



# HAWKE'S BAY REGIONAL COUNCIL



SAFEGUARDING YOUR ENVIRONMENT + KAITIAKI TUKU IHO



## Change 5: Hawke's Bay Regional Resource Management Plan

- Land and freshwater  
management

**COUNCIL DECISIONS**

Issued 5 June 2013  
SD 13/04  
HBRC Plan Number 4499



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## **Change 5: Hawke's Bay Regional Resource Management Plan – Land and freshwater management**

### **COUNCIL DECISIONS**

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Report and Recommendations adopted by Council: 29 May 2013

Council decisions issued: 5 June 2013

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IN THE MATTER of the Resource  
Management Act 1991  
(the Act)

AND

IN THE MATTER of the Hawke's Bay  
Regional Resource  
Management Plan  
(the HBRRMP)

AND

IN THE MATTER of Hearing Submissions  
and Further Submissions  
on Change 5 to the  
HBRRMP

**REPORT AND RECOMMENDATIONS TO COUNCIL OF**  
**COMMISSIONERS D NUGENT, R MAAKA AND M MOHI**  
**20 MAY 2013**

## **EXECUTIVE SUMMARY**

### **Summary of Recommendations**

We recommend that the Council allow, allow in part, or reject the submissions and the further submissions on Change 5 as set out in Appendix B for the reasons set out in the body of the Report.

The text of Change 5, as amended by allowing, allowing in part, or rejecting the submissions and further submissions as set in Appendix B, is included in Appendix C.

### **Commissioners**

Councillor Christine Scott (Chair and member of panel for introductory period only)

Mr Denis Nugent (Chair following the introductory period)

Professor Roger Maaka

Mr Michael Mohi

### **Hearing Dates and Place**

10, 11 and 12 April at Napier

### **Appearances**

#### Procedural Issue

Mr Peter McIntosh for Hawke's Bay Fish & Game (HBF&G)

Mr David Renouf for Hawke's Bay Environmental Water Group

Mr Paul Bailey for Green Party of Aotearoa Hawke's Bay Branch

Mr John Scott for Hawke's Bay Environmental Water Group

Mr John Cheyne for Te Taiao Hawke's Bay Environment Forum

Dr Adele Whyte for Ngāti Kahungunu Iwi Incorporated

Mr Tom Belford for himself

Written submissions tabled:

Mr Revell Wise for Māori Trustee as Responsible Trustee for Poukawa 13B  
Ahu Whenua Trust

Mr Terry Kelly

Dr Nicholas Jones as Medical Officer of Health for Hawke's Bay District  
Health Board

Ms Helen Atkins for Horticulture NZ

Ms Kellie Roland for Genesis Energy Limited

Mr Marei Apatu for Te Taiwhenua o Heretaunga

Dr Mark Bellingham for Royal Forest and Bird Society of NZ

Mr Simon Lusk for Friends of the Tukituki

Substantive Hearing

Hawke's Bay Federated Farmers

Mr Bruce Wills – Hawke's Bay Provincial President

Ms Rhea Dasent – Regional Policy Advisor

Hastings District Council

Mr Mark Clews – Principal Advisor, District Development

Mr Rowan Little – Senior Environmental Policy Advisor

Hawke's Bay District Health Board

Dr Nicholas Jones, Medical Officer of Health

Green Party of Aotearoa Hawke's Bay Branch

Mr Paul Bailey

Hawke's Bay Fish & Game Council & Eastern Fish & Game Council

Mr Peter McIntosh – Regional Manager

Ms Helen Marr – Planning Consultant

Ngāti Kahungunu Iwi Incorporated (NKII) and Te Taiwhenua o Heretaunga

Dr Adele Whyte – Director of Fisheries and the Environment, NKII

Mr Ngaio Tiuka – Policy and Research Analyst Fisheries and the Environment, NKII

Te Taiao Hawke's Bay Environment Forum

Mr John Cheyne

TrustPower Limited

Mr Ryan Piddington – Lead Environmental Advisor

Ms Nicola Foran – Environmental Advisor

Horticulture New Zealand

Mr Christopher Keenan – Manager, Natural Resources and Environment

Ms Lynette Wharfe – Planning Consultant

Mr Bruce MacKay – Heinz Watties

Ms Diane Vesty – Hawke's Bay Fruit and Vegetable Growers Association

Mr Terry Kelly on his own behalf

Statements were tabled by:

Mr Gregory Sneath for the Fertiliser Association of New Zealand

Ms Philippa Barriball for Fonterra Co-operative Group Limited

Ms Kellie Roland for Genesis Energy Limited

Mr Murray Tonks for Brownrigg Agriculture Limited

Mr Revell Wise, Craig Erskine and Keith Thompson for Māori Trustee representing Poukawa 13B Trust

Officers in Attendance

Ms Helen Codlin – Group Manager Strategic Development

Mr Gavin Ide – Team Leader Policy

Ms Lara Blomfield – Legal Counsel, Sainsbury Logan Williams solicitors

Mrs Maureen Drury – Administration Secretary

## Table of Contents

EXECUTIVE SUMMARY .....	ii
Summary of Recommendations .....	ii
Commissioners.....	ii
Hearing Dates and Place.....	ii
Appearances .....	ii
Procedural Issue .....	ii
Substantive Hearing.....	iii
Officers in Attendance .....	iv
Background.....	1
Outline of Change 5 .....	1
Notification & Submissions .....	1
Terminology in Report .....	1
Preliminary Procedural Matters .....	3
Conflicts of Interest .....	3
Adequacy of Public Notice .....	3
Whether Submissions Were “on” the Change .....	5
Fertiliser Association of NZ .....	7
Friends of the Tukituki.....	8
Green Party of Aotearoa HB Branch .....	8
HB Fish & Game Council and Eastern Fish and Game Council .....	9
Hawke’s Bay Forestry Group .....	10
Ivan Knauf .....	10
Ngāti Kahungunu Iwi Incorporated .....	10
Pan Pac Forest Products Limited .....	10
Te Taiwhenua o Heretaunga .....	11
Statutory Requirements .....	13
Matters to be Considered .....	13
Scope to Amend Change 5 .....	15
Approach Taken in Report.....	15
Relevant Statutory Documents or Provisions.....	17
National Policy Statement for Freshwater Management 2011 .....	17
National Policy Statement for Renewable Electricity Generation 2011 .....	17
New Zealand Coastal Policy Statement 2010.....	18
National Policy Statement on Electricity Transmission 2008 .....	18
Water Conservation Orders .....	18
Iwi Management Plans .....	18
Management Plans Under Other Acts.....	19
Submissions on General Matters .....	21
Issue LW1 .....	23
Objective OBJ LW1 .....	24
Introductory Words .....	26
Clause 1 .....	28
Clause 1A .....	29
Clause 1B.....	29
Clause 2.....	30
Clause 2B.....	30
Clause 3.....	31
Clause 4.....	32

Clause 5.....	32
Clause 6.....	33
Clause 7.....	34
Clause 8.....	35
Clause 8A.....	35
Clause 9.....	35
Clause 10.....	36
Clause 10A.....	36
Clause 11.....	36
Additional Clauses.....	36
Recommended Text.....	37
OBJ LW2.....	38
Section 32 Assessment of Objectives.....	39
Principal Reasons and Explanation for Objectives.....	40
Policies – Overview.....	40
Policy POL LW1 – Catchment-based Integrated Management.....	41
Introductory Words.....	41
Clause a).....	42
Clause b).....	42
Clause c).....	42
Clause d).....	43
Clause e).....	44
Clause f).....	44
Clause g).....	44
Clause gA).....	45
Clause gB).....	45
Clause h).....	45
Clause i).....	46
Clause iA).....	46
Clause iB).....	47
Clause iC).....	47
Clause iD).....	47
Clause j).....	48
Clause k).....	48
Other Matters.....	49
Policy LW1.1 Recommendation.....	49
Policy LW1A.....	50
Clause a).....	51
Clause b).....	51
Clauses c) and d).....	52
Recommended Text.....	52
Policy LW1B.....	53
POL LW1AA.....	54
POL LW2 & Table 1 – Prioritising Values.....	55
Policy LW2 Recommended Text.....	56
Policy LW3.....	57
Policy LW4.....	59
Section 32 Assessment of Policies.....	59
Anticipated Environmental Results.....	60



Subject to OBJ LW1 .....	61
Amendments to Chapter 3.4.....	62
Amendments to Chapter 3.8 and Chapter 5.6 .....	62
Amendments to Chapter 3.10.....	64
Issue Statement .....	64
Objective 25 .....	65
Objective 27 .....	65
Objective 27A.....	66
Policy 47.....	67
Policy 47A.....	67
Amendments Proposed to Glossary .....	68
Wetland .....	68
Catchment-based Process .....	70
Efficient Allocation .....	70
Other Definitions.....	71
Other Submissions .....	71
Recommendation.....	72

## **Appendices**

Appendix A – Decision on Procedural Issue

Appendix B – Detailed List of Submissions and Recommendation on Each

Appendix C – Change 5 as Recommended

Part 1 – Tracked changes Version showing alterations recommended to notified version

Part 2 – Clean Version of Change 5 as Recommended

## **BACKGROUND**

### **Outline of Change 5**

1. Change 5 proposes new provisions in, and amendments to, the Hawke's Bay Regional Policy Statement (HBRPS), and consequential amendments to the Hawke's Bay Regional Plan, relating to the integrated management of water and land. The Change is designed to assist in implementing the National Policy Statement for Freshwater Management (NPSFM) and the 2011 Hawke's Bay Land and Water Management Strategy (LAWMS).
2. The Change proposes a new Chapter in Section 3 of the Hawke's Bay Regional Resource Management Plan (HBRRMP) containing an Issue ISS LW1, Objective OBJ LW1, and four policies along with explanatory material and Anticipated Environmental Results. The combination of these is designed to manage freshwater in the Region in an integrated manner and to provide a framework for the development of catchment-based regional plans to give effect to the overall strategy.
3. Change 5 also proposes amendments to other parts of Section 3, amendments to two objectives in Chapter 5.6 and amendments to the Glossary. Each of these amendments is directed to ensuring consistency between the integrated management approach proposed in the new chapter and the remainder of the HBRPS. The amendments to Chapter 5.6 and the Glossary are also directed to maintaining consistency.

### **Notification & Submissions**

4. Following consultation on a draft version of Change 5, the Change was publicly notified on 2 October 2012. 29 submissions were received. The summary of submissions was notified on 1 December 2012 and nine further submissions were received. No late submissions or late further submissions were received.

### **Terminology in Report**

5. Throughout this report we use the following abbreviations:

HBFG	Hawke's Bay Fish & Game Council and Eastern Fish & Game Council
HBRPS	Hawke's Bay Regional Policy Statement
HBRRMP	Hawke's Bay Regional Resource Management Plan
LAWMS	Hawke's Bay Land and Water Management Strategy
NKII	Ngāti Kahungunu Iwi Incorporated

NPSFM	National Policy Statement for Freshwater Management 2011
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
RMA	Resource Management Act 1991
s.42A Report	s42A Hearing Report on Change 5 dated March 2013

6. We also note that the submissions and further submissions comprised in most cases a number of component parts. We make clear that when we refer to submission or submissions in this Report, that can refer to a part of the submission as lodged, depending on context.
7. For the avoidance of doubt in interpreting our report<sup>1</sup>, we have avoided the temptation of tidying up the sequential numbering of provisions in Change 5. We expect that this would occur naturally at the time when Change 5 is incorporated into the HBRRMP. For now, we maintain the provision numbering ascribed in the Notified version of Change 5, or where additional clauses are inserted, then interim numbering is allocated.

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<sup>1</sup> Interpretation and consistent provision referencing may also reduce confusion in the event of any appeals being lodged and subsequent negotiations.

## **PRELIMINARY PROCEDURAL MATTERS**

### **Conflicts of Interest**

8. One week prior to the commencement of the hearing, counsel for HBF&G wrote to the Council raising concerns with the appointment of Commissioners Scott and Maaka to the hearing panel, pointing to conflicts of interest HBF&G contended those members had, and the potential for those members to be predisposed to the Change. HBF&G sought the replacement of those two commissioners.
9. The Council circulated HBF&G's letter to all submitters inviting them to either:
  - a) Provide written comment on this issue prior to the commencement of the hearing; or
  - b) Attend the hearing at 9am on 10 April 2013 at which time they would be able to make verbal comments to the hearing panel.
10. We have set out in the Appearances section those persons who made either written or oral submissions on this issue.
11. Among the written comments received were comments from NKII and Te Taiwhenua o Heretaunga identifying that they had similar concerns with respect to Commissioner Mohi.
12. In the circumstances the Council delegated its powers under s.34A to Commissioner Nugent to hear the parties on this conflict of interest question, to consider the written submissions, and to decide how to proceed. Commissioner Nugent's decision is attached as Appendix A to this report. He concluded that the perception that Commissioner Scott had a conflict of interest was sufficient that it would not be appropriate for her to continue to sit on the Hearing Panel. He concluded there was insufficient evidence to conclude that Commissioners Maaka and Mohi had a conflict of interest, real or perceived. He also concluded that no useful purpose would be served by delaying the hearing so as to appoint a fourth member to replace Commissioner Scott.
13. The substantive hearing followed with Commissioner Nugent in the chair, and Commissioners Maaka and Mohi.

### **Adequacy of Public Notice**

14. In its submission HBF&G raised the question as to whether the proposed changes to Objectives 42 and 43 in Chapter 5.6 of the HBRRMP had been adequately signalled in the notification documentation. This was discussed in

the s.42A Report, and at the outset of the hearing the Chairman made it clear that we would hear submissions on this point as part of HBF&G's submission on the substance of the Change. HBF&G chose not to comment further on this matter.

15. In both the s.42A Report and in legal submissions presented by the Council in reply, the Council essentially relied on an argument that the practical effect of having a separate plan change to amend Objectives 42 and 43 would be the same as the effect of Change 5. The Council's legal submissions also identified that the wording of the public notice for change 5 stated:

*Change 5 does not include any new rules or amend any existing rules in regional plans.*

16. Counsel conceded that the notice was silent on whether the Change made any consequential amendments to objectives and policies in the regional plan portions of the HBRRMP.

17. The content of the public notice of a plan change has been addressed in two decisions of the courts. In *Hodge v Christchurch City Council* [1996] NZRMA 127 the Planning Tribunal held that

*a description [in a public notice] must be fair and accurate and certainly not misleading. However it does not have to be detailed.*

18. In *Creswick Valley Residents Assn Inc v Wellington City Council* [2012] NZHC 644 MacKenzie J concluded in respect to the descriptive information in a public notice for a plan change as follows at paragraph [64]:

*The Council's discretion as to what further information it supplies is very broad. But it must be exercised in accordance with the law. I consider that there was an obligation on the Council, having decided to supply that additional information, to ensure that the information was not materially misleading. It would not be appropriate to apply an overly critical assessment to whether this additional information was misleading.*

19. The public notice for Change 5 was headed "Integrated land use and fresh water management". The first paragraph identified that new provisions were to be included in the HBRPS. The second paragraph reads:

*If you are interested in how the region's land and water resources are managed, then you should take the time to view Change 5 and what it might mean for you.*

20. The third paragraph refers to the NPSFM and the LAWMS. The fourth paragraph states that new policies are to be included in the HBRPS and that several existing objectives and policies in the HBRPS would be amended. The final sentence of this paragraph stated that no new rules were proposed as quoted above.
21. We do not consider this notice was materially misleading. It contained sufficient information to make people aware of the subject matter of the Change and encouraged them to read it if the subject matter interested them. We do not consider it was necessary for the public notice to identify the range of amendments in a detailed manner. We note that the notice did not explicitly identify that one or more new objectives were to be inserted into the HBRPS. Given the content of the submissions received that omission does not appear to have misled anyone.
22. We note also that HBF&G was not the only submitter to seek the retention of Objectives 42 and 43. We also accept the Council's submission that no practical purpose would be served by separately notifying a plan change to amend Objectives 42 and 43 when the Regional Plan gives effect to Objectives 21 and 22 of the HBRPS by repeating those objectives as Objectives 42 and 43.
23. We are satisfied the public notice was adequate.

#### **Whether Submissions Were "on" the Change**

24. The s.42A Report<sup>2</sup> raised doubts as to whether several submissions were "on" Change 5 and argued there was no scope for those submissions to be allowed. The s.42A Report suggested submitters should address the Panel on this issue in respect of their submissions. In legal submissions presented as part of the Officers' Reply it was noted that only two submitters had taken that opportunity. Those legal submissions also suggested that the evidence tabled on behalf of the Fertiliser Association identified that changes sought by that submitter were also not "on" the Change.
25. We were referred to two legal decisions on this issue. The leading case is *Clearwater Resort Limited & Anor v Christchurch City Council*<sup>3</sup>. We were also referred to *IHG Queenstown Limited & Carter Queenstown Limited v Queenstown Lakes District Council*<sup>4</sup> where the Environment Court applied the law as established in *Clearwater*. We additionally considered *Avon Hotel*

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<sup>2</sup> Paragraphs 101 – 114 inclusive

<sup>3</sup> HC, Christchurch AP34/02, 14 March 2003, William Young J.

<sup>4</sup> C78/2008.

*Limited v Christchurch City Council*<sup>5</sup>, referred to in *IHG Queenstown*. While each of these refers to changes or variations to a district plan, we accept that the same principles apply when considering submissions on a regional policy statement.

26. The principles provided by these decisions, reworded to the circumstances of Change 5, are as follows:
- 1) A submission can only fairly be regarded as “on” a Change if it is addressed to the extent to which the Change amends the pre-existing status quo;
  - 2) But if the effect of regarding a submission as “on” a Change would be to permit a planning instrument to be appreciably amended without real opportunity for participation by those potentially affected, this is a powerful consideration against any argument that the submission is truly “on” the Change;
  - 3) The submission should not open up for re-litigation aspects of the regional policy statement which had previously passed the point of challenge.<sup>6</sup>
27. Before considering the submissions in question, it is necessary to set out what amendments Change 5 makes to the HBRPS and other parts of the HBRRMP. First, it inserts a new Chapter in Section 3 of the HBRRMP. This Chapter contains an issue, an objective and four policies directed to achieving integrated management of fresh water and land use and development. It also contains explanatory material and anticipated environmental results.
28. In Chapter 3.4 Change 5 proposes amendments to Objective 15 and Policy 4, plus the addition of Objective 15A and Policy 4A and explanatory material. In Chapter 3.8 Objective 21 is deleted and Objective 22 amended. Objectives 42 and 43 in Chapter 5.6 are deleted and amended in the same way. Policy 16 and the Anticipated Environmental Result in Chapter 3.8 are also amended.
29. Change 5 proposes to amend the Issue statement, Objectives 25 and 27 and Policy 47 in Chapter 3.10. In addition, a new Objective 27A and a new Policy 47A are to be inserted.
30. In Chapter 3.11 amendments are proposed to Objectives 29 and 30 and Policies 50 and 53. In Chapter 9, the Change proposes to amend the definition of “wetland” by listing the structures and resources which are excluded from that definition. It also proposes including definitions of “Catchment area”, “Greater Heretaunga/Ahuriri Catchment Area”, Mohaka Catchment Area”

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<sup>5</sup> C42/2007.

<sup>6</sup> Adapting the Environment Court’s quote in *Avon Hotel Ltd v Christchurch City Council*, C42/2007 paragraph 20.

and "Tukituki Catchment Area", and an appendix identifying those three catchment areas.

Fertiliser Association of NZ

31. In its submission, the Association questioned the need to amend Policy 15 and insert the new Policy 15A<sup>7</sup>, but sought in the alternative amendments to Policy 15A<sup>8</sup>. In the s.42A Report the Officers recommended that Objective 15A be deleted and that Objective 15 not be amended.

32. In his evidence Mr Sneath supported this recommendation, but also sought that the commencing words of Objective 15 be qualified so they read (the additional words are underlined):

*The preservation and where necessary enhancement ...*

33. This modification is not "on" Change 5. Rather, it is on an operative part of the HBPRS that was not subject to Change 5 and is beyond challenge. The only portion of Objective 15 that was subject to Change 5 were the words "*and ecologically significant wetlands*". It is a request that is not available to the submitter and we recommend it be refused accordingly.

34. In its submission, the Association sought the deletion of the bullet point Change 5 proposed to include in Policy 16<sup>9</sup>. As part of that submission, the Association also sought the amendment to the heading of Policy 16, the introductory words and final bullet point of that policy.

35. The s.42A Report recommended accepting the Association's submission in respect of not proceeding with the insertion of the bullet point proposed by the Change.

36. In his evidence, Mr Sneath supported the Officers' recommendation. He did not mention the amendments to the heading or introductory words in Policy 16, but did continue to seek the modification of the final bullet point in Policy 16.

37. Again, the modifications sought by the Association to Policy 16 are to the operative provisions of the HBRPS. Change 5 is not an opportunity for those provisions to be re-litigated. We recommend these modifications be refused.

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<sup>7</sup> Submission 4.9.

<sup>8</sup> Submission 4.10.

<sup>9</sup> Submission 4.11.



Friends of the Tukituki

38. This submission contains several broad assertions with few specifics. Unfortunately it was not supported by submissions or evidence at the hearing so we received no further detail. The following matters raised in the submission need to be considered here:
- That the RPS establish water quantity and water quality standards;<sup>10</sup>
  - That the RPS include clear guidelines on resource use;<sup>11</sup>
  - That the RPS protects water bodies<sup>12</sup> and all wetlands<sup>13</sup>.
39. The submission provides no detail regarding how the HBRPS should be amended to satisfy the submitter's concerns. However, as Change 5 does not –
- establish water quantity and water quality standards;
  - introduce guidelines on resource use; nor
  - protect water bodies, including wetlands –
- those parts of the submission are not “on” Change 5 in that they do not address the content of the Change. We recommend, therefore, that they be rejected.
40. We note that the remaining parts of this submission, although provided with sub-numbers (6.1, 6.2, 6.4 and 6.8), do not explicitly require amendments to Change 5 and generally require the Change adhere to the submitter's viewpoint. Where the submission seeks that the HBRPS comply with case and statute law<sup>14</sup>, we recommend that be accepted in part as the Council is obliged to so comply. We recommend the remaining portions be rejected due to lack of clarity as to what the submitter is actually seeking.

Green Party of Aotearoa HB Branch

41. In its submission, the Green Party sought the insertion of Policy LW1A into the new chapter<sup>15</sup>. This new policy would apply criteria for identifying outstanding freshwater bodies in the region, list several water bodies as outstanding, and direct that activities avoid adverse effects on such water bodies.
42. Objective LW1 lists the identification of outstanding water bodies in the region as a component of the integrated management of fresh water and land use. Policy LW1 listed the protection of the water quality of outstanding water bodies as one of the matters to be dealt with in managing fresh water and land

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<sup>10</sup> Submission 6.3.

<sup>11</sup> Submission 6.5.

<sup>12</sup> Submission 6.6.

<sup>13</sup> Submission 6.7.

<sup>14</sup> Submission 6.4.

<sup>15</sup> Submission 8.5.

use within each catchment. However, Change 5 is silent on how outstanding water bodies will be identified, or the particular approach to be taken in managing them, other than protecting their water quality.

43. Change 5 does change the pre-existing status quo by including reference to outstanding water bodies. However, the effect of the Green Party submission would be to appreciably amend the Change (and the HBRPS) without adequate opportunity for persons potentially affected to participate in the process. This submission therefore fails the second test listed above and we therefore recommend refusal.
44. We note, additionally, that even if we had accepted that the submission was “on” the Change, we were provided with insufficient evidence to support the assertions of outstanding-ness, or to support the validity of the criteria proposed. Even if the submission was “on” the Change, we would have recommended refusal due to that deficiency.

HB Fish & Game Council and Eastern Fish and Game Council

45. The Officers' s.42A Report suggested that two parts of the HBF&G submission were not “on” Change 5:
- New policies defining outstanding freshwater bodies and listing water bodies that meet those criteria<sup>16</sup>; and
  - A new definition of “wetland”.<sup>17</sup>
46. The proposed new policies were similar to those proposed by the Green Party which we have concluded were not “on” the Change. Our conclusions in respect of the HBF&G submission are the same for the same reasons.
47. The s42A Report categorised the HBF&G submission on the definition of “wetland” as being an entirely new definition. In legal submissions presented in reply by the Council, it was suggested that the amendment to the definition of “wetland” in Change 5 was really just the relocation of exceptions to the definition generally applied within the HBRRMP to within the definition in the Glossary.
48. We have reviewed the use of the term “wetland” in the HBRRMP. The term is used some 20 times. In six cases a footnote identifies the exclusions. This raises the question as to whether the six footnotes apply to the other 14 times the term is used. Certainly, by moving the list of exclusions to the definition in the

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<sup>16</sup> Submission 13.49

<sup>17</sup> Submission 13.64.

Glossary there will be no doubt that they apply in every one of the 20 instances the term is used.

49. We note that the HBF&G submission only seeks to alter the wording of the exclusions. Horticulture NZ similarly sought to amend the exclusions in the definition and TrustPower supported the HBF&G submission. We are satisfied that HBF&G submission 13.64 on the definition of "wetland" is "on" Change 5 and we will evaluate it along with other submissions seeking to amend it.

Hawke's Bay Forestry Group

50. This submitter sought that Objective 29 be amended by referring to the economic necessity of river aggregate extraction.<sup>18</sup>
51. Change 5 merely seeks to amend Objective 29 by including at its commencement "*Subject to Objective LW1,*". The Change does not amend the meaning or intent of the Objective. As Change 5 does not propose to amend the content of Objective 29, we agree with the s.42A Report that this submission is not "on" Change 5.

Ivan Knauf

52. Mr Knauf also sought an amendment to Objective 29<sup>19</sup>, although to different ends from that of the Hawke's Bay Forestry Group. Nonetheless, we also agree that this submission is not "on" Change 5.

Ngāti Kahungunu Iwi Incorporated

53. NKII sought the inclusion of a new objective in Chapter 3.14 of the RPS that would read:<sup>20</sup>

*To recognise that the whole of the coastal marine area is of significance to Ngāti Kahungunu and to reflect this significance in policies and plans.*

54. Change 5 does not propose any amendments to Chapter 3.14, nor does it directly apply to the coastal marine area. We find that this submission is not "on" the Change and should be refused.

Pan Pac Forest Products Limited

55. Pan Pac's submission 24.4 is essentially the same as that of Hawke's Bay Forestry Group seeking to change Objective 29. We find it to not be "on" Change 5 for the same reasons as those we applied to the Hawke's Bay Forest Group's submission.

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<sup>18</sup> Submission 14.4.

<sup>19</sup> Submission 19.4.

<sup>20</sup> Submission 23.8.

Te Taiwhenua o Heretaunga

56. The s.42A Report suggested the following parts of Te Taiwhenua o Heretaunga's submission to not be "on" Change 5:
- Amendments to state that the whole of the region's coastal marine area is of significance to Ngāti Kahungunu<sup>21</sup>;
  - The inclusion of a narrative in relation to co-governance and the engagement methodology for Treaty claimant groups<sup>22</sup>;
  - The addition of a preliminary statement recording that whanau, iwi and hapū have never relinquished their rights and interest in water<sup>23</sup>;
  - The identification of water bodies listed in the submission as outstanding water bodies of national and regional significance<sup>24</sup>.
57. Submission 28.40 relating to the coastal marine area is similar to that of NKII and fails to be "on" the Change for the same reasons.
58. The identification of water bodies as being outstanding is similar to those submissions of the Green Party and HBF&G dealt with above. For the same reasons as given above, submissions 28.21, 28.22, 28.23, 28.24 and 28.25 are not "on" Change 5.
59. The inclusion of an Anticipated Environmental Result relating to co-governance and engaging with Treaty claimant results is totally unrelated to the objectives and policies proposed by Change 5. While those may be matters which the submitter considers the Regional Council needs to confront, this Change is not an appropriate avenue to put those issues before the Council.
60. The request to include a preliminary statement regarding Māori rights and interests in water is again beyond the scope of Change 5. If there is an argument on that point it should be in relation to the Resource Management Act as it is that legislation which requires the Regional Council to regulate and control water. Change 5, within the statutory framework established by the Act, only deals with integrating the management of water and land uses, not who has and who does not have rights and interests in water.
61. We agree with the s.42A Report that the parts of Te Taiwhenua o Heretaunga's submission listed above are not "on" the Change and should be rejected.

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<sup>21</sup> Submission 28.40.

<sup>22</sup> Submission 28.20.

<sup>23</sup> Submission 28.18.

<sup>24</sup> Submissions 28.21, 28.22, 28.23, 28.24 and 28.25.

62. In addition, the submitter sought an amendment to Objective 34 in Chapter 3.14<sup>25</sup>. Although the submitter has phrased it as being a consequential amendment, as no amendments were proposed to Objective 34 or Chapter 3.14 we do not consider this submission to be “on” the Change and should be rejected.
63. Submission 28.5 refers to amendments to unspecified objectives and policies throughout Section 3 to make them subject to the amended Objective 34 sought in submission 28.3. It also refers to rewording Objectives 36 and 37 also. Again, this submission does not relate to the content of Change 5. In addition, as the amendment to Objective 34 is beyond scope and must be rejected, it is not possible to make unspecified objectives and policies subject to it. This submission should also be rejected.

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<sup>25</sup> Submission 28.3.

## STATUTORY REQUIREMENTS

### Matters to be Considered

64. The Environment Court set out in detail the matters to be considered in a plan change in the Long Bay decision<sup>26</sup>. This was updated to reflect the 2005 amendments to the Act in the Mackenzie landscape decision<sup>27</sup>. Ms Marr set out a form of these considerations modified to accommodate a change to a regional policy statement<sup>28</sup>.
65. We largely agree with the statutory tests quoted by Ms Marr but have adjusted them to account for some amendments made to the Act in 2009. We set out below the tests as we see them being relevant to a change to a regional policy statement.

#### *A. General Requirements*

1. *A regional policy statement change should be designed to accord with<sup>29</sup>, and assist the regional council to carry out its functions so as to achieve the purpose of the Act<sup>30</sup>.*
2. *When preparing its regional policy statement change the regional council must give effect to any national policy statement or New Zealand Coastal Policy Statement<sup>31</sup>.*
3. *A regional policy statement change must not be inconsistent with any water conservation order<sup>32</sup>.*
4. *When preparing a regional policy statement change, a regional council must also have regard to:*
  - (a) *any management plans and strategies prepared under other Acts, to the extent that their content has a bearing on the resource management issues of the region<sup>33</sup>;*
  - (b) *the extent to which the regional policy statement needs to be consistent with policy statements and plans of adjacent regional councils<sup>34</sup>.*
  - (b) *Take into account any relevant planning document recognised by an iwi authority<sup>35</sup>.*

<sup>26</sup> *Long Bay-Okura Great Park Soc Inc v North Shore CC* A78/08.

<sup>27</sup> *High Country Rosehip Orchards Ltd v Mackenzie DC* [2011] NZEnvC 387.

<sup>28</sup> Ms H Marr Evidence in Chief, paragraph 13, p.2ff.

<sup>29</sup> Section 61(1) of the Act.

<sup>30</sup> As described in section 30 of the Act.

<sup>31</sup> Section 62(3) of the Act.

<sup>32</sup> Section 62(3) of the Act.

<sup>33</sup> Section 61(2)(a)(i) of the Act.

<sup>34</sup> Section 61(2)(b) of the Act.

(c) *Not have regard to trade competition or the effects of trade competition<sup>36</sup>.*

5. *The formal requirement that a regional policy statement must also state<sup>37</sup>:*

(a) *The significant resource management issues of the region;*

(b) *The resource management issues of significance to iwi authorities in the region;*

(c) *Objectives, policies and methods, and the principal reasons for adopting them;*

(d) *The environmental results anticipated from implementation of policies and methods;*

(e) *The processes to be used to deal with cross-boundary issues; and*

(f) *The local authority responsible for specifying objectives, policies and methods for the control of the use of land relating to natural hazards, hazardous substances, and indigenous biological diversity, with the default primary position being the regional council in respect of natural hazards and the territorial authorities for hazardous substances<sup>38</sup>.*

*B. Objectives (the s.32 test for objectives)*

6. *Each proposed objective in a regional policy statement change is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act<sup>39</sup>.*

*C. Policies and methods (the s.32 test for policies and methods)*

7. *Each proposed policy or method is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the regional policy statement<sup>40</sup> -*

*taking into account:*

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<sup>35</sup> Section 61(2A)(a) of the Act.

<sup>36</sup> Section 61(3) of the Act.

<sup>37</sup> Section 62(1) of the Act. The extent to which each needs to be dealt with will depend on the contents of the Change.

<sup>38</sup> Section 62(2) of the Act.

<sup>39</sup> Section 32(3)(a) of the Act.

<sup>40</sup> Section 32(3)(b) of the Act.

- (i) *the benefits and costs of the policies and methods<sup>41</sup>;  
and*
- (ii) *the risk of acting of not acting if there is uncertain or  
insufficient information about the subject matter of the  
policies, rules, or other methods<sup>42</sup>.*

### **Scope to Amend Change 5**

66. The s.42A Report recommended a number of amendments to the Change to satisfy some of the submitters' concerns. In addition, several submitters suggested amendments.
67. In accordance with Clause 10 of Schedule 1 of the Act there are five types of permissible amendments:
- a) Amendments sought in written submissions;
  - b) Amendments that respond to groups of written submissions;
  - c) Amendments that address cases presented at the hearing of submissions;
  - d) Amendments to wording not altering meaning or effect; and
  - e) Consequential amendments arising out of submissions.<sup>43</sup>
68. Amendments we may recommend, whether recommended by the Council Officers or sought by submitters, must fall into one of these categories.

### **Approach Taken in Report**

69. Our role is to recommend to the Council a decision on Change 5 and the matters raised in submissions, including the reasons for that decision<sup>44</sup>. It is not necessary to address each submission individually<sup>45</sup>. Rather, our report can address the decisions by grouping them<sup>46</sup>.
70. We propose to consider the Change provision by provision and incorporate our reasons for accepting or rejecting the submissions made in respect of each provision as part of that consideration. This may mean that in the discussion of each provision we do not mention every subsection of a submission as categorised by the Council officers. That is so the report is not unnecessarily wordy. It should be obvious from our discussion of topics and reasons given that we have considered all the submissions and further submissions, other than those parts we have determined are not "on" Change 5.

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<sup>41</sup> Section 32(4)(a) of the Act.

<sup>42</sup> Section 32(4)(b) of the Act.

<sup>43</sup> *Foodstuffs (Otago Southland) Properties Ltd v Dunedin CC* (1993) 2 NZRMA 497 as to the first 4. The 5<sup>th</sup> was added by amendment to Cl 10.

<sup>44</sup> Clause 10(1) First Schedule to the Act.

<sup>45</sup> Clause 10(3) First Schedule to the Act.

<sup>46</sup> Clause 10(2)(a) of the Act.



71. We also make it clear that when we recommend a submission be allowed, allowed in part or rejected, where relevant we are recommending any further submissions are allowed, allowed in part or rejected depending upon whether they support or oppose the submission. Our summary by submission listed in Appendix B identifies the detailed recommendation for each submission and further submission.
72. In discussing each objective and policy we will also consider the provision in terms of section 32 of the Act.

