundwater extraction from the Maraekakaho Stream catchment exacerbates irrigation bans of longer durations and thus exerts longer duration low flow pressures on ecosystems in the Ngaruroro River. Water takes from the Ngaruroro River tributaries should form a percentage of total takes allowed for the Ngaruroro catchment as a whole, and the volume and rates of take that aggregate/add up must be an overall sustainable total for the 6-month irrigation season.

53. Before the start and after the end of the irrigation season (on the shoulders of the season), irrigation can continue, and abstraction for irrigation overlaps with high volume abstraction for dam filling and frost protection. Total instantaneous rates of take increase markedly and the surface water resource is under more stress. Therefore, there needs to be a limit placed on each river and stream both for total instantaneous rate of take, and weekly volume. Limits must be supported by policies and rules to ensure they are effective at avoiding, remedying or mitigating the current significant adverse effects.

54. Outside of the irrigation season, we seek that higher flow minima are maintained to assist resource recovery, enable fish migration/fish passage, enable higher rates of groundwater recharge and restore the habitats of indigenous species and flushing flows, recognise and provide for Ngāti Kahungunu's relationship, tikanga and beliefs with its ancestral waters and taonga, and related Treaty principles.

55. In some cases (e.g., Ngaruroro mainstem), higher minimum flows are needed to provide adequate habitat for indigenous species during low flow periods and in others, lower (and catchment integrated) allocation limits are needed to support a more natural hydrological recovery from abstraction during low flows (e.g., Maraekakaho).

56. By way of example, impoundment of water at the Maraekakaho confluence reduces inflows to Ngaruroro River during low flow events, which in turn increases the potential for low flow pressures on ecosystems and irrigation bans regulated through the Fernhill monitoring site. Groundwater abstraction near Maraekakaho intercepts flow that would otherwise enter the Ngaruroro River. It is submitted that these consents should be aligned with total surface water depletion quantum and accounted for in the management regime. Surface water depletion effects of groundwater takes near Maraekakaho need to be regulated through Fernhill, because the minimum flow site for the Maraekakaho Stream is at Tait Road, several hundred metres above the confluence with the Ngaruroro. As an alternative the monitoring site could be moved to the actual confluence.

57. The relief sought in relation to water quantity is generally set out below as well as in other parts of the submission:

    - Consider all groundwater (including shallow groundwater) within the allocation limits and stream depletion provisions.
    - Resource and support the development and implementation of a mātauranga Māori framework to monitor the mauri of the Heretaunga Aquifer and its groundwater dependent ecosystems.
    - Limit groundwater allocation to 70 million m^3 per year from the Heretaunga Plains Aquifer.
    - Ensure all water takes are required to cease at minimum flows, except essential water takes for human drinking water supplies (which should be required to reduce during water shortages and at minimum flows).
    - Remove all references to trigger flows in Schedule 26.
    - Abstractions which deplete streams should cease when minimum flows are reached in all cases.

- Ensure all water takes (including those for water storage and if retained in PC9 stream flow maintenance schemes) are within low flow, cultural allocation to Ngāti Kahungunu and high flow allocation limits.
- Ensure all allocation limits are less than 30% naturalised MALF.
- Set allocation limits for the Karamū and Ahuriri catchments.
- Set minimum flows for the Ahuriri catchment (and estuary).
- Recognise the Karewarewa and Paritua as separate distinct streams with separate characteristic hydrology and mauri with each having their own individual minimum flows, and respective flow monitoring sites.
- Significantly increase the minimum flow in the Ngaruroro River to provide more habitat for indigenous fish at low flows (e.g., 80 - 90% of habitat at MALF).
- Set high flow allocations for all rivers that ensure hydrological alteration of the flow regime is minimised and maintained close to natural flow regimes (e.g., using percent departure from natural FRE3).
- Do not allow transfer of water permits into over-allocated ground and surface water management units or between catchments.
- Prohibit all new large run-of-river damming and require safe fish passage for all new small dams (catchment < 50ha).
- Do not enable managed aquifer recharge or stream flow 'maintenance (in our opinion it is more accurately described as stream flow compensation) to address depletion and quality effects, i.e. classify applications for these applications as a non-complying activity. Protect and enhance lowland springs given the immense cultural significance these have for tangata whenua, such that there should be no negative effects on spring flows from water allocation.
- Restore and revegetate immediate area surrounding lowland springs, and ensure access to these springs for cultural reasons is improved.
- Restore depleted surface water flows and extent of streams, wetlands and springs through sustainable and precautionary allocation limits.
- Phase out, during the life of PC9, the grand-parenting and first in, first served regime in favour of an improved allocative model that enables recognition of the cultural and biodiversity values identified in this submission.
- Increase minimum flow requirements for the TANK catchment to address the cultural and biodiversity issues identified in this submission.
- Introduce prohibited status for allocations that do not meet the above criteria.
- Ensure commercial water takes (particularly groundwater) do not compromise existing private drinking water bores (existing infrastructure) and human health is the priority consideration. In this regard, a consequential amendment to remove from the RRMP Policy 77 (c) the word "efficient" and the footnote reference is warranted. This policy has been used to justify adverse impacts on households access to drinking water and the rights of tangata whenua and marae.
- Ensure to streams and rivers for the purposes of diverting water for impoundment does not alter the natural character of the area, does not impede fish passage or recruitment processes, and does not significantly adversely effect the ability of tangata whenua to exercise Kaitiakitanga, and conduct their cultural practices.

Flow Compensation - Relief Sought

58. The flow maintenance policies and schemes should be removed and not enabled through this plan. The title and description of effects is inaccurate and at best unclear. The adverse effects on Ngāti Kahungunu were initially ignored by Council until the representatives from the Ngāti Kahungunu attended a Regional Planning Committee workshop.

59. The "flow maintenance" is more appropriate described as flow compensation in part, stream depletion in part and spring cessation. This has been confirmed by Council hydrologists, yet has not been described in the proposed plan.

60. By artificially, putting bore water into the stream, above the 'flow indicator' the flow indicator is no longer effectively a flow indicator for the catchment i.e. it's original purpose but, rather an indicator up to the artificial

Input via bore water (augmentation). The length of streams above the augmentation point (bore) effectively diminish or recede, this is already occurring across the Heretaunga plains due to over abstraction, this policy will further exacerbate this outcome. This is also in opposition to other objectives aimed at protecting stream habitat and ecosystems and existing RRMP policy 77 (d) – to manage takes of groundwater to ensure abstraction does not have an adverse effect on rivers, lakes, streams, or wetlands" (this policy should be retained). Also effects from flow maintenance policy do not align with Hastings District Councils – Drinking Water Strategy March 2018, page 24.

61. The effects of the flow maintenance scheme ignore numerous Ngāti Kahungunu cultural values, rangatiratanga, mahinga kai, active protection of taonga, whakapapa, ki uta, ki tai, mauri. Springs are effectively removed and replaced with taps. Puna are an essential taonga to Māori that carry significant level of importance, as places of spiritual rituals, provision of waters from the mountains (Ki Uta, ki Tai) and many other values. The whakapapa connection is broken and replaced with a tap, many spring fed streams have already been channelled and treated as drains.

62. This would also enable stream depleting groundwater takes to continue pumping ground water beyond the minimum flow and drop the water table potentially lower than ever experienced before. Council officers have characterised the interests of Ngāti Kahungunu in regards to adverse effects on mātauranga Māori and tikanga as being acknowledged "however, wouldn't call this an over-riding concern (over egging the pudding)".

63. This policy and its effects are not well understood. Ngāti Kahungunu see this policy as offensive and it should be removed immediately and water flows should be managed within limits. Where over allocation occurs the NPS FM 2017 / 2020 directs the phasing out, in effect the policy Council proposes instead phases out limits instead. This approach if labelled as adaptive management does not provide confidence that our most precious water resources are managed responsible, sustainably and within limits.

SUMMARY OF DECISIONS SOUGHT

64. Grant the general and specific relief identified above and in Attachments 1 & 2. In addition, and without limiting:

- Re-order the objectives so that the key priorities are first (e.g., Te Mana o te Wai, recognise and providing for Ngāti Kahungunu relationships, tikanga and beliefs as to ancestral waters and taonga), then objectives relating to the values for each water body (ideally, these are included by reference to a new schedule in PC9 which described the values and where they apply), then the methods based (actions) (e.g., NPS FM requirements to maintain and improve water quality, protect outstanding freshwater bodies, avoid new and phase out existing over-allocation etc) and consideration (decision making) objectives; review phrasing and sequencing of all provisions in order that the purpose of each is clear and the hierarchical relationship shows a clear line of sight from issue, to objective, to policy to rule or other method and that Te Mana o Te Wai and the identified cultural values and Treaty principles are explicitly and appropriately given effect to.
- Amend PC9 to explicitly provide for the re-establishment, restoration and protection of the relationship of Ngāti Kahungunu with water and waterways within the TANK catchments including a new objective/s (which reference Ngāti Kahungunu values in a new schedule within PC9), policy/policies and rules/methods including attributes and provision for the resourcing, development and implementation of indicators and monitoring using mātauranga Māori.
- Comprehensively address over-abstraction and water allocation issues through PC9 by amending provisions so as to remove the presumption that all existing consent holders will be able to renew their water take permits regardless of use or volume. Require all takes of water to be within sustainable (high and low) allocation limits and that all takes will cease at minimum flow except provision for explicitly prioritised essential uses including community supplies). Implement a framework by which existing takes will be phased out (along with over-allocation and over abstraction) and consequently enable a (low flow) tangata whenua allocation to be provided for.
- Reduce the number of objectives and policies in the plan in order to provide clarity and ease of use for plan users and decision makers and strengthen the weight and direction of the PC9 provisions to meet the requirements of national policy directions. For example, where an objective or policy relates to all TANK catchments (e.g., Te Mana o te Wai, Maintaining or improving water quality, addressing over-allocation etc, it needn't be repeated for each catchment and should instead be included in a plan area-wide provision. This will allow plan users to be clear on the common objectives and policies that apply throughout the catchments and on the specific objectives and policies for each area.

- Increase the level of regulation with regard to nutrient and sediment loss from land use and farm plans by setting clear environmental standards for these activities in the plan, in line with the identified water quality issues across TANK in a way that the actual effects are able to be managed and measured now and into the future. Contaminant reduction (e.g., nutrients and sediment) must be addressed in this plan now, not at some date in the future by requiring Farm Environment Plans within specified, short term timeframes and within a consenting (not a permitted activity) framework with defined performance, monitoring and auditing standards.
- Provide for consideration of the appropriateness and efficiency of an activity within the TANK catchments in terms of its water use and contaminant loss aspects by removing the presumption that all existing water takes will automatically be renewed (as above) and that land uses will continue unchecked by regulation; introduce consenting requirements and prohibited status to avoid over-allocation during the life of the Plan.
- Remove policies and other provisions relating to 'stream flow maintenance and enhancement' and the ability to transfer water take permits between catchments. Instead address the effects of stream depletion and over-abstraction and require riparian habitat enhancement through consent standards for Farm Environment Plans.
- Any cultural allocation to Ngāti Kahungunu shall not have a stipulation as to its use and the policy should not be used as a tokenistic method of addressing the cultural needs and aspirations of Māori.
- Undertake thorough editing and legal vetting of the provisions in order that grammatical, syntax, scope and intent/responsibility issues are reduced and consistent across the plan and to ensure that all consequential amendments are implemented including those from Plan Change 5 which appear to be excluded.
- Any and all amendments to PC9 in order to provide relief to the submissions, both general and specific, as set out within this submission document including its attachments.

ATTACHMENT ONE

Submissions on Overarching Matters of Concern

1. General and specific relief sought in relation to PC9 is discussed in the body of our submission. The following provides additional discussion of overarching matters of concern with PC9 and also forms part of our submission and relief sought.

Overall Approach Promulgated in PC9

2. Ngāti Kahungunu's overall position is that there are significant shortcomings in Plan Change 9, in terms of overall approach to the sustainable management of activities and resources, the effects on the resources themselves, and the effects on the relationship of tangata whenua with their ancestral lands, water, sites, waahi tapu, and other taonga within the TANK catchments, and an overall dominance of non-Māori approaches to environmental and resource management. Plan Change 9 particularly falls short in respect of recognition of, and provision for, Ngāti Kahungunu culture and traditions, Treaty and proprietary rights in ancestral waters, mātauranga Māori and resource management systems, Te Mana o te Wai, and the objectives and policies of the National Policy Statement for Freshwater Management (NPS FM 2020 and, to the extent relevant, NPSFM 2017). Unless substantially amended, Plan Change 9 will be more damaging to the environment, the values of tangata whenua and their relationship with the environment, than what is currently in place.

3. Priority has been afforded in PC9 to status quo requirements, on the basis of grandparenting and existing allocations. This does not give effect to Te Mana o te Wai.

4. Ngāti Kahungunu is concerned that PC9 is overly permissive in the use of non-regulatory methods, and that this lack of regulation creates a high degree of uncertainty, may not result in actual 'improvements', and jeopardises the outcomes expected by Ngāti Kahungunu. Unclear and inappropriate objectives and policies compound our concern that PC9 outcomes, statements, methods, monitoring and indicators to measure policy success, are insufficient and are without the certainty required at this critical time for the TANK catchments.

5. The TANK plan change was presented as a 'sea-change' in the way in which activities are undertaken within the catchments and that it departs significantly from the existing approaches of the Regional Resource Management Plan (RRMP). However, detailed examination of PC9 as currently drafted, indicates a framework which provides for the status quo in terms of adverse land use practices and water takes, and lacks the regulatory 'teeth' to illicit real change in resource users' behaviour. In this way, PC9 entrenches and continues the non-regulatory 'flavour' of the outdated RRMP and is completely out of step with national direction to councils (through consecutive NPS amendments) to regulate resource use to safeguard life-supporting capacity, indigenous species, ecosystem health, human health, include tangata whenua in resource management processes, and give effect to Te Mana o te Wai.

6. PC9 is complex and difficult to interpret. In its proposed form PC9 will not assist resource users, decision makers or tangata whenua in sustainably managing the TANK catchments for future generations, or in meeting Council's statutory duties and functions under the Act and NPS FM 2020 (and, where relevant, NPSFM 2017).

7. Objectives and Policies within PC9 lack aspirational qualities, clarity and boldness to ensure real improvements for water quality, ecosystem health and tangata whenua relationships. It is our strong view (supported by the recent amendments to the NPS FM 2020 and good planning practice) that objectives must be clearly articulated and ambitious but reasonable (that is, appropriate, difficult to achieve but not impossible). Weak, unconcise, unclear and generalised objectives (such as those in PC9) may be 'easier to achieve' in a nominal sense but less likely to result in better outcomes for the environment. The submitter's views are supported by the finding of the Environment Court in *Ngāti Kahungunu v Hawke's Bay Regional Council [2015] NZEnvC* in which the Court considered the consequences of not ultimately achieving an

objective were none. This decision highlights that objectives in a plan should be aspirational, and that all subsequent provisions should then cascade down from the overarching aspirational goals. PC9 as drafted does not achieve this.

8. Similarly, the Issue statements set out in the TANK Issues section of PC9 are convoluted and could be improved through a process of simplifying and streamlining. Issues should be concise statements not verbose discussions of the interconnectedness and complexities of managing water quality and quantity within the TANK catchments, and should set the stage for a cascade of clear and unambiguous objectives, policies and rules. Furthermore, we do not consider that any lack of information or understanding of the TANK freshwater resources is appropriately addressed as an Issue (Issue 7) nor a relevant Issue do we believe the economic cost implications are the primary issue and that other values, for example matters of sustainability are the issues of primacy for this Plan (Issue 6). Issues describing the long-articulated effects of resource use on tangata whenua values and aspirations for the environment are absent.

9. If retained in PC9, a set of refined, clear and concise Issue statements could be developed which would assist in guiding the objectives to improve the use and implementation of the Plan. Over-abstraction (and over-allocation) of surface water degrades freshwater values, water quality, ecosystem health, the habitats of indigenous freshwater species, natural character, landscape values, recreational values, Māori customary and proprietary values and traditional instream uses, existing uses and the downstream receiving environment, including coastal marine environments.

    - Over-abstraction (and overallocation) of groundwater degrades freshwater values, groundwater and aquifer levels and quality, and the levels and quality of groundwater dependent ecosystems (including surface water ecosystems and coastal marine environments).
    - Increasing demand for water is placing pressure on streams, rivers, wetlands, springs, estuaries, and groundwater and adversely impacts on freshwater values.
    - The inefficient use of water excludes other more efficient uses of water and exacerbates effects on freshwater ecosystems and values.
    - Continued abstraction of water from streams, rivers and connected groundwater during drought conditions reduces water necessary to sustain aquatic life.
    - Water abstraction (and over-allocation) reduces river flow variability, necessary for instream life, natural geomorphological process, and flushing of accumulated sediment and periphyton from river systems.
    - Surface water and groundwater habitats are degraded by poor water quality from over-abstraction and contaminants entering water from discharges and the use of land.

10. The decisions sought by Ngāti Kahungunu on all aspects of PC9 focus on ensuring that the plan provisions actually reflect the paradigm shift that they are purported to, and that its provisions have the clarity, certainty and measurability that are required to **halt any further degradation of the quality of waterbodies and their habitats within the TANK catchments and to improve and restore them where they are currently degraded; to give effect to Te Mana o Te Wai; to phase out over allocation and stop mining of the Heretaunga Plains Aquifer; actively protect taonga water-bodies; and to ensure that quality trends are on a rapid trajectory of improvement.**

Recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga

11. NKII's experience during the TANK plan change development process and as part of the stakeholders' group was that the way in which the 'collaborative' process was undertaken meant that all stakeholder parties were invited to participate in the same way. This gave the impression (whether intentional or not) that the starting point for the management of resources and activities in the TANK catchments was a blank slate in terms of the views, values, and aspirations of tangata whenua and stakeholders. This is at odds with a principled approach between Treaty Partners, and is indicative of processes that have led to the current situation in which by and large, the values and interests (including proprietary interests) of Māori have not

been adequately provided for within resource management planning in Aotearoa New Zealand *[Waitangi Tribunal 2012, The Stage 1 Report on the National Freshwater and Geothermal Resources Claim WAI 2358].* More consistent use of co-management and co-governance arrangements (as opposed to treating tangata whenua as one of many 'stakeholders' in a process) may overcome some of these difficulties in a way that better acknowledges the partnership implicit in Te Tiriti o Waitangi. Mana Whakahono a Rohe are an available mechanism under the RMA whereby iwi, hapū, tangata whenua and local authorities can better meet the statutory duties of councils under the Act. Ngāti Kahungunu landowners and hapū (through NKII) are exploring initiation of this mechanism to specifically address the management of complex waterbodies and systems, particularly those with significant areas of Māori land, for example at Lake Poukawa.

12. The background discussion, set out at the beginning of PC9, seems to contend that because tangata whenua have been involved in some way with the TANK development process, and given the establishment of the Regional Planning Committee, that the Council's obligations to local Māori and to Treaty Partners have been met insofar as PC9 is concerned. We do not consider this to be the case. As the 'background discussion' is not an agreed view of the process, it should be redrafted or deleted. Instead, tangata whenua values must be clearly identified within the plan provisions, including directive policies and rules, alongside other freshwater values, for the reasons set out in this submission.

13. Whilst there is no shortage of Te Reo terms and discussion of, for example, water as a taonga, within the introductory and issues sections of PC9, within the more detailed provisions which actually govern resource use, the interest and values of Māori are interspersed amongst convoluted provisions for other values. This is reflective of an approach to planning which is outdated and no longer acceptable (in our view it never was). In short, PC9 must be amended to include directive policies and rules that create cultural and ecological bottom lines to address the issues identified in this submission, including our general relief.

14. The underlying assumption appears to be that if the various issues facing water quality and quantity management within the TANK catchments are addressed in some way, the matters of particular significance to Māori will be addressed as a by-product. We observed this approach being promulgated by Council during the TANK development process with respect to the provisions relating to the protection of sources of drinking water. Council appeared to be of the view that this issue did not warrant a specific objective or associated policy(ies) and that if other matters were adequately managed, the outcomes sought for the protection of drinking water sources would also be achieved. As was our view with respect to drinking water source protection, and which was eventually acknowledged by Council, as reflected at least in part in PC9 as drafted. We consider this to be a flawed approach with respect to matters of particular significance to Māori.

15. It is submitted that the need to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga as set out in section 6(e) of the RMA as a matter of national importance is not met by PC9 in its current form, and that there must be explicit provisions included for this purpose.

16. **We submit that there is a need for several specific provisions to be added to the Plan, with a goal of addressing the matters identified in our general grounds and general relief as set out elsewhere in our submission including an objective to re-establish the relationship of Māori with water within the TANK catchments and enable management of water ways in accordance with Māori values, rangatiratanga and self-determination. We seek that an associated policy also be inserted along with a new schedule that requires that particular mātauranga Māori tools be resourced, developed, and implemented so that monitoring occurs throughout the life of the plan to measure whether or not the objective is being met. Similar objectives and provisions are needed to recognise and give effect to Te Mana o te Wai, protect mauri, and provide for Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te Tangata, consistent with the framework described in the NPS FM (2020) and (to the extent relevant) the NPS FM (2017). Mātauranga Māori tools should be front and centre in the monitoring of these key outcomes. The addition of these provisions would also ensure that PC9 gives effect to Objectives LW3 and Policies LW1 and LW2 of the Regional Policy Statement as required by section 67(3)(c) of the Act.**

120

Giving Effect to Te Mana o Te Wai

17. It is submitted that as currently drafted, PC9 does not give effect to Te Mana o Te Wai in terms of the hierarchy of obligations to the health and well-being of waterbodies and freshwater ecosystems first, to the health needs of people, and after that to all other uses. The Te Mana o te Wai hierarchy is defined in the NPS FM (2020) but is not a new concept, having been established as a framework for water resource management by the Freshwater iwi Leaders Group as Ngā Matapono ki te Wai[1] in 2012. As highlighted in more detail in later sections of this submission and in the attachment, a detailed analysis of PC9 and the proposed rules in particular, indicates that the Plan provides well for existing activities including productive land uses and existing water takes. What it does not do is incentivise or regulate activities to the extent necessary to create real and significant changes in allocation, water quality and behaviours that recognise Te Mana o te Wai.

18. Within PC9, and throughout the process of its development, there does not appear to have been a fundamental re-consideration of whether or not the patterns of land use and associated water use within the area encompassed by the Plan are appropriate through a lens of what is truly sustainable relative to soil types and catchment characteristics within a water scarce area. Rather, the assumption is that existing land uses, and methods of production, are appropriate because they are currently economic and therefore we should provide for them in the Plan. This appears to be how we have arrived at a Plan which does not sound the alarm bell as to the dire situation for water quantity and quality within the TANK catchments. Plan users, including decision makers, do not get any sense of urgency through the plan provisions or in reading the introductory sections of the Plan.

19. This approach, we consider, does not give effect to Te Mana o Te Wai because it puts 'all other uses' at the core of what the Plan tries to provide for, and then attempts to weave more fundamental principles such as Mauri around those existing 'other uses'. We believe this to be flawed. The suggested changes to provisions and decisions sought within this submission are aimed at ensuring that our obligations to the waterbodies themselves, including their natural and spiritual values, are squarely at the forefront of the purpose and provisions of this Plan.

20. Furthermore, recent interim Environment Court decisions (*Aratiatia Livestock and other v. Southland Regional Council* [2019] NZEnvC 208 and [2020] NZEnvC 93) on the Southland Water and Land Plan specifically relate to Te Mana o te Wai in regional plans and support our views on PC9. In those decisions the Court found:

    a. "Te Mana o te Wai will be achieved when regional policy statements and plans consider and recognise Te Mana o te Wai, and in doing so recognise the connection between water and the broader environment - te hauora o te taiao (the health of the environment), te hauora o te wai (the health of the waterbody) and te hauora o te tangata (the health of the people) - noting that values identified by the community, including tangata whenua, will inform the setting of freshwater objectives and limits (policy AA 1)."

21. The court came to three key understandings on Te Mana o te Wai:

    a. "As a matter of national significance, the NPS-FM requires users of water to provide for hauora and in so doing, acknowledge and protect the mauri of water."

    b. "As a matter of national significance, the health and wellbeing of water are to be placed at the forefront of discussion and decision-making. Only then can we provide for hauora by managing natural resources in accordance with ki uta ki tai."

    c. "The NPS-FM makes clear that providing for the health and wellbeing of waterbodies is at the forefront of all discussions and decisions about fresh water."

22. The PC9 approach falls far short of the Court's understanding of the fundamental and integrated framework of Te Mana o te Wai for regional plans from the NPS FM (2017). The framework is now stronger in the NPSFM 2020, and the *Aratiatia* decision relates to the earlier NPSFM.

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1 *https://iwichairs.maori.nz/wp-content/uploads/2015/06/Nga-Matapono-ki-te-wai-Framework.pdf*

Alignment with Higher Order Planning Documents

23. We acknowledge the significant efforts of Council and Stakeholders throughout the TANK process and the time invested by all parties. We also understand the desire and need to move forward with PC9 via the formal Schedule 1 process and beyond. However, significant recent changes to freshwater management in Aotearoa New Zealand come into effect on 3 September 2020, including the National Policy Statement for Freshwater Management (2020), the National Environmental Standards for Freshwater (2020), Stock Exclusion Regulations (2020) and amendments to the Measuring and Reporting of Water Takes Regulations (2010).

24. Although PC9 was notified under the NPS FM (2017), current national direction is still a relevant consideration for this plan change, which only strengthens Te Mana o te Wai as the fundamental framework for freshwater management and some of the regulations take immediate effect (others must be inserted into regional plans and policy statements without a Schedule 1 process). It seems premature to progress the TANK plan change prior to ensuring the new regulations are included and given effect to, properly aligning with these higher order planning documents.

25. Notwithstanding the new regulations, PC9 does not give effect to the NPS FM (2020) and (to the limited extent relevant) the NPS FM (2017).

26. We are also concerned with the way in which changes to the Regional Resource Management Plan (RRMP) are being made. The Tukituki Plan Change (PC6), the Outstanding Water Bodies Plan Change (PC7) and now the TANK Plan Change (PC9) are being undertaken without associated changes to the Regional Policy Statement. We are also concerned that the outcomes of *Ngāti Kahungunu v Hawkes Bay Regional Council* (PC5) are not addressed in PC9.

27. This piecemeal approach has led to a Plan that it is difficult to use, is lacking in clarity and certainty and is not well integrated across other freshwater management plans and provisions operative in Hawke's Bay. Council has put forth the view that PC9 is not problematic in terms of any 'fit' with the RPS and that the consequential changes to the RRMP as a result of PC9 are sufficient to ensure alignment between existing provisions and the new. The Section 32 RMA Report for PC9 does not appear to raise any issues of concern on this matter. However, we believe that Council's consideration, and that of the S32 report, on alignment of the TANK Plan Change with its own existing and relevant planning documents are unhelpfully general and miss a more fundamental point. The RPS could do a better job of ensuring that the degradation of TANK waterbodies is halted, degradation is addressed and degrading trends reversed. The RPS must be amended to give effect to the NPSFM 2020.

28. The proposed TANK plan should recognise and provide for the values of Outstanding Water Bodies [PC7], and should not compromise or influence the values of Outstanding Water Bodies. As agreed through Environment Court mediation for PC5 (Regional Policy Statement), the provision for Outstanding Water Bodies should logically come before catchment plan development. Please refer to submissions of tangata whenua and Te Taiwhenua o Heretaunga in regards to Outstanding Water Bodies. Heretaunga Aquifer Muriwaihou should be recognised as Taonga and an Outstanding Water Body.

29. Additionally, there is a need for Council to outline any necessary changes to the Regional Coastal Environment Plan (RCEP) in order to ensure integration and alignment between PC9 and the RCEP ki uta ki tai. The coastal environment is a significant aspect of the TANK catchment systems, and it is essential that the provisions for the Waitangi Estuary, the Ahuriri Estuary, and parts of Muddy Creek and the Clive River located within the Coastal Environment are aligned with those that apply within the area of PC9 and that the provisions of PC9 will ensure those receiving environments are not further degraded, and where degraded are restored. We note that the piecemeal approach to plan reviews causes unintended or problematic consequences in terms of the effective implementation of the changes proposed in PC9 and integrated management.

30. For example, there is no proposed change to the RCEP water take rules and it appears that any takes within the coastal environment have therefore been left out of the consideration and debate of the allocation limit for the Heretaunga Plains Aquifer. As another example, PC9 seeks to exclude the TANK catchments from

the provisions of Chapter 5.6 of the RRMP relating to groundwater quality, which includes Objective 42 which is currently "no degradation of existing groundwater quality in aquifers in the Heretaunga Plains Aquifer System" - the subject of the Environment Court's decision on PC5. There is yet no parallel change to the RCEP Objective (Objective 11.1) and therefore if PC9 were to become operative as drafted, proposed Objective 14 would apply for the 'groundwater connected to the Ngaruroro, Tūtaekurī and Karamū Rivers and their tributaries' whilst Objective 11.1 of the RCEP would apply to those parts of the Aquifer within the coastal environment. This is a confusing regime and it appears that PC9 is inconsistent with the RCEP in this regard.

31. We consider it would be appropriate for Council, subsequent to the NES and NPS and other regulations taking effect, to outline and commit to a comprehensive review of the RRMP, the RCEP. One option is to adjourn PC9 pending the wider review to ensure that the entire framework gives effect to the NPSFM 2020, and the wider cultural interests identified in this submission.

Matters of Concern on Particular Provisions

32. We have not shown our submissions and relief in a comprehensive 'track changes' or similar version of PC9 because it is our submission that the changes required to give effect to our submission are far reaching and require a substantial redraft of the Plan. Particularly with regard to the precise drafting for the rules of PC9 which in our view cannot be adequately redrafted until all of the matters relating to issues with the overall approach and consistency with higher order planning documents are resolved. We have endeavoured to outline our submissions on particular provisions in the discussion set out below, noting that nothing herein limits the primary, general or specific relief sought in the body of our submission and attachments.

Priority Management Approach

33. The priority management approach set out in Policies 1 through 5 of PC9 is problematic for a number of reasons. These policies do not clearly flow from relevant and clear objectives. This is in part due to the significant issues with those objectives as referred to previously in this submission. The policies need to make it clear that improvement is needed in all TANK catchments wherever water quality objectives are not currently met, to achieve targets by 2040, and detail the means by which decision makers and plan users are guided to achieve this (e.g., through regulating activities). Catchments with priority requirements to improve water quality should be delineated in Schedule 28. These issues are common across the TANK catchments and it is not efficient planning to separate them by catchment - overarching policy that maintains and improves water quality is needed instead.

34. The policies place significant onus on third parties and lack specific, well defined targets and delineation of responsibilities. Again there is an over-reliance on stock exclusion and riparian planting to deal with water quality issues and this is largely implemented through a non-regulatory approach.

35. We also emphasise our concern that despite the issue being raised consistently by tangata whenua and by way of NKII's pre-notification submission on the draft PC9, there remain a number of drafting insufficiencies and errors which significantly weaken the provisions of the proposed plan change, and which are likely to create difficulties for plan users, decision makers will and contribute to poor outcomes for the environment. Policies 1 through 5 are an example of this.

36. Policy 51 in the proposed plan on 'priority allocation' moves away from past conventions, does not recognise water as a taonga nor prioritise the water first principle. In effect the policy can undermine proposed objectives and policies by allowing an unknown quantity of water for use and rendering allocation limits as useless. For example, "the survival of horticulture tree crops", a significant number of orchards across Heretaunga are removing old trees and replacing them with new trees, namely vineyard type rows, seemingly in knowledge of ensuing water take restrictions and attempts at grand parenting. These orchards will require more water than previously used. The use of section 329 of the RMA as promoted is also contrary to the purpose of this section of the act. Remove policy 51 d, e, f. remove MPI from proposed water management group.

Monitoring and Review

37. In recognising and providing for the relationship of Māori with the environment, including Te Mana o te Wai, kaitiakitanga, mauri and hauora, it is our submission that there should be a clear separation between monitoring and review of the plan between knowledge systems (i.e., mātauranga Māori and Western science). Monitoring policies in PC9 should specifically support and resource the development and implementation of mātauranga Māori frameworks and tools (led by tangata whenua/hapū) to monitor the success of the Plan in improving Māori relationships with the environment and protection of mauri. Policies in PC9 should also address how objective and policy D1 of the NPS FM (2017) will be given effect to by recognising the role of Ngāti Kahungunu in resource management and decision making. This is currently absent from PC9.

38. Any monitoring frameworks supported and developed under PC9 policies and methods must include mātauranga Māori monitoring of the mauri of the Heretaunga Aquifer, including all of its groundwater dependent ecosystems. Ngāti Kahungunu have consistently and forthrightly expressed our view that the Heretaunga Aquifer is a taonga to Māori. It is our strong view that PC9 should support and enable monitoring of the mauri of our taonga to ensure it is not degraded over time and that any degradation is halted and restored.

39. We are concerned that the specific monitoring and review provisions of PC9 place significant onus on third parties in undertaking what are core functions and statutory duties of the Regional Council. We object to the reliance of PC9 on TANK stakeholder groups in all policies and contend that this approach would require some sort of legal arrangement by which a 'stakeholder group' is formalised. Our view is that any such third-party arrangement would be better placed within the implementation plan for PC9 as a method, and that any implementation should be subject to clear policies and regulation which do not abdicate council statutory duties or functions to a third party and ideally are co-managed or co-governed in partnership with Ngāti Kahungunu (e.g., under Mana Whakahono a Rohe or other mechanisms).

40. We also submit that all monitoring and review provisions require amendment to ensure that cumulative effects are adequately monitored and reported on and that appropriate feedback loops are in place to ensure that cumulative effects are taken into account in decision making and plan review.

41. Similarly, we submit that data from monitoring as it becomes available is used to inform Council to refine targets and limits and subsequently how management might be adapted.

Land Uses and Farm Plans

42. The approach to addressing existing issues for water quality, ecosystem health, human health and tangata whenua values in PC9 is heavily reliant on the goodwill of landowners and resource users, primarily through third-party involvement with catchment collectives or industry groups, including for stock exclusion, riparian planting, and stream flow maintenance/enhancement. This largely voluntary, non-regulatory approach, devolved to third-parties that are not statutory environmental regulators with duties and functions under the RMA, is insufficient and does not align with national direction.

43. There is a missed opportunity within the TANK plan change to promote and encourage more sustainable land use practices that move away from current and widespread mono-culture type production that requires heavy fertiliser input (restricted under the NPS FM 2020 from 3 September 2020) and does nothing to improve species diversity within the catchments. The plan refers to, and indeed relies on, 'industry best practice' in primary production, but does not take a first principles approach to considering whether or not existing (i.e., high input) practices are suitable within the TANK catchments in the first place. Furthermore, the plan sets no clear performance standards for land use practices. PC9 as currently drafted signals to plan users that a business as usual approach is acceptable in terms of contaminant inputs, provided enough riparian planting occurs to offset this. This approach is not supported by the incoming national regulations.

44. We seek that Farm Environment Plans are mandatory for all production land uses in exceedance of 4 hectares. This, is in addition to changes to the plan objectives relating to water quality and the relevant schedules and other changes as detailed below and in the attachment to this submission are a more certain

approach and more likely to result in positive environmental outcomes. Furthermore, we seek that land uses in catchments with identified water quality issues (where objectives are currently not met, or specific water quality issues have been identified in Schedule 28) are regulated (not permitted) activities through PC9.

45. We are not convinced that PC9 will meet the s70 RMA requirements for the discharge of contaminants to water from land use, therefore the plan should not permit these activities. Specifically, s70(1)(g) does not allow a rule in a regional plan to permit discharges which have significant adverse effects on aquatic life. There is no certainty in the current non-regulatory and devolved management of production land uses these effects will not occur, or where they currently occur, will be halted. In this way ecosystem health and other instream freshwater values (including tangata whenua values) will not be provided for by PC9.

46. Schedule 26 (water quality) must contain all of the freshwater objectives for all waterbodies in the TANK catchments and include the (proposed as optional) objectives in Schedule 27 (including for Ahuriri, Karamū and both estuaries – Ahuriri and Waitangi). Freshwater objectives to provide for values are not optional under the NPS FM (2017 and 2020) and this approach does not recognise Te Mana o te Wai. Targets (where objectives are not currently met) must be clearly identified within Schedule 26 and timeframes for achieving targets must be defined, so progress can be measured and reported over time. This is consistent with the NOF in the NPS FM (2017 and 2020).

Point Source Discharges

47. All point source discharges must be subject to the objectives and targets in Schedule 26 and timeframe to achieve those targets. Contaminants from all discharge sources (including from stock effluent and tile drains) must be reduced where targets are not being met and should be subject to continuous improvement in order to meet the targets by the end of the life of the plan, to provide for the freshwater values (including all other relevant Ngāti Kahungunu values).

Adaptive Management Approach to Nutrient and Contaminant Management

48. These policies must be subject to the objectives and targets in Schedule 26 and the priority water quality issues in Schedule 28. Where targets for water quality are not being achieved, clear management of land use activities which contribute to degraded water quality must be included in the plan with a timebound pathway of improvement to achieving targets. Water quality issues and priority catchments must be listed and delineated in Schedule 28 to make clear where controls on land use are needed as a first priority, followed by methods to achieve remaining Schedule 26 targets in all FMUs and waterbodies.

49. Terms such as 'good practice' have multiple and unclear meanings and must be replaced with more directive wording, and defined with regulatory performance standards in PC9. Critical source areas, nutrient budgeting, contaminant loss, reduction and mitigation, must all be required to meet performance standards to ensure the water quality objectives and targets can be met by PC9.

50. We consider that the adaptive management approach promulgated by PC9 essentially defers the issue of how to manage land uses (in a way that ensures no further degradation of water quality within the TANK catchments, and that quality improves) to some later time. The relevant policies lack clear timeframes and milestones, and the regulation needed to ensure that inputs are managed sustainably, rather than focusing on mitigation or offsetting measures within the receiving environment. The effects management 'hierarchy' of the RMA has not been appropriately considered in PC9. For example, provisions that avoid and remediate existing effects of land use are not included, instead the PC9 approach jumps straight to mitigation and off-setting, which are tools more appropriate to address residual effects, that cannot be avoided or remedied in the first instance. This approach does not consider the consequences of delaying action (or not acting at all) to address nutrient losses from land. A 2020 report (informing the government's national response to nutrient degradation of freshwater[2]) identified relevant consequences of inaction or delay as:

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[2] *https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/consequences-of-inaction-potential-ramifications-of-delaying-proposed-nutrient-source-reductions.pdf*

- Nutrients stored in sediment will increase as long as inputs continue, and the release of nutrients from internal storage will continue after inputs are reduced.
- Sediment deposition exacerbated by macrophytes [invasive aquatic weeds] and nutrient storage by algae prolong recovery and become more likely with the duration of high nutrient loading from land use.
- Risks of ecological states resistant to rehabilitation (e.g., phytoplankton-dominated shallow lakes, streams dominated by degradation-tolerant species that block re-establishment of more desirable aquatic life) increase the longer that source reductions are delayed.
- Competitive exclusion of sensitive taxa by degradation-tolerant [and invasive] biota are likely to make remediation less effective and may require additional interventions.
- Additional remediation options may be required that may not have been necessary if nutrient management action were taken earlier.
- For lakes, reductions of external loading may need to be greater, compared with loadings required to achieve outcomes if the lake had not been degraded in the first place.
- Delays in reducing nitrogen leaching will result in increased peak loading to streams and protracted recovery for groundwater systems that have not yet responded fully to past increases in loading.

51. The adaptive management approach of PC9 delays action on nutrient effects and increases costs and risks of successful future improvement and restoration. There is also no certainty in the proposed approach that action will ever be taken at all. Action to reduce nutrient (and sediment) contamination of waterbodies is needed in PC9 now, not later, if these significant effects and costs are to be avoided, remedied or reduced over time.

