



HAWKE'S BAY REGIONAL COUNCIL



SAFEGUARDING YOUR ENVIRONMENT + KAITIAKI TUKU IHO



**Submissions lodged
on RPS Change 5**

Submissions 1 - 10

Change 5 to Hawke's Bay RPS

Land and Freshwater Management

List of Submitters in Numeric Order

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

Submission on Plan Change 5 – 5 November 2012

From:

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

874-7937

tom@baybuzz.co.nz

This submission relates to Proposed Regional Policy Statement Change 5

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you for your consideration of this submission.

Tom Belford



CENTRAL HAWKE'S BAY DISTRICT COUNCIL

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Sub # 2

Submission on Proposed Change 5 – Land and Freshwater Management

5th November 2012

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

From:
John Freeman
Central Hawke's Bay District Council
P O Box 127, Waipawa 4210
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Mobile: 027 600 6386
Email: john.freeman@chbdc.govt.nz

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

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

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

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

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

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

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

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

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

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

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

Name of Submitter: Department of Corrections

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

Attention: Stephanie Steadman, Senior Advisor RMA

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

Proposed Change 5 – Land and freshwater management

The Department of Corrections’ submission is:

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

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

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

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

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

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

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

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

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



Signed: _____ on behalf of Department of Corrections

Address for Service:

Department of Corrections
PO Box 1206
Wellington 6140

Attention: Stephanie Steadman, Senior Advisor RMA

Phone: (04) 460 3234

Fax: (04) 460 3200

Email: stephanie.steadman@corrections.govt.nz

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

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



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

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

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

Contact name : Greg Sneath
Phone : 04 473 6552
e-mail : greg@fertresearch.org.nz

Date : 5th October 2012

Hearings :

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

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

Signed : 

Introduction

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

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

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

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

Key Submission points

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

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

1.1. Provision : Issue - ISS LW 1

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

Relief Sought:

Retain the wording as presented.

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

Submission :

Amendment in wording of Objective OBJ LW1 is sought.

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

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

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

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

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

Relief Sought:

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

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

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

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

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

Submission :

An amendment to Policy POL LW 1 is sought.

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

Relief Sought:

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

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

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

Submission :

An amendment to Policy POL LW 2 is sought.

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

Relief Sought:

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

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

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

Submission :

An amendment to Policy POL LW3 is sought.

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

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

Relief Sought:

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

POL LW3 Problem solving approach – ~~Managing~~ Controlling use of production land use

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

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

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

Submission :

Amendment to Policy POL LW 4 is sought

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

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

Relief Sought:

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

1.7. Provision: Anticipated Environmental Outcomes

Submission :

The anticipated environmental outcomes are in general supported.

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

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

Relief Sought:

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

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

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

and

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

Submission :

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

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

Relief Sought:

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

If retained amend Objective 15 A as follows;

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

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

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

Submission :

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

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

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

Relief Sought:

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

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

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

Submission :

An amendment is sought on this provision.

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

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

The suggested amended Policy 16 will read as follows:

Relief Sought:

Amend the proposed Policy 16 as follows:

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

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

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

2.4. Provision: Amend Issue statement in Chapter 3.10;

Submission:

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

Relief sought:

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

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

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

2.5. Provision: Amend Objective OBJ 25

Submission:

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

Relief sought:

Retain the proposed wording for the amended OBJ 25

2.6. Provision: Amend Objective OBJ 27

Submission:

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

Relief sought:

Retain the proposed wording for the amended OBJ 27

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

Submission:

Amendment to the Proposed Policy 47 is sought.

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

Relief sought:

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

POL 47

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

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

Submission:

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

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

Relief sought:

Amend the proposed new Policy POL 47 as shown below.

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

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

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

End.



Dairy for life



5 November 2012

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

via e-mail: submissions@hbrc.govt.nz

Dear Andrew,

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

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

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

Yours sincerely

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

Philippa Barriball
Manager, Local Government & Community Relations



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

FROM
FONTERRA CO-OPERATIVE GROUP LTD

5 NOVEMBER 2012

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

Full Name of Submitter	Fonterra Co-operative Group Limited
Contact Person	Philippa Barriball
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I confirm I am authorised on behalf of Fonterra to make this submission