## RELEVANT STATUTORY DOCUMENTS OR PROVISIONS

### National Policy Statement for Freshwater Management 2011

73. The NPSFM sets out the national values of fresh water and sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits.
74. The s.42A Report outlined the effect of the NPSFM on the Regional Council and the Council's programme to implement the NPSFM. We adopt those sections of the s42A Report.
75. In summary, the NPSFM contains objectives on water quality, water quantity, integrated management and Tangata Whenua roles and interests, and policies to implement the objectives. Of these, it is only the policies to implement Objective C1 relating to integrated management that require changes to regional policy statements. These read:

#### *Objective C1*

*To improve integrated management of fresh water and the use and development of land in whole catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment.*

#### *Policy C1*

*By every regional council managing fresh water and land use and development in an integrated and sustainable way, so as to avoid, remedy or mitigate adverse effects, including cumulative effects.*

#### *Policy C2*

*By every regional council making or changing regional policy statements to the extent need to provide for the integrated management of the effects of the use and development of land on fresh water, including encouraging the co-ordination and sequencing of regional and/or urban growth, land use and development and the provision of infrastructure.*

76. The remaining objectives in the NPSFM are to be implemented by policies which require either amendments to regional plans or by directing how resource consents are decided.

### National Policy Statement for Renewable Electricity Generation 2011

77. This NPS contains one objective and several policies directed to recognising the benefits of renewable electricity generation and providing a policy regime to

encourage the development of renewable electricity generation facilities. Particularly pertinent to Change 5 are the following policies:

E2 Hydro-electricity resources

*Regional policy statements and regional and district plans shall include objectives, policies and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the region or district.*

F Incorporating provisions for small and community-scale renewable electricity generation activities into regional policy statements and regional and district plans

*As part of giving effect to Policies E1 to E4, regional policy statements and regional and district plans shall include objectives, policies and methods (including rules within plans) to provide for the development, operation, maintenance and upgrading of small and community-scale distributed renewable electricity generation from any renewable energy source to the extent applicable to the region or district.*

**New Zealand Coastal Policy Statement 2010**

78. Policy 4 of the NZCPS requires local authorities to provide for integrated management of natural and physical resources in the coastal environment and activities that affect the coastal environment. Thus, in integrating the management of fresh water and land uses, the Council needs to consider the extent to which that may have a flow-on effect on the coastal environment.

**National Policy Statement on Electricity Transmission 2008**

79. This was listed in the s.42A Report as potentially being relevant to Change 5. However, we received no evidence in relation to it and having reviewed it can see no provision within it that Change 5 would need to give effect to.

**Water Conservation Orders**

80. The Mohaka River is the only river subject to a Water Conservation Order in the region. We have had regard to the contents of that Order and conclude Change 5 is not inconsistent with it.

**Iwi Management Plans**

81. Ms Marr referred us to the Council's website that lists one Iwi Management Plan that has been lodged with the Regional Council and recognised by the Iwi

Authority<sup>47</sup>: the *Ngāti Hori Freshwater Resources Management Plan "Operation Patiki" 2009/2012*. This relates specifically to the Karamū Stream catchment.

82. This Plan has four priorities:
- Achieving sufficient water flow;
  - Improving water quality;
  - Protection and restoration of traditional riparian vegetation; and
  - Protection and restoration of fish habitat.
83. While this Plan deals with specifics that would more readily be able to be dealt with in the regional plan developed for the Greater Heretaunga/Ahuriri Catchment Area, the priorities are matters Change 5 deals with in establishing an integrated management approach. We take account of this Plan accordingly in this Report.

#### **Management Plans Under Other Acts**

84. Ms Marr and Mr McIntosh each referred us to the Sports Fish and Game Management Plans for the Hawke's Bay and Eastern Fish and Game regions and asserted that we must have regard to them. However, neither of them provided us with a copy of these Plans, nor referred to how specific provisions in them may relate to Change 5. Mr McIntosh did state that HBF&G sought "*the inclusion of sports fish and waterfowl values for waterbodies in Hawke's Bay within the proposed Regional Policy Statement. Suggested values include trout fishery (nationally, regionally and locally important), trout spawning, and waterfowl/wetland habitat*".<sup>48</sup>
85. Mr McIntosh referred us to three Annexures to his evidence which listed detailed portions of streams and rivers of value for trout fisheries and trout spawning, and a list of wetlands of important for waterfowl values. We have already determined that the detailed inclusion of water bodies notable for specific values is outside the scope of Change 5. These schedules fall into that category.
86. We note that the provisions of s.6(a) and 7(h) of the Act require us to:
- a) recognise and provide for the preservation of the natural character of wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development; and

<sup>47</sup> <http://www.hbrc.govt.nz/About-your-Council/Plans-Strategies/Pages/iwihapu-management-plans.aspx>

<sup>48</sup> Mr P McIntosh, Statement of Evidence, paragraph 30, p.8.

b) have particular regard to the habitat of trout.

87. Thus we cannot ignore the values to the extent they are encompassed within natural character or relate to trout habitat.

## SUBMISSIONS ON GENERAL MATTERS

88. The introductory part of NKII's submission raised concerns that Change 5 could affect Ngāti Kahungunu values and interests in land and water. It also noted the need for a planning mechanism in Hawke's Bay that is more inclusive of Māori values and interests. The submission then proceeded to comment on the potential for Change 5 to introduce impediments to Treaty settlements.
89. We are satisfied that Change 5 does not interfere with any Treaty claims. We also note that, unusually, this Hearing Panel is comprised of a majority of Māori members.
90. We agree with the submission<sup>49</sup> that Change 5 provides an opportunity to adequately recognise Māori values and interests in relation to integrating the management of fresh water and land uses. However, we do not agree that this should be primarily via the objectives and policies as sought in submission 23.6. The interconnectedness and interdependency of people to all living creatures and their environment which comprises the Māori world, is an expression of the form of integration Change 5 seeks to establish. We consider this is best conveyed at the commencement of Chapter 3.1A<sup>50</sup> by inserting the following as the first issue, along with an explanation of that issue.

### ISS LW1A

#### **E kore a Parawhenua e haere ki te kore a Rakahore**

*Parawhenua (Water) would not flow if it were not for Rakahore (rock).*

#### **He huahua te kai pai! He wai te kai pai!**

*Huahua (preserved birds) are a treasured delicacy. However water is a necessity.*

**Explanation:** *These two proverbs encapsulate the interrelationship between two significant elements – land and water. The Māori world is formed on the interconnectedness and interdependency of people to all living creatures and to the environments in which they live. The well-being of the whole is dependent on the well-being of its constituent parts.*

91. To this extent we recommend accepting in part submission 28.6. We also consider this amendment accepts in part submission 28.1 by Te Taiwhenua o Heretaunga. However, we consider a separate policy strand as sought in submission 28.2 is unnecessary in Chapter 3.1A as the objectives and policies relating to integrated management in this chapter must be read in association with the objectives and policies in Chapter 3.14, rather than in place of them. If

<sup>49</sup> Submission 23 paragraphs 28 & 29.

<sup>50</sup> The Officers' Reply suggested the new Chapter in Section 3 be Chapter 3.1A and we accept that.

Te Taiwhenua o Heretaunga was seeking to amend Chapter 3.14 via this submission, that would not be on the Change. Thus, we recommend submission 28.2 is rejected.

92. Te Taiwhenua o Heretaunga also referred to the need to address cross-boundary issues and referred specifically to the provisions of the Horizons One Plan applying in the adjoining Manawatu-Wanganui Region<sup>51</sup>. Cross boundary issues are addressed in Chapter 8.4 of the HBRRMP and section 8.4.3.3 sets out the matters to be considered in integrated management.
93. The requirement in s.61(2)(b) of the Act that the Council consider the extent to which the HBRPS needs to be consistent with the policy statements and plans of adjoining regional councils, requires consideration of operative policy statements and operative plans. The Horizon's One Plan is not yet operative and not in its final form.
94. We do not consider that at this stage there is any cross-boundary issue with respect to water quality provisions applying in the catchment of the Manawatu River that needs to be dealt with in Change 5. We recommend this submission be rejected.
95. Hastings/Havelock North Forest & Bird Branch sought:
- a) The inclusions of provisions to ensure that the life supporting capacity of water, soil and ecosystems are safeguarded<sup>52</sup>; and
  - b) The inclusion of provisions to preserve the natural character of the coastal environment, lakes and rivers and their margins and the protection of them from inappropriate subdivision, use and development<sup>53</sup>.
96. Submissions 13.2 and 13.3 by HBF&G were to similar effect. These submissions repeat part of the wording of ss.5(2) & 6(a) of the Act. As the HBRPS has to achieve the purpose of the Act (s.5) and recognise and provide for the matters in s.6, for the change to satisfy the statutory tests it must include the provisions sought. We recommend these submissions be accepted.

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<sup>51</sup> Submission 28.28.

<sup>52</sup> Submission 10.6.

<sup>53</sup> Submission 10.7.

## DISCUSSION OF SPECIFIC PROVISIONS

### Issue LW1

97. The Fertiliser Assn sought the retention of this issue as notified<sup>54</sup>, as did Silver Fern Farms Ltd<sup>55</sup> and TrustPower<sup>56</sup>. HBF&G sought amendments to more coherently express the significant issues the region faces in respect of achieving integrated management of freshwater and land use and development<sup>57</sup>.
98. Hastings District Council sought the splitting of the Issue into two with what it considered was better wording. It also requested the addition of an explanation<sup>58</sup>.
99. HB Federated Farmers sought the replacement of the Issue with one directed more to the economic benefits of water<sup>59</sup>. Horticulture NZ sought an addition to the Issue that addressed economic wellbeing and social development, or an additional Issue on that point<sup>60</sup>. Irrigation NZ also sought amendments to reflect that community wellbeing is the overall goal for the region<sup>61</sup>.
100. Terry Kelly suggested the Issue as drafted was divisive and should be redrafted<sup>62</sup>.
101. The s.42A Report recommended splitting the Issue statement into two – the first regarding the multiple and often competing values associated with fresh water resources, and the second concerning the need for integration. We note that when given the opportunity to provide the Panel with amended provisions, Ms Marr did not propose any amendments to ISS LW1 or LW2 as proposed in the s.42A Report. Further amendments to the Issues were proposed by the Officers in their reply to take account of matters raised at the hearing.
102. We have recommended that a third Issue be included as LW1A in the previous section. We consider expression in LW1A of the integrated nature of the Māori world view is an important starting point. We consider the two Issues recommended in the s.42A Report are a fair reflection of the matters that need to be addressed by the objectives and policies in Change 5. However, we do consider that the second Issue proposed in the s.42A Report would be better

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<sup>54</sup> Submission 4.1.

<sup>55</sup> Submission 25.1.

<sup>56</sup> Submission 29.1.

<sup>57</sup> Submission 13.20.

<sup>58</sup> Submission 9.1.

<sup>59</sup> Submission 12.1.

<sup>60</sup> Submission 16.1.

<sup>61</sup> Submission 17.1.

<sup>62</sup> Submission 18.1.



expressed in the positive, rather than the negative. We recommend the wording be amended accordingly.

103. The additions sought in relation to community wellbeing and economic values would not provide a balanced assessment of the issues confronting the Region, and are matters better dealt with within the objectives and policies.
104. We have considered the Hastings District Council's request for an explanation to accompany the Issues. We have included one for the new LW1A, but consider the reworded LW1 and LW2 are self-explanatory.
105. We recommend the Issues section reads:

**ISS LW1A**

**E kore a Parawhenua e haere ki te kore a Rakahore**

*Parawhenua (Water) would not flow if it were not for Rakahore (rock).*

**He huahua te kai pai! He wai te kai pai!**

*Huahua (preserved birds) are a treasured delicacy. However water is a necessity.*

**Explanation:** These two proverbs encapsulate the interrelationship between two significant elements – land and water. The Māori world is formed on the interconnectedness and interdependency of people to all living creatures and to the environments in which they live. The well-being of the whole is dependent on the well-being of its constituent parts.

**ISS LW1**

**Multiple and often competing values and uses of fresh water can create conflict in the absence of clear and certain resource management policy guidance.**

**ISS LW2**

**Integration of the management of land use and water quality and quantity increases the ability to promote sustainable management of the region's natural and physical resources.**

106. We recommend the submissions and further submissions be accepted, accepted in part or rejected accordingly as set out in Appendix B.

**Objective OBJ LW1**

107. This Objective has as its goal the management of fresh water and land use and development in an integrated and sustainable manner. This is consistent with

Objective C1 of the NPSFM. Objective OBJ LW1 then sets out 11 clauses to be achieved as part of the sustainable management under this Objective. These clauses cover a broad range of matters to reflect the competing values that integrated management needs to balance and prioritise.

108. This Objective was subject to a large number of submissions ranging from those seeking to increase the emphasis on natural values to those seeking to increase the emphasis on human social and economic values. Many sought detailed wording changes to the subsidiary clauses or additional clauses, while others supported the Objective as notified.
109. The s.42A Report recommended alterations to this Objective, and the insertion of a second Objective, to assist in clarifying the purpose of the objective. In particular, the Report recommended including the statement that the Objective was subject to Part 2 of the Act as preferable to repeating wording from Part 2 in the Objective. The Report recommended clarifying within the Objective that the subsidiary clauses were not in any particular order. The Report also recommended the inclusion of additional clauses in response to submissions.
110. At the hearing, Ms Marr, who appeared as a planning witness for HBF&G, provided a useful analysis of this Objective and the policies following from it, suggesting that the subsidiary clauses in Objective OBJ LW1 were a mixture of principles, processes, bottom lines, and matters to be recognised. We offered Ms Marr the opportunity to provide us with a redraft of the objectives and policies to reflect her view of the correct approach. She took that opportunity and helpfully provided us with her suggested revisions prior to us receiving the Officers' Reply.
111. We also heard expert evidence from Mr Rowan Little for Hastings District Council, Ms Nicola Foran for TrustPower and Ms Lynette Wharfe for Horticulture NZ. Each of those witnesses recommended alterations or additions to OBJ LW1. In the Officers' Reply we were provided with a further revised version of OBJ LW1. Thus we received four versions of OBJ LW1 to consider<sup>63</sup>, along with various amendments, additions or deletions.
112. We consider the starting point in considering OBJ LW1 is discussing the distinction between an objective and a policy. Understanding this distinction is important in determining whether the contents of OBJ LW1 are appropriate, or whether they would be better placed within a policy.

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<sup>63</sup> We will refer to them as the Notified version, the s.42A version, the Marr version, and the Reply version.

113. In the sense the term objective is used in resource management, the appropriate dictionary definition is:

*A thing aimed at or sought; a target, a goal, an aim.*<sup>64</sup>

114. Policy is defined as:

*A course of action or principle adopted or proposed by a government, party, individual, etc; any course of action adopted as advantageous or expedient.*<sup>65</sup>

115. Thus, OBJ LW1 should express what it is the Council wants to achieve, and the ensuing policies should explain how it will achieve that goal.

116. The initial words of the Notified version of OBJ LW1 are clear that integrated and sustainable management of fresh water and land use and development is the goal. The ensuing 11 clauses suggest that they are components of that goal. However, the wording of several of these clauses actually includes the course of action required to reach the goal. We agree with Ms Marr that OBJ LW1 as notified comprised a composite of objective and policies.

117. We do not consider the s.42A version necessarily improved this situation. It extended the list of subsidiary clauses to 14 while deleting two of them, but did not remove the policy components. It also proposed an amendment to the opening words to change the subsidiary clauses to being inclusive. That approach means that the 14 clauses cannot be taken as the complete list of components of sustainable and integrated management.

118. The Marr version does not remove all the policy components of the clauses and deletes values which may be an important component of sustainable and integrated management.

119. The Reply version appears to move more policy provisions into OBJ LW1.

120. We set out below our recommendations on each part of this Objective. We start with the Notified version and comment on each iteration before recommending our wording. Where additional provisions have been proposed we incorporate those in the position they have been proposed.

#### Introductory Words

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

<sup>64</sup> *The New Shorter Oxford English Dictionary*, Clarendon Press, 1993, p. 1965.

<sup>65</sup> *ibid*, p. 2274.

121. We have noted above that this gives effect to NPSFM Objective C1. The s.42A version proposed these words be amended as follows:

~~*The management of fresh water and land use and development is managed in an integrated and sustainable manner that*~~ *which includes (in no particular order), subject to Part 2 of the RMA:*

122. The first section up to and including “manner” is not substantially different in meaning from the Notified version, but we consider the “is” prior to managed diminishes the sense of the objective being a goal or target. It should also be in the plural if retained. We consider the use of “includes” is a more appropriate means of listing the components of sustainable and integrated management as it allows for matters not presently apparent to be included.

123. We agree that the inclusion of the term “in no particular order” is appropriate to clarify that it is not a descending or ascending list. However, we agree with Hastings District Council that it would be wise to clarify that no priorities are expressed in this list. We consider that is best achieved by a footnote on this phrase.

124. We are not sure that the term “subject to part 2 of the RMA” is necessary. OBJ LW1 fits within the framework of the RMA and must be directed to achieving the purpose of the Act<sup>66</sup>. The matters in ss.6, 7 and 8 of the Act are to be dealt with in achieving that purpose. We recommend this phrase not be included.

125. The Marr version proposed the commencing phrase read:

~~*The management of fresh water and land use and development are managed in an integrated and sustainable manner that*~~ *recognises the interconnected nature of natural resources within each catchment area, including that land uses, freshwater quality and surface water flows can impact on the receiving coastal environment, and:*

126. We have the same issue with “are” as with “is” as discussed above. The additional text added is the text in clause 3 in the Notified version with the addition of “the interconnected nature of natural resources within each catchment area, including”. We have recommended a new Issue which identifies the interconnected nature of resources. We do not think it needs to be included in this objective as well. We cannot see any good reason to move the contents of clause 3 into the commencing part of the objective either.

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<sup>66</sup> See s.59 of the Act.

127. The Reply version was the same as the s.42A version. Other submissions sought the replacement of "manage" with "control"<sup>67</sup> and the insertion of "the effects of" before land use<sup>68</sup>. We consider the goal here is to manage fresh water, land use and development, rather than control each of them. Control may be one of the means of managing those resources, but we do not consider it the sole means.
128. Similarly we do not agree that the management should be constrained to the effects of land use and development. The HBRPS is a document that is to guide the preparation and implementation of regional and district plans in the region. While district councils are directed by s.31 of the Act to deal with the effects of land use and development, the Regional Council is able to control land use directly for certain purposes under s.30 of the Act. Consequently, it is appropriate for the HBRPS to seek to manage land uses. Each local authority is then able to give effect to that management within the bounds of its functions as established in the Act.
129. We recommend OBJ LW1 commence

Fresh water and land use and development managed in an integrated and sustainable manner which includes (in no particular order\*):

- \* Being in no particular order means there is no particular priority among the matters listed.

Clause 1

1. *identifies outstanding freshwater bodies in Hawke's Bay region and protects their water quality.*

130. Other than changing "identifies" to "identifying" and "protects" to "protecting" in the s.42A and Reply versions, this clause was the same in each of the four versions. One submission sought that "protects" be replaced with "maintains, and where necessary enhances"<sup>69</sup>. One submission sought the retention of this clause as notified<sup>70</sup>.
131. While we accept that "maintains, and where necessary enhances" may be a better approach for a water body with diminished water quality than protecting the diminished water quality, we consider that as this objective is related to outstanding freshwater bodies, high water quality should be expected, although we accept that may not always be the case.

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<sup>67</sup> Submission 4.2.

<sup>68</sup> Submission 12.2.

<sup>69</sup> Submission 4.2.

<sup>70</sup> Submission 13.21.

132. We note that NPSFM Policy A2 seeks to maintain or improve the overall quality of freshwater within a region while protecting “the quality of outstanding freshwater bodies”. Removal of the word “water” from this clause would make it consistent with the approach in the NPSFM. As outstanding water bodies must, by definition, have outstanding values, protect is a better operator than maintaining and enhancing.

133. We consider the first part of this clause to be a policy. We consider the clause would better read “*protecting the quality of outstanding freshwater bodies in Hawke’s Bay*”. One of the policies to achieve this would be to identify the outstanding water bodies, and perhaps include the criteria for identifying them. We consider it is within scope to amend the clause as described and move the “identify” component to a policy as being a change of wording that does not change meaning. Thus, we recommend the clause read:

1. protecting the quality of outstanding freshwater bodies in Hawke’s Bay;

Clause 1A

- 1A protecting the significant values of wetlands.*

134. This clause was recommended in the s.42A version as a means of accepting in part submissions 13.29, 13.65 and 18.5. The Marr version suggested including “identifies and” before protecting. That amendment would introduce a policy into this clause as we discussed in relation to clause 1.1 above.

135. This essentially repeats Objective B4 of the NPSFM. We agree with the Officers that this is an appropriate addition to OBJ LW1 and recommend the Reply version be confirmed.

Clause 1B

- 1B identifying values and uses of freshwater and establishing objectives for those values;*

136. This clause was recommended in the s.42A Report as a means of accepting in part HBF&G’s submission. The Marr version omitted it from OBJ LW1 but included the intent of it in a policy. It remained unchanged in the Reply version.

137. This appears to be a directive to undertake a process when preparing a plan. It is an action to achieve an end rather than an end in itself. We consider it should not be included in OBJ LW1. We agree with Ms Marr that it would be more appropriate in a policy directed to plan preparation.

Clause 2

2. *specifies targets and implements methods to assist improvement of water quality in catchments to meet those targets within specified timeframes;*

138. The s.42A Report recommended amending this as a means of accepting submission 10.5. The s.42A version read:

2. *specifying limits and targets for water quality, and implementing methods to assist with the improvement of water quality in over-allocated catchments to meet any targets within specified timeframes;*

139. The Marr version deleted this from OBJ LW1, inserted part in POL LW1A (the limit setting portion) and created a new POL LW1AA which contained the method implementation portion.

140. Submissions 4.2, 16.5 and 17.2 also sought wording amendments to this clause. These related to the types of methods to be implemented and the nature of the catchment water quality, and the inclusion of water quantity as a value.

141. We agree with Ms Marr that this clause is primarily one or more policies. Submission 10.5 sought the inclusion of "*provisions in Change 5 to allow for the improvement of the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated ...*". Such provisions would be giving effect to the NPSFM and it would be proper for there to be an objective to meet in respect of this issue.

142. The goal is to improve water quality in those water bodies where it has been degraded to the point of over-allocation. Consequently we recommend that this clause read:

2. the improvement of water quality in water bodies that have been degraded;

Clause 2B

- 2B. *identifying limits for the taking and use of freshwater resources, avoiding over-allocation of fresh water where limits are not currently exceeded and phasing-out over-allocation over time;*

143. This was included in the s.42A version to partly give effect to submissions 13.36, 16.5 and 17.2 and as a replacement of clause 9. The Marr version did not include this in OBJ LW1, but did include the intent of it in POL LW1A.

144. We agree with Ms Marr that this is a policy rather than an objective. Within it there is an objective of avoiding over-allocation of fresh water, and it is appropriate to repeat Objective B2 of the NPSFM. We recommend this be worded:

- 2B. avoiding any further over-allocation of fresh water and phasing out existing over-allocation;

Clause 3

3. *recognises that land uses, freshwater quality and surface water flows can impact on the receiving coastal environment;*

145. This was amended in the s.42A version to read:

3. *recognisinges that the effects of land uses, freshwater quality and surface water flows can impact on the receiving coastal environment;*

146. The inclusion of the words "the effects of" were purported to be in response to submission 9, but submission 9.2 specifically sought that OBJ LW1.3 remain as notified. We doubt that there is jurisdiction to modify the clause in this way. Submission 4.2 sought the replacement of "can impact" with "can have adverse effects".

147. The Marr version deleted this clause from OBJ LW1.

148. The preamble to the NZCPS 2010 notes that activities inland can have a major impact on coastal water quality and Policy 4, which relates to Integration, notes the requirement for particular consideration of situations where, *inter alia*

*land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation;*<sup>71</sup>

149. We are satisfied that the Notified version (modified for tense) gives effect to the NZCPS. The use of the term "impacts" in the clause is synonymous with "affects". Thus, it is unnecessary for the clause to refer to the effects of land uses, as the clause is only referring to the impacts or effects of land use on the coastal environment in any event. We are also satisfied that impact is an appropriate term and there is no good reason to change it to "adverse effects". We recommend the following wording:

3. recognising that land uses, freshwater quality and surface water flows can impact on the receiving coastal environment;

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<sup>71</sup> Policy 4(c)(iv) NZCPS 2010



Clause 4

4. *safeguards the life-supporting capacity and ecosystems of fresh water with a priority for indigenous species;*

150. The s.42A version amended this in response to submission 13.22 to read:

4. *safeguardings the life-supporting capacity and ecosystems of fresh water, including ~~with a priority~~ for indigenous species in particular;*

151. The Marr version read

4. *safeguards the life-supporting capacity and ecosystems and ecosystem processes of fresh water ~~with a priority~~ including for indigenous species;*

152. Submission 13.22 referred to Objectives A1 and B1 in the NPSFM. When the wording of those objectives is analysed, they are seeking to

- a) Safeguard the life-supporting capacity of fresh water;
- b) Safeguard ecosystem processes of fresh water; and
- c) Safeguard indigenous species including their associated ecosystems of fresh water.

153. We agree that the NPSFM does not give a priority to indigenous species and we agree with Ms Marr that it is the ecosystem processes of fresh water that the NPSFM is seeking to safeguard. However, that is along with indigenous species and their fresh water ecosystems. We conclude that submission 13.22 can be accepted, and the NPSFM given better effect to, if the clause reads:

4. *safeguarding the life-supporting capacity and ecosystem processes of fresh water, including indigenous species and their associated fresh water ecosystems;*

Clause 5

5. *recognises the significant national and regional value of fresh water for human drinking and animal drinking uses;*

154. Submission 3.1 sought the addition of the phrase "and for municipal water supply". Submission 5.2 supported the notified version. Submission 8.1 sought to change "recognises" to "safeguards". Submission 9.3 sought the separation of human and animal uses into separate clauses. Submission 13.23 sought the deletion of the clause and submission 23.3 sought the deletion of the national significance.

155. In response to these submissions the s.42A version read:

5. *recognisinges the ~~significant national and regional value importance~~ of fresh water for human drinking, ~~and~~ animal drinking uses and for municipal water supply;*

156. The Marr version deleted the clause. Mr Little considered that the value of water for human drinking purposes was fundamental and should be separated from the value for animal dinking purposes.

157. No change from the s.42A version was recommended in the Officers' Reply. The Reply suggested this clause was an expression of the Act's requirement that access to, and the use of, fresh water for human drinking and stock drink needs is a key resource management principle. The Reply also distinguished the value of this use of water, including for municipal supply, from the national economic value of water for beverages, food and fibre production as provided for in the following clause.

158. We agree with the Officers' conclusions in respect of this clause, including the extension as requested in submission 3.1. We also note that water is fundamental to all life forms and an integrated and sustainable approach to water use needs to recognise that. We do consider the grammar can be improved to accommodate the addition. We recommend it reads:

5. *recognising the regional value of fresh water for human and animal drinking purposes, and for municipal water supply;*

Clause 6

6. *recognises the significant regional and national value of fresh water use for beverages, food and fibre production and processing;*

159. Submission 9.4 sought modifications that particularised the various uses. Submission 13.24 sought the deletion of the clause. Submission 25.2 sought the retention of this clause, and submission 23.3 sought the removal of national significance.

160. The s.42A version merely recommended grammatical amendments to read:

6. *recognisinges the significant regional and national ~~value importance~~ of fresh water use for beverages, food and fibre production and processing;*

161. The Marr version deleted this clause. The Reply version suggested further modifications to enable better understanding of its intent:

6. *recognisinges the significant regional and national ~~value~~ importance of fresh water use for production and processing of beverages, food and fibre ~~production and processing~~;*

162. We accept the Officers' opinions concerning the national importance of water for these uses and we agree that is an important matter in Hawke's Bay that needs to be taken into account when integrating the management of fresh water and land uses. We recommend the Reply version be adopted:

6. recognising the significant regional and national importance of fresh water use for production and processing of beverages, food and fibre;

#### Clause 7

7. *recognises the potential for significant regional and national value arising from the non-consumptive use of water for renewable electricity generation;*

163. Submissions 8.2 and 13.25 sought the deletion of this clause. Submission 17.3 sought the removal of the word "non-consumptive". Submission 23.3 sought the removal of the national significance.

164. The s.42A version proposed significant modifications so it read:

7. *recognisinges the potential for ~~significant regional and national value arising from the non-consumptive use of water for~~ renewable electricity generation;*

165. The Marr version deleted this clause.

166. At the hearing, Ms Foran for TrustPower presented evidence on this clause. It was her opinion that the deletion of "*significant regional and national value arising from the use of water*" diminished the overall value of this clause and it thereby failed to give effect to the NPSREG.

167. NPSREG Policy A requires decision-makers to recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits. We agree with Ms Foran that clause 7 does not give adequate recognition to renewable electricity generation given the emphasis in the NPSREG. However, we consider the appropriate approach is to note the potential benefits arising, as the NPSREG does, rather than focussing on significant value. We recommend clause 7 read:

7. recognising the potential national, regional and local benefits arising from the use of water for renewable electricity generation;

Clause 8

8. *promotes and enables the adoption of good land and water management practices;*

168. Submission 5.2 supported this clause. Submission 17.4 sought the inclusion of audited self-management at the conclusion of the phrase.

169. The s.42A version modified the clause by including monitoring and modifying the phraseology, so that it read:

8. *~~promotinges and enablings~~ the adoption and monitoring of industry good practice for land and water management practices;*

170. The Marr version deleted this from OBJ LW1 and inserted it in POL LW1AA. While we agree the clause is stated as a policy, there is no submission providing scope for the inclusion of the word "monitoring". We do consider it is permissible to also give effect to this in a policy as Ms Marr suggested. We consider the intent of the clause is better expressed as:

8. *recognising the benefits of industry good practice to land and water management.*

Clause 8A

8A *recognising the role of afforestation in sustainable land use and improving water quality;*

171. The s.42A Report recommended the inclusion of this clause in response to submissions 14.1 and 24.1. The Marr version deleted it from OBJ LW1 and inserted it in POL LW1AA.

172. We are satisfied that this is an appropriate component of the objective and while its inclusion was not a specific relief set out in the submissions, it does respond to the issues raised by the submitters. We recommend its retention unaltered.

Clause 9

9. *ensures efficient allocation of water;*

173. Several submissions sought amendments to the wording to clarify what efficient allocation meant. This was deleted in the s.42A version and replaced with clause 2B. In the reply the Officers clarified that they considered this was better contained within a policy, and that Policy LW1 (j) covered this matter. The Marr version deleted POL LW1 (j) and retained OBJ LW1.

174. We agree with the Officers' view that the principal objective concerning allocation is contained in clause 2B (in the form we are recommending) and that with POL LW1(j) there is no need for this clause. We recommend its deletion.

Clause 10

- 10. recognises and provides for wairuatanga and the mauri of fresh water bodies in accordance with the values and principles expressed in Chapter 1.6, Schedule 1 and the objectives and policies in Chapter 3.14 of this Plan;*

175. There were no submissions on this clause. Other than the change in tense there were no amendments proposed to the clause in the later versions. We recommend it be retained with the tense change.

Clause 10A

- 10A. recognising and providing for river management and flood protection activities.*

176. This was included in the s.42A version in response to submission 13.30. The Marr version did not include it.

177. We agree that achieving the integrated and sustainable management of fresh water and land uses does include river management and flood protection activities. We recommend retaining it unaltered.

Clause 11

- 11. recognises the differing demand and pressures on freshwater resources within catchments across the Hawke's Bay region, and where significant conflict exists between competing values, the regional policy statement and regional plans provide clear priorities for the protection or use of those freshwater resources.*

178. This was deleted from OBJ LW1 in the s.42A version and replaced with a new OBJ LW2. We agree that it does not fit well within OBJ LW1 and recommend it be deleted from this objective. We will consider the detailed wording below when we consider OBJ LW2.

Additional Clauses

179. Hastings District Council sought the addition of a further principle<sup>72</sup> that would read:

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<sup>72</sup> Submission 9.5.

*recognising and providing for the recreational and conservation values of fresh water bodies within catchments across Hawke's Bay region.*

180. In their Reply, the Officers suggested that the matter was already dealt with in other existing Objectives in Section 3 and did not need to be repeated in this Objective.
181. We agree that the HBRPS needs to be read as a whole and that Objective 27 (Chapter 3.10) deals with aquatic ecosystems and contact recreation. We also recognise that the use of the term "includes" at the commencement of the list of clauses means this list is not to be read as an exhaustive or exclusive list. Integrated management will include other factors.
182. However, we consider the principles raised are important in giving balanced consideration to the issues in achieving integrated management. We recommend that a new clause (numbered 13 in our recommendations) be included that reads:
- recognising and providing for the recreational and conservation values of fresh water bodies.
183. We note that the Marr version included a clause reading: *ensures that water quality in rivers and streams is safe for contact recreation during the bathing season (November to April inclusive)*. We consider the additional clause we have recommended covers this point.
184. The Marr version also included "*recognises and provides for the values of waterbodies identified in the RPS and identified in Regional Plans*". We consider this is circular and inappropriate in an overall integration objective.

Recommended Text

185. The wording we recommend for OBJ LW1 is as follows:

**OBJ LW1      Integrated management of fresh water and land use and development**

Fresh water and land use and development managed in an integrated and sustainable manner which includes (in no particular order\*):

1. protecting the quality of outstanding freshwater bodies in Hawke's Bay;
- 1A. protecting the significant values of wetlands;
2. the improvement of water quality in water bodies

- that have been degraded;
- 2B. avoiding any further over-allocation of freshwater and phasing out existing over-allocation;
  3. recognising that land uses, freshwater quality and surface water flows can impact on the receiving coastal environment;
  4. safeguarding the life-supporting capacity and ecosystem processes of fresh water, including indigenous species and their associated fresh water ecosystems;
  5. recognising the regional value of fresh water for human and animal drinking purposes, and for municipal water supply;
  6. recognising the significant regional and national importance of fresh water use for production and processing of beverages, food and fibre;
  7. recognising the potential national, regional and local benefits arising from the use of water for renewable electricity generation;
  8. recognising the benefits of industry good practice to land and water management;
  - 8A. recognising the role of afforestation in sustainable land use and improving water quality;
  10. recognising and providing for wairuatanga and the mauri of fresh water bodies in accordance with the values and principles expressed in Chapter 1.6, Schedule 1 and the objectives and policies in Chapter 3.14 of this Plan;
  12. recognising and providing for river management and flood protection activities; and
  13. recognising and providing for the recreational and conservation values of fresh water bodies.
- \* Being in no particular order means there is no particular priority among the matters listed.

## **OBJ LW2**

### ***OBJ LW2 Integrated management of fresh water and land use and development***

*The management of land use and freshwater use that recognises and balances the multiple and competing values and uses of those resources within catchments. Where significant conflict exists between competing*

*values or uses, the regional policy statement and regional plans provide clear priorities for the protection or use of those freshwater resources.*

186. This objective was recommended in the s.42A Report in response to submissions 16.2 and 13.26. The latter submission in particular sought moving the notified version of OBJ LW1 clause 11 into a separate objective. At the hearing Horticulture NZ confirmed that OBJ LW2 is similar to what it sought in submission 16.2.

187. The only comments on this Objective related to fine tuning rather than opposition. Mr Kelly was concerned that the term "priorities for the protection or use" created an inappropriate either/or situation. Ms Wharfe suggested prioritisation should not wait for conflict to arise, but plans should deal with the potential for it to arise.

188. The Officers' Reply proposed the following wording to take account of those comments:

*The management of land use and freshwater use that recognises and balances the multiple and competing values and uses of those resources within catchments. Where significant conflict between competing values or uses exists or is foreseeable, the regional policy statement and regional plans provide clear priorities for the protection and use of those freshwater resources.*

189. We agree that this objective, as reworded, is appropriate. We recommend its adoption.

### **Section 32 Assessment of Objectives**

190. S.32 requires consideration of whether each objective is the most appropriate way to achieve the purpose of the Act. The purpose of the Act is the promotion of sustainable management of natural and physical resources, as that term is defined in s.5(2).

