

PART 4 – Submitters by number – Submitters 132-150

INDEX PAGE

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

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

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Trade Competition

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

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

Please tick the sentence that applies to you:

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

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

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

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

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

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

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

Signature: [Signature] Date: 14th August 2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 3 July 2020

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

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SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:



Submission Details

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

Plan provision (eg. objective, policy or rule number) as outlined in the attached submission

I Support Oppose Amend

I seek the following decision from the Regional Council: *[Please give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

Please find attached our response and submission

Reason for decision requested:

As per our response and submission attached.

14 August

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

IN THE MATTER OF THE RESOURCE MANAGEMENT ACT

***AND IN THE MATTER OF
PROPOSED PLAN CHANGE 9***

***A SUBMISSION FROM
TE TAIWHENUA O HERETAUNGA***

Submitter:

Te Taiwhenua O Heretaunga

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Te Taiwhenua o Heretaunga
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He Mihi

*Te Waiora Wairātahi Rongomai Tūwaho mauri ora ki te rangi
 Te Waiora Wairātahi Rongomai Tūwaho mauri ora ki te whenua
 Ko Heretaunga haukunui, ararau, haaro te kaahu, takoto noa, Ringahora
 Te haukunui o ngā mokopuna
 Ngā ararau o ngā rangatahi
 Te haaro o te kaahu o ngā kaumatua
 Te whenua takoto noa o ngā tipuna
 Te mana motuhake o ngā whānau, ngā hapū marae
 O Ngāti Kahungunu ki Heretaunga
 Whano whano, haramai te toki, haumi e hui e tāiki e!
 Thei mauri ora!*

1. Preliminary Statements

- 1.1 Te Taiwhenua o Heretaunga is one of six taiwhenua established under Ngāti Kahungunu iwi Incorporated (NKII). Although we have representation on the NKII Board, we operate autonomously through our own Board of Directors (Te Haaro) and have a specific environmental unit – Te Manaaki Taiao, who oversee resource management and planning issues and assist hapū and marae to build capacity within this area. Te Manaaki Taiao reports back to Te Rūnanganui o Heretaunga – which has representatives from each of the marae in Heretaunga, as well as to Te Haaro. At times we collaborate with the Natural Resources Unit at NKII on matters of mutual interest.
- 1.2 This submission is to proposed Plan Change 9 (PC9 or proposed plan), a change to the Hawke’s Bay Regional Resource Management Plan (RRMP). In terms of clauses 6(3) and 6(4) of the First Schedule to the Resource Management Act, Te Taiwhenua o Heretaunga are not a person or organisation that could gain an advantage in trade competition through our submissions.
- 1.3 We oppose many aspects of PC9 in its notified form, and ask for it to be substantially amended as outlined in our submissions, primarily to:
- Achieve better alignment with provisions in the RRMP that are not being amended
 - Give effect to the National Policy Statement for Freshwater Management (NPS-FM 2017), in particular Objectives AA, A1, A2, B1, B2 and B4

- Give effect to the operative Regional Policy Statement (RPS) and the specific directions therein for the preparation and drafting of regional plans – Objectives LW1 -LW3, and Policies LW1A through to LW4
- Take into account the NPS-FM 2020 in terms of further amendments required to be inserted into regional plans
- Provide a more logical and sequential pathway towards a sustainable management regime for the freshwater resources in Heretaunga
- Protect the values of outstanding water bodies
- Better enable the recognition of, and provision for Māori relationships with their traditional lands, fisheries, waters and other taonga, pursuant to s(6)(e) of the Act
- Take into account the principles of the Treaty of Waitangi - as acknowledged by regional council in Schedule 1 of the RRMP, in particular the principle of active protection, and
- For regional council to make consequential amendments to proposed PC9 and related schedules/maps to enable alignment with the content, nature and intent of our submissions.

1.4 Our submission is drafted in like manner to Form 5 – Resource Management (Forms, Fees and Procedure) Regulations, 2003. We wish to be heard at any pre-hearing or hearing convened to consider our submission and are amenable to joining with others who make submissions on similar matters as those contained herein. We also ask for tāngata whenua submissions to be heard on a marae within Heretaunga, so that our kōrero is heard before our tupuna.

2. Introduction

General comments

2.1 The demand for water throughout the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments has led to the situation where it exceeds the sustainable supply. In some catchments, the quantities enabled for abstraction through the issuing of resource consents, greatly exceeds the allocation limits in the operative plan. Regional council has also adopted allocation methods that sit outside of the statutory planning framework, where they are not visible or certain to regional plan users, including tāngata whenua. In addition, for consents to abstract groundwater from the Heretaunga Plains Aquifer System (HPAS), public input to the allocation process has been curtailed, to the extent that tāngata whenua in Heretaunga have had little opportunity to contribute to decision-making around groundwater abstraction for many consents.

- 2.2 With the growth in demand for groundwater and surface water, water resources in TANK catchments have come under stress, with several waterways now going dry for much of the year. Some of this is due to the failure of water managers, to restrict water abstraction through implementation of operative RPS and RRMP policies and methods, preferring instead to give priority to economic development over aquatic ecosystem health and tikanga Māori values and interests. Another cause is the cumulative influence of groundwater abstractions on surface water depletion, and this not being fully taken into account in decision-making processes for resource consents.
- 2.3 The NPS-FM 2017 expresses the national priorities for freshwater, including Te Mana o Te Wai, Te Hauora o Te Taiao, Te Hauora o te Wai and Te Haora o te Tāngata. Although PC9 mentions Te Mana o te Wai in the background and introduction, it is relatively silent on how these specific elements will be achieved or upheld within the four TANK catchments within the policies and methods. One noticeable omission in PC9 is provision for *“the safeguarding of life-supporting capacity of water and associated ecosystems”*. This is expressly recognised in section 5(2)(b) of the Resource Management Act (RMA), and part of the foundation that supports *“sustainable management of natural and physical resources”*. It is also a requirement through Objective A1 of the NPS-FM. PC9 does not refer to life-supporting capacity at all and seeks to remove it from consideration in PC9. PC9 does not give effect to Objectives AA1, A1, A2, B1, B2 and B4 of the NPS-FM 2017.
- 2.4 An updated NPS-FM (2020) has been gazetted and will become operative on 3rd September 2020. This version prescribes the priority order for management of water, elevating Te Mana o te Wai and the health and well-being of water bodies. The health and well-being of people comes second, with economic considerations third. This priority setting is more reflective of tikanga Māori, than the predominant economic emphasis in the proposed plan. The NPS-FM 2020 also changes the nomenclature in terms of *“outstanding freshwater bodies”*, amending this to *“outstanding water bodies”*. Although, PC9 was drafted before the new NPS-FM became operative, it would be prudent to amend PC9 to conform with the latest NPS-FM where relevant, as this would save time and considerable expense associated with future plan changes.
- 2.5 Several RPS provisions provide clear direction on process for the preparation and drafting of regional plans in Hawke’s Bay, along with definitive objectives and policies for what regional plans must include. For PC9 these provisions have largely been ignored, with Hawke’s Bay Regional Council (HBRC) signalling during TANK Stakeholder Group (SHG) meetings, that the TANK plan was starting with *“a clean sheet of paper”*. For some RPS objectives that are clear in intent, PC9 seeks to undermine their relevance and achievement and in this regard, does not give effect to the RPS.