OUR SUBMISSION

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

General Comments

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

Specific Comments

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

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

10. *Page 2, POL LW1*

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

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

11. Page 3, POL LW2

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

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

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

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

THE SUBMITTER - FONTERRA

Background

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

Dairying and the Hawke's Bay Region

3. In 2011/12 our Hawke's Bay suppliers produced over 17 million kilograms of Milk Solids at an average payout of \$6.50¹ per kg of Milk Solids this equates to over \$111 million revenue to the Region at the farm-gate (excluding dividend);
4. 302 people are employed in dairy farming in Hawke's Bay (Regional Dairy Statistics: Employment and Value of Production).²
5. Land and water are essential resources to Fonterra and its farmers, and we recognise that maintaining a healthy and functioning environment, including healthy waterways and water flow, is important for an enduring and successful dairy industry.
6. Fonterra believes sustainability to be one of the defining issues for the success of Fonterra and for the global dairy industry. Public and consumer expectations about the performance of our industry are increasing around sustainability issues and we acknowledge the need to continuously improve our performance. To this end, we anticipate our redeveloped global sustainability strategy will be adopted in the coming months. This will see specific work programmes around long-term objectives for responding to a number of issues including climate change and water sustainability across our global business. Whilst this work will focus on long term delivery, some of our recent sustainability progress includes:
 - Dairy and Clean Streams Accord with local and national government to mitigate dairy's effects on streams and rivers – 99% of farmers now have nutrient budgets (and 46% have nutrient management plans) to minimise excess use of nutrients, at least 78% of Accord waterway banks have permanent stock exclusion in place, and 99% of Accord crossing points being bridged or culverted;
 - Establishment of an on the ground team of 15 Sustainable Dairying Advisors who provide support and advice to farmers across all our supply regions;
 - From August 2010 we instituted a new programme to check dairy effluent infrastructure on every supplier's farm every year (Every Farm, Every Year). Every Farm, Every Year has achieved 2,500 outcomes over the past two seasons where farmers have invested in infrastructure to ensure they are compliant 365 days of the year;
 - As part of the Pastoral Greenhouse Gas Consortium we help fund research to find practical ways of reducing Greenhouse gases; and,

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

² NZIER, December 2011.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Relief Sought

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

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

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



Submission by Genesis Power Limited

Trading as Genesis Energy

ON

Proposed Plan Change 5 – Land and Freshwater Management

02 November 2012

Submission by Genesis Power Limited

Trading as Genesis Energy

ON

Proposed Plan Change 5 – Land and Water Freshwater Management

To: Hawkes Bay Regional Council

Private Bag 6006

Napier 4142

Date: 2 November 2012

Name: Genesis Power Limited

Contact: Kellie Roland

Environmental Policy Manager

Level 2

11 Chews Lane

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WELLINGTON

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Introduction

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

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

We wish to be heard in support of this submission.

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

Executive Summary

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

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

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

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

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

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

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

National Policy Statement for Renewable Electricity Generation 2011

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

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

Specific Submission Points

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

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

Support in Part

Reasons for Submission

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

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

Relief Sought

Add the following sub-clauses to POL LW1:

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

⁴ Quality Planning, *Developing the Policy Framework*.

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

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

2) POL LW4 Role of non-regulatory methods

Support in Part

Reasons for Submission

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

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

Relief Sought

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

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

Genesis Power Limited



Kellie Roland

Environmental Policy Manager

⁵ Quality Planning, *Writing provisions for Regional and District Plans*.

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

5 November 2012

RE: Submission on Proposed Change 5

OBJ LW 1.5

Amend

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

Reason

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

OBJ LW 1.7

Strike out in its entirety

Reason

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

OBJ LW 1.11

Amend

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

Reason

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

POL LW1 k

Strike out in its entirety

Reason

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

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

New POL LW1A – Outstanding Freshwater Bodies

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

Reason

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

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

POL LW2 Table 1

Amend Tukituki Catchment Area – Primary Value

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

Reason

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

Amend Tukituki Catchment Area – Secondary Value

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

Reason

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

OBJ 15A

Amend

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

Reason

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

POL 4A

Amend

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

Reason

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

OBJ 21

Retain in its entirety

Reason

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

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

Amend Anticipated Environmental Result

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

Reason

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

POL 47A

Amend Clause a)

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

Reason

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

Amend Clause b)

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

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

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

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

Submitter Details

Paul Bailey as Spokesperson
Green Party of Aotearoa
Hawkes Bay Branch

43 Nuffield Avenue
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NAPIER 4140
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If calling ask for Rowan Little

File Ref EXT-11-02-12-456

5 November 2012

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

Dear Sir

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

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

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

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

We wish to be heard in support of our submission.