191. These objectives provide a broad balanced approach to managing the integration of fresh water and land use and development. Such an approach is consistent with the broad purpose of the Act, which involves enabling people and communities to provide for their well beings while also meeting environmental concerns.

192. We are satisfied that the approach of the objectives, including the aim to resolve conflicts between competing values and uses, is the most appropriate way to achieve the purpose of the Act.



### **Principal Reasons and Explanation for Objectives**

193. These require consequential amendments as a result of the amendments made to the objectives. The s.42A Report recommended a series of amendments. We accept those are appropriate and recommend that the wording in Appendix C be adopted.

### **Policies – Overview**

194. When notified Change 5 contained a policy regime in POL LW1 and POL LW2 that provided a default management approach in LW1 which would apply in all catchments except three which had specific provisions included in LW2. Although it was not explicit in Change 5, the s.42A Report stated that the purpose of POL LW1 was to give direction for the preparation of regional plans<sup>73</sup>. The comments in the s.42A Report regarding POL LW2 and the amendments the Officers recommended to that policy, also suggested that POL LW1 was to have an interim role until plans were prepared. The amendments recommended to POL LW2 made it clear that the contents of that policy were to be used on an interim basis until plans were prepared for the three relevant catchments.

195. We had the benefit of an amended version of POL LW1 in the S.42A Report and Ms Marr's revised version. The s.42A proposed creating an additional 2 policies in an attempt to make the policy approach more explicit and understandable.

196. Ms Marr's approach was to divide POL LW1 into four policies:

- The first setting a framework for preparing regional plans;
- The second listing the matters to be addressed in regional plans;
- The third listing matters to be had regard to when identifying methods and timeframes in regional plans; and
- The fourth listing the matters to be taken into account to when preparing regional plans.

197. In their Reply the Officers advised that Ms Marr's restructuring of the policies was consistent with the intended approach and suggested some amendments to the Marr version.

198. While we agree that these two attempts assist, we consider the better approach is to have policies that –

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<sup>73</sup> s.42A Report Page 35

- Set out a management approach that will be used where there is no plan in place, and as the basis for creating each plan;
- List basic requirements to be included in plans;
- Set out specific provisions that are to be included in plans.

199. There has not been a consistent approach to numbering in the policies, particularly with the amendments suggested. We note that POL LW2, as notified, had three sub-policies numbered 1 to 3. We consider it logical to take the same approach with the first group of policies. That is, make them all sub-policies of POL LW1. That means that POL LW1 will become POL LW1.1 and the others follow on. We will use the numbers given in the s.42A and Marr versions respectively when discussing them, but will alter the numbers in the final recommended version.

200. We will undertake our assessment using the wording of the Policies as set out in the s.42A version and the numbering used there. We are not doing this to express a preference for these amendments. It is that there are so many amendments proposed by the Officers and Ms Marr that we need to choose one version as a starting point.

### **Policy POL LW1 – Catchment-based Integrated Management**

201. This is the obvious policy to set out the overall management approach to apply when preparing plans and until they are prepared.

202. We consider the s.42A version suffers from a confusion of objective and policy within its contents. The Marr version has attempted to correct that but at the expense of deleting portions that help to understand the intent of the policy. Part of the problem is the use of grammar that is easily corrected.

#### Introductory Words

*When preparing regional plans, to adopt an integrated management approach to fresh water and land use and development within each catchment area, that (in no particular order):*

203. With a minor change to grammar, the introductory words give a clear direction to preparing a regional plan. However, they also need to convey the intent that the management approach set out in this policy applies where there is no plan, subject to the specific provisions of POL LW2.

204. We consider this policy should provide a more general management regime that should be worded in a way that makes it applicable in all instances. Consequently, we recommend the introductory words read:

Adopt an integrated management approach to fresh water and land use and development within each catchment area, that (in no particular order\*):

\* Being in no particular order means there is no particular priority among the matters listed.

Clause a)

a) *is consistent with OBJ LW1 and OBJ LW2*

205. A policy is to implement objectives, not be consistent with them. It should be unnecessary to refer to objectives OBJ LW1 and OBJ LW2 as this policy is one of the means of implementing them. If they need to be mentioned they could be mentioned in the explanation following the policies.

Clause b)

b) *provides for mātauranga a hapū o Ngāti Kahungunu and local tikanga Māori values and uses of the catchment in accordance with tikanga Māori*

206. In response to submission 23.7, the phrase “mātauranga a hapū o Ngāti Kahungunu and local tikanga” was included in this clause. The Marr version retained this addition, but deleted the remainder of the clause after tikanga.

207. We are concerned that specifying that the hapū involved are to be hapū of Ngāti Kahungunu may be too specific. Ngāti Kahungunu are not the only iwi in the region and the regional policy statement should reflect that reality.

208. We also consider the reference to tikanga is repetitive. We recommend the clause read:

*provides for mātauranga a hapū and local tikanga values and uses of the catchment;*

Clause c)

c) *recognises the inter-connected nature of natural resources within the catchment area, including the coastal environment*

209. This clause is really an objective – it connotes an outcome rather than proposes an action. HBF&G specifically sought the retention of this clause<sup>74</sup>, but Ms Marr deleted it from her version of the policy.

210. We consider it an important matter which the management approach should encompass. We recommend it be amended to read:

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<sup>74</sup> Submission 13.41.

- c) provides for the inter-connected nature of natural resources within the catchment area, including the coastal environment

Clause d)

211. This was deleted from the s.42A version. It read:
- protects water quality of outstanding freshwater bodies;*
212. The s.42A version suggested this could be deleted as it is covered in OBJ LW1.1. We consider there is a difference between an objective that seeks to achieve integrated management of fresh water and land uses by, among other things, protecting outstanding freshwater bodies, and a policy that sets out the matters that should be included in a regional plan. We consider the clause should be re-instated.
213. Submission 4.4 sought that “protects” be replaced with “maintains and where necessary enhances”. We consider there is merit in this. A freshwater body may be outstanding but still suffer from poor water quality. It would be more appropriate in those instances to enhance the water quality than to protect it in the state it is in. We do not use “maintain” as a lesser term than “protect” in those circumstances where the water quality does not require enhancement.
214. Submission 23.10 sought that the clause also refer to water quantity. The objective in the NPSFM that this is directed to does not refer solely to water quality. The definition of outstanding freshwater bodies in the NPSFM includes ecological, landscape, recreational and spiritual values. The objective is to protect the qualities of outstanding water bodies. Those qualities could include water quality, and could also include water quantity, depending upon the qualities that define the outstanding nature of the freshwater body. We have changed OBJ LW1.1 to reflect the NPSFM objective. This policy could relate to water quantity, but we do not consider it would be a factor in every outstanding water body.
215. We noted in our discussion of OBJ LW1.1 that we considered the identification of outstanding freshwater bodies should be provided for in the policies. We consider this clause would be more useful if it referred to the policy which directs the identification of these water bodies and so recommend.
216. On the basis of this, we recommend the clause read:
- dA) maintains, and where necessary enhances, the water quality of those outstanding freshwater bodies identified in the catchment, and where appropriate, protects the water quantity of those outstanding freshwater bodies;

Clause e)

- e) *promotes collaboration and information sharing between relevant management agencies, iwi, landowners and other stakeholders*

217. The only submissions on this clause sought its retention<sup>75</sup>. The clause appeared unchanged in each version of the Policy. We recommend its retention unaltered.

Clause f)

- f) *takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water resources for future generations*

218. One submission sought the retention of this clause<sup>76</sup> and one sought the addition of the words "and water-based" between "water" and "resources".<sup>77</sup> This submitter was concerned that "water resources" would not include aggregate and shingle from river beds, but that "water-based resources" would cover them. We do not consider that either term covers aggregate and shingle, but note that Chapter 3.11 contains specific objectives and policies on this issue. We do not consider it needs to be separately dealt with in this policy.

219. We recommend the clause be retained unaltered.

Clause g)

- g) *aims to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible and in accordance with POL LW2*

220. Submission 13.44 sought the deletion of this clause and submission 25.6 sought the retention of the intention of it. The Marr version retained the first part of it but deleted the part which reads "in accordance with POL LW2". The s.42A version proposed the inclusion of "and" prior to "in accordance with POL LW2".

221. We are not sure that the reference to POL LW2 adds anything to this clause. It is our understanding, from the explanation following the policy, that POL LW1 is a default management approach for catchments across the region, irrespective of the values identified by POL LW2. Policy POL LW2 would be applicable in addition to this policy, whether it was referenced or not. We agree with Ms Marr that it should be deleted and the clause read:

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<sup>75</sup> Submissions 13.43 and 25.4.

<sup>76</sup> Submission 25.5.

<sup>77</sup> Submission 15.2.

- g) *aims to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible;*

Clause gA)

- gA) *involves working collaboratively with the catchment community to implement POL LW1, POL LW1A, POL LW1B and POL LW2*

222. Submission 12.4 sought a clause reading "work collaboratively with the catchment community in setting targets, timeframes and methods at a catchment level".

223. The s.42A Report suggested the clause as proposed supported clause e) and was consistent with LAWMS. While we agree with this, we do not consider it should refer to implementing specific policies. We also note the existence of a plurality of communities which should be reflected in the clause. We recommend it reads:

- gA) *involves working collaboratively with the catchment communities;*

Clause gB)

- gB) *ensures the implementation of POL LW1, POL LW1A, POL LW1B and POL LW2 is informed by the best available information and scientific and socio-economic knowledge and by a clear understanding of the options including their achievability, costs, benefits and consequences*

224. The s.42A Report suggested this was included in response to submission 12.4. What that submission sought be included was:

*Ensure that the process for setting catchment targets, timeframes and methods is informed by the best available information and scientific and socio-economic knowledge; and by a clear understanding of the options including the achievability, costs, benefits and consequences.*

225. We consider this is quite specific to setting catchment limits, targets, timeframes and methods and that it is best dealt with in the policy specifically dealing with those matters rather than this more general policy.

Clause h)

- h) *ensures the timely use and adaptation of statutory and non-statutory measures to respond to any significant changes in resource use activities or the state of the environment*

226. HBF&G sought the deletion of this clause<sup>78</sup>, while Ms Marr recommended its retention with the inclusion of "current issues or" prior to "significant changes".

227. We consider the clause is directed to dealing with changes in resource use or the state of the environment and that the original wording should be retained.

Clause i)

*i) notwithstanding clause (f) above, provides reasonable transition times and pathways to meet any new water quantity limits or new water quality limits in regional plans taking into account environmental (including socio-economic) costs and benefits*

228. Submissions sought the deletion of this clause<sup>79</sup>, the retention of the clause<sup>80</sup>, and various wording alterations<sup>81</sup>. The Marr version moved this clause to a policy specifically concerned with the methods for achieving limits and targets. We agree with that approach. We do not see that the proposed amendments assist. We will discuss the final recommended wording in the separate policy.

Clause iA)

*iA) recognises the regional value of fresh water for human drinking and animal drinking purposes while ensuring development of land takes into account water short areas that may affect the provision of adequate water supply (POL UD2(h)(ix))*

229. The s.42A Report included this clause referring to the amendments made to OBJ LW1 and provisions in Change 4 to the HBRPS. We were referred to two submissions<sup>82</sup> as providing scope for the insertion of this clause.

230. The first part of the clause essentially copies OBJ LW1.6, and the second part is similar to the contents of several policies in Change 4 (one is referenced at the end of the clause).

231. We are not satisfied that there is any jurisdiction for the Council to include this clause. In any event, the matters it deals with are covered in the HBRPS. If specific policies to implement OBJ LW1 were to be included, a variation would be needed.

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<sup>78</sup> Submission 13.45.

<sup>79</sup> Submission 13.46.

<sup>80</sup> Submission 25.7.

<sup>81</sup> Submissions 16.9, 17.6 and 23.25.

<sup>82</sup> Submissions 28.9 and 22.2.

Clause iB)

*iB) recognises the significant regional and national value of freshwater use for beverages, food, fibre and forestry production and processing*

232. The s.42A Report included this clause as a means of allowing in part Submission 16.8. Other than the inclusion of forestry, this clause essentially repeats OBJ LW1.6. Submission 16.8 did not refer to forestry in this context.

233. We consider it is inappropriate to repeat this clause in POL LW1 when it is present in OBJ LW1 in virtually the same form. Other than grammatical changes, the one difference (forestry) is a matter that the Council has no jurisdiction to include.

234. It would be appropriate to include a clause which gave effect to OBJ LW1.6. We consider the following wording would be appropriate:

*provides for the use of freshwater for production and processing of beverages, food, fibre and forestry products where such water use can be achieved without compromising the values of the relevant freshwater bodies.*

235. As there is no jurisdiction to include this, we recommend the Council consider a variation to include it or similar wording.

Clause iC)

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

236. The s.42A Report recommended including this clause to allow Submission 7.1 and to allow in part Submission 29.3. Submission 7.1 makes the point that while Change recognised the value of renewable electricity generation in OBJ LW1, it needed to give effect to this in the policies.

237. We agree that this is a suitable policy to implement OBJ LW1.7. It also gives effect to NPSREG Policy D.

Clause iD)

*iD) recognises and provides opportunities for new renewable electricity generation infrastructure where the adverse effects on the environment can be appropriately managed and do not compromise the primary values identified in POL LW2 Table 1*

238. The s.42A Report recommended including this clause to allow Submission 7.1 and to allow in part Submission 29.3. Submission 7.1 did not include "and do not



compromise the primary values identified in POL LW2 Table 1" and in the submission tabled at the hearing, Ms Roland for Genesis Energy suggested those additional words were inconsistent with the primary purpose of the Act.

239. We agree that, as with the previous clause, it is appropriate to include policy provisions to implement OBJ LW1.7. We also agree with Ms Roland that the additional wording is inappropriate. Policies POL LW1 and POL LW2 should be read side by side when determining the extent to which adverse effects are appropriately managed. However, we also consider that "to recognise" something is not implementing the objective.

240. We recommend the clause be worded:

iD) provides opportunities for new renewable electricity generation infrastructure where the adverse effects on the environment can be appropriately managed;

Clause j)

j) *ensures efficient allocation and use of fresh water within limits to achieve freshwater objectives*

241. Submission 13.47 sought retention of this clause, while Ms Marr deleted it. It was unaltered from the notified form in the s.42A version.

242. We consider it important to retain this as it is an integral component of an integrated approach to managing water use and land use.

Clause k)

k) *enables water storage infrastructure where it can provide increased water availability and security for water users while avoiding, remedying or mitigating adverse effects on freshwater values.*

243. The s.42A version amended the notified version by including water availability and extending the clauses applicability to all areas rather than water-scarce catchments.

244. Several submissions were made on this clause ranging from deletion to modifying the circumstances it would apply. Ms Marr deleted it from her version.

245. We consider a balanced approach to integrated management of fresh water and land uses requires a balanced provision relating to water storage such as is recommended in the s.42A version. Water storage has to provide a benefit

and at the same time avoid, remedy or mitigate adverse effects on fresh water values. We recommend retaining the wording in the s.42A version.

#### Other Matters

246. When discussing OBJ LW1 we noted that the identification of outstanding water bodies was a policy matter rather than an objective. We consider that should be included in this policy. While the policy notes that the clauses are in no particular order, it is logical that the identification of outstanding water bodies should precede any clause referring to such water bodies.

#### Policy LW1.1 Recommendation

247. We recommend POL LW1.1 read as follows

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

1. Adopt an integrated management approach to fresh water and land use and development within each catchment area, that (in no particular order\*):
  - b) provides for *mātauranga a hapū* and local tikanga values and uses of the catchment;
  - c) provides for the inter-connected nature of natural resources within the catchment area, including the coastal environment;
  - d) identifies outstanding freshwater bodies;
  - dA) maintains, and where necessary enhances, the water quality of those outstanding freshwater bodies identified in the catchment, and where appropriate, protects the water quantity of those outstanding freshwater bodies;
  - e) promotes collaboration and information sharing between relevant management agencies, iwi, landowners and other stakeholders;
  - f) takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water resources for future generations;
  - g) aims to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible;

- gA) involves working collaboratively with the catchment communities;
- i) ensures the timely use and adaptation of statutory and non-statutory measures to respond to any significant changes in resource use activities or the state of the environment;
- iC) avoids development that limits the use or maintenance of existing electricity generating infrastructure or restricts the generation output of that infrastructure;
- iD) provides opportunities for new renewable electricity generation infrastructure where the adverse effects on the environment can be appropriately managed;
- j) ensures efficient allocation and use of fresh water within limits to achieve freshwater objectives;
- k) enables water storage infrastructure where it can provide increased water availability and security for water users while avoiding, remedying or mitigating adverse effects on freshwater values.

\* Being in no particular order means there is no particular priority among the matters listed.

### **Policy LW1A**

248. This policy was recommended in the s.42A Report as a means of allowing submissions 10.4, 13.5 and 13.55. The Marr version incorporated this policy with some amendments.

249. We note that Submissions 10.1, 10.2 and 10.3 are also relevant, as are submissions 13.4, 13.6, 13.7 and 13.8.

### POLLW1A

*When preparing regional plans:*

- a) *identify the values for each freshwater body, taking into account POL LW2 and Table 1*
- b) *establish freshwater objectives having regard to the priority afforded to the values and the requirements of POL LW1 as appropriate*

- c) *set water quality limits and targets, minimum flows and water quantity allocation limits so as to achieve those objectives*
- d) *set out how the water quality and quantity limits and targets will be implemented through regulatory or non-regulatory methods including specifying timeframes for meeting water quality and allocation targets.*

250. We consider that this policy should make it explicit that regional plans are to be prepared on a catchment-wide basis and that they are to implement OBJ LW1, OBJ LW2 using the integrated management approach set out in POL LW1. We recommend a new clause be inserted as the first clause to read:

*Use the catchment-wide integrated management approach set out in POL LW1;*

Clause a)

251. We agree that the values for freshwater should be identified. The reference in clause a) to POL LW2 and Table 1 appears superfluous, particularly given the wording for POL LW2 recommended in the s.42A Report.

252. The Marr version was more explicit in that it sought the identification of values for each freshwater body. We consider that would impose an onerous imposition on the Council given the potential multiplicity of freshwater bodies within a catchment. We are satisfied that a more general approach as proposed in the s.42A Report would be appropriate in most circumstances. The one exception is for those freshwater bodies identified as outstanding under POL LW1(c).

253. In their Reply the Officers suggested an amendment to make it clear that values can vary spatially. We agree that such an amendment would improve this clause and satisfy concerns raised by submitters.

254. We recommend this read:

identify the values for freshwater and their spatial extent within each catchment, including identifying the values for each of those freshwater bodies identified as outstanding under POL LW1.1(c);

Clause b)

255. Policy A1 of the NPSFM requires the Council to establish freshwater objectives. We disagree with Ms Marr's proposal that they be established for each freshwater body for the same reasons we disagreed with identifying values for each freshwater body.

256. The clause then refers to the prioritisation of values, presumably referring to Table 1 via clause a). The difficulty with that approach is that Table 1 only applies to three catchments, and POL LW2, as in the s.42A version, already provides for those prioritisations to carry into the regional plans for those catchments.

257. We consider it more important that this policy provide for the establishment of objectives to incorporate priorities between values. Thus, we consider this clause and policy should work in concert with POL LW2 rather than be subservient to it. Consequently, we recommend this clause read:

establish freshwater objectives based on the values identified in clause a) above and set priorities amongst those values;

Clauses c) and d)

258. We consider the wording regarding the methods to deal with limits and targets in the s.42A version enables the plan to respond to the individual catchment situations better than the wording in the Marr version. We would recommend improving the wording so as to make explicit the connections to other clauses.

Recommended Text

259. We recommend this Policy, which will be **POL LW1.2** read:

When preparing regional plans:

- a) use the catchment-wide integrated management approach set out in POL LW1.1; and
- b) identify the values for freshwater and their spatial extent within each catchment, including identifying the values for each of those freshwater bodies identified as outstanding under POL LW1.1 (d); and
- c) establish freshwater objectives based on the values identified in clause (b) above and set priorities amongst those values; and
- d) set water quality limits and targets, minimum flows and water quantity allocation limits so as to achieve the freshwater objectives identified under clause (c); and
- e) set out how the water quality and quantity limits and targets will be implemented through regulatory or non-regulatory methods including specifying timeframes for meeting water quality and allocation targets.

**Policy LW1B**

260. This policy was recommended in the s.42A Report as allowing Submissions 10.5 and 13.56. There was no equivalent in the Marr version.

POLLW1B

*When setting the values and objectives referred to in POL LW1A, ensure:*

- a) *the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water are safeguarded;*
- b) *adverse effects on aspects of water quantity and water quality that contribute to mauri are avoided remedied or mitigated; and*
- c) *the microbiological water quality in rivers and streams is safe for people to swim during the bathing season (November to April inclusive).*

261. We are generally satisfied that these provide a series of environmental bottomlines that in part give effect to the NPSFM and to a number of concerns raised by submitters. However, we consider some minor changes to the wording of clauses b) and c) are needed.

262. Clause b) is a little contradictory in that it suggests adverse effects contribute to the mauri of water when the reverse is the case. We recommend a wording change to correct that.

263. We also consider that rivers and streams should be safe for people to swim in them all the year round, not just in the summer months.

264. We therefore recommend this policy, which will be **POL LW1.3**, read:

When setting the values and objectives referred to in POL LW1.2, ensure:

- a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water are safeguarded; and
- b) adverse effects on water quantity and water quality that diminish mauri are avoided, remedied or mitigated; and
- c) the microbiological water quality in rivers and streams is safe for people to swim.

**POL LW1AA**

265. Ms Marr suggested the following additional policy be included:

*When identifying methods and timeframes in the Regional Plan to achieve limits and targets have regard to:*

1. *allowing reasonable transition times and pathways to meet any new water quantity limits or new water quality limits included in regional plans. A reasonable transition time is informed by the environmental and socio-economic costs and benefits that will occur during that transition time.*
2. *promoting and enabling the adoption and monitoring of good land and water management practices;*
3. *the role of afforestation in sustainable land use and improving water quality.*

266. We noted above when discussing OBJ LW1.2 and OBJ LW1.2B that much of what was proposed in those clauses should be moved to the policies. Part of that has been incorporated into POL LW1A (our policy numbered POL LW1.2) which we have recommended above. This policy assists in giving effect to POL LW1A by creating matters that guide the developing of methods in regional plans. Clause 1 allows in part submissions 13.46, 16.9, 23.25 and 25.7.

267. Clause 2 contains the policy portion of OBJ LW1.8 which we concluded was inappropriate as an objective. Inclusion of this clause allows in part submissions 5.2, 16.3 and 17.4.

268. Clause 3 essentially repeats what was proposed in the s.42A Report as OBJ LW1.8A. We accepted that was an appropriate provision in that objective and do not consider it needs to be repeated in this policy.

269. While we agree in general terms that most of this policy should be included, we consider the wording should be modified to tie it into the other policies on plan preparation. Thus, we recommend it read, as **POL LW1.4:**

*When identifying methods and timeframes in regional plans to achieve limits and targets required by POL LW1.2(e) have regard to:*

- a) *allowing reasonable transition times and pathways to meet any new water quantity limits or new water quality limits included in regional plans. A reasonable transition time is informed by the environmental and socio-economic costs and benefits that will occur during that transition time; and*

- b) promoting and enabling the adoption and monitoring of good land and water management practices.

**POL LW2 & Table 1 – Prioritising Values**

270. The purpose of this policy and accompanying table, as explained in the explanation to it as notified, is to prioritise values within three catchments where there are existing conflicts between competing values. This drew a large number of submissions seeking deletion or amendment, including adding additional values and re-prioritising some values.
271. In the s.42A Report the Officers recommended amendments to POL LW2 in an attempt to make it clear that the priorities in Table 1 applied as an interim measure until regional plans were prepared for the identified catchments, and when preparing regional plans for those catchments. Due to the recommended changes to OBJ LW1 and POL LW1, including the addition of OBJ LW2 and POL LW1A and POL LW1B, the Officers also recommended consequential amendments to POL LW2.
272. The Officers also recommended a series of amendments to Table 1 in response to submissions. The s.42A Report noted that there had been various community engagement opportunities over recent years to identify important values and uses in different catchments, but stakeholders had been reluctant to rank the values and address the conflicts between values. This policy and Table 1 were proposed as a means of doing that.
273. At the hearing, submissions from the Fertiliser Assn, Fonterra and Federated Farmers supported the amended version of POL LW2 and Table 1 in the s.42A Report. Horticulture NZ sought minor amendments to Table 1 or the explanation.<sup>83</sup> Ms Marr, for HBF&G, considered that the priorities set in Table 1 should be deleted and a robust process informed by community and stakeholder consultation should be undertaken before priorities are set.
274. When we questioned her, Ms Marr clarified that the HBRPS could be the most appropriate document to set the priorities, but accepted that we were in no better position than the Officers in prioritising values. She was not necessarily of the view that there was a need to set priorities.
275. We agree with the comment made in the Officers' Reply that to delete Table 1 would create a policy vacuum and provide no assistance in reconciling conflicting values. Such a circumstance would inevitably lead to re-litigation of the ranking of values for each resource consent.

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<sup>83</sup> Ms Wharfe, Evidence paragraphs 99-102, p.14



276. We heard no specific evidence on values that would provide a scientific basis for altering the priorities listed in Table 1 as recommended in the s.42A Report. In the absence of such evidence, and given the support for the Table stated by several submitters at the hearing, we recommend that Table 1 as amended in the s.42A Report be adopted.
277. We consider the POL LW2 requires some wording changes to make explicit what it is seeking to achieve, particularly given the changes we are recommending to the preceding two objectives and four policies. With the insertion of the three additional policies it is necessary for the clauses within the policy to refer to the properly numbered policies. We note also that as notified POL LW2 was actually 3 policies, and with the addition of a further policy in the s.42A Report, it is four policies.

Policy LW2 Recommended Text

278. We recommend the POL LW2 be amended to read:

**POL LW2 Problem solving approach – Prioritising values**

1. Give priority to maintaining or enhancing the primary values and uses of freshwater bodies shown in Table 1 for the following catchment areas in accordance with POL LW2.3:
  - a) Greater Heretaunga / Ahuriri Catchment Area;
  - b) Mohaka Catchment Area; and
  - c) Tukituki Catchment Area.
- 1A. Policy LW2.1 applies:
  - a) when preparing regional plans for the catchments specified in POL LW2.1; and
  - b) when considering resource consents for activities in the catchments specified in POL LW2.1 when no catchment-based regional plan has been prepared for the relevant catchment.
2. In relation to catchments not specified in POL LW2.1 above, the management approach set out in POL LW1.1, POL LW1.2, POL LW1.3 and POL LW1.4 will apply.
- 2A. In relation to values not specified in Table 1, the management approach set out in POL LW1.1, POL LW1.2(a), (c), (d) and (e), POL LW1.3 and POL LW1.4 will apply.

3. Manage the fresh water bodies in the catchments listed in POL LW2.1 in a manner that:
  - a) recognises and gives priority to maintaining or enhancing primary values and uses identified in Table 1; and
  - b) avoids as far as is reasonably practicable, significant adverse effects on secondary values and uses identified in Table 1; and
  - c) uses an integrated catchment-based process in accordance with POL LW1.1, POL LW1.2, POL LW1.3 and POL LW1.4 to evaluate and determine the appropriate balance between any conflicting primary values and uses in Table 1.

### **Policy LW3**

279. This policy is directed to dealing with contaminants from production land entering water bodies. The three contaminants dealt with are nitrogen, faecal matter and phosphorous.
280. Submissions on this policy were directed at amendments to the wording rather than deletion of the policy. Submission 4.6 sought the replacement of "manage" with "control". We agree with the comment in the s.42A Report that control implies regulation, whereas manage suggests a broader approach. In the context of the HBRPS we consider manage to be the appropriate term.
281. Submissions 9.13 and 12.5 sought to move the focus from managing production land to managing the effects of land use. Ms Dasent, for Federated Farmers, suggested that as production land was not the sole source of nitrogen contamination of water, the policy should not be focused on production land. She referred to scientific studies showing the contribution to nitrogen discharges made by gorse covered land and provided us with a copy of a scientific paper on this point. She also referred to the contribution to nitrogen discharges made by lifestyle blocks. Ms Dasent also provided us with references to the Waikato Regional Council's rules on nitrogen discharges in the Lake Taupo catchment. We note that the policy in the Waikato Regional Plan (Policy 3.10.3) provides for enabling low nitrogen leaching activities and controlling all others. We do not see the focus on production land in POL LW3 to be inconsistent with the approach taken in Waikato Region.
282. Submission 16.13 sought changes that would take into account existing investment and ability of production land to meet nitrogen limits that are set in

regional plans. In her evidence for the submitter, we understood Ms Wharfe to not maintain support for that submission, but rather to have the policy focused on the discharge of nitrogen from the root zone of crops or plants grown on production land. We agree that is an appropriate focus.

283. Horticulture NZ also sought provision in the policy for audited self-management programmes as a means of achieving good practice. The Officers recommended in their Reply that the "Principal reasons and explanation" to POL LW3 could be amended to include such a reference.
284. Submissions 13.57, 13.58, 13.59 and 13.60 sought a number of amendments to POL LW3. Ms Marr's evidence focused on the use of the term "specified catchments" in the introductory phrase. She noted that the HBRPS provided no guidance as to when catchments would be specified as requiring contaminant management, leading to future inefficient arguments at each plan change. The Officers accepted that evidence and recommended in their Reply that "specified catchments" be deleted from the policy.
285. Ms Marr also commented on the seemingly inconsistent use of the terms "limits" and "limits or targets" and suggested the latter should be used in this policy. "Limit" and "target" are defined in the NPSFM. The use of limit in this policy is consistent with the meaning given in the NPSFM. However, target, as defined, only applies in the context of over-allocation. Thus it has a very circumscribed meaning, and one which would not be applicable in this policy. We therefore recommend "target" be deleted from clause (c).
286. The s.42A Report recommended a number of amendments to this policy to take account of the range of submissions. With those amendments, plus those discussed above, we are satisfied that the policy provides appropriate direction on this issue. We recommend it read:

**POL LW3 Problem solving approach – Managing use of production land use**

1. To manage the use of, and discharges from, production land so that:
  - a) the loss of nitrogen from the root zone of crops and plants grown on production land and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded;
  - b) the discharge of faecal matter from livestock to land, and thereafter to groundwater and surface water, does not cause faecal indicator bacteria

water quality limits for human consumption and irrigation purposes set out in regional plans to be exceeded;

- c) the loss of phosphorus from production land into groundwater or surface water does not cause limits set out in regional plans to be exceeded.

2. To review regional plans and prepare changes to regional plans to promote integrated management of land use and development and the region's water resources.

#### **Policy LW4**

287. This policy is described in the heading as setting out the non-regulatory methods for implementing the objectives. Submissions focussed on two issues:

- The non-inclusion of references to industry good practice methods; and
- The inclusion in clause (d) of reference to regulatory methods.

288. The s.42A Report recommended amendments dealing with both of those issues. The only comment we heard on the amended version at the hearing, other than outright support, was from Ms Wharfe who suggested that audited self-management programmes should be mentioned in other policies as an alternative to regulatory methods. We did not understand her to oppose the inclusion recommended by the Officers in this policy.

289. We agree that the amended version of this policy provides an appropriate way to implement the objectives via non-regulatory methods.

#### **Section 32 Assessment of Policies**

290. Although s.32 requires a consideration of each individual policy, we consider that formulation of Policies LW1, LW2, LW3 and LW4 as an integrated whole requires a consideration of them as a group. We also consider that s.32 cannot be seen in isolation. In particular, where, as the case of Change 5, provisions are necessary to give effect to a national policy statement, a policy's efficiency and effectiveness must be considered in that context.

291. Objectives LW1 and LW2 set out a goal of achieving integrated and sustainable management of fresh water and land use and development, including managing multiple and competing values and uses of those resources. The objectives include a goal of, where possible, setting priorities between reasonably foreseeable conflicts between such competing uses for the protection and use of fresh water resources.

292. The four policies within Policy LW1 establish a process for giving effect to those objectives on a catchment by catchment basis. This process does not prioritise potentially conflicting uses, but provides environmental bottom-lines in POL LW1.3 and a mechanism for prioritising conflicting values and uses in POL LW1.2.
293. The five policies in Policy LW2 and the accompanying Table 1 provide some prioritisation of values and uses in three catchments where conflicts are known or reasonably foreseeable.
294. The potential cost of uncertainty of outcome of the process in POL LW1 is tempered somewhat by the benefits of increased certainty provided by POL LW2 in the three catchments under the most pressure.
295. Notwithstanding the potential cost of uncertainty, the process in POL LW1 will provide an ultimate benefit via the development of catchment-based regional plans which will improve the management of fresh water and land uses. Such benefit will be in addition to complying with the requirement to give effect to the NPSFM.
296. Policies LW3 and LW4 fit into this regime by setting out the types of methods available in preparing regional plans. Thus they complement the roles of POL LW1 and POL LW2 and assist those policies in implementing Objectives LW1 and LW2, and ultimately, in giving effect to the provisions of the NPSFM. While there may be costs arising from the implementation of these policies, particularly private costs under POL LW3, these would be outweighed by the benefits of achieving the objectives and giving effect to the NPSFM.
297. We have discussed above in detail our reasons for the wording we have finally recommended. Taking those reasons into account, and costs and benefits of the policies discussed above, we are satisfied that in combination, they are the most appropriate policies for achieving the objectives.

### **Anticipated Environmental Results**

298. The Anticipated Environmental Results ("AERs") reasonably reflect what could be expected from the preceding policies. Some minor changes were sought by submissions 12.7, 12.8, 12.9 and 19.2 which the s.42A Report recommended be accepted.
299. Submission 13.62 sought the replacement of the table with one consistent with the policies the submitter sought to be included. That submission was predicated upon the other submissions being allowed. While we are recommending that some of those submissions be allowed in part, we do not

consider that leads to a complete replacement of this table. However, we do recommend further amendments beyond those proposed in the s.42A Report below.

300. Submission 23.15 sought inclusion of reference to tikanga Māori in the table. Taking into account tikanga Māori and the values therein is not an environmental result. In any event, we are satisfied that the provisions, in the form we are recommending them, require proper consideration of Māori values.
301. We did raise with the Officers an issue with AER 7 as recommended in the s.42A Report. The result was to be revised to read "Water storage projects are developed to provide increased water availability and security to water users". We understood this phrase to refer to a variety of water storage projects. However, the indicator "Commissioning of large-scale water storage feasibility reports" remained. We did not see any logical link between the commissioning of feasibility reports for large-scale projects and increasing water availability and security.
302. In their Reply the Officers accepted our comments and suggested further amendments to AER 7. In particular they recommended as an indicator "Improved security of supply for users in times and places of water scarcity". They also recommended removing "projects" from the anticipated result.
303. We still consider that is too constraining. In our view, water storage is concerned with ensuring regular availability of water, rather than just filling gaps at times of natural scarcity. For that reason we have amended this to read "Improved security of supply for users".
304. With that change we accept the version of the AERs provided by the Officers in the Reply.

**Subject to OBJ LW1**

305. As notified, Change 5 proposed to amend a series of objectives and policies elsewhere in Chapter 3 to include the term "subject to Objective LW1".
306. In the s.42A Report the Officers recommended removing this phrase from the affected objectives and policies, as sought by a series of submissions by HBF&G. We agree that if the HBRPS is to be read a whole, with all objectives and policies being potentially relevant to any plan preparation or resource consent application, then it is inappropriate for some objectives and policies to be

subject to another one, even if it does have an aim of overall integration of activities and uses.