TANK Industry Programmes/Catchments Collective/Farm Environment Plans

52. We do not support the reliance in PC9 on industry programmes and catchment collectives to manage the effects of productive land uses and consider that Farm Environment Plans, subject to a consenting process, are required in order to ensure that information about land uses is captured by the Council and able to be considered in the assessment of the Plan's effectiveness. Furthermore, there needs to be a shift away from a presumption that any land uses are appropriate and acceptable in any location, hence there must be an element of discretion (e.g., through consenting pathways) introduced into the Farm Environment Plan process for it to be effective. The provisions as drafted appear to be predicated on an assumption that contamination of waterways from land use is acceptable to some extent. We consider that this should not be the starting point for the plan provisions but rather that no contaminant loss is acceptable, in accordance with the principle of Te Mana o Te Wai and protecting, first and foremost, the water body itself, and the relationship of Ngāti Kahungunu with the waterbodies, and to avoid the long-term costs and consequences described above.

53. In considering the effects of land use on waterbodies, all groundwater must be considered (e.g., the Heretaunga Aquifer and all shallow groundwater throughout the TANK catchments) with respect to the transport of contaminants, the abstraction of groundwater, and the effects of this on groundwater dependent ecosystems (including rivers, lakes, wetlands and estuaries). We understand that the current modelling of the groundwater system in the TANK catchments excludes significant areas of shallow groundwater and thus is incomplete in describing the potential effects.

54. The consequences and costs of uncertain contaminant management (whether through third-party collectives or adaptive management) are relevant to all of the TANK catchments. However, they are particularly relevant for the Ahuriri catchment and estuary, which is already significantly degraded and requires immediate improvement in all sources of contaminants (e.g., rural and urban), rather than relying on future monitoring.

55. Management of land use activities (and land use change) must be clearly linked to the water quality objectives and targets in Schedule 26 so that achieving those (and thereby maintaining or improving water quality) is the clear outcome of regulation.

56. Timeframes for regulating activities must be linked to a clear improvement pathway to maintain and achieve the water quality objectives and targets in Schedule 26 and to resolve the water quality issues in Schedule 28. In our view these timeframes should be ambitious but reasonable, in line with plan objectives for maintaining or improving water quality.

57. Schedule 28 must identify and delineate the catchment with specific water quality issues that the plan addresses. Specific timeframes (within the life of the Plan) must also be included in the schedule so that policies and rules can link to these timeframes - there are currently no timeframes in schedule 28, despite the policies referencing these. The risk of including delineated catchments in Schedule 28, where water quality might be improved during the life of the plan, is low. Changing practices to improve ecosystem health and water quality will not happen quickly and catchments with identified issue should be included now so that change necessary for improvement can begin. If other catchments degrade to the point where they have similar water quality issues during the life of the plan, these can be included as plan changes in future.

58. Schedule 30 is unenforceable in its current form and we are opposed to managing the effects of land use in this way.

Restriction of Stock Access

59. NKII is supportive of the need to exclude stock from waterways and seeks amendments to associated TANK Rules 3 and 4 as shown in the attachment. However, Policy 22 needs to be directive and clear that stock will be excluded from all TANK waterbodies. Stock exclusion conditions need to be included in FEP standards within PC9 and setback distances from waterbodies need to be defined. Stock exclusion policies need to be clearly linked to achieving the water quality objectives and targets in Schedule 26 to support the freshwater values (including tangata whenua values).

60. An analysis is needed of PC9 stock exclusion provisions against the stock exclusion section 360 regulations which come into force on 3 September 2020. Provisions with respect to break-feeding of stock and setbacks from water require inclusion in PC9. Where there are identified water quality issues, or where water quality targets are not being met, stock exclusion and setback provisions may need to be more stringent than the regulations, and the regulations allow for this.

Sediment Control

61. It is considered that targets or limits need to be set in relation to sediment control within PC9. As currently drafted, Policy 20 is effectively open ended and it is not clear what specifically is meant by 'by prioritising the following mitigation measures". We seek that a clear plan for managing sedimentation is set out within PC9, whether that includes amendments to Policy 20, or the addition of provisions, or both.

62. The policy needs to be more directive to ensure water quality, life-supporting capacity, ecosystem health and Ngāti Kahungunu values for freshwater and estuaries are maintained where it is currently good, or improved where it is degraded, in line with our relief sought on the objectives, and to give effect to the NPS FM (2020 & if relevant 2017) to maintain or improve water quality. Management of sediment must directly reference achieving the water quality objectives and targets in Schedule 26 (including all of the objectives of Schedule 27 consistent with relief sought above).

63. Activities adjacent to waterbodies that are known to generate excess localised sediment to water (e.g., vegetation clearance, cultivation, stock access). However, sediment sources are also associated with broader land use across catchments with a high risk of erosion. Both sources of sediment must be controlled as a minimum by PC9 to achieve the water quality objectives and targets by 2040. All priority sub-catchments for erosion management must be identified in Schedule 28.

Riparian Management Provisions

64. Whilst riparian management and planting are an important part of improving water quality and habitat within the TANK catchments, there is an over-reliance on these measures as a way to 'clean up' unsustainable land use practices. Significant changes are needed to the land use provisions of PC9 in association with amendments to the riparian management provisions as per below.

65. Riparian management needs to be linked to stock exclusion, cultivation, and setbacks from water to enable sustainable and effective riparian management of more localised effects on water. The effects of catchment-wide land use must also be addressed across PC9 because riparian management is not a panacea to poor water quality. Without management of the overall influx of sediment and contaminants into the riparian zone, margins can easily be overwhelmed and become ineffective at reducing the transport of contaminants over time. Relying on riparian management alone to manage effects on water does not address contaminants carried into water via leaching, direct drainage and subsurface flow paths (e.g., those that are not overland flow).

66. Ideally riparian enhancement will be undertaken in concert with development of wetlands, swales and other sediment control mechanisms, and be encouraged across the TANK catchments to improve habitat, indigenous biodiversity and water quality to provide for multiple values. Where there are specific water quality issues or targets for water quality which must be achieved, riparian management (in combination with adequate setbacks) must be required by PC6, in conjunction with the wider catchment management of sediment and other contaminants in overland and subsurface flow. Riparian management must also be specifically linked to providing for freshwater values.

Land Drainage and Wetland Management

67. The significant values of wetland must be protected under the NPS FM (2017) and even stronger protections under the NPS FM and NES (2020). Land drainage and wetland management provisions in PC9 need to be totally reviewed to give effect to national policy direction and regulation. Wetlands are groundwater dependent ecosystems and as such must be adequately protected through provisions on groundwater allocation, the health of groundwater ecosystems and the water quality.

68. Lake Poukawa is an outstanding freshwater body and wetland complex within the TANK area. There are significant complexities in the management of adverse effects on Lake Poukawa and inequities in where the responsibilities lie for improving the lake. For example, Lake Poukawa is subject to effects from a range of activities associated with land use, water takes, discharges and drainage in the wider catchment. However, restrictions on land use activities in the immediate area of the lake, to manage the condition and extent of the lake and wetland, will fall solely on the lake's Māori landowners, who undertake cultural practices in conjunction with productive land use, but do not hold water permits. Specific and equitable management of Lake Poukawa is needed through enforceable and directive provisions in PC9 as well as Mana Whakahono a Rohe or another mechanism which enable Māori landowners to have management rights and responsibilities, in partnership with local authorities as environmental regulators. A specific management plan in partnership with tangata whenua and Māori landowners is needed and should be enabled by PC9.

Damming, Storage and High Flow Takes

69. We are concerned that PC9 enables damming and storage of water as a way to address water shortages which in turn signals to plan users that the status quo for water use, subject to some reductions to align with 'reasonable use', can continue and potentially worsen. By providing specifically for damming and storage, via particular objectives, policies and rules, Council is signalling its acceptance of these activities as legitimate and appropriate. Whilst we accept that some offline storage activities may be appropriate, this should be considered on a case by case basis (addressing all relevant effects) and not enabled through objectives and policies. Any allocation to storage must also be captured within allocation limits and minimum flows, not exempt from them. New, large run of river damming should be prohibited by PC9 as the effects on ecosystem health and the habitats of indigenous species will be significantly and adversely affected and this is not consistent with Te Mana o te Wai.

70. Water storage is a solution to the problem of too much abstraction, whereas water retention is not just about impounding water behind a dam wall, it is about slowing down the hydrological cycle by keeping it in the soil, and sediments, in vegetation, and in the aquifer. The focus of this policy should be on water retention and not simply water storage. Water retention is long term and provides a real solution to climate change, that also doesn't adversely affect numerous other values in comparison to water storage.

Stormwater

71. Source control of contaminants in stormwater is the most efficient means by which contaminants to water can be reduced and is supported in principle, as are the requirements set out in PC9 for site specific stormwater management plans. There is a need to ensure that contaminants from building materials, as well as effects arising from high temperature stormwater run-off, is controlled at the source and prior to discharge into the environment.

72. Stormwater policies must address, and achieve, the objectives and achieve the targets in Schedule 26 as per the relief sought relating to that Schedule elsewhere in this submission, and within the life of the Plan. Whilst we support in principle the intent of Policies 28 – 32 of PC9, we submit that drafting deficiencies throughout the plan, and within these policies, leave uncertainty as to the adequacy and appropriateness of the proposed provisions. We note as an example that references to the Stream Ecological Valuation methodology should also refer to avoiding the loss of net stream length and ecosystem health as it is used to inform how much and of what quality any changes to the stream network will result in. This requires clarification in PC9 as policies on stormwater are in general confusingly drafted.

73. Additionally, and of particular concern, is the lack of requirement within the plan for an integrated catchment management for the Ahuriri (and the Waitangi) Estuary. We note the intention set out in in Policy 28(K)(i) that site management plans will be required for industrial and trade premises within the Ahuriri catchments by 2025. Whilst we agree that these are needed, our submission, and as noted elsewhere, is that Ahuriri urgently requires an integrated catchment management plan. This should occur by a specified, and near future date, and not deferred to some un-specified point in the future as per current Policy 32 wording, given the degradation observed in the estuary and the high use for multiple freshwater values including tangata whenua values.

Protection of Water Quality of Community of Drinking Water Supply - Source Protection Zone Provisions

74. We are concerned that the provisions set out in PC9 relating to the protection of drinking water sources from the effects of potentially contaminating activities do not accurately reflect the recommendations made to the TANK Stakeholder Group by the Joint Drinking Water Group.

75. Of primary concern is the way in which the Source Protection Zone (SPZ) maps have been incorporated into (or excluded from) the Plan. The 'disclaimer' accompanying the SPZ maps states that these maps "are not planning maps that are part of the Plan Change. However, they show the areas that Schedules 28 and 35 would generate using existing specified information or process. These areas could change over time, for example, as we improve water quality or if we get new data about the extent or nature of the aquifer such as through the recent new SkyTem survey of groundwater". Our submission is that these maps are within scope, and must form part of PC9 for certainty and to ensure that the intent of the SPZ objectives, policies and rules is achieved.

76. The process set out in Schedule 35 relies on a resource consent application by a Drinking Water Supplier to determine or change the extent of an SPZ, in the absence of which a provisional SPZ will be applied using the method set out in Schedule 35. This is not the planning mechanism that we understood to be recommended to the Joint Drinking Water Group and subsequently to the TANK stakeholder group. Rather, as we understood it, SPZs for existing registered supplies would be established now, as part of PC9 and that PC9 would include a methodology by which SPZs for any new registered supply would be established. It is not appropriate to change the location of SPZs via a resource consent process and we submit that this must occur via a plan change process. Hence, the maps showing the Napier and Hastings Urban Supply SPZs must

form part of PC9. Additionally, the Brookvale bore appears to be missing from the Hastings Urban Supply Map. These apparent oversights and/or lack of uptake of advice from suitably qualified experts in the drafting of PC9 is of utmost concern and we are left to the conclusion that PC9 is riddled with similar inconsistencies and shortcomings.

77. With regard to the methodology for identifying source protection zones, we understand there are two approaches: numeric and risk based models. HBRC has adopted the numeric model, and we submit that this is a flawed approach that does not adequately account for the real world conditions, on the ground risks of contamination to drinking water supplies and is not fit for purpose. Our understanding that the Hastings and Napier SPZs have been identified by the District Council using the risk based rather than numeric model and we support this. We seek that a precautionary approach is taken with regard to SPZs including use of the risk based modelling approach for the identification of any future SPZs and inclusion of accurate and comprehensive SPZ maps for the Napier and Hastings Urban Supplies.

Consequential changes

78. It is unclear and confusing exactly what are the consequential changes to the RRMP as proposed in PC9. However, there are numerous provisions within the RRMP that are better than the proposed policies., and Ngāti Kahungunu wish to retain these. Clarity needs to be provided to ensure the best possible provision prevails.

79. Ensure consequential amendments to proposed PC9, to ensure consistency and coherency with the NPS-FM, the operative RPS and alignment with the RRMP provisions that apply within the TANK catchments, with the HBCEP where applicable, and with the relief sought through Ngāti Kahungunu Iwi Incorporated's submission.

Glossary

80. Māori terminology within PC9 needs to align with that used in the Regional Policy Statement, and other Regional Planning documents, and terms within the Glossary of PC9 should reflect appropriate and accurate language as identified and used by tangata whenua e.g. mahinga kai site, mahinga kai area, mahinga kai action.

81. We see seek that changes are made to the phrasing within PC9, through review and improvement of terms and definitions and added to the glossary. Te reo Maori should be defined by tangata whenua.

ATTACHMENT 2: Specific Relief Sought Relating to Schedules 26, 27 and Other Provisions including a New Schedule

This specific relief is in addition to, and is without prejudice to the general and specific relief identified by the Ngāti Kahungunu submission and Appendices.

TANK PC9 Plan Provision	Position	Reason for position (put in as much detail as possible)	Relief sought (use underline and ~~strikethrough~~)
Schedule 26 – use of terms and overall structure	Support with amendments	Schedule 26 is generally supported as appropriate for PC6 to meet the requirements for water quality in the NPS FM (notwithstanding issues with the overall structure and framework of PC9). Amendments for clarity are included as suggested relief. Schedule 26 is titled: 'Freshwater Quality Objectives', although Policy 1 and other provisions of PC9 refer to Schedule 26 as containing water quality 'targets' where they are not met. PC9 is not clear as to whether the water quality numeric attribute states in Schedule 26 are objectives, limits, or targets. It should be clear where targets apply (using the most recent assessment of water quality current state). Timeframes should ~~also~~ be shortened to be within the life of the Plan. The heading paragraphs to Schedule 26 is unconcise, unclear and should be generally stated elsewhere in the provisions of PC9 (e.g., the objectives and policies). It is not clear whether the management units are FMUs as defined in the NPS FM. They are variously described in the Plan as 'Surface water quality management units', 'Freshwater quality management units' or 'management units', although Schedule 26 also applies to groundwater. This requires clarification throughout PC9, including in Schedule 26. The Schedule 26A – 26D planning maps should sit within PC9 so the location and spatial extent for management is clear to plan users and decision makers. The planning maps should also make clear the boundaries for the Freshwater Quality Management Units. It is not clear from Schedule 26 that the 'Lowland tributaries' Freshwater Quality Management Unit in the table is the Karamū catchment or that the Taruarau River and other tributaries in the upper Ngaruroro River are within the upper Ngaruroro	Delete the first paragraph following the heading Schedule 26: Freshwater Quality Objectives. Specify within Schedule 26 where the numeric attribute states in the table column 'Water Quality Objective or/Target' are considered targets, based on assessment of the state of current water quality. E.g., "≥ 1.6 m <u>(target)</u>"., i.e. expressly identify which are targets and which are limits. Change timeframes for which targets aim to be achieved to be within the life of PC9. Delete the 'Critical value' and 'Also relevant for' columns from Schedule 26 and identify these freshwater values in a separate Schedule within PC9, defining where they apply. Alternatively, delete only the 'Also relevant for' column and amend the 'Critical value' column to reflect the freshwater values for which the most stringent attribute state is set. Delete all reference to 'statistical GL', 'MCI', 'Algal growth' and 'Toxicity' as these are not freshwater values. Amend Schedule 26 to specify a period of record for each attribute which compliance with the attribute state will be measured over.

TANK PC9 Plan Provision	Position	Reason for position (put in as much detail as possible)	Relief sought (use underline and ~~strikethrough~~)
		'FMU'. This is further confused by the use of the term 'Lowland streams' for the nitrate (toxicity) attribute. Schedule 26 column five is titled "Critical Value" with footnote 3 describing this as meaning; *"The critical value is the value most sensitive to the attribute state (has the highest water quality demand for that attribute). If the needs of the critical value are met, the needs of other values are also met."* While this method of identifying the most stringent attribute state for the values is consistent with the National Objectives Framework (NOF) approach in the NPS FM at Policy CA2(e)(iii), the critical values in Schedule 26 do not apply this method consistently. For example, for turbidity the critical value is stated as 'statistical GL', for DIN it is 'Algal growth' and for nitrate and ammonia it is 'Toxicity (NOF)'. Statistical GL is not defined in PC6, algal growth (periphyton) and toxicity attributes in the NOF are applied for the value of Ecosystem Health. The critical value, if retained in Schedule 26, should state the freshwater value for which the most stringent attribute state is applied, using consistent and defined values (which need to be identified in a Schedule within PC6). Alternatively, if a schedule of values and where they apply is included in PC6 as recommended, references to the critical value can be removed from Schedule 26. The column 'Also relevant for' simply provides a list of freshwater values. This would be more appropriate to be identified within a separate Schedule within the Plan for ease of use and consideration in decision making. The relationship between the freshwater values in this column and the water quality attributes is unclear. For example, it is not clear how instream DIN is a relevant attribute for abstractive uses for domestic, farm and community water supply or primary production and food production, industrial and commercial use. These are freshwater values and they should be identified in a separate schedule in PC6, noting where they apply (e.g., to an FMU, river reach or site).	Amend Schedule 26 Freshwater Management Units 'Lowland streams' to 'Lowland tributaries' for consistency of terms. Include a hard (expressly stated) limit for attributes that specifically reflect the need to assess cumulative effects. Any and all references in the Schedule need to be clarified as to whether they refer to the attributes stated in the NPSFM 2017 or NPSFM2020. In our submissions we refer to those stated in the NPSFM 2020.

TANK PC9 Plan Provision	Position	Reason for position (put in as much detail as possible)	Relief sought (use underline and ~~strikethrough~~)
		The period of record used to determine whether a waterbody is meeting or exceeds the attribute state in Schedule 26 also needs to be defined. For example, MCI specifies an average at flow < median but does not define over what period the average is to be calculated (e.g., 5-years).	
Schedule 26 – attributes and sites	Support	The attributes for surface and ground water quality are appropriate for managing the effects on ecosystem health and human health with the exception of temperature, which only manages temperature change from reference condition and does not set a maximum temperature objective.	Retain all of the listed attributes in Schedule 26 and include Schedule 27 attributes. Amend the temperature attribute to also include the maximum temperature attribute from Schedule 27 in Schedule 26. Include additional river monitoring sites that represent tangata whenua defined attributes (to be developed), in accordance with new tangata whenua objective where ecological and biophysical attributes will also be measured.
Schedule 26 – attribute states: Water clarity (m) and turbidity (NTU)	Support in part	For the Ngaruroro and Tūtaekurī rivers and their tributaries the clarity and turbidity objectives apply at flows less than median in Schedule 26 and the median values of clarity and turbidity measured at these flows will be compared with the objective/target. This means the attribute states will only need to be met in half of the samples, roughly half of the time (depending on flow conditions). Allowance for high flows and elevated sediment (which reduces clarity and increases turbidity) is already included in the attribute states by using the median as the 'compliance' statistic. Because of this, limiting the attribute state to apply only at flows less than median is not necessary. It is not clear whether the notified approach will adequately provide for the freshwater values in these waterbodies. Instead, the application of the attribute state should be median values, at all flows (as is the case for the Karamū catchment - Lowland tributaries). It would be clearer if the attribute application simply specified 'median' in all cases, although a period of record for determining the medians of each attribute is also needed.	Delete reference to flows from the application of the water clarity and turbidity objectives for all management units and apply a period of record: E.g., Annual Median~~, <median Flows~~ Delete 'statistical GL' from the critical value column. Add Clarity objectives for the Ahuriri catchment of an annual median of ≥ 1.6 m to provide for safe human use.

TANK PC9 Plan Provision	Position	Reason for position (put in as much detail as possible)	Relief sought (use underline and ~~strikethrough~~)
		Statistical GL (for lower Nagruroro, Tūtaekurī and tributaries) is not a freshwater value and is not defined in PC9. If 'statistical GL' is related to the method for comparing turbidity data with the attribute state it should be deleted from the freshwater values column and added as a footnote to interpret the application of the turbidity attribute. There are no clarity or turbidity objectives set for the Ahuriri catchment. It is not clear whether the freshwater values in this catchment will be protected with respect to water clarity or turbidity.	
Schedule 26 – attribute states: Deposited sediment (%)	Support in part	Deposited sediment is a critical factor affecting the ecosystem health of rivers, particularly benthic macroinvertebrate community health and the spawning habitat of salmonids (and indigenous fish). The attribute states for deposited sediment are largely consistent with national guidelines from Clapcott et al. (2011) and are supported. The maximum attribute states are appropriate to provide for the values of Ecosystem health and salmonid spawning. Presumably the more stringent attribute state of 15% cover from May to Oct is to support the salmonid spawning value in the upper Ngaruroro and Tūtaekurī river mainstems. There is no deposited sediment attribute for the Ahuriri catchment. It is not clear whether freshwater values in this catchment will be protected with respect to deposited sediment.	Retain as notified and add attribute states for the Ahuriri catchment.
Schedule 26 – attribute states: periphyton biomass	Support in part	There are only two sites at which periphyton biomass is monitored in the TANK catchments (lower Ngaruroro and upper Tūtaekurī Rivers). The attribute state to provide for ecosystem health at these sites is set at the NPS FM B band of 120mg/m^2 'max 1 p.a.' The application of the attribute is 'max 8% exceedance over three years of monthly observations'. It is assumed the 'max 1 p.a.' means to allow one exceedance of the attribute state in any year. If this is the case it is greater than the 8% exceedance over three years from monthly monitoring (which is 2.6 observations exceeding the attribute state over three years). Having both terms specified in Schedule 26 is confusing as it is unclear which exceedance threshold applies (i.e., 2.6 over 3 years or once per year, or 3). It is unclear whether periphyton biomass at the NPS FM B band will be	Delete >50 - <120 mg/m2 ~~max 1 p.a.~~ Amend the periphyton biomass attribute for the upper Tūtaekurī River to <50 mg/m^2.

TANK PC9 Plan Provision	Position	Reason for position (put in as much detail as possible)	Relief sought (use underline and ~~strikethrough~~)
		adequate to protect ecosystem health in the upper Tūtaekurī River. 50 mg/m^2 chlorophyll a is associated with a good state of benthic biodiversity (Biggs 2000), whereas 120 mg/m^2 is more closely aligned with trout habitat outcomes in the literature. This is better reflected by the 20% periphyton cover attribute for the upper reaches of both rivers, which equates to an excellent state of ecological condition (ecosystem health). Both attribute states for periphyton should be consistent. The two sites for periphyton biomass may not be representative of the 'FMUs' managed for periphyton. However, the risk of this approach is mitigated by the inclusion of a periphyton cover attribute for all rivers in the two catchments (see below). MfE guidance accepts that periphyton cover may be used in place of periphyton biomass and this approach is supported.	
Schedule 26 - attribute states: periphyton cover	Support in part	Periphyton cover (using the Weighted Composite Cover %PeriWCC) method of Matheson et al. (2012) and (2016) is a useful method to address the adverse effects of periphyton cover on ecosystem health and recreational use of rivers. The annual maximum applied to the upper Ngaruroro and upper Tūtaekurī Rivers is supported as periphyton can form nuisance growths at any time of the year when flow and nutrient conditions are suitable, adversely affecting ecosystem health. 20% cover equates to excellent ecological condition and is appropriate for these waterbodies. It appears the freshwater value with the most stringent periphyton requirements in the lower Ngaruroro and Tūtaekurī rivers and tributaries is either Uu or recreation. The Application column notes that monthly observations all year are required for Uu, however the critical value is stated as recreation and the attribute states 'seasonal max %PeriWCC'. There appears to be some inconsistency as to what the most stringent application of the attribute is and for which value. The NPS FM requires at Policy CA(e)(iii) that the objective must be adopted for the most stringent value. The most stringent value is Uu, which can occur at any time of the year, therefore this is the period when the periphyton cover	Delete 'seasonal max' from the attribute so the value of Uu is provided for year-round: Periphyton cover (~~seasonal max~~, %PeriWCC) Delete reference to Uu from the Application column: Monthly observations, all year ~~(for Uu)~~ Delete Recreation as the critical value and amend to replace with Uu (the most stringent value). ~~Recreation~~ Uu

TANK PC9 Plan Provision	Position	Reason for position (put in as much detail as possible)	Relief sought (use underline and ~~strikethrough~~)
		attribute should apply. This inconsistency between values needs to be resolved in Schedule 26 and Ngāti Kahungunu values and attributes appropriately acknowledged.	
Schedule 26 – attribute states: cyanobacteria	Support in part	The attribute is appropriate to manage the adverse effects of potentially toxic benthic cyanobacteria. However, as Uu applies year-round this is the most stringent value and should replace Recreation is the critical value column is retained in Schedule 26.	Delete recreation and replace with Uu.
Schedule 26 – attribute states: macrophytes	Support in part	Not all macrophytes create adverse effects (e.g., indigenous macrophytes can be positive indicators of ecosystem health). Submerged nuisance macrophytes (e.g., invasive weeds) however can adversely affect ecosystem health and dissolved oxygen. This should be clarified in the wording of the attribute. Nuisance macrophytes may also have adverse effects on other lowland streams in the TANK catchments, these streams should be included alongside the Karamū catchment. Macrophytes are not included as attributes for the lowland streams in the Ngaruroro, Tūtaekurī or Ahuriri catchments. Schedule 26 should be amended to include all lowland rivers and streams to reduce the potential effects on ecosystems health from nuisance macrophyte growth.	Amend the attribute to: 'Submerged nuisance macrophytes'. Amend FMU to include all lowland rivers and streams in the TANK catchments, not just the Karamū.
Schedule 26 – attribute states: MCI	Support in part	MCI is the macroinvertebrate index which measures the health of benthic macroinvertebrates and is an important indicator of the aquatic life component of ecosystem health. The attribute states are supported and are appropriate. Use of the soft bottomed (sb) MCI for the Karamū catchment is appropriate. There are no attributes for MCI in the Ahuriri catchment and it is unclear whether freshwater values will be provided for there. It is unclear why MCI is in both Schedule 26 and Schedule 27. All attributes should be included in Schedule 26 as setting attribute states to support values (including ecosystem health) is not optional under the NPS FM.	Amend MCI to remove reference to (index) as this is implicit in MCI. Include a sb MCI for Ahuriri otherwise retain attribute states as notified.

TANK PC9 Plan Provision	Position	Reason for position (put in as much detail as possible)	Relief sought (use underline and ~~strikethrough~~)
Schedule 26 - attribute states: DIN and DRP	Support in part	Dissolved inorganic nitrogen (DIN) and dissolved reactive phosphorous (DRP) are key nutrients in managing periphyton, macrophyte, cyanobacteria growth and macroalgae in estuaries. The numeric attribute states for DIN appear to be appropriate to provide for ecosystem health in the Ngaruroro, Tūtaekurī and Karamū catchments. However, DRP in the lower Ngaruroro and Tūtaekurī Rivers and tributaries may not be stringent enough to manage periphyton biomass or cover to meet those attribute states. The critical values should be ecosystem health as algal growth is not a freshwater value, it is an attribute. Although DIN and DRP are attributes for estuarine ecosystem health in the Karamū catchment there are no attributes for the Ahuriri catchment and it is unclear how nitrogen or phosphorous will be managed for ecosystem health in the Ahuriri estuary within Schedule 26. Alternatively, include TN and TP attributes for the Karamū and Ahuriri catchments to provide for estuarine ecosystem health in Schedule 26.	Delete 'algal growth' and amend the critical values for DIN and DRP to ecosystem health. Amend the DRP attribute states for the lower Ngaruroro and Tutaekurī Rivers and tributaries to 0.01 mg/L to achieve the objectives for periphyton in these rivers. Include DIN and DRP (or TN and TP) attributes states for the Ahuriri catchment to provide for estuarine ecosystem health.
Schedule 26 – attribute states: nitrate and ammonia	Support in part	Nitrate nitrogen and ammoniacal nitrogen are managed to avoid toxic effects on aquatic life for ecosystem health. However, the concentrations at which nitrogen has adverse effects on ecosystem health are much more stringent than those for toxicity and in all cases for the TANK catchments nitrate and ammonia attribute states will be overridden by dissolved and total nitrogen needed to manage for periphyton, macrophyte, cyanobacteria and estuarine health. The A band toxicity attribute state from the NPS FM for nitrate in the Ngaruroro and Tūtaekurī catchments, and ammonia in all catchments is supported as an important 'backstop' to ensure nitrate and ammonia do not have toxic effects on sensitive aquatic life. The B band nitrate state for the Karamū catchment is not supported as there are indigenous species which may be sensitive to the effects of	Amend the critical value for nitrate and ammonia from Toxicity (NOF) to ecosystem health. Amend the nitrate attribute state for the Karamū catchment to the NPS FM A band. Amend 'Lowland stream' to 'Lowland tributaries' for consistent use of terms throughout Schedule 26. Include A band nitrate and ammonia attributes for the Ahuriri catchment.

TANK PC9 Plan Provision	Position	Reason for position (put in as much detail as possible)	Relief sought (use underline and ~~strikethrough~~)
		nitrate in this catchment and the B band reflects protection of only 95% of species. Ammonia toxicity applies the A band to all waterbodies, this should also apply to nitrate so there is a consistent approach to the species protection levels across both toxins.	
Schedule 26 – attribute states: *E. coli*	Support in part	The *E. coli* attribute states are generally supported as these attribute states are adequate to provide safety for Uu and the NPS FM value of human health. It would be clearer and consistent with national direction if all four attribute states from the NPS FM applied to all catchments. However, there is no *E. coli* attribute for the Ahuriri catchment. There is significant recreational and cultural use of the estuary (e.g., waka ama). It is difficult to see how human health or other freshwater values requiring contact with or immersion in water will be provided for or how the objective for estuarine *E. coli*/Enterococci in Schedule 27 will be achieved. *E. coli*/Enterococci for Ahuriri must sit in Schedule 26.	Apply all four attribute states for *E. coli* from the NPS FM to all catchments. Include an *E. coli*/Enterococci attribute for Ahuriri to achieve a Microbiological Assessment Category B to provide for safe human use of the estuary.
Schedule 26 – attribute states: dissolved oxygen	Support in part	Dissolved oxygen is critical to aquatic life and therefore ecosystem health. The attribute states for the Ngarururoro and Tūtaekurī and tributaries are consistent with the A band from the NPS FM, are appropriate and are supported. For the Karamū catchment dissolved oxygen reflects the national bottom line in the NPS FM. It is unclear whether this is a target in Schedule 26 and low dissolved oxygen has been documented for streams in the catchment (e.g., Raupare Stream). If the attribute reflects the current state of dissolved oxygen in the Karamū, a target set at a higher state (e.g., NPS FM B band) is more appropriate to protect aquatic life and ecosystem health. There are no dissolved oxygen attributes for the Ahuriri catchment and these are needed in Schedule 26. Setting freshwater objectives to support values is not optional under the NPS FM. If dissolved oxygen attribute states in Schedule 27 are targets they should be included in Schedule 26 and noted as targets.	Delete reference to the 7-day mean min and 1 day min from the Application column – unnecessary duplication. Amend the attribute state for the Karamū catchment (lowland tributaries) to the B band state from the NPS FM. Include an attribute state for the Ahuriri catchment at the B band from the NPS FM. Alternatively, include dissolved oxygen attributes from Schedule 27 in Schedule 26 for lowland tributaries (C band) and Ahuriri.
Schedule 26 – attribute states: temperature	Support in part	Temperature is a critical stressor of aquatic life and ecosystem health. It is unclear what the reference state in Schedule 26 is for temperature in each 'FMU' so it is difficult to see how the temperature change	Include maximum temperature attributes from Schedule 27 in Schedule 26.

TANK PC9 Plan Provision	Position	Reason for position (put in as much detail as possible)	Relief sought (use underline and ~~strikethrough~~)
		increments might affect ecosystem health and other freshwater values or how they will be measured over time. Management of maximum water temperatures is needed in Schedule 26 rather than Schedule 27. Both maximum temperature and temperature change (because of activities managed by PC9 such as point source or stormwater discharges) are needed in Schedule 26. Maximum temperature attributes for the Karamū and Ahuriri catchments are needed and a temperature change increment should be included for the Ahuriri.	Add a maximum temperature attribute for Karamū (lowland tributaries) and Ahuriri of ≤ 23°C (B band). Add a ≤3°C increment compared to reference state for the Ahuriri estuary to Schedule 26.
Schedule 26 – attribute states: pH	Support	The attribute states are appropriate and supported.	Retain as notified.
Schedule 26 – attribute states: BOD	Support	The attribute states are appropriate and supported.	Retain as notified.
Schedule 26 – attribute states: Metals, metalloids and toxins	Support	The attribute states are appropriate and supported.	Retain as notified.
Schedule 26 attribute states: Nitrate-nitrogen (groundwater)	Support	Nitrate in groundwater can have adverse effects on ecosystem health and aquatic life when it enters surface water systems (as well as the aquatic life of groundwater dependent ecosystems). Managing groundwater quality to avoid toxic effects when it reaches surface water provides some protection for aquatic life in surface water and groundwater dependent ecosystems. This objective applies to all groundwater in the TANK catchments and is supported. However, the quality of groundwater in the Heretaunga Aquifer must not be allowed to degrade where quality is currently better than the attribute state.	Retain as notified and ensure objectives which do not allow degradation of the Heretaunga Aquifer are included in PC9.

TANK PC9 Plan Provision	Position	Reason for position (put in as much detail as possible)	Relief sought (use underline and ~~strikethrough~~)
Schedule 26 – where the objectives apply	Oppose in part	Given our position that the Ahuriri and Waitangi Estuaries have their own separate FMU's, attributes need to apply to both the Ahuriri and Waitangi FMU's to provide for ecosystem health and other freshwater values. Clarify which FMU the upper Ngaruroro and Tūtaekurī tributaries apply to. Generally, clarify the FMUs with respect to the NPS FM definitions and requirements.	Clarify whether Freshwater Quality Management Units are FMUs as per the NPS FM. Create separate FMU's for both the Ahuriri and Waitangi estuaries and include objectives and targets for all attributes for both FMU's.
Schedule 27	Oppose in part	The setting of freshwater objectives (and targets where objectives are not being achieved) is not optional under the NPS FM. Where waterbodies are not meeting the objectives in Schedule 26 these should be included and specified as targets to be met within a specified timeframe. Where estuarine ecosystem health is degraded, objectives and targets for freshwater must be set having regard to the outcomes for the coastal environment under the NSP FM and to give effect to the NZCPS.	Delete Schedule 27 and include all attributes as freshwater objectives and/or targets in Schedule 26.

To be Added to PC9:

Irrigation Season – minimum flow limits and targets

Surface Water Body	Minimum Flow Site	Minimum flow when PC9 Operative (l/s)	Minimum flow 01 July 2026	Minimum flow 01 July 2029	Allocatable Volume (m^3/wk) At 01 July 2029	Total Allocation Rate Limit# (l/s)
Ngaruroro River	At Fernhill Bridge	2,800 (previously 2,400)	3,400 (70%)	4,200 (90 %)	714,269# (previously 956,189*)	1,581 (3,300)
Ngaruroro River	At Motorway Bridge					
Maraekakaho River	At Taits Road	110 (100)	130	150	5,443	9#
Tutaekuri River	At Puketapu	2,400 (2000)	3,000	3,300	687,052# (928,972*)	1,536
Tutaekuri River	At Motorway Bridge	2,300 (new)	2,800	3,000		
Tutaekuri-Waimate	At Goods Bridge	1,200	1,500	1,500	185,704# (367,144*)	607
Karamu River	At Floodgates	1,100	1,400	1,600	200,000# (18,023*)	331[X]
Awanui Stream	At The Flume	150	150	150	Part of Karamu (0*)	
Awanui Stream	At Pakipaki Culvert	50	50	50	Part of Karamu (0*)	
Karewarewa River	At Turamoe Road	100	125	150	Part of Karamu (0*)	
Paritua Stream	At Raukawa Road	150 (new)	200	256	Part of Karamu	
Irongate Stream	At Clarks Weir	100	125	125	Part of Karamu (0*)	
Louisa Stream	At Te Aute Road	30	45	45	Part of Karamu (0*)	
Mangateretere Stream	At Napier Road	100	125	125	Part of Karamu (0*)	
Te Waikaha Stream	At Mutiny Road	25	35	35	Part of Karamu (-)	
Poukawa Inflow	At Site No. 1 d/s Dam	10	15	15	Part of Karamu (0*)	
Poukawa Inflow	At Site No. 1a u/s Dam	10	15	15	Part of Karamu (0*)	
Poukawa Stream	At Site No. 6	3	10	10	Part of Karamu (0*)	
Poukawa Stream	At Allens Bridge	20	30	30	Part of Karamu (0*)	
Raupare Stream	At Ormond Road	300	300	300	83,844 (83,844*)	138

New Minimum Flow Sites

Surface Water Body	Minimum Flow Site	Minimum flow when PC9 Operative (l/s)	Minimum flow 01 July 2026	Minimum flow 01 July 2029	Allocatable Volume (m^3/wk) At 01 July 2029
Mangaone River	At confluence with Tutaekuri	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Mangatutu River	At confluence with Tutaekuri	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Taruarau River	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Poporangi Stream	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Otamauri Stream	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Kikowhero Stream	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Mangatahi Stream	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Waitio Stream	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Ohiwia Stream	50 m u/s of confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	

Ngāti Kahungunu seek corrections/amendments to operative Schedules Va, VI and VIa, and VIb and their inclusion in, and appropriate consideration for their content and intent, in proposed PC9 Schedules, in particular overlays of these operative schedules in the proposed maps.

Table 2: Schedules/maps from the operative RRMP

Schedule in operative RRMP	Current references in Schedule	Correct references – NKII seeks specific relief to amend the operative references
Schedule VI Water Short Areas - Ground Water Management Zones (*Water Quantity*)	**Delete** RPS Policy 46 - non-regulatory methods and point source discharges; **Delete** Rule 49 – discharges to land that may enter water.	**Add** - RPS Policy 24 Water Allocation; RPS Policy 33 Groundwater Takes within the Vicinity of Surface Water Bodies; RRMP Policy 77 Environmental Guidelines – Groundwater Quantity; Rule 53 Minor takes and uses of groundwater
Schedule VIa Surface Water Management Zones (*Water Quantity*)	**Retain** RPS Policy 57 – Policy development and consideration of Māori concepts – Mauri, Noa, Rāhui and Tapu; **Delete** Rule 50 – Riverbed and Lakebed disturbance by livestock.	**Add** RPS Policy 35 Regulation – Water Allocation; **Add** RPS Policy 43 Groundwater Takes within the Vicinity of Surface Water Bodies
Schedule VIb Catchments sensitive to animal effluent discharges	RPS Policy 20 – Decision making criteria – Agricultural Effluent Discharges Rule 15 – Discharge of animal effluent in sensitive catchments.	**Retain** RPS Policy 20 **Add** Policies 8, 17, 19, and 47 to Schedule VIb **Retain** Rule 15.

New Tangata Whenua Monitoring Schedule to be inserted into PC9

The new objective and policy sought to be added to PC9 as set out in the body of our submission is to be given effect in part by a new tangata whenua schedule, enabling removal of the 'placeholder' Schedule 26 through two methods (or provisions to similar effect):

- Mātauranga Māori monitoring as determined by hapū
- Taonga Species monitoring developed and facilitated by Ngāti Kahungunu Iwi Incorporated, implemented with hapū / kaitiaki.

The new schedule would be set out as follows with details to be confirmed:

Tangata whenua Method	Freshwater Management Units and Hapū Management Units	Limit or Target	Application	Critical Value	Also relevant for
Mātauranga Maori Monitoring	All areas	tbc	At all times	tbc	
Taonga Species Monitoring	All areas	tbc	At all times	tbc	

From: James Brownlie
To: eTank
Subject: Submission to the TANK Consultration.
Date: Friday, 14 August 2020 12:51:47 PM

Submission on the TANK Proposal on Stock Exclusion from Waterways on Classes 6 & 7 Land.

Submitter – James A Brownlie – Farmer in the Upper Ruakituri Valley – 45 years Residency and experience there as a progressive Landowner.