- 2.6 *We ask for the priority setting in PC9 rules, schedules and decision-making processes, to reflect the upholding of Te Mana o te Wai, and the health and well-being of water bodies as a first priority¹, the health and well-being of people and communities (including Māori communities), as a second priority, with all other considerations coming after these.*

Proposed plan structure

- 2.7 The commentary in the “Background” section of PC9 seeks to justify the content of the plan through explaining the more than six years of engagement that occurred within the TANK SHG, and specific elements of that. Parts of this section seem superfluous and the section contains several inaccuracies and misleading statements. The “TANK VALUES Attributes for water quality” diagram places values and attributes into compartments that do not align with tikanga Māori concepts or principles and implies that human health is not related to or inclusive of mauri. There is no acknowledgment of any tāngata whenua defined attributes in the diagram.
- 2.8 *Te Taiwhenua o Heretaunga asks that this diagram be deleted, as it is misleading, and having it near the front of the plan implies direction and basis for objectives, policies and methods in PC9, without inclusion of tāngata whenua defined values, related attributes or aspirations for freshwater resources, at an appropriate level or scale.*
- 2.9 The interwoven nature of the wāriu/values in Figure 2 emerged as a result of mahi involving Te Taiwhenua o Heretaunga and hapū representatives, however the interpretation part of the diagram has been added from another source. It has narrow definitions for tikanga Māori concepts and terminology and fails to address different aspects of the wāriu in the main diagram. As an example, whakapapa has been interpreted as genealogy by the plan writers. Genealogy is an important aspect of whakapapa, but generally applies to humans, or the evolution of animals. Restricting whakapapa to “genealogy” omits the broader application of the concept – whakapapa o te wai, whakapapa o te whenua, or the different life stages of living taonga tuku iho, including ngā ika (fish).
- 2.10 *We ask for the interpretation part of this diagram to be deleted or amended so as to express the broader aspects of each wāriu in the main diagram, in particular those aspects related to freshwater resources, aquatic species, mana and mauri. It would be clearer to plan users, tāngata whenua and decision makers if PC9 included a Schedule of values in PC9, with accurate and correct definitions and delineation of where the values apply. Plan provisions could then directly reference the Schedule of values relevant to each waterbody.*

¹ The priority setting requested here acknowledges the needs of water use for emergencies, and for s(14)(3)(b) takes within limits - such that they do not cause an adverse environmental effect.

- 2.11 The RMA, 1991 requires sustainable management of natural and physical resources, but the resource consent assessment and decision-making processes and HBRC's interpretation and implementation of the RPS and RRMP has allowed the restrictions within the Act to be circumvented, and significant adverse effects on freshwater resources to occur. PC9 continues with this permissive approach and is at odds with the call for greater prescription and control around freshwater management in the NPS-FM 2017 and the latest 2020 version. PC9 seeks to embed over-allocation, over-abstraction and degraded water quality, and fails to address the key issues that cause them.
- 2.12 If definitive objectives and pathways towards their achievement in the operative RPS and RRMP are not being enabled through HBRC's implementation of their own plan, then to bring about positive change for the four TANK catchments will require a paradigm shift in attitude and a serious re-calibration of management constructs for freshwater resources and the adverse effects of their use and development.
- 2.13 As notified, PC9 does not deliver this, hence Te Taiwhenua o Heretaunga's submissions for numerous changes to the proposed plan. At time of writing, emerging trends from within the Tukituki catchment are showing significant increases in nitrate concentrations, some which are substantially higher than ANZECC guidelines, posing a risk to human health. Te Taiwhenua o Heretaunga and our hapū/marae, do not want to see a similar situation develop for the awa and aquifers in Heretaunga.
- 2.14 PC9 appears disjointed and lacks clear direction. In some instances, issue statements encompass too many issues under the one statement and the issues are not clearly stated. Several objectives are written more like policies which then lead to uncertainty of outcome. Other objectives and policies are reliant on activities that may or may not occur at future dates and rely on third-parties, e.g. the formation of catchment, stakeholder or industry groups, the drafting of industry protocols or management agreements. The roles for some groups specified in proposed schedules appear to be management functions that are the statutory duties of regional councils and may be ultra vires. We agree these groups can inform management responses, but they should not have a regulatory function themselves. It is unclear whether these provisions intend a transfer of powers or delegated authority from HBRC or not. It would be better if such provisions were in a non-regulatory section of PC9 and that the duties and functions of HBRC are clearly met within the plan provisions.
- 2.15 NPS-FM 2017 provisions that have been given little consideration and are not given effect to in PC9 include:
- *Te Mana o Te Wai - Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te tāngata;*

- *Water Quality Objective A1 - To safeguard:*
 - a) *the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water;*
- *Objective A2 – The overall quality of fresh water within a freshwater management unit is maintained or improved while:*
 - a) *protecting the significant values of outstanding freshwater bodies;*
- *Water Quantity - Objective B1 - To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming, or diverting of fresh water.*
- *Objective B2 – To avoid further over-allocation of freshwater and phase out existing over-allocation.*

2.16 Overall PC9 in our view, does not go far enough to enable the sustainable management of freshwater resources in the TANK catchments, or to address tāngata whenua values, concerns, interests, and aspirations for freshwater resources. Neither does it recognise and provide for Māori relationships with their taonga. Consequently, PC9 requires substantial redrafting to incorporate specific provisions as directed by the NPS-FM 2017 and the operative RPS, and to fulfil regional council’s roles and responsibilities under RMA sections 30 (1) (c), (ca), (e), (f), (fa), (g) and (ga).

3. Proposed plan content

Issue statements

- 3.1 PC9 contains eight Issue Statements and several of these comment on multiple issues, so it is difficult to clearly identify which specific objectives, policies or methods will address each of the issue statements. Some values or attributes are contained in two or more issue statements, and although this may be of relevance for some due to identified issues applying to both groundwater and surface water, or to water quantity and water quality, the rationale for including several others within one issue statement is not clear. It would be clearer if the Plan provisions could be referenced to a Schedule of values as described above.
- 3.2 Issue Statement 1 contains 388 words, and refers to rivers, groundwater, mana, mauri, ecosystems, communities, future generations, water quantity, water quality, health and well-being, social and economic needs, water abstraction, flood and drainage, land use, landscape, vegetation, cultural practices, principles, kaitiakitanga, fish spawning, fish passage, indigenous plants and animals and biodiversity. In contrast, issue statements in the operative RPS and RRMP are clear and concise and refer to one or two matters

only. In our view, the issue statements in PC9 should be brief and clear in terms of what the issue is and what needs to be done to address the issue.

3.3 Proposed issue statements in PC9 are isolated from the objectives, which all sit together in a different part of the plan, as do proposed policies. It would be helpful for plan users if PC9 had clear, concise issue statements followed by one or two objectives that express the expected outcome(s), then the policies aligned with each of the objectives. This would provide a logical sequence for plan users with - Issue statement - Objective – Policies, and easy reference points for each topic or theme they may wish to refer to in the plan. PC9 would then be more coherent when made operative and merged with the RRMP.

3.4 *We ask that the proposed plan be restructured to reflect this more logical sequence.*

- *Re-organise Issue statements so that the environmental and biodiversity aspects are separated into one issue statement, and the tikanga Māori and cultural factors are contained in another - while acknowledging the linkages to ecosystem health.*
- *Separate and prescribe water quantity issues*
- *Separate and prescribe water quality issues while acknowledging the effects of discharges, run-off and leaching of nutrients/contaminants.*
- *Have land use within its own issue statement but aligned with food production and economically focussed aspects in another.*
- *Put each of water supply for domestic and reticulated uses, climate change issues, and the need to manage water sustainably, in their own specific issue statement.*
- *Acknowledge the link between water abstraction and the elevated risk to water quality and ecosystems in groundwater.*
- *Alternatively, draft clear objectives, policies and rules to address the significant resource management issues in the TANK catchment and to remove the issue statement from PC9 altogether.*

Proposed Objectives

3.5 PC9 contains 18 objectives. Some are reliant on agreement from multiple parties for them to be achieved and commit such parties to working together in future to discuss issues, collect data and reach consensus (e.g. Objective 1). This objective and others of a similar nature are connected to specific schedules in the plan, but these provisions would be better located in a non-regulatory section of PC9.

3.6 An example is Objective 18, which is somewhat reliant on future activities that may or may not occur, on infrastructure yet to be built that is reliant on gaining approval/consent from other parties, and that requires further geotechnical research and validation, so is somewhat premature in nature (aquifer recharge, flow enhancement, etc). PC9 while seeking to enable these types of activities, lacks rigorous

appraisal and assessment processes to deal with their effects. Objective 2 partly directs how to set objectives which is unusual (as water quality objectives are already set in Schedule 26). Parts of Objective 10 address issues in the Ahuriri Estuary, which is located within the coastal environment, and therefore regulated through the Regional Coastal Environment Plan (RCEP). No consequential amendments to the RCEP are proposed in PC9.