307. We recommend the phrase "subject to Objective LW1" as proposed to be inserted in Objective 22, Objective 25, Objective 27, Objective 27A, Policy 47, Policy 47A, Objective 29, Objective 30 and Policy 53 not be inserted in those objectives and policies.

#### **Amendments to Chapter 3.4**

308. Change 5 proposed amendments to this Chapter to create a separate objective in relation to wetlands and insert a new policy mentioning the use of regulatory methods to protect significant values of wetlands.
309. Several submissions suggested the additional objective would weaken the protection given to wetlands<sup>84</sup>. Other submissions sought changes which would have weakened that position further<sup>85</sup>.
310. The s.42A Report recommended reversion to the operative version of Objective 15 and the reinstatement of the words the notified version of Change 5 proposed to delete from the introductory part of Policy 4. The s.42A Report accepted that the separate objective could weaken the protection of wetlands and be inconsistent with s.6 of the Act. The Report recommended the reinstatement of the reference to "ecologically significant wetlands" in Policy 4 was needed to give effect to the reinstated Objective 15. The Report recommended the adoption of the amendments proposed in clause (b) of Policy 4.
311. The Officers contended that Policy 4A needed to remain as that policy enabled a range of methods to assist in the implementation of OBJ LW1.1A.
312. We agree with that approach and recommend accordingly. Thus, OBJ 15 remains unaltered and OBJ 15A in the notified version is not adopted. We recommend POL 4A and amendments to POL 4(b) are adopted, while the remainder of POL 4 remains unaltered.

#### **Amendments to Chapter 3.8 and Chapter 5.6**

313. Change 5 proposes deleting Objective 21, amending Objective 22, amending Policy 16 and amending the AERs in Chapter 3.8. Consequent upon deleting Objective 21 and amending Objective 22, it proposes deleting and amending Objectives 42 and 43 respectively in Chapter 5.6. We have discussed above

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<sup>84</sup> Submission 18.5, 18.6, 13.64, 13.65, 13.68.

<sup>85</sup> Submissions 4.10, 16.15.

that these latter objectives repeat the former and that we agree that it is appropriate for that consistency to remain.

314. Several submissions opposed the deletion of Objective 21<sup>86</sup>. In broad terms there was a concern among these submitters that removal of Objective 21 would allow degradation of the Heretaunga and Ruataniwha aquifer systems.
315. We consider the deletion of Objective 21 needs to be seen in the light of the amendments proposed to Objective 22. We consider the proposed amendments to that objective protects the quality of the water quality in the two aquifers by requiring that it remain suitable for human consumption and for irrigation use without treatment, other than treatment required due to the natural water quality. No evidence was presented opposing those particular values. We agree with the s.42A Report that the inclusion of absolute statements such as "no degradation" in an objective does not represent sound resource management practice.
316. Submission 9.9 sought to amend Objective 22 further by adding at the end "as determined by the Ministry of Health standards". We do not think this adds anything to the objective, and could potentially debase it depending upon the formulation of those standards. For some parameters, irrigation use may require higher standards than human consumption, but that would not be reflected in the standards.
317. Submission 23.20 sought the further amendment of Objective 22 so that it merely stated "The sustainable management of groundwater quantity in the Heretaunga Plains and Ruataniwha Plains aquifer systems and unconfined or semi-confined aquifers."
318. We consider such an approach, even with the retention of Objective 21, would lead to a diminution of both water quality and water quantity in such aquifers as compared to the operative provisions and those proposed by Change 5.
319. Change 5 proposed amending Policy 16 by adding an additional bullet point to the end of the list. Submission 9.14 sought the deletion of this addition.
320. In the s.42A Report the Officers recommended allowing Submission 9.14 as the addition was inconsistent with the remainder of the policy, which was directed to point-source discharges. We agree with that and also note that with the inclusion of POL LW3 non-point discharges are able to be more appropriately dealt with.

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<sup>86</sup> Submissions 8.10, 11.4, 13.69, 18.7, 22.1, 23.19, 28.26.



321. Change 5 proposed amendments to the AERs to make the result consistent with the reworded Objective 22 and to include E. coli levels as an indicator. Submission 28.32 sought additional indicators be included and the s.42A Report recommended that be allowed in part by including "Organic and inorganic determinands of significance in NZ Drinking Water Standards".
322. It is appropriate for the Anticipated Result to be consistent with the relevant objective, and that the two additional indicators are appropriate for measuring whether the Anticipated Result is being achieved.
323. We recommend that Objectives 21 and 42 be deleted, Objectives 22 and 43 be amended as in the notified version of Change 5, and the AERs be amended as shown in the s.42A version.

### **Amendments to Chapter 3.10**

#### Issue Statement

324. Change 5 proposes the amendment of clause (b) of the Issue Statement in this Chapter to include reference to production land use activities as a source of non-point discharges. Submission 4.12 sought to additionally modify clause (b) and (c) so that point and non-point source discharges are seen only as potentially causing contamination in place of the direct causal link in the existing statement. We doubt that this is actually "on" the Change, but even if it were, the definition of contaminant in the Act is such that there must be a direct link. We take from the evidence of the submitter tabled at the hearing that it is really to level of adverse effects the submitter is referring to, rather than whether there is no introduction of contaminant in some circumstances.
325. Submissions 23.9 and 28.34 sought the addition of additional clauses on this Issue. Again we doubt that these are "on" the Change. However, the s.42A Report notes that the matters raised in these submissions are already dealt with in Chapter 3.8. We agree that these additions are not necessary.
326. Submission 12.16 sought the deletion of the reference to production land use activities. The submitter's reason was essentially that to identify this use was to pick out one of several. This was similar to the argument the same submitter used in respect of POL LW3. We consider, given the broad definition of production land in the Act, that the clause should be modified as Change 5 proposes.

Objective 25

327. Change 5 proposes amending Objective 25 by including wetlands and some amendments to the grammar. Other than two submissions, the submissions supported these amendments.
328. Submission 28.35 sought to include "enhance" within Objective 25 so the water quantity was suitable for sustaining and enhancing aquatic ecosystems. We are unsure why Objective 25 only seeks to sustain aquatic ecosystems, while Objective 27 seeks to sustain and improve aquatic ecosystems. However, we doubt that the submission is truly within the scope of Change 5 as this Change is not proposing to change this aspect in either Objective 25 or Objective 27. We recommend that submission be rejected.
329. Submission 11.8 sought the retention of "the maintenance of" within the objective. The submitter contended that to remove it was contrary to the Council's duties under s.30 of the Act. We are satisfied that the objective can achieve the same purpose without those words and recommend this submission be rejected.
330. We consider the change proposed to Objective 25 is necessary to give effect to the NPSFM and retain consistency with OBJ LW1 and should be confirmed.

Objective 27

331. The amendments proposed to Objective 27 extend the purpose of water quality to sustaining or improving other freshwater values identified by the catchment-based process set out in POL LW2. In the s.42A Report this was further amended to refer to the additional policies recommended in that report.
332. Submission 11.9 sought the retention of maintenance and enhancement for similar reasons to those discussed above in relation to Objective 25. We recommended that be rejected for the same reasons we gave in respect of Objective 25.
333. Submission 9.10 sought the inclusion of "and irrigation" after contact recreation. We consider the references to the other values determined in accordance with the process set out in POL LW1 and POL LW2 encompasses irrigation and so this amendment is unnecessary.
334. Submission 13.75 sought deletion of the reference to POL LW2. We consider it is appropriate to cross-reference the policies where the catchment-based process is set out and therefore recommend rejecting this submission.

335. Submission 28.36 sought the deletion of “where appropriate” at the end of the objective, and submission 25.13 sought its retention. This applies to the phrase “including contact recreation purposes”. Given the wording we are recommending for POL LW1.2, we do not consider this objective needs to refer to contact recreation. However, there is no jurisdiction to remove those words from the objective. We recommend retaining the “where appropriate” as the catchment-based process will determine the locational appropriateness.
336. We recommend changing Objective 27 as set out in the s.42A Report subject to changing the references to the other policies to reflect the revised numbering we are recommending.
- Objective 27A
337. This new objective is aimed at maintaining or enhancing riparian vegetation. As notified it referred to “remnant indigenous riparian vegetation”. Clarification was sought of the term “remnant”<sup>87</sup>.
338. The s.42A Report noted that in Chapter 3.4 provisions refer to preserving or enhancing “remaining areas of significant indigenous vegetation” and recommended that term be used in this objective.
339. Submission 13.76 sought the objective refer to the benefits of all riparian vegetation. The s.42A Report suggested such amendment was unnecessary as the Explanation and Reasons to the objectives in chapter 3.10 already referred to riparian vegetation, including non-indigenous vegetation.
340. We agree that the explanation and Reasons in Chapter 3.10 provides a useful explanation as to how riparian vegetation can assist in maintaining and enhancing water quality. There is nothing in that explanation that suggests that indigenous vegetation is more useful in this respect than non-indigenous. As this objective is fundamentally concerned with surface water quality, we see no reason why it should be confined to indigenous vegetation. If it was concerned with protecting remaining areas of indigenous vegetation then that would be different, but that is covered by Objective 15 in Chapter 3.4. We recommend that the objective be amended to refer to all riparian vegetation.
341. Submission 28.37 sought an additional clause reading “support tikanga Māori and uses of natural resources”. The s.42A Report recommended this be accepted.

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<sup>87</sup> Submissions 14.3 and 24.3.

342. We are concerned that as proposed this is not confined to surface water quality but is very broadly expressed. With an amendment for it to refer to surface water resources rather than natural resources, we consider it an appropriate addition to this objective.

343. We recommend Objective 27A read:

Riparian vegetation on the margins of rivers, lakes and wetlands is maintained or enhanced in order to:

- (a) maintain biological diversity;
- (b) maintain and enhance water quality and aquatic ecosystems; and
- (c) support the use of surface water resources in accordance with tikanga Māori.

#### Policy 47

344. Change 5 proposed to insert reference to wetlands in this policy, and that activities were to be managed in accordance with Objectives 25 and 27.

345. Submission 4.15 sought to change “manage” to “control”. We have dealt with the same type of submission earlier. The policy is within the HBRPS and it is appropriate for policies in regional policy statements to talking of managing activities. We recommend that submission be rejected.

346. We agree that it is appropriate to extend the policy by including reference to wetlands so as to better give effect to the NPSFM.

347. We are unsure why the policy refers to Objectives 25 and 27. The role of Policy 47 is to implement those objectives, amongst others. As the environmental guidelines and implementation approaches referred to in the policy are in the regional plan, they should be giving effect to Objectives 25 and 27, as well as others in the HBRPS. We consider these words unnecessary.

#### Policy 47A

348. This policy promotes land-based disposal of waste water, solid waste and other waste products. Most of the submissions sought to achieve greater certainty that land-based disposal would be the predominant option. Central Hawke's Bay District Council had concerns with the definition of best practicable option and whether existing investment in disposal systems would be taken into account.

349. We agree with the s.42A Report that the process for regional plan development and resource consent consideration in POL LW1 and POL LW2 require the type of balancing of costs and benefits that should satisfy the District Council's concerns. We do not recommend any amendments due to that submission.
350. We agree with the s.42A Report that it is not possible to prohibit all disposal to water and that the clarification proposed by the addition of clause (aA) that where any discharge had to be to water, the adverse effects were to be remedied or mitigated, is appropriate. We note that it is preferable for decision-makers to have a set of criteria such as this than to be making decisions on waste discharges in a policy vacuum. This policy sets clear guidance for both applicants and decision-makers and we recommend its adoption in the form included in the s.42A Report.

### **Policy 50**

351. Change 5 proposes to amend clause (b) of this policy to add at the end "particularly those values and uses identified in Objective LW1 and Policy LW2".
352. Submission 12.24 supported this amendment. Submission 13.81 sought deletion of the references to Objective LW1 and Policy LW2.
353. We accept that it is appropriate for this policy to refer to values and uses identified by or described in the policies setting out the catchment-wide management process. We consider that the wording should differ somewhat from that proposed in the s.42A Report to take account of the re-arrangement we are recommending to those policies. We recommend this amendment be adopted with the wording as set out in Appendix C.

### **Amendments Proposed to Glossary**

354. Change 5 proposes the addition of four new definitions and an amendment to the definition of wetland. There were no submissions in respect of the four additional definitions: catchment area; Greater Heretaunga/Ahuriri Catchment Area; Mohaka Catchment Area; and, Tukituki Catchment Area. We recommend those be adopted.

#### Wetland

355. The amendment to the definition of wetland involved adding a statement at the end listing exclusions which did not apply in the HBRRMP. These were largely copies from footnotes scattered throughout the operative HBRRMP listing exclusions to the meaning of wetland in specific circumstances. In large

part, therefore, Change 5 changes particular definitions to a general one that applies throughout the HBRRMP.

356. The one exception this is the change of exception (a) to “wet production land”. In footnotes in the operative HBRRMP the first exception is listed as “wet pasture”.
357. Four submissions were lodged on this definition. Submission 12.12 sought the deletion of “created for beautification purposes” from the final exclusion, effectively excluding all artificial wetlands in addition to those used for wastewater or stormwater treatment (exclusion (b)). We do not agree that the generality of artificial wetlands should be excluded from the definition as frequently artificial wetlands are offered as a mitigation or environmental compensation measure. Such wetlands are intended to have natural values that should be treated in the same manner as natural wetlands by the HBRRMP. We recommend this submission be rejected.
358. Submissions 21.16 and 27.6 sought to delete the exclusion for “wet production land”. Submission 13.63 proposed a replacement definition which reworded the exclusions, including some matters not covered by the Change 5 definition.
359. In the s.42A Report the Officers recommended that exclusion (a) be reworded to “wet pasture land”. They considered the use of the term “production land” could have unintended consequences, such as excluding areas of high biodiversity value that are occasionally grazed by stock.
360. At the hearing, Ms Wharfe raised the concern that even “wet pasture land” could have unintended consequences and particularly affect fruit and vegetable growers. After some discussion about horticulture crops that require a wet environment, Ms Wharfe agreed that the inclusion of “cropping land” in the exclusion would be satisfactory. The Officers agreed with that suggestion in their Reply. We are satisfied that the exclusion of wet pasture and cropping land provides the appropriate level of exclusion to replace production land and so recommend.
361. TrustPower lodged a further submission supporting submission 13.63 because the definition proposed in that submission included an exclusion of “any hydroelectric power generation scheme”. Ms Foran provided evidence at the hearing as to the importance of having wetlands associated with hydroelectric facilities excluded from the definition of wetland. She clarified after the hearing that the real concern was with wetlands that arose in association within the

operational or construction footprint of hydroelectric power schemes, rather than mitigation wetlands.

362. In the Reply the Officers proposed an exclusion to cover this worded: *"reservoirs, dams and other areas specifically designed and established for the construction and/or operation of [a] hydro-electric power scheme"*.

363. We agree that it is not sound resource management practice to include operational wet areas within the definition of wetland. As Ms Foran noted, such areas would be established as a result of resource consents and be subject to conditions and other controls. We agree that the exclusion should be added to the definition of wetland.

#### Catchment-based Process

364. Submission 9.11 sought the inclusion of a definition of "catchment-based process", although it did not provide wording of such a definition. The context of this submission was the reference in amended Objective 27 to *"freshwater values identified in accordance with a catchment-based process as set out ..."*. The submitter considered the term was not well-defined and a definition was required.

365. We consider that the amendments we are recommending to Policies LW1 and LW2 and the consequent reference to those in Objective 27 makes the meaning clearer than it was in the notified version of Change 5, and consequently no new definition is required. We recommend this submission be rejected.

#### Efficient Allocation

366. Submission 16.21 sought the inclusion of a definition of "efficient allocation and use" and submission 17.16 sought the inclusion of a definition of "efficient allocation".

367. The s.42A Report recommended a definition based on that given in the NPSFM with clarification of what the terms economic efficiency, technical efficiency and dynamic efficiency meant for the purpose of the HBRRMP.

368. Ms Wharfe provided us with several pages of evidence on this definition at the hearing. She did not consider the definition proposed in the s.42A Report was adequate and suggested the definition contained in the first report of the Land and Water Forum would be more appropriate.

369. On a careful reading of Ms Wharfe's argument and her preferred definition<sup>88</sup> when considered against that recommended in the s.42A Report<sup>89</sup>, we can find little substantive difference. We are satisfied that the s.42A version gives effect to the NPSFM in a way that provides clarity to water users in Hawke's Bay and recommend it be adopted.

#### Other Definitions

370. The s.42A Report recommended the inclusion of five additional definitions: Freshwater objective; Limit; NPSFM; Outstanding freshwater body; and, Target. The definition of NPSFM read "National Policy Statement for Freshwater Management 2011". Each of the other terms was defined as "has the same meaning as given in the NPSFM's interpretation section."

371. We are not aware of any submissions seeking the inclusion of these definitions. However we consider them to be consequential amendments resulting from the use of the terms defined in the NPSFM in Change 5 when giving effect to the NPSFM. We recommend they be adopted.

#### **Other Submissions**

372. Theme #120 of the s.42A Report<sup>90</sup> dealt with two submissions that sought the withdrawal of Change 5 and a number of general submissions that did not relate to a specific provision, or were non-specific as to the decisions sought.

373. Rather than traverse all of those submissions individually we record that we agree with and adopt the contents of that section of the s.42A Report. Our recommendations in respect of each of those submissions is included in the table in Appendix B.

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<sup>88</sup> Ms L Wharfe, Evidence, paragraph 69. P.10

<sup>89</sup> Ibid, paragraph 66, p.9.

<sup>90</sup> Pages 63-64



**RECOMMENDATION**

We recommend that the Council allow, allow in part, or reject the submissions and the further submissions on Change 5 as set out in Appendix B for the reasons set out in the body of the Report.

The text of Change 5, as amended by allowing, allowing in part, or rejecting the submissions and further submissions as set in Appendix B, is included in Appendix C.

Signed



**Mr Denis Nugent (Chair)**



**Dr Roger Maaka**



**Mr Michael Mohi**

**20 May 2013**

**APPENDIX A – DECISION ON PROCEDURAL ISSUE**

**IN THE MATTER**

of the Resource Management  
Act 1991 (the Act)

**AND**

**IN THE MATTER**

of the Hawke's Bay Regional  
Policy Statement

**AND**

**IN THE MATTER**

of hearing of Submissions on  
Plan Change 5

**ORAL DECISION ON CHALLENGES TO THE  
COMPOSITION OF THE HEARING PANEL  
ISSUED BY COMMISSIONER NUGENT ON 10 APRIL 2013**

Hawke's Bay Fish & Game (Fish & Game) have raised a concern that two panel members, Commissioner Scott and Commissioner Maaka have conflicts of interest that preclude them hearing and deliberating on Change 5 to Regional Policy Statement.

I have been delegated the Council's powers under s.34A of the Act to hear submissions on this matter and to decide how to proceed.

The issue was originally raised in a letter from Berry Simons dated 3 April 2013. This was circulated to other submitters and a number of submitters communicated with the Council expressing their support of Fish & Game to various degrees.

On 10 April 2013, I heard from Mr McIntosh of Hawke's Bay Fish & Game on this matter. He identified that it was the appointment of Commissioners Scott and Maaka that was the real concern, and specifically in relation to those parts of Change 5 that related to water storage.

Mr Renouf supported Fish & Game but expressed a reluctance to isolate the water storage part of Change 5 for hearing and decision making purposes.

I also heard from Mr Bailey for HB Branch of Green Party, Mr Scott representing the HB Environmental Group, Mr Cheyne for Te Taiao HB Environmental Forum, Ms Whyte for Ngati Kahungunu Iwi Inc and Mr Belford. All of these people sought the replacement of Commissioners Scott and Maaka.

Ms Whyte also noted the written submission of Ngati Kahungunu suggested there was some conflict of interest issue raised in respect of the appointment of Commissioner Mohi. When asked, Ms

Whyte confirmed that Ngati Kahungunu Iwi would want to maintain the co-governance arrangement on the Hearings Panel with at least 1 and preferably 2 Māori members.

I have also read and considered the written submissions received on this issue.

Commissioner Scott explained that she saw her role as representing the whole region as a councillor but accepted there was a perception that she had a conflict between her directorship of Hawke's Bay Regional Investment Company Ltd (HBRIC) and her hearing Change 5.

Commissioner Maaka noted that while he had some sympathy for the views expressed, he considered there was no conflict between his roles in Māori leadership and membership of this panel. He noted that his appointment as Cultural Adviser to a HBRIC Board sub committee was subsequent to his appointment to this Panel.

Commissioner Mohi outlined his involvement in conservation work for Maoridom and his roles on the HBRC Māori Standing Committee.

Mr Toro Waaka outlined the basis of co-governance in the HBRC and how important it was for the expression of Tino Rangitairitanga and Kaitiakitanga that Maori representation on the panel continue and that it be comprised of local tangata whenua.

For the Council, Ms Bloomfield identified both the importance of co-governance and local representation in the process. However, if necessary the Council was prepared to have Change 5 heard solely by myself. The Council was concerned that replacing commissioners would lead to a delay.

In reply, Mr McIntosh proposed the matter could be resolved by having myself, Commissioner Mohi and 1 or 2 others comprise the Panel. He supported Commissioner Mohi being on the panel. He considered it would be cleaner to have one complete Panel hear the whole change.

In dealing with conflicts of interest, perception is often as important as the actual existence of a conflict. This Change relates to the integrated management of water and land uses: a contentious matter at the best of times. It is important the decision on submissions be accepted by both the Council and the community as being well considered and fair.

It is clear, and Commissioner Scott accepts, that there is a perception that she has an interest in proceeding the Ruataniwha dam project that could conflict with her giving even-handed consideration to parts of Change 5. While Change 5 is a high level set of objectives and policies for inclusion in the RPS, they will in time direct the way regional and district plans manage integrated water and land use.

In the strict legal sense, there is no conflict in Commissioner Scott's roles. However, I consider the importance of Change 5 to the region is such that the public perception is the over-riding concern. On that basis I conclude that Commissioner Scott should not hear Change 5. I do note, that as the Hearing Panel only has the power to recommend to Council on the submissions, Commissioner Scott will not be disbarred from her role as a Councillor on dealing with those recommendations when received by Council.

Commissioner Maaka's recent appointment as cultural adviser to a subcommittee of HBRIC is, in my view, so recent as to not represent a conflict of interest. Fish & Game's initial view was based on an apparent misapprehension that Commissioner Maaka was a director of HBRIC.

Ms Aitkins for Horticulture NZ suggested that Commissioner Maaka made public statements in support of the scheme, quoting him as saying that he "sees that the scheme in its entirety has huge potential for Māori in Hawke's Bay, and the region as a whole." This statement is really a matter of fact rather than a matter of opinion and does not express support for the Ruataniwha Dam.

That was the sole instance raised by any submitter in respect of Commissioner Maaka. I do not consider that constitutes a conflict of interest, nor that it would create a perception of such a conflict.

Although the matter was raised by Ngati Kahungunu Iwi Inc, supported by Taiwhenua o Heretaunga, no one, including those submitters, pointed to any conflict of interest held by Commissioner Mohi. In fact, Fish & Game supported his continued involvement on the Panel.

I have reached the conclusion that three members of the Panel can continue to hear these submissions on Change 5. With myself in the chair, and Commissioners Maaka and Mohi we will satisfy the need to retain co-governance at this level and retain local knowledge. To delay the process to appoint a fourth member would most likely lead to the appointment of a commissioner from outside of the region. That would not further either co-governance nor increase local knowledge.

**D Nugent**  
**Commissioner**  
**11 April 2013**

## **APPENDIX B – DETAILED LIST OF SUBMISSIONS AND RECOMMENDATION ON EACH**

### NOTES:

1. Due to database software limitations, conventional styles for depicting text requested to be added or deleted cannot be used in this appendix. Instead, in this appendix, text requested to be inserted is underlined and text requested to be deleted is represented as [*italics in square brackets*].
2. In this appendix, the relief granted in relation to further submissions appears in coded form as follows:

A = Accept

P = Accept in Part

R = Reject

**Submitter Name: Belford, Tom**

**Summary of Decision(s) Requested for Submitter Number:**

**1**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 OBJ LW1	No specific decision requested, but refers to opposing OBJ LW1 insofar as it fails to give adequate priority to aesthetic, recreation, amenity and natural character values of water ways in Hawke's Bay.		Accept in Part	102
	F 35 / 1	HB Fish & Game Council et al	Support	P	

**Submitter Name: Central HB District Council**

**Summary of Decision(s) Requested for Submitter Number: 2**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 POL LW2 Tab	Amend POL LW2 Table 1 so bullet point for Primary value/use in Tukituki Catchment Area reads: "- urban water supply for towns and settlements, including <u>irrigation water for Council parks and reserves</u> "		Accept in Part	105
		F 37 / 47 Horticulture NZ	Oppose	P	
2	C5 POL 47A	No specific decision requested, but refers to relevance of Policy 47A to CHBDC's investment in proposal to collect, treat and dispose of wastewater from Waipawa and Waipukurau townships.		Accept in Part	110
		F 35 / 2 HB Fish & Game Council et al	Oppose	P	
3	C5 OBJ 27	No specific decision requested, but refers to relevance of Objective 27 to CHBDC's investment in existing and new proposals to collect, treat and dispose of wastewater from townships (particularly new proposal for Takapau township).		Accept in Part	110
		F 35 / 3 HB Fish & Game Council et al	Oppose	P	



**Submitter Name: Department of Corrections**

**Summary of Decision(s) Requested for Submitter Number:**

**3**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 OBJ LW1	Amend OBJ LW1.5 to read "recognises the significant national and regional value of fresh water for human drinking and animal drinking uses <u>and for municipal water supply</u> "		Accept	102
		F 37 / 19 Horticulture NZ	Oppose in Part	P	
2	C5 POL LW2	Amend POL LW2 Table 1 by adding the following as a Primary value/use for the Heretaunga Catchment Area, Mohaka Catchment Area and Tukituki Catchment Area: " <u>Water supply for key social infrastructure such as hospitals, schools and prisons.</u> "		Accept in Part	105

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 ISS LW1	Retain Issue LW1 as notified.		Reject	102
		F 35 / 4 HB Fish & Game Council et al	Oppose	A	
2	C5 OBJ LW1	Amend OBJ LW1 to read: " <u>To control</u> [ <i>The management of</i> ] fresh water and land use and development in an integrated and sustainable manner that: 1) identifies outstanding freshwater bodies in Hawke's Bay region and <u>maintains, and where necessary enhances</u> [ <i>protects</i> ] their water quality; 2) [ <i>specifies targets and</i> ] implements <u>regulatory and non-regulatory</u> methods to <u>achieve</u> [ <i>assist improvements of</i> ] water quality <u>targets</u> in <u>degraded</u> catchments [ <i>to meet those targets</i> ] within specified timeframes; 3) recognises that land use, freshwater quality and surface water flows <u>can have adverse effects</u> [ <i>will impact</i> ] on the receiving environment..."		Reject	102
		F 34 / 9 HB Federated Farmers	Oppose	A	
		F 35 / 5 HB Fish & Game Council et al	Support in Part	P	
		F 35 / 11 HB Fish & Game Council et al	Support in Part	P	
		F 35 / 12 HB Fish & Game Council et al	Support in Part	P	
		F 37 / 20 Horticulture NZ	Support in Part	P	
3	C5 OBJ LW1	Retain OBJ LW1.6 as notified.		Accept in Part	102
4	C5 POL LW1	Amend POL LW1 to read: "To adopt [ <i>a whole catchment</i> ] <u>an integrated management</u> approach to [ <i>managing</i> ] fresh water and land use and development within each catchment area, that (in no particular order): a) is consistent with [ <i>the integrated management approach outlined in</i> ] OBJ LW1 b) <u>recognises and</u> provides for Maori values and uses of the catchment in accordance with tikanga Maori c) ... d) [ <i>protects</i> ] <u>maintains and where necessary enhances</u> water quality of outstanding freshwater bodies. e) ..."		Accept in Part	103
		F 35 / 6 HB Fish & Game Council et al	Support in Part	P	
		F 35 / 13 HB Fish & Game Council et al	Support in Part	P	
5	C5 POL LW2	Amend POL LW2 to read: "1. Subject to Objective LW1.1 to 1.10, recognise and give priority to maintaining and <u>where necessary</u> enhancing the primary values...." 2. In relation to catchments ... 3. Subject to Objective LW1.1 to 1.10, [ <i>manage</i> ] <u>control</u> the freshwater bodies listed in Policy LW2.1 in a manner that; a) recognises and gives priority to maintaining and <u>where necessary</u> enhancing primary values and uses identified in Table 1; and b) avoids as far as practicable, significant adverse effects on secondary values and uses identified in Table 1; and c) uses <u>an integrated</u> catchment-based process in accordance with POL LW1 to evaluate and determine the appropriate balance between any conflicting primary values and uses in Table 1."		Reject	105
		F 34 / 17 HB Federated Farmers	Oppose	A	
		F 35 / 7 HB Fish & Game Council et al	Support in Part	P	
		F 35 / 14 HB Fish & Game Council et al	Support in Part	P	
		F 37 / 44 Horticulture NZ	Oppose in Part	P	
6	C5 POL LW3	Amend POL LW3 so: 1. heading reads: "Problem solving approach - [ <i>Managing</i> ] <u>Controlling</u> use of production land use." 2. policy reads: "To [ <i>manage</i> ] <u>control</u> the use of [ <i>and discharge from</i> ] production land in specified catchments so that: [ <i>a</i> ] <u>the discharge of nitrogen to land, and thereafter to groundwater and surface water, does not cause catchment area or sub catchment area limits for nitrogen set out in regional plans to be exceeded;</u> <u>a)the loss of contaminants to groundwater and surface water, does not cause:</u> i) <u>the catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded; or</u> ii) <u>the faecal matter limits in respect of human consumption and irrigation guidelines for water quality set out in regional plans to be exceeded;</u> [ <i>b</i> ] <u>the discharge of faecal matter from livestock to land, and therefore to groundwater and surface water, does not cause human consumption and irrigation guidelines for water quality set out in regional plans to be exceeded;</u> b) any monitored exceedence of soluble reactive phosphorous limits set out in Policy 71 of this Plan is used to target and prioritise the Regional Council's non-regulatory methods."		Accept in Part	107
		F 34 / 18 HB Federated Farmers	Oppose	P	

		F 35 / 8	HB Fish & Game Council et al	Support in Part	P	
		F 35 / 15	HB Fish & Game Council et al	Support in Part	P	
		F 37 / 50	Horticulture NZ	Oppose in Part	P	
7	C5 POL LW4	Amend POL LW4 and Ch 4 of RRMP to explicitly provide for industry good practice within the non-regulatory methods for supporting the Plan's objectives.			Accept	108
8	C5 AERs Gen	Retain AERs in Ch 3.x as notified.			Accept in Part	102
9	C5 OBJs 15 & 15	Amend Objectives 15 and 15A as consequence of submitter's requested amendments to OBJ LW1.1. [refer Sub#4-2]			Reject	111
10	C5 OBJs 15 & 15	If OBJ 15 is retained, then amend OBJ 15A to read: " <i>[The management of] To control fresh water and land use and development in a manner which [protects] recognises and provides for the significant values of wetlands.</i> "			Reject	111
		F 34 / 27	HB Federated Farmers	Oppose	A	
		F 35 / 9	HB Fish & Game Council et al	Support in Part	P	
		F 37 / 56	Horticulture NZ	Oppose in Part	P	
11	C5 POL 16	Amend Policy 16 to read: "POL REGULATION - <i>[DISCHARGES OVER] LOSS OF CONTAMINANTS TO HERETAUNGA PLAINS AND RUATANIWHA PLAINS AQUIFER SYSTEMS</i> 3.8.13 To regulate the following activities involving the [discharges] <u>loss</u> of contaminants <u>to</u> [onto or into land over] the Heretaunga Plains unconfined aquifer area (as shown in Schedule Va) or Ruataniwha Plains unconfined aquifer systems: <i>[ the effects of land use activities on production land]</i> - The storage of stock feed - The use of compost, biosolids, and other soil conditioners - Animal effluent discharge - Management of solid waste - Existing domestic sewage disposal systems - New domestic sewage disposal systems - Stormwater discharges - <i>[discharges to land] loss of contaminants</i> that may enter water."			Reject	109
		F 37 / 59	Horticulture NZ	Support in Part	P	
12	C5 Ch 3.10 Issue	Amend Issue statement in RRMP Ch 3.10 to read: "The potential degradation of the values and uses of rivers, lakes and wetland in Hawke's Bay as a result of: a) the taking, use, damming and diversion of water, which may adversely affect aquatic ecosystems and existing lawfully established resource users, especially during droughts. b) <i>[Non point source discharges and] Stock access to water bodies and non-point source discharges (including production land use activities)</i> , which <u>may</u> cause contamination of rivers, lakes and wetlands, and degrade their margins. c) point source discharges which <u>may</u> cause contamination of rivers, lakes and wetlands."			Reject	110
		F 37 / 62	Horticulture NZ	Support in Part	P	
13	C5 OBJ 25	Retain amended OBJ 25 as proposed in Change 5.			Accept in Part	110
14	C5 OBJ 27	Retain amended OBJ 27 as proposed in Change 5.			Accept in Part	110
15	C5 POL 47	Amend Policy 47 to read: " <u>Subject to Objective LW1, [To manage] to control</u> activities affecting the quality of water in wetlands, rivers and lakes in accordance with Objective 25 and 27 and the environmental guidelines and implementation approaches set out in Chapter 5 of this Plan."			Reject	110
		F 34 / 31	HB Federated Farmers	Oppose	A	
		F 35 / 10	HB Fish & Game Council et al	Support in Part	P	
		F 37 / 63	Horticulture NZ	Oppose in Part	P	
16	C5 POL 47A	Amend POL 47A(a) to read: "(a) the adverse effects of contaminants entering surface water bodies or coastal water are avoided, <u>remedied or mitigated</u> as far as practicable;"			Reject	110

**Submitter Name: Fonterra Co-operative Group Ltd**

**Summary of Decision(s) Requested for Submitter Number:**

**5**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief Hrg Theme#
1	C5 General	No specific decision requested, but refers to recognition being needed that existing water takes contribute to social and economic wellbeing.		Accept in Part 120
2	C5 OBJ LW1	No specific decision requested, but refers to support for: 1. recognition of social and economic values in the sustainable management of the region's water resources. 2. recognition of stock water supplies for animal welfare purposes and as a significant national and regional use value. 3. integrated management which promotes and enables adoption of good land and water management practices.		Accept in Part 102
3	C5 POL LW1	No specific decision requested, but refers to support for: 1. enabling of water storage infrastructure which can provide increased security for water users. 2. a whole of catchment approach to policies relating to values outlined in the RPS's objectives.		Accept in Part 103
4	C5 Policies Gen	No specific decision requested, but refers to support for policies which take a strategic long-term approach and allow for reasonable transition times and pathways to meet agreed limits.		Accept in Part 102
5	C5 POL LW2	No specific decision requested, but refers to support for: 1. certainty for water users through identifying priority catchments and prioritisation of uses and values set through collaborative stakeholder engagement. 2. priority status placed on land-based primary production for the Catchment Areas. 3. regional plan provisions that acknowledge voluntary catchment-based nutrient loss mitigation programmes (eg: Taharua and upper Mohaka).		Accept in Part 105
6	C5 POL LW4	No specific decision requested, but refers to support for recognition of non-regulatory methods in meeting catchment and sub-catchment limits through on-farm best practice.		Accept in Part 108