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

Yours sincerely

Rowan Little
Senior Environmental Planner (Policy)
rowanl@hdc.govt.nz

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

Name of Submitter: Hastings District Council

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

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

Phone Number: (06) 871 5000

1.0 Introduction

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

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

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

2.0 ISSUES SECTION

2.1 ISS LW 1

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

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

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

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

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

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

3.0 OBJECTIVES SECTION

3.1 OBJ LW 1

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

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

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

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

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

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

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

OBJECTIVE

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

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

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

Principal reasons and explanation

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

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

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

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

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

3.20 OBJ 15A

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

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

“Objective:

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

Policies:

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

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

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

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

3.26 **RELIEF SOUGHT**

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

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

3.28 OBJ 22

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

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

3.31 **RELIEF SOUGHT**

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

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

3.33 OBJ 27

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

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

3.36 **RELIEF SOUGHT**

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

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

Catchment Based Process

..... (HBRC to provide definition)

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

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

Land Use and Water Quality

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

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

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

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

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

4.17 **RELIEF SOUGHT**

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

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

And POL LW3 as shown below:

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

4.19 POL 16

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

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

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

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

4.25 **RELIEF SOUGHT**

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

POL 16

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

5.0 **CONCLUSION**

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

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

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



HAWKE'S BAY REGIONAL COUNCIL



SAFEGUARDING YOUR ENVIRONMENT + KAITIAKI TUKU IHO

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

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

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



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

Adopted:
26 September 2012

Publicly notified:
2 October 2012

2 October 2012
SD 12/19
HBRC Plan Number 4396

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3.x Integrated Land Use and Freshwater Management

ISSUE

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

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

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

OBJECTIVE

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

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

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

Principal reasons and explanation

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

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

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

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

POLICIES

POL LW1 Problem solving approach - Catchment-based integrated management

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

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

Principal reasons and explanation

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

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

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

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

POL LW2 Problem solving approach - Prioritising values

1. Subject to Objective LW1.1 to 1.10, recognise and give priority to maintaining and enhancing the primary values and uses of freshwater bodies shown in Table 1 for the following catchment areas² in accordance with Policy LW2.3:
 - a) Greater Heretaunga / Ahuriri Catchment Area;
 - b) Mohaka Catchment Area; and
 - c) Tukituki Catchment Area.
2. In relation to catchments not specified in POL LW2.1 above, the management approach set out in POL LW1 will apply.
3. Subject to Objective LW1.1 to 1.10, manage the fresh water bodies listed in Policy LW2.1 in a manner that:
 - a) recognises and gives priority to maintaining and enhancing primary values and uses identified in Table 1; and
 - b) avoids, as far as is reasonably practicable, significant adverse effects on secondary values and uses identified in Table 1; and
 - c) uses a catchment-based process in accordance with POL LW1 to evaluate and determine the appropriate balance between any conflicting primary values and uses in Table 1.

TABLE 1:

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

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

Principal reasons and explanation

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

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

[Refer also:

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

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

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

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

Principal reasons and explanation

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

POL LW4 Role of non-regulatory methods

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

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

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

Principal reasons and explanation

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

Anticipated Environmental Results

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

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

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

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

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

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

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

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

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

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

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

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

- (b) **Works and services** - Providing works and services, or financial support, for the preservation of remaining ecologically significant indigenous wetlands at a level of funding as established in the HBRC's Annual Plan, subject to a management plan or statutory covenant being established for each wetland receiving assistance. Priority for Council's works and service-related projects will be given to the following wetlands⁴ (see Figure 4): ...

plus consequentially amend footnote 4 to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OBJ 29 Subject to Objective LW1, the 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 maintenance of the use and values of the beds of rivers and the avoidance of any significant adverse effects on the river bed resulting from the extraction of gravel.

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

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

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

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

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

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

→ Amend Glossary by adding new definition to read:

Catchment area

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

Catchment Based Process

.....