My concern is that the proposal to limit stocking rates on the above land to under 18SU/Ha will stop all Rotational Grazing on such land. This proposal, if implemented will set a precedent for the Wairoa Catchment, the next cab off the rank. Nearly all Wairoa Hill Country Farming is Class 6 & 7.

Rotational Grazing is practiced by all intensive Hill Country Farmers – the majority of our Wairoa farmers are in this category and the district more than holds its own in production figures when measured against both the MPI and the Beef and Lamb National Production Databases based on Land Classification.

Rotational Grazing is the most environmentally friendly method of pasture management, encourages sustained vigorous grass growth, a dense sediment trapping sward and feeds stock to the maximum. It is not possible without considerable stock pressure, and without this one would have to revert to the older practice of "Set Stocking" which inevitably results in closely grazed, very short pastures with low production and considerable sediment and faecal run-off in rain events.

The Principles of grazing espoused by the new wave of Regenerative Farming Ideals urge "on-off" grazing practices having high stocking rates for short periods – exactly what we would call Rotational Grazing – it is nothing new.

I urge Council to take a "Whole Farm" approach to measuring stock rate intensity – legislating rates over the total land parcel, not at individual paddock rates. If this approach is taken all hill country farming will easily fall within the National Guidelines recently promulgated.

James A Brownlie – Erepeti Road, Ruakituri, Wairoa.

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

Name of Submitter: Ngai Tukairangi Trust

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.

Our horticultural operation is located in the Fernhill and Puketapu settlements and consists of 60 hectares of Gold kiwifruit in total, spread across four properties.

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

Horticulture producers need the ability to change crops in response changing market demand, regulations and environmental conditions. Whilst all of our orchards currently produce Gold Kiwifruit, it is quite possible that some of the properties will need to be converted to alternative crops in the future. If the land was left fallow for a number of years, would this be deemed a change in land use? Regulations should allow farmer and growers the flexibility to make changes to not only meet financial needs but also changing environmental needs. Some practices that lessen our environmental impact may result in temporary reductions in water use but equally there may be a need to temporarily increase water use at other times e.g. when establishing young plants.

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@ngaituk.co.nz

Contact phone number: 027 279 6289

Postal address: PO Box 7348, Taradale 4141

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

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Jenny **Last name:** Nelson-Smith
Organisation/Iwi/Hapu: Department of Conservation

Phone number: 027 277 4656

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:

Consultation Document Submissions

Proposed TANK Plan Change 9

- ( ) Support
- (•) Oppose
- ( ) Amend

I seek the following decision from the Regional Council:
Please see attached document which outlines the position of the Director-General of Conservation

Reason for decision requested:
Please see attached document which outlines the position of the Director-General of Conservation

Attached Documents

File
DOC Tank submission - DOC-6380885
Proposed TANK Plan Change 9

Department of Conservation
Te Papa Atawhai

DOC-6380885

14 August 2020

Hawkes Bay Regional Council

Dear Sir/Madam,

Submission on the Proposed Plan Change 9 to the Hawkes Bay Regional Council Regional Resource Management Plan.

Please find enclosed the submission by the Director-General of Conservation in respect of the Proposed Plan Change 9. The submission comments on all parts of the proposed plan and while the Director-General is supportive of improvements regarding the management of freshwater, he is concerned that the proposed plan change does not do enough to provide for the National Policy Statement for Freshwater Management, Te Mana o te Wai, iwi values and aspirations, or protect indigenous freshwater biodiversity. The Director-General is seeking significant changes before he would be able to support the Proposed Plan Change 9.

Please contact Manu Graham in the first instance if you wish to discuss any of the matters raised in this submission (mgraham@doc.govt.nz).

Yours sincerely

Jenny Nelson-Smith
Operations Manager | Pou Matarautaki Kāhui Matarautaki
Hawkes Bay | Te Matau-a-Māui

SUBMISSION ON A CHANGE TO THE HAWKES BAY REGIONAL RESOURCE MANAGEMENT PLAN

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991

TO:	Hawkes Bay Regional Council (**HBRC**)
SUBMISSION ON:	Plan Change 9 to the Hawkes Bay Regional Resource Management Plan **(PC9)**
NAME:	Lou Sanson, Director-General of Conservation (the **Director-General**)

STATEMENT OF SUBMISSION BY THE DIRECTOR-GENERAL OF THE DEPARTMENT OF CONSERVATION

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991 (**RMA**), I, Jenny Nelson-Smith, Operations Director, acting upon delegation from the Director-General, make the following submission in respect of PC9

1. This is a submission on PC9.
2. I could not gain an advantage in trade competition through this Submission.
3. High level comments and recommendations regarding the overall plan change are provided in Attachment 1.
4. Specific provisions are set out in Attachment 2 to this Submission (the **Submissions Table**).

Director-General's Interest in Proposed Plan Change 9

Role of the Department of Conservation and the Director-General

5. The Director-General of Conservation (the **Director-General**) has all the powers reasonably necessary to enable the Department of Conservation (**DOC**) to perform its functions.
6. The Conservation Act 1987 (the **CA**) sets out DOC's functions which include (amongst other things) management of land and natural and historic resources for conservation purposes, preservation so far as is practicable of all indigenous freshwater fisheries, protection of recreational freshwater fisheries and freshwater fish habitats and advocacy for the conservation of natural resources and historic heritage.
7. Section 2 of the CA defines 'conservation' to mean *'the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations*'.

National Policy Statement for Freshwater Management 2020 (**NPSFM 2020**)

8. The Director-General considers that there is risk of inefficiencies in progressing PC9 in its current form as:

    a. a primary focus of PC9 is the progressive implementation of the National Policy Statement for Freshwater Management NPSFM 2014 (amended 2017) (**NPSFM 2014**);

    b. the NPSFM 2014 will be replaced by the NPSFM 2020 on 3 September 2020;

    c. the NPSFM 2020 appears to contain substantial differences in requirements relating to HBRC's management of freshwater;

    d. the NPSFM 2020 will apply by the time that PC9 hearings commence and/or PC9 is approved and implemented;

    e. HBRC is required to prepare and notify a freshwater planning instrument that gives effect to the NPSFM 2020, by 31 December 2024 under the RMA;

    f. the PC9 process is likely to be resource intensive for many parties that are involved. This will be compounded if parties are required to revisit the PC9 provisions to implement the NPSFM 2020, ahead of the above deadline.

9. In the first instance, the Director-General seeks that HBRC either withdraws or undertakes a variation of PC9 to integrate/give effect to the NPSFM 2020 or takes any necessary steps to address the above.

<u>NPSFM 2014, NPSFM 2020, National Environmental Standard for Freshwater 2020 (**NESF**) and New Zealand Coastal Policy Statement (**NZCPS**)</u>

10. The Director-General has not had time to undertake a comprehensive evaluation of the extent that PC9 is consistent with the NPSFM 2020 or the NESF and notes that his submission points relating to the provisions of the NPSFM 2014 are intended to encompass the provisions of the NPSFM and NESF 2020, to the extent that those provisions reflect one another or are otherwise substantially similar.

11. As outlined in the Submission Table, there are numerous areas where PC9 is inconsistent with NPSFM 2014, therefore significant changes are required for PC9 to be consistent.

12. The management of coastal water and freshwater requires an integrated approach. Where estuarine ecosystem health is degraded, objectives and targets for freshwater must be set having regards for the outcomes for the coastal environment under the NSPFM 2014 and to give effect to the NZCPS. As outlined in detail in the Submission Table targets need to be set to improve the health of the estuarine environment.

13. The NPSFM 2014 also requires that freshwater is managed in a way that gives effect to Te Mana o te Wai. Objective AA1 stipulates Council must engage with tangata whenua to identify values, which in turn inform freshwater objectives and limits. Pol D1 states Council will take reasonable steps to reflect tangata whenua values and interest in the management of, and decision making regarding freshwater. Based on hapuu/iwi submissions made on PC9 to date, it appears that PC9 does not adequately give effect to tangata whenua values. These identify that PC9 does not (have regard to) go far enough in addressing tangata whenua values, particularly in the protection of water quality and quantity and relies too-heavily on non-regulatory provisions to achieve outcomes.

<u>Resource Management Act</u>

14. Section 6(e) of the RMA states decision-makers must recognise and provide for cultural values, noting that cultural values are recognised as being hapuu/iwi specific and that hapuu/iwi are best placed to identify their respective values; s 7(a): decision-makers must show particular regard for kaitiakitanga; s 8: decision-makers must take Te Tiriti principles into account. PC9 is an opportunity for HBRC to ensure Māori cultural connection to water bodies is protected.

15. As a treaty partner, the Director-General remains invested in the outcome of submissions by iwi/hapuu around the identification and suitability of provisions in PC9. The Director-General recognises the cultural significance of freshwater to tangata whenua that have cultural associations to this area and continues to support not only the recognition and provision for

those values but also the active protection of them to ensure our partners' interests are fully sanctioned throughout PC9.

Surface water quantity and allocation

16. The Director-General considers water allocation and quantity to be one of the most significant resource management issues for the TANK catchments. However, there are significant deficiencies in PC9 as:

    - There are no clear objectives relating to avoiding further overallocation or phasing out existing overallocation in PC9.
    - There are no objectives relating to the protection of the significant values of outstanding freshwater bodies and wetlands.
    - There are no objectives for water allocation to provide for ecosystem health or other instream freshwater values.
    - It is unclear how PC9 aims to give effect to section B (and other sections) of the NPSFM 2014 at a high level.

17. The relief sought in this submission is required to ensure that PC9:

    a) Gives effect to or is consistent with the NZCPS and NPSFM 2014 (or post 3 September 2020, the NPSFM 2020).

    b) Recognises and provides for the matters of national importance listed in section 6 of the RMA; has particular regard to the other matters in section 7 of the RMA; and properly accounts for Te Tiriti principles.

    c) Promotes the sustainable management of natural and physical resources.

    d) The changes sought are necessary, appropriate and sound resource management practice.

18. I seek the following decision from HBRC:

    a) That the particular provisions of PC9 that I support in Attachment 2 are retained.

    b) That the amendments, additions and deletions to PC9 sought in Attachment 2 are made.

    c) Further or alternative relief as may be necessary and appropriate to address concerns identified in this submission.

19. I wish to be heard in support of my submission, and if others make a similar submission, I will consider presenting a joint case with them at the hearing.

Jenny Nelson-Smith

Operations Manager | Pou Matarautaki Kāhui Matarautaki
Hawkes Bay | Te Matau-a-Māui
Department of Conservation
Acting pursuant to delegated authority on behalf of Lou Sanson, Director-General of Conservation

Date: 14 August 2020
Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Address for service:

Attn: Manu Graham, Senior Planner
mgraham@doc.govt.nz
027 280 3393
Department of Conservation

Tauranga District Office
253 Chadwick Road
TAURANGA 3142 New Zealand

Attachment 1: High level issues summary

Surface water quantity and allocation

1. The Director-General considers the policies in PC9 on water allocation do not give effect to the NPSFM 2014 section B. Groundwater and surface water in the Heretaunga Plains have been overallocated to existing users and some groundwater dependent streams, springs, wetlands, river reaches and lakes are exhibiting significant adverse effects on aquatic life.

2. PC9 is focussed on mitigating stream depletion effects and managing low stream flows (rather than avoiding or remedying these effects) by abstracting more water from groundwater and surface water to provide surface water flows in summer for depleted streams, with a small reduction in allocation from the aquifer to continue to meet existing reasonable and actual use demands. This does not address the over-allocation issue for the aquifer and its dependent ecosystems or for surface water. If users are contributing to a flow maintenance scheme they do not always have to adhere to minimum flows or allocation limits according to the policies and rules of PC9.

3. PC9 sets minimum flows, low flow, and high allocation limits for most large rivers in the TANK catchments in Schedules 31 and 32. However, cease take rules are not strong and allow for takes below minimum flow as part of a water storage or stream flow maintenance scheme and for some activities associated with production land use.

4. The hydrological regime of some rivers is significantly altered at low flow, this is particularly the case for the Ngaruroro River. Minimum flow for the Ngaruroro (2,400 l/s) only protects 44% of torrentfish (*Cheimarrichthys* fosteri) habitat at mean annual low flow (MALF) (naturalised MALF for this site is 4,700 l/s) and remains unchanged in PC9 from the existing RRMP minimum flow that has been in place for many years. The Ngaruroro River is a stronghold for torrentfish and other fast-water indigenous fish species (e.g., bluegill bully (*Gobiomorphus hubbsi*) and kōaro (*Galaxias brevipinnis*) that have a national conservation threat status of 'at risk – declining'. The river is also valued for trout and has outstanding indigenous fish habitat values and high cultural significance to mana whenua. Water abstraction pressure has increased the number of years the Ngaruroro River goes below the minimum flow from two (underestimated natural conditions) to seven out of the last 18 years (under current abstraction volumes). Therefore, habitat retention at low flow is often less than 44% for the most flow-sensitive species (torrentfish and others). Some catchments have high proportions of MALF set as allocation limits (e.g., Tūtaekuri, Maraekakaho and Tūtaekurī-Waimate).

5. The Tūtaekurī minimum flows have been increased and allocation limits decreased in PC9 and this is supported, however allocation limits are still a high proportion of MALF. No allocation limits have been proposed for the Ahuriri and Karamū catchments. No minimum flows are proposed for the Ahuriri catchment.

6. Most existing water use in the TANK catchments will be enabled and reconsented under PC9, despite current overallocation and the requirement to phase this out under the NPSFM 2014. High flow allocations (which trigger at median flows in some cases and are up to 8,000 l/s in the Ngaruroro River) have been included to enable further water takes beyond existing use, further altering the hydrological regime of the river. Some PC9 rules and policies allow for water takes beyond the high flow allocation limits as non-complying activities. Takes outside of the allocation limits should be prohibited if the resource is to be managed sustainably. Dams are allowed on the tributaries of most mainstem rivers to facilitate taking of water at high flows, with offline storage and abstraction enabled from larger mainstem rivers where damming is

prohibited. Water can also be taken from the Ngaruroro River beyond the allocation limits to supplement the Paritua Stream, which is notably affected by existing overallocation. This approach appears to shift the effects from one ecosystem to another.

7. Water shortage direction priorities include provision of water during low flow events for tree crops and for primary production (seasonal demand).

8. There are some provisions in Schedule 32 to ensure that high flow allocation does not alter the hydrological regime by more than 10% in tributaries (using FRE3 as the relevant flow statistic), but this does not apply to the Ngaruroro or Tūtaekurī River mainstems. It is not clear from the background technical documentation whether the high flow allocation limits will alter the hydrological regime of these rivers to a greater extent than what is proposed for the tributaries (measured as FRE3). A high degree of hydrological alteration not only affects flows and habitat quantum, but has a direct bearing on the quality of habitat for indigenous species through changes to geomorphological processes, and water quality, as periphyton and deposited sediment may no longer be effectively removed from the bed of the river. High flow allocations for the Ngaruroro and Tūtaekurī Rivers should not be set beyond a 10% alteration in the FRE3 statistic. Allowing 8,000l/s to be taken from the Ngaruroro River at median flow may have significant adverse effects on ecosystem health and is unlikely to adequately safeguard life-supporting capacity.

Relief Sought:

a. Include clear objectives and policies in PC9 to address and phase out over-allocation of surface and groundwater, safeguard life-supporting capacity and ecosystem health, protect the significant values of outstanding freshwater bodies and wetlands (including lakes) and provide for other instream freshwater values including tangata whenua values.
b. Ensure all water takes are required to cease at minimum flows except essential water takes for human drinking water supplies (which should be required to reduce during water shortage and at minimum flows).
c. Abstractions which deplete streams should cease when minimum flows are reached in all cases.
d. Ensure all water takes (including those for water storage and stream flow maintenance schemes) are within low flow and high flow allocation limits.
e. Ensure all allocation limits are less than 30% MALF.
f. Set allocation limits for the Karamū and Ahuriri catchments.
g. Set minimum flows for the Ahuriri catchment (and estuary).
h. Significantly increase the minimum flow in the Ngaruroro River to provide more habitat for indigenous fish at low flows (e.g., 80 - 90% of habitat at MALF).
i. Set high flow allocations for all rivers that ensure hydrological alteration of the flow regime is minimised and maintained close to natural flow regimes.
j. Do not allow transfer of water permits into over-allocated ground and surface water management units.
k. Prohibit all new large run-of-river damming and require safe fish passage for all new small dams (catchment < 50ha).

Water quality, ecosystem health and land use

9. The Director-General considers water quality and ecosystem health are degraded in some areas of the TANK catchments. For example, the Ngaruroro River has high water quality and exceptional indigenous fish communities that need to be protected and maintained. However, sediment is a key issue for the Ngaruroro River along with elevated nutrients sourced from land in the tributaries. The Tūtaekurī River shows some evidence of declining ecosystem health in the lower reaches and has elevated nutrients in the mainstem and tributaries. Nutrient inputs to the Waitangi Estuary from the Ngaruroro, Tūtaekurī and Karamū Rivers need to be reduced to provide for ecosystem health. The Ahuriri and Karamū catchments have degraded ecosystem

health, heavy sedimentation (including contaminated sediment) and poor dissolved oxygen levels which need to be improved – they have the poorest water quality in the Hawkes Bay Region and are unsuitable for primary contact despite being highly valued culturally and recreationally.

10. The diffuse impacts of production land use and contaminants from urban land are key contributors to degraded water quality in the TANK catchments and should be more effectively regulated through PC9 to maintain or achieve water quality objectives and targets in Schedule 26 and to meet the requirements of sections AA and A of the NPSFM 2014. Clear objectives (with stated goals or outcomes) are needed to safeguard life-supporting capacity, ecosystem health and human health, to protect the significant values of outstanding freshwater bodies and wetlands, to maintain or improve water quality and to recognise Te Mana o te Wai.

11. Freshwater Management Units (**FMU**) are not clearly defined in PC9 and there are multiple references to different management units that need to be clarified throughout PC9. Freshwater values are not clearly identified in PC9, a schedule of freshwater values is needed for each FMU, this could include the values listed in Schedule 26 within a separate schedule of values which defines what they mean and where they apply. Outstanding freshwater bodies, wetlands and their significant values are not defined in PC9 and it is difficult to see how they will be protected by the proposed provisions.

12. Implementation of PC9 water quality provisions is largely through non-regulatory measures specified in a non-statutory document (the draft TANK implementation plan) and generally through permitted activities in the PC9 rules. As such, the outcomes are not certain with respect to freshwater objectives and providing for tangata whenua, compulsory NPSFM and other values. Regulatory implementation must be included in the PC9 to ensure outcomes and objectives are certain for freshwater values and water quality.

13. Regulation of production land use is needed in priority catchments with identified water quality issues and these catchments need to be clearly defined within Schedule 28 of PC9, alongside timeframes by which the water quality issues will be addressed. Regulation of land use is also needed in other catchments where water quality objectives are not currently met, to achieve the targets by 2040 at the latest. Devolving the management of land use to third parties via permitted activity status, catchment collectives and industry programmes does not provide a clear and certain regulatory pathway to achieving the objectives and targets and therefore does not give effect to the requirements of the NPSFM 2014.

14. Schedule 26 (water quality) must contain all of the freshwater objectives for all waterbodies in the TANK catchments and include the (proposed as optional) objectives in Schedule 27 (including for Ahuriri, Karamū and both estuaries – Ahuriri and Waitangi). Freshwater objectives to provide for values are not optional under the NPSFM 2014. Targets (where objectives are not currently met) must be clearly identified within Schedule 26 so progress can be measured and reported over time.

Relief Sought:

a. Include clear objectives and policies to maintain or improve water quality, safeguard life-supporting capacity, ecosystem health and human health, protect the significant values of outstanding freshwater bodies and wetlands and provide for other instream freshwater values.
b. Include schedules of FMUs and freshwater values and clearly define where they apply.
c. Include a schedule of outstanding waterbodies and wetlands and their significant values for protection.
d. Include all water quality objectives in Schedule 26 and identify targets to be achieved by 2040 where objectives are currently not met.
e. Set objectives and targets in Schedule 26 for the Ahuriri catchment and estuary.

f. Amend Schedule 26 as per detailed analysis table.
g. Identify priority catchments and define timeframes for improvement in Schedule 28.
h. Regulate (require consent for) productive land used for farming in priority catchments to resolve water quality issues in Schedule 28 and in catchments required to meet water quality targets in Schedule 26 by 2040.
i. Control the use of production land for farming in all other catchments to maintain water quality.
j. Require farm plans for all farms >10ha in the TANK catchments.
k. Exclude stock from all wetlands, lakes and riparian margins used for fish spawning (specifically including īnanga (*Galaxias maculatus*)) regardless of slope with minimum setbacks of at least 10 metres.
l. Exclude break feeding from all waterbodies regardless of slope.
m. Include defined setbacks from water for all stock exclusion provisions.
n. Regulate and manage all stormwater discharges and require them to meet water quality objectives and targets in Schedule 26 by 2040.
o. Regulate and manage all point source discharges and require them to meet water quality objectives and targets in Schedule 26 by 2040.
p. Increase setbacks for vegetation clearance and cultivation to 10 metres.

ATTACHMENT 2:

TANK Plan Change 9
SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION

The Chapters that my submission relates to are set out in the table below. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable.

Unless specified in each-submission point, my reasons for supporting are that the provisions are consistent with the purposes of the Act.

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
PC9 as a whole	Oppose	The Director-General understands that PC9 is designed to progressively implement the NPSFM 2014. Recent statutory and regulatory changes relevant to PC9 include: • The NPSFM 2014 will be replaced by the NPSFM 2020 on 3 September 2020. From this date the NPSFM 2014 will no-longer apply, per NPSFM 2020, p. 2. The Director-General understands that there are substantial differences between these instruments; • HBRC must give effect to the NPSFM 2020 by preparing and publicly notifying a freshwater planning instrument that gives effect to the NPSFM 2020, by 31 December 2024, per section 80A, RMA. The practical effect of the above is that the NPSFM 2020 will apply as at the date that the hearings take place and/or PC9 is approved and implemented – the NPSFM 2014 will no-longer apply. HBRC will then be required to undertake a further plan change on the PC9 provisions, in line with the section 80A, RMA requirements. The Director-General is concerned that the PC9 hearing process will be resource intensive and that it will ultimately result in, at best, implementation of objectives, policies and rules on an interim basis. The Director-General considers that this is an inefficient approach to implementing a freshwater management regime for TANK, acknowledging that HBRC had no hand in contributing to this inefficiency.	HBRC withdraws PC9, gives effect to the NPSFM 2020 and renotifies the plan change in amended form; or HBRC prepares and notifies a variation of PC9 to implement the NPSFM 2020; or Some other action or actions to ensure that the NPSFM 2020 is given effect to as required, and which provides an efficient and fair process for the community (including submitters on PC9). Include objectives and/or policies which consider and recognise Te Mana o te Wai with particular reference to Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te Tangata.

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		The Director-General has the following generic comments to make regarding PC9 as a whole: <u>Objectives</u> The objectives of PC9 are not clearly defined as outcomes and do not reflect the requirements of the NPSFM 2014 in many cases. Objectives in a regional plan should clearly state the desired resource management outcome. The objectives in PC9, as notified are largely stated as policies (which are used to interpret and implement the objectives when making decisions and using the Plan, they are the 'how to' statements not the outcomes). In short there are too many objectives and they are unconcise and poorly worded. The objectives should be read as a package but ordered or prioritised from the higher order objectives that govern multiple activities managed through PC9, down through to the specific objectives. This would enable a transparent plan structure which should then follow through with a clear line of sight to the associated policies and rules. Where an objective is associated with freshwater values or objectives and limits or targets, the schedules containing these should be directly referenced in the objective. All schedules of values and objectives (including attribute states and targets) should be included in the Plan, along with a schedule defining the FMUs. <u>Treaty of Waitangi</u> Although the s32 report stipulates the Treaty principle of active protection is provided for, it is considered that PC9 does not go far enough in providing for this. Based on recent submissions by iwi on draft versions, PC9 does not (have regard to) go far enough in addressing tangata whenua values, particularly in the protection of water quality and quantity and relies too-heavily on non-regulatory provisions to achieve outcomes. <u>Te Mana o te Wai</u> PC9 does not go far enough to recognise Te Mana o te Wai and does not provide for Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te Tangata. <u>Tangata whenua values</u>	Identify freshwater values and where they apply in the TANK catchments within PC9 including compulsory values from the NPSFM 2014 and primary values from the RPS where relevant as Schedule X Include a schedule of FMUs for the TANK catchments in PC9. Amend references to surface water management zones and Heretaunga Aquifer to FMUs as per NPSFM 2014 or clarify and define the spatial units for management Replace the term stream depletion with surface water depletion throughout the document. This is a more accurate description of the potential effects for it includes all surface water bodies (streams, rivers, lakes, springs, wetlands, drains, irrigation/stockwater races etc). Stream depletion may confuse non-technical people who do not understand the fulling meaning of this term. Change the phrase 'ground water' into the word 'groundwater' across the entire document.

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		PC9 does not give effect to tangata whenua values. Based on hapuu/iwi submissions made on PC9 to date, it appears that PC9 does not adequately give effect to tangata whenua values. These identify that PC9 does not (have regard to) go far enough in addressing tangata whenua values, particularly in the protection of water quality and quantity and relies too-heavily on non-regulatory provisions to achieve outcomes. <u>NPSFM 2014 and Outstanding Water Bodies</u> There is little mention or emphasis regarding policies and rules around outstanding water bodies and wetland values and attribute states. PC9 does not give effect to NPSFM 2014 Obj A2(a) in protecting the significant values of OWB or PC7 to the RPS. The significant values of OWB should be identified and the protection of them should be specific within the objectives and other provisions of PC9. <u>RPS</u> The Director-General considers that PC9 plan does not give effect to RPS LW1 and LW2 define the values and their spatial extent as required under LW1.2 of RPS <u>Streamflow</u> The stream flow maintenance schemes seem to take high emphasis within the plan change. Although it is unclear it appears this is referring to putting water into streams directly from groundwater or from storage (these water takes being part of the consented water take). These direct recharge from aquifer schemes have an uncertain efficacy and may have unknown negative effects on other connected waterbodies and should be taken on a case by case basis, not promoted in policy. <u>Water storage</u> Water storage schemes should have a higher emphasis on habitat and ecological benefits when being considered, given the removal of approx. 98% of wetlands historic area in Hawkes bay since European settlement. <u>Freshwater Management Units **FMU**s</u> PC9 does not identify FMUs as required by Policy CA1 of the NPSFM 2014. The NPSFM 2014 applies to Freshwater Management Units. These units should be clearly defined for the TANK	

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		catchments and included in PC9. It is unclear from the s 32 report whether the TANK surface water management zones are FMU under the NPSFM 2014 and whether the Heretaunga Aquifer is an FMU in its own right. There is lack of clarity around the values related to specific FMUs and FMUs get little mention in objectives or policies. <u>Use of non-regulatory approaches</u> Implementation of PC9 is largely through non-regulatory measure generally specified in a non-statutory document (the TANK implementation plan) and as such the outcomes are not certain with respect to freshwater objectives and tangata whenua and compulsory national values. Implementation must be included in PC9 to ensure outcomes and objectives are certain for freshwater values. <u>Estuaries</u> The Ahuriri and Waitangi estuary attribute states are mentioned as objectives in schedule 27 and that the management of these will be covered future coastal plan changes. These areas are integrally linked with the TANK catchment, as such it is considered this plan change was the correct place to address their management. <u>Lakes</u> There is little mention of lakes within the catchments with schedule 26 stating attribute measures for lakes are to come later, but they should be included in PC9.	
Background and overview	Oppose	The Director-General considers the background statements and management overviews are not statutory requirements of regional plans. The background to the Plan describes the collaborative process which occurred prior to the drafting of PC9 and is irrelevant to the Plan itself. There are inconsistent statements in the background which are not helpful to the interpretation of PC9.	Delete the background statement and water management overview from PC9.

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		The Water Management overview likewise describes a process and is not helpful to the interpretation of PC9.	
TANK issues	Oppose	For PC9 the issues are unclear, unconcise, inadequately worded and not helpful regarding its interpretation. The intention of the PC9 "Objectives" should be clearly stated within the objectives themselves.	Clearly articulate or delete the TANK issues from PC9.
5.10 Introduction	Oppose	The Director-General considers that freshwater values should be stated for each FMU as a schedule within the body of PC9, not in introductory text as they are fundamental to freshwater management and required to be identified under the NPSFM 2014, Policy CA2(b). It is not clear which freshwater values have been identified and where each applies. This should be included in the body of PC9, not in introductory text. Plan users and decision makers need to be able to directly reference all identified values and be able to determine where they apply (with respect to at least each individual FMU). It is also unclear how these values should be interpreted against the values and associated objectives in the RRMP at Table 2A. The introductory text explains the process and is irrelevant to the Plan. References to Te Mana o te Wai and Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te Tangata should sit within the provisions of PC9, not in introductory text if they are to be implemented through PC9.	Delete the introduction to 5.10 and provide a schedule of the identified values and where they apply in respect of each FMU within the body of PC9 as Schedule X. Include objectives and/or policies which consider and recognise Te Mana o te Wai with particular reference to Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te Tangata. Provide consequential track changes to Table 2A of the RRMP to reflect the values of PC9 and where they apply.
General Objectives - all	Oppose	The Director-General considers the objectives of PC9 are not clearly defined as outcomes and do not reflect the requirements of the NPSFM 2014 in many cases. Objectives in a regional plan should clearly state the desired resource management outcome. The objectives in PC9, as notified are largely stated as policies (which are used to interpret and implement the objectives when making decisions and using the Plan, they are the 'how to' statements not the outcomes).	Delete and restate all the objectives except objective 9 as outcomes which give effect to the NPSFM 2014 and RPS.

<table>
<tr><th rowspan="2">The specific provision of the Proposed Plan Change:</th><th colspan="2">My submission on this provision is:</th><th rowspan="2">I seek the following relief from Hawkes Bay Regional Council</th></tr>
<tr><th>Support/Oppose</th><th>Reason for my submission:</th></tr>
<tr><td></td><td></td><td>In general, there are too many objectives that are not concise and are inadequately worded. The objectives should be read as a package but ordered or prioritised from the higher order objectives that govern multiple activities managed through PC9, down through to the specific objectives. This would enable a transparent plan structure which should then follow through with a clear line of sight to the associated policies and rules.

Where an objective is associated with freshwater values or objectives and limits or targets, the schedules containing these should be directly referenced in the objective. All schedules of values and objectives (including attribute states and targets) should be included in the Plan, along with a schedule defining the FMUs.

The purpose of the sub-headings for the objectives is unclear. For example, what are ‘general’ objectives vs ‘catchment’ objectives? Climate change should be integrated across all the objectives and does not need a standalone sub-heading. All of the sub-headings should be deleted.

A specific type of groundwater dependent ecosystems is the sub-surface groundwater ecosystem (often referred to as Stygofauna). This is different to surface water bodies with ecosystems that depend on groundwater. PC9 does not mention sub-surface groundwater ecosystems. The Greater Wellington Regional Council notified its Proposed Natural Resources Plan (PNRP) with objectives for both water quality and water quantity to safeguard aquatic ecosystem health values of both groundwater ecosystems and ecosystems in groundwater connected surface waters. The table and information below from Fenwick et al (2018) summarise this very well. I recommend having a similar table or information in PC 9.

Table 6-3: Groundwater aquatic ecosystem health and mahinga kai outcomes listed in the Proposed Natural Resources Plan. Source: GWRC (2015).

<table><tr><th>Outcome</th><th>Groundwater directly connected to surface water</th><th>Groundwater not directly connected to surface water</th></tr><tr><td>Nitrate</td><td>Nitrate concentrations do not cause unacceptable effects on groundwater-dependent ecosystems or on aquatic plants, invertebrate or fish communities in connected surface water bodies.</td><td>Nitrate concentrations do not cause unacceptable effects on stygofauna communities or other groundwater ecosystems.</td></tr><tr><td>Quantity</td><td colspan="2">The quantity of water is maintained to safeguard healthy groundwater dependent ecosystems.</td></tr><tr><td>Salt intrusion</td><td colspan="2">The boundary between salt and fresh groundwater does not migrate inland.</td></tr></table></td><td>Reduce the overall number or objectives and increase their clarity of purpose using concise and consistent RMA and NPSFM 2014 language and terms.

Delete all sub-headings associated with the objectives or alternatively reorder and reword the sub-headings to reflect their purpose (e.g., overarching vs system specific objectives like surface water and groundwater)

1. Use the term ‘groundwater dependent ecosystems’ (abbreviated as GDE) in place of listing only one or more specific types of groundwater dependent ecosystems such as a river or wetland. This will encourage people to think about the potential effects on all groundwater dependent ecosystems rather than focusing only on one type.
2. The term ‘groundwater dependent ecosystem’ should be defined in PC9 to show people what this includes. The suggested definition for ‘groundwater dependent</td></tr>
</table>

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		In the same way that PC 9 seeks to manage land use within the source protection zones of groundwater takes for community drinking water supply (PC 9, Schedule 35), it is strongly recommended that consideration be given to implementing similar source protection zones for the protection and restoration of high-value groundwater dependent ecosystems, including sub-surface groundwater ecosystems which have traditionally been excluded from the decision making process on consent applications and other activities that may result in potential adverse effects. The highest value groundwater dependent ecosystems are often found where groundwater-surface water interaction occurs such as at springs and near riverbeds. Given the dominance of horticultural and pastoral land uses within the TANK catchment, it is probably not practical to restore all groundwater ecosystems to a natural state. However, there is potential to create 'sub-terranean reserve(s)' for selected high value sites to enhance the Mauri of groundwater, restore and preserve groundwater ecosystem health, promote awareness of groundwater ecosystems, and learn more about them. Outside of these predicted areas, it is considered that improved groundwater quality and reduced abstraction will enhance groundwater dependent ecosystems throughout the entire TANK catchment.	ecosystem' is presented below in the Glossary section of this table 3. Where an area has a specific groundwater dependent ecosystem of value, this groundwater dependent ecosystem (for example, a protected wetland, spring, stream) should be mentioned in addition to the general term 'groundwater dependent ecosystem' to ensure it is given the correct level of attention relative to its importance. 4. PC9 should set aside at least one area for restoration and preservation of a sub-surface groundwater ecosystem and at least one surface water body connected to groundwater. They would provide for enhancement of the mauri of groundwater, restoration and preservation of groundwater ecosystem health, promote awareness of groundwater ecosystems, and allow people to learn more about them. These 'sub-terranean reserves' would require a source protection zone area specified in PC 9 to manage effects on water quality and groundwater levels by potentially limiting abstraction.
Objectives 1, 2, 3 and 5	Oppose	The Director-General considers that the objectives should clearly state the desired resource management outcomes. As notified, it is unclear what the plan change is trying to achieve. Objectives must meet the requirements of the NPSFM 2014. Objectives 1 and 2 do not do this. Instead the objectives describe ways of implementing the Plan (i.e., in the manner of policies).	Amend in a way that: - the mauri of waterbodies is protected and restored to provide for Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te Tangata and to provide for the values in Schedule X

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		The first objectives of PC9 should recognise Te Mana o te Wai, support integrated and sustainable management and recognise the interconnectedness of land, water and ecosystems - ki uta ki tai. Te Mana o te Wai is a matter of national significance under the NPSFM 2014 as the integrated and holistic framework for freshwater management, requiring users of water to provide for Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te Tangata and in doing so to acknowledge and protect the mauri of the water. Sustainable and integrated management outcomes should also be clearly stated. Te Mana o te Wai needs to be defined within the regional context and incorporate the values of tangata whenua and the wider community for each waterbody. Ideally the effects of climate change should be addressed in an integrated way across the objectives, however, one clearly stated objective could achieve this. Objective 3 is inadequately worded. A more outcome focused objective which addresses the effects of climate change is required. Objective 5 contains reference to Te Mana o te Wai, kaitiakitanga, ecosystem health, mauri and freshwater values. These should sit in higher order objectives which overarch all the activities managed by PC9, not just water quality. It is not the attributes (which make up the freshwater objectives) that are managed but the effects of activities on those attributes (freshwater objectives).	-safeguards life-supporting capacity and aquatic ecosystem processes -the connectivity between land, surface water, groundwater, freshwater and the coast - Ki uta, ki tai is recognised - provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
Objectives 4 and 6	Oppose	The Director-General considers the objectives should clearly state the desired resource management outcomes for surface water quality. As notified, it is unclear what the plan change is trying to achieve. Objectives for water quality must meet the requirements of the NPSFM 2014 section A. The objectives in PC9 as notified do not do this.	Delete Objectives 4and 6 and replace with new objectives A and B

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		Objective 4 of PC9 is inadequately worded and requires more concise language to provide a clear framework to maintain waterbodies where they are currently meeting freshwater objectives in Schedule 26 and to improve waterbodies that are degraded and do not currently meet the attribute states in the Schedule. For example, groundwater quality is not considered here and should be included. Objectives relating to water quality should be grouped to include groundwater quality if the sub-heading 'Water quality general' is retained. Objective 6 does not manage surface water quality to achieve the freshwater objectives in Schedule 27 but delays this to a later Plan Change process. This objective does not implement the NPSFM 2014 and provides no certainty of outcome to plan users or decision makers. All water quality attributes should be identified in one schedule which the objectives aim to achieve over time to provide for the values.	
Objective A	Include as a new objective	The Director-General considers the maintenance or improvement of water quality is required under the NPSFM 2014 Objectives A2, A3 and A4. All freshwater objectives (attributes) for water quality should be included in Schedule 26 to meet the requirements of the NPSFM 2014 Objective A4. The process for setting freshwater objectives is required by NPSFM 2014, Policies CA1 to CA4 to support freshwater values identified by tangata whenua and the community. The process is broadly consistent with what has occurred through the TANK (notwithstanding comments on Schedule 26 below). The 'optional' nature of the Freshwater Objectives in Schedule 27 is not supported. Freshwater objectives to support values are not optional under the NPSFM 2014. Footnotes referencing what 'maintain' means can be added to Schedule 26, rather than the objectives of the plan change. Groundwater quality for groundwater dependent ecosystems is not mentioned but is relevant as water quality provisions in the NPSFM 2014 also apply to groundwater (see below) and if	"Surface water quality is maintained or improved where the current state exceeds the objectives in Schedule 26 and improved where it is degraded or over-allocated by 2040 where objectives in Schedule 26 are not met, to provide for the values in Schedule X, including ecosystem health" or words to similar effect.

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		groundwater quality is not maintained or improved it will have adverse effects on surface water quality.	
Objective B	Include as a new objective	The Director-General considers PC9 does not meet the requirements of the NPSFM 2014 for the compulsory values of human health for recreation or primary contact (including the tangata whenua value of Uu recognised for the Ngaruroro and Karamū rivers). The NPSFM 2014, policies A5 and A6 require every regional council to identify primary contact sites, state what improvements will be made over what timeframe, how sites will be maintained where targets are achieved and develop targets to improve the quality of freshwater in rivers and lakes to contribute to achieving the national target in Appendix 6, NPSFM 2014 by 2040.	"Water quality is improved so it is suitable for primary contact, Uu and immersion more often and regional targets are met" or words to similar effect.
Objective 7	Oppose in part	The Director-General considers the subject of the objective appears to be a goal of ensuring sedimentation of waterbodies is reduced or avoided and land use is managed to achieve this, although this is not clear. If this is the goal of the objective, it is supported subject to amendments to ensure management of land use that may have adverse effects on these ecosystems is done in a sustainable and integrated way. However, the objective is inadequately worded. The goal of the objective should read first.	"Freshwater bodies, estuaries and the coastal environment are healthy and free from sedimentation and land use is sustainably managed in an integrated way ki uta ki tai to achieve this" or words to similar effect.
Objective 8	Oppose in part	The Director-General considers the subject of the objective appears to be enabling healthy riparian margins to provide for ecosystem health, mauri and other freshwater values. If this is the goal of the objective, it is supported, subject to the suggested amendments. However, the objective is inadequately worded, the goal of the objective should read first. Healthy riparian margins are only one factor which contribute to supporting the values in the TANK catchments. The outcome should be clearly linked to values which sit within a Schedule of the Plan. Policies (and rules) are needed to implement this goal in PC9.	"Riparian margins are healthy and contribute to achieving the objectives in Schedule 26 and providing for the freshwater values in Schedule X, including ecosystem health, human health and mauri" or words to similar effect.
Objective 9	Support	The objective is appropriate to ensure sources of human drinking water are protected. This objective is consistent with the NES for sources of human drinking water.	Retain as notified.