- 3.7** The structure of PC9 objectives differs greatly from objectives in the RPS and RRMP that regulate activities in TANK catchments. Where RPS objectives are succinct and clear in intent and outcome, PC9 objectives are long, lack clear environmental goals or outcomes, and several are written more like policies (e.g., 'how to' achieve objectives). In places, their content is confusing and the expected plan outcomes are uncertain. In our submissions we seek new additional objectives which reinforce or help give effect to the NPS-FM and the operative RPS – in particular the directives relating to regional plans and catchment-based plan changes².
- 3.8** Some proposed water quality objectives in PC9 are inconsistent with objectives and plan provisions in the operative Regional Coastal Environment Plan (RCEP), that apply to and regulate the same resource. The Heretaunga Plains Aquifer System (HPAS) is included in Schedule 31-E of PC9, as "the Heretaunga Plains Groundwater Management Unit". The water quality in the HPAS is protected from degradation through both the RPS and RCEP. Parts of the HPAS extend outside of the TANK catchments (e.g., into the lower Tukituki catchment), into the coastal environment, and under the sea out into Hawke's Bay. These latter parts of the aquifer system come under the provisions in the RCEP, that contains Objective 11.1 which requires "No degradation of water quality in the Heretaunga Plains Aquifer System". PC9 appears to support degradation, particularly as it proposes removal of RRMP Objectives 42 and 43 from applying in TANK catchments. This makes PC9 inconsistent with the operative HBCEP, the outcome of the Environment Court decision on PC5 (RPS), and s67(4) of the RMA.
- 3.9** Parts of Objective 10 address issues in the Ahuriri Estuary, which is located within the coastal environment, and therefore regulated through the RCEP. Despite assurances given at TANK Stakeholder hui that a concurrent change to the RCEP would occur alongside PC9, this has not eventuated.
- *Reinstate Objectives 42 and 43 as being applicable to PC9 in relation to no degradation of the HPAS and any other aquifers (groundwater), or include in PC9 an alternative objective with like meaning and intent.*

² See "Relief sought" section on page X

- *Ensure water quality in the HPAS System is protected from degradation through PC9 policies and methods.*
- *Remove any water quality limits and protocols that enable water quality to decline.*
- *Further relief in terms of PC9 objectives is prescribed in section 8 and of our submission.*

Proposed Policies

3.10 There are 60 proposed policies and similar to several objectives, some are better suited for a non-regulatory section of the plan while others appear to be *ultra vires*. It is difficult to reconcile some of these policies with council's functions/duties under section 30 of the Act, particularly where they seek to:

- enable the status quo to continue through the grandparenting of existing consents for water abstraction,
- provide a platform for not addressing adverse effects on consent expiry and renewal, and
- increase the potential for further water quality decline.

3.11 Several proposed policies focus on procedural matters, and not on achievement of outcomes. Like the objectives, the policies seem too long and there are some that could be reworded so they apply to multiple catchments, rather than repeating similar policies for each of the four TANK catchments. Neither is there is a clear line of sight or connection in terms of giving effect to directive provisions in the NPS-FM or the RPS.

3.12 HBRC have drafted policies to support existing/expired consents and activities, which perpetuates unsustainable over-abstraction of surface water and groundwater, that is inconsistent with Te Mana o te Wai. Other provisions enable future actions/activities that may not avoid, remedy or mitigate existing adverse effects. The resource consent aspects related to these – building or extension of dams, allocation of high flow water takes, construction and placement of infrastructure, geotechnical investigations required before dam construction, and the viability of such mitigation, requires substantially more inquiry with some of this outside the scope of PC9. In our view, these matters have not been adequately addressed at this stage, and rules relating to them should be non-complying activities.

- *Amend PC9 so that all proposed provisions in PC9 that enable or that are associated with flow enhancement³, stream augmentation, groundwater enhancement schemes, are deleted from PC9, and prescribe construction of dams larger than 250,000 m³ as non-complying activities.*

³ With the exception of existing consented flow enhancement activities, and enhancement of the Paritua Stream.

3.13 Some operative policies in the RPS have been ignored during proposed plan drafting, and existing connections to operative regional plan provisions broken, so that they no longer apply in the four TANK catchments⁴. This is particularly relevant where such provisions currently enable an element of environmental protection for TANK freshwater resources and their ecosystems. The requirement to protect outstanding water bodies receives scant attention in the proposed plan. This leaves outstanding water bodies, already identified and included in a previously notified plan change (PC7), and located within the TANK catchments, vulnerable to over-abstraction and/or further contamination.

3.14 Proposed Policy 43 surmises that the objectives for ecosystem health, mauri, tikanga Māori values and other instream values are met by maintaining existing minimum flows. This is misleading as ecosystem health, mauri and other tikanga Māori values, are not included at a level or hierarchy in PC9, sufficient to provide for them or to reduce/prevent adverse effects on them. The minimum flow of 2400 lps for the Ngaruroro at Fernhill Bridge, only provides around 44% habitat for some fish species, including fish species with a conservation threat status of at risk and nationally declining, and leads to diminished mauri and life-supporting capacity within the river. Flow losses below the Fernhill minimum flow site, including induced flow losses to groundwater from abstraction pressure, mean substantially less than 2400 lps remaining in the river in this reach. We have drafted additional objectives and a Table with elevated flows to be included in the proposed plan to address these matters.

Security of supply

3.15 The security of supply provisions in PC9, should relate directly to sustainable amounts of abstraction for groundwater and surface water, be based on a sound methodology and reliable research, take into account the effects and constraints due to climate change, and be drafted so as to promote the purpose of the Act and give effect to the NPS-FM (2017). PC9 relies on “*actual and reasonable use*” as a method for assessing/approving water allocation, and then future infrastructure to somehow address mitigating adverse effects that are already occurring. This is back-to-front, given the requirement in the RMA to avoid, remedy or mitigate adverse effects of activities. Where unsustainable abstraction is already occurring, the priority focus should be on avoidance and remediation of adverse effects.

- *Te Taiwhenua o Heretaunga seek the avoidance of adverse effects where these are occurring such that limits are not being achieved, particularly when consents have expired or are due for renewal.*

⁴ Chapters 5.4, 5.5, 5.6 and 5.7 have proposed amendments that render them non-applicable in the four TANK catchments.

- *Provide for pro-rata reductions in both volumes and rates of abstraction for surface water and groundwater, to bring total allocations and rates within more sustainable limits.*
- *Remove “actual and reasonable” from assessment criteria for resource consents to abstract water, and from consent renewal or extension processes.*

PC9 Schedules and operative schedules

3.16 PC9 contains 135 pages (pdf version), including schedules that relate to different provisions in the proposed plan. Other schedules are provided separate to PC9 and consist of maps of Freshwater Management Units and management zones/areas for water quantity and water quality. These connect to plan rules or policies and should be included in PC9. The management units should be clearly delineated and use consistent language throughout.

3.17 Some schedules are not included in the “Contents” part of PC9 (Schedules 26A to 26E and Schedules 31A to 31E). Consequently, it is uncertain whether these form part of PC9 or not. In addition, Schedule 27, which specifies limits for water quality/life-supporting capacity parameters like dissolved oxygen, MCI and temperature, states that it does not have a regulatory function. The parameters in Schedule 27 relate to matters central to how management within specific catchments, sub-catchments and/or FMUs should occur. The NPS FM (2017) does not provide an ‘optional’ pathway for objectives and targets for water quality.

- *Ensure that Schedules 26A to 26E, Schedule 27 relating to the Ngaruroro and Tūtaekurī catchments, and Schedules 31A to 31E are included as part of PC9 (but in amended form as requested in our submissions), with each having regulatory functions.*
- *Add a new schedule that specifies values for each water body within the TANK catchments, as described in section 8 of our submission.*
- *For decision-making processes which rely on or refer to these schedules, ensure they are considered in parallel with other schedules in the operative RRMP that inform management of the same catchment or sub-catchment.*

3.18 Some schedules in the RRMP that have a regulatory function within the four TANK catchments, should be referenced or integrated more with PC9. In particular, Schedules V, VI, VIa and VIb. Some of these are yet to be updated as their policy and rule references are incorrect. It logically follows that if a catchment or part of a catchment is considered “sensitive” to the discharge of animal effluent, as in operative Schedule VIb, then it would also be sensitive to the discharge or application of nitrogenous fertilisers.