**Submitter Name: Friends of the Tukituki**

**Summary of Decision(s) Requested for Submitter Number:**

**6**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 General	No specific decision requested, but refers to HBRC avoiding expensive and time consuming legal action if HBRC incorporates submitter's values into RPS.		Reject	101
		F 36 / 1 Holcim (NZ) Ltd	Support	R	
2	C5 General	No specific decision requested, but refers to RPS protecting natural character of waterbodies and values as follows: contact recreation; trout fishing; trout spawning; amenity; aesthetic; existing property rights.		Reject	105
		F 35 / 16 HB Fish & Game Council et al	Support	R	
3	C5 General	No specific decision requested, but refers to RPS needing to establish water quantity and water quality standards in agreement with the submitter.		Reject	106
4	C5 General	No specific decision requested, but refers to RPS needing to reflect existing case law and statute law, especially to ensure that water quality is maintained and enhanced.		Accept in Part	120
5	C5 General	No specific decision requested, but refers to RPS needing to include clear guidelines on resource use, including that resource use is necessary, reasonable and when it meets these criteria, it should be efficient.		Reject	120
6	C5 General	No specific decision requested, but refers to RPS needing to protect waterbodies, otherwise HBRC will inevitably end up with expensive and time consuming legal action.		Reject	101
7	C5 General	No specific decision requested, but refers to all remaining wetlands in Hawke's Bay being significant and should be protected.		Reject	111
		F 35 / 17 HB Fish & Game Council et al	Support	R	
8	C5 General	No specific decision requested, but refers to Submitter's preference to negotiate (rather than via protracted legal challenges) with HBRC an agreement on the following matters: 1. water quantity; 2. water quality; 3. property rights; 4. Tukituki River recognised as significant; 5. wetland protection; 6. trout habitat & spawning; 7. waterbody values for contact recreation, trout fishing, trout spawning, amenity, aesthetic, and existing property rights.		Reject	101

**Submitter Name: Genesis Power Ltd**

**Summary of Decision(s) Requested for Submitter Number:**

**7**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 POL LW1	Amend POL LW1 by adding the following new clauses: <u>"(l) that avoids development that limits the use or maintenance of existing electricity generating infrastructure or restricts the generation output of that infrastructure."</u> and <u>"(m) recognises and provides opportunities for new renewable electricity generation infrastructure where the adverse effects on the environment can be appropriately managed."</u>		Accept in Part	103
		F 35 / 18 HB Fish & Game Council et al	Oppose	P	
		F 37 / 32 Horticulture NZ	Oppose in Part	P	
		F 38 / 1 TrustPower Ltd	Support	P	
2	C5 POL LW4	Delete POL LW4 and include content as a method or methods elsewhere in Change 5.		Reject	108

**Submitter Name: Green Party of Aotearoa (HB Branch)**

**Summary of Decision(s) Requested for Submitter Number:**

**8**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 OBJ LW1	Amend OBJ LW 1.5 to read: “ <i>[Recognises] Safeguards</i> the significant national and regional value of freshwater for human drinking and animal drinking uses”		Reject	102
2	C5 OBJ LW1	Delete OBJ LW 1.7 in its entirety.		Reject	102
		F 35 / 19 HB Fish & Game Council et al	Support	R	
		F 38 / 2 TrustPower Ltd	Oppose	A	
3	C5 OBJ LW1	Amend OBJ LW 1.11 to read: “Recognises the differing demands and pressures on freshwater resources within catchments across the Hawke’s Bay region, and where significant conflict exists between competing values, the regional policy statement and regional plans provide clear priorities for the protection or use of those freshwater resources”.		Accept in Part	102
		F 37 / 21 Horticulture NZ	Oppose in Part	P	
4	C5 POL LW1	Delete POL LW 1(k) in its entirety.		Reject	103
		F 32 / 7 Fonterra Co-operative Group Ltd	Oppose	A	
		F 34 / 10 HB Federated Farmers	Oppose	A	
		F 37 / 33 Horticulture NZ	Oppose	A	
5	C5 New	Add the following as a new policy to Ch 3.x: “1: <u>To apply the following criteria to identify outstanding freshwater bodies in the Hawke’s Bay region as one which has:</u> a) <u>Superior water quality where impacts of human activities are absent or minimal, or</u> b) <u>Outstanding value as an aquatic habitat, or</u> c) <u>Outstanding fishery value, or</u> d) <u>Outstanding wild, scenic or other natural characteristics, or</u> e) <u>Outstanding scientific or ecological values, or</u> f) <u>Outstanding recreational, historical, spiritual or cultural purposes.</u> 2: <u>To protect the water quality of the following Outstanding Freshwater Bodies in the region:</u> a) <u>Lake Waikareti</u> b) <u>Lake Waikaremoana</u> c) <u>Lake Tutira</u> d) <u>Mohaka River catchment above Willowflat</u> e) <u>Ngaruroro River, Taruarau River and their tributaries above Whanawhana cableway</u> f) <u>Tukituki River catchment</u> 3: <u>In relation to an Outstanding Freshwater Body identified in policy LW 1A .2 to manage activities discharging contaminants, or taking, using, damming or diverting water, and- land use activities in a manner which avoids adverse effects on the water quality of the Outstanding Water Body.”</u>		Reject	101
		F 32 / 1 Fonterra Co-operative Group Ltd	Oppose	A	
		F 34 / 1 HB Federated Farmers	Oppose	A	
		F 37 / 11 Horticulture NZ	Oppose	A	
6	C5 POL LW2 Tab	Amend POL LW2 Table 1 by deleting “water use associated with maintaining or enhancing land based primary production” as a Primary value/use in the Tukituki Catchment Area.		Reject	105
		F 32 / 11 Fonterra Co-operative Group Ltd	Oppose	A	
		F 34 / 13 HB Federated Farmers	Oppose	A	
		F 35 / 20 HB Fish & Game Council et al	Support	R	
		F 37 / 48 Horticulture NZ	Oppose	A	
7	C5 POL LW2 Tab	Amend POL LW2 Table 1 so bullet point for Secondary value/use in Tukituki Catchment Area reads: “amenity for contact recreation (including swimming) in <i>[lower]</i> Tukituki River.”		Accept in Part	105
		F 35 / 21 HB Fish & Game Council et al	Support	P	
8	C5 OBJs 15 & 15	Amend OBJ 15A to read: “The management of fresh water and land use and development in a manner which protects <u>the</u> significant values of wetlands.”		Reject	111
9	C5 POLs 4 & 4A	Amend POL 4A to read: “To use non-regulatory methods, as set out in Chapter 4 and in Policy 4(a) to (d) below, in support of regulatory methods for protecting <u>the</u> significant values of wetlands.”		Reject	111
10	C5 OBJs 21 & 22	Do not delete OBJ 21 as proposed in Change 5, and retain original wording of OBJ 22 without Change 5’s proposed amendments.		Reject	109
11	C5 AERs Ch 3.8	Amend AERs in Ch 3.8 (Groundwater quality) to read: “No degradation of existing groundwater quality in confined productive aquifers <i>[beyond a level suitable for human consumption and irrigation without treatment]</i> .”		Reject	109

		F	35 / 22	HB Fish & Game Council et al	Support	R	
12	C5 POL 47A	Amend POL 47A(a) to read: "The adverse effects of contaminants entering surface waterbodies or coastal water are avoided <i>[as far as practicable].</i> "				Reject	110
		F	35 / 23	HB Fish & Game Council et al	Support	R	
13	C5 POL 47A	Amend POL 47A(b) to read: "Any disposal of wastewater, solid waste or other waste products to a surface waterbody or coastal water <i>[occurs only when it is the best practicable option]</i> is <u>prohibited</u> ."				Reject	110



**Submitter Name: Hastings District Council**

**Summary of Decision(s) Requested for Submitter Number:**

**9**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 ISS LW1	Delete and replace Issue LW 1 with two issues to read as follows: "ISS LW 1 Multiple and often competing values and uses of fresh water have the potential for ongoing conflict." and "ISS LW 2 Limited integration in the management of land and water uses reduces the ability to promote sustainable management of the region's natural and physical resources." and add explanation of these issue statements.		Accept in Part	102
		F 35 / 24 HB Fish & Game Council et al	Support	P	
		F 37 / 17 Horticulture NZ	Support in Part	P	
2	C5 OBJ LW1	Retain OBJ LW 1.3 as notified.		Accept	102
3	C5 OBJ LW1	Amend OBJ LW1.5 to read: "recognises the significant national and regional value of fresh water for human drinking water [and animal drinking water]." and consequentially add a new point 6 to read: "recognises the significant national and regional value of freshwater for animal drinking uses"		Reject	102
		F 35 / 25 HB Fish & Game Council et al	Support	R	
4	C5 OBJ LW1	Amend OBJ LW1.6 to read: "recognise the significant regional and national value of fresh water use for beverage[s] production, irrigation for food and fibre production and industrial process[ing] water."		Accept in Part	102
		F 35 / 26 HB Fish & Game Council et al	Support in Part	P	
		F 37 / 22 Horticulture NZ	Oppose	P	
5	C5 OBJ LW1	Add new OBJ LW1.12 to read: "recognises and provides for the recreational and conservation values of fresh water bodies within catchments across the Hawke's Bay region."		Accept in Part	102
6	C5 OBJ LW1	Amend OBJ LW1.9 to read: "ensures efficient and sustainable allocation and use of water;"		Reject	102
		F 35 / 27 HB Fish & Game Council et al	Support in Part	P	
		F 37 / 23 Horticulture NZ	Oppose	A	
7	C5 OBJ LW1	Amend 2nd para of OBJ LW1's reasons and explanations to read: "...while forestry and fibre (eg: wool and [leather] timber) is typically..."		Accept in Part	102
8	C5 OBJs 15 & 15	Amend OBJ 15A to read: "The management of fresh water, [and land use and development] and the effects of land management and land use practices in a manner which protects significant values of wetlands."		Reject	111
		F 34 / 28 HB Federated Farmers	Support	R	
		F 37 / 57 Horticulture NZ	Support in Part	P	
9	C5 OBJs 21 & 22	Amend OBJ 22 to read: "Subject to Objective LW1, the groundwater quality in the Heretaunga Plains and Ruataniwha aquifer systems and in unconfined or semi-confined productive aquifers is suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality as determined by Ministry of Health standards."		Accept in Part	109
10	C5 OBJ 27	Amend OBJ 27 to read: "Subject to Objective LW1, the water quality in rivers, lakes and wetlands is suitable for sustaining or improving aquatic ecosystems in catchments and for other freshwater values identified in accordance with a catchment-based process as set out in POL LW2, including contact recreation and irrigation purposes where appropriate."		Reject	110
11	C5 Glossary Gen	'Catchment based process' - Add definition to Ch9 (Glossary).		Reject	105
		F 35 / 30 HB Fish & Game Council et al	Support	R	
		F 37 / 66 Horticulture NZ	Oppose in Part	P	
12	C5 POL LW1	Amend POL LW1 to read: "To adopt a whole-of-catchment approach to managing fresh water and the effects of land use practices [and development] within each catchment area."		Accept in Part	103
		F 34 / 11 HB Federated Farmers	Support	P	
		F 35 / 28 HB Fish & Game Council et al	Support in Part	P	
13	C5 POL LW3	Amend POL LW3 so: 1. heading reads: "Problem solving approach – managing [use of production land use] the effects of land management and land use practices." and 2. policy reads: "To manage the [use of, and] discharges from, [production] productive land uses in specified catchments so that..."		Reject	107
		F 34 / 19 HB Federated Farmers	Support	R	
		F 35 / 29 HB Fish & Game Council et al	Support in Part	P	



**Submitter Name: Hastings/Havelock North Forest & Bird Branch**

**Summary of Decision(s) Requested for Submitter Number:**

**10**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 General	Amend Change 5 so the RPS identifies freshwater values for all water bodies in each catchment.		Reject	105
		F 35 / 31 HB Fish & Game Council et al	Support	R	
		F 37 / 1 Horticulture NZ	Support	R	
2	C5 General	Amend Change 5 so the RPS establishes freshwater objectives to provide for values for all water bodies in each catchment.		Reject	105
		F 35 / 32 HB Fish & Game Council et al	Support	R	
		F 37 / 2 Horticulture NZ	Support	R	
3	C5 General	Amend Change 5 so the RPS sets water quality limits which when met, will achieve freshwater objectives for all water bodies in each catchment.		Reject	106
		F 35 / 33 HB Fish & Game Council et al	Support	R	
4	C5 General	Amend Change 5 so the RPS identifies a process by which freshwater values, objectives, limits and targets would be developed, and a timeframe for doing so.		Accept in Part	103
		F 35 / 34 HB Fish & Game Council et al	Support	P	
5	C5 General	Amend Change 5 so the RPS includes provisions to allow for improvement of quality of freshwater in water bodies that have been degraded by human activities to the point of being 'over-allocated,' particularly for nutrient concentrations in ground and surface water bodies.		Accept	103
		F 35 / 35 HB Fish & Game Council et al	Support	A	
		F 37 / 3 Horticulture NZ	Oppose in Part	P	
6	C5 General	Amend Change 5 so that provisions are included in RPS to ensure that the life supporting capacity of water, soil and ecosystems are safeguarded.		Accept	102
		F 35 / 36 HB Fish & Game Council et al	Support	A	
7	C5 General	Amend Change 5 so the provisions are included in the RPS to preserve the natural character of the coastal environment, lakes, rivers and their margins and the protection of them from inappropriate subdivision, use and development.		Accept	102
		F 35 / 37 HB Fish & Game Council et al	Support	A	
8	C5 OBJ LW1	Opposes OBJ LW1 and requests it be amended to provide for: a) identification of freshwater values for all water bodies in each catchment; b) establishment of freshwater objectives to be set in the Plan which provide for these values; c) setting of water quality limits which when met will achieve the freshwater objectives; and d) identification of the process by which these values, objectives, limits and targets would be developed, and a timeframe for doing so.		Accept in Part	102
		F 37 / 24 Horticulture NZ	Support in Part	P	
9	C5 General	Amend Change 5 so the RPS includes provisions to identify and protect the natural character of all wetlands and their biodiversity in the Hawke's Bay region.		Reject	111

**Submitter Name: HB Environmental Water Group**

**Summary of Decision(s) Requested for Submitter Number:**

**11**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 OBJ LW1	Amend OBJ LW1 by adding a new clause to read: " <u>recognises the need for freshwater quality to maintained and enhanced.</u> "		Reject	102
2	C5 POL LW2 Tab	Amend Table 1 by adding " <u>domestic water supplies</u> " as a Primary value for Greater Heretaunga / Ahuriri Catchment Area, Mohaka Catchment Area and Tukituki Catchment Area.		Accept in Part	105
3	C5 POL LW2 Tab	Amend Table 1 by adding " <u>long-fin eel habitat and passage</u> " as a Primary value in the Greater Heretaunga/Ahuriri and Tukituki Catchment Areas.		Accept in Part	105
4	C5 OBJs 21 & 22	Do not delete OBJ 21 as proposed in Change 5, and retain original wording of OBJ 22 without Change 5's proposed amendments.		Reject	109
	F 31 / 1	Environmental Defence Society Inc.	Support	R	
	F 34 / 29	HB Federated Farmers	Oppose	A	
	F 35 / 38	HB Fish & Game Council et al	Support	R	
5	C5 OBJs 21 & 22	Do not amend OBJ 22 as proposed. Retain reference to "maintenance and enhancement" of groundwater quality in OBJ 22.		Reject	109
6	C5 POL LW3	Amend Policy LW3 to put more emphasis on addressing the cause of contamination, not the effect.		Accept in Part	107
	F 34 / 20	HB Federated Farmers	Oppose	P	
7	C5 New	No specific amendments requested, but refers to adding objectives and policies as necessary to provide direction to decision-makers so greater emphasis is placed on addressing causes of contamination, rather than the effects of contaminants.		Accept in Part	120
8	C5 OBJ 25	Do not amend OBJ 25 as proposed in Change 5. Retain reference to "maintenance of the water" quantity in OBJ 25.		Reject	110
9	C5 OBJ 27	Do not amend OBJ 27 as proposed in Change 5. Retain reference to "maintenance or enhancement of" the water quality in OBJ 27.		Reject	110
10	C5 POL LW3	Amend Policy LW3 to place more emphasis, provide guidance and direction to recognise the importance of managing and enhancing soil health humus.		Reject	107
11	C5 New	Amend Change 5 so that guidance and direction signals the need for RRMP to include water quality classes as in RMA's Schedule 3.		Reject	106

**Submitter Name: HB Federated Farmers**

**Summary of Decision(s) Requested for Submitter Number:**

**12**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 ISS LW1	Delete and replace Issue LW1 to read: " <u>Provide a management framework that enables water to contribute both to Hawke's Bay's economic growth and environmental integrity.</u> "		Reject	102
		F 31 / 2 Environmental Defence Society Inc.	Oppose	A	
		F 35 / 39 HB Fish & Game Council et al	Oppose	A	
		F 37 / 18 Horticulture NZ	Support	R	
2	C5 OBJ LW1	Amend OBJ LW1 to read: "The management, of fresh water and <u>the effects of</u> land use and development in an integrated and sustainable manner..."		Reject	102
		F 32 / 5 Fonterra Co-operative Group Ltd	Support	R	
		F 35 / 40 HB Fish & Game Council et al	Oppose	A	
		F 37 / 25 Horticulture NZ	Support	R	
3	C5 POL LW1	Amend POL LW1 to read: "To adopt a whole-of-catchment approach to managing fresh water and <u>the effects of</u> land use and development within each catchment area..."		Accept in Part	103
		F 32 / 8 Fonterra Co-operative Group Ltd	Support	P	
		F 37 / 34 Horticulture NZ	Support	P	
4	C5 POL LW1	Amend POL LW1 by adding new clauses as follows: (l) <u>work collaboratively with the catchment community in setting targets, timeframes and methods at a catchment level.</u> (m) <u>ensure that the process for setting catchment targets, timeframes and methods is informed by the best available information and scientific and socio-economic knowledge; and by a clear understanding of the options including their achievability, costs, benefits and consequences.</u> (n) <u>facilitate the establishment of water user groups and self-empowering catchment groups for local land and water management initiatives.</u>		Accept in Part	103
		F 35 / 42 HB Fish & Game Council et al	Support in Part	P	
		F 37 / 35 Horticulture NZ	Support in Part	P	
5	C5 POL LW3	Amend POL LW3 so: 1. heading reads: "Managing <u>the effects of [use of production]</u> land use to <u>meet objectives and limits.</u> " 2. policy reads: "To manage the <u>effects of</u> use of, and discharges from, production, <u>urban, industrial and other land use</u> in specified catchments..." 3. clause (a) reads: "(a) the discharge of nitrogen to land, and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area <u>objectives or limits</u> for nitrogen set out in regional plans to be exceeded." 4. Clause (b) reads: "(b) the discharge of faecal matter <u>[from livestock]</u> to land, and thereafter to groundwater and surface water, does not cause <u>catchment area or sub-catchment area objectives or limits</u> for relevant (bacterial) water indicators set out in <u>regional plans to be exceeded [human consumption and irrigation guidelines for water quality set out in the regional plans to be exceeded].</u> " 5. Clause (c) is replaced to read: "(c) <u>the discharge of phosphorous to land, and thereafter to groundwater and surface water does not cause catchment area or sub-catchment area objectives or limits for phosphorous set out in regional plans to be exceeded [any monitored exceedances of soluble reactive phosphorous limits set out in Policy 71 of this plan is used to target and prioritise the Regional Council's non-regulatory methods].</u> " 6. Delete principal reasons and explanations for Policy LW3 and amend as consequence of the relief above.		Accept in Part	107
		F 37 / 51 Horticulture NZ	Support	P	
6	C5 POL LW4	Amend POL LW4 and/or associated explanation so that it incorporates key themes from the Land and Water Management Strategy (in particular, the focus on partnership initiatives), and key principles that underpin HBRC's regulatory and non-regulatory programmes (in particular, the focus on efficient targeting of both rules and non-regulatory investments to minimise transaction costs, and to deliver best-bang-for-buck outcomes). Explanation should also record other benefits of the collaborative approach (eg: willing buy-in, minimising transaction costs and recognising public and private benefits from shared investments).		Accept in Part	108
		F 31 / 3 Environmental Defence Society Inc.	Support in Part	P	
		F 32 / 17 Fonterra Co-operative Group Ltd	Support	P	
7	C5 AERs Gen	Amend AERs in Ch 3.x to read: "Quality of fresh water in region overall is <u>maintained or improved.</u> "		Accept	102
8	C5 AERs Gen	Amend AERs indicator(s) to move "catchment contaminant load modelling and monitoring" from AER "Water is efficiently allocated" to AER "Quality of fresh water in region overall is improved."		Accept	102

9	C5 AERs Gen	Amend AERs quality indicator to read: " <u>catchment objectives are met and</u> limits in regional plans are not exceeded."	Accept in Part	102
10	C5 OBJs 15 & 15	Amend OBJ 15A to read: "Subject to OBJ LW1 the management of freshwater and <u>the effects of</u> land use and development in a manner which protects significant values of wetlands." F 35 / 43 HB Fish & Game Council et al Oppose A	Reject	111
11	C5 POLs 4 & 4A	Amend POL 4A to read: "To use non-regulatory, methods, as set out in Chapter 4 and in Policy 4(a) to (d) below, <u>as the primary means</u> [in support of regulatory methods] for protecting significant values of wetlands." F 31 / 4 Environmental Defence Society Inc. Oppose A F 35 / 44 HB Fish & Game Council et al Oppose A	Reject	111
12	C5 Glossary Gen	'Wetland' - amend definition to read: "... (g) artificial wetlands [created for beautification purposes]." F 37 / 64 Horticulture NZ Support R	Reject	111
13	C5 OBJs 21 & 22	Supports Change 5's OBJ 22 and consequential amendment to AERs in Ch 3.8.	Accept	109
14	C5 AERs Ch 3.8	Supports Change 5's amendment to AERs in Ch 3.8 as consequence of amending OBJ 22.	Accept	109
15	C5 POL 16	Amend the proposed new bullet point to read: " <u>significant adverse effects of the use of</u> [the effects of land use activities on] production land." F 31 / 5 Environmental Defence Society Inc. Oppose A	Reject	109
16	C5 Ch 3.10 Issue	Amend Issue 3.10.1(b) to read: "(b) Stock access to water bodies and non-point source discharges [(including production land use activities),] which cause contamination of rivers, lakes and wetlands, and degrade their margins." F 35 / 45 HB Fish & Game Council et al Oppose A	Reject	110
17	C5 OBJ 25	Supports amended OBJ 25 as proposed in Change 5.	Accept in Part	110
18	C5 OBJ 27	Supports amended OBJ 27 as proposed in Change 5.	Accept in Part	110
19	C5 POL 47	Supports Change 5's amendments to POL 47.	Accept in Part	110
20	C5 OBJ 27A	Supports intent of OBJ 27A in Change 5.	Accept	110
21	C5 POL 47A	Supports Change 5's addition of POL 47A.	Accept in Part	110
22	C5 OBJ 29	Supports Change 5's amendment to Objective 29.	Reject	102
23	C5 OBJ 30	Supports Change 5's amendment to Objective 30.	Reject	102
24	C5 POL 50	Supports Change 5's amendment to Policy 50(b).	Accept in Part	102
25	C5 POL 53	Supports Change 5's amendment to Policy 53.	Reject	102
26	C5 General	No specific decision requested, but notes assessment of policy options in the s32 Summary Report and supports HBRC's position that further analysis and assessment be undertaken before amending RPS and/or regional plans to identify and address 'outstanding freshwater bodies.' F 35 / 41 HB Fish & Game Council et al Oppose R	Accept in Part	120
27	C5 POL LW2	Supports the clear strategic prioritisation of values as outlined in Policy LW2 and Table 1.	Accept in Part	105

**Submitter Name: HB Fish & Game Council et al**

**Summary of Decision(s) Requested for Submitter Number:**

**13**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
2	C5 General	No specific amendments requested, but requests that provisions are included which ensure that the life supporting capacity of water, soil and ecosystems are safeguarded.		Accept	102
		F 31 / 6 Environmental Defence Society Inc.	Support	A	
3	C5 General	No specific amendments requested, but requests that provisions are included in the RPS to preserve the natural character of the coastal environment, wetlands, lakes and rivers and their margins and the protection of them from inappropriate subdivision, use and development.		Accept	102
		F 31 / 7 Environmental Defence Society Inc.	Support	A	
4	C5 General	No specific amendments requested, but requests that the values of waterbodies in the region are listed (in relation to the waterbody, reach, zone) within a schedule and include: trout fishery, and trout spawning values; natural state values; amenity values; aesthetic values; and contact recreation values.		Reject	105
		F 31 / 8 Environmental Defence Society Inc.	Support	R	
		F 37 / 4 Horticulture NZ	Support in Part	P	
5	C5 General	No specific amendments requested, but requests that all rivers in the region are identified as being valued for contact recreation, and amenity value. Refers to access to healthy rivers being a birthright for all NZers and should be protected.		Accept in Part	105
		F 31 / 9 Environmental Defence Society Inc.	Support	P	
		F 37 / 5 Horticulture NZ	Oppose in Part	P	
6	C5 General	No specific amendments requested, but requests that provisions are included to ensure that the values of waterbodies are protected.		Accept in Part	105
		F 31 / 10 Environmental Defence Society Inc.	Support	P	
7	C5 General	No specific amendments requested, but requests that provisions are included to establish water quality and water quantity limits by which to protect the identified values of waterbodies.		Accept in Part	106
		F 31 / 11 Environmental Defence Society Inc.	Support	P	
8	C5 General	No specific amendments requested, but requests that provisions are included to ensure that water quality and water quantity in the region is maintained, and where degraded, is restored.		Accept in Part	106
		F 31 / 12 Environmental Defence Society Inc.	Support	P	
9	C5 General	No specific amendments requested, but requests that provisions are included to ensure that the impacts of land use on freshwater resources are managed to ensure that water quality and quantity is maintained or where degraded, restored.		Accept in Part	106
		F 31 / 13 Environmental Defence Society Inc.	Support	P	
10	C5 General	No specific amendments requested, but refers to provisions needing to be included to ensure that resource use (water and its assimilative capacity) is necessary, reasonable, and where it meets these criteria is efficient.		Accept in Part	120
		F 31 / 14 Environmental Defence Society Inc.	Support	P	
		F 37 / 6 Horticulture NZ	Oppose in Part	P	
11	C5 General	No specific amendments requested, but refers to provisions needing to be included which identify that all remaining wetlands in the region are significant (s6(c) habitats under the RMA) and should be protected.		Accept in Part	111
		F 31 / 15 Environmental Defence Society Inc.	Support	P	
12	C5 General	No specific amendments requested, but requests that Change 5's proposals in their current form be withdrawn.		Reject	120
		F 31 / 16 Environmental Defence Society Inc.	Support	R	
14	C5 General	Identify freshwater values for all waterbodies in each catchment, including trout fishery, trout spawning, contact recreation, amenity, aesthetic, and natural state values.		Reject	105
		F 37 / 7 Horticulture NZ	Oppose in Part	P	
15	C5 General	Establish freshwater objectives to be set in the RPS and RRMP which provide for freshwater values for each catchment.		Reject	105
16	C5 General	Set water quality and quantity limits which do not allow further degradation of freshwater, and restore water quality and water quantity where degraded such that when met will allow the freshwater values to be protected.		Reject	106
		F 37 / 8 Horticulture NZ	Oppose in Part	P	

17	C5 General	Identify the process by which freshwater values, objectives, limits and targets would be developed, and a timeline for doing so.	Accept in Part	103
18	C5 General	Remove pre-emption of the identification of values at a catchment level by setting them in the RPS (as in Policy LW2).	Accept in Part	105
19	C5 General	Remove the pre-emption of the prioritisation of freshwater values or the resolution of competing values to set a freshwater objective (as in Policy LW2).	Accept in Part	105
	F 37 / 9	Horticulture NZ	Oppose in Part	P
20	C5 ISS LW1	Amend Issue LW1 to more coherently express the significant resource management issue the region faces in respect of achieving integrated management of freshwater and land use and development.	Accept in Part	102
	F 31 / 17	Environmental Defence Society Inc.	Support	P
21	C5 OBJ LW1	Retain OBJ LW1.1 as notified.	Accept in Part	102
	F 33 / 1	Forest and Bird Society Inc.	Support	P
22	C5 OBJ LW1	Amend OBJ LW1.2 [sic, 1.4] to remove implication that life-supporting capacity and ecosystems of freshwater only need be safeguarded where they are for indigenous species.	Accept	102
	F 31 / 18	Environmental Defence Society Inc.	Support	A
	F 33 / 2	Forest and Bird Society Inc.	Support	A
23	C5 OBJ LW1	Delete OBJ LW1.5.	Reject	102
	F 32 / 6	Fonterra Co-operative Group Ltd	Oppose	A
	F 33 / 3	Forest and Bird Society Inc.	Support	R
	F 34 / 5	HB Federated Farmers	Oppose	A
	F 37 / 26	Horticulture NZ	Oppose	A
24	C5 OBJ LW1	Delete OBJ LW1.6.	Reject	102
	F 33 / 4	Forest and Bird Society Inc.	Support	R
	F 34 / 6	HB Federated Farmers	Oppose	A
	F 37 / 27	Horticulture NZ	Oppose	A
25	C5 OBJ LW1	Delete OBJ LW1.7.	Accept in Part	102
	F 33 / 5	Forest and Bird Society Inc.	Support	P
	F 38 / 3	TrustPower Ltd	Oppose	P
26	C5 OBJ LW1	Amend OBJ LW1.11 so it is a stand-alone objective in Ch 3.x.	Accept	102
	F 33 / 6	Forest and Bird Society Inc.	Support	A
	F 36 / 3	Holcim (NZ) Ltd	Support in Part	P
	F 37 / 28	Horticulture NZ	Support in Part	P
27	C5 OBJ LW1	Amend OBJ LW1 to add a clause ensuring life-supporting capacity and ecosystem processes of freshwater are safeguarded.	Accept in Part	102
	F 33 / 7	Forest and Bird Society Inc.	Support	P
28	C5 OBJ LW1	Amend OBJ LW1 to add a clause ensuring that the natural character of wetlands, rivers and lakes is protected.	Accept in Part	102
	F 33 / 8	Forest and Bird Society Inc.	Support	P
29	C5 OBJ LW1	Amend OBJ LW1 to add a clause that provides for the management of freshwater and land use and development that protects life supporting capacity, recognises or provides for the natural character of wetlands, rivers, lakes and the coastal environment, and recognises and provides for the values of freshwater.	Accept in Part	102
	F 33 / 9	Forest and Bird Society Inc.	Support	P
30	C5 OBJ LW1	Amend OBJ LW1 to add a clause that recognises or provides for the role of river management and flood protection in the integrated and sustainable management of freshwater and land use and development.	Accept	102
	F 33 / 10	Forest and Bird Society Inc.	Support	A
31	C5 OBJ LW1	Amend OBJ LW1 to add a clause that provides for phasing out of over-allocation of freshwater resources.	Accept in Part	103
	F 33 / 11	Forest and Bird Society Inc.	Support	P
32	C5 OBJ LW1	Amend OBJ LW1.9 to enable an assessment as to whether resource use and allocation is necessary, reasonable, justifiable, and if it meets these criteria, is efficient.	Reject	102
	F 33 / 12	Forest and Bird Society Inc.	Support	R
	F 37 / 29	Horticulture NZ	Oppose in Part	P
33	C5 OBJ LW1	No specific amendment requested, but refers to removing references to some values and not others.	Accept in Part	102



		F	33 / 13	Forest and Bird Society Inc.	Support	P	
34	C5 OBJ LW1	Amend OBJ LW1 to provide a framework for implementation of the NPSFM including identification of values, limits, targets and addressing over-allocation.				Accept in Part	102
		F	33 / 14	Forest and Bird Society Inc.	Support	P	
35	C5 OBJ LW1	Amend OBJ LW1 to specify clear goals including environmental bottom lines.				Accept in Part	102
		F	33 / 15	Forest and Bird Society Inc.	Support	P	
36	C5 OBJ LW1	Either amend OBJ LW1 as set out elsewhere in submission (refer points 21-35), OR replace with objectives that address issues raised by submitter, such as: <u>"OBJ 1 That integrated management of freshwater resources and land use and development will be achieved by:</u> <u>a) Setting values for freshwater:</u> <u>b) Setting freshwater objectives and freshwater quality limits for all bodies of freshwater:</u> <u>c) Setting environmental flows and/or levels for all bodies of freshwater:</u> <u>d) Ensuring that limits will be implemented through targets and necessary plan provisions."</u> and <u>"OBJ 2 In setting values and objectives for the region's fresh water resources,</u> <u>a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water; and</u> <u>b) the mauri of the fresh water shall be safeguarded."</u>				Accept in Part	102
		F	33 / 16	Forest and Bird Society Inc.	Support	P	
		F	37 / 30	Horticulture NZ	Oppose in Part	P	
37	C5 General	Amend Change 5 to remove all references to provisions being made "Subject to OBJ LW1..." OR amend OBJ LW1 to address issues raised elsewhere in submission; OR amend OBJ LW1 to ensure it refers to only those relevant parts of the objective in any cross-reference.				Accept	102
38	C5 POL LW1	Delete POL LW1 and replace with a policy, linked to a schedule which identifies the values of waterbodies in the region, which includes the following matters: 1. For the purposes of achieving integrated management of the region's freshwater resources, identify where freshwater values may apply; 2. The values for which the region's freshwater bodies will be recognised and provided for include: a) Ecosystem values (e.g. natural state, life-supporting capacity, sites of significance – aquatic, sites of significance – riparian, native fish spawning); b) Recreational and cultural values (e.g. contact recreation, amenity, native fishery, mauri, shellfish gathering, sites of significance – cultural, trout fishery, trout spawning, aesthetics); c) Water use values (e.g. water supply, industrial abstraction, irrigation, stockwater); and d) Social and economic values (e.g. capacity to assimilate pollution, flood control, drainage, existing infrastructure) 3. The process that will be used to identify values of freshwater bodies, and for setting limits and targets will be catchment based and will: a) Provide for Maori values and uses of the catchment in accordance with tikanga Maori; b) Recognise the inter-connected nature of natural resources within the catchment area, including the coastal environment; c) Protects water quality of outstanding freshwater bodies; d) Promotes collaboration and information sharing between relevant management agencies, iwi, landowners and others stakeholders; e) Takes a strategic long-term planning outlook to consider the future state, values and uses of water resources for future generations; and 4. such provisions as necessary to achieve the objective.				Accept in Part	105
		F	30 / 4	Brownrigg Agriculture Ltd	Oppose	P	
		F	31 / 19	Environmental Defence Society Inc.	Support	P	
		F	37 / 36	Horticulture NZ	Oppose	P	
39	C5 POL LW1	Delete POL LW1(a) and replace with an overall goal relating to the maintenance and enhancement of water quality and the achievement of some bottom lines, such as life supporting capacity and ecosystem processes.				Accept in Part	103
		F	37 / 37	Horticulture NZ	Oppose	P	
40	C5 POL LW1	Retain POL LW1(b), or incorporate into a revised policy consistent with other points in submission				Accept in Part	103
41	C5 POL LW1	Retain POL LW1(c), or incorporate into a revised policy consistent with other points in submission				Accept in Part	103
42	C5 POL LW1	1. Delete POL LW2 entirely OR 2. Amend POL LW2 as requested elsewhere in submission; OR 3. Amend Table 1 to address issues identified in submission, including: a) define values with more precision as to location and aspect that is valued; b) ensure the values do not apply to future out-of-stream uses; c) better define and identify the instream fish values, including trout fishery and trout spawning values.				Accept in Part	105
		F	33 / 27	Forest and Bird Society Inc.	Support	P	