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
Objective 10, 11, 12, & 13	Oppose in part	The Director-General considers that objectives 10, 11, 12 & 13 read as a policy for the associated catchments – Values and where they apply (e.g., catchment specific values) should be included as a Schedule in PC9.	Delete and include (reworded) as a policy for the associated catchment Include all catchment specific values in a Schedule in PC9. Alternatively, redraft a catchment-specific objective which concisely and clearly captures the management intent and goals for the catchment.
Objective 14	Oppose in part	The Director-General considers the Heretaunga aquifer is a significant resource in the region and understands that it is a taonga to tangata whenua. Groundwater is not only found in the Heretaunga aquifer or connected to the Ngaruroro River (as at notified Objective 11h) but interacts with multiple surface waterbodies, groundwater dependent ecosystems and the coastal environment in the TANK catchments. The objective should reference all groundwater in the TANK catchments. The first part of the objective (above the clauses) is worded as a policy on 'how to' rather than an outcome focussed objective for groundwater. The objective needs to be split into two clear and concise objectives for groundwater quality and quantity/allocation to give effect to the NPSFM 2014 and RPS. Groundwater ecosystem health and groundwater dependent ecosystems must also be protected by the objectives and groundwater must be efficiently allocated and used and overallocation avoided or phased out as required by the NPSFM. PC9 does not give effect to the NPSFM 2014 in this respect or more specifically to section B in relation to overallocation. A definition of groundwater dependent ecosystems is needed in PC9 which includes but is not limited to stygofauna, wetlands, springs, and surface waterbodies hydraulically connected to groundwater.	Delete objective 14 and replace with new objectives C and D

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		Objectives for groundwater quantity must avoid and phase out overallocation as required by the NPSFM 2014. Objectives for groundwater quality must give effect to RPS objectives 21 and 22 (as amended by Plan Change 5). The objectives for groundwater should be included above as overarching objectives across the TANK catchments following or prior to the water quality objectives (amended as recommended above) Maintenance (with respect to groundwater quality) requires a definition in PC9. It would be useful to the plan structure and the management of activities across the TANK catchments if one FMU comprised the Heretaunga Aquifer (or all groundwater in the TANK catchments) and there were two overarching groundwater objectives related to quality and quantity.	
Objective C	Include as a new objective	See reasons in comments on Objective 14 The Greater Wellington Natural Resources Plan has objectives which would be useful additions to PC9 that state: "The quality of water is maintained or improved to safeguard healthy groundwater dependent ecosystems. In groundwater not directly connected to surface water - Nitrate concentrations do not cause unacceptable effects on stygofauna communities or other groundwater ecosystems. In groundwater directly connected to surface water - Nitrate concentrations do not cause unacceptable effects on groundwater-dependent ecosystems or on aquatic plants, invertebrate or fish communities in connected surface water bodies."	"<u>The mauri and quality of groundwater is maintained, enhanced or restored, to protect the health of groundwater dependent ecosystems, improve surface water quality, and make groundwater suitable for human drinking consumption</u>" or words to similar effect

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
Objective D	Include as new objective	See reasons in comments on Objective 14	"Groundwater levels are maintained, enhanced or restored to protect the health of groundwater dependent ecosystems, future overallocation is avoided, and existing over-allocation is phased out by 2040" or words to similar effect. Alternatively, overallocation could be addressed as one objective across surface water and groundwater (see new objective 'J' below). This would be more concise drafting but may not have the desired level of detail to direct the policies and rules.
Objective 15	Oppose in part	The objective is worded as a policy on 'how to' rather than an outcome focussed objective for wetlands and lakes. Clarification is required regarding the use of Waahi Taonga. Is it referring to specific sites or does this mean all wetland and lakes are Waahi Taoga? There is no mention of significant values of wetland as per NPSFM 2014.	Delete and redraft as an outcome "Wetlands and lakes are maintained or restored and their extent in the TANK catchments is increased to support the freshwater values in Schedule X including healthy ecosystems, indigenous species and their habitats, mahinga kai (etc)" or words to similar effect. Redraft policies on the management of activities (land use, damming, diversion and the taking of water) and on increasing wetland extent to support this objective. Clarify use of Waahi Taonga.
Objectives 16, 17 and 18	Oppose in part	The Director-General considers the prioritisation of water is a matter for a policy not an objective as it explains 'how to' implement PC9. A prioritisation policy should be included in PC9 to address this.	Delete from objectives and move in PC9 to include as a policy and apply also to groundwater.

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		Objective 17 describes an outcome of allocating water, but this does not account for any instream values for water. The first objective for water quantity should specify the desired outcome in allocating water, consistent with the NPSFM 2014 Objective B1 and should acknowledge that water is managed and allocated to safeguard life-supporting capacity and ecosystem health and support the freshwater values (which need to be included in PC9 as a Schedule) and to ensure flows, levels and allocation limits specified in Schedules 31 and 32 are met. Some of the other matters in objective 17 could be included as clauses in an outcome, following first ensuring outcomes for instream values are provided for. The NPSFM 2014 requires regional councils to identify methods in plans to encourage the efficient use of water and this may sit better within a policy. Objective 18 somewhat points to allocating water for instream uses/values but the objective is inadequately worded, and the clauses belong in a policy rather than an objective. Clauses a-e speak to the implementation of efficient use of water. This should be the primary (first) objective for water quantity in PC9, although amended as suggested below to give effect to the NPSFM, 2014.	Add new objectives E and F.
Objective E	Include as a new objective	The NPSFM 2014 requires management of the taking, use, damming and diversion of water to safeguard life-supporting capacity and ecosystem health as a minimum. Management should also be subject to ensuring the freshwater values are supported. Outstanding freshwater bodies (Objective B4 of the NPSFM 2014) are discussed above in the overarching new policy D which applies to all activities governed by PC9.	"Flows and levels in surface waterbodies are maintained or enhanced to safeguard life-supporting capacity and ecosystem health, recognise Te Mana o te Wai and to provide for the values in Schedule X and water is allocated efficiently within the limits in Schedules 31 and 32 and all water is used efficiently" or words to similar effect

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
			Alternatively, this objective could be combined with the suggested objective relating to groundwater levels
Objective F	Include as a new objective	Avoiding future overallocation and phasing out existing overallocation is required by objective B2 of the NPSFM 2014. This NPSFM 2014 objective is not given effect to in the objectives of PC9. Phasing out of overallocation should be timebound and stated within PC9 to provide certainty as to when the outcome will be achieved.	"Future overallocation of surface water will be avoided and any existing overallocation will be phased out by 2040" or words to similar effect Alternatively, this objective could be combined with the suggested objective relating to overallocation of groundwater
Policy 1	Oppose in part	Only the Council can regulate land use activities. The Director-General considers this policy requires substantial rewording to reflect how water quality objectives and targets will be achieved and by when and in what priority order. Catchments with high priority requirements to improve water quality should be identified in Schedule 28 and subject to clear timeframes. The policy needs to make it clear that improvement is needed wherever water quality objectives are not currently met to achieve targets by 2040 and the means by which decision makers and plan users are guided to achieve this.	The water quality of surface and groundwater bodies will be maintained where objectives of Schedule 26 are currently met and improved to meet targets in Schedule 26 where these are not met by 2040 by: a) Working with mana whenua, landowners, local authorities… etc b) Managing and regulating land use activities to improve water quality in catchments identified in Schedule 28 as a priority c) Where phosphorous and microbial pathogens are not meeting the objectives of Schedule 26, also regulate and manage land use activities which generate sediment (as a key contaminant pathway) d) Managing and regulating land use activities to reduce sedimentation and macrophyte growth in lowland rivers

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
			e) Managing and regulating land use to reduce nutrient loads to the Waitangi and Ahuriri estuaries f) Enable the maintenance of existing and creation of new sustainable riparian margins g) Manage and regulate stormwater networks to reduce contaminants to water h) Manage and regulate land use activities to protect the water quality of domestic and municipal water supplies. i) Manage and regulate point source discharges to reduce contaminants to water
Policy 2	Support in part	The Director-General considers this policy requires some rewording to be directive as to how water quality outcomes for the Karamū catchment will be achieved and by when. Alternatively, including the priority catchments and water quality issues in Schedule 28 would make the policy framework more concise and less repetitious.	Rewording needed.
Policy 3	Support in part	The Director-General considers this needs reframing and to be more concise.	The significant values and ecosystem health of wetlands and lakes will be protected and enhanced where necessary by: a) Working with landowners in wetland and lake catchments b) Managing and regulating land use activities in wetland and lake catchments to reduce sediment and nutrient inputs, improve water quality and support indigenous macrophyte growth in shallow lakes c) as currently worded

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		There are no attribute states mentioned for lakes in schedule 26.	d) Meet water quality objectives and targets in Schedule 26 in downstream waterbodies affected by wetland or lake water quality e) Enable landowners to protect, increase and restore existing wetland and create new wetlands Add attribute states for lakes to Schedule 26
Policy 4	Support in part	Reframe as per Karamū catchment Alternatively, including the priority catchments and water quality issues in Schedule 28 would make the policy framework more concise and less repetitious	Manage and regulate land use in priority catchments in Schedule 28 to address priority water quality issues in Schedule 28 and to maintain objectives and achieve targets in Schedule 26 by 2040. Or words to similar effect.
Policy 5	Support in part	Reframe as per Karamū and Ngaruroro Alternatively, including the priority catchments and water quality issues in Schedule 28 would make the policy framework more concise and less repetitious. The streams in Napier city have poor fish passage and fish diversity and stormwater infrastructure such as pumps and tidal gates which prevent fish movement and inhibit spawning and this should be considered.	Manage and regulate land use in priority catchments in Schedule 28 to address priority water quality issues in Schedule 28 and to maintain objectives and achieve targets in Schedule 26 by 2040. Or words to similar effect Insert point E) to work with Napier city to improve fish passage and restore spawning habitat.
Policy 6	Support in part	Source protection zones need to be clearly identified in Schedule 28.	
Policy 10 & 11	Support in part	Needs reference to targets when objectives in Schedule 26 are not being met.	Amend to include reference to reducing contaminant from point source discharges where objectives in Schedule 26 are not being

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	Support/Oppose	Reason for my submission:	
			met currently in order to meet targets by 2040.
Policy 11b	Support with amendments	Only shading for Karamū River is mentioned and not the other river tributaries including Ahuriri estuary.	Amend to include shading of other catchment tributaries
Policy 12	Support		Retain as notified
Policy 13	Support in part	Values are not listed in Policies 11 and 12. PC9 needs a schedule of identified freshwater values and where they apply (Schedule X) which can then be referenced by this policy.	
Policy 14 & 15	Support in part	This policy is somewhat repetitive and needs to be rolled into Policy 3 in a concise manner.	Include description of wetland and lake values in Policy 3
Policy 14e	Support with amendments	The enhancement of water quality in lakes not just downstream needs to be considered.	Amend to include enhancement of lake water quality and include attributes for lakes in Schedule 26.
Policy 16	Support in part	This policy should refer to 'potentially toxic benthic cyanobacteria' in rivers. This policy should refer to the objectives/targets for cyanobacteria (benthic cover %) attribute in Schedule 26 and to meet these where they are currently exceeded by 2040. Phormidium autumnale is now described as Microcoleus autumnalis and it is not the only potentially toxic benthic cyanobacteria. It is more correct to refer to the group of cyanobacteria as a whole to avoid confusion associated with changes in nomenclature. Alternatively refer to all potentially toxic cyanobacteria in rivers and lakes.	Amend as: To meet benthic cyanobacteria objectives and targets by 2040 and to support the values in Schedule X Delete all references to Phormidium and replace with potentially toxic benthic cyanobacteria as this is no longer the correct name for this genus.
Policy 17	Oppose	Policy 17 does not provide a certain, regulatory pathway to achieving the water quality objectives or targets in Schedule 26 and the water quality issues for priority catchments in Schedule 28. Where targets for water quality are not being achieved, clear management of land use activities which contribute to degraded water quality must be included in the plan with a timebound pathway to achieving targets by 2040. Water quality issues and priority catchments must be listed in Schedule 28 to make clear where controls on land use are needed as a priority, followed by methods to achieve remaining Schedule 26 targets in all FMUs and waterbodies.	Delete Policy 17 and replace with: "Schedule 26 freshwater quality objectives will be maintained where they are currently met, and targets will be achieved by 2040 through regulating the use of land in priority catchments for the water quality issues in Schedule 28, the intensification of all land,

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		The policy needs reframing to be more directive and all terms such as 'good practice' must be defined in PC9. The content of Farm Environment Plans (FEPs) must also be specified and contain clear mitigations and actions as a schedule within the Plan as a minimum. The content and standards for nutrient management plans should also be specified within an FEP schedule. Non-regulatory methods to address land use activities which contribute to degraded water quality (i.e., objectives not being met) are uncertain, inefficient and may not provide for the maintenance or improvement of water quality to support freshwater values, ecosystem health or life-supporting capacity. Land use in priority catchments and land use intensification in any catchment should be controlled activities and rules to implement this are needed as a minimum in PC9.	and requiring farm plans in all catchments that: a) Meet industry good practice as defined in Schedule XX b) Manage all critical source areas c) Mitigate and reduce contaminant losses to water d) Meet nutrient budgets for nitrogen in priority catchments in Schedule 28 e) All land users providing contaminant loss and nutrient budget information annually, or on request by the Council" F) Provide for appropriate enforcement actions Or words to similar effect Include a regulatory implementation pathway to achieve objectives and targets by 2040 Include regulation of land use in priority catchments and for waterbodies where contaminants are not currently meeting objectives in Schedule 26 as a minimum and require FEPs for all farming land use >10ha.
Policy 18	Oppose in part	This policy appears to leave the development and implementation of contaminant management to a future plan change, despite currently identified water quality issues in the TANK catchments and water quality objectives not being met in some waterbodies. Delaying/inaction to reduce nutrients at source has significant negative consequences for waterbodies and sensitive receiving environments (e.g., estuaries and lakes) and will make restoration take longer, be more difficult and cost more than if action is taken now (Graham et al. 2020)	"The maintenance or improvement of water quality to meet freshwater objectives and targets by 2040 will be supported by:

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		The consequences of not managing nutrient losses include: a. Nutrients stored in sediment will increase if inputs continue, and the release of nutrients from internal storage will continue after inputs are reduced. b. Sediment deposition exacerbated by river macrophytes and nutrient storage by algae prolong recovery and become more likely with the duration of high nutrient loading from land use. c. Risks of ecological states resistant to rehabilitation (e.g., phytoplankton-dominated shallow lakes, streams dominated by degradation-tolerant species that block re-establishment of more desirable aquatic life) increase the longer that source reductions are delayed. d. Competitive exclusion of sensitive taxa by degradation-tolerant riverine biota are likely to make remediation less effective and may require additional interventions. e. Additional remediation options may be required that may not have been necessary if nutrient management action were taken earlier. f. For lakes, reductions of external loading may need to be greater, compared with loadings required to achieve outcomes if the lake had not been degraded in the first place. g. Delays in reducing nitrogen leaching will result in increased peak loading to streams and protracted recovery for groundwater systems that have not yet responded fully to past increases in loading.	a) Collating, analysing and reporting on contaminant loss data provided by all land users (through Policy 17) b) Developing a contaminant allocation regime (nitrogen) in priority catchments c) Further regulation of land use in areas outside of priority catchments where targets are not being achieved by 2030 d) Measuring and reporting against the objectives and targets in Schedule 26 every five years e) Working with industry groups, landowners, mana whenua and other stakeholders to research and investigate additional mitigations and actions to meet targets at a property and catchment scale" Or words to similar effect
Policy 19	Oppose	This policy is redundant and repetitive and should be included in policy 17.	Delete
Policy 20	Oppose in part	The policy needs to be more directive to ensure water quality, life-supporting capacity and ecosystem health in freshwater and estuaries is maintained where it is currently good or improved where it is degraded. Activities adjacent to waterbodies that are known to generate excess sediment to water (e.g., vegetation clearance, cultivation, stock access) or land use in catchments with a high risk of erosion must be controlled as a minimum by PC9 to achieve the water quality objectives and targets by 2040. Priority catchments for erosion management must be identified in Schedule 28.	Amend Policy 20 as: "Sediment loss, erosion and effects on freshwater and coastal ecosystems will be mitigated and reduce to maintain the objectives and meet the targets in Schedule 26 by 2040 by: a) Controlling cultivation, stock access and vegetation clearance in all catchments b) Regulating land use in priority catchments vulnerable to erosion listed in Schedule 28 to

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
			manage critical source areas at the property and catchments scales c) requiring and supporting tree planting, afforestation and retirement of land, particularly where multiple water quality objectives and targets can be maintained or met d) Requiring and supporting and improved and sustainable riparian management in all catchments" Or words to similar effect
Policy 21	Oppose in part	Regulation of land use intensification in high risk (e.g., priority) catchments is needed as a minimum (first priority) in PC9 to achieve targets by 2040 in order to safeguard life-supporting capacity and to provide for ecosystem health and other instream freshwater values. Ideally, PC9 will regulate all land use intensification by providing defined standards for decision makers to apply to resource consents in order to meet environmental outcomes and maintain or improve water quality. PC9 needs to define land use intensification thresholds (e.g., areal extent, increased irrigation, land use intensification type and magnitude) to implement this policy so it is clear to plan users where and when a consent will be needed for intensification.	Delete and reword as: "The impacts of diffuse contaminants from intensification of land use will be controlled in all catchments to maintain water quality where freshwater objectives are met and to improve water quality to meet targets by 2040. In making decisions on resource consents, taking into account: a) The current state and trends in water quality for the catchment in which intensification is planned b) Whether the intensification is in a priority catchment listed in Schedule 28 c) The efficient use of land to reduce contaminant losses d) Planned mitigations and timeframes for actions to reduce contaminant losses from intensive land use

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
			e) Industry good practice as defined by the standards in Schedule XX f) Avoiding land use intensification where water quality objectives will not be maintained, or targets not met g) Considering the contribution of intensification to degraded water quality, including cumulative contaminant loss in the catchment" Or words to similar effect
Policy 22	Oppose in part	Stock access to waterbodies and their margins has known and multiple adverse effects on water quality, life-supporting capacity, and ecosystem health (along with other freshwater values). The benefits of excluding stock are well understood and documented in the literature. This policy needs to be directive and clear that stock will be excluded from all TANK waterbodies. Stock exclusion conditions need to be included in FEP standards within PC9 and setback distances from waterbodies need to be defined. A minimum setback distance of 10 metres is needed to ensure fine sediment entering waterbodies is avoided. Larger setbacks may be required for critical habitats such as wetlands and lakes or margins used for fish spawning Clear rules are needed in PC9 to implement this policy. 'Stock' can be defined in the glossary.	Delete and amend as: "To maintain water quality where objectives are met or to meet targets in Schedule 26 and to provide for the values in Schedule X, stock will be excluded from all waterbodies and their margins by 2023" Or words to similar effect
Policies 23 and 24	Oppose	These policies devolve Council's responsibility for managing natural resources and the effects of land use on water quality to third parties	Delete policies 23 and 24
Policy 25	Oppose	All farms should be required to prepare and implement FEPs as a minimum in order to maintain or improve water quality and to provide for the freshwater values.	Delete policy 25– already included in policy 17 relief

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
Policy 26	Oppose	As above – if a catchment collective or industry programme are included as methods for implementing PC9 then this policy will be needed in some form and should require resource consent application and the Council should take enforcement action.	
Policy 27	Support in part	This seems like it should belong in an implementation plan or non-regulatory methods section. Timeframes should be included within the relevant policies. Milestones and targets for riparian management (km of stream planted) and increases in wetland extent are useful but should be captured elsewhere?	Delete Policy 27 and reframe into associated other policy relief
Policy 28	Support in part	If it is retained in some form, critical habitats (e.g., īnanga spawning, wetlands) should also be taken into account at (d). Source control of contaminants in stormwater is the most efficient means by which contaminants to water can be reduced and is supported in principle.	
Policy 28g	Support with amendment	"where practicable" should be deleted and "good practice" used at all times.	adopting, ~~where practicable~~, a good practice approach to stormwater management including adoption of Low Impact Design for stormwater systems
Policy 29	Support in part	Source control of contaminants in stormwater is the most efficient means by which contaminants to water can be reduced and is supported in principle. Source control also considers the material used in new buildings to avoid production of metals and toxins which can contaminate water (e.g., no unpainted or sealed zinc alum roofing or copper downpipes). These specifications should be included as source controls. Temperature of stormwater is also an issue from hard stand areas in summer which should be controlled at source.	
Policy 30	Support	The policy needs to refer to maintaining objectives and achieving targets in Schedule 26. Timeframes for improvement of species protection levels by 2025 and 2040 are supported. Why does clause b) makes exception to clause a) – this is confusingly drafted. Both clauses should apply. References to the Stream Ecological Valuation should also refer to avoiding the loss of net stream length and ecosystem health as it is used to inform how much and of what quality any changes to the stream network will result in. This requires clarification.	

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
Policy 31	Support in part	This is not the only way to achieve the objectives and targets in Schedule 26 and should be reworded.	Amend Policy 31 as: "To ensure stormwater management supports maintaining the objectives and achieving the targets in Schedule 26 by 2040, HBRC, NCC and HDC will, by no later than 1 January 2025, implement an integrated stormwater management approach/plan through: (a-h)…" Or words to similar effect
Policy 32	Support in part	Should also refer to implementation and given Policy 31 this would be done by 1 January 2025.	Amend Policy 32 as: "HBRC will support the development of an Ahuriri Integrated Catchment Management Plan to be implemented by 1 January 2025 by…" Or words to similar effect
Policy 33	Support in part	Council should support and resource mana whenua in the development of mātauranga Māori tools and frameworks to determine appropriate cultural attributes to monitor their values, including but not limited to mauri, over the life of PC9. This policy should be specific to mana whenua. Local community monitoring should be separate and can be included as a non-regulatory method rather than a policy. Policy is needed in PC9 to give effect to section D of the NPS FM to recognise and reflect mana whenua roles and interests in management and decision making on freshwater.	Reword and include as two separate non-regulatory methods specific to mana whenua and then the local community Amend PC9 to include policy on how mana whenua will be involved in freshwater management and decision making, not only with respect to monitoring and mātauranga Māori.
Policy 34	Oppose in part	This is a method not a policy. Clause (b) should be deleted as this is the role and function of the Council (ideally in partnership with mana whenua) and not the responsibility of the TANK stakeholder group.	Amend as a non-regulatory method and delete clause (b)
Policy 35	Oppose in part	This is a method not a policy. It requires concise wording.	Amend as a non-regulatory method using concise language.

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
Policies 36, 37 and 38	Oppose	These policies must give effect to PC9 objectives (which need to be amended/added) and the NPSFM 2014 to avoid further overallocation and phase out existing over allocation of groundwater and to protect the values of outstanding freshwater bodies and wetlands.	Delete and include policy to give effect to the NPSFM 2014 section B
Policy 36, 37, 38, 39 & 42	Oppose	The Director-General has the following comments regarding policies 36, 37a, 39a & 42: The Director-General considers the actual and reasonable use of groundwater and the maximum sustainable abstraction from a groundwater system are two separate things. If actual and reasonable use is higher than the maximum sustainable abstraction then the allocation limit is too high, resulting in potentially adverse effects, both on the groundwater system and connected surface water bodies and ecosystems above and under the ground. Te Mana o te Wai establishes a three-tiered hierarchy of obligations, requiring that certain uses/values for water must be prioritised over others.	Policy 36 - Add "Groundwater dependent ecosystems" to list. Policy 36 a) - Delete "~~aquifer depletion~~", means the same thing. Policy 36 b) – include water levels in wetlands Policy 36 d) - Stop at seawater intrusion, delete words after this, not needed. Add a clause – to include leaching of pollutants into groundwater Policy 37 – provide evidence to support that the allocation limit is less than the maximum sustainable yield of the groundwater system, and will not result in adverse effects, particularly to connected surface water bodies. This assessment should also include a comparison of the maximum sustainable yield against all groundwater abstraction, no just irrigation lakes. Policy 37 e) - insert mitigate stream depletion effects on lowland stream and wetlands.

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
Policy 39	Oppose	Flow maintenance schemes are experimental and are not appropriate or certain to manage the effects of over abstraction and over-allocation of groundwater on groundwater dependent ecosystems (e.g., stygofauna communities, streams, springs, wetlands and lakes). Abstractions which deplete streams should cease when minimum flows are reached in all cases. It is not clear how groundwater dependent ecosystems will be protected by continuing to abstract groundwater and deplete streams when minimum flows and levels are reached and particularly to allow further abstraction from groundwater to maintain flows in these affected systems. Stream flow (and other groundwater dependent ecosystems such as wetlands, lakes, springs and stygofauna communities within shallow groundwater) should be maintained by managing and allocating the groundwater resource sustainably in the first instance.	Delete all references to stream flow maintenance from PC9. Policy 39 a) - Insert wording to the effect that flows need to be above cut off trigger when schemes start.
Policy 40	Oppose	Stream flow maintenance via augmentation from groundwater is experimental and does not provide any certainty that life-supporting capacity, ecosystem health and other instream freshwater values in groundwater dependent systems will be safeguarded or protected from stream depletion effects. Stream flow should be maintained by managing and allocating the groundwater resource sustainably in the first instance.	Delete all references to stream flow maintenance from PC9.
Policy 41	Oppose	Stream depletion (in the Ngaruroro River and all other surface waterbodies in the TANK catchments, including wetlands) should be managed through sustainable allocation of groundwater. The direction in the NPSFM 2014 is to avoid further overallocation and phase out existing overallocation. The effects management hierarchy of the Act must be implemented as per the national direction in the NPSFM 2020 to first avoid. Investigating the feasibility and the development of a water storage scheme will not remedy effects. PC9 must include provisions now which avoid, remedy or mitigate adverse effects and give effect to the NPSFM 2014.	Delete and include policies to manage stream depletion effects through sustainable allocation of water resources
Policy 42	Oppose	Overallocation must be addressed now in PC9, not on plan review. Allowing streams such as the Karewarewa/Paritua to regularly run dry as a result of over-abstraction does not meet the Council's functions under the Act or the requirements of the NPS FM. In not addressing	42 g) - Provide a date when the over allocation of groundwater will be phased out.

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		overallocation the Council is failing to safeguard life-supporting capacity or provide for ecosystem health or other instream freshwater values. Effects of stream depletion on the ecosystem health and water quality of the Waitangi Estuary must also be addressed.	
Policy 43	Oppose	To manage the effects of surface and groundwater abstraction on life-supporting capacity, ecosystem health and other instream freshwater values all takes affecting river and stream flows must cease at the minimum flows specified in Schedule 31. Notwithstanding this, the minimum flows in Schedule 31 are in some cases not adequate to support these values and must be increased. Where minimum flows and allocation limits are not specified in Schedule 31, they must be identified and included. Councils must set limits to sustainably manage effects.	Delete and amend to cease takes at minimum flows in Schedule 31.
Policy 44	Oppose	The Council "will recognise" should be reframed as "the Council recognises". The effects of ground and surface water takes on the Paritua/Karewarewa streams must be managed using cease take at minimum flow and sustainably limiting the allocation of water from this area. Diverting water from the Ngaruroro River to the Paritua Stream or augmenting flows from groundwater simply shifts the effects from one waterbody to another, it does not manage the effects, which is required as a Council function under the Act and the NPS FM 2014.	
Policy 45	Oppose in part	All water taken at high flows must be subject to high flow allocation limits, otherwise the flushing and high flow regimes of rivers (which support ecosystem health and other instream freshwater values) will be significantly altered. Requiring metering and telemetry of water takes is supported and is consistent with national regulations. However, the regulations do not allow metering exceptions (e.g., in cases of technical limitations) and this part of the clause should be deleted. Reference to lowland stream enhancement to manage stream depletion effects are not appropriate and should be deleted. All takes should cease at minimum flow.	
Policy 46	Oppose	These are not water use efficiency measures and should be deleted	Delete policy 46

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
Policy 47	Support in part	Reliability standards to meet demand are not water use efficiency measures and should be deleted, otherwise clauses a-f are supported.	
Policy 48	Oppose in part	Water use change or transfer should not be allowed in any overallocated waterbody – applications to transfer into overallocated waterbodies should be declined (and supported by a prohibited activity status in the rules of PC9). Transfers should be declined wherever significant adverse effects on life-supporting capacity, ecosystem health and other instream freshwater values are likely. References to flow enhancement or ecosystem improvement schemes should be deleted as these are inappropriate measures to manage adverse effects. The needs of people and communities for water supply for drinking and domestic use should be prioritised above water used for irrigation. Clause g is supported – water used for frost protection generally is not used when rivers and streams are under the most flow stress (e.g., summer).	
Policy 47 b & 48 a	Oppose in part	It is understood that the Irricalc model is being upgraded to reflect Hawke's Bay's climate and cropping systems and the Council wish to use it to provide a consistent approach to calculating water demand and allocating water. Irricalc was also used for the 2018 surface water and groundwater modelling projects. The Director-General agrees with using Irricalc to provide a consistent approach to water allocation. However, to provide flexibility using Irricial, it is recommended that the applicants be able to include their own soil property data into the model, rather than being limited by whatever values may be set already. For example, an applicant may wish to get a detailed soil survey done of the property to obtain higher resolution and more accurate soil data than what may be available through public sources such as SMap.	47 b) - Allow applicants to use their own more detailed soil information within Irricalc when this data is of higher resolution and quality than existing available data. 48 a) - Make the transfer of surface water to groundwater a separate line item to make people more aware of this option. Also allow the use of alternative defendable models/methods.
Policy 49	Oppose in part	Durations of consents in waterbodies in which the allocation status is unknown should be of short duration – 15 years is too long when effects may be significant.	Impose shorter water permit durations
Policy 50	Support		Retain as notified

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
Policy 51	Support in part	Water for horticultural crops and primary production should not be prioritised during water shortages and should cease take at minimum flows. Water taken below minimum flows should only occur to provide for the basic health needs of people and communities and for animal welfare.	Remove reference to horticultural crops and primary production.
Policy 52	Oppose	These are not certain methods to phase out overallocation. Sustainable allocation limits must be set and adhered to. Further water use in overallocated areas must be prohibited. The proposed approach grandparents the current overallocation, it does not phase it out. Timeframes for phasing out overallocation must also be included.	Include clear methods with timeframes to phase out overallocation.
Policy 53	Oppose in part	Water used for frost protection should always be within allocation limits and minimum flows.	
Policy 54	Oppose	Prohibit run of river damming as adverse effects are permanent. Run of river damming should not be enabled by PC9. The policy should be amended to reflect the potential for off-line dams and storage and to address the effects of these activities. The effects of land use change on water quality and ecosystem health should be addressed through intensification policies and rules. Water taken for off-line storage should be subject to minimum flows and allocation limits, including high flow allocations. The effects of discharge of water from dams on water quality and ecosystem health must be considered.	
Policy 55		Water taken for offline storage should be subject to minimum flows and allocation limits (including high flow allocation limits). Allowances for high flow takes should be lifted from median to three times median flow to avoid adverse effects on life-supporting capacity, ecosystem health and other instream freshwater values.	
Policy 55b(x)	Clarification	This appears to be grandparenting in current takes at current trigger rates. If this is the case, then it is not considered appropriate.	Request clarification of this point
Policy 56		All reference to flow or water augmentation should be removed from PC9 as it is an inappropriate way to manage the effects of overallocation and abstraction. This policy should be redrafted as a method (if included at all).	
Policy 57		This is a method not a policy	
Policy 58	Support in part	All run of river dams should be prohibited	
Rule 1	Oppose	The Director-General considers farming should be regulated and require consent in priority catchments with identified water quality issues specified in Schedule 28 and all catchments where water quality targets are not being met in Schedule 26. A map of the priority catchments	Amend Rule 1 so that the use of productive land for farming is a restricted discretionary activity in priority catchments (with water

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		needs to be included in PC9 as it is not clear from the online maps (that are not part of the plan change) which catchment areas are in priority catchments. Management of land use effects on water quality are devolved to third parties as permitted activities in priority catchments (e.g., Industry Programmes or Catchment Collectives). This approach to addressing water quality issues is uncertain and inappropriate. Permitting land use activities which discharge contaminants to water that have current significant adverse effects on aquatic life is not consistent with section 70(1)(g) of the RMA. Rules 1 specifies Catchment Collectives or Industry Programme plans and Farm Environment Plans (FEPs) to be completed and submitted by the dates in Schedule 28. However, there are no dates in Schedule 28. The timing for completion and approval of all productive land use plans is therefore uncertain. FEPs are required for productive land use to be permitted (including in priority catchments and where water quality targets are not met) in Rule 1(b)(2). FEPs are not directed enough by Schedule 28 to ensure that environmental effects are avoided, remedied or mitigated to the degree that discharges of contaminants from land use to water will not cause significant adverse effects (s70(1)(g) RMA) or that water quality targets will be achieved by 2040. Where farming is undertaken in a manner that will not address the water quality issues in priority catchments (Schedule 28) or will not contribute to achieving water quality targets in Schedule 26 by 2040 Council needs the discretion to decline consent. Therefore, a restricted discretionary (or full discretionary) activity status is appropriate in these catchments in order to improve water quality as required under the NPSFM 2014.	quality issues as specified in Schedule 28) or where water quality targets are not being met. Amend to include the matters of discretion in Rule 2 and include additional provisions for audit and review of all farm plans (including catchment collectives and industry programmes if retained).
Rule 2	Oppose in part	Use of productive land for farming that does not comply with Rule 1 (having a catchment collective, industry programme or farm environment plan) is controlled under Rule 2. Controlled activity status is appropriate for farming in catchments that are not priority catchments or where freshwater objectives in Schedule 26 are being achieved in order to maintain water quality as required under the NPS FM.	Amend Rule 2 so that the use of productive land for farming that is not in priority catchments (with water quality issues as specified in Schedule 28) or where water quality objectives in Schedule 26 are being met is controlled.

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
			Amend to include additional provisions for audit and review of all farm plans (including catchment collectives and industry programmes if retained) in the matters of control for Rule 2.
Rule 3	Oppose in part	The Director-General considers stock access to waterbodies has known adverse effects on water quality, ecosystem health and the habitats of indigenous freshwater species, particularly the riparian spawning habitats of indigenous fish. Stock which are breakfeeding on pasture or crops create more severe effects on the structure and form of waterbody margins and are known to generate significant effects from excess sediment and associated contaminants (i.e., phosphorous and E. coli). Permitting stock access to water at lower stock intensities on land greater than 15 degrees slope is generally consistent with the government's proposed s360 regulations and requiring bridged or culverted stock crossings by 2023 is supported. Requiring cattle, deer and pigs to be excluded from waterbodies on land less than 15 degrees slope and at stocking rates less than 18SU/ha is generally supported. However significant adverse effects on aquatic life are likely from stock access to the riparian margins of waterbodies used for indigenous fish spawning (e.g., īnanga), all wetlands and lakes, outstanding waterbodies, and when stock are breakfeeding on crops or pasture at any slope. Breakfeeding of stock on pasture or crops on land of any slope should not be permitted and should have a minimum 10m setback from water. A discretionary activity status is more appropriate. Stock should be excluded from all wetlands and lakes regardless of land slope and a minimum 10m setback should apply. A discretionary activity status is more appropriate for these waterbodies. Stock should be excluded from the riparian margins of all waterbodies used as spawning habitat by indigenous fish (e.g., īnanga).	Amend Rule 3 to exclude stock from all waterbodies when breakfeeding on pasture or crops on land of any slope. Amend to exclude stock from all wetlands and lakes (regardless of land slope) with a 10m minimum setback from water. Amend to exclude stock from all riparian margins use for spawning by indigenous fish, particularly īnanga. Amend to require a minimum setback from all waterbodies subject to stock exclusion. Include stock exclusion from all outstanding waterbodies.

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	Support/Oppose	Reason for my submission:	
		Setback widths (from which stock are excluded) must be stated in PC9 to ensure the effects are appropriately managed. This is particularly important in priority catchments in Schedule 28 or where water quality targets are not being met in Schedule 26. Outstanding waterbodies should be protected from all stock incursions.	
Rule 4	Support in part	Council requires the discretion to decline consent with respect to the type of stock access (i.e., breakfeeding), the type of water body, the water quality targets in a catchment and any critical habitats of indigenous species. Full discretionary activity status may be more appropriate in some areas or for some activities (i.e., breakfeeding).	Amend matters of discretion to include: -Breakfeeding of crops or pasture on land of any slope. -Wetlands and lakes. -Priority catchment in Schedule 28. -Catchments where water quality targets are not met in Schedule 26. -Waterbodies with riparian margins used for fish spawning (e.g., īnanga). -Appropriate setback distances to manage effects. -Outstanding waterbodies
Rule 5	Oppose	The Director-General considers Rule 5 should be a discretionary activity as Council should maintain the discretion to decline consent for intensification, particularly in catchments which are priority catchment in Schedule 28 or where water quality targets in Schedule 26 are not being met.	Amend to discretionary activity for priority catchments in Schedule 28 and where water quality targets in Schedule 26 are not being met.
Rule 6	Oppose in part	It is particularly important that priority catchments in Schedule 28 and catchments where water quality targets in Schedule 26 are not being met are included as discretionary activities for which consent can be decline if the proposal will further degrade water quality.	Amend to include reference to priority catchment in Schedule 28 and where water quality targets are not being met in Schedule 26. Amend to refer to the extent to which water quality will be maintained or improved.

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	Support/Oppose	Reason for my submission:	
Rule 7		Permitted takes of surface water less than 5m3/day require an instantaneous rate of take (i.e. ≤10% of instantaneous flow or 2 l/s, whichever is the lesser) to protect low flows in small waterbodies from being over-abstracted by permitted takes. Rule 7, allowing existing takes at 20 m3/day for stock drinking water also requires an instantaneous rate of take to protect flow in small streams. It is not clear from the rule whether both circumstances apply at 7(b) - needs 'and' added between the clauses. Fish screening requirements are supported.	Retain as notified with amendment to clarify that Rule 7(b)(i) AND (ii) apply together
Rule 8	Oppose in part	e) The take shall not cause changes to the flows or levels of water in any connected wetland.	Change to: e) The take shall not cause changes to the flows or levels of water in any connected wetland or surface water body.
Rule 9 f) (i) & (ii)	Oppose in part	Regarding Rule TANK 9 f) (i) the Director-General does not agree with only using the online Stream Depletion Calculator to predict the effects of groundwater abstraction on stream flows due to uncertainty with the groundwater model on which the Stream Depletion Calculator is based. Regarding For part (ii) the ceasing of groundwater takes that have a direct connection to surface water in Zone 1 is agreed to be the right approach for managing surface water depletion. However, in semi-confined parts of the Heretaunga Plains where many of the groundwater takes have a low degree of connection to surface water this will not work because of the lag time between ceasing groundwater abstraction resulting in increased flow / levels in a surface water body. Once the flow or level of water in the surface water body reaches its trigger value, ceasing pumping will have little or no immediate effect on increasing the flow or level. Therefore, the minimum flow restrictions for some groundwater takes will not protect freshwater habitats. It is also understood that the Stream Depletion Calculator is based on a groundwater model that excludes unconfined groundwater overlying the deeper semi-confined aquifers. Therefore, it is	f) The water permit holder either: (i) contributes to or develops an applicable stream maintenance and habitat enhancement scheme that complies with the requirements of Schedule 36 at a rate equivalent to the stream flow depletion (in l/sec) which will be calculated using the Stream Depletion Calculator and based on the allocated amount of water; or an alternative method where it can be demonstrated to provide a more realistic prediction of effects. or (ii)where a groundwater take is demonstrated as having a high or direct connection to surface water, the water take ceases when the flow or level of water in the surface water body falls below the trigger level specified in

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		unclear how stream depletion from groundwater takes from unconfined and perched groundwater overlying the deeper-semi-confined aquifer will be addressed. PC9 will need to explain the definition of a groundwater take with a low, moderate, high and direct connection to surface water. Other regional councils such as Environment Canterbury and Environment Southland have definitions in their plans for these which could potentially be used in PC9. PC9 should state how any groundwater abstraction from the perched aquifers (mentioned in Dravid and Brown (1970) but not included in the groundwater model) should be managed to avoid adverse effects resulting from surface water depletion.	Schedule 31. Where a groundwater take is predicted to have a moderate or lesser connection to surface water, the surface water depletion effect must be offset using an applicable water scheme instead as outlined in (i) above.
Rule 10	Oppose in part	Existing surface and groundwater takes – Heretaunga Plains Water Management Quantity Unit – reapplication Rule 10 (g)(iii) may allow maximum annual water use in the last 10 years to become the reallocated volume As currently drafted it appears as though water will be able to be taken under minimum flow when it is an existing take and meets reasonable and actual use. All takes that are not essential for the health needs of people and communities should cease at minimum flows specified in Schedule 31 whether they are reapplications or new consents to manage the effects on aquatic life, ecosystem health and other instream freshwater values. The inclusion of fish screening and water metering is supported, although all takes should be required to have telemetered flow information provided to the Council in real time.	
Rule 11		This allows takes for frost protection and water storage schemes to take below minimum flow and outside of allocation limits. There are already high-flow allocations provided in Schedule 31 which water storage schemes can utilize. Frost protection takes should be included in the overall allocation. All takes which are outside of the allocation limits proposed in Schedule 31 should be prohibited.	Delete reference to water storage. All takes outside of the allocation limits should be prohibited.
Rule 12	Support in part	Include all takes outside of low flow allocation limits (including those for water storage) to be prohibited.	Consequential to amendment of Rule 11.