- *Set and apply a limit for land uses involving the use, application or discharge of fertilisers, soil conditioners, composted materials and animal effluent within sensitive catchments so that total nitrogen applications do not exceed 80 kgs/ha/year total.*

3.19 In addition, Te Taiwhenua o Heretaunga seek:

- *The removal of Objectives 1, 2, 17 and 18 and associated schedules to a non-regulatory section of the proposed plan*
- *Merging of objectives where they seek to address the same or similar issues across the four TANK catchments.*
- *Redrafting of provisions in the objectives, policies and methods where they imply a management function for the Ahuriri Estuary or the Waitangi Estuary, as the RPS states that these are regulated through the RCEP.*
- *Accountability between effects generated from land use and water related activities within catchments regulated through the RRMP, and effects from these that occur in the coastal environment.*
- *Addition of new objectives, policies and methods as prescribed in the “Further relief sought” section of this submission.*

4. Section 32 analysis report

Structure and drafting

- 4.1** In our view, the section 32 report lacks robust analysis and clarity on whether the proposed objectives or policies promote the purpose of the Act, give effect to the NPS-FM or to the operative RPS. Statements claiming that PC9 does this, are not borne out or reflected in actual proposed plan provisions. The evaluation of matters of significance or interest to tāngata whenua did not occur until late in the evaluation process, when all other evaluations/assessments for the s32 report had been completed. This indicates that the consideration of tāngata whenua/Māori interests, issues, and relationships with freshwater resources were an afterthought, and were not being addressed throughout the TANK plan change process and/or in terms of the NPS-FM (Objective D1 and Policy D1).
- 4.2** The report reads as though it was written after PC9 had already been drafted, and is therefore seeking to justify PC9 content, rather than being written during the plan’s drafting as the evaluation of the most appropriate and effective methods (to achieve the purpose of the Act and the objectives) should have been undertaken. This leads to the impression that the proposed objectives may not have been assessed against other options for objectives, or methods which may have been more appropriate or effective. The report also contains statements that in our view are inaccurate or misleading.

- 4.3 A section 32 process requires an evaluation report that must—
- “(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) summarising the reasons for deciding on the provisions; and*
 - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.”*
- 4.4 In terms of clause (c) above, with the over-riding priority given by council to economic matters for approximately half of the TANK stakeholder meetings, and during the preparation for and drafting of the proposed plan, there has been a displacement or lack of consideration for cultural and environmental matters in terms of achieving the purpose of the RMA (1991). In our view, the s32 report has not addressed these matters, when assessing the objectives and whether these and associated provisions are the most appropriate way to achieve the purpose of the Act.
- 4.5 This is apparent where objectives and policies are reliant on actions of others sometime in the future, or on future research and plan changes while during the interim period, the community or council discerns whether the current allocations or limits for freshwater are sustainable or not. One would think that after more than six years of consultation and research, and a further year of redrafting with the Regional Planning Committee, Council would have the answer to some of these important considerations, The approach in PC9 signals a degree of uncertainty, which should result in a more precautionary approach towards managing effects, but the plan falls short in this regard. The result is a proposed plan that is not likely to achieve sustainable management of freshwater resources within the next ten years.
- 4.6 Detailed commentary and assessment on how PC9 provisions are expected to meet the requirements of the NPS-FM (2017) are lacking, particularly around the more permissive aspects of PC9 and how they expect to achieve or uphold Te Mana o te Wai, Te Hauora or te Taiao, Te Hauora o te Tāngata, safeguard life-supporting capacity, prevent degradation of freshwater or protect the values of outstanding water bodies.
- 4.7 This also applies to identifying all the relevant issues, then looking into alternative options other than the chosen objectives and policies, to assess whether the chosen

method or alternative methods would be best for achieving the purpose of the Act – the s32 report does not delve into nor assess this in any substantive way.

- 4.8 For the evaluation of tāngata whenua Treaty rights and interests in terms of section 8 and how the principles of the Treaty of Waitangi are taken into account in PC9 – the section 32 report provides commentary on Treaty Claim processes, some specific discussion around how the Crown determined what the actual Treaty principles are through the courts, and on aspects of specific Treaty claims.
- 4.9 The report infers that some Treaty principles, e.g. the principle of partnership and reciprocity is upheld through the establishment and roles of the tāngata whenua members of the Regional Planning Committee as prescribed in the Hawke’s Bay Regional Planning Committee Act, 2015. It does not however, inquire into how the Treaty principles that HBRC have already acknowledged and which are articulated in Schedule 1 of the RRMP - were used to assist in the drafting of objectives, policies or methods for the management of freshwater taonga in proposed PC9. Nor how tikanga Māori values and Māori relationships with these taonga, are recognised and provided for in terms of active protection.
- 4.10 These Treaty principles in Schedule 1 are also referred to in Objective LW3 (c) of the Regional Policy Statement – which provides direction for planners when drafting regional plans.

“OBJ LW3 Tāngata whenua values in management of land use and development and freshwater

Tāngata whenua values are integrated into the management of freshwater and land use and development including:

- a) *recognising the mana of hapū , whanau and iwi when establishing freshwater values; and*
- b) *recognising the cumulative effects of land use on the coastal environment as recognised through the Ki uta ki Tai (‘mountains to the sea’) philosophy; and*
- c) *recognising and providing for wairuatanga and the mauri of fresh water bodies in accordance with the values and principles expressed in Chapter 1.6, Schedule 1 and the objectives and policies in Chapter 3.14 of this Plan; and*
- d) *recognising in particular the significance of indigenous aquatic flora and fauna to tāngata whenua.”*

- 4.11 It is difficult to reconcile the active protection of taonga, which Schedule 1 acknowledges includes the spiritual beliefs and values of mauri, tapu, mana, tikanga and wairua, with a proposed plan that does not include these in any objective. In fact, an analysis of the Treaty principle of active protection is completely absent from the

section 32 Report. We disagree with the premise in the s32 report at Chapter 3.7, that PC9 gives effect to the RPS, specifically in light of the lack of regard given to RPS Objective LW3 and related RPS policies. The consideration for tāngata whenua/Māori interests, issues, and relationships with freshwater resources in the TANK catchments, appear to be subservient to, or given lower priority than other values in PC9. This is inconsistent with the requirements of Objective D1 and Policy D1 in the NPS-FM.

- 4.12 We also note that parts of the section 32 report relating to tāngata whenua/Maori, were provided to the Regional Planning Committee as an addendum on 18 September 2019, and not pre-circulated prior with the RPC agenda packs. This implies that the analysis of PC9 objectives, policies and methods occurred without due consideration of tāngata whenua values and priorities.

5. Other matters

- 5.1 Some objectives and outcomes in PC9 are reliant on other matters that sit outside of the usual regional planning framework under the RMA. The key issues to be addressed in a catchment-based plan change would usually be water quantity, water quality, discharges of nutrients and contaminants and the effects of land-use on these, the proposed plan contains provisions that are unrelated to these.

Ultra vires

- 5.2 Some proposed provisions may also be *ultra vires* where they seek to compel organisations to meet on a regular basis whether they wish to or not, or where they transfer a freshwater management responsibility to a group of persons or sector representatives, yet to be convened. The purpose appears to be to come to consensus over catchment issues at some time in the future, and to either manage effects collectively or undertake monitoring and further research to inform an environmental target or future plan change. This seems unusual given that almost eight years of stakeholder engagement and plan drafting for PC9 has already transpired, for a plan that is subject to review after 10 years.
- 5.3 It is also difficult to discern how proposed PC9 content addresses some of the agreements made at early TANK Stakeholder Group (SHG) meetings. One such agreement was that water augmentation was not part of the plan change. Another was for the total allocation rate of 1,581 litres per second to be applied for surface water takes from the Ngaruroro catchment. These matters have not been included in the proposed plan.

Access to TANK records

- 5.4 Despite the first TANK SHG meeting being held in October 2012, the TANK “portal” on the HBRC website only refers to SHG meetings and meeting outcomes from August 2016 onwards. Consequently, submitters cannot access minutes or agreements reached from the first 20 TANK SHG meetings, or the four Terms of Reference documents. There is also an anomaly in that on the HBRC website, where Regional Planning Committee meeting agendas are stored, the meeting for 5 June 2013 is missing, while the RPC agenda for the following RPC meeting on 07 August 2013 states that an update report on the TANK process was presented to the RPC on that date (Agenda page 87).