		F 37 / 38	Horticulture NZ	Oppose	P	
43	C5 POL LW1	Retain POL LW1(e), or incorporate into a revised policy consistent with other points in submission.			Accept	103
44	C5 POL LW1	Delete POL LW1(g).			Accept in Part	103
		F 30 / 5	Brownrigg Agriculture Ltd	Oppose	P	
		F 31 / 20	Environmental Defence Society Inc.	Support	P	
		F 37 / 39	Horticulture NZ	Oppose	P	
45	C5 POL LW1	Delete POL LW1(h).			Reject	103
		F 37 / 40	Horticulture NZ	Oppose	A	
46	C5 POL LW1	Delete POL LW1(i)			Accept	103
47	C5 POL LW1	Retain POL LW1(j), or incorporate into a revised policy consistent with other points in submission.			Accept	103
48	C5 POL LW1	Delete POL LW1(k) OR amend to read: " <u>consider water storage infrastructure where it can provide increased security for water users in water-scarce catchments and any resulting adverse effects on freshwater values are avoided, remedied or mitigated in accordance with other policies of this Plan</u> " OR amend wording to reflect requirements of Part 2 RMA and ensure that objectives in OBJ LW1 are achieved.			Accept in Part	103
		F 31 / 21	Environmental Defence Society Inc.	Support	P	
		F 32 / 9	Fonterra Co-operative Group Ltd	Oppose	P	
		F 37 / 41	Horticulture NZ	Oppose	P	
49	C5 New	<p>Add new provisions as follows (or similar) in RPS that identify criteria for recognition of freshwater bodies as outstanding; identify waterbodies that currently meet that criteria; and provide for the protection of water quality and other values within those waterbodies...</p> <p>"POL 1 Outstanding freshwater bodies are those freshwater bodies that:</p> <p>(1) <u>Are in their natural state; or</u></p> <p>(2) <u>Are no longer in their natural state, but that support one or more of the following values and characteristics that stand out on a national or regional comparative basis:</u></p> <p><u>a. Biodiversity</u></p> <p><u>b. Habitat for indigenous fauna, wildlife, trout or salmon</u></p> <p><u>c. Values to tangata whenua</u></p> <p><u>d. Spiritual and cultural</u></p> <p><u>e. Recreation and amenity</u></p> <p><u>f. Community</u></p> <p><u>g. Landscape</u></p> <p><u>h. Natural character</u></p> <p><u>i. Scientific</u></p> <p><u>j. Historical</u></p> <p>or</p> <p>(3) <u>are the best remaining example of a particular freshwater environment type remaining within the Region, as defined using the FWENZ data set.</u></p> <p><u>POL 2 The following waterbodies have been identified as outstanding in accordance with the criteria set out in Policy 2:</u></p> <p><u>a. Lake Waikareiti</u></p> <p><u>b. Lake Waikaremoana</u></p> <p><u>c. Mohaka River catchment above Willowflat</u></p> <p><u>d. Ngaruroro, Tauarau River and their tributaries above Whanawhana cable way</u></p> <p><u>e. Tukituki River</u></p> <p><u>f. Tutaekuri River</u></p> <p><u>g. Maraetotara River</u></p> <p><u>h. Ruakituri River</u></p> <p><u>i. Waiau River</u></p> <p><u>j. Waikaretaheke River</u></p> <p><u>k. Hopuruahinem River</u></p> <p><u>l. Lake Whakaki complex</u></p> <p><u>m. Opoutama Swamp</u></p> <p><u>n. Maungawhio Lagoon</u></p> <p><u>o. Lake Poukawa</u></p> <p><u>p. Pekapeka Swamp</u></p> <p><u>q. Lake Hatuma</u></p> <p><u>r. Lake Runanga</u></p> <p><u>s. Lake Oingo</u></p> <p><u>t. Waitangi wetland</u></p> <p><u>u. Ngamotu Lagoon</u></p> <p><u>v. Whakamahia Lagoon</u></p> <p>POL 3 <u>To protect the water quality in waterbodies that meet the criteria for outstanding freshwater bodies set out in Policy 1 and listed in Policy 2 and to recognise and provide for the other values that contribute to the outstanding nature of that waterbody."</u></p>			Reject	101
		F 30 / 6	Brownrigg Agriculture Ltd	Oppose	P	
		F 31 / 22	Environmental Defence Society Inc.	Support	R	
		F 32 / 2	Fonterra Co-operative Group Ltd	Oppose	P	

		F 34 / 2	HB Federated Farmers	Oppose	P	
		F 37 / 12	Horticulture NZ	Oppose	P	
50	C5 POL LW2	Delete POL LW2 in its entirety OR amend as requested elsewhere in submission.			Accept in Part	105
		F 32 / 10	Fonterra Co-operative Group Ltd	Oppose	P	
		F 33 / 17	Forest and Bird Society Inc.	Support	P	
		F 34 / 12	HB Federated Farmers	Oppose	P	
		F 37 / 45	Horticulture NZ	Oppose	P	
51	C5 POL LW2	Amend POL LW2.1 to read: "[Subject to Objective LW1.1 to 1.10,] recognise and..."			Accept	102
		F 33 / 18	Forest and Bird Society Inc.	Support	A	
52	C5 POL LW2	Amend POL LW2.3 to read: "[Subject to Objective LW1.1 to 1.10,] manage..."			Accept	102
		F 33 / 19	Forest and Bird Society Inc.	Support	A	
53	C5 POL LW2	1. Delete POL LW2 entirely OR 2. Amend POL LW2 as requested elsewhere in submission; OR 3. Amend Table 1 to address issues identified in submission, including: a) define values with more precision as to location and aspect that is valued; b) ensure the values do not apply to future out-of-stream uses; c) better define and identify the instream fish values, including trout fishery and trout spawning values.			Accept in Part	105
		F 33 / 20	Forest and Bird Society Inc.	Support	P	
		F 37 / 46	Horticulture NZ	Oppose	P	
54	C5 POL LW2	No specific amendment requested, but refers to ensuring that catchment values identified during current and future catchment-based values identification processes can be incorporated into the RPS and regional plan without being inconsistent with the policy approach in POL LW2.			Accept in Part	105
		F 33 / 21	Forest and Bird Society Inc.	Support	P	
55	C5 New	Add a new policy which specifies how the RPS and regional plan will avoid over-allocation of resources beyond sustainable limits set in the plan.			Accept in Part	103
		F 31 / 23	Environmental Defence Society Inc.	Support	P	
56	C5 New	Add a new policy which specifies how the RPS and plan will provide for instances of over-allocation, consistent with NPSFM. This could include, the following wording or similar: <u>"Where the quality and quantity of freshwater in a waterbody is being used beyond the limits set in the Plan, Council will:</u> a) <u>prevent any additional allocation of water for abstraction or the site-to-site transfer of allocated but unused water, from that water body; and</u> b) <u>prevent any additional discharge permits being granted in the catchment which may cause the water quality to further decline; and</u> c) <u>identify the actions to be taken within an appropriate timeframe, to address any adverse effects of over-allocation, including the management of production land use as specified in POL LW3."</u>			Accept in Part	103
		F 31 / 24	Environmental Defence Society Inc.	Support	P	
		F 37 / 13	Horticulture NZ	Oppose	P	
57	C5 POL LW3	Amend POL LW3 so it provides a framework for identifying specified catchments; and Amend to read: " <u>Where current freshwater use exceeds set limits in the regional plan, [To manage] the use of, and discharges from, production land [in specified catchments] will be managed</u> so that..."			Reject	107
		F 31 / 25	Environmental Defence Society Inc.	Support in Part	P	
		F 33 / 22	Forest and Bird Society Inc.	Support	R	
		F 37 / 52	Horticulture NZ	Support in Part	P	
58	C5 POL LW3	Amend POL LW3(a) to recognise that the chief cause of nitrogen contamination of water caused by primary production activities is urine patches from animals, thus amend to ensure that nitrogen leaching will be managed to leaching standards set in regulation in order to ensure that water quality (groundwater and surface water) is maintained, or where degraded, restored.			Reject	107
		F 32 / 15	Fonterra Co-operative Group Ltd	Oppose	A	
		F 33 / 23	Forest and Bird Society Inc.	Support	R	
		F 34 / 21	HB Federated Farmers	Oppose	A	
59	C5 POL LW3	Amend POL LW3(b) so it: a) accurately characterises the pathways of contamination (ie: refers to these contaminants travelling directly from land to surface water by overland flow, rather than through groundwater to surface water); b) ensures best environmental management practice for reducing faecal runoff to surface water is set through regulation; c) provides for limits for faecal matter levels in water; d) provides for faecal matter limits to be set for contact recreation.			Accept in Part	107
		F 33 / 24	Forest and Bird Society Inc.	Support	P	

60	C5 POL LW3	Amend the following: a) POL LW3(c) so it includes the use of regulatory methods to manage the sources of phosphorous b) principal explanation and reasons for POL LW3 so it characterises the pathways for phosphorous contamination to water and to provide for the use of regulatory methods to manage the sources of phosphorous.	Accept in Part	107
		F 31 / 26 Environmental Defence Society Inc. Support	P	
		F 33 / 25 Forest and Bird Society Inc. Support	P	
		F 37 / 53 Horticulture NZ Oppose in Part	P	
61	C5 POL LW4	Amend POL LW4 heading to read: "Role of non-regulatory <u>and</u> regulatory methods"	Reject	108
		F 32 / 18 Fonterra Co-operative Group Ltd Oppose	A	
		F 33 / 26 Forest and Bird Society Inc. Support	R	
		F 34 / 24 HB Federated Farmers Oppose	A	
62	C5 AERs Gen	Delete AERs and replace with AERs consistent with submitter's requests elsewhere in submission.	Accept in Part	102
		F 37 / 55 Horticulture NZ Oppose in Part	P	
63	C5 Glossary Gen	'Wetland' - EITHER: 1. Retain definition of wetland in RPS without Change 5's proposed amendments; OR 2. Amend definition to read: " <b>Wetland</b> includes permanently or intermittently wet area, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. For the purposes of this Plan, a wetland is not/does not include: a) damp gully heads, or paddocks subject to regular ponding, dominated by pasture or exotic species in association with wetland sedge and rush species; or b) ditches or drains supporting raupo, flax or other wetland species (eg., Carex sp., Isolepis sp.), or populations of these species in drains or slumps associated with road reserves or rail corridors; or c) areas of wetland habitat specifically designed, installed and maintained for any of the following purposes: i. stock watering (including stock ponds), or ii. water storage for the purposes of fire fighting or irrigation (including old gravel pits), or iii. treatment of animal effluent (including pond or barrier ditch systems), or iv. wastewater treatment, or v. sediment control, or vi. any hydroelectric power generation scheme, or vii. water storage for the purposes of public water supplies; or d) areas of wetland habitat maintained in relation to the implementation of any resource consent conditions or agreements relating to the operation of any hydroelectric power scheme currently lawfully established; or e) open water and associated vegetation created for landscaping purposes or amenity values where the planted vegetation is predominately exotic, or includes assemblages of species not naturally found in association with each other, on the particular landform, or at the geographical location of the created site."	Accept in Part	111
		F 30 / 7 Brownrigg Agriculture Ltd Oppose	P	
		F 37 / 65 Horticulture NZ Support in Part	P	
		F 38 / 4 TrustPower Ltd Support	P	
64	C5 OBJs 15 & 15	Either retain OBJ 15 without amendments proposed by Change 5; or Amend OBJ 15 to read: "...significant habitats of indigenous fauna, including [and ecologically significant] wetlands."	Accept in Part	111
65	C5 OBJs 15 & 15	No specific amendments requested but refers to amending OBJ 15A to be consistent with s6(c) of RMA by requiring protection of wetlands as areas of significant indigenous vegetation and significant habitats of indigenous fauna.	Accept in Part	111
		F 31 / 27 Environmental Defence Society Inc. Support	P	
66	C5 POLs 4 & 4A	No specific amendments requested but refers to amending POL 4A to be consistent with s6(c) of RMA.	Reject	111
67	C5 POLs 4 & 4A	Amend POL 4 to read: "...significant indigenous vegetation, including [and ecologically significant] wetlands."	Accept in Part	111
68	C5 POLs 4 & 4A	Amend principal reasons and explanations for Policies 4 and 4A to be consistent with amendments requested elsewhere in submission.	Reject	111
69	C5 OBJs 21 & 22	Do not delete OBJ 21 as proposed in Change 5 and retain OBJ 21 as in existing RPS.	Reject	109
		F 31 / 28 Environmental Defence Society Inc. Support	R	
		F 32 / 19 Fonterra Co-operative Group Ltd Oppose	A	
		F 34 / 30 HB Federated Farmers Oppose	A	
		F 37 / 58 Horticulture NZ Oppose	A	
70	C5 OBJs 21 & 22	Retain RPS's current wording of OBJ 22 without Change 5's proposed amendments.	Reject	109

71	C5 OBJs 21 & 22	Do not delete RRMP OBJ 42 as proposed in Change 5, and retain original wording of OBJ 43 without Change 5's proposed amendments (being a consequential amendment arising from proposals to amend OBJs 21 and 22).	Reject	109
72	C5 POL 16	Amend bullet point propose to be added to POL 16 to read: "the <i>[effects of land use activities on] use of</i> production land"	Reject	109
	F 37 / 60	Horticulture NZ	Oppose	A
73	C5 Ch 3.10 Issue	Retain proposed amendments to Issue statement in Ch 3.10.	Accept	110
74	C5 OBJ 25	Amend OBJ 25 to read: " <i>[Subject to Objective LW1,] the...</i> "	Accept	102
75	C5 OBJ 27	Amend OBJ 27 to read: " <i>[Subject to Objective LW1, the] The maintenance or enhancement of the water quality</i> in rivers, lakes and wetlands is suitable for sustaining or improving aquatic ecosystems in catchments, and for other freshwater values identified in accordance with a catchment-based process <i>[as set out in POL LW2,]</i> including contact recreation purposes where appropriate."	Accept in Part	110
76	C5 OBJ 27A	Amend OBJ 27A as follows: 1. to read: " <i>[Subject to Objective LW1,] remnant indigenous...</i> " and 2. reword to recognise benefits of non-indigenous riparian vegetation.	Accept in Part	110
77	C5 POL 47	Amend POL 47 to read: " <i>[Subject to Objective LW1,] to manage...</i> "	Accept	110
78	C5 POL 47A	Amend POL 47A as follows: 1. to read: " <i>[Subject to Objective LW1,] promote land-based...</i> " and 2. Reword to provide a framework by which land-based disposal and surface water disposal of contaminants can be managed.	Accept in Part	110
79	C5 OBJ 29	Amend OBJ 29 to read: " <i>[Subject to Objective LW1,] the facilitation...</i> "	Accept	102
80	C5 OBJ 30	Amend OBJ 30 to read: " <i>[Subject to Objective LW1,] the maintenance...</i> "	Accept	102
81	C5 POL 50	Amend Policy 50(b) to remove references to Objective LW1 and Policy LW2.	Accept in Part	102
82	C5 POL 53	Amend POL 53 to read: "...to have regard to the following criteria <i>[, subject to Objective LW1]:...</i> "	Accept	102
83	C5 General	No specific decision requested, but refers to opposing any consequential amendments to RRMP arising from Change 5 that are not specifically identified in proposed Change 5.	Accept in Part	120

**Submitter Name: HB Forestry Group**

**Summary of Decision(s) Requested for Submitter Number: 14**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 POL LW2 Tab	Amend Table 1 to specifically include 'forestry' as a value and use of freshwater.		Accept in Part	105
		F 34 / 14 HB Federated Farmers	Support in Part	P	
2	C5 POL LW2 Tab	No specific decision requested, but states opposition to splitting of primary and secondary values/uses of freshwater in Catchment Areas.		Reject	105
		F 35 / 46 HB Fish & Game Council et al	Support	R	
3	C5 OBJ 27A	No specific decision requested, but states opposition to OBJ 27A until further clarification can be given about meaning of references to "remnant" vegetation.		Accept in Part	110
		F 35 / 47 HB Fish & Game Council et al	Oppose	P	
4	C5 OBJ 29	Amend OBJ 29 to include reference to recognising the economic necessity of the riverbed gravel resource.		Reject	101
		F 35 / 48 HB Fish & Game Council et al	Oppose	P	

**Submitter Name: Holcim (NZ) Ltd**

**Summary of Decision(s) Requested for Submitter Number:**

**15**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 OBJ LW1	That HBRC adopt OBJ LW1, in particular OBJ LW1.11 as proposed in Change 5.		Accept in Part	102
		F 35 / 49 HB Fish & Game Council et al	Oppose	P	
2	C5 POL LW1	Amend POL LW1(f) to read: "takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water and water-based resources for future generations."		Reject	103
		F 35 / 50 HB Fish & Game Council et al	Oppose in Part	P	
3	C5 POL LW2 Tab	That HBRC adopt POL LW2 Table 1, particularly references to aggregate supply and extraction as a secondary value/use for the three catchment areas as proposed in Change 5.		Accept in Part	105
		F 35 / 51 HB Fish & Game Council et al	Oppose	P	
4	C5 OBJ 29	That HBRC adopt OBJ 29 as proposed in Change 5.		Reject	102

**Submitter Name: Horticulture NZ et al**

**Summary of Decision(s) Requested for Submitter Number:**

**16**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 ISS LW1	Amend Issue LW1 to read: " <u>There is potential for ongoing conflict between multiple, and often competing, values and uses of fresh water [and limited integration in management of land and water to promote sustainable management of the region's natural and physical resources] which can impact on the ability to provide for existing or new economic activity. To ensure that economic and social wellbeing is provided for, there will be greater integration in the management of land and water and the region's other natural and physical resources with the overall goal of providing for community wellbeing.</u> " OR Add another Issue to address economic wellbeing and social development.		Reject	102
		F 32 / 4 Fonterra Co-operative Group Ltd Support		R	
		F 34 / 4 HB Federated Farmers Support		R	
		F 35 / 52 HB Fish & Game Council et al Oppose		A	
2	C5 New	Add: 1. a new objective to read: " <u>OBJ LW2 The management of land and water use that balances the multiple and competing values and uses of those resources on a catchment basis, including establishing priorities of the use of the resources.</u> " 2. principal reasons and explanation for new objective to read: " <u>The values and uses of resources vary between catchments and so there are different pressures between catchments. The approach to managing potentially competing values and uses will be through the development of catchment plans which recognise the differing demands and pressures on resources within the catchments address the issues and establish priorities.</u> "		Accept in Part	102
		F 36 / 2 Holcim (NZ) Ltd Support in Part		P	
3	C5 OBJ LW1	Amend OBJ LW1 by adding a new clause to read: " <u>recognise and provide for the use of audited self-management to measure and validate the uptake of good and best management practice.</u> "		Accept in Part	102
		F 34 / 7 HB Federated Farmers Support		P	
4	C5 OBJ LW1	Amend OBJ LW1.9 to read: " <u>ensures efficient allocation and use (including technical, economic and dynamic efficiency) of water</u> " OR Add definition of 'efficient allocation and use' in the Glossary.		Accept in Part	102
5	C5 OBJ LW1	Amend OBJ LW1.2 to read: " <u>specifies targets and implements methods to assist improvement of water quantity and water quality in catchments to meet those targets within specified timeframes</u> " OR Add a new objective relating to water quantity as requested elsewhere in submission (refer point #18).		Accept in Part	102
6	C5 OBJ LW1	No specific decision requested, but refers to amending principal explanation and reasons for OBJ LW1 to add an explanation about how OBJ LW1 will be used, insofar as it does not establish priorities and not all matters need to be met when assessing resource consent applications.		Accept in Part	102
7	C5 OBJ LW1	Amend principal explanation and reasons for OBJ LW1 by deleting references to RIVAS.		Reject	102
8	C5 POL LW1	Amend POL LW1 by adding two new clauses to read: " <u>(l) recognise and provide for existing use and investment including the production of food, fibre, aggregates and wine.</u> " and " <u>(m) recognise and provide for entities meeting industry identified standards for good management practice.</u> "		Accept in Part	103
		F 35 / 53 HB Fish & Game Council et al Oppose		P	
		F 36 / 6 Holcim (NZ) Ltd Support in Part		P	
9	C5 POL LW1	Amend POL LW1(i) to read: " <u>[allows] provides for limits that recognise spatial variation in values and allow the negotiation of reasonable transition times and pathways to meet any new water quantity limits or new water quality limits [included in regional plans].</u> "		Accept in Part	103
		F 35 / 54 HB Fish & Game Council et al Oppose		P	
10	C5 POL LW2	Amend POL LW2.1 to read: " <u>[Subject to OBJ LW1.1 to LW1.10,] recognise and give...</u> " and Amend POL LW2.3 to read: " <u>[Subject to OBJ LW1.1 to LW1.10,] manage...</u> "		Accept	102
		F 38 / 5 TrustPower Ltd Oppose		R	
11	C5 POL LW2 Tab	Amend POL LW2 Table 1 by adding the following as a Primary value/use in the Greater Heretaunga/Ahuriri Catchment Area, Mohaka Catchment Area and Tukituki Catchment Area: 1. " <u>freshwater for human drinking and animal drinking uses</u> " 2. " <u>freshwater use for beverages, food and fibre production and processing</u> "		Accept in Part	105
		F 32 / 12 Fonterra Co-operative Group Ltd Support		P	



		F 34 / 15	HB Federated Farmers	Support	P	
		F 35 / 55	HB Fish & Game Council et al	Oppose	P	
12	C5 POL LW2 Tab	Amend POL LW2 Table 1 by adding " <u>the non-consumptive use of water for renewable electricity generation</u> " as a Secondary value/use in the Mohaka Catchment Area and Tukituki Catchment Area.			Accept in Part	105
		F 35 / 56	HB Fish & Game Council et al	Oppose	P	
		F 38 / 6	TrustPower Ltd	Oppose	P	
13	C5 POL LW3	Amend POL LW3 to read as follows: "To manage the <i>[use of, and]</i> discharges from, production land in specified catchments so that: (a) <i>[the discharge of nitrogen to land, and thereafter to groundwater and surface water does not cause catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded]</i> to <u>establish through the regional plan nitrogen limits for catchments, taking into account the existing investment (including investment in natural capital), and the ability of existing production land to meet those limits;</u> (b) ..." or Provide for the use of audited self-management programmes to achieve good management of production land.			Reject	107
		F 34 / 22	HB Federated Farmers	Support	R	
		F 35 / 57	HB Fish & Game Council et al	Oppose	A	
14	C5 POL LW4	Amend POL LW4(d) by deleting reference to regional plan provisions, or amend to only refer to non-regulatory methods in regional plans.			Accept	108
		F 34 / 25	HB Federated Farmers	Support	A	
15	C5 OBJs 15 & 15	Amend OBJ 15A to read: "The management of freshwater <i>[and land use and development]</i> in a manner which protects significant values of wetlands."			Reject	111
		F 35 / 58	HB Fish & Game Council et al	Oppose	A	
16	C5 POL 16	Amend new bullet point proposed by Change 5 to be added to POL 16 to read: " <i>[the effects of land use activities on]</i> <u>discharges from production land activities where required to meet nutrient discharge limits.</u> "			Reject	109
		F 35 / 59	HB Fish & Game Council et al	Oppose	A	
17	C5 New	Add the following as a new Issue in Ch 3.x: " <u>ISS LWX1 Management decisions are being made under assumptions that some waterbodies are over-allocated, in the absence of completed water balance models, established limits for groundwater resources, established abstractive limits and methods for assessing the nature of takes, or their contribution to established limits.</u> "			Accept in Part	103
		F 35 / 60	HB Fish & Game Council et al	Oppose	P	
18	C5 New	Add the following in Ch 3.x: 1. a new objective to read: " <u>Ensure that there is adequate information available to establish limits for water quantity and water quality.</u> " 2. associated principal reasons and explanations to read: " <u>Establishing limits for waterbodies is dependent on adequate and robust information. Currently there is a lack of information, particularly on groundwater models and allocation volumes and methods for assessing the nature of takes, or their contribution to established limits. There is pressure on resources and the information is required to enable resource allocation decisions to be made.</u> "			Accept in Part	102
		F 34 / 3	HB Federated Farmers	Support	P	
		F 35 / 61	HB Fish & Game Council et al	Oppose	P	
19	C5 New	Add the following as a new Policy in Ch 3.x: " <u>POL LW X1 Resource assessment</u> 1. <u>Develop discrete water management zones or units and assign existing takes and uses to the appropriate water body management unit by 2013.</u> 2. <u>Prioritise completion of resource assessments for the Heretaunga Plains, to aid the establishment of limits and to determine the allocation status for the Heretaunga Plains water management zones by 2025.</u> 3. <u>Develop transitional allocation limits not less than the sum of paper allocation (consents), and modelled abstractions (permitted activities and other existing takes) for Heretaunga Plains water bodies by the dates specified in the Objective above.</u> 4. <u>Develop limits for water quality resources that provide for existing primary production activities.</u> 5. <u>Take a whole-of-catchment approach when establishing limits, to ensure that existing land use activities are not compromised by new or proposed land use activities.</u> 6. <u>Provide for transition to the limits-based approach, by establishing transitional limits that protect efficient existing investment in the short term.</u> 7. <u>Develop priorities for management of water in times of restriction, including allowance for drought intolerant crops, water for production and processing of food post-harvest, stock drinking water and human health and sanitation requirements.</u> 8. <u>Develop methods for managing within limits, to detail how over-allocation will be managed once a limit has been established.</u> "			Accept in Part	103
20	C5 General	No specific decision requested, but refers to collaboration on consequential amendments that give effect to the intent of the submission, other wording other than the relief stated elsewhere in submission if it gives effect to the intent of the submitters.			Accept in Part	120



**Submitter Name: Irrigation NZ Inc.**

**Summary of Decision(s) Requested for Submitter Number: 17**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 ISS LW1	Amend Issue LW1 to read "Potential for ongoing conflict between the multiple, and often competing, values and uses of freshwater, and limited integration <i>[in management of land and water to promote sustainable management of the region's natural and physical resources]</i> of the region's land, water and other natural and physical resource management, to allow for community well-being."		Reject	102
2	C5 OBJ LW1	Amend OBJ LW 1.2 to read: "specifies targets and implements methods to assist improvement of water quality <u>and water quantity</u> in catchments to meet those targets within specified timeframes"		Accept in Part	102
3	C5 OBJ LW1	Amend OBJ LW 1.7 to read: "recognises the potential for significant regional and national value arising from the <u>[non-consumptive]</u> use of water for renewable electricity generation"		Accept in Part	102
		F 38 / 7 TrustPower Ltd	Support	P	
4	C5 OBJ LW1	Amend OBJ LW 1.8 to read: "promotes and enables the adoption of good land and water management practices <u>including audited self management.</u> "		Accept in Part	102
		F 34 / 8 HB Federated Farmers	Support	P	
5	C5 OBJ LW1	Amend OBJ LW 1.9 to read: "ensures efficient allocation ( <u>technical, dynamic and economic</u> ) and use of water" OR Amend glossary to include definition of efficient allocation to include all of its aspects (ie: technical, dynamic and economic).		Accept in Part	102
6	C5 POL LW1	Amend POL LW1(i) to read: " <u>[allows] recognises and provides for existing sunk investment in the implementation of</u> reasonable transition time and pathways to meet any new water quantity limits or new water quality limits included in regional plans."		Reject	103
		F 35 / 62 HB Fish & Game Council et al	Oppose	A	
7	C5 POL LW1	Amend POL LW1 by adding new clause to read: " <u>(l) recognises the existing sunk investment for the production and processing of food, fibre and beverages.</u> "		Accept in Part	103
		F 35 / 63 HB Fish & Game Council et al	Oppose	P	
8	C5 POL LW2	Amend POL LW2.1 to read: " <u>[Subject to OBJ LW1.1 to LW1.10,]</u> recognise and give..." and Amend POL LW2.3 to read: " <u>[Subject to OBJ LW1.1 to LW1.10,]</u> manage..."		Accept	102
9	C5 POL LW2 Tab	Amend Table 1 by adding the following as a Primary value/use for the Greater Heretaunga/Ahuriri Catchment Area, Mohaka Catchment Area and Tukituki Catchment Area: 1. "reasonable domestic and stockwater use" 2. " <u>beverages, food and fibre production and processing</u> "		Accept in Part	105
		F 32 / 13 Fonterra Co-operative Group Ltd	Support	P	
		F 35 / 64 HB Fish & Game Council et al	Oppose	P	
10	C5 POL LW2 Tab	Amend Table 1 by adding " <u>renewable electricity generation</u> " as a Primary value/use for Mohaka catchment.		Accept in Part	105
		F 35 / 65 HB Fish & Game Council et al	Oppose	P	
		F 38 / 8 TrustPower Ltd	Support	P	
11	C5 POL LW2 Tab	Amend Table 1 by adding " <u>renewable electricity generation</u> " as a secondary value/use in the Tukituki catchment area.		Accept in Part	105
		F 35 / 66 HB Fish & Game Council et al	Oppose	P	
		F 38 / 9 TrustPower Ltd	Support	P	
12	C5 POL LW3	Amend POL LW 3 to read "To manage the <u>[use of, and]</u> discharge from production land in specified catchments..."		Reject	107
13	C5 POL LW3	Amend POL LW 3 by adding a new clause to read: " <u>(a) industry and/or catchment based good management practice – audited self-management programmes are implemented as the preferred management approach for the achievement of the catchment or sub-catchment freshwater objectives.</u> " and consequentially amend numbering of existing clauses (a) to (c)		Reject	107
		F 35 / 67 HB Fish & Game Council et al	Oppose	A	
14	C5 POL LW3	Amend POL LW 3 by adding a new clause to read: " <u>(e) catchment wide mitigation options are explored and implemented as appropriate.</u> "		Reject	107
15	C5 POL LW4	Delete POL LW 4(d).		Accept	108
		F 34 / 26 HB Federated Farmers	Support	A	



**Submitter Name: Kelly, Terry**

**Summary of Decision(s) Requested for Submitter Number:**

**18**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 ISS LW1	Amend Issue LW1 to read: " <u>The lack of integrated approach to land and water management based on strong sustainability (SS) principles, leading to the potential for ongoing conflict between multiple, and often competing, values and uses of freshwater [and limited integration in management of land and water to promote sustainable management of the region's natural and physical resources].</u> "		Reject	102
2	C5 OBJ LW1	Amend OBJ LW1.11 to reflect that protection and enhancement of mauri should always be top priority, and other priorities may vary within this overriding constraint.		Reject	102
		F 36 / 4 Holcim (NZ) Ltd	Support in Part	P	
		F 37 / 31 Horticulture NZ	Oppose in Part	P	
3	C5 General	No specific decision requested, but refers to opposing proposed amendments throughout Change 5 for various provisions to be "subject to OBJ LW1"		Accept	102
4	C5 POL LW2	No specific decision requested, but refers to opposing Policy LW2.		Accept in Part	105
5	C5 OBJs 15 & 15	No specific decision requested, but refers to opposing proposed amendments to Objective 15 to the extent that they weaken protection given to wetlands.		Accept in Part	111
6	C5 POLs 4 & 4A	No specific decision requested, but refers to opposing proposed amendments to Policy 4 to the extent that they weaken protection given to wetlands.		Accept in Part	111
7	C5 OBJs 21 & 22	No specific decision requested, but refers to opposing proposed deletion of Objective 21 and amendments to Objective 22.		Reject	109
8	C5 Ch 3.10 Issue	Supports proposed amendments to Issue statement in Chapter 3.10.		Accept	110

**Submitter Name: Knauf, Ivan (Wairua Farms)**

**Summary of Decision(s) Requested for Submitter Number:**

**19**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 POL LW1	Amend Policy LW1(k) to read: "enables water storage [ <i>infrastructure</i> ] which can provide <u>increased availability of water and</u> increased security for water users [ <i>in water-scarce catchments</i> ] while avoiding, remedying or mitigating adverse effects on freshwater values."		Accept in Part	103
		F 35 / 69 HB Fish & Game Council et al	Oppose	P	
		F 37 / 42 Horticulture NZ	Support	P	
2	C5 AERs Gen	Amend AER 3.x.7 to read: " <i>[Community]</i> water storage projects are developed [ <i>in water-scarce catchments</i> ]."		Accept in Part	102
		F 35 / 70 HB Fish & Game Council et al	Oppose	P	
3	C5 POL LW2 Tab	Amend Table 1 Greater Heretaunga / Ahuriri Secondary value/use to read: "aggregate supply and extraction in the Ngaruroro River [ <i>downstream of Maraekakaho</i> ]"		Accept in Part	105
		F 36 / 7 Holcim (NZ) Ltd	Support in Part	P	
4	C5 OBJ 29	Amend OBJ 29 to read: "Subject to Objective LW1, the facilitation of gravel extraction from areas where it is desirable to extract excess gravel for river management purposes and the minimisation of flood risk ( <u>including the risk of flooding areas of ecological value</u> ) or to maintain ..."		Reject	101
		F 35 / 68 HB Fish & Game Council et al	Support in Part	P	
		F 36 / 9 Holcim (NZ) Ltd	Support in Part	P	

**Submitter Name: Lowe Corporation Ltd**

**Summary of Decision(s) Requested for Submitter Number: 20**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief Hrg Theme#
1	C5 General	No specific decision requested, but refers to RPS needing to include specific objectives and policies that take specific account of the community's social, economic and cultural needs and balance these with protection of the environment.		Accept in Part 120
2	C5 General	No specific decision requested, but refers to Change 5's express reference to 50-year focus (in POL LW 1(f)) and suggests care must be taken so that any resulting regulatory framework does not lose sight of the long-term goals for short to medium term gains.		Accept in Part 103