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	Support/Oppose	Reason for my submission:	
Rule 13		The degree of alteration of the flow regime is only specified for some management units (e.g., does not include Ngaruroro or Tūtaekurī River mainstems). Alteration of the flow regime from takes at high flow allocations must be considered for all waterbodies (including the Ngaruroro and Tūtaekurī Rivers) when taking water at high flows for water storage and must provide for the significant values of outstanding waterbodies, Te Mana o te Wai, ecosystem health and other instream freshwater values.	Include in matters of discretion: • The significant values of outstanding waterbodies and wetlands • Te Mana o te Wai • Ecosystem health • All other instream freshwater values (including indigenous fish habitat)
Rule 14		Allows damming and discharge except in specified mainstems	Include in matters of discretion: • The significant values of outstanding waterbodies and wetlands • Te Mana o te Wai • Ecosystem health All other instream freshwater values (including indigenous fish habitat)
Rule 15			Include in matters of discretion: • The significant values of outstanding waterbodies and wetlands • Te Mana o te Wai • Ecosystem health All other instream freshwater values (including indigenous fish habitat)
Rule 16	Oppose	Allows as a non-complying activity damming and take at high flows outside of the (already very permissive) allocation limits except in specified waterbodies. Damming and takes of water at high flows beyond the allocation limits should be prohibited.	Amend activity status to prohibited.
Rule 17	Support	Prohibitions on damming are appropriate and supported.	Retain as notified
Rule 18	Oppose in part	Transfer and discharge of water for 'stream flow maintenance'. See associated reasons on stream flow maintenance.	Include as a matter of control whether water quality targets in Schedule 26 or water quality issues in priority catchments (Schedule 28) will be achieved or addressed as a result of

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
			the quality of discharged groundwater to surface water.
Rule 19	Support in part	Some of the s70 effects are listed but there is no reference to significant adverse effects on aquatic life beyond habitat. 19(a) residential activities does not define a scale at which activities are permitted. Does this include urban residential development? The rule should clarify that it does not apply to residential or urban reticulated stormwater networks.	Include reference to significant adverse effects on aquatic life
Rule 21		Local authority discharges of stormwater may result in the Schedule 26 water quality objectives or targets not being met. Council may require discretion to decline consent in these cases. It cannot do so under a controlled activity status. The Director-General considers that restricted discretion may be more appropriate to manage effects on water quality and ecosystem health. For example, discharges of stormwater into īnanga spawning habitats can disrupt spawning and egg development through changes to the natural salinity of spawning habitats (this occurs in the Tukituki catchment outside the TANK area at Haumoana where pumped stormwater releases can occur during egg development, meaning eggs hatch too quickly and larvae are destroyed).	Include a condition/standard to exclude stormwater discharges into īnanga spawning habitats
Rule 22	Support in part	Matters for discretion should include references to ensuring water quality objectives and targets can be achieved by 2040.	Include as a matter of discretion reference to the water quality objectives and targets in Schedule 26 and īnanga spawning habitats
RRMP Rule 7	Support in part	Include as a matter for control where water quality objectives and targets in Schedule 26 are not met by 2040. In rivers where deposited sediment exceeds the objectives, a 5m setback for cultivation from a waterbody may not be enough to prevent fine sediment reaching water. A 10m setback and vegetated buffer is more effective at removing fine sediment.	Increase the setbacks at (h) to a minimum of 10 metres
RRMP Rules 32, 33 and New RRMP rule 33A	Support in part	These rules should require direct linkage to Schedule 26. Improvements within ten years are supported.	Include reference to the water quality objectives and targets in Schedule 26
6.7.3 – Rule 62 (transfer of permits to take and use groundwater)	Oppose in part	*e) The transfer shall not cause any reduction in the flow of any river or spring.*	Change to: e) The transfer shall not cause any reduction in the flow or level of a surface water body connected to groundwater Add to the list of adverse effects that a transfer shall not cause: • Seawater intrusion

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
			• Adverse effects on groundwater dependent ecosystems • Adverse effects on structures as a result of subsidence groundwater abstraction and uplift / liquefaction from groundwater injection / recharge.
Rule 67		Permitted new dams. All new dams should include provisions to maintain or improve fish passage otherwise the quantum of available habitat for indigenous fish could be cumulatively reduced over time.	Include provisions to maintain and/or improve fish passage as conditions/standards/terms
6.8.2 Rule 67 h	Clarification	With reference to fish passage does this apply retroactively to structures? If not it should for the TANK water bodies including flood gates. This may better fit under rule 68	
Rule 71		Include provisions to allow planting in all of the TANK catchments not just the Karamū	Include reference to the Ngaruroro, Tūtaekurī and Ahuriri catchments.
Schedule 26 – use of terms and overall structure	Support with amendments	Schedule 26 is generally supported as appropriate for PC9 to meet the requirements for water quality in the NPS FM, with amendments for clarity as suggested below. Schedule 26 is titled: 'Freshwater Quality Objectives', although Policy 1 and other provisions of PC9 refer to Schedule 26 as containing water quality 'targets' where they are not met. PC9 is not clear as to whether the water quality numeric attribute states in Schedule 26 are objectives, limits, or targets. It should be clear where targets apply (using the most recent assessment of water quality current state). Targets are defined in the NPS FM as needing to be timebound. Schedule 26 refers to a timeframe for achieving the objectives as 2040. This should refer instead to 'targets' being attained by 2040 and objectives being maintained through to this date. The heading paragraphs to Schedule 26 is unconcise, unclear and should be generally stated elsewhere in the provisions of PC9 (e.g., the objectives and policies). It is not clear whether the management units are FMUs as defined in the NPS FM. They are variously described in the Plan as 'Surface water quality management units', 'Freshwater quality	Delete the first paragraph following the heading 'Schedule 26: Freshwater Quality Objectives. Or if retained, amend as: "Schedule 26 is a first step with objectives being targets will be attained by 2040" Specify within Schedule 26 where the numeric attribute states in the table column 'Water Quality Objective or/Target' are considered targets, based on assessment of the state of current water quality. E.g., "≥ 1.6 m (target)" Delete the 'Critical value' and 'Also relevant for' columns from Schedule 26 and identify these freshwater values in a separate

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		management units' or 'management units', although Schedule 26 also applies to groundwater. This requires clarification throughout PC9, including in Schedule 26. The Schedule 26A – 26D planning maps should sit within PC9 so the location and spatial extent for management is clear to plan users and decision makers. The planning maps should also make clear the boundaries for the Freshwater Quality Management Units. It is not clear from Schedule 26 that the 'Lowland tributaries' Freshwater Quality Management Unit in the table is the Karamū catchment or that the Taruarau River and other tributaries in the upper Ngaruroro River are within the upper Ngaruroro 'FMU'. This is further confused by using the term 'Lowland streams' for the nitrate (toxicity) attribute Schedule 26 column five is titled "Critical Value" with footnote 3 describing this as meaning; "The critical value is the value most sensitive to the attribute state (has the highest water quality demand for that attribute). If the needs of the critical value are met, the needs of other values are also met." While this method of identifying the most stringent attribute state for the values is consistent with the National Objectives Framework (NOF) approach in the NPS FM at Policy CA2(e)(iii), the critical values in Schedule 26 do not apply this method consistently. For example, for turbidity the critical value is stated as 'statistical GL', for DIN it is 'Algal growth' and for nitrate and ammonia it is 'Toxicity (NOF)'. Statistical GL is not defined in PC6, algal growth (periphyton) and toxicity attributes in the NOF are applied for the value of Ecosystem Health. The critical value, if retained in Schedule 26, should state the freshwater value for which the most stringent attribute state is applied, using consistent and defined values (which need to be identified in a Schedule within PC6). Alternatively, if a schedule of values and where they apply is included in PC6, references to the critical value could be removed from Schedule 26 altogether. The column 'Also relevant for' simply provides a list of freshwater values. This would be more appropriate to be identified within a separate Schedule within the Plan for ease of use and consideration in decision making. The relationship between the freshwater values in this column and the water quality attributes is unclear. For example, it is not clear how instream DIN is a relevant attribute for abstractive uses for domestic, farm and community water supply or primary production and food production, industrial and commercial use. These are	Schedule within PC9 (described as Schedule X above). Alternatively, delete only the 'Also relevant for' column and amend the 'Critical value' column to reflect the freshwater values for which the most stringent attribute state is set. Delete all reference to 'statistical GL', 'MCI', 'Algal growth' and 'Toxicity' as these are not freshwater values. Amend Schedule 26 to specify a period of record for each attribute, over which compliance with the attribute state will be measured. Amend Schedule 26 Freshwater Management Units 'Lowland streams' to 'Lowland tributaries' for consistency of terms.

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		freshwater values and they should be identified in a separate schedule in PC6, noting where they apply (e.g., to an FMU, river reach or site). The period of record used to determine whether a waterbody is meeting or exceeds the attribute state in Schedule 26 also needs to be defined. For example, MCI specifies an average at flow < median but does not define over what period the average is to be calculated (e.g., 5-years).	
Schedule 26 - attributes	Support	The attributes for surface and ground water quality are appropriate for managing the effects on ecosystem health and human health with the exception of temperature, which only manages temperature change from reference condition and does not set a maximum temperature objective	Retain all of the listed attributes in Schedule 26. Amend the temperature attribute to also include the maximum temperature attribute from Schedule 27 in Schedule 26.
Schedule 26 – attribute states: Water clarity (m) and turbidity (NTU)	Support in part	For the Ngaruroro and Tūtaekurī Rivers and their tributaries the clarity and turbidity objectives apply at flows less than median in Schedule 26 and the median values of clarity and turbidity measured at these flows will be compared with the objective/target. This means the attribute states will only need to be met in half of the samples, roughly half of the time (depending on flow conditions). Allowance for high flows and elevated sediment (which reduces clarity and increases turbidity) is already included in the attribute states by using the median as the 'compliance' statistic. Because of this, limiting the attribute state to apply only at flows less than median is not necessary. It is not clear whether the notified approach will adequately provide for the freshwater values in these waterbodies. Instead, the application of the attribute state should be median values, at all flows (as is the case for the Karamū catchment - Lowland tributaries). It would be clearer if the attribute application simply specified 'median' in all cases, although a period of record for determining the medians of each attribute is also needed. Statistical GL (for lower Nagruroro, Tūtaekurī and tributaries) is not a freshwater value and is not defined in PC9. If 'statistical GL' is related to the method for comparing turbidity data with the attribute state it should be deleted from the freshwater values column and added as a footnote to interpret the application of the turbidity attribute.	Delete reference to flows from the application of the water clarity and turbidity objectives for all management units and apply a period of record: E.g., Annual Median, <median Flows Delete 'statistical GL' from the critical value column Add Clarity objectives for the Ahuriri catchment of an annual median of ≥ 1.6 m to provide for safe human use. Define the number and time frame for these samples

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		There are no clarity or turbidity objectives set for the Ahuriri catchment. It is not clear whether the freshwater values in this catchment will be protected with respect to water clarity or turbidity. Clarification is also required for clarity and turbidity measures. Is the median over a given number of samples or over a given period?	
Schedule 26 – attribute states: Deposited sediment (%)	Support in part	Deposited sediment is a critical factor affecting the ecosystem health of rivers, particularly benthic macroinvertebrate community health and the spawning habitat of salmonids (and indigenous fish). The attribute states for deposited sediment are largely consistent with national guideline values from Clapcott et al. (2011) and are supported. The maximum attribute states are appropriate to provide for the values of Ecosystem health and salmonid spawning. Presumably the more stringent attribute state of 15% cover from May to Oct is to support the salmonid spawning value in the upper Ngaruroro and Tūtaekurī river mainstems. There is no deposited sediment attribute for the Ahuriri catchment. It is not clear whether freshwater values in this catchment will be protected with respect to deposited sediment.	
Schedule 26 – attribute states: periphyton biomass	Support in part	There are only two sites at which periphyton biomass is monitored in the TANK catchments (lower Ngaruroro and upper Tūtaekurī Rivers). The attribute state to provide for ecosystem health at these sites is set at the NPS FM B band of 120mg/m2 'max 1 p.a.' The application of the attribute is 'max 8% exceedance over three years of monthly observations'. I assume the 'max 1 p.a.' means to allow one exceedance of the attribute state in any year. If this is the case it is greater than the 8% exceedance over three years from monthly monitoring (which is 2.6 observations exceeding the attribute state over three years). Having both terms specified in Schedule 26 is confusing as it is unclear which exceedance threshold applies (i.e., 2.6 over 3 years or once per year, or 3). It is unclear whether periphyton biomass at the NPS FM B band will be adequate to protect ecosystem health in the upper Tūtaekurī River. 50 mg/m2 chlorophyll a is associated with a good state of benthic biodiversity (Biggs 2000), whereas 120 mg/m2 is more closely aligned with trout habitat outcomes in the literature. This is better reflected by the 20% periphyton cover attribute for the upper reaches of both rivers, which equates to an excellent state of ecological condition (ecosystem health).	Delete >50 - <120 mg/m2 max 1 p.a. Amend the periphyton biomass attribute for the upper Tūtaekurī River to <50 mg/m2

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		The two sites monitored with attribute states for periphyton may not be representative of the 'FMUs' managed for periphyton. However, the risk of this approach is mitigated by the inclusion of a periphyton cover attribute for all rivers in the two catchments (see below). MfE guidance accepts that periphyton cover may be used in place of periphyton biomass and this approach is supported. There are no periphyton attributes specified for the Karamū (lowland tributaries) or Ahuriri catchments and it is unclear whether this will protect freshwater values. The risk of this approach may be mitigated by managing for macrophytes as the dominant primary producers in soft-bottomed streams.	
Schedule 26 - attribute states: periphyton cover	Support in part	Periphyton cover (using the Weighted Composite Cover %PeriWCC) method of Matheson et al. 2012 and 2016 is a useful method to address the adverse effects of periphyton cover on ecosystem health and recreational use of rivers. The annual maximum applied to the upper Ngaruroro and upper Tūtaekurī Rivers is supported as periphyton can form nuisance growths at any time of the year when flow and nutrient conditions are suitable, adversely affecting ecosystem health. 20% cover equates to excellent ecological condition and is appropriate for these waterbodies. It appears the freshwater value with the most stringent periphyton requirements in the lower Ngaruroro and Tūtaekurī rivers and tributaries is Uu or recreation. The Application column notes that monthly observations all year are required for Uu, however the critical value is stated as recreation and the attribute states 'seasonal max %PeriWCC'. There appears to be some inconsistency applied as to what the most stringent application of the attribute is and for which value. The NPSFM 2014 requires at Policy CA(e)(iii) that the objective must be adopted for the most stringent value. It appears that the most stringent value is Uu, which can occur at any time of the year, therefore this is the period when the periphyton cover attribute should apply. This inconsistency between values needs to be resolved in Schedule 26. Again, there are no periphyton cover attributes in the Karamū and Ahuriri catchments and it is unclear how freshwater values will be provided for there. The risk of this approach may be mitigated by managing for macrophytes as the dominant primary producers in soft-bottomed streams.	Delete 'seasonal max' from the attribute so the value of Uu is provided for year-round: Periphyton cover (~~seasonal max~~, %PeriWCC) Delete reference to Uu from the Application column: Monthly observations, all year ~~(for Uu)~~ Delete Recreation as the critical value and amend to replace with Uu (the most stringent value) ~~Recreation~~ Uu

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Schedule 26 – attribute states: cyanobacteria	Support in part	The attribute is appropriate to manage the adverse effects of potentially toxic benthic cyanobacteria. However, as Uu applies year-round this is the most stringent value and should replace Recreation if the critical value column is retained in Schedule 26.	Delete recreation and replace with Uu
Schedule 26 – attribute states: macrophytes	Support in part	Not all macrophytes create adverse effects (e.g., indigenous macrophytes can be positive indicators of ecosystem health). Submerged nuisance macrophytes (e.g., invasive weeds) however can adversely affect ecosystem health and dissolved oxygen. This should be clarified in the attribute. Nuisance macrophytes may also have adverse effects on other lowland streams in the TANK catchments, these streams should be included alongside the Karamū catchment. Macrophytes are not included as attributes for the lowland streams in the Ngaruroro, Tūtaekurī or Ahuriri catchments. Schedule 26 should be amended to include all lowland rivers and streams to reduce the potential effects on ecosystems health from nuisance macrophyte growth. MCI is the macroinvertebrate index which measures the health of benthic macroinvertebrates and is an important indicator of the aquatic life component of ecosystem health. The attribute states are supported and are appropriate. Use of the soft bottomed (sb) MCI for the Karamū catchment is appropriate. There are no attributes for MCI in the Ahuriri catchment and it is unclear whether freshwater values will be provided for there. It is unclear why MCI is in both Schedule 26 and Schedule 27. All attributes should be included in Schedule 26 as setting attribute states to support values (including ecosystem health) is not optional under the NPS FM	Amend the attribute to: 'Submerged nuisance macrophytes' Amend FMU to include all lowland rivers and streams in the TANK catchments, not just the Karamū
Schedule 26 – attribute states: MCI	Support in part	MCI is the macroinvertebrate index which measures the health of benthic macroinvertebrates and is an important indicator of the aquatic life component of ecosystem health. The attribute states are supported and are appropriate. Use of the soft bottomed (sb) MCI for the Karamū catchment is appropriate. There are no attributes for MCI in the Ahuriri catchment and it is unclear whether freshwater values will be provided for there. It is unclear why MCI is in both Schedule 26 and Schedule 27. All attributes should be included in Schedule 26 as setting attribute states to support values (including ecosystem health) is not optional under the NPS FM	Amend MCI to remove reference to (index) as this is implicit in MCI Include a sb MCI for Ahuriri otherwise retain attribute states as notified

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Schedule 26 - attribute states: DIN and DRP	Support in part	Dissolved inorganic nitrogen (DIN) and dissolved reactive phosphorous (DRP) are key nutrients in managing periphyton, macrophyte and cyanobacteria growth. The numeric attribute states for DIN appear to be appropriate to provide for ecosystem health in the Ngaruroro, Tūtaekurī and Karamū catchments. However, DRP in the lower Ngaruroro and Tūtaekurī Rivers and tributaries may not be stringent enough to manage periphyton biomass or cover to meet those attribute states. The critical values should be ecosystem health as algal growth is not a freshwater value it is an attribute. Although DIN and DRP are attributes for estuarine ecosystem health in the Karamū catchment there are no attributes for the Ahuriri catchment and it is unclear how nitrogen or phosphorous will be managed for ecosystem health in the Ahuriri estuary within Schedule 26. Alternatively, include TN and TP attributes for the Karamū and Ahuriri catchments to provide for estuarine ecosystem health in Schedule 26.	Delete 'algal growth and amend the critical values for DIN and DRP to ecosystem health Amend the DRP attribute states for the lower Ngaruroro and Tutaekurī Rivers and tributaries to 0.01 mg/L to achieve the objectives for periphyton in these rivers. Include DIN and DRP (or TN and TP) attributes states for the Ahuriri catchment to provide for estuarine ecosystem health.
Schedule 26 – attribute states: nitrate and ammonia	Support in part	Nitrate nitrogen and ammoniacal nitrogen are managed to avoid toxic effects on aquatic life for ecosystem health. However, the concentrations at which nitrogen has adverse effects on ecosystem health are much more stringent than those for toxicity and in all cases for the TANK catchments nitrate and ammonia attribute states will be overridden by dissolved and total nitrogen needed to manage for periphyton, macrophyte, cyanobacteria and estuarine health. The A band toxicity attribute state from the NPS FM for nitrate in the Ngaruroro and Tūtaekurī catchments, and ammonia in all catchments is supported as an important 'backstop' to ensure nitrate and ammonia do not have toxic effects on sensitive aquatic life. The B band nitrate state for the Karamū catchment is not supported as there are indigenous species which may be sensitive to the effects of nitrate in this catchment and the B band reflects protection of only 95% of species. Ammonia toxicity applies the A band to all waterbodies and this should also apply to nitrate so there is a consistent approach to the species protection levels across both toxins.	Amend the critical value for nitrate and ammonia from Toxicity (NOF) to ecosystem health Amend the nitrate attribute state for the Karamū catchment to the NPS FM A band. Amend 'Lowland stream' to 'Lowland tributaries' for consistent use of terms throughout Schedule 26. Include A band nitrate and ammonia attributes for the Ahuriri catchment.
Schedule 26 – attribute states: E. coli	Support in part	The E. coli attribute states for the upper Ngaruroro and Tūtaekurī generally equate to a more stringent state than the A band for human health in the NPS FM.	Apply all four attribute states for E. coli from the NPS FM to all catchments.

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		For the lower Ngaruroro and Tūtaekurī Rivers and tributaries E. coli in Schedule 26 equates to the A band. For the Karamū catchment E. coli is set within the B band state. These attribute states are adequate to provide for Uu and the NPS FM value of human health and are supported. However, it would be clearer if all four attribute states from the NPS FM applied to all catchments. There is no E. coli attribute for the Ahuriri catchment. There is significant recreational and cultural use of the estuary (e.g., waka ama). It is difficult to see how human health or other freshwater values requiring contact with or immersion in water will be provided for or how the objective for estuarine E. coli/Enterococci in Schedule 27 will be achieved.	Include an E. coli/Enterococci attribute for Ahuriri to achieve a Microbiological Assessment Category B to provide for safe human use of the estuary.
Schedule 26 – attribute states: dissolved oxygen	Support in part	Dissolved oxygen is critical to aquatic life and therefore ecosystem health. The attribute states for the Ngaruroro and Tūtaekurī and tributaries are consistent with the A band from the NPS FM, are appropriate and are supported. For the Karamū catchment dissolved oxygen reflects the national bottom line in the NPS FM. It is unclear whether this is a target in Schedule 26 and low dissolved oxygen has been documented for streams in the catchment (e.g., Raupare Stream). If the attribute reflects the current state of dissolved oxygen in the Karamū a target set at a higher state (e.g., NPS FM B band) is more appropriate to protect aquatic life and ecosystem health. There are no dissolved oxygen attributes for the Ahuriri catchment. It is unclear why dissolved oxygen is in both Schedule 26 and Schedule 27. Setting freshwater objectives to support values is not optional under the NPS FM. If dissolved oxygen attribute states in Schedule 27 are targets they should be included in Schedule 26 and noted as targets.	Delete reference to the 7-day mean min and 1 day min from the Application column – unnecessary duplication. Amend the attribute state for the Karamū catchment (lowland tributaries) to the B band state from the NPS FM. Include an attribute state for the Ahuriri catchment at the B band from the NPS FM. Alternatively, include dissolved oxygen attributes from Schedule 27 in Schedule 26 for lowland tributaries (C band) and Ahuriri.
Schedule 26 – attribute states: temperature	Support in part	Temperature is a critical stressor of aquatic life and ecosystem health. It is unclear what the reference state in Schedule 26 is for temperature in each 'FMU' so it is difficult to see how the temperature change increments might affect ecosystem health and other freshwater values or how they will be measured over time.	Include maximum temperature attributes from Schedule 27 in Schedule 26.

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		Management of maximum water temperatures is needed in Schedule 26 rather than Schedule 27. Both maximum temperature and temperature change (because of activities managed by PC9 such as point source or stormwater discharges) are needed in Schedule 26. Maximum temperature attributes for the Karamū and Ahuriri catchments are needed and a temperature change increment should be included for the Ahuriri.	Add a maximum temperature attribute for Karamū (lowland tributaries) and Ahuriri of ≤ 23°C (B band) Add a ≤3°C increment compared to reference state for the Ahuriri estuary to Schedule 26
Schedule 26 – attribute states: pH, BOD, Metals, Metalloids and toxins	Support	The attribute states are appropriate and supported	Retain as notified
Schedule 26 attribute states: Nitrate-nitrogen (groundwater)	Support	Nitrate in groundwater can have adverse effects on ecosystem health and aquatic life when it enters surface water systems (as well as the aquatic life of groundwater dependent ecosystems). Managing groundwater to avoid toxic effects when it reaches surface water provides some protection for aquatic life in surface water and groundwater dependent ecosystems. This objective applies to all groundwater in the TANK catchments and is supported.	Retain with amendments: The TANK Plan provides for a Water User Collective to work collectively by or on behalf of permit holders to meet local water quality, quantity and environmental objectives for surface water bodies, springs and wetlands affected by groundwater abstraction Create a monitoring plan that addresses the number, location and depth of monitoring bores required to adequately assess whether the Nitrate-N target in groundwater is being met. Also sampling and lab analysis should be according to current standards
Schedule 26 – where the objectives apply	Oppose in part	Attributes generally need to apply also to the Ahuriri catchment to provide for ecosystem health and other freshwater values. Clarify which FMU the upper Ngaruroro and Tūtaekurī tributaries apply to. Generally, clarify the FMUs with respect to the NPS FM definitions and requirements.	Clarify whether Freshwater Quality Management Units are FMUs as per the NPS FM Include objectives and targets for all attributes for the Ahuriri catchment.

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Schedule 27	Oppose in part	The setting of freshwater objectives (and targets where objectives are not being achieved) is not optional under the NPS FM. Where waterbodies are not meeting the objectives in Schedule 26 these should be included and specified as targets to be met within a specified timeframe. Where estuarine ecosystem health is degraded objectives and targets for freshwater must be set having regards for the outcomes for the coastal environment under the NSP FM and to give effect to the NZCPS.	Delete Schedule 27 and include all attributes as freshwater objectives and/or targets in Schedule 26
Schedule 28 – Priority catchments	Support with amendments	The priority catchments must be identified in Schedule 28, alongside the criteria for water quality issues so there is clarity and certainty about the catchments in which the parties identified in Policy 1 must work with Council to meet the objectives and targets as a priority. The non-statutory maps of areas with water quality issues are not clear enough to determine whether a particular property is in a priority catchment. Maps should be included in PC9. PC9 should also make it clear that wherever there are targets (e.g., water quality objectives in Schedule 26 are not met) that parties will work with HBRC to achieve these targets by 2040 using regulation. It is unlikely that progress will be made to the degree that catchments will need to be removed from the list during the lifetime of the Plan (e.g., 10 years) prior to its review – the reason stated for not identifying the catchments in the Schedule. The criteria describing the water quality issues should also remain so that additional catchments which may meet the criteria in future can be considered when the Plan is reviewed or via a future Plan Change. Rule 1 refers to the timeframes in Schedule 28 – there are no timeframes in this schedule.	Include the list of priority catchments which currently meet the criteria specified for water quality issues. Should reference 2040 as the timeframe for achieving objectives
Schedule 30	Oppose in part	This devolves responsibility to a third party to manage environmental effects in a non-regulatory framework. This is uncertain and inappropriate. The 'Environmental Management Plans', 'environment plan' and environmental management strategy' mentioned in Schedule 30 are not defined anywhere in PC9.	

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		The requirements of an Industry Programme or Catchment Collective Programme must include reference to water quality targets in Schedule 26 (i.e., where objectives are not being met) as well as the criteria which set out water quality issues in priority catchments. 2.1(a) should reference water quality targets in Schedule 26. b) should reference 2040 as the timeframe for achieving objectives (i.e., meeting targets). Without knowing the scale or location of any Industry Programme or Catchment Collective it is difficult and uncertain as to how cumulative reductions in contaminants will meet water quality objectives in Schedule 26. References to outcomes of Policy 11 (riparian management), policies 14 and 15 (wetland and lake management) will be difficult to address or assess as these policies are not directive in 'how to' manage these areas. Compliance with the standards in Schedule 30 A and B is unenforceable. Section C FEPs	
Schedule 31	Oppose in part	Groundwater level triggers and monitoring locations are not included in Schedule 31. These are considered necessary to ensure that groundwater quantity is maintained or enhanced and that the continued decline in groundwater seen in some monitoring bores does not occur. The monitoring network could also be used to monitor the effects of the Water Enhancement schemes. Doing this will also help to manage and improve the flows and levels in connected surface water bodies.	List of monitoring bores and groundwater level and quality trigger levels which require groundwater takes to reduce the rate of abstraction if water levels drop below limits that would be set in Schedule 31.
Schedule 31 – use of terms and overall structure	Support with amendments	Minimum flows and allocation limits (environmental flows and levels) are the primary tools under the NPS FM to manage water quantity to provide for instream freshwater values. Schedule 31 specifies the amount of water that may be authorized from Water Management Units (quantity) and the flows at which water abstraction is subject to restrictions.	

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		The meaning of the statement in the Table header is unclear where it states: "The allocation limits do not apply to water abstraction that is enabled by the release of water from water taken at times of high flow and stored for later release (Schedule 32)." The meaning of 'flow maintenance trigger' is not clear in Schedule 31. Clarity required to establish if this applies to connected groundwater.	
Schedule 31 – Ahuriri	Oppose	There are no minimum flows set for ground or surface water in the Ahuriri catchment. This allows water to be taken at any time regardless of flows in the tributaries. The allocation limit states: "Existing use only" and refers to all water permits authorised prior to 2 May 2020. It is unclear how much water is allocated, what the proportion of allocation is with respect to low flow events (e.g., MALF) or if this level of allocation will safeguard life-supporting capacity, ecosystem health or other instream freshwater values as required by the NPS FM.	
Schedule 31 – Karamū		It is assumed that minimum flows and allocation limits apply to surface water in the Awanui Kawerawera/Paritua, Irongate, Louisa, Mangateretere, Karamū and Raupare streams and rivers – this should be clarified in Schedule 31 as is the case for Poukawa (including Lake Poukawa). It is not clear whether connected groundwater in the catchments listed above is managed to ensure minimum flows and allocation limits will be exceeded. The effects of the minimum flows, flow maintenance triggers and allocation limits for the Karamū and Ahuriri catchments cannot be assessed as no technical guidance for these rivers was provided in relation to PC9. It is unclear whether life-supporting capacity, ecosystem health or other instream freshwater values are provided for in Schedule 31 or whether the requirements of section B of the NPS FM.	Provide minimum flows and allocation limits which protect indigenous fish and aquatic life in Schedule 31.
Schedule 31 – Ngaruroro	Oppose	Minimum flows for the Ngaruroro River only provide 44% habitat protection for torrentfish, 86% habitat protection for smelt and 47% habitat protection for macroinvertebrates with a minimum flow of 2,400 l/s. Torrentfish are an at risk and nationally declining indigenous fish species found only in Aotearoa New Zealand. Their habitat is not adequately protected by the minimum flow proposed in PC9.	Increase the minimum flows for Ngaruroro at Fernhill to provide greater habitat at minimum flow for torrentfish and other fast-flow indigenous fish
Schedule 31 - Tūtaekurī	Oppose in part	Minimum flows for the Tūtaekurī are set to provide habitat protection for adult trout. The naturalized MALF at Puketapu is 3,900 l/s and for Ngaroto 2,700 l/s. The proposed minimum	Reduce the allocation limit to 20% of MALF.

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		flow is an increase from 2,000 l/s to 2,500 l/s, providing more than 90% of habitat protection at low flow for adult trout. This is likely to provide adequate protection for indigenous fish as well, notwithstanding the high proportion of allocation and likely flow alteration (1,140 l/s or 29% of MALF and >45% of the minimum flow). The high degree of allocation from the Tūtaekurī River means the frequency of minimum flows and the duration and severity of low flows may have adverse effects on aquatic life during times of greatest stress (i.e., summer). There is an inconsistent approach in Schedule 31 to protecting indigenous fish and aquatic life between the Tūtaekurī and Ngaruroro Rivers.	
Schedule 32 – High flow allocation	Oppose in part	Schedule 32 enables water to be abstracted from the Ngaruroro and Tūtaekurī Rivers and tributaries for offline storage and out of stream use. Although high flow takes from the Ngaruroro and Tūtaekurī tributaries are limited to ensure the FRE3 (frequency of flow events greater than three times the median flow) is not changed by more than 10%, there is no such protection for the mainstem of the Ngaruroro river. The total high flow allocation from the Ngaruroro River is 8,000 l/s when the flow in the river is 20 m3/s (median flow) or greater. This represents a high proportion of allocation from the Ngaruroro River at median flows (i.e., 40% of flow at median), when combined with low minimum flows and a high degree of low flow allocation these limits are unlikely to safeguard life-supporting capacity or provide for ecosystem health and other instream freshwater values. The high flow allocation for the Tūtaekurī at Puketapu represents 31% of the flow at 8,000 l/s. Median to high flows are necessary for the reduction of nuisance periphyton growth and to clear deposited sediment from the bed of rivers. The effects of high flow allocation do not account for ecosystem health by protecting the frequency and magnitude of these events and the natural flow regime which cleans the river.	Increase the flow at which high flow allocation can occur. Reduce the amount of high flow allocation. Retain all prohibitions on damming
Schedule 36 Stream flow maintenance and habitat	Oppose	This scheme leaves the meeting of environmental objectives for streams affected by stream depletion to a third party – a Water User Collective. HBRC are the regulatory managers of natural resources and are tasked with giving effect to the NPS FM. It is inappropriate and uncertain to devolve this responsibility to a yet to be established third party.	

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	Support/Oppose	Reason for my submission:	
enhancement scheme		All water permit holder should be subject to cease take at minimum flows to manage the adverse effects of stream depletion and low flows on life-supporting capacity, ecosystem health and other instream freshwater values.	
Schedule 36	Oppose in part	Schedule 36: Heretaunga Plains Stream Flow Maintenance and Habitat Enhancement Scheme The TANK Plan provides for a Water User Collective to work collectively by or on behalf of permit holders to meet local water quality, quantity and environmental objectives for streams affected by stream depletion. Alternatively, water permit holders would be subject to cease take requirements when relevant trigger flows in affected streams are reached. A Water User Collective will manage stream flow depletion from applicable permits for streams affected by stream depletion. **A permit may have stream depletion effects on more than one stream**, and will be required to manage stream depletion through a Water User Collective based on the total stream depletion amount.	Changes to: Schedule 36: Heretaunga Plains Surface Water Flow / Level Maintenance and Habitat Enhancement Scheme. The TANK Plan provides for a Water User Collective to work collectively by or on behalf of permit holders to meet local water quality, quantity, environmental and Mauri objectives for all surface water bodies adversely affected by groundwater and direct surface water abstractions. Alternatively, water permit holders would be subject to cease take requirements when relevant trigger flows / levels in affected groundwater dependent ecosystems are reached. The comment that a permit may have stream depletion effects on more than one stream is very important. As it appears to contradict the term 'Affected Stream' in the glossary.
Schedule 36 Section A	Oppose in part	1. The development of a flow maintenance and habitat enhancement scheme must consider the views of mana whenua in relation to; a) scheme design elements aimed at improving ecological health of affected waterbodies;	Change to: 1. The development of a flow maintenance and habitat enhancement scheme must consider the views of mana whenua in relation to;

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
			a) scheme design elements aimed at improving ecological health of affected water bodies and groundwater dependent ecosystems;
Schedule 36 Section B	Oppose in part	4. A description of the Plan area including a) locations and maps, b) land uses, c) locations of: (i) rivers, streams (ii) drains (including subsurface drains), (iii) wetlands, springs d) property boundaries, e) up-to-date details about holders of permits	To add to point 4: 1. groundwater and surface water abstractions, 2. contaminant sources (to avoid abstracting contaminated groundwater especially where it might discharge directly into surface water. This also ties in with Schedule 6) 3. stock drinking irrigation water races
Schedule 36 Section C	Oppose in part	5. The Plan must include information as relevant about; a) The total stream flow depletion quantity in litres per second calculated using the Stream Depletion Calculator for each permit that is subject to this Collective. Groundwater model that the Stream Depletion Calculator is based on is not accurate in some locations. Would like to see it stated that you can use a different models / methods if it can be shown to be more accurate.	Change to: 5. The Plan must include information as relevant about; a) The Stream Depletion Calculator or suitable alternative method where it provides a more reliable/ defendable prediction of effects is used to calculate the total surface water depletion in litres per second for each permit that is subject to this Collective.
Schedule 36 5d	Amend	Need to include environmental benefits of any storage scheme both up and down stream plus at the actual site.	
Glossary	Oppose in part	a) no more than the quantity specified on the permit due for renewal or any lesser amount applied for; and the least of either;	Change to: a) Least of either the quantity specified on the permit due for renewal or a lesser amount;
	Oppose in part	**Affected stream** is one which the Stream Depletion Calculator identifies the greatest magnitude of stream depletion caused by that take (a take may cause stream depletion in more than one stream). **The stream with the largest effect is the "affected stream".**	Would like to see stream depletion changed to surface water depletion and stream replaced with surface water body to make it

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
		Applicable stream flow maintenance scheme is a stream flow maintenance scheme developed to maintain river flows in an **affected stream** when the trigger flow is reached. If no scheme is feasible, then there is no applicable scheme. The two definitions above cited from the PC 9 glossary suggest that the flow maintenance schemes only need to assess surface water depletion from one surface water body, that being the surface water body subject to the greatest amount of surface water depletion. This appears to contradict PC 9 Schedule 36: Heretaunga Plains Stream Flow Maintenance and Habitat Enhancement Scheme which states: A Water User Collective will manage stream flow depletion from applicable permits for streams affected by stream depletion. **A permit may have stream depletion effects on <u>more than one stream</u>**, and will be required to manage stream depletion through a Water User Collective based on the total stream depletion amount. How does the 'Affected Stream' rule deal with: 1. Cases where you need to account for surface water depletion from more than one surface water body? 2. Cases when the predicted surface water depletion is similar for different water bodies? 3. Cumulative effects on a surface water body that is affected by multiple groundwater takes (cumulative effects) that do not count it as an 'Affected Stream'? 4. Accurate accounting of surface water depletion from all sources for example the total surface water depletion for a number of streams should not be 100% attributed to or accounted for on a single water body. This would introduce errors and uncertainty when accounting for effects and exceedance of allocation limits. Objective CC1 of the NPSFM (2017) states that accurate accounting of water allocation is a requirement.	more inclusive of rivers, lakes, springs wetlands as well as streams. This makes it clearer for non-technical people. The total surface water depletion should be split between all individual water bodies for accurate accounting and making sure that abstraction does not exceed the allocation limits set for each surface water body. It may also be necessary to impose minimum flow restrictions for more than one surface water body and / or require the proposed 'Stream Flow Maintenance Scheme' be applied to more than one surface water body. The final method(s) chosen would depend on n a number of factors, especially the degree of hydraulic connection between which could be quite different for the different water bodies that may be affected.
		Do not agree with all the definition of terms used in the Glossary and suggest that new terms be added, including reasons and relief identified above in relation to the Glossary.	Suggested wording of new and existing terms in PC 9: **Groundwater dependent ecosystem (GDE)**: groundwater dependent ecosystems that occur above and below the ground, including

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/Oppose	Reason for my submission:	
			stygofauna, groundwater interconnected surface water features such as springs, streams, rivers, drains, lakes and wetlands. **Maintained**: Water quality, quantity and ecosystem health maintained at is current state and not degraded any further as at (specify a date) **Enhanced**: Improvement on current state but not restored to its original unaffected state. **Restored**: Restored to its original unaffected state or better.
Glossary	Oppose in part	*a) no more than the quantity specified on the permit due for renewal or any lesser amount applied for; and the least of either;*	Change to: a) Least of either the quantity specified on the permit due for renewal or a lesser amount;
Maps	Amend	Maps need some amendments including but not limited to: • Tūtaekurī water quality Williford area has no title so what attributes should be accredited to it. Assumingly this is Tūtaekurī tributaries but should be made clearer • Ngaruroro water quality, where is the cut off between Ngaruroro tributaries and Ngaruroro lowland tributaries on Southern side. • Ngaruroro water quality, north eastern section is unnamed. Ngaruroro water quantity map "Kikowhero" looks to be in the wrong place.	