Operative plan provisions -

- 5.5 The operative RRMP contains both the RPS and the regional plan. Proposed PC9 tends to disregard the influence and direction from the RPS, with an exception for the promotion of economic activities. PC9 also seeks to make some operative plan provisions in the RRMP, no longer applicable to the four TANK catchments⁵. Some of these provisions were required to be inserted into the RRMP to ensure compliance with the NPS-FM (2014), and intended as an interim measure to:
- *Safeguard the life-supporting capacity of freshwater and any associated ecosystem from the adverse effects on water quality from discharges to water, and*
 - *Safeguard the life-supporting capacity of water from adverse effects of water abstraction and use.*
- 5.6 These provisions were intended by the Ministry for the Environment as a “placeholder” to enable regional councils time to draft freshwater or catchment-based plan changes to address compliance with the NPS-FM in regional plans, particularly around the issues outlined above. Deletion of these provisions from Chapter 5, in terms of no longer applying “*within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū River catchments*” is premature, particularly as proposed PC9 does not mention life-supporting capacity at all⁶. Unless new provisions to safe-guard the life-supporting capacity of freshwater or their associated ecosystems are included within the proposed plan, PC9 will not give effect to parts of the current NPS-FM, to the new NPS-FM which becomes operative 03 September 2020, or to provisions in the operative RPS.
- 5.7 HBRC’s assessment methodology for water abstraction, does not all sit within the RRMP, with elements of it having led to the current declining trend for both security of supply and groundwater levels. PC9 seeks to impose security of supply provisions, that will then require reductions in flow minima in order to meet an “*agreed*” security of supply, or alternatively, the building of substantial water storage to mitigate existing

⁵ Objectives 72A, 74A, 76A and 78A – These objectives were inserted into the RRMP pursuant to directions in the NPS-FM.

⁶ Apart from quoting operative RRMP provisions that will not apply in TANK catchments.

adverse effects. The allocation method of “*actual and reasonable use*” is predicated mainly on economic parameters, rather than on sustainable management as prescribed by the Act, or Te Mana o te Wai as contained in the NPS-FM (2017 and 2020).

New Schedules

- 5.8** The maps in proposed Schedules are not detailed enough to show all water bodies affected by or included within the scope of PC9. The Tūtaekurī-Waimate is one such water body, and it would also be helpful if the demarcation line between the coastal environment and the rest of the TANK catchments was provided. Schedules 26 – A, B, C and D, and Schedules 31 – A, B, C, D and E, do not show these boundaries where the management of water resources in the TANK catchments changes from the RRMP over to the RCEP.
- 5.9** The schedules prescribe management zones or units, but not specifically Freshwater Management Units (FMUs). As the NPS-FM (2017) makes particular reference to Freshwater Management Units that are then required to have specific matters addressed for each, it would be helpful if the same terminology were used for within the TANK catchments. As notified, it is unclear whether the NPS-FM requirements for FMUs, are relevant or not for Water Management Units or parts thereof in proposed PC9.
- 5.10** A proposed plan is usually undertaken to change behaviours, following review of the operative plan (or the parts of the operative plan) that it amends or replace. Overall, PC9 seeks to embed current unsustainable practices into a new management regime. Although it proposes phasing out over-allocation, current resource consent holders that have consents that have not expired, can continue to use water up to the amounts of water stated in their consents, and subject to the same conditions. Proposed PC9 intends through policy to ‘roll over’ existing consents for “ten years after PC9 becomes operative”, which by definition will be when the plan provisions in PC9 will be required to be reviewed themselves. This seems rather odd, particularly where many consents for surface water were issued on a short-term basis to allow further research to be done to assess what any new management regime for minimum flows and allocatable volumes should be based on.
- *Provide more detail in PC9 maps and schedules to show the coastal environment boundary, the location of the Tūtaekurī-Waimate Stream, and of major tributaries of the major rivers.*
 - *Show the spatial extent of the HPAS where it extends out into the coastal environment/Hawke Bay.*
 - *Prescribe the HPAS in PC9 to prevent confusion and inconsistencies between the Heretaunga Plains Groundwater Management Unit and the HPAS.*

6. Water allocation

Surface Water

- 6.1 Prior to June 2000 when the RRMP was publicly notified, HBRC adopted a surface water management approach that calculated allocation volumes for Hawke’s Bay rivers and streams based on a Summer 7-day Q95⁷, which takes the amount of water available in a river or stream for 95% of the time during the summer irrigation season (1 November to 30 April) and compares it to an established minimum flow. The difference between the two flows was then used to specify the allocatable volume for each surface water body in cubic metres per week.
- 6.2 The allocation volumes in the RRMP for TANK rivers and tributaries, are derived from the Q95 including those for the three main rivers in the TANK catchments - the Tūtaekurī, Ngaruroro and Karamū. The Q95 allowed specific volumes to be abstracted while acknowledging the need to protect instream habitat and aquatic ecosystems. It also includes a level of surety for water abstractions, hence the use of the 95% threshold, while also acknowledging that there would be some years when abstractive uses would be restricted. These weekly volume limits are included in the RRMP and form the basis for surface water allocations.
- 6.3 Unfortunately, over time and through several rounds of resource consent renewal processes, HBRC decision-makers have chosen not to adhere to the weekly volume limits for some rivers, have worked around operative RPS and RRMP provisions and continued to allocate amounts of water that exceed the weekly limits. Numerous additional consents to abstract water have been granted over and above the volumetric limits in the RRMP, albeit at higher cut-off flows than the minimum flows expressed in the regional plan.
- 6.4 This has resulted in a large increase in total volumes abstracted from our major rivers and streams, plus an increase in total abstraction rates in litres per second. Although these additional allocations are provided for through RPS Policy 39, the proviso is that such takes should not have significant adverse environmental effects. The cumulative increases in both abstraction volumes, and total abstraction rates have resulted in more frequent irrigation bans over the irrigation seasons, and reduced security of supply. Subsequently low flow stress on aquatic life also occurs more frequently. The cumulative rates of abstraction have reached a level, that our surface waters can no longer sustain.

⁷ Summer 7-Day Q95 – See Appendix I, an extract from the Karamū consent renewal hearings in

- 6.5 Where operative policies and methods in the RPS and the regional plan provide for more prescriptive management for surface water, processing of consents has tended to disregard these, in particular Policy 39 from the RPS, and Policy 73 from the RRMP. Most resource consents to abstract surface water from the Ngaruroro and Karamū catchments were renewed on a “short-term” basis due to council perceptions of uncertainty/validity for flow minima and allocatable volumes in the operative plan. Through PC9, HBRC now seeks to embed current over-allocation and excessive abstraction of surface water through disregarding adverse effects of resource consents, and postponing their renewals for ten years or more, effectively embedding existing adverse effects into policy and other plan provisions, and locking tāngata whenua out of influencing over-abstraction and its adverse effects. PC9 presents an opportunity to reduce allocations on a pro-rata basis and restore instream habitat and aquatic ecosystem health.
- 6.6 Decision-making around water quantity issues has not always taken due consideration of operative planning provisions. Consequently many consents to abstract surface water have been issued or renewed in conflict with existing policies. Although these provide for responsible management of water resources, they are not always given weight through decisions, and we now have the situation where surface water bodies are severely depleted during much of the year. One example is included below.

‘POL 39 DECISION-MAKING CRITERIA – WATER ALLOCATION

3.10.15 To allocate water from rivers in accordance with the following approach:

- (a) The water requirement for each resource consent applicant will be determined on the basis of reasonable needs and the efficiency of end use, requiring an applicant to determine how much water is required for their activity (for irrigation takes, see also Policy 42).*
- (b) Where the demand for water within a stream management zone¹¹ is greater than the allocatable volume as a result of a consent application for a new activity, a consent will not be issued except where it can be considered under (d).*
- (c) Where the demand for water within a stream management zone is greater than the allocatable volume as a result of a change to the minimum flow for that stream management zone the HBRC will adopt any or all of the following approaches:*
 - (i) Review all consented takes from that water body at the same time.*
 - (ii) Give preference to the renewal of existing resource consents, over the granting of new consents where it can be demonstrated that the allocation is still required.*
 - (iii) To encourage the establishment of user groups or the seasonal or long-term transfer of water permits in accordance with Policy 34.*
 - (iv) Where over-allocation still exists, to reduce the allocation on a pro-rata basis except that where the consent holder has been advised (e.g. in the*

consent document) that the water allocated may no longer be available for allocation at the time of consent renewal, in which case the consent may not be renewed.


(v) To encourage the use of alternative water sources.

(d) Water may be allocated over and above the allocatable volume, subject to a substantially higher cut-off level than that specified in Table 9 provided that any such additional allocations will not have any adverse effect on other lawfully established activities, nor any other significant adverse environmental effect and assuming allocation is subject to the implementation and/or consideration of (a), (b) and (c).'