**Submitter Name: Maori Trustee for Poukawa 13B Ahu Whenua Trust**

**Summary of Decision(s) Requested for Submitter Number:**

**21**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 General	No specific decision requested, but refers to need for further clarification on how Change 5 will increase the level of environmental protection currently afforded.		Accept in Part	120
2	C5 OBJ LW1	No specific decision requested, but refers to clauses 1 to 11 in OBJ LW1 (1 to 11) not being prioritised and therefore unclear how these will be applied at individual locations and whether some locations will take precedence over others.		Accept in Part	102
3	C5 POL LW1	No specific decision requested, but refers to need for clarification on how POL LW1 will be applied in the absence of prioritisation under POL LW2 and if a long-term planning perspective will also be applied to wetlands.		Accept in Part	105
4	C5 POL LW2	No specific decision requested, but refers to need for clarification that Poukawa will be confirmed as an independent, high value ecosystem.		Reject	105
5	C5 POL LW3	No specific decision requested, but refers to need for nitrogen and phosphorus guidelines to be set for the Poukawa sub-catchment.		Accept in Part	107
		F 35 / 71 HB Fish & Game Council et al	Support	P	
6	C5 POL LW3	No specific decision requested, but refers to concerns that non-regulatory methods will be ineffective in balancing production 'wants' against environmental 'needs.'		Accept in Part	107
7	C5 POL LW4	No specific decision requested, but refers to RPS needing to establish intermediate goals to ensure that the NPSFM's 2030 deadlines are met and to resolve ongoing development/conservation conflicts.		Reject	120
		F 35 / 72 HB Fish & Game Council et al	Support	R	
8	C5 OBJs 15 & 15	No specific decision requested but refers to general support for intention of OBJ 15.		Accept in Part	111
9	C5 OBJs 15 & 15	No specific decision requested, but refers to support for addition of OBJ 15A provided that priority wetlands have management priority over development activities; and requests that Poukawa is specified as a priority location.		Reject	111
		F 30 / 1 Brownrigg Agriculture Ltd	Oppose	A	
10	C5 POLs 4 & 4A	No specific decision requested, but refers to preferring that Poukawa be listed as a priority site.		Accept in Part	111
11	C5 OBJs 21 & 22	No specific decision requested, but refers to principles of OBJ 22 needing to be applied on a more widespread basis specifically that nutrient and hydrological loadings at Poukawa should be monitored.		Reject	109
		F 30 / 2 Brownrigg Agriculture Ltd	Oppose	A	
12	C5 OBJ 25	No specific decision requested, but refers to needing clarification that maintaining flows for sustaining aquatic ecosystems in priority wetlands will take precedence over development demands.		Accept in Part	110
13	C5 OBJ 27	No specific decision requested, but refers to need for water quality standards to be tailored to sustain an ecosystem as defined by an ecological survey.		Accept in Part	110
14	C5 OBJ 27A	No specific decision requested, but refers to need for amount and type of riparian vegetation to be tailored to a wetland type and to individual wetlands within a type.		Reject	110
15	C5 POL 47A	No specific decision requested, but refers to term 'contaminant' needing to be defined in terms of the purpose and function of the water body into which it is discharged. Considers therefore that POL 47A reinforces OBJ 27 and this should be acknowledged in the POL 47A wording.		Reject	110
16	C5 Glossary Gen	'Wetland ' - amend definition to read: "Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. For the purposes of this Plan, a wetland is not: [(a) wet production land,] (b)..."		Accept in Part	111
		F 30 / 3 Brownrigg Agriculture Ltd	Oppose	P	
		F 35 / 73 HB Fish & Game Council et al	Support	P	
17	C5 General	Withdraw Change 5 until such time as there is full understanding of the issues raised by submitter, particularly with regard to the actual intent of the Change 5 and its overall effectiveness.		Reject	120



**Submitter Name: Medical Officer of Health (HBDHB)**

**Summary of Decision(s) Requested for Submitter Number:**

**22**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 OBJs 21 & 22	Objective 21 be retained or modified to recognise the need for protection of groundwater dependent ecosystems which may ultimately impact on drinking water suitability and other uses.		Accept in Part	109
2	C5 POL LW2 Tab	Amend Table 1 to ensure protection of drinking water supplies is identified as a Primary value/use in all catchments.		Accept in Part	105

**Submitter Name: Ngati Kahungunu Iwi inc.**
**Summary of Decision(s) Requested for Submitter Number:**
**23**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 Misc	No specific decision is requested, but refers to need for Change 5 and HBRC's actions to avoid any prejudice of Ngati Kahungunu's rights and interests of freshwater and geothermal resources.		Reject	101
		F 35 / 74 HB Fish & Game Council et al	Support	R	
2	C5 OBJ LW1	No specific decision requested, but refers to amending OBJ LW1 into two separate parts - one of land and another for water to provide improved direction for subsequent regional and district plan preparation/review processes.		Reject	102
3	C5 OBJ LW1	Amend OBJ LW 1 as follows: 1.5 to read: "recognise the significant [ <i>national and</i> ] regional value of freshwater for human drinking and animal drinking uses;" 1.6 to read: "recognises the significant regional [ <i>and national</i> ] value of freshwater use for beverages, food and fibre;" 1.7 to read: "recognises the potential for significant regional [ <i>and national</i> ] value arising from the non-consumptive use of water for renewable electricity generation;"		Accept in Part	102
		F 38 / 10 TrustPower Ltd	Oppose	P	
4	C5 Gen Process	No specific decision requested, but refers to potential for combining similar plan changes into one major plan change due to the length and expense of statutory processes.		Reject	101
5	C5 New	Add a new objective to align maximum water abstraction from the Ruataniwha and Heretaunga aquifer systems with 33% of their average annual recharge rates.		Reject	106
		F 32 / 3 Fonterra Co-operative Group Ltd	Oppose	A	
		F 37 / 14 Horticulture NZ	Oppose	A	
6	C5 New	No specific decision requested, but refers to need for a specific objective and associated policies that relate specifically to Maori interests in land and water and references to these should be included where relevant throughout the proposed plan.		Accept in Part	101
7	C5 Misc	Amend OBJ 34 in RRMP Ch 3.14 (Recognition of Matters of Significance to Iwi/Hapu) to read: "To recognise and provide for matauranga a hapu o Ngati Kahungunu and local tikanga Maori values and interests, and the contribution they make to sustainable [ <i>development</i> ] management and the fulfilment of HBRC's role [ <i>as guardians</i> ,] as established under the RMA, and tangata whenua roles as kaitiaki [ <i>, in keeping with Maori culture and traditions</i> ]."		Accept in Part	105
8	C5 Misc	Amend RRMP Ch 3.14 (Recognition of Matters of Significance to Iwi/Hapu) by adding a new objective to read: "OBJ 34A: To recognise that the whole of the coastal marine area is of significance to Ngati Kahungunu and to reflect this significance in policies and plans."		Reject	101
9	C5 Ch 3.10 Issue	Amend Issue statement in RRMP Ch 3.10 (Surface Water Resources) by adding two new clauses to read: "(d) The potential contamination of aquifers and consequential degradation of surface water", and "(e) The relationship between ground water quality and surface water recharge."		Reject	110
10	C5 POL LW1	Amend POL LW1(d) to read: "protects water quality and water quantity of outstanding freshwater bodies identified in Policy LW1."		Accept in Part	103
		F 35 / 75 HB Fish & Game Council et al	Support in Part	P	
11	C5 POL LW2 Tab	Amend POL LW2 Table 1 to include as a 'priority', " <u>the relationship tangata whenua with the river be preserved and enabled.</u> "		Reject	105
		F 35 / 76 HB Fish & Game Council et al	Support	R	
12	C5 POL LW2 Tab	Amend POL LW2 Table 1 to separate the Catchment Area "Greater Heretaunga/Ahuriri Catchment Area" into separate parts, i.e. Karamu, Ngaruroro etc.		Reject	105
		F 35 / 77 HB Fish & Game Council et al	Support	R	
13	C5 POL LW2 Tab	Amend POL LW2 Table 1 by adding the following as Primary value/use for each of the Catchment Areas: " <u>tikanga Maori</u> ", " <u>Kaitiakitanga</u> ", " <u>natural character</u> " and " <u>aquifer recharge zones</u> " or cross reference values listed elsewhere in the RRMP.		Reject	105
		F 35 / 78 HB Fish & Game Council et al	Support	R	
14	C5 POL LW2 Tab	Amend POL LW2 Table 1 so the following are relocated from secondary value/use to Primary value/use for all catchment areas: "trout habitat", "native fish habitat" and "contact recreation"		Accept in Part	105
		F 35 / 79 HB Fish & Game Council et al	Support	P	
15	C5 AERs Gen	Amend AERs in Ch 3.x to include: " <u>tikanga Maori and the values therein are taken into account when managing freshwater</u> " or similar.		Reject	102

16	C5 POL LW2 Tab	Amend POL LW2 Table 1 to add " <u>water quality in the Heretaunga aquifer</u> " as a Primary value/use for Greater Heretaunga/Ahuriri Catchment Area.	Reject	105	
17	C5 POL LW2 Tab	Amend POL LW2 Table 1 to add " <u>water quality in the Ruataniwha aquifer</u> " as a Primary value/use for Tukituki Catchment Area.	Reject	105	
18	C5 POL LW2 Tab	Amend POL LW2 Table 1 so that 'stock water use' is a Secondary value/use in the Greater Heretaunga/Ahuriri Catchment Area.	Accept in Part	105	
19	C5 OBJs 21 & 22	Do not delete OBJ 21 as proposed in Change 5.	Reject	109	
20	C5 OBJs 21 & 22	Amend OBJ 22 to read: " <i>[Subject to Objective LW1, the] The sustainable <u>management [maintenance or enhancement] of groundwater [quality]quantity in the Heretaunga Plains and Ruataniwha Plains aquifer systems and unconfined or semi-confined [productive] aquifers [in order that it is suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality].</u></i> "	Reject	109	
21	C5 OBJs 21 & 22	Amend explanation and reasons para 3.8.2 by adding: " <u>The Heretaunga Plains aquifer system is one of the region's outstanding freshwater bodies (see Policy LW1). Objective A2(a) of the 2011 National Policy Statement for Freshwater Management expects that the overall quality of freshwater within the region is maintained or improved while protecting the quality of outstanding freshwater bodies.</u> "	Reject	101	
22	C5 POL LW3	Amend POL LW3 to read: "To manage the use of production land in specified catchments so that: (a) the discharge of nitrogen to land, and thereafter to groundwater <u>is restricted to minimise adverse effects on water quality [and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded];</u> (b) the discharge of animal faecal matter to land, and thereafter to groundwater and surface water, does not cause human consumption and irrigation guidelines for water quality set out in regional plans to be exceeded; (c) <u>[any monitored exceedence of] soluble reactive phosphorous limits set out in Policy 71 of this plan will be regulated through resource consent conditions [is used to target and prioritise the Regional Council's non regulatory methods].</u> "	Reject	107	
	F	32 / 16	Fonterra Co-operative Group Ltd	Oppose	A
	F	34 / 23	HB Federated Farmers	Oppose	A
	F	37 / 54	Horticulture NZ	Oppose in Part	P
23	C5 POL LW3	Amend reasons and explanations for POL LW3 to read: "Policy LW3 makes it clear that HBRC will manage production land use activities <u>to minimise the leaching of nitrogen, phosphorous and faecal coliform bacteria to groundwater and surface water under section 9 of the RMA in order to ensure that groundwater and surface water values identified in specified catchment areas are maintained or enhanced where necessary [phosphorous leaching and run off will be managed by non-regulatory methods as it is primarily caused by soil loss and cannot be practicably controlled by way of permitted activity conditions or consent conditions. This approach will be complemented by industries' implementation of good agricultural practices].</u> "	Accept in Part	107	
24	C5 AERs Gen	No specific decision requested, but refers to amendments to AERs promoting degradation of existing good water quality.	Reject	102	
25	C5 POL LW1	Amend POL LW1(i) to read: "allows reasonable transition times <u>[and pathways] to meet any new water quantity reductions or new water quality limits in regional plans.</u> "	Accept in Part	103	
26	C5 POL LW1	Amend POL LW1(k) to read: "allows for large-scale community water storage infrastructure <u>[which can] to provide increased security for water users in [water scarce] over-allocated catchments while avoiding, remedying or mitigating adverse effects on [fresh]water resources, associated ecosystems, environments and tikanga Maori values</u> "	Reject	103	
	F	37 / 43	Horticulture NZ	Oppose in Part	P
27	C5 POL LW1	Amend POL LW1 by adding a new clause to read: " <u>takes into account cumulative adverse effects when managing water quantity and quality.</u> "	Reject	103	

**Submitter Name: Pan Pac Forest Products Ltd****Summary of Decision(s) Requested for Submitter Number:****24**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 POL LW2 Tab	Amend Table 1 to specifically include 'forestry' as a value and use of freshwater.		Accept in Part	105
2	C5 POL LW2 Tab	No specific decision requested, but states opposition to splitting of primary and secondary values/uses of freshwater in Catchment Areas.		Reject	105
3	C5 OBJ 27A	No specific decision requested, but states opposition to OBJ 27A until further clarification can be given about meaning of references to "remnant" vegetation.		Accept in Part	110
4	C5 OBJ 29	Amend OBJ 29 to include reference to recognising the economic necessity of the riverbed gravel resource.		Reject	101

**Submitter Name: Silver Fern Farms Ltd**

**Summary of Decision(s) Requested for Submitter Number:**

**25**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 ISS LW1	Retain Issue LW1.		Reject	102
2	C5 OBJ LW1	Retain OBJ LW 1.6.		Accept in Part	102
3	C5 OBJ LW1	Retain OBJ LW 1.11 and ensure appropriate mechanisms are implemented to assess priorities.		Accept in Part	102
		F 36 / 5 Holcim (NZ) Ltd	Support in Part	P	
4	C5 POL LW1	Retain POL LW1(e) and ensure parties with multiple interests are adequately provided for. Also ensure that any catchment groups/committees encompass all facets of the community, and that outcomes are consistent with the policy statement.		Accept in Part	103
5	C5 POL LW1	Retain intent of POL LW1(f).		Accept	103
6	C5 POL LW1	Retain intent of POL LW1(g).		Accept	103
7	C5 POL LW1	Retain POL LW1(i).		Reject	103
8	C5 POL LW2 Tab	Retain industrial and commercial water supply as a Primary value/use in Table 1.		Accept	105
9	C5 POL LW3	No specific decision requested but refers to nitrogen limits being set using sound technical information.		Accept in Part	107
10	C5 POL LW4	No specific decision requested but refers to adequate funding should be provided for non-regulatory methods and that any non-statutory recommendations integrated into regional planning documents follow due process in public notification and consultation.		Reject	108
11	C5 AERs Gen	No specific decision requested but refers to targets, limits and rules being based on sound technical information including a transparent assessment of the four wellbeings (cultural, economic, environmental and social).		Accept in Part	102
12	C5 AERs Gen	No specific decision requested but refers to the framework for water allocation needing to adequately provide for the identified values; and refers to support for water storage projects.		Accept in Part	102
13	C5 OBJ 27	Retain the reference in OBJ 27 to "...where appropriate..."		Accept	110
14	C5 OBJ 27A	No specific decision requested but refers to need for funds to be provided for maintenance and enhancement of remnant indigenous vegetation.		Reject	110

**Submitter Name: Taupo District Council**

**Summary of Decision(s) Requested for Submitter Number:**

**26**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief Hrg Theme#
1	C5 General	No specific decision requested, but refers to: 1. in-principle support for Change 5's introduction of new objectives, policies and text into RPS to give effect to NPSFM; and 2. support for listing values and uses considered important to management of freshwater bodies.		Accept in Part 120
2	C5 POL LW2	Amend POL LW2.1 to read: "Subject to Objective LW1.1 to 1.10, recognise and give priority to maintaining <i>[and]</i> <u>or</u> enhancing the primary values and uses of freshwater bodies..."		Accept 105
3	C5 POL LW2	Amend POL LW2.3(a) to read: "(a) recognise and gives priority to maintaining <i>[and]</i> <u>or</u> enhancing primary values and uses identified in Table 1; and"		Accept 105
4	C5 OBJs 15 & 15	Amend proposed explanation para 3.4.6 in RPS for consistency with OBJs 15 and 15A.		Reject 111
5	C5 OBJ 27A	Amend OBJ 27A to read: "Subject to Objective LW1, remnant indigenous riparian vegetation on the margins of rivers, lakes and wetlands is maintained or enhanced <i>[in order to]</i> <u>for</u> : (a) <i>[maintain]</i> biological diversity; and (b) <i>[maintain and enhance]</i> water quality and aquatic ecosystems."		Reject 110

**Submitter Name: Te Taiao HB Environment Forum**

**Summary of Decision(s) Requested for Submitter Number:**

**27**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 General	No specific decision requested, but refers to RPS stating and including values of waterbodies for protection.		Accept in Part	105
2	C5 General	No specific decision requested, but refers to RPS establishing water quality and quantity limits to protect values of waterbodies.		Accept in Part	106
3	C5 General	No specific decision requested, but refers to RPS establishing a framework to ensure water quality is maintained, or where degraded that such values are improved hydrology maintained or where degraded such that its values are improved.		Accept in Part	106
4	C5 General	No specific decision requested, but refers to resource use should be first necessary, second reasonable and third where it meets these criteria it should be efficient.		Accept in Part	120
5	C5 General	No specific decision requested, but refers to RPS needing to provide better protection for wetlands and biodiversity in the region.		Accept in Part	111
6	C5 Glossary Gen	'Wetland' - No specific decision requested but refers to proposed exclusion of "production land" in wetland definition will impact significantly on ephemeral wetlands at sites like Poukawa and Whakaki.		Accept in Part	111
		F 35 / 80 HB Fish & Game Council et al	Support	P	
7	C5 General	No specific decision requested, but refers to all HB wetlands, including ephemeral wetlands being significant and should be protected.		Reject	111

**Submitter Name: Te Taiwhenua o Heretaunga**

**Summary of Decision(s) Requested for Submitter Number:**

**28**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 New	No specific decision requested, but refers to adding an objective that identifies and promotes matauranga Maori and tikanga Maori interests.		Accept in Part	101
2	C5 New	No specific decision requested, but refers to strengthening RPS's current objectives and policies relating to Maori/tangata whenua.		Reject	101
3	C5 Misc	Amend RRMP Objective 34 in Ch 3.14 (Recognition of Matters of Significance to Iwi/Hapu) to read: "To recognise <u>and provide for matauranga Maori</u> and tikanga Maori values and interests and the contribution they make to sustainable [development] <u>management</u> and the fulfilment of HBRC's role [as guardians,] as established under the RMA, and tangata whenua roles as kaitiaki [in keeping with Maori cultural and traditions]."		Reject	105
4	C5 Misc	No specific decision requested, but refers to redrafting Change 5's relevant proposed Maori provisions and include references to 'taonga' and 'kaitiakitanga' in new policies.		Accept in Part	105
5	C5 Ch3.x Gen	No specific decision requested, but refers to OBJ LW1 and POL LW1 being read subject to the submitter's new Maori objective, amended OBJ 34 and RRMP Schedule 1.		Reject	101
6	C5 POL LW2 Tab	Amend POL LW2 Table 1 to include Maori values as a Primary value/use.		Accept in Part	105
7	C5 POL LW2 Tab	No specific decision requested, but refers to quoting RMA s6 matters for rationale.		Accept in Part	105
8	C5 POL LW2 Tab	Amend POL LW2 Table 1 so 'urban water supply for towns and cities' is a Primary value/use.		Accept in Part	105
9	C5 POL LW2 Tab	No specific decision requested, but refers to domestic supplies where houses do not have access to reticulated services.		Accept in Part	105
10	C5 POL LW2 Tab	Amend POL LW2 Table 1 to include " <u>Ability to use water from the Heretaunga and Ruataniwha aquifers without treatment.</u> " as a Primary value/use.		Reject	105
11	C5 POL LW2 Tab	Amend POL LW2 Table 1 so "land-based primary production" is a Secondary value/use rather than Primary value/use.		Reject	105
		F 32 / 14 Fonterra Co-operative Group Ltd	Oppose	A	
		F 34 / 16 HB Federated Farmers	Oppose	A	
		F 37 / 49 Horticulture NZ	Oppose	A	
12	C5 POL LW2 Tab	No specific decision requested, but refers to "stock water use" being a separate bullet point as a Primary value/use.		Accept in Part	105
13	C5 POL LW2 Tab	Amend POL LW2 Table 1 so "stock water on irrigated pastures" is a Secondary value/use.		Reject	105
14	C5 POL LW2 Tab	Amend POL LW2 Table 1 so ecosystem health of tributaries and main stems is identified as a Primary value/use.		Accept in Part	105
15	C5 POL LW2 Tab	Amend POL LW2 Table 1 to add "natural character" as a Primary value/use.		Accept in Part	105
16	C5 POL LW2 Tab	No specific decision requested, but refers to need to include aquifers in Table 1.		Reject	105
17	C5 POL LW2 Tab	No specific decision requested, but refers to need to include 'health of coastal marine area' in Table 1.		Reject	105
18	C5 New	No specific decision requested, but refers to including a statement regarding Maori rights and interests in water.		Reject	101
19	C5 AERs Gen	No specific decision requested, but refers to adding new AERs that reflect the new Maori objective and policy requested elsewhere in submission.		Reject	102
20	C5 New	No specific decision requested, but refers to including a narrative regarding co-governance role and engagement methodology for Treaty claimant groups.		Reject	101
21	C5 New	No specific decision requested, but refers to identification and provision for outstanding waterbodies of national significance.		Reject	101
		F 35 / 81 HB Fish & Game Council et al	Support in Part	R	
22	C5 New	No specific decision requested, but refers to the Ahuriri Estuary being included as an outstanding waterbody of national significance.		Reject	101
		F 35 / 82 HB Fish & Game Council et al	Support in Part	R	
23	C5 New	No specific decision requested, but refers to Tukituki, Ngaruroro, Mohaka and Tutaekuri rivers being included as outstanding waterbodies of national significance.		Reject	101



		F 35 / 83	HB Fish & Game Council et al	Support in Part	R	
		F 37 / 15	Horticulture NZ	Oppose	P	
24	C5 New	No specific decision requested, but refers to the Heretaunga and Ruataniwha aquifer systems being included as outstanding waterbodies of national significance.			Reject	101
		F 35 / 84	HB Fish & Game Council et al	Support in Part	R	
		F 37 / 16	Horticulture NZ	Oppose	P	
25	C5 New	Add a map showing location of outstanding waterbodies of national significance as requested elsewhere in submission.			Reject	101
		F 35 / 85	HB Fish & Game Council et al	Support in Part	R	
26	C5 OBJs 21 & 22	Do not delete OBJ 21 as proposed in Change 5, and retain original wording of OBJ 22 without Change 5's proposed amendments.			Reject	109
27	C5 OBJs 21 & 22	1. Do not delete OBJ 42 as proposed in Change 5 (as a consequence of amending OBJs 21 and 22), 2. retain original wording of OBJ 43 without Change 5's proposed amendments; and 3. amend OBJ 42 and OBJ 43 to replace references to "aquifers" with "unconfined aquifers."			Reject	109
28	C5 Misc	No specific decision requested, but refers to need to address cross-boundary issues and consistent approaches for Manawatu River's source in Hawke's Bay.			Reject	101
29	C5 General	No specific decision requested, but refers to need for cross-referencing new RPS chapters to existing RRMP chapters.			Accept in Part	120
30	C5 General	No specific decision requested, but refers to proposed new Ch 3.x appearing to impose priority over other existing RPS chapters.			Accept in Part	102
31	C5 AERs Ch 3.8	Retain AER in Ch 3.8 without amendments as proposed in Change 5.			Reject	109
32	C5 AERs Ch 3.8	Amend AERs in Ch 3.8 by adding following as new indicators to be measured: " <u>soluble reactive phosphorus</u> " and " <u>soluble inorganic nitrogen</u> ."			Accept in Part	109
33	C5 AERs Ch 3.8	Amend AERs in Ch 3.8 by adding the following as a new data source: " <u>Cultural health monitoring</u> ."			Reject	109
34	C5 Ch 3.10 Issue	Amend Issue statement in RRMP Ch 3.10 by adding a new clause to read: " <u>(d) the potential contamination of aquifers and consequential degradation of surface water</u> ."			Reject	110
35	C5 OBJ 25	Amend OBJ 25 to read: "Subject to Objective LW1, the quantity of water in wetlands, rivers and lakes is suitable for sustaining <u>or enhancing</u> ecosystems in catchments, and ensuring resource availability for a variety of purposes across the region, while recognising the impact caused by climatic fluctuations in Hawke's Bay."			Reject	110
36	C5 OBJ 27	Amend OBJ 27 to read: "Subject to Objective LW1, the water quality in rivers, lakes and wetlands is suitable for sustaining or improving aquatic ecosystems in catchments and for other freshwater values identified in accordance with a catchment-based process as set out in POL LW2, including contact recreation purposes <i>[where appropriate]</i> ."			Reject	110
37	C5 OBJ 27A	Amend OBJ 27A by adding a new clause to read: " <u>(c) support tikanga Maori and uses of natural resources</u> ."			Accept in Part	110
38	C5 POL 47A	Amend POL 47A(b) to read: "(b) any disposal of wastewater, solid waste or other waste products to a surface waterbody or coastal water occurs <i>[only when it is the best practical option]</i> in emergencies only."			Reject	110
39	C5 General	No specific decision requested, but refers to deleting references to "subject to Objective LW1..." OR amend to read "Subject to Objective LW1 <u>and Objective LW2 (the new Mana whenua objective) and Schedule 1...</u> "			Accept in Part	102
		F 37 / 10	Horticulture NZ	Oppose	P	
40	C5 General	No specific decision requested, but refers to RPS needing to include the following acknowledgement: " <u>The whole of the coastal marine area is of significance to Ngati Kahungunu</u> ."			Reject	101
41	C5 General	No specific decision requested, but refers to RPS needing to quote potential for further degradation due to land use practices.			Reject	107

**Submitter Name: TrustPower Ltd**

**Summary of Decision(s) Requested for Submitter Number:**

**29**

Statement#	PlanTopic	Decision Requested	FSub S or O Original Sub	Relief	Hrg Theme#
1	C5 ISS LW1	Retain Issue LW1 as notified. or similar and consequential amendments.		Accept in Part	102
2	C5 OBJ LW1	Retain OBJ LW1 as notified, particularly clause 7, or similar and consequential amendments.		Accept in Part	102
3	C5 POL LW1	Amend POL LW1 by adding a new clause to read: " <u>(l) recognises the national significance of the national, regional and local benefits from renewable electricity generation activities and provide for the establishment, operation, maintenance and upgrading of new and existing activities.</u> " or similar and consequential amendments.		Accept in Part	103
		F 35 / 86 HB Fish & Game Council et al	Oppose	P	
4	C5 POL LW2 Tab	Amend POL LW2 Table 1 to include " <u>water use for renewable electricity generation</u> " as a Secondary value/use for the Mohaka Catchment Area, or similar and consequential amendments.		Accept in Part	105
		F 36 / 8 Holcim (NZ) Ltd	Support	P	
5	C5 POL LW2 Tab	Amend POL LW2 Table 1 to include " <u>water use for renewable electricity generation in upper Tukituki River tributaries</u> " as a Secondary value/use for the Tukituki Catchment Area, or similar and consequential amendments.		Accept in Part	105

## **APPENDIX C – CHANGE 5 AS RECOMMENDED**

**Part 1 – Tracked changes Version showing alterations recommended to notified version**

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

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Insert following as a new chapter in Section 3 of the Regional Resource Management Plan

## 3. 1A Integrated Land Use and Freshwater Management

### ISSUES

#### ISS LW1A E kore Parawhenua e haere ki te kore a Rakahore

*Parawhenua (Water) would not flow if it were not for Rakahore (Rock)*

#### He huahua te kai pai! He wai te kai pai!

*Huahua (preserved birds) are a treasured delicacy. However water is a necessity.*

Explanation: These two proverbs encapsulate the interrelationship between two significant elements – land and water. The Māori world is formed on the interconnectedness and interdependency of people to all living creatures and to the environments in which they live. The well-being of the whole is dependent on the well-being of its constituent parts.

ISS LW1 ~~Potential for ongoing conflict between m~~Multiple, and often competing, values and uses of fresh water ~~and limited integration in management of land and water to promote sustainable management of the region's natural and physical resources can create conflict in the absence of clear and certain resource management policy guidance.~~

ISS LW2 Integration of the management of land use and water quality and quantity increases the ability to promote sustainable management of the region's natural and physical resources.

### OBJECTIVES

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

~~The management of f~~fresh water and land use and development managed in an integrated and sustainable manner ~~that~~which includes (in no particular order<sup>1</sup>):

1. identifies protecting the quality of outstanding freshwater bodies in Hawke's Bay ~~region and protects their water quality;~~

1A. protecting the significant values of wetlands;

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<sup>1</sup> Being in no particular order means there is no particular priority among the matters listed.

2. ~~specifies targets and implements methods to assist~~the improvement of water quality in ~~catchments to meet those targets within specified timeframes~~water bodies that have been degraded;
- 2B. avoiding any further over-allocation of freshwater and phasing out existing over-allocation;
3. recognisesing that land uses, freshwater quality and surface water flows can impact on the receiving coastal environment;
4. safeguardsing the life-supporting capacity and ecosystem processes of fresh water, ~~with a priority for~~including indigenous species and their associated fresh water ecosystems;
5. ~~recognises~~recognising the ~~significant national and~~ regional value of fresh water for human ~~drinking~~ and animal drinking ~~uses~~purposes, and for municipal water supply;
6. recognisesing the significant regional and national ~~value importance~~ of fresh water use for production and processing of beverages, food and fibre ~~production and processing~~;
7. recognisesing the potential ~~for significant regional and~~ national, regional and local benefits ~~value~~ arising from the ~~non-consumptive~~ use of water for renewable electricity generation;
8. ~~promotes and enables the adoption~~recognising the benefits of industry good practice to land and water management ~~practices~~;
- 8A. recognising the role of afforestation in sustainable land use and improving water quality;
- ~~9. ensures efficient allocation and use of water~~;
10. recognisesing and providesing for wairuatanga and the mauri of fresh water bodies in accordance with the values and principles expressed in Chapter 1.6, Schedule 1 and the objectives and policies in Chapter 3.14 of this Plan;~~and~~
- ~~11. recognises the differing demands and pressures on freshwater resources within catchments across the Hawke's Bay region, and where significant conflict exists between competing values, the regional policy statement and regional plans provide clear priorities for the protection or use of those freshwater resources.~~
12. recognising and providing for river management and flood protection activities; and
13. recognising and providing for the recreational and conservation values of fresh water bodies.

## **OBJ LW2 Integrated management of freshwater and land use development**

The management of land use and freshwater use that recognises and balances the multiple and competing values and uses of those resources within catchments. Where significant conflict between competing values or uses exists or is foreseeable, the regional policy statement and regional plans provide clear priorities for the protection and use of those freshwater resources.

### **Principal reasons and explanation**

Objectives LW1 and LW2 (and associated policies) assist HBRC to give effect to the 2011 National Policy Statement for Freshwater Management by setting out a broad overall framework (in parallel with other objectives in the RPS) for improving integrated management of the region's freshwater and land resources. These RPS provisions only partly implement the NPS for Freshwater Management. Regional plan policies and methods (including rules) also assist in giving effect to the NPS for Freshwater Management.

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

OBJ LW1 and OBJ LW2 are intended to outline the broad principles for policy-making and regional plan preparation to improve integrated decisions being made about the way the region's land and freshwater resources are used, developed or protected across the region's varying catchments and sub-catchments.

As well as different pressures in different catchments, freshwater values in Hawke's Bay also vary spatially. In addition to the national values of fresh water identified in the NPSFM's Preamble, HBRC has undertaken a process to assess freshwater values in Hawke's Bay. This included beginning with a Regional Water Symposium in 2010, followed by a process involving stakeholder representatives to develop the Hawke's Bay Regional Land and Water Management Strategy and a second Land and Water Symposium in 2011. This process helped HBRC to understand how to prioritise and strengthen policy options and management decisions for the different catchments. HBRC has also applied the River Values Assessment System (RiVAS)<sup>2</sup> to assess values of rivers in the region. The results of the RiVAS assessments for Hawke's Bay reinforced the values identified at the symposiums and by the stakeholder reference group.

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

## **POLICIES**

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

1. To adopt a whole-of-catchment integrated management approach to managing fresh water and land use and development within each catchment area, that (in no particular order<sup>3</sup>):

- a) is consistent with the integrated management approach outlined in OBJ LW1
- b) provides for Māori mātauranga a hapū and local tikanga values and uses of the catchment in accordance with tikanga Māori;
- c) recognises-provides for the inter-connected nature of natural resources within the catchment area, including the coastal environment;
- d) protects-identifies water quality of outstanding freshwater bodies;
- dA) maintains, and where necessary enhances, the water quality of those outstanding freshwater bodies identified in the catchment, and where appropriate, protects the water quantity of those outstanding freshwater bodies;
- e) promotes collaboration and information sharing between relevant management agencies, iwi, landowners and other stakeholders;
- f) takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water resources for future generations;
- g) aims to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible in accordance with POL LW2;
- gA) involves working collaboratively with the catchment communities;
- h) ensures the timely use and adaptation of statutory and non-statutory measures to respond to any significant changes in resource use activities or the state of the environment;
- i) allows reasonable transition times and pathways to meet any new water quantity limits or new water quality limits included in regional plans
- iC) avoids development that limits the use or maintenance of existing electricity generating infrastructure or restricts the generation output of that infrastructure;
- iD) provides opportunities for new renewable electricity generation infrastructure where the adverse effects on the environment can be appropriately managed;

<sup>2</sup> RiVAS, developed by Lincoln University, provides a standardised method that can be applied to multiple river values. It helps to identify which rivers are most highly rated for each value and has been applied in several regions throughout the country.

<sup>3</sup> Being in no particular order means there is no particular priority among the matters listed.

- j) ensures efficient allocation and use of fresh water within limits to achieve freshwater objectives; and
- k) enables water storage infrastructure which where it can provide increased security water availability and security for water users in water scarce catchments while avoiding, remedying or mitigating adverse effects on freshwater values.

2. When preparing regional plans:

- a) use the catchment-wide integrated management approach set out in POL LW1.1; and
- b) identify the values for freshwater and their spatial extent within each catchment, including identifying the values for each of those freshwater bodies identified as outstanding under POL LW1.1(d); and
- c) establish freshwater objectives based on the values identified in clause (b) above and set priorities amongst those values; and
- d) set water quality limits and targets, minimum flows and water quantity allocation limits so as to achieve the freshwater objectives identified under clause (c); and
- e) set out how the water quality and quantity limits and targets will be implemented through regulatory or non-regulatory methods including specifying timeframes for meeting water quality and allocation targets.

3. When setting the values and objectives referred to in POL LW1.2, ensure:

- a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water are safeguarded; and
- b) adverse effects on water quantity and water quality that diminish mauri are avoided, remedied or mitigated; and
- c) the microbiological water quality in rivers and streams is safe for people to swim.

4. When identifying methods and timeframes in regional plans to achieve limits and targets required by POL LW1.2(e) have regard to:

- a) allowing reasonable transition times and pathways to meet any new water quantity limits or new water quality limits included in regional plans. A reasonable transition time is informed by the environmental and socio-economic costs and benefits that will occur during that transition time; and
- b) promoting and enabling the adoption and monitoring of good land and water management practices.

**Principal reasons and explanation**

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

National values of freshwater have been listed in the NPSFM preamble and values have also been identified in the Hawke's Bay LAWMS. Values include:

- ecosystem values such as natural state, life-supporting capacity, aquatic habitats and biodiversity;
- recreational and cultural values such as contact recreation, amenity and shell fish gathering;
- water use values such as water supply for a range of purposes; and
- social and economic values including the capacity to assimilate pollution, flood control and drainage and to the operation of existing infrastructure.

Approaches to issues, values and uses of catchments will vary so POL LW1.1, POL LW1.2, POL LW1.3 and POL LW1.4 does not prescribe a one-size-fits-all approach for all catchments in Hawke's Bay. Each catchment-based process will need to

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

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

1. ~~Subject to Objective LW1.1 to 1.10, recognise and g~~Give priority to maintaining and enhancing the primary values and uses of freshwater bodies shown in Table 1 for the following catchment areas<sup>4</sup> in accordance with Policy LW2.3:
  - a) Greater Heretaunga / Ahuriri Catchment Area;
  - b) Mohaka Catchment Area; and
  - c) Tukituki Catchment Area.

1A. Policy LW2.1 applies:

- a) when preparing regional plans for the catchments specified in POL LW2.1; and
- b) when considering resource consents for activities in the catchments specified in POL LW2.1 when no catchment-based regional plan has been prepared for the relevant catchment.

2. In relation to catchments not specified in POL LW2.1 above, the management approach set out in POL LW1.1, POL LW1.2, POL LW1.3 and POL LW1.4 will apply.

2A. In relation to values not specified in Table 1, the management approach set out in POL LW1.1, POL LW1.2(a), (c), (d) and (e), POL LW1.3 and POL LW1.4 will apply.