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Bridget **Last name:** Margerison
Organisation/Iwi/Hapu: Brownrigg Agriculture Group Ltd

Phone number: 068748672

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
Brownrigg Agriculture Group Ltd PC9 Submission FINAL
Proposed TANK Plan Change 9

Brownrigg Agriculture Group Ltd
140 Pukekura Settlement Road
RD11, Hastings, New Zealand
Telephone: (06) 878 7189

SUBMISSION – PROPOSED PLAN CHANGE 9 TO THE RRMP
BROWNRIGG AGRICULTURE LIMITED

Company name	Brownrigg Agriculture Group Limited
Contact person	Bridget Margerison
Address	140 Pukekura Settlement Road RD11 Hastings 4178
Region	Hawke's Bay
Phone	027 5710040
Email	bridget@brownrigg.co.nz
Submitter type	Business / Industry

1 INTRODUCTION

Brownrigg Agriculture Group Limited (Brownrigg) is a family owned agri-business operating in Hawke's Bay. Its production platform comprises over 9000ha of freehold and leasehold land. Operations include a range of cropping and livestock enterprises and complementary rural property investment. Brownrigg Agriculture is a leading producer in its chosen niche markets of export squash, prime lamb and Wagyu cattle. It also operates significant export onion, maize grain and beef finishing enterprises.

The business is a significant contributor to the local and national economy through its export focused production streams and as an important employer in the Hawkes Bay region.

Brownrigg Agriculture grows, harvests and packs for export over 40,000MT of Squash and Onions which are shipped to the off-shore markets via the nearby Port of Napier. The business is also a large-scale livestock farmer, finishing around 125,000 lambs and 3,000 head of cattle per annuum.

The business has approximately 85 permanent staff and employs approximately 250 employees during peak seasonal periods.

BA supports initiatives to sustainably manage water quality and quantity. That is in fact a core aspect of its business model.

However, Brownrigg also considers that any environment policy initiatives, be they national or regional, must be:

- Easily understood by decision-makers and plan users;
- Have clear and identifiable implications for 'on the ground' farming activities; and
- Practical and achievable.

2 PROVISIONS SUPPORTED

Plan Provisions
The provisions in Table 1 of this submission.

Position
Support.

Reasons for Position
Brief reasons for support are provided in Table 1. In overall terms though, BA supports these provisions as they appropriately seek to manage land use activities (insofar as they affect water quality) and water abstraction, whilst recognising the importance of primary production to the Hawke's Bay economy.

Relief sought:
a) Retain the provisions in Table 1 of this submission subject to any minor clarifications listed in the reasons.
b) Any consequential amendments required to other parts of PC9 as a result of the above relief.

3 PROVISIONS OPPOSED

Plan Provisions
The provisions in Table 2 of this submission.

Position
Oppose.

Reasons for Position
Reasons for opposition are provided in Table 2, together with the relief sought in each case.

4 HEARING

BA wishes to be heard in support of its submission and if others make a similar submission, BA would consider presenting a joint case with them at the hearing.

Table 1: PC9 Provisions Supported

Provision	Reason for Support
OBJ TANK 13(f) OBJ TANK 14(b) OBJ TANK 16(c) and(d)	Enabling primary production water needs and water required for associated processing appropriately gives effect to Objective A4, Policy A7, Objective B5 and Policy B8 of the NPSFM.
5.10.2 Policy 3(e) 5.10.2 Policy 13(d) 5.10.2 Policy 15(d)	It is appropriate for HBRC to support and assist landowners to protect wetlands.
5.10.2 Policy 12	It is appropriate to account for land drainage objectives. This gives effect to OBJs TANK 13, 14 and 16.
5.10.2 Policy 13(c)	It is appropriate to limit regulatory intervention to only those activities that have "significant adverse effects". This gives effect to OBJs TANK 13, 14 and 16.
5.10.3 Policy 22(c)	It is appropriate to consider the practicality and costs of stock exclusion.
5.10.6 Policy 37(d) 5.10.7 Policy 52(b) Rule TANK 9 conditions (c) and (e) Rule TANK 10 conditions (e) and (g)	It is appropriate to base consent renewals for irrigation on actual and reasonable use. However, the provisions should be amended to clarify that "actual" relates to the crop types to be irrigated, not actual historical water use as that may have been lower than normal in some years due to a range of non-climatic factors.
5.10.6 Policy 37(a)	In terms of supporting economic and social well-being it is appropriate to base the interim allocation limit on actual and reasonable water use.
5.10.7 Policy 43(i)	The existing flow management regimes for Lake Poukawa and its tributaries (part of the Karamū system) are appropriate.
5.10.7 Policy 46(b)	It is appropriate to allocate water based on actual and reasonable requirements.
5.10.7 Policy 47(c)	The application efficiency and reliability of supply specified are appropriate and provide necessary certainty to primary producers.
5.10.7 Policy 49(g)	Consent durations of 15 years provide appropriate investment certainty for primary producers.
Rule TANK 9	It is appropriate that groundwater consent renewals (namely those subject to s124) are restricted discretionary activities, particularly as abstraction is to be limited to an "actual and reasonable amount".
Rule TANK 11(b)(i)	Existing groundwater takes consents in the Poukawa Basin were based on the concept of "no new water". Enabling existing abstraction consents to be replaced as a continuation of existing abstractions is consistent with that historical approach.

Provision	Reason for Support
Schedule 31 Poukawa incl Lake Poukawa Groundwater	It is appropriate to set the Poukawa surface and ground water allocations based on existing use. This reflects the previous Poukawa Basin surface water and groundwater consent renewal process (17 consents were granted in July 2014 and they expire on 31 May 2023) which was an expensive and protracted process that included the collaborative development of a GNS surface and groundwater model for the entire Poukawa Basin. At that time a principle of "no new water" was agreed between all applicants in the Poukawa Basin and HBRC. Existing use at that time was assessed on modelled crop water needs otherwise known as "actual and reasonable" use. The proposed regime in PC9 appropriately mirrors that previous approach. The existing surface water minimum flow at Douglas Road has been in place for many decades and reflects the operational reality of the Douglas Road radial control gate.
Schedule 31 Poukawa incl Lake Poukawa Surface water	
Schedule 33 Karamu Catchment	The proposed expiry dates provide appropriate investment certainty for primary producers whilst enabling a periodic review of allocations and effects.
Glossary Actual and reasonable use	The proposed methodology for irrigation takes is appropriate and strikes a sensible balance between providing certainty for primary producers whilst recognising the fully allocated nature of the Heretaunga Plains Water Management Unit.

Table 2: PC9 Provisions Opposed

Provision	Reason for Opposition	Relief Sought
OBJ TANK 15	Contrary to other PC9 objectives, this objective does not recognise the needs of primary production and associated processing in the freshwater catchments of wetlands.	Add as clause (g): *primary production water needs and water required for associated processing and other urban activities to provide for community social and economic well-being*
OBJ TANK 17	The development of economic and social wellbeing is important for all sectors of the Hawke's Bay community.	Amend clause (a): *the development of ~~Māori~~ the Hawke's Bay community's economic, cultural and social well-being is supported through regulating the use and allocation of the water available at high flows for taking, storage and use*
5.10.2 Policy 14	The policy does not recognise the needs of existing primary production processes in the freshwater catchments of wetlands	Add after clause (f): *and in doing so will:* *(g) continue to enable existing primary production land use activities adjacent to wetlands*

Provision	Reason for Opposition	Relief Sought
5.10.6 Policy 36(g)	An unqualified reference to "reducing existing levels of water use" does not provide adequate guidance to decision-makers.	Amend clause (g) to refer to reducing existing levels of irrigation water use to reasonable crop water needs, as provided for in 5.10.6 Policy 37(d)(ii).
5.10.6 Policy 39	Policy 39 provides flexibility for abstractors to essentially offset the effects of stream depleting takes. That is supported but the policy should be amended to enable individual augmentation actions as well as participating in what is understood to be multiple consent holder 'schemes' or 'Water User Collectives'.	Amend Policy 5.10.6 Policy 39 to also enable individual consent holder stream augmentation mitigation or offsetting actions.
5.10.7Policy 46(a)	It would be more certain to include reference to the 95% reliability of supply for irrigation specified in 5.10.7 Policy 47(c) and the Glossary definition of "actual and reasonable use". Setting an appropriate reliability of supply is a fundamental component of determining allocable volumes of abstraction.	Amend clause (a) to read: ensuring allocation limits and allocations of water for abstraction are calculated with known security of supply*, including an irrigation reliability standard that meets demand 95% of the time.*
Rule TANK 5	Condition (a) is inappropriate and does not give effect to 5.10.3 Policy 21. Changes in landuse should only be regulated if they will lead to an increase in nutrient leaching. This can be achieved by amending the rule so that it is the counterpart to Rule TANK 6. Condition (b) is inappropriate. Individual landowners should not be prevented from undertaking landuse change if they do not increase nitrogen loss by more than the applicable amount shown in Table 2 of Schedule 29. Furthermore, there is no need to limit entry to the rule by individual landowners who are not part of a "Catchment Collective Programme meeting the requirements of Schedule 30B by a TANK Catchment Collective which meets the requirements of Schedule 30A" because membership (or not) of such a group is	Amend condition (a) to read: *Any change to a production land use activity over more than 10ha of the property or enterprise area commencing after 2 May 2020 that does not result in the annual nitrogen loss increasing by more than the applicable amount shown in Table 2 in Schedule 29*. Delete condition (b). Amend matter of control 2 to read: "*The measures being undertaken by the individual landowner or the TANK Landowner Collective* ..."

Provision	Reason for Opposition	Relief Sought
	already listed as a matter that decision-makers need to consider under Policy 21(b).	
Rule TANK 9(f)	TANK Rule 9 implements Policy 39 and the same concerns outlined above apply to it	Amend TANK Rule 9 condition (f) to make it clear that individual consent holder stream augmentation mitigation or offsetting actions are acceptable.
RRMP Rule 7	New condition (f) does not make provision for necessary drain maintenance activities.	Amend new condition (f) to make provision for necessary drain maintenance activities.
RRMP Rule 33	New condition (g) makes no allowance for reasonable mixing. This is impracticable and inconsistent with amended RRMP Rule 32 and new Rule 33A.	Amend new condition (g) so that it is exactly the same as new RRMP Rule 33A condition (i)
Section B: Catchment Collective Requirements Environmental Outcome 2.2(h)	To be consistent the provision should refer to "Poukawa Catchment" not "Lake Poukawa Catchments"	Amend clause h) to read: *in the Karamū and ~~Lake~~ Poukawa Catchments~~;~~ the identification* ...
All provisions relating to the exclusion of stock from rivers, streams and wetlands.	The Resource Management (Stock Exclusion) Regulations 2020 introduce a mandatory, nationally consistent, very comprehensive regime for stock exclusion. It is now unnecessary to have any stock exclusion provisions in a regional plan. It is also confusing and inefficient to require landowners to implement two regulatory and overlapping regimes – one national and one regional.	Delete all provisions relating to the exclusion of stock from lakes, rivers, streams and wetlands.

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: MOANA LEE **Last name:** MACKEY
Organisation/Iwi/Hapu: NGATI HINEMANU, NGAI
TE UPOKOIRI ME ONA PIRINGA HAAPU

Phone number: 0210474990

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:

I will stand with my hapu and provide evidence.

Consultation Document Submissions

SCHEDULES
- ( ) Support
- (•) Oppose
- ( ) Amend

I seek the following decision from the Regional Council:
As Mana whenua I'm insisting on accountability to the principles of the Treaty as acknowledged by regional council in Schedule 1 of the Regional Resource Management Plan. Particularly, the Principle of Kawanatanga under Article I of the Treaty of Waitangi. What transparent discussions have ever been had with the Regional Council and Mana whenua on our Marae with our hapu to adhere to your recognition of the partnership between Maori and the Crown?

Reason for decision requested:

Generations of Maori who whakapapa to Omahu have seen the deterioration of our natural resource the Ngaruroro River. The ongoing dredging, shingle and water extraction continues to this day without any authentic consultation with the Mana whenua /whanau who actually live here.

Attached Documents

File
Proposed TANK Plan Change 9

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: James **Last name:** Lyver
Organisation/Iwi/Hapu: Maungaharuru-Tangitū
Trust

Phone number: 068353300

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:

If other parties make similar submissions, Maungaharuru-Tangitū Trust would consider presenting a joint case with those parties at the hearing.

Attached Documents

File
FINAL MTT submissions Plan Change 9 14-08-20
Proposed TANK Plan Change 9

MAUNGAHARURU
TANGITŪ

SUBMISSION ON PROPOSED TANK PLAN CHANGE 9 - TŪTAEKURĪ, AHURIRI, NGARURORO AND KARAMŪ CATCHMENTS

To	Hawke's Bay Regional Council
Submitter	**Maungaharuru-Tangitū Trust**
Contact	Hayley Lawrence - Kaiwhakahaere Taiao
Address for Service	Maungaharuru-Tangitū Trust 15 Hardinge Road, Napier 4110 PO Box 3376, Hawkes Bay Mail Centre, Napier 4142
Phone	+64 6 835 3300
Email	hayley@tangoio.maori.nz

- I confirm that I am authorised on behalf of Maungaharuru-Tangitū Trust to make this submission
- Maungaharuru-Tangitū Trust wishes to be heard in support of this submission.
- If other parties make similar submissions, Maungaharuru-Tangitū Trust would consider presenting a joint case with those parties at the hearing.
- Maungaharuru-Tangitū Trust will not gain a trade competition advantage through this submission.

1. Introduction

1.1. Maungaharuru-Tangitū Trust (**MTT**) thank the Hawke's Bay Regional Council (**Council**) for the opportunity to make submissions on Proposed TANK Plan Change 9 - Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments (**PC9**).

1.2. MTT is a post settlement governance entity established in 2012 to hold and manage the settlement assets of the Hapū pursuant to the Maungaharuru-Tangitū Hapū Claims Settlement Act 2014 (**the Settlement Act**). There are approximately 6,000 registered members.

1.3. MTT represents a collective of hapū located in northern Hawke's Bay, including Ngāi Tauira, Ngāti Marangatūhetaua (also known as Ngāti Tū), Ngāti Kurumōkihi, Ngāi Te Ruruku ki Tangoio, Ngāti Whakaari and Ngāi Tahu. The traditional area of the collective hapū extends from north of the Waikari River to the Waitaha Stream, southwards to Keteketerau (the former outlet of the Napier inner harbor) and from Maungaharuru (the range in the west) to the coast and beyond to Tangitū (the sea) in the east.

1.4. Ngāti Tū and Ngāi Te Ruruku are tangata whenua of the northern part of the former Te Whanganui-ā-Orotu (Napier Inner Harbour – its remnants now often referred to as the Ahuriri Estuary).

2. Relief sought

2.1. MTT seeks the following decision on submissions on PC9

a) Retention, ~~deletion~~ or amendment of various provisions of PC9 as set out in **Appendix 1.**

b) Such further or other consequential or alternative relief as may be necessary to fully give effect to the relief sought in this submission.

James Lyver

_____ _____

Kaiwhakahaere Matua – General Manager
Maungaharuru-Tangitū Trust

#	Provision	Support/Oppose	Rationale	Relief Sought
			Background section	
1	Background – paragraph 2	Support in Part	• PC9 is required to give effect to the National Policy Statement for Freshwater Management 2014 (2017) (**NPS-FM 2014 (2017)**), including following the mandatory process to identify freshwater management units (**FMU**) and establish freshwater objectives for national values and other values in Objective CA1 and Policy CA1 and CA2. • The more integrated approach to managing freshwater was requested by iwi partners and the community. The use of a collaborative process is secondary to the content of the PC9. • Maungaharuru Tangitū Trust (**MTT**) supports the use of the term "aquatic ecosystems" in PC9 as it adequately describes ecosystems that exist in freshwater and coastal water. Refer to new definition of "aquatic ecosystems".	Retain approach and amend wording in paragraph 2 to read, The Plan Change also introduces a range of new methods aimed at achieving the stated freshwater objectives for aquatic ecosystems that have been developed through the TANK plan change process. These new methods and management approaches reflect ~~the collaborative nature of the process and build on the~~ a more integrated ~~and community~~ approach to managing freshwater that was requested by iwi partners and the community.
2	Background – Water Management Overview	Support in Part	• The reference to NPS-FM 2014 is incorrect and should read NPS-FM 2014 (2017). Paragraph 4 of the "Background" provides a shortened reference for the NPS-FM 2014 (2017) as the "NPSFM". This reference needs to be repeated in the text of PC9 to avoid confusion. • Paragraph 1 refers to the "NPSFM2014", which was superseded by the NPS-FM 2014 (2017). • PC9 is required to implement the NPS-FM 2014 (2017) including following the mandatory process to establish freshwater objectives for national values and other values in Objective CA1 and Policy CA1 and CA2. The phrase "reflecting" should be replaced as the NPS-FM 2014 (2017) must be given effect to.	Amend paragraph 1 under the heading "Water Management Overview" to read: This approach~~, also reflected in~~ implements the NPSFM~~2014,~~ and requires that the community identify the values for each FMU, identify attributes and assign attribute states, formulate freshwater objectives and the limits or targets that are required to achieve freshwater objectives. ~~which the water is to be managed, adopt objectives in relation to those values and establish methods, including limits to ensure those objectives will be met~~.
			Issues	
3	Issue 1 – Paragraph 4	Oppose	• Paragraph 4 attempts to inappropriately dilute the adverse effects of land use on water bodies and estuarine areas and deflect the cause of water quality problem to historical events and historical land uses.	Amend paragraph 4 to read: ~~Some e~~ Existing land and water use practices ~~can affect~~ have diminished the mauri of water and ~~or~~ adversely affected ecosystem health. ~~Some of the effects also arise from activities and events that~~

			• PC9 should recognise the legacy of historical activities and acknowledge that combined with existing land and water use practices have diminished the mauri of water and adversely aeffected ecosystem health. MTT considers it is equally important for PC9 to recognise what has happen historically, so that appropriate freshwater objectives can be set for FMUs and methods put in place to, over time, address the issues.	~~occurred decades in the past, including through vegetation clearance, floods and flood protection, river diversions, wetland drainage and earthquakes.~~ Changes to landscape, its waterbodies and vegetation have had enduring adverse effects on tangata whenua cultural practices and their kaitiakitanga role. The Plan recognises the legacy of historical activities and events that have occurred in the past whether managed or unmanaged, including vegetation clearance, floods and flood protection, river diversions, wetland drainage, discharges from municipal centres and earthquakes.
4	Issue 2 – Paragraphs 2, 3 and 6	Oppose	• The significance of Te Whanganui-a-Orotū as a taonga to MTT and Ahuriri hapū and as source of sustenance and mahinga kai is beyond question. NCC and HBRC planning documents already record the ancestral connections between Te Whanganui-a-Orotū and MTT and Ahuriri hapū. • Te Whanganui-a-Orotū is also a noted conservation area and wildlife reserve for avi fauna, habitat for finfish species and nursery for juvenile finfish and a place for recreation for the community. • The significance of the declining trends in the health and wellbeing of Te Whanganui-a Orotū that are evident in HBRC state of the environment reporting must be stated in the Issue. • Stating that "Adverse effects from point source discharges are being reduced through resource consenting processes" —in the absence of Te Whanganui-a-Orotū and the urban catchments being included in freshwater management areas for PC9 [refer to Schedule 26B]— is not going to resolve the issue. The new management approach to set freshwater objectives for TANK waterbodies and TANK estuarine systems is preferable. • Freshwater objectives, limits [eg, the amount of a resource that is available for use] and in this case targets [eg, making the assumption that water quality is over-allocated and therefore targets + timeframes are required to reduce over-allocation]	Amend paragraphs 2, 3 and 6 of Issue 2 to read: Water quality is affected by direct discharges of contaminants, including in urban stormwater, and also as a result of ~~non – point source~~ discharge of diffuse contaminants arising from land use activities and cumulatively affecting water quality. The impact of contaminant inputs into TANK estuarine systems is a significant issue. The Waitangi and Ahuriri estuaries both show declining trends for ecosystem health[1] with consequential adverse effects on the values held for those aquatic ecosystems. New management frameworks are required to reverse declining trends in estuarine ecosystems. ~~Adverse effects from point source discharges are being reduced through resource consenting processes~~ ~~The impact of contaminant inputs into estuary ecosystems is also a significant issue as the Waitangi and Ahuriri estuaries both show declining trends for ecosystem health with consequential adverse effects on the values held for those aquatic ecosystems."~~ [1]– Refer State of the Hawke's Bay Coastal Marine Environment: 2013 to 2018 (April 2020)

			must be set for Te Whanganui-a Orotū and the TANK waterbodies located in the Ahuriri catchment.	
Introduction				
5	Background – 5.10 Introduction	Support	• MTT consider there is utility in retaining both the "community values and attributes for water management" and "Wāriu (value) groups and aspects for management" diagrams in PC9. However, MTT recognises the "values" require safeguarding from unintended use. • To protect the integrity of the process to identify values and determine freshwater objectives for PC9, Section 5.10 needs to state the "community values and attributes for water management" and "Wāriu (value) groups and aspects for management" must not be used in any resource consenting process. That is, by an applicant to support an application, by a submitter to oppose/support an application publicly notified, and by a planning officer to make a decision on an application. • MTT maintains the identification of values for freshwater were never intended to be utilised beyond their purpose set out in Objective CA1 and Policy CA2 and at that time when they were developed ~~i~~n parallel with the then TANK plan change [PC9].	Retain Figure 1 - community values and attributes for water management and Figure 2 - Wāriu (value) groups and aspects for management in PC9 and insert new paragraph to read: Figure 1 and Figure 2 are reflective of the process to determine freshwater objectives for PC9 and must not be used in any resource consenting process. That is, by an applicant to support an application, by a submitter to oppose/support an application that is publicly notified, and by a planning officer to make a decision on an application.
Objectives				

6	Objective 2	Oppose	• MTT considers the identification of FMUs and the determination of freshwater objectives, attribute states, limits and/or targets have [arguably] already been undertaken through the process to draft PC9. It is therefore unclear how much utility proposed Objective 2 will have when PC9 is operative. This is because the mandatory process in Policy CA2 [of the NPS-FM] is complete and the anticipated future state has already been achieved. • New Objective 2 articulates a desired future state where land and freshwater in the TANK catchments are sustainably managed as an integrated resource. The interconnected and holistic Te Ao Māori world view of Te Taiao recognises the connections between air, land, freshwater and the ocean are inseparable. In implementing Objective C1 of the NPS-FM 2014 (2017), it is logical for new Objective 2 to seek to manage land and freshwater [surface and ground water] and the coast as an integrated natural resource. • Policy CA2 of the NPS-FM 2014 (2017) requires the community to identify the values for each FMU, identify attributes and assign numerical attribute states [to manage freshwater], formulate freshwater objectives for FMUs or TANK waterbodies and set limits and/or targets that are required to achieve freshwater objectives. PC9 has opted for achieving freshwater objectives by 2040. • PC9 must implement Objective AA1 of the NPS-FM 2014 (2017) [noting this direction is stronger again in the NPS-FM 2020]; Objective A1; Objective A2; Objective A3 and Objective A4. • PC9 must also implement Policy B1 to ensure the freshwater objectives are established in accordance with Policy CA1 and must set environmental flows/levels for FMUs.	Delete Objective 2 and replace with the following wording to read: "Land and freshwater in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments are sustainably managed as integrated natural resources in a way that: a) provides for Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te Tangata; b) safeguards life-supporting capacity and aquatic ecosystem processes; c) recognises the connection between surface water and groundwater and between freshwater, land and the coast (ki uta ki tai); d) provides for the significant values of wetlands and outstanding freshwater bodies e) recognises the reasonably forseeable impact of climate change; f) enables communities to provide for their economic wellbeing within limits; so that the freshwater objectives in Schedule 26 are met by 2040."
7	Objective 3	Support in Part	• MTT supports an objective to acknowledge the impacts of a rapidly changing climate, particularly to assist HBRC to make informed decisions on resource consents to abstract and use water and to discharge contaminants to land/water.	Retain the intent of Objective 3 and consider re-numbering for readability.

			• MTT consider that one potential use of Objective 3 is to provide scope for shorter duration resource consents and/or to advance reviews of the conditions of existing resource consents in the face of evidence on the impacts of a rapidly changing climate. This would enable HBRC to make adjustments to resource consents to ensure compliance with limits and to achieve freshwater objectives. • Acknowledging that there is no hierarchy between the PC9 Objectives, re-numbering to Objective 3 may assist with readability of PC9.	
8	Objective 4	Oppose	• Proposed Objective 4 reads more like a policy than an objective and sets up an anticipated future situation where existing land uses can continue to operate where "the quality of TANK waterbodies is maintained where objectives are met", and to only make changes where freshwater bodies do not currently meet freshwater objectives. • MTT considers that all land uses in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments should make a "general improvement" in either: (i) farming practice to adopt best industry practice [or similar]; or (ii) best practical option upgrades to the treatment of stormwater and wastewater. It is inappropriate and unfair to explicitly allow a farming enterprise —located in an upper catchment— to continue with sub-optimal farming practices [eg, less than best industry practice] by monopolising the assimilative capacity of a TANK waterbody to absorb those contaminants. • New Objective 4 sets up an anticipated future state where there is no further reduction in the overall quality of TANK waterbodies and TANK estuaries based on current state at the time of public notification. The requirements in the NPS-FM 2014 (2017) to maintain current state where water quality of TANK waterbodies and TANK estuaries are meeting freshwater objectives is maintained, and conversely to improve where current state water quality is not meeting freshwater objectives.	Delete Objective 4 and replace with the following wording to read: There is no reduction in the overall quality of TANK waterbodies and TANK estuaries as at 1 May 2020, by: a) at least maintaining[2] the current state of the water quality where TANK waterbodies and TANK estuarine systems are achieving freshwater objectives in Schedule 26; or b) improving the current state of water quality in TANK waterbodies and TANK estuarine systems that have been degraded by human activities below freshwater objectives in Schedule 26, so that the short-term numerical attribute states in Schedule 26AA are met no later than 10-years after PC9 becomes operative."

			• Where improvement is required to meet freshwater objectives [by 2040], new Schedule 26AA sets short term numerical attribute targets for TANK waterbodies and TANK estuarine systems to be achieved by 2030. • The wording of new Objective 4(b), "…no later than 10-years after PC9 becomes operative", may require additional amendment through the hearings process for consistency and to achieve the same outcome.	
9	Objective 5	Oppose	• New Objective 2 sets out an anticipated future state where the management of freshwater resources in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments gives effect to the matters set out in proposed Objective 5. • In implementing the NPS-FM 2014 (2017), it is a mandatory requirement to manage the use of land —including the discharges from the use of that land—, discharges to land and water, and the abstraction of surface and ground water, in a way that phases out existing over-allocation and avoids future over-allocation. • New Objective 5 gives effect to Objective A2(c) and Objective B2 and Policy B5 and B6 of the NPS-FM 2014 (2017).	Delete Objective 5 and replace with the following wording to read: Existing over-allocation of TANK waterbodies and TANK estuarine systems is phased out in accordance with freshwater objectives in Schedule 26 and allocation limits in Schedule 31, and future overallocation of TANK waterbodies and TANK estuarine systems is avoided.
10	Objective 6	Oppose	• Proposed Objective 6 effectively defers the management of TANK waterbodies and TANK estuarine systems identified in Schedule 27 until 2030 [at the very earliest]. The practical effect of Objective 6 —in conjunction with Schedule 27 and the existing Regional Policy Statement, Regional Plan and City of Napier District Plan— would likely result in the water quality of Te Whanganui-ā-Orotu not improving. • Making a decision to defer determining freshwater objective for Te Whanganui-ā-Orotu does not give effect to the NPS-FM 2014 (2017) and is contrary to the values ascribed to Te Whanganui-a-Orotū by MTT and Ahuriri hapū. MTT consider that Te Whanganui-ā-Orotu must therefore be an integral part of PC9.	Delete Objective 6

			• MTT note that proposed Policy 32 specifies HBRC will support an integrated catchment management plan (**ICMP**) for Te Whanganui-ā-Orotu (Ahuriri estuary). While MTT do not oppose the development of an ICMP as a useful management tool, the effect of Policy 32 is to reinforce the need for Objective 6 and defer management intervention through PC9.	
11	Objective 7	Oppose	• MTT considers Objective 7 is not required. • New Objective 2, 4 and 5 set the anticipated future state for TANK waterbodies and TANK estuarine systems [freshwater objective in Schedule 26], maintain current state water quality where freshwater objectives are already met OR improve current state water quality that have been degraded by human activities below freshwater objectives and phase out existing over-allocation and avoid future over-allocation. • New Objective 10 sets the anticipated future state for Te Whanganui-ā-Orotu as a taonga of significant cultural value to MTT and Ahuriri hapū, high community recreation value and a significant conservation area and nationally significant wildlife reserve for flora and fauna. • Amendments to Policy 1 require a general improvement in farming practice to reduce diffuse discharge of contaminants, requires a high level of scrutiny on land use activities that are contributing higher loads of contaminants to certain catchments, places a focus on enhanced riparian management [where applicable], requires source protection for drink water supply, a greater level of scrutiny on urban stormwater discharges and signals that reductions in the discharge of contaminants will need to continue more than 10-years after PC9 becomes operative.	Delete Objective 7
12	Objective 8	Oppose	• MTT considers Objective 8 is not required. • New Objective 2, 4 and 5 set the anticipated future state for TANK waterbodies and TANK estuarine systems [freshwater objective in Schedule 26], maintain current state water quality where freshwater objectives are already met OR improve current	Delete Objective 8

			state water quality that have been degraded by human activities below freshwater objectives and phase out existing over-allocation and avoid future over-allocation. • New Objective 10 sets the anticipated future state for Te Whanganui-ā-Orotu as a taonga of significant cultural value to MTT and Ahuriri hapū, high community recreation value and a significant conservation area and nationally significant wildlife reserve for flora and fauna. • Amended Policy 1(c) enables the enhancement and management of riparian margins as a tool to assist with the matters listed from (a) to (g).	
13	Objective 10	Support in Part	• Objective 10 reads more like a policy that directs management interventions for the Ahuriri catchment, including Te Whanganui-ā-Orotu • The anticipated future state for TANK waterbodies and TANK estuarine systems that are degraded by human activities is set out in new Objective 2 and the insertion of freshwater objectives for the Ahuriri catchment and TANK estuarine systems in Schedule 26 to be achieved by 2040. • New wording for Objective 10 provides focus for the anticipated future state of Te Whanganui-a-Orotu and is complemented by amendments to Schedule 26 to insert freshwater objectives [to be achieved by 2040]. New Schedule 26AA sets short term numerical attribute targets for TANK waterbodies and TANK estuarine systems to be achieved by 2030. Amendments to Schedule 31 insert minimum flows and allocation limits for TANK waterbodies within the Ahuriri catchment. • The significance of Te Whanganui-ā-Orotu as a taonga to MTT and Ahuriri hapū, source of sustenance and mahinga kai, conservation area and wildlife reserve for avi fauna, habitat for finfish species and nursery for juvenile finfish and as place for recreation for the community is beyond question.	Delete Objective 10 and replace with the following wording to read: The health and wellbeing of Te Whanganui-ā-Orotu is enhanced and protected by 2040 consistent with its status as a taonga of significant cultural value, high recreation value, significant conservation area and nationally significant wildlife reserve.
Policies				

14	Policy 1	Support in Part	• Proposed Policy 1 is the primary policy for implementing Objectives requiring the maintenance or improvement of TANK waterbodies and must be linked to the freshwater objectives set out in Schedule 26. • The Section 32 report confirms that proposed Policy 1 implements proposed Objectives requiring improvement of TANK waterbodies to meet freshwater objectives in Schedule 26 [note S32 report incorrectly references Schedule 30]. The Section 32 report states that Policy 1, "…seeks that where required water quality shows an improving trend to the attribute targets of Schedule 30". • MTT considers proposed Policy 1 can be improved to implement new Objective 2, 4, and 5. Amendments to Policy 1 should require a general improvement in farming practice to reduce diffuse discharge of contaminants. PC9 needs to recognise that every land use should make a contribution to improving water quality; this should be adopting industry best practice [or similar]. Ideally, new Policy 1(a) should be viewed as codifying the current situation; where industry best practice is the minimum standard. • Policy 1 should require a high level of scrutiny on land use activities that are contributing higher loads of contaminants to certain catchments. Schedule 28 identifies priority catchments and timeframes to put in place farm environment plans through amended Policy 17 and in conformance with Schedule 30. • The problem is Schedule 26 does not include freshwater objective and limits for the Ahuriri catchment or Te Whanganui-a-Orotū and effectively means there is no way for MTT to easily determine whether the current state water quality is over-allocated [relative to freshwater objectives]. MTT considers there is sufficient evidence from HBRC science reporting to demonstrate that Te Whanganui-a-Orotū is over-allocated in respect of water quality.	Amend Policy 1 under the heading "Water Management Overview" to read: ~~The Council with landowners, local authorities, industry and community groups, mana whenua and other stakeholders will regulate or~~ Manage land use activities and surface and groundwater bodies in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments so that ~~water quality attributes are maintained at their current state or where required show an improving trend towards the water quality targets shown in~~ Freshwater Objectives in Schedule 26 are met by ~~focussing on~~: a) requiring a general improvement in farming practice to reduce the diffuse discharge of contaminants; b) requiring a greater level of scrutiny on the management of farming enterprises located within 'High' and 'Medium' priority catchments ~~water quality improvement in sub-catchments~~ (as described in Schedule 28) where current state water quality is not meeting ~~specified~~ freshwater ~~quality targets~~ objectives in Schedule 26; c) focussing on the enhancement and management of riparian margins; d) requiring a greater level of scrutiny for the management of urban stormwater networks to ~~and the reduction~~ reduce ~~of~~ contaminants in ~~urban~~ stormwater discharges into TANK waterbodies and TANK estuarine systems; e) requiring the protection of water quality for domestic and municipal water supply; f) recognising reductions in the discharge of contaminants will need to continue more than 10-years after PC9 is operative to achieve freshwater objectives in Schedule 26. ~~b) sediment management as a key contaminant pathway to also address phosphorus and bacteria losses;~~

			• Schedule 26 does not set short-term numerical attribute targets for TANK waterbodies in the Ahuriri catchment or TANK estuarine systems to improve water quality to meet freshwater objectives. New Schedule 26AA sets short term numerical attribute targets for TANK waterbodies and TANK estuarine systems to be achieved by 2030. • New Objective 2 establishes that Freshwater objectives are to be achieved by 2040. Therefore, it is appropriate to signal to plan users that reductions in the discharge of contaminants from land uses located within the TANK catchments will need to continue more than 10-years after PC9 becomes operative.	~~c) the significant environmental stressors of excessive sedimentation and macrophyte growth in lowland rivers and nutrient loads entering the Ahuriri and Waitangi estuaries;~~
15	Policy 5	Support in Part	• Proposed Policy 5 needs to focus on reducing contaminants that are discharged from the use of land [being urban, industrial, commercial and rural] within the Ahuriri catchment. HBRC science indicates Te Whanganui-ā-Orotu has elevated Total Nitrogen and Total Phosphorous levels, with deposited sediment being a known problem. • While further research and science information for Te Whanganui-ā-Orotu is welcome, the cause of water quality problems is well established through existing HBRC reports. • Proposed Policy 5(d) should be incorporated as a method in PC9 and then added to the TANK implementation plan and funded through the 2021/31 Long Term Plan.	Amend Policy 5 to read: In the tributaries of the ~~Ahuriri Estuary~~ Te Whanganui-ā-Orotu (Ahuriri estuary), in addition to Policy 1 the Council will work with mana whenua, landowners and the Napier City Council to: a) ~~improve water clarity and~~ reduce ~~deposited~~ the discharge of sediment from land use activities in the Ahuriri catchment, including ~~by reduce the amount of~~ remobilising of deposited sediment ~~being lost~~ from ~~land and~~ beds and banks of rivers; b) reduce ~~risk of proliferation of algae by reducing nutrient~~ the ~~losses~~ discharge of nitrogen and phosphorous from land use activities in the Ahuriri catchment; ~~including through management of phosphorous loss associated with sediment;~~ c) avoid the discharge of untreated wastewater; d) requiring a greater level of scrutiny on the management of untreated stormwater discharged into Te Whanganui-ā-Orotu (Ahuriri estuary); e) manage improvements in the ecosystem health of urban waterways. ~~c) improve stormwater and drainage water quality and the ecosystem health of urban waterways and reduce contamination of stormwater~~

				~~associated with poor site management practices, spills and accident in from urban areas;~~ ~~d) carry out further investigations to understand the estuary hydrology, functioning and environmental stressors.~~
16	Policy 10	Support in Part	• All point source discharges require management to ensure freshwater objectives can be met by 2040. While specific stormwater policies are included in PC9, it is unclear why Policy 10 would not also apply to stormwater? • As the water quality of Te Whanganui-ā-Orotu (Ahuriri estuary) is technically over-allocated, short-term numerical attribute targets in new Schedule 26AA should be referenced in Policy 10. • In terms of readability, it is suggested that the content of Policy 10 should precede specific stormwater policies in PC9.	Amend Policy 10 to read: The Council will manage point source discharges ~~(that are not stormwater discharges)~~ so that after reasonable mixing, contaminants discharged either by themselves or in combination with other discharges do not cause the freshwater objectives ~~for water quality~~ in Schedule 26 to be exceeded, and when considering new applications to discharge contaminants ~~will take into account~~ have particular regard to: a) any short-term numerical attribute targets in Schedule 26AA; b) freshwater objectives in Schedule 26; c) ~~a)~~ measurement uncertainties associated with variables such as location, flows, seasonal variation and climatic events; d) ~~b)~~ whether the degree ~~to which a discharge~~ is ~~of a~~ temporary in duration ~~nature~~, ~~or~~ and is associated with necessary maintenance work; e) the proposed discharge representing the Best Practicable Option at the time resource consent is being considered, to prevent or minimise the adverse effects of the discharge on TANK waterbodies and TANK estuarine systems; ~~c) when it is an existing activity, identification of mitigation measures, where necessary, and timeframes for their adoption that contribute to the meeting of water quality objectives.~~
17	New Policy 17A	Support	• New Policy 17A requires land use activities located within 'Low' and 'Long term' priority catchments to prepare a Farm Environment Plan in accordance with Section C of Schedule 30. This could be a controlled activity resource consent that must be	Insert new Policy 17A to read:

			granted and with matters of control being subject to the FEP being in accordance with Schedule 30. • As proposed, Policy 17 does not have any correlation to the prioritisation of catchments in Schedule 28 as 'High' 'Medium', 'Low' or 'Long term'. Farming enterprises that are located in 'Low' or 'Long term' priority catchments should have an easier regulatory pathway associated with achieving the matters set out in Policy 1 and Section C of Schedule 30. • Amended Policy 17 requires a more stringent focus [via resource consent] on farming enterprises located within 'High' and 'Medium' priority catchments.	In addition to Policy 1, require land use activities located within 'Low' and 'Long term' priority catchments (as described in Schedule 28) to prepare a Farm Environment Plan for; a) farming enterprises in accordance with Section C of Schedule 30; b) TANK catchment collectives, TANK industry programmes, catchment collectives and industry groups in accordance with Section A and B of Schedule 30; within 6 years of PC9 becoming operative.
18			• Proposed Policy 17 does not have any correlation to the prioritisation of catchments in Schedule 28 as 'High' 'Medium', 'Low' or 'Long term'. • Amendments to Policy 17 require land use activities located within 'High' and 'Medium' priority catchments to prepare a Farm Environment Plan that takes includes Section B of Schedule 30 and is subject to the matter set out in Policies 11 [Riparian land management], 14 [wetland and lake management], 20 [sediment control], 21 [land use change and nutrient losses], 22 [stock exclusion] and 27 [timeframes: water and ecosystem quality]. • This could be a restricted discretionary resource consent with matters being restricted to the FEP being in accordance with Schedule 30 and policies 11, 14, 20, 21, 22 and 27. • The requirements to prepare a Farm Environment Plan in accordance with Section B of Schedule 30 and the policies listed above should apply irrespective of whether a land use activity is classified as a farming enterprise or is part of a TANK catchment collective, TANK industry programme, catchment collective or industry group. • Schedule 28 should also include the maps of priority catchments to assist landowners and plan users.	Amend Policy 17 to read: ~~The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 26 with landowners, industry groups, and other stakeholders and will implement the following measures~~ In addition to Policy 1, require land use activities located within 'High' or 'Medium' priority catchments (as described in Schedule 28) to prepare a Farm Environment Plan for; a) farming enterprises ~~establish programmes and processes through Farm Environment Plan~~ in accordance with Section C and B of Schedule 30 inclusive of the matters set out in Policies 11, 14, 20, 21, 22 and 27; b) TANK catchment collectives, TANK industry programmes, catchment collectives and industry groups in accordance with Section A and B of Schedule 30 inclusive of the matters set out in Policies 11, 14, 20, 21, 22 and 27; within 3 years of PC9 becoming operative ~~(i) adopt industry good practice;~~ ~~(ii) identify critical source areas of contaminants at both property and catchment scale;~~ ~~(iii) adopt effective measures to mitigate or reduce contaminant loss;~~