(Submitter's emphasis)

6.7 In recent years we have experienced an increase in the number of irrigation bans in some catchments/sub-catchments, with several bans exceeding one month in duration. Occasionally, irrigation bans occur for over 50% of the irrigation season (Louisa, Irongate, Karewarewa Streams). Although Hawke's Bay experiences droughts as a normal part of prevailing weather patterns, over the last two decades they have become more common and the effects more severe and of longer duration.

Table 1: Allocation totals and comparisons of rates of take – TANK surface water

River name	Minimum Flow Site Name	Minimum Flow (l/s)	Allocatable Volume (m ³ week)	Rate of take equivalent l/s	Actual rate of take (approx) l/s
Awanui Stream	At The Flume	120	0	0	430 l/s total for Karamū, not including surface water depleting groundwater rates  Karamū River and tributaries
Awanui Stream	At Paki Paki	35	0	0	
Irongate Stream	At Clarks Weir	100	0	0	
Karamū River	At Floodgates	1,100	18,023	29.8	
Karewarewa River	At Turamoe Road	75	-	-	
Louisa Stream	At Te Aute Road	30	0	0	
Mangateretere Stream	At Napier Road	100	0	0	
Te Waikaha Stream	At Mutiny Road	25	-	-	
Ongaru Drain	Wenley Road	5	0	0	
Poukawa Inflow	Site No. 1 (d/s dam)	10	-	-	
Poukawa Inflow	Site No. 1a (u/s dam)	10	0	0	
Poukawa Inflow	Site No. 6	3	0	0	
Poukawa Stream	At Douglas Road	20	0	0	

Maraekakaho River	At Tait's Road	100	5,443	63	180
Ngaruroro River	At Fernhill Bridge	2,400	956,189	1,581	>3,300
Raupare Stream	At Ormond Road	300	83,844	138.6	
Tūtaekurī River	At Puketapu	2,000	928,972	1,536	
Tūtaekurī-Waimate	At Goods Bridge	1,200	367,144	607	

Operative Policy 73 provides direction on how security of supply will be managed through providing for a known level of risk to resource users.

"POL 73 ENVIRONMENTAL GUIDELINES - SURFACE WATER QUANTITY

.....

(c) *To provide a known level of risk to resource users by ensuring that, for rivers with an established minimum flow, the total allocation authorised through the resource consent process does not result in authorised takes being apportioned, restricted or suspended for more than 5% of the time on average during November-April."*

6.8 Rather than continuing to base surface water allocation on a logical scientific method and sustainable management principles and practices, HBRC has chosen a new methodology of *"actual and reasonable use"* which has nothing to do with sustainable management or avoiding, remedying or mitigating adverse effects. Existing adverse effects on flows are actively being supported through the plan and proposed consent renewal processes. In addition, policies that were based on or supported the Q95 have now been deleted from applying to the TANK catchments.

6.9 This creates the unique situation where the existing consents for surface water abstraction have had the rationale and basis for their original approval removed, and replaced with allocation and assessment methods, not based on sustainable management at all.

Groundwater

6.10 Groundwater has historically been allocated with minimal opportunity provided for tāngata whenua to take part in decision-making. The presumption has been that the groundwater resource within the Heretaunga Plains Aquifer System is huge, and consequently up until rather recently, most consents were allocated without public notification. Unfortunately, the total abstractions from the aquifer system have resulted in adverse effects on streams around the periphery of the aquifer, with lower quality surface water being drawn into the aquifers resulting in degraded groundwater quality, and streams drying up. There is also little acknowledgment in PC9 of the causal

link between excessive water abstraction (quantity issue) and its actual and potential effects on groundwater quality.

- 6.11 Another issue is where operative Schedule VI in the RRMP identifies groundwater management zones specified as water-short areas, that require more prescriptive management, yet large amounts of abstraction from these management zones have been enabled. Total groundwater abstractions are now causing decline in aquifer levels plus a seasonal decrease in areal extent of the Heretaunga Plains Aquifer System and groundwater dependent ecosystems.
- 6.12 Although the RMA does not restrict adverse effects that are permitted by a regional plan, or by resource consent conditions, we have the anomaly where the operative RPS and RRMP do provide for restrictions and controls around water abstraction and use, but the decision-making for resource consents for water abstraction tends to disregard these.

7. Regulatory and legal issues

- 7.1 The proposed plan fails to promote sustainable management as prescribed in section 5, of the Resource Management Act, and rather than follow clear directives in Plan Change 5⁸ for the drafting of proposed catchment-based plan changes, HBRC has chosen to ignore these, and prioritise economic development. For other parts of PC9, this has led to a bias, rather than using a judgement through Part II of the Act or subsidiary national policy (i.e., NPS-FM). Consequently, in drafting the proposed plan HBRC has not considered all the necessary issues it is required to, and therefore does not address them. Proposed PC9 is not clear on intent and does not give effect to the either the NPS-FM or the RPS, nor take into account the updated NPS-FM 2020.
- 7.2 The RRMP has undergone several changes since it became operative in 2006, however there are errors in some of the schedules, where they have not been corrected to align with the relevant plan provisions, as directed by the Environment Court for renumbering and consequential changes. Where operative schedules address management of specific matters or effects in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, some of the cross-referencing to other plan provisions is incorrect.
- 7.3 Where these schedules (outlined in Table 1) contain maps and water management zones relating to freshwater resources within the TANK catchments, introducing a proposed plan with new or amended planning provisions, without first checking the content and accuracy of operative plan provisions that apply to the same catchments,

⁸ Plan Change 5 was a change to the Hawke's Bay Regional Policy Statement. All of its provisions with the exception of 'wetland definition' were beyond challenge from 2015, and it became operative in August 2019.

risks confusion and inconsistency. PC9 does not propose deleting or amending these existing schedules in the RRMP, so they will continue to apply to TANK catchments.

- 7.4 For Policy 77 in the operative RRMP, proposed PC9 seeks to delete it from applying within TANK catchments, before HBRC have corrected the Schedule that partly gives effect to this policy. This creates the unique situation whereby HBRC has failed to follow a directive from the Environment Court to amend the numbering in the RRMP before making it operative, and now seek to delete the relevant policy from applying to freshwater resources in TANK catchments.

Table 2: Schedules/maps from the operative RRMP

Schedule in operative RRMP	Current references in Schedule	Correct references – TToH seeks specific relief to amend the operative references
Schedule VI Water Short Areas - Ground Water Management Zones (<i>Water Quantity</i>)	Delete RPS <u>Policy 46</u> - non-regulatory methods and point source discharges; Delete <u>Rule 49</u> – discharges to land that may enter water	Add - RPS Policy 24 Water Allocation; RPS Policy 33 Groundwater Takes within the Vicinity of Surface Water Bodies; RRMP Policy 77 Environmental Guidelines – Groundwater Quantity Rule 53 Minor takes and uses of groundwater
Schedule VIa Surface Water Management Zones (<i>Water Quantity</i>)	Retain RPS Policy 57 – Policy development and consideration of Māori concepts – Mauri, Noa, Rāhui and Tapu Delete <u>Rule 50</u> – Riverbed and Lakebed disturbance by livestock	Add RPS Policy 35 Regulation – Water Allocation Add RPS Policy 43 Groundwater Takes within the Vicinity of Surface Water Bodies Add
Schedule VIb Catchments sensitive to animal effluent discharges	RPS Policy 20 – Decision making criteria – Agricultural Effluent Discharges Rule 15 – Discharge of animal effluent in sensitive catchments	Retain RPS Policy 20 Add Policies 8, 17, 19, and 47 to Schedule VIb Retain Rule 15

- 7.5 For operative Policy 57, which sits within the RPS section of the RRMP, the Māori concepts can apply to water management, but the policy states that they are to be used “*where policy is being developed*”, so Policy 57 is not likely to be applicable to Schedule VIa (but of relevance to the development of proposed PC9). Rule 50 is also an incorrect reference as the only reference to Schedule VIa (*Via*) in the operative RRMP rules in Chapter 6, is in Rule 54 – Minor takes and uses of surface water, wherein RPS Policy 35 Regulation – Water Allocation, and RPS Policy 43 are referred to.