Greater Heretaunga / Ahuriri Catchment Area

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

Mohaka Catchment Area

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

Tukituki Catchment Area

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

→ Amend definition of 'wetland' as follows in Chapter 9 and consequentially delete footnotes³ stating similar elsewhere in Plan:

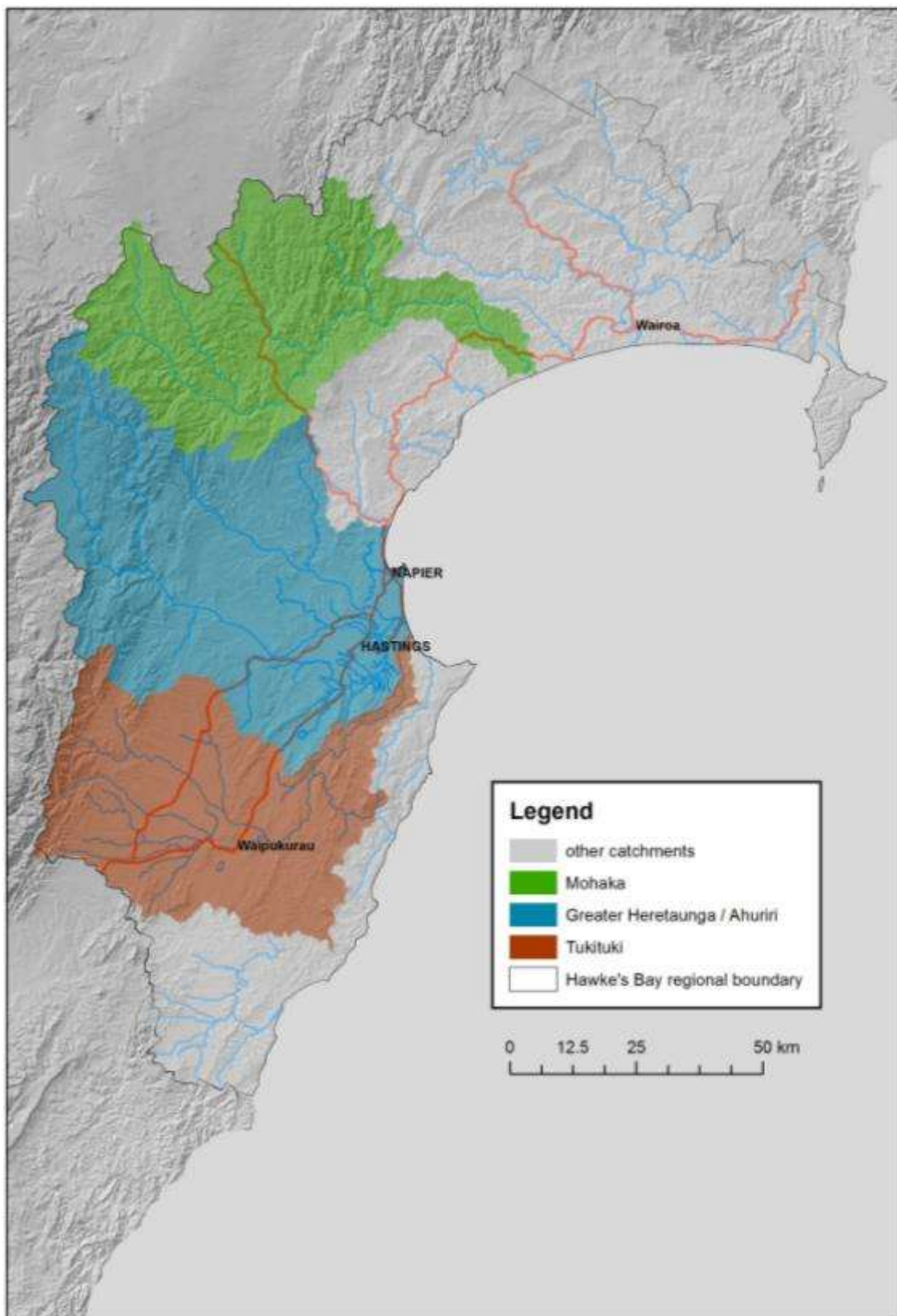
Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. *For the purposes of this Plan, a wetland is not:*

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

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

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

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





To:

**Chief Executive
Hawke's Bay Regional Council
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Email submission@hbrc.govt.nz

SUBMISSION FROM: HASTINGS/HAVELOCK NORTH FOREST & BIRD BRANCH

Vaughan Cooper

Chairman of Hastings Havelock/North Branch
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Phone 06-877-5698
email:vaughanc@clear.net.nz

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

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

Signature:

VW Cooper.

Date: 5 November 2012

ROLE of Royal New Zealand Forest and Bird Protection Society Incorporated

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

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

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

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

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

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

GENERAL SUBMISSION

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

1. Reasons for the submission are:

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

3. Implementation of the Regional Policy Statement

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

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

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

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

Wetlands and their Values

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

Forest and Bird seek the following relief:

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

Thank you for considering my submission.

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

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

Regards,
Vaughan Cooper
4 Aintree Road, Havelock North