3. ~~Subject to Objective LW1.1 to 1.10, m~~Manage the fresh water bodies listed in ~~Policy POL~~ LW2.1 in a manner that:
  - a) recognises and gives priority to maintaining ~~and or~~ enhancing primary values and uses identified in Table 1; and
  - b) avoids, as far as is reasonably practicable, significant adverse effects on secondary values and uses identified in Table 1; and
  - c) uses an integrated catchment-based process in accordance with POL ~~LW1~~LW1.1, POL LW1.2, POL LW1.3 and POL LW1.4 to evaluate and determine the appropriate balance between any conflicting primary values and uses in Table 1.

**TABLE 1:**

Catchment Area	Primary Value(s) and Uses – in no priority order	Secondary Value(s) and Uses – in no priority order
Greater Heretaunga / Ahuriri Catchment Area	<ul style="list-style-type: none"> <li>• <u>Individual domestic needs and stock drinking needs</u></li> <li>• Industrial &amp; commercial water supply</li> <li>• <u>Native fish habitat in the Ngaruroro River and Tutaekuri River catchments</u></li> <li>• <u>The high natural character values in sub-catchments of the Ngaruroro River and its margins upstream of Whanawhana cableway, including Taruarau River</u></li> <li>• <u>The high natural character values of the Tutaekuri River and its margins above the confluence of, and including, the Mangatutu Stream</u></li> <li>• Urban water supply for cities and townships <u>and water supply for key social infrastructure facilities</u></li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in Ngaruroro River downstream of <del>Maraekakaho</del><u>the confluence with the Mangatahi Stream</u></li> <li>• Amenity for contact recreation (including swimming) in lower Ngaruroro River, Tutaekuri River and Ahuriri Estuary</li> <li>• Native fish habitat, <u>notwithstanding native fish habitat as a primary value and use in the Tutaekuri River and Ngaruroro River catchments</u></li> <li>• Recreational trout angling</li> <li>• Trout habitat</li> </ul>

<sup>4</sup> A map illustrating the indicative location of these Catchment Areas is set out in Appendix 'A'.



<b>Mohaka Catchment Area</b>	<ul style="list-style-type: none"> <li>• Amenity for water-based recreation between State Highway 5 bridge and Willowflat</li> <li>• <a href="#">Individual domestic needs and stock drinking needs</a></li> <li>• Long-fin eel habitat and passage</li> <li>• Recreational trout angling in Mohaka River and tributaries upstream of State Highway 5 bridge</li> <li>• Scenic characteristics of Mokonui and Te Hoe gorges</li> <li>• <a href="#">The high natural character values of the Mohaka River and its margins</a></li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in Mohaka River below railway viaduct</li> <li>• Native fish habitat below Willowflat</li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> <li>• <a href="#">Water use for renewable electricity generation in areas not restricted by the Water Conservation Order</a></li> </ul>
<b>Tukituki Catchment Area</b>	<ul style="list-style-type: none"> <li>• <a href="#">Individual domestic needs and stock drinking needs</a></li> <li>• Industrial &amp; commercial water supply</li> <li>• Native fish and trout habitat</li> <li>• <a href="#">The high natural character values of:</a> <ul style="list-style-type: none"> <li>○ <a href="#">the Tukituki River upstream of the end of Tukituki Road; and</a></li> <li>○ <a href="#">the Waipawa River above the confluence with the Makaroro River, including the Makaroro River</a></li> </ul> </li> <li>• Urban water supply for towns and settlements <a href="#">and water supply for key social infrastructure facilities</a></li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in lower Tukituki River</li> <li>• Amenity for contact recreation (including swimming) in lower Tukituki River.</li> <li>• Recreational trout angling in: <ul style="list-style-type: none"> <li>○ middle Tukituki River and tributaries between SH50 and Tapairu Road; &amp;</li> <li>○ middle Waipawa River and tributaries between SH50 and SH2.</li> </ul> </li> </ul>

### **Principal reasons and explanation**

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

The primary and secondary values in Table 1 are identified to apply to the catchment overall, or to sub-catchments or reaches where stated. ~~When read subject to OBJ LW1.1 to 1.10, the values and uses in~~ Table 1 recognises that not all values are necessarily equal across every part of the catchment area, and that some values in parts of the catchment area can be managed in a way to ensure, overall, the water body’s value(s) is appropriately managed. With catchment-based regional planning processes, it is potentially possible for objectives to be established that meet the primary values and uses at the same time as meeting the secondary values.

[Refer also:

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

### **POL LW3 Problem solving approach – Managing use of production land use**

1.          To manage the use of, and discharges from, production land ~~in specified catchments~~ so that:
  - a) the ~~discharge loss~~ of nitrogen from the root zone of crops and plants grown on production to land, and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded;
  - b) the discharge of faecal matter from livestock to land, and thereafter to groundwater and surface water, does not cause faecal indicator bacteria water quality limits for human

consumption and irrigation ~~guidelines for water quality purposes~~ set out in regional plans to be exceeded;

- c) ~~any monitored exceedence of soluble reactive phosphorus limits set out in Policy 71 of this Plan is used to target and prioritise the Regional Council's non-regulatory methods from production land into groundwater or surface water does not cause limits set out in regional plans to be exceeded.~~

## 2. To review regional plans and prepare changes to regional plans to promote integrated management of land use and development and the region's water resources.

### **Principal reasons and explanation**

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

Most regional plan changes will be on a catchment-basis, although some changes may be prepared for specific issues that apply to more than one catchment. HBRC has prepared a NPSFM Implementation Programme that outlines key regional plan and policy statement change processes required to fully implement the NPSFM by 2030.

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

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

- a) **research, investigation and provision of information and services** – HBRC has in place a programme of research, monitoring and assessment of the state and trends of Hawke's Bay's natural resources. That programme will continue to be enhanced to assist HBRC implement the NPSFM and Hawke's Bay Land and Water Management Strategy;
- b) **advocacy, liaison and collaboration** – HBRC will promote a collaborative approach to the integrated management of land use and development and the region's freshwater resources;
- c) **land and water strategies** – the 2011 Hawke's Bay Land and Water Management Strategy contains a variety of policies and actions. A range of agencies and partnerships will be necessary to implement the actions and policies in the Strategy;
- ~~d) **regional plan provisions** – HBRC will review regional plans and prepare changes to those regional plans to promote integrated management of land use and development and the region's water resources. Most regional plan changes will be on a catchment basis, although some changes may be prepared for specific issues that apply to more than one catchment. HBRC has prepared a NPSFM Implementation Programme that outlines key regional plan and policy statement change processes required to fully implement the NPSFM by 2030.~~
- e) **industry good practice** – HBRC will strongly encourage industry and/or catchment-based good practices for production land uses along with audited self management programmes as a key mechanism for achieving freshwater objectives at a catchment or sub-catchment level. HBRC will also strongly encourage collaborative partnership initiatives through the Pan Sector Group<sup>5</sup> for the effective and efficient delivery of industry good practice programmes and for monitoring and evaluating the effectiveness of such programmes.

### **Principal reasons and explanation**

Policy LW4 sets out the role of HBRC's non-regulatory methods in supporting regional rules and other regulatory methods to assist management of freshwater and land use and development in an integrated manner. This policy (and POL LW1)

<sup>5</sup> The Pan Sector Group was officially formed at the beginning of 2012, in recognition of the need to work collaboratively to drive continued investment into research and development of regional initiatives around best practice and farm profitability. The Group includes regional and national representatives of the leading primary sector industry organisations and research agencies. The initial focus was on realising the potential benefits socially, economically and environmentally of the Ruataniwha Water Storage Scheme but the group has increasingly had a role in assisting shaping policies, rules and regulations within the proposed Regional Plan Change 6 for the Tukituki catchment.

recognises the need for a collaborative approach as an important means of minimising conflict and managing often competing pressures for the use and values of fresh water.

### **Anticipated Environmental Results**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OBJ 25 ~~Subject to Objective LW1, t~~The maintenance of the water quantity of water in the wetlands, rivers and lakes in order that it is suitable for sustaining aquatic ecosystems in catchments as a whole, and ensuring resource availability for a variety of purposes across the region, while recognising the impact caused by climatic fluctuations in Hawke's Bay.

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

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

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

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

- a) maintain biological diversity; and
- b) maintain and enhance water quality and aquatic ecosystems; and
- c) support the use of surface water resources in accordance with tikanga Māori.

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

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

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

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

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

- a) the adverse effects of contaminants entering surface waterbodies or coastal water are avoided as far as practicable;
- aA) where it is not practicable to avoid any adverse effects of contaminants entering surface waterbodies or coastal water, then adverse effects are remedied or mitigated; and
- b) any disposal of wastewater, solid waste or other waste products to a surface waterbody or coastal water occurs only when it is the best practicable option.

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

~~**OBJ 29** Subject to Objective LW1, the The facilitation of gravel extraction from areas where it is desirable to extract excess gravel for river management purposes and the minimisation of flood risk, or to maintain or protect the functional integrity of existing structures, whilst ensuring that any adverse effects of gravel extraction activities are avoided, remedied or mitigated.~~

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

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

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

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

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

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

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

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

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

#### **Catchment area**

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

#### **Efficient allocation**

has the same meaning as given in the NPSFM's interpretation section. For the purposes of this Plan, economic efficiency means water use which results in the optimum outcome for the environment and community; technical efficiency means the amount of water beneficially used in relation to that taken; and dynamic efficiency means the adaptability of water allocation to achieve ongoing improvements in efficiency.

#### **Freshwater objective**

has the same meaning as given in the NPSFM's interpretation section.

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

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

#### **Limit**

has the same meaning as given in the NPSFM's interpretation section.

#### **Mohaka Catchment Area**

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

#### **NPSFM**

National Policy Statement for Freshwater Management 2011.

#### **Outstanding freshwater body**

has the same meaning as given in the NPSFM's interpretation section.

#### **Target**

has the same meaning as given in the NPSFM's interpretation section.

#### **Tukituki Catchment Area**

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

### → Amend definition of 'wetland' as follows in Chapter 9 and consequentially delete footnotes<sup>6</sup> stating similar elsewhere in Plan:

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

*a) wet ~~production-pasture or cropping land~~*

*b) ~~artificial wetlands used for wastewater or stormwater treatment~~*

*c) ~~farm dams and detention dams~~*

*cA) ~~reservoirs, dams and other areas specifically designed and established for the construction and/or operation of a hydro-electric power scheme~~*

<sup>6</sup> Examples of such footnotes are those associated with Chapter 3.4.7 and Rule 10(g).

- d) land drainage canals and drains
- e) reservoirs for fire fighting, domestic or municipal water supply
- f) temporary ponded rainfall
- g) artificial wetlands created for beautification purposes.

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

→ Amend Table 1 (RPS objectives and regional plan objectives) in Chapter 2.3 by adding the following row:

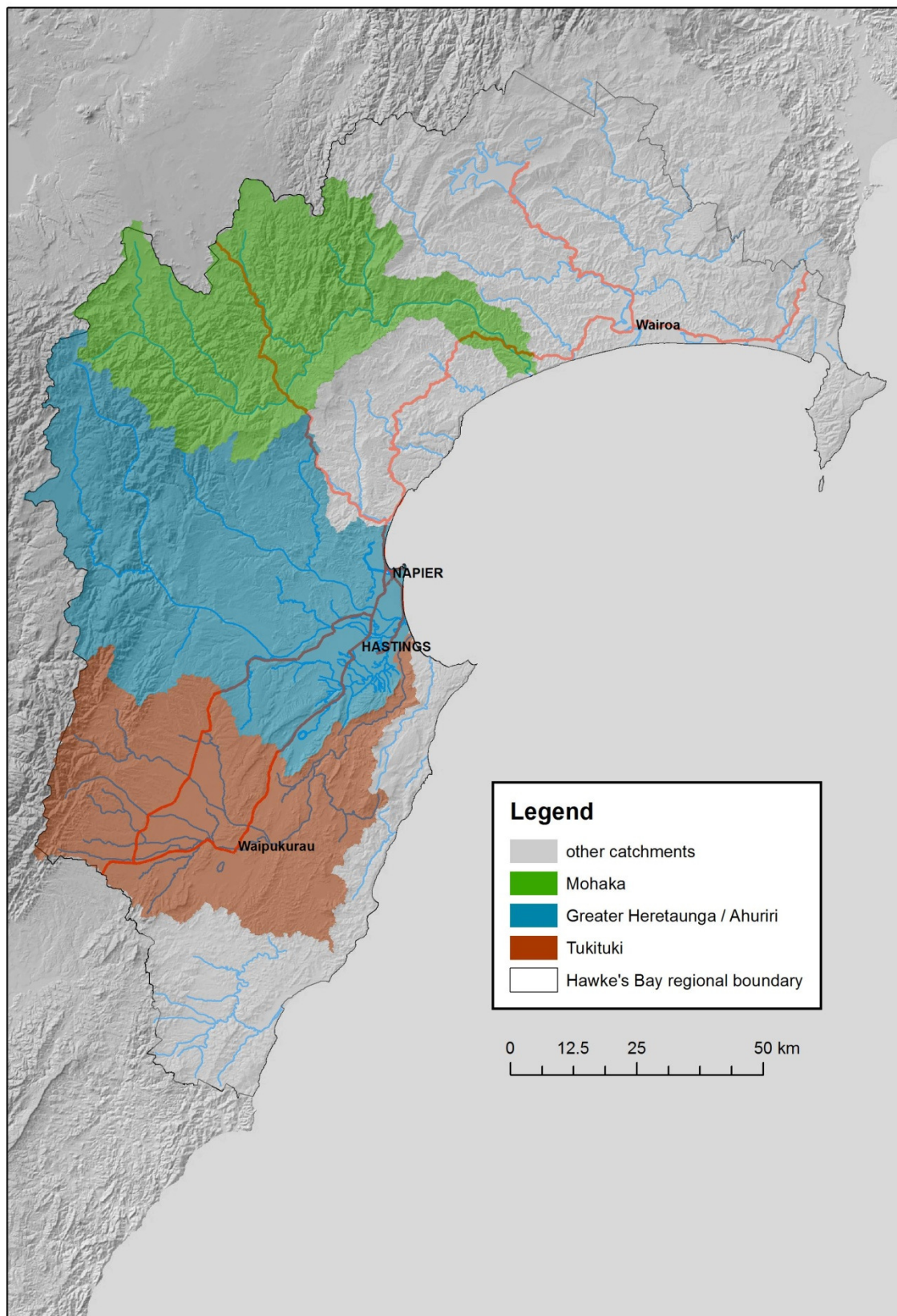
<u>OBJECTIVE</u>	<u>TOPIC</u>	<u>LOCATION</u>
<u>Objectives LW1 – LW2</u>	<u>Integrated land use and freshwater management</u>	<u>Regional Policy Statement</u>

→ Amend Table 2 (Summary of objectives, policies and methods in Chapters 3 and 5) in Chapter 3.1 by adding the following row:

<u>Objective</u>	<u>Policies</u>	<u>Rule Number</u>	<u>Non Regulatory Methods</u>
<u>Objectives LW1 – LW2</u>	<u>LW1, LW2, LW3, LW4</u>		<u>Refer Policy LW4</u>



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



**APPENDIX C – CHANGE 5 AS RECOMMENDED**

**Part 2 – Clean Version of Change 5 as Recommended**

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

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Insert following as a new chapter in Section 3 of the Regional Resource Management Plan

## 3.1A Integrated Land Use and Freshwater Management

### ISSUES

ISS LW1A E kore Parawhenua e haere ki te kore a Rakahore

*Parawhenua (Water) would not flow if it were not for Rakahore (Rock)*

**He huahua te kai pai! He wai te kai pai!**

*Huahua (preserved birds) are a treasured delicacy. However water is a necessity.*

**Explanation:** These two proverbs encapsulate the interrelationship between two significant elements – land and water. The Māori world is formed on the interconnectedness and interdependency of people to all living creatures and to the environments in which they live. The well-being of the whole is dependent on the well-being of its constituent parts.

ISS LW1 **Multiple and often competing values and uses of fresh water can create conflict in the absence of clear and certain resource management policy guidance.**

ISS LW2 **Integration of the management of land use and water quality and quantity increases the ability to promote sustainable management of the region's natural and physical resources.**

### OBJECTIVES

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

Fresh water and land use and development managed in an integrated and sustainable manner which includes (in no particular order<sup>1</sup>):

1. protecting the quality of outstanding freshwater bodies in Hawke's Bay;
- 1A. protecting the significant values of wetlands;
2. the improvement of water quality in water bodies that have been degraded;
- 2B. avoiding any further over-allocation of freshwater and phasing out existing over-allocation;
3. recognising that land uses, freshwater quality and surface water flows can impact on the receiving coastal environment;

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<sup>1</sup> Being in no particular order means there is no particular priority among the matters listed.

4. safeguarding the life-supporting capacity and ecosystem processes of fresh water, including indigenous species and their associated fresh water ecosystems;
5. recognising the regional value of fresh water for human and animal drinking purposes, and for municipal water supply;
6. recognising the significant regional and national importance of fresh water use for production and processing of beverages, food and fibre;
7. recognising the potential national, regional and local benefits arising from the use of water for renewable electricity generation;
8. recognising the benefits of industry good practice to land and water management;
- 8A. recognising the role of afforestation in sustainable land use and improving water quality;
10. recognising and providing for wairuatanga and the mauri of fresh water bodies in accordance with the values and principles expressed in Chapter 1.6, Schedule 1 and the objectives and policies in Chapter 3.14 of this Plan;
12. recognising and providing for river management and flood protection activities; and
13. recognising and providing for the recreational and conservation values of fresh water bodies.

#### **OBJ LW2 Integrated management of freshwater and land use development**

The management of land use and freshwater use that recognises and balances the multiple and competing values and uses of those resources within catchments. Where significant conflict between competing values or uses exists or is foreseeable, the regional policy statement and regional plans provide clear priorities for the protection and use of those freshwater resources.

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

Objectives LW1 and LW2 (and associated policies) assist HBRC to give effect to the 2011 National Policy Statement for Freshwater Management by setting out a broad overall framework (in parallel with other objectives in the RPS) for improving integrated management of the region's freshwater and land resources. These RPS provisions only partly implement the NPS for Freshwater Management. Regional plan policies and methods (including rules) also assist in giving effect to the NPS for Freshwater Management.

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

OBJ LW1 and OBJ LW2 are intended to outline the broad principles for policy-making and regional plan preparation to improve integrated decisions being made about the way the region's land and freshwater resources are used, developed or protected across the region's varying catchments and sub-catchments.

As well as different pressures in different catchments, freshwater values in Hawke's Bay also vary spatially. In addition to the national values of fresh water identified in the NPSFM's Preamble, HBRC has undertaken a process to assess freshwater values in Hawke's Bay. This included beginning with a Regional Water Symposium in 2010, followed by a process involving stakeholder representatives to develop the Hawke's Bay Regional Land and Water Management Strategy and a second Land and Water Symposium in 2011. This process helped HBRC to understand how to prioritise and strengthen policy options and management decisions for the different catchments. HBRC has also applied the River Values Assessment System (RiVAS)<sup>2</sup> to assess values of rivers in the region. The results of the RiVAS assessments for Hawke's Bay reinforced the values identified at the symposiums and by the stakeholder reference group.

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

<sup>2</sup> RiVAS, developed by Lincoln University, provides a standardised method that can be applied to multiple river values. It helps to identify which rivers are most highly rated for each value and has been applied in several regions throughout the country.

## **POLICIES**

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

1. Adopt an integrated management approach to fresh water and land use and development within each catchment area, that (in no particular order<sup>3</sup>):
  - b) provides for *mātauranga a hapū* and local tikanga values and uses of the catchment;
  - c) provides for the inter-connected nature of natural resources within the catchment area, including the coastal environment;
  - d) identifies outstanding freshwater bodies;
  - dA) maintains, and where necessary enhances, the water quality of those outstanding freshwater bodies identified in the catchment, and where appropriate, protects the water quantity of those outstanding freshwater bodies;
  - e) promotes collaboration and information sharing between relevant management agencies, iwi, landowners and other stakeholders;
  - f) takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water resources for future generations;
  - g) aims to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible;
  - gA) involves working collaboratively with the catchment communities;
  - h) ensures the timely use and adaptation of statutory and non-statutory measures to respond to any significant changes in resource use activities or the state of the environment;
  - iC) avoids development that limits the use or maintenance of existing electricity generating infrastructure or restricts the generation output of that infrastructure;
  - iD) provides opportunities for new renewable electricity generation infrastructure where the adverse effects on the environment can be appropriately managed;
  - j) ensures efficient allocation and use of fresh water within limits to achieve freshwater objectives; and
  - k) enables water storage infrastructure where it can provide increased water availability and security for water users while avoiding, remedying or mitigating adverse effects on freshwater values.
  
2. When preparing regional plans:
  - a) use the catchment-wide integrated management approach set out in POL LW1.1; and
  - b) identify the values for freshwater and their spatial extent within each catchment, including identifying the values for each of those freshwater bodies identified as outstanding under POL LW1.1(d); and
  - c) establish freshwater objectives based on the values identified in clause (b) above and set priorities amongst those values; and
  - d) set water quality limits and targets, minimum flows and water quantity allocation limits so as to achieve the freshwater objectives identified under clause (c); and
  - e) set out how the water quality and quantity limits and targets will be implemented through regulatory or non-regulatory methods including specifying timeframes for meeting water quality and allocation targets.

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<sup>3</sup> Being in no particular order means there is no particular priority among the matters listed.

3. When setting the values and objectives referred to in POL LW1.2, ensure:
  - a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water are safeguarded; and
  - b) adverse effects on water quantity and water quality that diminish mauri are avoided, remedied or mitigated; and
  - c) the microbiological water quality in rivers and streams is safe for people to swim.
  
4. When identifying methods and timeframes in regional plans to achieve limits and targets required by POL LW1.2(e) have regard to:
  - a) allowing reasonable transition times and pathways to meet any new water quantity limits or new water quality limits included in regional plans. A reasonable transition time is informed by the environmental and socio-economic costs and benefits that will occur during that transition time; and
  - b) promoting and enabling the adoption and monitoring of good land and water management practices.

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

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

National values of freshwater have been listed in the NPSFM preamble and values have also been identified in the Hawke's Bay LAWMS. Values include:

- ecosystem values such as natural state, life-supporting capacity, aquatic habitats and biodiversity;
- recreational and cultural values such as contact recreation, amenity and shell fish gathering;
- water use values such as water supply for a range of purposes; and
- social and economic values including the capacity to assimilate pollution, flood control and drainage and to the operation of existing infrastructure.

Approaches to issues, values and uses of catchments will vary so POL LW1.1, POL LW1.2, POL LW1.3 and POL LW1.4 do not prescribe a one-size-fits-all approach for all catchments in Hawke's Bay. Each catchment-based process will need to be tailored for what is the most appropriate approach for that catchment (or grouping of catchments). Regional plans and changes to regional plans will be the key planning instrument for implementing catchment-based approaches to land use and freshwater resource management.

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

1. Give priority to maintaining and enhancing the primary values and uses of freshwater bodies shown in Table 1 for the following catchment areas<sup>4</sup> in accordance with Policy LW2.3:
  - a) Greater Heretaunga / Ahuriri Catchment Area;
  - b) Mohaka Catchment Area; and
  - c) Tukituki Catchment Area.
  
- 1A. Policy LW2.1 applies:
  - a) when preparing regional plans for the catchments specified in POL LW2.1; and
  - b) when considering resource consents for activities in the catchments specified in POL LW2.1 when no catchment-based regional plan has been prepared for the relevant catchment.
  
2. In relation to catchments not specified in POL LW2.1 above, the management approach set out in POL LW1.1, POL LW1.2, POL LW1.3 and POL LW1.4 will apply.

<sup>4</sup> A map illustrating the indicative location of these Catchment Areas is set out in Appendix 'A'.

- 2A. In relation to values not specified in Table 1, the management approach set out in POL LW1.1, POL LW1.2(a), (c), (d) and (e), POL LW1.3 and POL LW1.4 will apply.
3. Manage the fresh water bodies listed in POL LW2.1 in a manner that:
- recognises and gives priority to maintaining or enhancing primary values and uses identified in Table 1; and
  - avoids, as far as is reasonably practicable, significant adverse effects on secondary values and uses identified in Table 1; and
  - uses an integrated catchment-based process in accordance with POL LW1.1, POL LW1.2, POL LW1.3 and POL LW1.4 to evaluate and determine the appropriate balance between any conflicting primary values and uses in Table 1.

**TABLE 1:**

Catchment Area	Primary Value(s) and Uses – in no priority order	Secondary Value(s) and Uses – in no priority order
<b>Greater Heretaunga / Ahuriri Catchment Area</b>	<ul style="list-style-type: none"> <li>• Individual domestic needs and stock drinking needs</li> <li>• Industrial &amp; commercial water supply</li> <li>• Native fish habitat in the Ngaruroro River and Tutaekuri River catchments</li> <li>• The high natural character values of the Ngaruroro River and its margins upstream of Whanawhana cableway, including Taruarau River</li> <li>• The high natural character values of the Tutaekuri River and its margins above the confluence of, and including, the Mangatutu Stream</li> <li>• Urban water supply for cities and townships and water supply for key social infrastructure facilities</li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in Ngaruroro River downstream of the confluence with the Mangatahi Stream</li> <li>• Amenity for contact recreation (including swimming) in lower Ngaruroro River, Tutaekuri River and Ahuriri Estuary</li> <li>• Native fish habitat, notwithstanding native fish habitat as a primary value and use in the Tutaekuri River and Ngaruroro River catchments</li> <li>• Recreational trout angling</li> <li>• Trout habitat</li> </ul>
<b>Mohaka Catchment Area</b>	<ul style="list-style-type: none"> <li>• Amenity for water-based recreation between State Highway 5 bridge and Willowflat</li> <li>• Individual domestic needs and stock drinking needs</li> <li>• Long-fin eel habitat and passage</li> <li>• Recreational trout angling in Mohaka River and tributaries upstream of State Highway 5 bridge</li> <li>• Scenic characteristics of Mokonui and Te Hoe gorges</li> <li>• The high natural character values of the Mohaka River and its margins</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in Mohaka River below railway viaduct</li> <li>• Native fish habitat below Willowflat</li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> <li>• Water use for renewable electricity generation in areas not restricted by the Water Conservation Order</li> </ul>
<b>Tukituki Catchment Area</b>	<ul style="list-style-type: none"> <li>• Individual domestic needs and stock drinking needs</li> <li>• Industrial &amp; commercial water supply</li> <li>• Native fish and trout habitat</li> <li>• The high natural character values of: <ul style="list-style-type: none"> <li>○ the Tukituki River upstream of the end of Tukituki Road; and</li> <li>○ the Waipawa River above the confluence with the Makaroro River, including the Makaroro River</li> </ul> </li> <li>• Urban water supply for towns and settlements and water supply for key social infrastructure facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in lower Tukituki River</li> <li>• Amenity for contact recreation (including swimming) in lower Tukituki River.</li> <li>• Recreational trout angling in: <ul style="list-style-type: none"> <li>○ middle Tukituki River and tributaries between SH50 and Tapairu Road; &amp;</li> <li>○ middle Waipawa River and tributaries between SH50 and SH2.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Water use associated with maintaining or enhancing land-based primary production</li> </ul>	
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**Principal reasons and explanation**

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

The primary and secondary values in Table 1 are identified to apply to the catchment overall, or to sub-catchments or reaches where stated. Table 1 recognises that not all values are necessarily equal across every part of the catchment area, and that some values in parts of the catchment area can be managed in a way to ensure, overall, the water body’s value(s) is appropriately managed. With catchment-based regional planning processes, it is potentially possible for objectives to be established that meet the primary values and uses at the same time as meeting the secondary values.

[Refer also:

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

**POL LW3 Problem solving approach – Managing use of production land use**

1. To manage the use of, and discharges from, production land so that:
  - a) the loss of nitrogen from the root zone of crops and plants grown on production land, and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded;
  - b) the discharge of faecal matter from livestock to land, and thereafter to groundwater and surface water, does not cause faecal indicator bacteria water quality limits for human consumption and irrigation purposes set out in regional plans to be exceeded;
  - c) the loss of phosphorus from production land into groundwater or surface water does not cause limits set out in regional plans to be exceeded.
2. To review regional plans and prepare changes to regional plans to promote integrated management of land use and development and the region’s water resources.

**Principal reasons and explanation**

Policy LW3 makes it clear that HBRC will manage the loss of contaminants (nitrogen, phosphorus and faecal indicator bacteria) from production land to groundwater and surface water in order to ensure that groundwater and surface water objectives and limits identified in specified catchment areas are achieved. Restrictions under section 15 of the RMA may also apply to production land use activities. Phosphorus leaching and run-off will be primarily managed by non-regulatory methods as it is primarily caused by soil loss and cannot be practicably controlled by way of permitted activity conditions or consent conditions. This approach will be complemented by industries’ implementation of good agricultural practices.

Most regional plan changes will be on a catchment-basis, although some changes may be prepared for specific issues that apply to more than one catchment. HBRC has prepared a NPSFM Implementation Programme that outlines key regional plan and policy statement change processes required to fully implement the NPSFM by 2030.

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

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

- a) **research, investigation and provision of information and services** – HBRC has in place a programme of research, monitoring and assessment of the state and trends of Hawke's Bay’s natural resources. That programme will continue to be enhanced to assist HBRC implement the NPSFM and Hawke's Bay Land and Water Management Strategy;



- b) **advocacy, liaison and collaboration** – HBRC will promote a collaborative approach to the integrated management of land use and development and the region’s freshwater resources;
- c) **land and water strategies** – the 2011 Hawke's Bay Land and Water Management Strategy contains a variety of policies and actions. A range of agencies and partnerships will be necessary to implement the actions and policies in the Strategy;
- e) **industry good practice** – HBRC will strongly encourage industry and/or catchment-based good practices for production land uses along with audited self management programmes as a key mechanism for achieving freshwater objectives at a catchment or sub-catchment level. HBRC will also strongly encourage collaborative partnership initiatives through the Pan Sector Group<sup>5</sup> for the effective and efficient delivery of industry good practice programmes and for monitoring and evaluating the effectiveness of such programmes.

**Principal reasons and explanation**

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

**Anticipated Environmental Results**

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

Anticipated Environmental Results	Indicator(s)	Data Source(s)
1. Land and water management is tailored and prioritised to address the key values and pressures of each catchment	Freshwater objectives, targets and limits for catchments and/or groups of catchments are identified in regional plans for catchments	Regional plans and changes to regional plans HBRC’s NPSFM Implementation Programme
2. Primary values and uses identified in POL LW2 Table 1 are maintained or enhanced.	Freshwater objectives, targets and limits for catchments and/or groups of catchments are included in regional plans for catchments. Physical and biological parameters Social, cultural and economic indices	SOE monitoring and reporting Local authority records User surveys Catchment-specific monitoring programmes
3. Significant adverse effects on secondary values and uses identified in POL LW2 Table 1 are avoided.	Freshwater objectives, targets and limits for catchments and/or groups of catchments are included in regional plans for catchments. Physical and biological parameters Social, cultural and economic indices	SOE monitoring and reporting Local authority records User surveys Catchment-specific monitoring programmes
4. Regional economic prosperity is enhanced	Regional GDP trends and unemployment trends for primary sector and associated manufacturing and processing	Statistics NZ Economic activity surveys Employment records by sector
5. Water is efficiently allocated	Level of allocation Catchment contaminant load modelling and monitoring Water use restriction timings and durations	SOE monitoring HBRC Consents records Compliance records Catchment-specific monitoring reports Water-supply management plans

<sup>5</sup> The Pan Sector Group was officially formed at the beginning of 2012, in recognition of the need to work collaboratively to drive continued investment into research and development of regional initiatives around best practice and farm profitability. The Group includes regional and national representatives of the leading primary sector industry organisations and research agencies. The initial focus was on realising the potential benefits socially, economically and environmentally of the Ruataniwha Water Storage Scheme but the group has increasingly had a role in assisting shaping policies, rules and regulations within the proposed Regional Plan Change 6 for the Tukituki catchment.

6. Quality of fresh water in region overall is maintained or improved.	Catchment targets are met and limits in regional plans are not exceeded Catchment contaminant load modelling and monitoring	SOE monitoring Compliance records Catchment-specific monitoring reports
7. Water storage is developed to provide increased water availability and security for water users	Consents issued for water storage projects Improved security of supply of water for users in times and places of water scarcity	HBRC consent records Building consent authority records

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**OBJ 27A** *Riparian vegetation on the margins of rivers, lakes and wetlands is maintained or enhanced in order to:*

- a) maintain biological diversity;*
- b) maintain and enhance water quality and aquatic ecosystems; and*
- c) support the use of surface water resources in accordance with tikanga Māori.*

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

**POL 47** *To manage activities affecting the quality of water in wetlands, rivers and lakes in accordance with the environmental guidelines and implementation approaches set out in Chapter 5 of this Plan.*

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

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

*Promote land-based disposal of wastewater, solid waste and other waste products so that:*

- a) the adverse effects of contaminants entering surface waterbodies or coastal water are avoided as far as practicable;*
- aA) where it is not practicable to avoid any adverse effects of contaminants entering surface waterbodies or coastal water, then adverse effects are remedied or mitigated; and*
- b) any disposal of wastewater, solid waste or other waste products to a surface waterbody or coastal water occurs only when it is the best practicable option.*

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

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

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

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

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

#### **Catchment area**

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

#### **Efficient allocation**

has the same meaning as given in the NPSFM's interpretation section. For the purposes of this Plan, economic efficiency means water use which results in the optimum outcome for the environment and community; technical efficiency means the amount of water beneficially used in relation to that taken; and dynamic efficiency means the adaptability of water allocation to achieve ongoing improvements in efficiency.

#### **Freshwater objective**

has the same meaning as given in the NPSFM's interpretation section.

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

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

#### **Limit**

has the same meaning as given in the NPSFM's interpretation section.

#### **Mohaka Catchment Area**

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

#### **NPSFM**

National Policy Statement for Freshwater Management 2011.

#### **Outstanding freshwater body**

has the same meaning as given in the NPSFM's interpretation section.

#### **Target**

has the same meaning as given in the NPSFM's interpretation section.

#### **Tukituki Catchment Area**

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

### → Amend definition of 'wetland' as follows in Chapter 9 and consequentially delete footnotes<sup>6</sup> stating similar elsewhere in Plan:

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

*a) wet pasture or cropping land*

*b) artificial wetlands used for wastewater or stormwater treatment*

*c) farm dams and detention dams*

*cA) reservoirs, dams and other areas specifically designed and established for the construction and/or operation of a hydro-electric power scheme*

<sup>6</sup> Examples of such footnotes are those associated with Chapter 3.4.7 and Rule 10(g).

- d) land drainage canals and drains
- e) reservoirs for fire fighting, domestic or municipal water supply
- f) temporary ponded rainfall
- g) artificial wetlands created for beautification purposes.

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

→ Amend Table 1 (RPS objectives and regional plan objectives) in Chapter 2.3 by adding the following row:

<i>OBJECTIVE</i>	<i>TOPIC</i>	<i>LOCATION</i>
<i>Objectives LW1 – LW2</i>	<i>Integrated land use and freshwater management</i>	<i>Regional Policy Statement</i>

→ Amend Table 2 (Summary of objectives, policies and methods in Chapters 3 and 5) in Chapter 3.1 by adding the following row:

<i>Objective</i>	<i>Policies</i>	<i>Rule Number</i>	<i>Non Regulatory Methods</i>
<i>Objectives LW1 – LW2</i>	<i>LW1, LW2, LW3, LW4</i>		<i>Refer Policy LW4</i>

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