- 7.6 It is logical to assume that before drafting PC9, all sections of the RRMP that apply to TANK catchments and their management and regulation, would have been covered extensively by council planners to assess their effectiveness, and these inconsistencies addressed, particularly when council staff had prior knowledge of them (TANK SHG discussions, Review of the draft TANK plan - Iwi rep and Council staff).
- 7.7 After PC9 was publicly notified, it was made available online, and copies were circulated to public libraries in Hastings and Napier. The usual practice for public notification of proposed regional plans has been to make them available throughout the region, as PC9 is a change to a regional plan. The communities of Central Hawke's Bay however, were not supplied with copies for their libraries. This meant that some people including tāngata whenua with whakapapa linkages to the four TANK catchments, and who live in Central Hawke's Bay, were not able to view a hard copy of the proposed plan. Not everybody has ready access to the internet, so this aspect of PC9 notification, created undue prejudice for some residents in Central Hawke's Bay.
- 7.8 Te Taiwhenua o Heretaunga seeks the following amendments/relief:
- *Deletion of introductory comments on TANK plan change processes that are superfluous and do not contribute anything meaningful or constructive to proposed PC9*
 - *Ensure operative RPS policies 35 and 43, are given effect to in PC9.*
 - *Corrections/amendments to operative Schedules Va, VI and VIa, and VIb and their inclusion in, and appropriate consideration for their content and intent, in proposed PC9 Schedules*
 - *Include overlays of the mapped areas from the above schedules in the PC9 schedules where relevant.*
 - *Retention of Policy 77, insofar as clauses a) and d) from Policy 77 are included in groundwater allocation policies in PC9.*
 - *Re-arrangement of the Issue statements so they precede specific Objectives and Policies that relate to each of the issues.*
 - *Delineate the coastal environment boundary on Schedule maps or draft separate maps to be included in PC9 showing the coastal environment boundary where PC9 regulation ends.*
- 7.9 **For Surface Water Allocation**
- *Prescribe and introduce an 'irrigation season' from 01 November to 30 April each year for surface water and surface water depleting groundwater abstractions*

- Enable a gradual reduction in allocations from the Ngaruroro River to 700,000 m³ per week total, and a cumulative allocation rate of 1,581 lps from the date PC9 becomes operative - as regulated from Fernhill Bridge.
- The 1,581 lps to be inclusive of rates of take and surface water depletion rates from Ngaruroro tributaries including from the Maraekākaho River and Kikowhero, Waitio, Ohiwia, and Mangatahi Streams.
- Provide for staged increases to the minimum flow for the Ngaruroro up to 4200 litres per second by 01 July 2029.
- Reduce allocations from the Tūtaekurī River to 626,572 m³ per week and increase the minimum flow to 2500 lps at Puketapu Bridge from PC9 operative date.
- Aim for target minimum flow of 3,300 lps for the Tūtaekurī River by 01 June 2029
- Reduce total allocation rate from the Tūtaekurī (inclusive of takes from its tributaries – Mangaone, Mangatutu, Waikonini and Otakarara) to 1036 lps total.
- Introduce elevated minimum flow limits and targets that ultimately result in 90% habitat protection/provision for trout/torrentfish during the irrigation season by June 2029, as in Table below.
- Reduce number of irrigation ban limits in catchments and include all limits used in water management and resource consent processes in PC9.
- Provide for 2 million m³ annual groundwater allocation total, for use in the coastal environment water allocations.
- Restrict high flow abstractions to 15 May – 15 October in any year
- Take into account total permitted, controlled and restricted discretionary volumes above 60 m³ per week in allocation limits/quantum.
- Require renewal of existing consents to take surface water upon current consent expiry, or when PC9 becomes operative, whichever occurs first.
- Require applications for existing and new consents to take water for irrigation, to be assessed as discretionary activities, tāngata whenua parties to be notified, and impose a ten year duration limit.
- Allow for 20 m³ per week allocation to continue for existing and new domestic use (houses) as permitted activities.
- Prohibit water takes outside of the allocation volume limits and cumulative rate limits, apart from emergency uses.

7.10 Groundwater Allocation

- Set total allocation volume limits from the Heretaunga Plains Aquifer System as regulated through the RRMP at 70 million m³ per year.
- For the management purposes for the HPAS, separate quantities/limits for abstraction from the unconfined aquifer, from quantities/limits for the abstraction from the semi-confined and confined aquifer.

- *Restrict all irrigation takes from groundwater within TANK catchments to a specific irrigation season of 01 November to 30 April in any year⁹.*
- *Take into account total permitted, controlled and restricted discretionary volumes above 60 m³ per week in allocation limits/quantum*
- *Count surface-water depletion effects above 0.5 lps or greater in surface water allocations.*
- *Manage groundwater within the Moteo area separately from the remainder of the Heretaunga Groundwater, as a significant percentage of Moteo water surfaces as recharge to the Tutaekuri-Waimate and the Ngaruroro River.*
- *Prevent the transfer of consents/permits between the unconfined part of the HPAS and the confined aquifer*
- *Require renewal of existing consents and applications for new consents to take water for irrigation, to be assessed as discretionary activities, for tāngata whenua to be notified as affected parties, and impose a ten year duration limit.*
- *Take into account total permitted, controlled and restricted discretionary volumes above 60 m³ per week in allocation limits/quantum.*
- *Require the renewal of existing consents to take surface water upon current consent expiry, or when PC9 becomes operative, whichever occurs first.*
- *Allow for 20 m³ per week allocation to continue for existing and new domestic use (houses) as permitted activities.*
- *Prohibit water takes outside of the allocation volume limits and cumulative rate limits, apart from emergency uses.*
- *Include water-short areas from Schedule VI and appropriate limits and assessment criteria in PC9 for resource consent applications/renewals/extensions to take groundwater in these groundwater management zones.*
- *Superimpose above water short areas on HPWM Unit Schedule, and include water-short areas from Schedule VI as crosshatching.*
- *Rename Schedule 31-E as Heretaunga Plains ~~Groundwater~~-Freshwater Management Unit. Expand notified cross-hatching in schedule to include stream-depletion areas for amounts of 0.5 lps or above (as Zones 1 and 2)*
- *Acknowledge aquifer extension into Hawke Bay in proposed schedules.*
- *Remove all references to and criteria relating to “efficient well” from applying in TANK catchments.*
- *Prohibit takes of water outside of the allocation limits.*

7.11 **Water Quality**

- *Include sensitive catchment criteria in TANK provisions, and expand to include restrictions on fertiliser use and nutrient limits (80kg/ha/yr) from all sources*

⁹ Not including irrigation from offline water storage dams.

- Delete any reference to “productive” in relation to the HPAS and other aquifers in the TANK catchments. HBRC’s s(30) roles and responsibilities apply to all freshwater, not just “productive” freshwater resources.
- Either include in a table, or within a proposed schedule for water quality, the parameters and limits within operative Table 8 that apply to water bodies in TANK catchments. .

7.12 Outstanding water bodies

- Include in PC9, a table of Outstanding Water Bodies that are located within the TANK catchments, and specify:
 - The Heretaunga Plains Aquifer System
 - The Ngaruroro River from sources and headwaters to Fernhill Bridge
 - The Taruarau River down to its confluence with the Ngaruroro
 - The Tūtaekurī River and major tributaries down to Waiohiki
 - The Karamū River
 - Lake Poukawa, Lake Oingo, Lake Runanga and the Kaweka Lakes.
- Add columns to above table listing outstanding value(s) and significant values for each as prescribed in Table 3B of our submissions.
- Provide for the protection of their water quality and their inherent significant values, in PC9 objectives, policies and methods.
- In particular, ensure protection of the water quality in the Heretaunga Plains Aquifer System and its recharge zones, and recharge quantities.

Use of the Heretaunga Plains Groundwater Model

7.13 Te Taiwhenua o Heretaunga and Iwi representatives were involved in the very early stages of the groundwater model development (three meetings), but unfortunately during the crucial stages when model inputs were being decided, we were no longer included. Consequently, the model design and its outputs are not reflective of tāngata whenua priorities, values or aspirations associated with the Heretaunga Plains Aquifer System, nor in the conclusions reached and the use of the model for PC9.

7.14 The model has been relied on to inform management responses within PC9. The unconfined area used for the model is 239 square kilometres, when in reality the unconfined area is greater than 500 square kilometres (including Moteo). For some reason the model excludes shallow groundwater above the semi-confined layer, although this is where a significant amount of interaction occurs between the aquifer and surface water flows. This exclusion is unusual as the interface between the unconfined aquifer and surface water is the zone where more prescriptive management is required, particularly around quantifying surface water depletion effects of groundwater abstraction, better management of adverse effects on water quality and on groundwater dependent ecosystems.