			• Note, new Policy 1 requires a general improvement in farming practice [adoption of industry best practice] to reduce the diffuse discharge of contaminants. The 'general improvement' requirements should be viewed as codifying good practice as a minimum standard.	~~(iv) prepare nutrient management plans in catchment not meeting targets for dissolved nitrogen.~~
19	Policy 18	Oppose in Part	• The matters listed (a) – (e) in Policy 18 will not of themselves achieve or maintain freshwater objectives or targets. Reductions of contaminants will occur through mitigation measures put in place on farms [through the general improvement in farm practice and targeted mitigation measures set out in Farm Environment Plans] and upgrades in the treatment of wastewater and stormwater [through more stringent requirements for the discharge of waste water and storm water set out in resource consents and subsequent upgrades to infrastructure and/or treatment]. • New Policy 17A requires 'Low' priority catchments to prepare a Farm Environment Plan in accordance with either Section C of Schedule 30 or Sections A and B of Schedule 30 • Amendments to Policy 17 now requires land use activities located in 'High' or 'Medium' priority catchments (as described in Schedule 28) to prepare FEP that includes Section B of Schedule 30 [in conjunction with either Section A or C]. • It is appropriate in Policy 18 to gather the information necessary to put in place an allocation regime for discharges of nitrogen from 'High' priority catchments. The decision to implement an allocation regime should be made in subsequent plan changes using the appropriate Section 32 of the RMA tests to ensure an allocation regime is the most effective mechanism for maintaining freshwater objectives and staying within limits. Any allocation regime would be subject to the outstanding rights and interests of iwi in freshwater being resolved. • Policy 18 should signal stronger regulatory intervention where freshwater objectives are not on track to be met by 2040, and	Amend Policy 18 to read: The Council will work with landowners, industry groups, and other stakeholders to assist with achieving or maintaining the short-term numerical attribute targets in Schedule 26AA or freshwater objectives in Schedule 26 by; ~~a) gathering information to determine sustainable nutrient loads;~~ a) establishing and operating a publicly available freshwater quality accounting system in each FMU; b) Collating and analysing ~~on~~ contaminant loss data provided through Farm Environment Plans prepared in accordance with Policy 17A and Policy 17; c) ~~a)~~ gathering information necessary to ~~determine sustainable nutrient loads~~ develop ~~nutrient limits and a nutrient~~ an allocation regime for discharge of nitrogen in 'High' priority catchments; ~~if the management framework in Policy 17 is not leading to improved attribute states by the time this plan is reviewed;~~ d) signalling further regulation of land use activities where there is a significant risk of increased nitrogen loss; e) gathering and assessing information about environmental state and trends and the impact of land use activities on these; f) ~~working with industry groups, landowners and other stakeholders to~~ undertake research and investigate~~ion into;~~ additional measures to reduce nutrient losses at a property and catchment scale. ~~i). nutrient pathways, nitrogen att;~~

			where short-term numerical attribute targets in Schedule 26AA are not met by 2030. • Note Policy 1 signals that reductions in the discharge of contaminants will continue 10-years after PC9 becomes operative. • Consider re-wording Policy 18(e)(i)-(iii) as a non-regulatory method and including in the TANK implementation plan.	~~ii). nutrient uptake and loss pathways at a property scale;~~ ~~iii). measures to reduce nutrient losses at a property as well as catchment scale including those delivered through industry programmes.~~
20	Policy 19	Oppose	• Policy 19 repeats the requirements of Policy 17 for 'High' and 'Medium' priority catchments, without reference to Schedule 30, or policies 11, 14, 20, 21, 22 and 27. • It is unclear when HBRC would assess whether FMU's are not meeting "objectives for dissolved nutrients specified in Schedule 26". Logically —but not stated in PC9— this would need to be immediately after PC9 was made operative as the 3, 6 and 9 years timing intervals for different priority catchments [refer to Schedule 28] would then take effect.	Delete Policy 19
21	Policy 27	Support in Part	• Proposed Policy 27 is worded like a non-regulatory method, and in effect has two components: (i) preparation of an implementation plan; and (ii) dates and measures for specific outputs to be undertaken. • MTT supports the intent of HBRC to develop an implementation plan to support PC9. This should be a non-regulatory method in PC9. MTT notes the purpose of the TANK implementation plan is broadly set out in the Section 32 report and MTT agree the implementation plan should include necessary matters listed in specific policies and methods in PC9 as a series of projects. In turn these projects can be sequenced and funded through the Long Term Plan process. • The timeframes set out in Table 1 of proposed Policy 27 have utility in PC9. The matters set out in the table should be re-worded into proposed Policies 11 [Riparian land management], 14 [wetland and lake management], 20 [sediment control], 21	Re-word the header of Policy 27 as a non-regulatory Method to read: The Council will work collectively with industry groups, landowners, water permit holders, tangata whenua, and other stakeholders to prepare and fund an implementation plan for PC9. Amend Policy 27 so that the timeframes in Table 1 are re-worded and merged into proposed Policies 11 [Riparian land management], 14 [wetland and lake management], 20 [sediment control], 21 [land use change and nutrient losses], 22 [stock exclusion] and 27 [timeframes: water and ecosystem quality].

			[land use change and nutrient losses], 22 [stock exclusion] and 27 [timeframes: water and ecosystem quality]. • MTT notes the TANK implementation plan is a non-statutory document and not subject to scrutiny under the First Schedule of the RMA process. Therefore, MTT considers the matters listed in the TANK implementation plan MUST be derived from either: (i) policies; or (ii) methods, in PC9.	
22	Policy 28	Support in Part	• Support the increased scrutiny on urban discharges of stormwater from new and existing development. Protecting the sensitive receiving environments where storm water is discharged is paramount, particularly where discharges are into Te Whanganui-ā-Orotu. • Policy 28 should signal that existing or new development and associated stormwater discharges should have particular regard to the whether the receiving environment is a TANK estuarine system, outstanding waterbody or wetland.	Amend Policy 28 to read: The adverse effects of stormwater quality and quantity on aquatic ecosystems and community well-being arising from existing and new urban development (including infill development) industrial and trade premises and associated infrastructure, will be reduced or mitigated no later than 1 January 2025, by: a) Local Authorities adopting an integrated catchment management approach to the collection and discharge of stormwater; b) requiring stormwater to be discharged into a reticulated stormwater network where such a network is available or will be made available as part of the development; c) requiring increased retention or detention of stormwater, while not exacerbating flood hazards; d) having particular regard to significant values of the receiving environment being either a TANK estuarine system, outstanding waterbody or wetland; e) ~~d)~~ taking into account site specific constraints including areas with high groundwater, source protection zones, ~~and/or an outstanding water body~~...
23	Policy 30	Support in Part	• Proposed Policy 30 does not provide certainty that "discharges from stormwater networks" are subject to freshwater objectives in Schedule 26. It is unclear if the 80th percentile level of species protection in 30(a)(i) and 90th percentile level of species protection in 30(a)(ii) have a direct correlation with the freshwater objectives in Schedule 26.	Amend Policy 30 to read: ~~Aquatic ecosystem health improvements and community wellbeing and reduced stormwater contamination will be achieved by HBRC working with the Napier City and Hastings District Councils requiring~~ Require discharges from stormwater networks to meet:

			• If there is a correlation and (a) and (b) are retained with no amendment, Policy 30 should at least specify that stormwater discharge should aim to achieve the higher level of protection relative to the significant value of receiving environment in new Policy 28(d). • MTT considers that any stormwater discharged into Te Whanganui-ā-Orotu, irrespective of being discharged from reticulated networks or from unreticulated systems, must cumulatively, assist to achieve the freshwater objectives for Te Whanganui-ā-Orotu by 2040.	a) water quality objectives (where they are degraded by stormwater) and the identification of measures that ensure stormwater discharges will achieve at least: i). the 80th percentile level of species protection in receiving waters by 1 January 2025; and ii). the 95th percentile level[3] of species protection by 31 December 2040. ~~and~~ b) ~~except as in (a) above,~~ the ~~management~~ freshwater objectives in Schedule 26 ~~for freshwater and estuary health~~ through resource consent conditions, including requirements…
24	Policy 32	Support in Part	• MTT note that proposed Policy 32 specifies HBRC will support an integrated management plan (**ICMP**) for Te Whanganui-ā-Orotu (Ahuriri estuary). While MTT do not oppose the development of an ICMP as a useful management tool, the effect of proposed Policy 32 is to reinforce the need for Objective 6 and defer management intervention. This is because Objective 6 defers necessary management intervention to address known water quality problems in Te Whanganui-ā-Orotu until 2030 [at the very earliest]. • Amendments to Policy 32(b) insert the content of Policy 5(d) to research estuary hydrology, functioning and environmental stressors. MTT considers the location of the amendment to be a better fit in PC9.	Amend Policy 32 to read: The Council will support the development of an Ahuriri Estuary Integrated Catchment Management Plan by; a) improving the quality of freshwater entering the ~~Ahuriri Estuary~~ Te Whanganui-ā-Orotu (Ahuriri estuary) through the measures included in this plan; and b) carrying out investigations to help better understand processes and functions occurring within the estuary and its connected freshwater bodies, including estuary hydrology, functioning and environmental stressors.
25	Policy 34	Oppose	• There is no statutory obligation to meet with the collaborative group that assisted HBRC with the drafting of PC9. • MTT considers HBRC should be engaging with its Treaty settlement partners as part of its obligations to implement the Hawkes Bay Regional Planning Act 2015.	Delete Policy 34
26	Policy 35	Support in Part	• Policy 35 provides for the continuation of state of the environment monitoring on the TANK catchments [instream water quality monitoring]. MTT support the continuation of the	Amend Policy 35 to read: The Council will monitor and report on the effectiveness of the TANK water quality management policies and rules and to assist in making

			state of the environment monitoring work that is undertaken by HBRC and notes comments made in relation to s35(2)(b) of the RMA in the rationale for Schedule 26AA. • Monitoring instream water quality will provide valuable information to measure progress with achieving freshwater objectives in Schedule 26 by 2040. Outcomes of monitoring in conjunction with the accounting framework, will also assist with determining whether further regulatory and non-regulatory methods are required in the next plan change [post 2030] • Policy 35(a) requires amendment to include monitoring progress to achieve the new short-term numerical attribute targets as set out in new Schedule 26AA.	decisions about reviewing or changing this management framework, the Council will: a) continue to monitor instream water quality ~~and review~~ and report on the progress ~~towards and~~ to achieving ~~ement of~~ the freshwater ~~quality~~ objectives in Schedule 26 and short-term numerical attribute targets in new Schedule 26AA ~~according to Objectives 2 and 3 of this Plan in its~~ as part of regular State of the Environment monitoring; b) monitor and report…
27	Policy 43	Support in Part	• Policy 43 is fundamental to implementing Objective 1, 2, 4 and 5. Establishing flow management regimes [including allocation limits] in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments for TANK waterbodies is fundamental to protecting the sustainability of the freshwater resource and is supported by MTT. • PC9 must implement Policy B1 of the NPS-FM 2014 (2017) to ensure the freshwater objectives are established [in accordance with Policy CA1] and must set environmental flows and allocation limits for FMUs to assist with achieving freshwater objectives. • Given the significance of Te Whanganui-ā-Orotu to MTT and Ahuriri hapū, Policy 43(k) needs to do more than establish "limits for groundwater and surface water abstraction based on existing actual and reasonable use". It is unclear whether the existing abstractive takes from the Ahuriri catchment are sustainable or would meet the policy header statement "…during low flows they meet objectives for aquatic ecosystem health, mauri, tikanga Māori values, and other instream values", let alone the matters set out in Objective 2.	Amend Policy 43 to: • Insert a timeframe and specify a procedure for establishing flow management regimes [including allocation limits] in the Ahuriri catch that enables HBRC to: o make necessary adjustments to minimum flows and allocation limits [over and above actual and reasonable use testing], including the use of best available science information, to ensure the flow management regime for the Ahuriri catchment is sustainable; o adjust rates of abstraction, times of abstraction and maximum volumes for abstraction for resource consents/permits for the Ahuriri catchment [on common expiry] to manage abstraction from the Ahuriri catchment within limits.

			• At this time, Schedule 31 does not include minimum flows and allocation limits for TANK waterbodies within the Ahuriri catchment and does not implement new Objective 10. • Policy 43 should include a timeframe and specify a procedure for when minimum flows and allocation limits are "established". In the likely event the existing use is not sustainable, there should be a transparent procedure set out in Policy 43 that enables HBRC to make necessary adjustments to minimum flows and allocation limits [over and above actual and reasonable use testing], including the use of best available science information, to ensure the flow management regime for the Ahuriri catchment is sustainable. The procedure should also specify that HBRC can adjust resource consents [on common expiry] to manage abstraction/takes from the Ahuriri catchment within limits. • Plan users should be informed that existing resource consents may be subject to amendment to achieve new allocation limits for the Ahuriri catchment, as opposed to the common expectation that existing use trumps any environmental bottom lines.	
Rules				
28	TANK1,2	Oppose in Part	• Rules TANK1 and TANK2 need to be re-written to accommodate the policy direction in new Policy 17A and amended Policy 17. • There is no correlation between the regulatory hierarchy and the priority catchments identified in Schedule 28. Farming enterprises that are located in 'Low' or 'Long term' priority catchments should have an easier regulatory pathway associated with achieving the matters set out in Policy 1 and Section C of Schedule 30. A more stringent focus [via resource consent] should be placed on farming enterprises located within 'High' and 'Medium' priority catchments. • HBRC should have some regulatory oversight on the content of Farm Environment Plans, particularly for High' and 'Medium' priority catchments. This is because the mitigation measures	Re-write TANK1 and TANK2 to accommodate the direction set out in new Policy 17A and amended Policy 17. Specifically, the rule hierarchy might be: • Permitted activity rule - Properties <10ha that are low intensity • Controlled activity rule - Farming enterprises that are located in 'Low' or 'Long term' priority catchments; • Restricted discretionary activity rule - Farming enterprises that are located in 'High' or 'Medium' priority catchments • Discretionary activity rule – land use change

			developed for individual farming enterprises to reduce the loss of nutrients and the loss of sediment from critical source areas are fundamental to achieving freshwater objectives by 2040. Therefore, if a Farm Environment Plan does meet the requirements of Schedule 30, HBRC should have the discretion to decline a resource consent. • The proposed TANK rules related to water quality are likely to mean all farming systems will be assessed as a permitted activity. A farming system that is less than 10 hectares and classified as low intensity should be permitted.	
Schedules				
29	Schedule 26		• Policy CA1 of the NPS-FM 2014 (2017) requires HBRC to identify FMUs that include all freshwater bodies. The spatial extent and number of FMUs for the PC9 is unclear. This is because the column header of the Table in Schedule 26 describes "Freshwater Quality Management Units" and the narrative text under Schedule 30 describes the "location and spatial extent of management areas is shown on the planning maps Schedule 26A-26D". It is unclear whether "surface water management units" are the same as, or different to, "freshwater quality management units" in 26A to 26D, and this should be clarified in Schedule 26. • MTT considers Schedule 26 contains the freshwater objectives for each of the FMUs in the TANK catchments. "Freshwater objective" is defined in the NPS-FM 2014 (2017) as describing the intended environmental outcome in a FMU. In Schedule 26 it would be expressed as the "water quality objective" for each "water quality attribute" for each "Freshwater quality management unit". • The "numerical attribute state" or the numerical value assigned as the "water quality objective" for each attribute must reflect the values determined by the community and tāngata whenua. MTT will rely on the advice of freshwater science experts to	Amend Schedule 26 to: • Clearly identify and map the spatial extent of the FMUs for PC9 and include the resulting maps as part of PC9. • Make subsequent amendments that are necessary to relabel terms such as "surface water management units" [in Table 1 of Schedule 26] and "freshwater quality management units" [in Schedules 26A to 26D]. • Insert the "Limit/Objectives" for each "water quality attribute" in Table 2 of Schedule 27 as the new freshwater objectives for Te Whanganui-ā-Orotu (Ahuriri estuary) in Schedule 6. • Insert new freshwater objectives for each "water quality attribute" listed in the table of Schedule 26 for the TANK waterbodies in the Ahuriri catchment. • Subject to approval by the relevant tangata whenua hapū including Ngāti Pārau, move the "Limit/Objectives" for each "water quality attribute" in Table 2 of Schedule 27 as the new freshwater objectives for Waitangi estuary in Schedule 26.

			ensure the values of MTT are clearly reflected in freshwater objectives. • MTT supports Schedule 26 insofar as it provides the "water quality objective" for each "water quality attribute" for each "Freshwater quality management unit". However, PC9 does not include freshwater objectives for the Ahuriri catchment, and more specifically Te Whanganui-ā-Orotu. • MTT notes the "water quality objectives" for each "water quality attribute" set out in Table 2 of Schedule 27 should be the freshwater objectives for Te Whanganui-ā-Orotu (Ahuriri estuary) in Schedule 26. • Explicitly excluding Te Whanganui-ā-Orotu from PC9 is not the outcome MTT were anticipating from the implementation of the NPS-FM 2014 (2017). This is particularly when the proposed objectives [and new objectives] in PC9 seek to achieve a desired future state where the freshwater and coastal aquatic ecosystems are managed as an integrated resource to achieve Te Mana o te Wai and Ki uta Ki tai.	
30	Schedule 26B		• Planning map 26B sets out the "Ahuriri Surface Water Management Unit" and excludes large parts of Te Whanganui-ā-Orotu and the urban catchments associated with stormwater discharges and urban streams within the Napier City Council boundary. • The exclusion of Te Whanganui-ā-Orotu [and the urban catchment] from the "Ahuriri Surface Water Management Unit" means the Te Whanganui-ā-Orotu is technically NOT part of an identified FMU and is not subject to PC9. Therefore, freshwater objectives [to be achieved by 2040] and limits or targets, set out in Schedule 26 do not apply. No rationale is provided in the Section 32 report to exclude Te Whanganui-a-Orotū and the urban catchments. • The argument in Policy 32(a) that water quality flowing into Te Whanganui-ā-Orotu from the Ahuriri catchment will improve is	Amend Schedule 26B to: • Include Te Whanganui-ā-Orotu and the urban catchment as part of Schedule 26B.

			flawed, as Schedule 26 does not include freshwater objectives for the Ahuriri catchment. • The values of MTT and Ahuriri hapū that relate to Te Whanganui-ā-Orotu and are set out in figure 2 of PC9, are not reflected in Schedule 26 for the Ahuriri catchment. It is difficult to see how the Te Ao Māori principles of ki uta ki tai [new Objective 2(d)] and Te Mana o te Wai [new Objective 2(b)] are implemented through the exclusion of parts of Te Whanganui-ā-Orotu; • A significant part of the urban catchment that flows into Te Whanganui-ā-Orotu has also been removed from the FMU. This means the discharge of stormwater into Te Whanganui-ā-Orotu does not need to meet freshwater objectives in 2040 or any targets by 2030 and would be assessed under the existing Regional Policy Statement and Regional Plan.	
31	New Schedule 26AA		• MTT considers that short-term [10-year] numerical attribute targets for TANK waterbodies or FMUs should be inserted into PC9 as new Schedule 26AA. • The difficulty with not having short-term target is HBRC will be unable to optimally monitor the "efficiency and effectiveness of policies, rules, or other methods in its plan" as required under s35(2)(b) of the RMA. Instead, HBRC will need to rely on modelling to be confident that mitigation actions [that may or may not have been implemented through the proposed permitted activity Farm Environment Plan rules] are on track to having the desired/intended outcome by 2040. This provides little certainty for landowners who have/will invest capital to put in place mitigation measures to reduce diffuse discharges of contaminants, and for MTT and the community who require confidence that PC9 will achieve freshwater objectives by 2040. • MTT consider that short-term numerical attribute targets should be viewed as a fundamental component of an adaptive management framework. This is because the numerical attribute targets provide the 10-year benchmark on which to "adapt" the management approach to introduce new more stringent controls	Develop new Schedule 26AA that includes short-term numerical attribute targets for FMUs [including the Ahuriri catchment and Te Whanganui-ā-Orotu] to be achieved by 2030.

			to achieve faster/more reductions or to shift to "managing within limits" through an allocative regime. Without this certainty, the review of PC9 in 10-years post operative date, will not be optimal. • The "numerical attribute state" or the numerical value that is assigned as the "target" for each attribute [to be achieved in 10-years] is likely to be an 'educated' calculation of the "water quality objective" [to be achieved by 2040]. MTT will rely on the advice of freshwater science experts to ensure the calculation of "target" for each attribute is accurate.	
32	Schedule 27	Oppose	• Schedule 27 purports to set the "limit/objective" for selected "water quality attributes" for different "zones" in Table 1 and for estuary water and ecosystems in Table 2. The problems is Schedule 27 is "non-statutory" and therefore has no regulatory function. This means the schedule is effectively for information purposes only. • MTT considers the statement that Schedule 27 "satisfies cultural and social needs for a long term and more integrated approach to the way freshwater is managed" is misleading. A non-statutory schedule will have no influence on the management of freshwater as an integrated resource and will not implement MTT values articulated in Section 5.10 in figure 2. • MTT questions the utility of Schedule 27 to "…provide additional direction for the monitoring and research efforts of the Council." It is unlikely that HBRC will utilise non-statutory "limits/objectives" as the benchmark to report the current state of water quality in estuarine areas against. This would only serve to highlight the gap between current state and anticipated future state [freshwater objectives]. • MTT consider the retention of 'non-statutory' Schedule 27 could also provide HBRC and NCC with rationale to delay meaningful improvement in water quality of Te Whanganui-ā-Orotu, by referring back to Schedule 27 as a "work in progress". There is no timeframe to include a regulatory framework predicated on	Delete Schedule 27

			improving the water quality of Te Whanganui-ā-Orotu and the Ahuriri catchment in the regional plan.	
33	Schedule 31	Support in Part	• At this time, Schedule 31 does not include minimum flows and allocation limits for TANK waterbodies within the Ahuriri catchment and does not implement new Objective 10. • PC9 relies on 'existing use' and the 'actual and reasonable use test' to retrofit minimum flows, which effectively grandparents the allocation limits to existing users. Notwithstanding MTT disapproval of grandparenting as an allocation mechanism, this approach also assumes that the resulting minimum flows and allocation limits for the Ahuriri catchment will be sustainable and uphold the values expressed by MTT and Ahuriri hapū in figure 2. • Policy 43 —as the direction for compiling Schedule 31— does not include a timeframe or procedure for when minimum flows and allocation limits are "established". It is unclear when the abstraction permits in the Ahuriri catchment expire or whether HBRC will assess the expired permits as a single catchment and make corresponding adjustments to the collective take. There is no procedure, over and above utilising the 'actual and reasonable use' testing, to employ best available science information to ensure the flow management regime for the Ahuriri catchment is sustainable and will assist with achieving freshwater objectives in Schedule 26 by 2040. • The significance of Te Whanganui-ā-Orotu as a taonga to MTT and Ahuriri hapū, source of sustenance and mahinga kai, conservation area and wildlife reserve, and as place for recreation for the community is beyond question. HBRC should adopt a precautionary approach to ensure the abstraction of water from the TANK waterbodies within the Ahuriri catchment is sustainable, does not adversely affect or compromise the significant values of Te Whanganui-ā-Orotu.	Amend Schedule 31 to insert minimum flows and allocation limits for TANK waterbodies within the Ahuriri catchment that are established using the procedure set out in amended Policy 43: Relief for Policy 43 refers - • Insert a timeframe and specify a procedure for establishing flow management regimes [including allocation limits] in the Ahuriri catch that enables HBRC to: o make necessary adjustments to minimum flows and allocation limits [over and above actual and reasonable use testing], including the use of best available science information, to ensure the flow management regime for the Ahuriri catchment is sustainable; o adjust rates of abstraction, times of abstraction and maximum volumes for abstraction for resource consents/permits for the Ahuriri catchment [on common expiry] to manage abstraction from the Ahuriri catchment within limits.

			• MTT note, for the purpose of clarity, that they do not support the use of grandparenting as the long term solution to allocate rights to take water in the Ahuriri catchment.	
Definitions				
34	Definitions	Support	• Aquatic ecosystem appears in PC9 and refers to a new approach adopted by HBRC to integrate the management of freshwater. For the purpose of PC9 "aquatic ecosystems" should include all freshwater ecosystems [TANK freshwater bodies] and identified high value estuarine ecosystems [TANK estuarine system] as receiving environments.	Insert new definition of "**aquatic ecosystem**" to read: **Aquatic ecosystems** – means an ecosystem in a body of water and includes all TANK freshwater bodies and TANK estuarine systems.
35	Definitions	Support	• The estuarine system in the TANK catchments are sensitive receiving environments and are fundamentally important components of aquatic ecosystems. • MTT considers the management of TANK estuarine systems is unclear and appears to be deferred until sometime in the future through proposed objective 6, proposed Policy 32, 43(k), Schedule 26B and Schedule 27. Therefore, defining TANK estuarine systems [as a subset of aquatic ecosystems] properly recognises the integrated approach to sustainably managing land and water resources in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments as set out in new Objective 2. • The significance of Te Whanganui-ā-Orotu as a taonga to MTT and Ahuriri hapū, a source of sustenance and mahinga kai, and as a habitat for shellfish finfish species and a nursery for juvenile finfish species is beyond question. MTT note that Te Whanganui-ā-Orotu is a conservation area and habitat, a wildlife reserve for avi fauna and a place for community recreation.	Insert new definition of "**TANK estuarine systems**" to read: **TANK estuarine systems** – means the following estuarine systems located within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments: • Waitangi estuary; • Te Whanganui-ā-Orotu (Ahuriri estuary);"
36	Definitions	Support	• PC9 uses terms "freshwater bodies" and "TANK freshwater bodies" interchangeably. The term "TANK waterbodies" is not defined in the glossary and, if undefined, it is uncertain how the term will work with the Regional Plan when integrated.	Insert new definition of "**TANK waterbodies**" to read: **TANK waterbodies** – means any surface or ground waterbody that is located within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments.

			• While the term "river" is defined —and has the same meaning as the RMA—, the definition of river does not include ground water and is not capable of describing the TANK waterbodies • The term TANK waterbodies is specific to the waterbodies located in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments and recognises the interconnectedness of ground and surface water. The interconnectedness of water in the TANK catchments is captured in the values articulated by tāngata whenua and iwi partners in figure 2. • The insertion of a definition for TANK waterbodies will avoid confusion for plan users, particularly when PC9 becomes operative.	Make consequential amendments to PC9 to replace the terms "freshwater bodies" and "TANK freshwater bodies" with "TANK waterbodies"
37	General	Support	• PC9 uses the term Ahuriri estuary. Where the term Ahuriri estuary is used, it should reference Te Whanganui-ā-Orotu (Ahuriri estuary).	Make subsequent amendments to PC9 to read: ~~Ahuriri estuary~~ Te Whanganui-ā-Orotu (Ahuriri estuary);"

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Tania **Last name:** Eden
Organisation/Iwi/Hapu: Te Taiwhenua o Te Whanganui a Orotu

Phone number: 0272996999

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.

Consultation Document Submissions

Proposed TANK Plan Change 9
- ○ Support
- ◉ Oppose
- ○ Amend

I seek the following decision from the Regional Council:
We oppose the TANK Plan Change

Reason for decision requested:

We are supporting Ngāti Kahungunu, Te Taiwhenua o HERETAUNGA and Iwi, Hapū, Marae whānau in Hawkes Bay to oppose the TANK PLAN CHANGE.

We wish to make a complaint regarding this process to make a submission. andnbsp;It has been very difficult to do this submission online. andnbsp;Our people cannot navigate this site and make submissions due to trying to navigate through this.

1. andnbsp;The Plan Change does not promote sustainable management and is inconsistent with Part 2 of the RMA.

2.andnbsp; The Plan Change isandnbsp;inconsistentandnbsp;withandnbsp;s6(e) RMA relationship with mana whenua of Te Whanganui ā Orotu and our culture, traditions and tikanga over whenua,andnbsp;wai and sites of cultural significance including wāhi tapu and other taonga. andnbsp;. andnbsp;

(b) andnbsp;implementation of the principles of Te Tiriti o Waitangi (including rangatiratanga, our native title and proprietary rights and interests in the TANK catchment,andnbsp;and the active duty to protect taonga);

(c)andnbsp;exercise of kaitiakitanga by Mana Whenuaandnbsp;s7(a) RMA;andnbsp;

(d) andnbsp;preservation of the natural character of wetlands, lakes and rivers and their margins, and the protection of them from inappropriate use and development, and integrated protection of estuaries and coastal environments relevant to the TANK catchmentsandnbsp;s6(a)andnbsp;RMA;andnbsp;

(e) andnbsp;protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna s6(c);andnbsp;

(f) andnbsp;the efficient use and development of natural and physical resources s7(b)andnbsp;

(g) andnbsp;the maintenance and enhancement of amenity values s7(c)andnbsp;

(h) andnbsp;intrinsic values of ecosystems s7(d)andnbsp;

(i) andnbsp;maintenance and enhancement of the quality of the environment s7(f)andnbsp;

(j) andnbsp;any finite characteristics of natural and physical resources s7(g)andnbsp;

(k) Council's statutory functions and powers

(l) the relevant statutory provisions, Part 2 RMA, and the relevant planning instrument hierarchy.

andnbsp;

12andnbsp;andnbsp; Plan Change 9andnbsp;results in more than minor, and significant,andnbsp;actual,andnbsp;potentialandnbsp;and cumulativeandnbsp;adverseandnbsp;

effects on the environment. These includeandnbsp;significant adverse cultural effects to Mana Whenua, Tangata Whenua and Iwi. andnbsp;

3.andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;

13 Plan Change 9 raises the issue of allocation of water within degraded and over-allocated TANK catchments. It does not use the allocative tools that are available to give effect to Te Mana o Te Wai, and address key cultural parameters under sections 5, 6(e), 7(a) and Treaty principles.andnbsp;

andnbsp;

andnbsp;

GENERAL AND SPECIFIC RELIEFandnbsp;

Plan Change should be amended to address effects, provisions, general and specific relief, and consequential relief identified by submissions made by tangata whenua, mana whenua and Iwi.andnbsp;

We are calling for Plan Change 9 to be withdrawn as it fails toandnbsp;address the relevant statutory and planning framework, including rangatiratanga, kaitiakitanga, Part 2 RMA and the National Policy Statement on Freshwater 2020 (NPSFM) and (to the extent relevant) the NPSFM 2017.

Specifically looking at: andnbsp;

andnbsp;(a) Reduce overallocation of water in the TANK catchments by introducing (over the 10 year life of the Plan) a capped allocation maximum of 70 million cubic litres per annum;

(b) Introduce (over the 10 year life of the Plan) a new system of allocation of water in the TANK catchments that does not rely exclusively on 'first in, first served' basis. andnbsp;

(c) Allocate a cultural allocation (cultural share) to mana whenua and Iwi to recognise and provide for rangatiratanga and kaitiakitanga within a capped allocation maximum of 70 million cubic litres per annum;

andnbsp;(d) Allocate a cultural allocation (cultural share) to te Wai / water itself, on the premise that all of the awa that form the TANK catchment are spiritual and physical entities to which andnbsp;mana whenua have rights. andnbsp;

(e) Recognise and provide for mana whenua, tangata whenua and Iwi proprietary and Treaty rights and interests in the TANK catchments.andnbsp;

4.andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;In addition, as general relief:andnbsp;

1.Include clear objectives and policies to maintain or improve water quality, safeguard life-supporting capacity, ecosystem health and human health, protect the significant values of outstanding freshwater bodies and wetlands and provide for other instream freshwater values (including tangata whenua values).andnbsp; In addition, PC9 must give effect to the RPS objectives for no degradation of the quality of the Heretaunga Aquifer.

2. Include schedules of FMUs and freshwater values and clearly define where they apply.

3. Include a schedule of outstanding waterbodies and wetlands and their significant values for protection.

4.Include all water quality objectives in Schedule 26 and identify targets to be achieved by 2040 where objectives are currently not met.andnbsp;

5.Set objectives and targets in Schedule 26 for the Ahuriri catchment and estuary.

6. Amend Schedule 26 to ensure it is correct, fit for purpose,andnbsp; and contains all water quality objectives and targets for the TANK area (including those in proposed Schedule 27).

7. Identify (delineate) priority catchments and define timeframes for improvement in Schedule 28.

8.Regulate (require consent for) production land in priority catchments to resolve water quality issues in Schedule 28 and in catchments required to meet water quality targets in Schedule 26 by 2040.

9.Control the use of production land all other catchments to maintain water quality.

10.Require farm plans for all farms >4ha in the TANK catchments.

11.Exclude stock from all wetlands, lakes and rivers and from riparian margins used for fish spawning (specifically including īnanga) regardless of slope with minimum setbacks of at least 10 metres.

12.andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp; Exclude breakfeeding from all waterbodies regardless of slope.

13.andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp; Include defined setbacks from water for all stock exclusion provisions.

14.andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp; Regulate and manage all stormwater discharges and require them to meet water quality objectives and targets in Schedule 26 by 2040.

15.andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp;andnbsp; Regulate and manage all point source discharges and require them to meet water quality objectives and targets in Schedule 26 by 2040.

16.andnbsp;andnbsp;andnbsp;andnbsp;andnbsp; Increase setbacks for vegetation clearance and cultivation to 10 metres to avoid sedimentation.

We as mana whenua require more input into the Plan Change to ensure planning is undertaken regarding the degradation of the Ahuriri catchment area. We require plans to improve the health of the ecosystem, reduce sedimentation and improve oxygen levels to the Wai and in particular those waterways in Ahuriri. Water quality is poor and we have little faith in the HBRC to improve these. The Ahuriri catchments including TANK have degraded ecosystem health, heavy sedimentation (including contaminated sediment) and poor dissolved oxygen levels which need to be improved – they have the poorest water quality in the Hawkes Bay Region and are unsuitable for primary contact despite being highly valued culturally and recreationally.

These should be more effectively regulated through PC9 to maintain or achieve water quality objectives and targets in Schedule 26. Clear objectives (with stated goals or outcomes) are needed to protect life-supporting capacity, ecosystem health and human health, protect the significant values of outstanding freshwater bodies and wetlands, to maintain or improve water quality and to recognise Te Mana o te Wai.

Attached Documents

File
Proposed TANK Plan Change 9

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Mike **Last name:** Connor

Phone number: +64277595795

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.

Attached Documents

File
Plan Change Submission MC - Aug 2020
Proposed TANK Plan Change 9

I am a Farmer, Irrigator, Conservationist, Jetboater, Fisherman, Common Sense Kiwi.

I live and work adjacent to the **Ngaruroro River** (the river) approx 30 km west of Hastings and have done my whole life.

Part A.

I am concerned that the results from Computer Models are being relied on too heavily for policy decision making and some of the output from these model s have become "fake facts" for example :

1. Summer/Autumn 2020 the river spent a considerable amount of time under 2,000 l/s at Fernhill however the water clarity was great, the trout were plentiful and of good size and condition ie not what the computer modelling shows. Unfortunately due to the trout prey ing on many native species , this may not be a good thing f or them. In relation to the proposed plan, I support the Low Flow cut off staying at 2,400 l/s.

2. Winter 2018 there was a massive slip into the river I'd estimate to be 10's of thousands of tons approx. 1 km down stream from the confluence of the Otamauri Stream – the river ran very dirty for weeks after every rainfall when the river freshened up and carted more of the slip downstream – livestock farming has been blamed for loading the river with sediment.

3. Over the last 20 years at least 1,000 ha of river terraces immediately adjacent to the river have been converted from Sheep and Beef Farming to Vineyards – if all these livestock were causing as much pollution as the models say, why has the river water quality not made a significant improvement ?

4. The Ohara Stream (a tributary of the river) was running very dirty winter 2019 while a logging operation was being undertaken in its catchment – I've been advised by HBRC that models show that even with the extreme sediment pollution caused by deforestation during and post-harvest it is still less than a livestock farm over the forests 25 year rotation period – this is hard to believe after seeing what spewed out of that stream.

Part B.

I am concerned with the arbitrary area of 10 ha that I understand has been proposed as the maximum area of land that can have its use changed to a crop that has a higher N loss before triggering requirement for a Resource Consent.

This punishes those who are currently doing their bit and will effectively devalue their property value in future if their current crop goes out of favour – this in-turn will have a negative effect on regional GDP and job opportunities.

Where did this number come from ? What if the property is 2,000 ha – this equates to 0.5% of that property.

I propose that this area be determined as a % of the property size say 10%.

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Ceri **Last name:** Edmonds
Organisation/Iwi/Hapu: Hawke's Bay Regional Council

Phone number:

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.
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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:

If others make a similar submission, the Council would consider presenting a joint case with them at the hearing.

Consultation Document Submissions

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6)

- ( ) Support
- ( ) Oppose
- (•) Amend

I seek the following decision from the Regional Council:
Amend the provisions of the proposed TANK Plan Change so that they are consistent with the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (Freshwater NES),

Reason for decision requested:
The Freshwater NES introduces new requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities will need to comply with the standards. A regional plan may be more stringent than the NES but not less stringent, however, where the Plan uses different concepts or activity descriptions the national direction should prevail to reduce uncertainty and conflicts between local and national regulation.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules

- ( ) Support
- ( ) Oppose

- [x] Amend

I seek the following decision from the Regional Council:
Amend the provisions of the proposed TANK Plan Change so that they are consistent with the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (Freshwater NES),

Reason for decision requested:
The Freshwater NES introduces new requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities will need to comply with the standards. A regional plan may be more stringent than the NES but not less stringent, however, where the Plan uses different concepts or activity descriptions the national direction should prevail to reduce uncertainty and conflicts between local and national regulation.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules

- [ ] Support
- [ ] Oppose
- [x] Amend

I seek the following decision from the Regional Council:
Amend the provisions of the proposed TANK Plan Change so that they are consistent with the Resource Management (Stock Exclusion) Regulations 2020.

Reason for decision requested:
These regulations, in force from 3 September 2020, apply to a person who owns or controls beef cattle, dairy cattle, dairy support cattle, deer or pigs (stock). Where the Plan uses different concepts, the national direction should prevail to reduce uncertainty and conflicts between local and national regulation.

Proposed TANK Plan Change 9 > 5.10.2 Policies: Surface Water and Groundwater Quality Management > Protection of Source Water > POL TANK 9

- [ ] Support
- [ ] Oppose
- [x] Amend

I seek the following decision from the Regional Council:
Delete clause (g)

Reason for decision requested:
Unnecessary repeat of clause (a)

Proposed TANK Plan Change 9 > 5.10.6 Policies: Heretaunga Plains Groundwater Levels and Allocation Limits > Flow maintenance > POL TANK 39

- [ ] Support
- [x] Oppose
- [ ] Amend

I seek the following decision from the Regional Council:

Delete policy 39 and **replace** with new policy in relation to assessing applications to take groundwater in the Heretaunga Plains that includes the following direction:

A commitment by Council to:

(a) consult with iwi and other relevant parties to investigate the environmental, technical, cultural and economic feasibility of options for stream flow maintenance and habitat enhancement schemes including water storage and release options and groundwater pumping and discharge options that:

(i) maintain stream flows in lowland rivers above trigger levels where groundwater abstraction is depleting stream flows and:

(ii) improve oxygen levels and reduce water temperatures.

(b) determine the preferred solutions taking into account whether:

(i) wide-scale aquatic ecosystem benefits are provided by maintaining stream flow across multiple streams

(ii) multiple benefits can be met including for flood control and climate change resilience

(iii) the solutions are efficient and cost effective

(iv) scheme design elements to improve ecological health of affected waterbodies have been incorporated

(v) opportunities can be provided to improved public access to affected waterways.

(c) develop and implement a funding mechanism that enables the Council to recover the costs of developing, constructing and operating stream flow maintenance and habitat enhancement schemes from permit holders, including where appropriate,

(i) management responses that enable permit holders to manage local solutions and

(ii) commitment to develop any further plan change within an agreed timeframe if necessary to implement a funding solution.

(d) ensure that stream flow maintenance and habitat enhancement schemes are constructed and operating within ten years of the operative date of the Plan while adopting a priority regime according to the following criteria:

(i) solutions that provide wide-scale benefit for maintaining stream flow across multiple streams

(ii) solutions that provide flow maintenance for streams that are high priority for management action because of low oxygen levels.

(e) review as per Policy 42 if no stream flow maintenance and habitat enhancement schemes are found to be feasible

Reason for decision requested:

Implementation of Policy 39 as written presents challenges which can be managed by an alternative implementation approach that delivers the outcomes sought in a more timely, efficient and consistent way. The main areas presenting implementation challenges that are resolved by the new policy are:

- Solutions account for spatial differences according to permit expiry.

All current water permits to take groundwater in the Heretaunga Plains contribute to stream depletion, but their effects are unevenly distributed (both in relation to total impact and percentage (%) contribution to stream depletion in each stream). Each permit is required to contribute to a stream flow maintenance and enhancement scheme of the *most* affected stream (where the take is having its biggest stream depletion effect). However, takes may have effects on more than one stream.

Permits with common expiry dates (in similar areas) are not necessarily the only permits with a stream depletion effect for any one stream. While all permit holders will be required to mitigate their stream depletion effect (upon review or re-application under this plan), it also requires a permit holder to be linked to the stream of greatest effect for any ban.

The revised policy more clearly allows for implementation over time and for the affected waterbodies. Separation of the obligation to contribute and the development of the solutions will enable a more coherent solutions package to be developed

- Not all streams are suited to the same types of solutions

In parts of the Paritua Stream where natural flow losses to groundwater are significant, a separate policy (Policy 44) directs Council to develop other solutions. The plan does not require these permits to be subject to a ban if there are no feasible pumping schemes. However, the relevant permits should still need to contribute to alternative solutions to mitigate their cumulative stream depletion effect.

Further, the proposed flow trigger for the Tūtaekurī-Waimate has not previously been reached. While permits will cause (cumulative) stream depletion on this and on other connected streams, they would be subject to a ban linked to the Tūtaekurī-Waimate Stream as it is the *most* affected stream. As the chances of a ban are low, a permit holder would be unlikely to choose to contribute to a stream flow maintenance scheme. This revised implantation approach ensures all cumulative stream depletion is accounted for.

- Managing timing for roll-out of solutions

The feasibility assessment, design and construction processes for each solution will not necessarily align with the expiry dates of permit holders who will need to contribute to that scheme.

Currently, the proposed plan takes a consent by consent approach that requires a solution for each consent. While collective action is envisaged, there is as yet no process established to enable this, despite the provisions of schedule 36. This is especially challenging given the number of consent holders involved.

- Each permit is obliged to contribute to stream flow depletion solutions equivalent to their total stream depletion effect, but the management focus is on their most affected stream. (They may also choose to go on ban instead). The way in which the plan ensures allocation of funds to all affected streams as they are developed over time is better enabled by this new policy supporting regional solutions versus individual solutions

Some permit holders may be able to develop their own stream flow maintenance solution by virtue of the scale of their operation. There is a risk that potential solutions providing regional efficiency and effectiveness will be weakened by development of smaller scale localised or individual solutions. An analogy is where the Council provides regional solutions for things with wide public benefits like stop banks for flood protection. While individuals might be able to provide their own, it may be at the expense of others or wider public benefit.

Assessment of the overall costs and benefits of the preferred solutions should ideally be done at a catchment scale so that overall efficiency and effectiveness of the solutions can be optimised.

There is an opportunity for resolution of this issue to consider regional benefit rather than private solutions/benefits. There is no mechanism by which a regional approach to the development of solutions by consent holders is currently enabled or required.

This regional approach potentially allows for larger scale measures that potentially provide benefits for more streams. It includes consideration of water storage and release schemes that would provide mitigation at a larger scale than envisaged by the groundwater pumping solutions alone.

Through the 2018-28 LTP Council established regional funding and policy for community scale water augmentations schemes. This funding was used as leverage for a more ambitious programme of work through the Provincial Growth Fund. Delays resulting from 2019 Council Elections and PGF negotiations meant that HBRC could only recently commit to and fund a leadership role in relation to this aspect of TANK (The Heretaunga PGF Agreements were only signed by the Crown on 20 April 2020), supporting the solutions suggested in this submission.

- Prioritising

The Proposed Plan does not enable prioritising any particular scheme. For example, the Plan does not enable fast tracking or priority development of a highly effective solution or any scheme that provides benefit for multiple permit holders.

- Social Challenges

The plan requires contribution to or development of a solution on a permit by permit basis. The plan enables permit holders to work collectively, but there is little to guide how permit holders can do this effectively. Some permit holders, especially small-scale water users may prefer just to contribute to an established scheme and not be part of a more sophisticated management system. There are nearly two thousand water permits affected by these provisions and this large number adds to the challenge of deciding on and developing workable solutions.

- Complexity versus Simplicity

Implementing solutions to offset the collective impacts of groundwater use on the Heretaunga Plains, without resorting to potentially catastrophic bans and/or allocation clawbacks, was always going to represent a significant challenge for all water users. Although the Twyford operating model provided some comfort that the proposed solution was both practical and implementable, it was acknowledged that it was not without its challenges. Staff agree that a community scale approach stands a greater chance of success and now that we are in a position to do that then it is appropriate to incorporate it as a policy implementation pathway.

The HBRC has access to resources, including funding, staff and information as well as wider functions and powers to develop solutions that are delivered through plan policies and rules. The Council has a potential role to play in helping to understand what the most appropriate solutions are using efficient and cost-effective means on behalf of the water permit holders and wider community

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Proposed TANK Plan Change 9 > 5.10.7 Policies: Surface Water Low Flow Management > Flow Management Regimes; Tutaekuri, Ahuriri, Ngaruroro and Karamu > POL TANK 43

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:

Insert into clauses (b) and (e) reference to the allocation limit being for consumptive water use at times of low flow.

Reason for decision requested:
Provides clarity for when the allocation limit applies and that it only applies to consumptive water use (and doesn't include water take and discharge activities that are non-consumptive)

Proposed TANK Plan Change 9 > 5.10.7 Policies: Surface Water Low Flow Management > Flow Management Regimes; Tutaekuri, Ahuriri, Ngaruroro and Karamu > POL TANK 43

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
Insert into clause (j) reference to the allocation limit being for consumptive use and the total of all abstraction throughout the year.

Reason for decision requested:
Provides clarity for when the allocation limit applies and that it only applies to consumptive water use (and doesn't include water take and discharge activities that are non-consumptive)

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.1 Use of Production Land > Land Use Change

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 5 and TANK 6 -

Either

Insert at the end of condition (a): *"that results in the annual nitrogen loss increasing by more than the applicable amount shown in Table 2 in schedule 29."*

Or

Delete TANK 5 and TANK 6 and replace with a new rule that requires a restricted discretionary application to be made where a land use change on properties that are greater than 10 ha in size results in a change to the predominant land use which is

the land use over more than 50% of the property or farm enterprise area changes from a lower leaching category to a higher category as shown in Table 1 of Schedule 29.

The matters for discretion are as proposed for TANK 6 and includes matter 2 from TANK 5 where a Landowner collective is relevant.

Reason for decision requested:

Either make it clear that a consent is only required where a land use change results in an increase in N loss above the specified thresholds.

Or

The alternative approach provides as a less complex framework for establishing thresholds and enabling risk to be assessed. It requires a less complex modelling approach to assess risk and is easier to communicate to land owners.

The ranking is relative to risk of N loss between different land use systems and avoids use of absolute N loss numbers. This is due to the modelled outputs not necessarily representing the exact amount of N leached from the property and the difficulty dealing with Overseer version changes when absolute numbers are used. Use of absolute numbers as a "pass or fail test" also creates significant risks when compliance and enforcement are required and where it may be "difficult to justify and to enforce when legal tests of proof are applied" (Willis 2018)

Furthermore, the N loss threshold calculation as proposed comparing high and low N loss for properties over 10ha results in thresholds at levels of precision that are not supported by the Overseer model. The suggested alternative avoids this issue and enables risk to be assessed according to relevant information and modelling.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.2 Water > Water Take and Use

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 7 -

Amend condition (b) to show that the reasonable needs for both an individual's domestic needs and an individual's animals existing prior to the notification of the plan can continue to be taken without a specified limit.

Reason for decision requested:
Under previous RRMP rules, an individuals reasonable domestic needs and the reasonable needs of their animals were not subject to the daily permitted take limit of 20 m^3/day. This amendment clarifies that these existing uses can continue. Some of those existing uses for stock water supply may have exceeded 20 m^3/day and the new prohibited activity rule would impact on the ability of those water takes to continue. This was not intended.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.2 Water > Water Take and Use

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 8 -

Amend condition (b) to show that the reasonable needs for both an individual's domestic needs and an individual's animals existing prior to the notification of the plan can continue to be taken without a specified limit.

Reason for decision requested:
Under previous RRMP rules, the reasonable needs of individuals and the needs of their animals were not subject to the daily permitted take limit of 20 m^3/day. This amendment clarifies that these existing uses can continue. Some of those existing uses for stock water supply may have exceeded 20 m^3/day and the new prohibited activity rule would impact on the ability of those water takes to continue. This was not intended

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Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.2 Water > Water Take and Use

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 9 - Delete conditions (f) and (g) and insert new condition requiring all water permits to be subject to a stream depletion calculation

Reason for decision requested:
This amendment will enable consistency with changes to policy 39

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.2 Water > Water Take and Use

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 9 - Amend matter 15 to require a permit review and new conditions to be imposed in respect of contribution to a stream flow maintenance scheme, when applicable

Reason for decision requested:
This amendment will enable consistency with changes to policy 39, depending on which funding solution is adopted.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.2 Water > Water Take and Use

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 9 - Include non-notification direction for applications where they are subject to a review condition in respect of flow maintenance and habitat enhancement.

Reason for decision requested:
Large groups of consents will expire and need processing before the flow maintenance and enhancement schemes are established. Direction that these applications should generally be processed on a non-notified basis should be considered as it supports the policy goals of efficiency, effectiveness and less complexity. Until the mitigation schemes are established, the focus of the permit application processes should be on ensuring compliance with new efficient water use standards, determining the actual and reasonable need for water, and reducing the amount of allocated but unused water.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.2 Water > Water Take and Use

- ○ Support

- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 10 - Amend condition (c) to include at the end “For all other takes the flows specified in Schedule 31 apply

Reason for decision requested:
To improve clarity

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.2 Water > Water Take and Use

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 10 - Amend condition (h) and matter 15 to be consistent with amendments to TANK 9 and policy 39 for the provisions for flow maintenance where this option is applicable and appropriate

Reason for decision requested:
This will allow consequential amendments as necessary to enable consistency with changes sought for Policy 39. The provisions for flow maintenance will not be appropriate for all Zone 1 water takes, including where they are impacting on the Tūtaekurī or Ngaruroro Rivers.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.2 Water > Water Take and Use

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 11 - Insert at the end of condition (a) “where relevant.”

Reason for decision requested:
To improve clarity

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.2 Water > Water Take and Use

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 11 - Insert new clause iii into condition (ii).
Water takes that are non-consumptive

Reason for decision requested:
Allows non-consumptive takes to be considered outside any allocation limit. Non-consumptive water takes are those that substantially return water unchanged such as for dewatering activities and pump testing.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.2 Water > Water Take and Use

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 13 - Delete condition (a).

Reason for decision requested:
RRMP 67 and 68 refer to the erection of structures and associated damming of water however TANK 13 regulates the taking of water at high flows. This rule (TANK 13) is allowing for water takes at high flow including to out of stream storage – not construction of a dam

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Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.2 Water > Water Take and Use

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 14 - Insert into activity description “the erection or placement of any dam or weir or other barrier structure'

Reason for decision requested:
Ensures these activities associated with dams and other structures are covered by plan rules. (consistent with RRMP rule 69 which this rule replaces)

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.2 Water > Water Take and Use

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 14 - Insert a new condition (a):
The activity does not comply with the conditions of RRMP 67 or RRMP 68

Reason for decision requested:
RRMP rule 67 enables construction of small-scale storage dams and structures and RRMP 68 allows for the continuation of existing structures. These rules both still apply in the TANK catchments.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.3 Stormwater

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 19 - Provide definition for rural buildings

Reason for decision requested:
To improve clarity

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.3 Stormwater

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 19 - Provide more guidance for what small scale means, by including a threshold for impervious area or a maximum number of lots in a new subdivisionandnbsp;andnbsp;

Reason for decision requested:
To improve clarity

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.3 Stormwater

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 19 - Provide definition for what a planned reticulated stormwater network in clause (b) means and criteria to establish how compliance with the condition can be assessed or delete reference to planned reticulation.

Reason for decision requested:
To improve clarity

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.3 Stormwater

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 20 - Delete reference to industrial areas in activity description.

Reason for decision requested:
This activity is also covered in TANK 22 and creates confusing overlap.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.3 Stormwater

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 21 - Amend condition (b) so it states an Integrated Catchment Plan must be prepared and delete following clauses(i) – (xii).

Insert a new definition for Integrated Catchment Plan as follows:

Integrated Catchment Plan with respect to stormwater management in local authority stormwater networks means a plan that includes:

a) Maps showing the spatial extent of the stormwater network

b) Identification of the priority streams or catchments where stormwater discharges currently result in receiving water quality below the standards specified in Schedule 26 and the programme of mitigation measures including timeframes and milestones for the enhancement of streams

c) A monitoring programme to assess existing stormwater discharge quality and level of impact on receiving water quality standards

d) Identification of any industrial or trade sites, that use, store, or produce the discharge of any contaminant of concern (as defined in Table 3.1 of Hawke's Bay Waterway Guidelines Industrial Stormwater Design) and the programme for ensuring Urban Site-Specific Stormwater Management Plans are prepared and implemented so that stormwater quality risks are managed. (Schedule 34)

e) Identification of sites within catchments that have a high risk of contaminants entering the stormwater network or land where it might enter surface or groundwater, including areas subject to new urban development and a description of measures to reduce the risks to water quality.

f) Identification of areas at risk of flooding, and where levels of service to protect communities from flooding are not being met and a description of how these risks are to be managed, including as a result of climate change or land use change.

g) Any measures necessary to ensure discharges do not cause scouring or erosion of land or any water course beyond the point of discharge

Maps showing locations of any Source Protection Zone and any additional measures needed to protect source water quality

Reason for decision requested:
The amended rule now provides more clarity by specifies conditions that qualify the activity as a controlled activity, providing a definition for what a catchment plan is.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.3 Stormwater

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
TANK 21 - Amend Matters 1 so it reads:

1. The content and efficacy of the Integrated Catchment Management Plan including, but not limited to:

a) Its contribution to achieving water quality objectives

b) ~~its implementation programme and milestones,~~ The programme of work and mitigation measures necessary, for preparation of Site-Specific Stormwater Management Plans, aquatic ecosystem improvement, water contamination reduction and flood management including milestones and timeframes.

c) The comprehensiveness and reliability of the monitoring regime

d) The use of low impact stormwater design methods

Reason for decision requested:
In combination with the change to the rule conditions and new meaning this amendment provides for the matters to inform the conditions of consent in respect of the catchment plan content and delivery.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > 6.10.3 Stormwater

- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:
TANK 23 - Delete matter

Reason for decision requested:
Rule is discretionary and not limited as to matters. The matter listed is a commonly used review condition in any case.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6)

- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:
RRMP 2 - Amend matter (f) to clarify that notification is a consent holder advising a water supply manager (not notification of the consent application).

Reason for decision requested:
To improve clarity. Ensures water asset manager is informed about risk activities being carried out in SPZ

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6)

- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:
RRMP 33 - Delete condition (g)

Reason for decision requested:
The management of water quality from existing pump stations (where the drainage area is greater than 10ha) relies on management of upstream land. This is not always under the control of the pump owner/manager as the land area being drained can be extensive and owned by many people. The Plan Change already includes a matter that relates to the water quality objectives for the TANK water bodies and allows appropriate conditions to be imposed

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Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6)

- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:
RRMP Rule 62a - Delete Condition b. i. “To any person or occupier of the site in respect of which the permit is granted,

Reason for decision requested:
The activity refers to s136(2)(b)(i). This is for transfers to other sites. So transfer of consents to a new owner on the same property is not intended to be covered by this rule. The transfer to a new owner is covered by RMA s136(2)(a).

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6)

- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:
RRMP Rule 62a - Delete Advisory note commencing “Pursuant to s136(3)…”

Reason for decision requested:
This provision is not applicable to this rule if amended as requested above

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Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6)

- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:
RRMP Rule 62a - Condition d.(ii) delete

Reason for decision requested:
It is impractical to determine what is “downstream of any affected stream across the Heretaunga Plains”

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6)

- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:
RRMP Rule 62a - Amend condition (e) so that it requires that no increased drawdown is caused on neighbouring efficient bores groundwater take.

Reason for decision requested:

It is not possible to have ‘no change’ in nature and scale of drawdown as the take will now occurs at another site.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6)

- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:
RRMP 71 - Delete new bullet point referring to Karamū catchments and replace with “this rule does not apply to rivers in the Karamū catchment”

Reason for decision requested:
Allows for new TANK rule to manage riparian vegetation in Karamū rivers.

Proposed TANK Plan Change 9 > Chapter 6 New Regional Rules > Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6)

- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:

Insert new permitted activity rule 71A

Activities affecting river control and drainage schemes

“The introduction or planting of any plant including any tree in or on the bed of a river, lake or artificial watercourse or within 6 metres of the bed of any river within the Heretaunga Plains Flood Control and Drainage Scheme.

Conditions:

(a) The planting complies with the planting design, including species, setbacks and density requirements specified in the Council’s Water Way Planting Guide for the Heretaunga Plains Flood Control and Drainage Scheme (date)

Reason for decision requested:

A change to riparian land management is envisaged by the TANK plan change for Karamū catchment rivers to improve ecosystem health,

especially for macrophyte growth which reduces oxygen levels and shade, which improves water temperature and reduces growth of macrophytes.

The efficient management of the flooding and drainage values of these waterways requires that riparian planting be according to specific requirements that manage these multiple and sometimes competing objectives. A planting guide for the Karamū will be incorporated by reference and it will set out the requirements for planting alongside the rivers managed within the Karamū flood control and drainage scheme.

SCHEDULES > Schedule 28: Priority Catchments

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
Amend last paragraph to state that Source Protection Zones are a high priority area for the preparation of Farm Environment, Catchment Collective or Industry Plans in addition to the mapped high, medium and low priority areas.

Reason for decision requested:
To improve clarity and to ensure consistency with policies 6 and 9, TANK Rule 1 and Schedule 30

SCHEDULES > Schedule 29: Land Use Change

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:

Either

Amend Table 1 to insert a total nitrogen load for onions in the columns headed ‘other soils’ and ‘Farndon/Omarunui/Te Awa’ of 33 and 61 respectively Insert at the end of the fourth paragraph the following:

For example for unirrigated land the maximum allowable change per property or farm enterprise is calculated as 32 kg/ha/year minus 3 kg/ha/year times 10 ha = 290 kg per year being the difference between the modelled N loss for dairy farming less the modelled loss for scrub or tree cover.More accurate model data or information specific for the property in question can be used where it is available.

And insert the following note into Table 2;

The threshold may be calculated using the formula described above with site specific or more accurate model data where this is available.

Or

Replace Tables 1 and 2 with an alternative framework that ranks land use systems according to relative risk of N loss and establishes consent requirement where the predominant land use (over 50% of the farm or enterprise area) changes from a lower N loss category to a higher N loss category as illustrated in Table 1 below.

Table 1		
Land use type	**Incorporating**	N Leaching range / risk
Vegetable growing	Vegetable cropping	High leaching
Dairying or arable cropping	Dairy farming Cereal cropping and bulb production	

Sheep and beef, dry stock	Sheep, Beef, Deer, goats , bull beef	
Horticulture	Kiwifruit, Pipfruit, stone fruit, summer fruit/berries, grapes	
Forestry and scrub		Low leaching
Additional land use change thresholds		
Change from non- irrigated to irrigated land		any change greater than 10 ha
Winter forage crops		Any change consistent with provisions of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (Freshwater NES),

Reason for decision requested:

The first amendments to the proposed schedule provide further detail about available crop N losses and provide clarity about how the calculation is done. This also ensures the calculations are not linked to a fixed in time model result and allows for use of updated models and site-specific technical information to be used.

The alternative approach provides as a less complex framework for establishing thresholds and enabling risk to be assessed. It requires a less complex modelling approach to assess risk and is easier to communicate to land owners.

The ranking is relative to risk of N loss between different land use systems and avoids use of absolute N loss numbers. This is due to the modelled outputs not necessarily representing the exact amount of N leached from the property and the difficulty dealing with absolute N loss numbers. Use of absolute numbers as a “pass or fail test” also creates significant risks when compliance and enforcement are required and where it may be difficult to justify and to enforce when legal tests of proof are applied.

Furthermore, the N loss threshold calculation comparing high and low N loss for properties over 10ha results in thresholds at levels of precision that are not supported by the Overseer model.

SCHEDULES > Schedule 30: Landowner Collective, Industry Programme and Farm Environment Plan

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:

In section B 2.2a (re-worded slightly)

Managing contaminant losses (especially sediment, nutrients and bacteria) to waterways including through the efficient use of nutrients and incorporating industry good management practice (GMP), especially when carrying out land disturbance activities in relation to critical contaminant source areas.

Reason for decision requested:
For added clarity to show GMP is not specifically linked to the land disturbance critical source creation

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SCHEDULES > Schedule 31: Flows, Levels and Allocation Limits

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
Schedule 31E Heretaunga Plains - Delete the Zone 1 groundwater areas that are connected to the Ngaruroro River on Schedule 31E and insert onto Schedule 31C Ngaruroro

Reason for decision requested:
Zone 1 groundwater takes are those that have a very high stream depletion effect and are being considered as if they are surface takes and subject to the allocation limit and minimum flows in the relevant surface water zone. The Zone 1 areas shown on the Heretaunga groundwater map to the left (west) of SH50 should be shown on map 31C as part of the Ngaruroro Zone 1 area.

Chapter 9 Glossary of Terms Used

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
Allocation limit - Delete meaning and replace with new meaning as follows:
…." Allocation limit for surface water means the maximum quantity that is able to be allocated in water permits in a management unit and abstracted for consumptive water use, expressed in L/s and calculated as the average rate required to abstract the maximum weekly or 28 day volume allocated to each water permit and summed for all water permits in the applicable management unit

Reason for decision requested:
Ensures consistency with amendments sought in Policy 43 and clarifies that allocation limits only apply to consumptive water uses.

Chapter 9 Glossary of Terms Used

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
Allocation limit - Insert a new sentence at the end:
Allocation limits may apply to takes during low flow periods from October to April or apply to takes during high flows

Reason for decision requested:
Provides further clarification about what is meant.

Chapter 9 Glossary of Terms Used

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
Consumptive Water Use - Insert new meaning:

Consumptive water use – means any use of fresh water that alters the flows and or levels in a water body on either a temporary or permanent basis, but excludes any non-consumptive use where:

a) the same amount of water is returned to the same water body at or near the location from which it was taken; and
b) there is no significant delay between the taking and returning of the water.

For the purposes of allocation limits and specified rationing provisions in the rules, the term 'consumptive use' does not apply to water used in hydro-electric power generation or water use or diversions which substantially return the water used to the same water body.

Reason for decision requested:
To improve clarity and to provide definition for consumptive use as used in Policy 43. The meaning suggested is consistent with section 4 of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.

Chapter 9 Glossary of Terms Used

- ○ Support
- ○ Oppose
- ◉ Amend

I seek the following decision from the Regional Council:
Overseer - Insert meaning: **Overseer** means a set of models used to model nutrient flows and Green House Gas emissions to the farm boundary and down to 60cm and which is the Overseer model version publicly available on the Overseer.org website

Reason for decision requested:
To improve clarity and to ensure consistent use of the Overseer model

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Attached Documents

File
HBRC submission TANK PC9 cover letter 14082020
Proposed TANK Plan Change 9

14 August 2020

Hawkes Bay Regional Council
Private Bag 6006
Napier 4110

SUBMISSION on PROPOSED TANK PLAN CHANGE 9

The Hawke's Bay Regional Council makes the attached submission on the Proposed TANK Plan Change.

The Council has the responsibility of implementing the TANK Plan Change. It makes these submissions in order to improve the clarity and direction of the provisions and support the implementation of the plan.

The Council wishes to be heard in support of its submission. If others make a similar submission, the Council would consider presenting a joint case with them at the hearing.

Yours sincerely

Ceri Edmonds

Ceri Edmonds
Manager Policy & Planning
Strategic Planning Group
Phone (06) 835 2952
Email: ceri.edmonds@hbrc.govt.nz

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Greg **Last name:** Morice

Phone number: 0274393293

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.

Consultation Document Submissions

Proposed TANK Plan Change 9

- ○ Support
- ◉ Oppose
- ○ Amend

I seek the following decision from the Regional Council:

Tūtaekurī River minimum flow The minimum flow trigger for rationing water abstraction from the Tūtaekurī River has been raised from 2,000 to 2,500 litres per second. This is a slightly-higher level of habitat protection for aquatic species than previously provided. This is not expected to change security of supply for existing water users. The modelling showed no changes to the number of days users would be subject to a take ban and no changes to the number of consecutive days on a take ban.

DOES THE MODELLING MAKE ALLOWANCE FOR ALL THE LAND IN THE DARTMOOR VALLEY THAT HAS RECENTLY BEEN CONVERTED FROM BARE LAND AND VINEYARD TO ORCHARD? THERE WILL BE SIGNIFICANT INCREASE IN SURFACE TAKE DEMAND AS THESE NEW ORCHARDS COME INTO PRODUCTION.

Reason for decision requested:
LOW FLOW LIMIT OF 2500L/SEC SELDOM REACHED, BUT WITH INCREASE DEMAND COMING, EXISTING CONSENT HOLDERS WILL BE IMPACTED.

Attached Documents

File
Proposed TANK Plan Change 9

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020
First name: Dominic **Last name:** Adams
Organisation/Iwi/Hapu: Ballance Agri-Nutrients Limited

Phone number: 0278019320

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:

Consultation Document Submissions

Proposed TANK Plan Change 9

- ( ) Support
- ( ) Oppose
- (•) Amend

I seek the following decision from the Regional Council:
We have submitted our pre-developed submission via email. We are also submitting via this tool to ensure our submission is logged.

Reason for decision requested:

Attached Documents

File
Ballance Agri-Nutrients Limited Submission for HBRC TANK Plan Change 9
Ballance Agri-Nutrients Limited Submission for HBRC TANK Plan Change 9
Proposed TANK Plan Change 9

SUBMISSION ON PROPOSED PLAN CHANGE 9 TO THE OPERATIVE REGIONAL RESOURCE MANAGEMENT PLAN

TO:	Hawkes Bay Regional Council
	159 Dalton Street. Napier 4110
BY EMAIL:	etank@hbrc.govt.nz
SUBMISSION TO:	**Proposed Plan Change 9 to the Operative Regional Resource Management Plan**
NAME OF SUBMITTER:	Ballance Agri-Nutrients Limited
ADDRESS FOR SERVICE:	Ballance Agri-Nutrients Limited
	Hewletts Road, Mt Maunganui
	Private Bag 12 503
	Tauranga Mail Centre
	Tauranga 3143
CONTACT:	Dominic Adams
EMAIL:	Dominic.Adams@ballance.co.nz

This is a submission by Ballance Agri-Nutrients Limited[1] on Proposed Plan Change 9[2] to the operative Regional Resource Management Plan specifically to establish objectives for managing water quality and quantity for the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments[3].

Ballance cannot gain a trade competition advantage through this submission.

This submission is divided into two parts as follows:

Part A: Introduces Ballance, its activities and shareholders; and

Part B: Sets out the specific submissions and relief sought by Ballance.

Ballance seeks the relief set out in this submission, including such other additional, alternative or consequential relief as may be necessary to give effect to the changes sought.

Ballance wishes to be heard in support of this submission.

Signed for and on behalf of Ballance by

_____

Dominic Adams

Environmental Manager

14th of August 2020

[1] Hereafter referred to as **'Ballance'**
[2] Hereafter referred to as **'PC9'**
[3] Hereafter referred to as **'the TANK Plan'**

Part A: Ballance Agri-Nutrients Limited

Ballance Agri-Nutrients Limited is a farmer-owned co-operative with over 19,000 shareholders and approximately 800 staff throughout New Zealand. We own and operate super-phosphate manufacturing plants located in Tauranga and Invercargill, as well as New Zealand's only ammonia-urea manufacturing plant located at Kapuni, South Taranaki. The Company also owns and operates the agricultural aviation company 'Super Air' and 'SealesWinslow' (a high-performance compound feed manufacturer). Ballance owns and operates one Service Centre which supplies fertiliser to farms in Hawkes Bay and has one airstrip where some of our aerial spreaders are based. In addition to manufacturing and sales Ballance provides farm sustainability services including nutrient management advice and we have three nutrient management advisors who provide services to our farmers in the region. We place a strong emphasis on delivering value to our shareholders and on the use of the best science to inform sustainable nutrient management.

Reinforcing this, Ballance has extensive interest in the development of tools to manage nutrient losses on farms. Ballance, with Ag Research, has undertaken extensive research into 'MitAgator' which is a GIS-based water quality decision support tool that links with OVERSEER® to refine the latter models output. The use of management tools such as MitAgator, provides greater insight into the spatial variability of nutrient (as well as sediment and microbial) loss within a farm landscape and allows users to identify critical source areas (or 'hot spots') for nitrogen, phosphorus, sediment and microbial loss across their own farm. Targeted application of mitigation and management strategies to these critical source areas help to provide more cost-effective environmental management solutions for farmers, while ensuring that effective water quality outcomes can be achieved in timeframes that recognise the socio-economic impacts of changing farm management practices. Further to this, our SuperAir planes are fitted with the Spreadsmart® system, a GIS-based aerial spreading system which allows spreading at variable rates and greater control to provide optimal nutrient placement while protecting waterways and other sensitive areas.

In light of these matters, Ballance has a direct interest in PC9.

Ballance supports the intent of PC9 which has an overall aim to protect and restore aquatic ecosystems within the TANK catchments. Ballance recognises that improving the quality and availability of freshwater for ecosystem health as well as human and animal consumption, is a priority for the region and we also recognize that farmers support this - with a large number of them, whom we are involved with, already implementing measures and planning further mitigations to reduce nutrient and contaminant losses from their farms. Our main points of concern are to ensure that PC9 allows for: adequate support and guidance for the establishment and success of effective and stable catchment collectives; good science-based decision making for land use change; the most effective uptake of Farm Environment Plans.

Part B of this submission addresses specific points in relation to the proposed policies, rules and definitions that are relevant to the interests of Ballance and our shareholders.

Part B: Reasons for Submission and Decisions Sought by Ballance Agri-Nutrients Limited

Catchment Collectives

We support encouraging the establishment of catchment collectives. Collectives can help provide greater flexibility for farmers to work together to reduce nutrient and contaminant losses from operations and implement positive programs such as riparian planting etc which can have greater positive impacts to aquatic ecosystems when undertaken by a larger number of farmers in a catchment.

Schedule 30, Sections A and B, provide information on the requirements for the forming of a collective, internal governance, and external governance via application approvals and reporting requirements. While the information in Sections A and B appears to indicate that collectives will be allowed to organise and govern themselves, including the ability to set their own rules and objectives, Ballance is concerned that many collectives will need greater guidance, direction and assistance from HBRC on the practical process of establishing collectives and embarking on achievable objectives. Ballance suggests that a more definitive and detailed list of requirements to be met for establishing collectives be developed alongside more detailed information on annual performance tracking and reporting requirements. This could be developed as a clear checklist which could then be used as a key reference document for establishing groups.

While it is anticipated that a number landowners and farmers will be enthusiastic to form collectives and make the most of opportunities to improve environmental performance in their catchment, many may not be well practiced in the skills to set up and successfully run such a group. For many this will be new territory. For this policy to be successful, farmers and landowners will not only need good, clear guidance, but also practical support at the establishment stage and ongoing to ensure that collective operators can maintain effectiveness and stability.

Farm Environment Plans (FEP)

Where a famer operates productive land over 10ha and is not part of a collective they are required to develop an FEP for issue to the council to operate as a permitted activity. Schedule 30, Section C outlines the requirements for FEP including contents, however, the list of information to be included in an FEP is not extensive and Ballance suggests that this should be expanded to provide a detailed prescriptive list. More detailed guidance will help land owners and farmers to develop suitably detailed and more effective management plans for their farms. Additional information required could include details of all inputs, outputs and management practices of the farm system; details of the applicable sub-catchment and location within the sub-catchment; details of existing stock access, or crossing points; locations and types of existing nutrient loss mitigation areas (including riparian planting, wetlands, stock fences etc).

In Chapter 9 – Glossary of Terms Used the definition of a Farm Environment Plan highlights the need for plans to be prepared by "a person with the professional qualifications necessary to prepare such a plan". Ballance recommends that specific qualifications for persons preparing and / or auditing FEPs be stated clearly to encourage consistency in approach and quality between plans.

The recent decisions version of the Waikato Regional Plan Change 1 highlights that an FEP may be prepared by the landowner or by others on the landowners' behalf including persons certified by a sector scheme. Where FEPs are required to be certified, this must be completed by a Certified Farm Environment Planner (CFEP), which has specific requirements for qualification and experience detailed in in the plan. Ballance recommends that the plan change includes a similar requirement for CFEPs.

FEPs are not just a tick box exercise but they can be viewed as such if their purpose and value is not clearly communicated within the plan. An FEP should be considered as a living document that can help detail the farm system, set environmental goals and lay out how these objectives will be tracked and achieved over particular timeframes. FEPs can be updated regularly to reflect any changes within the farm system and provide farmers and regulators with confidence that farm-specific goals are achievable and nutrient loss control and mitigation measures are efficient.

Water Allocation

Proposed water allocation in the Heretaunga Plains Water Management Unit indicates that use volumes prior to 2017 will be used as a maximum. It is recognised that current water resources are over-allocated in different management units. Ballance is concerned that where watercourses are currently over-allocated, future consent renewals may be impacted generating uncertainty in farm practice and investments.

Rule TANK 7 b) identifies that as a permitted activity, takes commencing after 2 May 2020 cannot exceed 5 cubic metres per property per day. This rule does not clearly indicate if this allocation includes domestic and stock water. Ballance suggests that this condition is revised as follows (inserting a new (i)):

> Rule TANK 7 – Surface water take
>
> b) The take does not exceed 5 cubic metres per day per any one property except:
>
> > (i) To meet the reasonable needs of domestic supply and animals for drinking water
> >
> > (ii) Takes existing as at 2 May 2020 may continue to take up to 20 cubic metres per property per day and to meet the reasonable needs of animals for drinking water;
> >
> > (iii) Takes occurring for a period of less than 28 days within any 90 day period, the total volume taken on any property shall not exceed 200 cubic metre per 7 day period.

A clear concern for farmers is to maintain takes with adequate volumes of water to meet irrigation and / or stock drinking water requirements to ensure good animal welfare. Where famers can no longer let their stock access waterways for drinking it is anticipated that this will then require a new water take application which, within an area of over-allocated water resources, may not be granted.

Clarity is required over the supply of water for domestic and stock water.

Change of Landuse

Schedule 29 sets out that change of land use over more than 10ha of production land will require demonstration of nitrogen loss management to meet the requirements of Rule TANK 5. Table 1 in Schedule 29 identifies some standard nitrogen losses for production land based on total nitrogen output numbers from OVERSEER and SPASMO. Similarly, Table 2 identifies allowable nitrogen loss thresholds per property with allowance for unirrigated land uses, and for irrigated land uses within three bands of soil types.

It is not clear what inputs these figures are based on. Ballance supports science-based decision-making and is concerned that changes in land use will be assessed against generalised figures which don't necessarily take into account individual farm size, types of operation, as well as existing good farming practice and nutrient loss mitigation measures already in place. Ballance suggests that assessment of nutrient loss for planned land use changes could instead utilise percentage-based figures which could then be compared against a range of farm-specific details for the purposes of more accurately assessing changes in nutrient loss. The percentages would need to be developed and validated via scientific research the results of which could be introduced at a later date. This would help improve the consistency over land use change assessment and reduce the potential for some operators to be unfairly impacted.

In relation to the use of OVERSEER "or an alternative model approved by HBRC" clarification is sought on the approval process for determining an appropriate alternative.

Stock Access

Rule TANK 3 allows stock access to waterways as a permitted activity provided that the stocking rate is less than 18su/ha and at least 60% of the adjacent paddock has a slope of more than 15 degrees. It is not clear form the plan change document how the paddock slope is to be measured. Accurate and straight-forward slope measurement has been raised as an issue in many plan changes in recent times and Ballance suggests that the use of digital mapping information to identify paddocks that fall under this Rule can simplify the process for both landowners and the council.

Objective TANK 4

Schedule 26 provides attribute states that are to be met by 2040. The scientific basis for the attribute states is not fully clear and so it is not understood how practical the achievement of these attribute states is. Ballance supports aspirational goals for water quality and recommends that the evidence for the chosen attribute values is clearly identified. Should the achievability of any of these water quality values be in question, the plan change should include allowance for confirming progress toward the attribute 'goals' in 2030 to allow re-setting of attributes or policies in order to meet practical goals.

Ends

SUBMISSION ON PROPOSED PLAN CHANGE 9 TO THE OPERATIVE REGIONAL RESOURCE MANAGEMENT PLAN

TO:	Hawkes Bay Regional Council 159 Dalton Street. Napier 4110
BY EMAIL:	etank @hbrc.govt.nz
SUBMISSION TO:	**Proposed Plan Change 9 to the Operative Regional Resource Management Plan**
NAME OF SUBMITTER:	Ballance Agri-Nutrients Limited
ADDRESS FOR SERVICE:	Ballance Agri-Nutrients Limited Hewletts Road, Mt Maunganui Private Bag 12 503 Tauranga Mail Centre Tauranga 3143
CONTACT:	Dominic Adams
EMAIL:	Dominic.Adams@ballance.co.nz

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Ballance wishes to be heard in support of this submission.

Signed for and on behalf of Ballance by

_____

Dominic Adams

Environmental Manager

14th of August 2020

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It is not clear what inputs these figures are based on. Ballance supports science-based decision-making and is concerned that changes in land use will be assessed against generalised figures which don't necessarily take into account individual farm size, types of operation, as well as existing good farming practice and nutrient loss mitigation measures already in place. Ballance suggests that assessment of nutrient loss for planned land use changes could instead utilise percentage-based figures which could then be compared against a range of farm-specific details for the purposes of more accurately assessing changes in nutrient loss. The percentages would need to be developed and validated via scientific research the results of which could be introduced at a later date. This would help improve the consistency over land use change assessment and reduce the potential for some operators to be unfairly impacted.

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Objective TANK 4

Schedule 26 provides attribute states that are to be met by 2040. The scientific basis for the attribute states is not fully clear and so it is not understood how practical the achievement of these attribute states is. Ballance supports aspirational goals for water quality and recommends that the evidence for the chosen attribute values is clearly identified. Should the achievability of any of these water quality values be in question, the plan change should include allowance for confirming progress toward the attribute 'goals' in 2030 to allow re-setting of attributes or policies in order to meet practical goals.

Ends

Page 5 of 6