7.15 HBRC has developed a Stream Depletion Calculator, with inputs derived from pump-tests, many which were undertaken during the autumn and winter months when groundwater levels and pressures, and aquifer storage are predominantly higher than during the irrigation season when the bulk of abstraction occurs. Others transpired decades ago when total groundwater abstraction was far less than what it is today. Surface water depletion increases markedly during the peak of the irrigation season, when the hydraulic gradient between surface water and groundwater levels is steeper. The calculations of depletion are therefore likely to be underestimated when using this tool.

- *Te Taiwhenua o Heretaunga seek the omission of the stream depletion tool from informing water management and resource consent processes until the tool is recalibrated using data and extrapolations of data from surface water depletion effects acquired during the irrigation season, and inclusion of depletion effects on surface water flows during low-flow events (at flows below MALF).*
- *Set separate allocation limits for the unconfined and confined parts of the Heretaunga Plains Aquifer System, and allow for separate management of Moteo groundwater as its hydraulic connections to the main part of the Heretaunga Plains Aquifer System is not constant.*
- *Prohibit the transfer of consents and water abstraction permits from the unconfined aquifer to the confined aquifer, and vice versa, and from the main part of the aquifer up to Moteo.*
- *Prohibit or prevent the transfer of consents to abstract water from surface water to ground water takes and vice versa.*
- *Prevent the input or inducement of lower quality water into the confined aquifer*

8. Further Relief Sought

General matters

- 1) In general terms, Te Taiwhenua o Heretaunga opposes many of the proposed provisions in PC9. In particular where it fails to **give effect to** the NPS-FM and to the Regional Policy Statement, does not promote sustainable management as prescribed in the Act, or fails to address adverse effects of activities in the TANK catchments in an efficient and comprehensive manner.
- 2) At this stage we oppose all of the proposed rules, as they are predicated on unsound, incomplete, or confusing objectives and policies, that do not enable sustainable and integrated management of freshwater resources. As currently drafted, they seek to embed over-abstraction of water, the associated adverse effects, enable further

abstraction, and are relatively silent on avoiding, remedying, or mitigating cumulative adverse effects.

Reasons:

- The proposed plan contains a lot of preamble that seeks to justify the approach taken in its drafting. Some statements are assumptions or the planners' view on past events, and others are incorrect.
- Proposed objectives, policies and methods do not promote the purpose of the Act with many enabling unsustainable practices to continue, rather than reviewing adverse effects and amending practices/consents accordingly.
- By not including the safeguarding of life-supporting capacity as a key focus towards helping to achieve sustainable management of water resources in the TANK catchments, the proposed plan is fatally flawed.
- In the submitter's view, there have been errors and omissions in the drafting of PC9 in terms of the statutory requirements of regional council as expressed in section 30 of the RMA, and the need for PC9 to uphold Te Mana o Te Wai, and give effect to the NPS-FM and the RPS.
- For PC9, not all relevant matters have been taken into account by HBRC, that are required to be taken into account by the Act.

Issue Statements

- 3) **Rearrange** the Issue Statements' content by specific topic or theme. Ensure that each statement is concise and only refers to one or two issues, so linkage to relevant objectives, policies and rules are clear. **Amend and condense** the content in the Issue Statements.
- 4) **Separate** Mauri and other tikanga Māori values and issues mentioned throughout the issue statements and combine them into two distinct issue statements. Include acknowledgment of the principles of the Treaty of Waitangi contained in Schedule 1.
- 5) **Move** the Issue statements so where they relate to a specific objective, each of the statements immediately precede the relevant objective and associated policies.

Reasons:

- Some issue statements are too long and seek to address multiple issues. Issue statement 1 contains 388 words and refers to rivers, groundwater, mana, mauri, ecosystems, communities, future generations, water quantity, water quality, health and well-being, social and economic needs, water abstraction, flood and drainage, land use, landscape, vegetation, cultural practices, principles, kaitiakitanga, fish spawning, fish passage, indigenous plants and animals and biodiversity. This creates confusion of intent and desired outcomes. In contrast,

issue statements in the operative RRMP are clear and concise and refer to one or two issues only.

- The issue statements as notified, lead on to complicated and lengthy objectives and policies, with some policies not looking to address matters raised in the issue statements until another plan change sometime in the future.
- Some issue statements would require multiple objectives to address the matters raised therein, which can potentially lead to difficulties in plan interpretation and implementation. In the past where plan provisions have not been clear in intent, regional council has broadened their discretion and tended to disregard them when making decisions.

Proposed plan objectives

- 6) Redraft the existing objectives so they are clearly stated outcomes which address the resource management issues. **Add** two new objectives so they apply across the four TANK catchments, and amend PC9 policies, methods and schedules where they are in conflict with these objectives:

“Objective TANK 1A – Water quality management: The maintenance and enhancement of the water quality of surface water bodies in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, and within the Heretaunga Plains Aquifer System, and in other groundwater is achieved through:

- i) safeguarding the life-supporting capacity of fresh water and associated ecosystems, including groundwater dependent ecosystems;*
- ii) protecting indigenous species, and their habitats and associated ecosystems – so they are sustained and improved¹⁰;*
- (iii) recognising and providing for the values in Schedule 26-F, and*
- iii) protecting the natural character of rivers, streams and aquifers, including natural aquifer recharge, from the adverse effects of activities on water quality.*

Objective TANK 1C: The management of water resources within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, recognises and gives effect to Te Mana o te Wai, restores the mana of hapū, and enhances the Wairua and Mauri within water bodies ki uta ki tai.”

- 7) **Add** further objectives

“Objective TANK 2A: The maintenance of the water quantity in surface water bodies in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, and the water quantity in

¹⁰ Indigenous species, their habitats and associated ecosystems will be maintained where limits are being met, or improved where specific limits will be met at a specific time in the future (target date).

the Heretaunga Plains Aquifer System and other groundwater systems so the values in Schedule 26-F are recognised and provided for, and Te Mana o te Wai and Te Mana o te Tāngata upheld.

Objective TANK 3A: The abstraction of surface water and groundwater from within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, and from the Heretaunga Plains Aquifer System, is sustainably managed so they provide for water abstraction within limits for a variety of purposes, while supporting healthy ecosystems and aquatic habitat, and the values within water bodies, including groundwater recharge.'

Objective TANK 6A: No degradation of water quality in the Heretaunga Plains Aquifer System, or in other aquifers and groundwater within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments.

Objective 6B: The potential for groundwater abstraction to have adverse effects on groundwater quality and surface water quality is acknowledged and takes of groundwater are managed to ensure abstraction does not have an adverse effect (including a cumulative adverse effect) on rivers, lakes, springs, or wetlands, or on groundwater dependent ecosystems.

- 8) Amend proposed PC9 policies, rules, and schedules to promote the achievement of the above objectives.

Reasons:

- Safeguarding the life-supporting capacity of water and ecosystems is one of the tenets of “sustainable management” as prescribed in section 5(b) of the Act and is required to be given effect by councils under NPS-FM (2017) Objective A1
- The RPS at Objective LW1.4 requires “safeguarding the life-supporting capacity and ecosystem processes of fresh water including indigenous species and their associated fresh water ecosystems.”
- Maintaining, enhancing or restoring the Mauri of freshwater is of utmost importance to tangata whenua. PC9 provides the opportunity to accomplish this through statutory planning mechanisms.
- Objective LW3 in the RPS acknowledges the significance of Mauri and references the Treaty principles in Schedule I that HBRC aspire too. These include the Principle of Active Protection, and the statement:
“In the context of resource management, the various elements which underlie and are fundamental to a spiritual association with the environment (including mauri, tapu, mana, tikanga and wairua) may all fairly be described as taonga that have been retained by Māori in accordance with Article II of the Treaty. The principle of active protection therefore extends to the spiritual values and beliefs of Maori.”

- RPS Policy LW1.3 b) requires that when setting objectives (in regional plans) that “*adverse effects on water quantity and water quality that diminish mauri are avoided, remedied or mitigated*”. This should be acknowledged and provided for through PC9 objectives, and associated policies.
- The objectives above endorse promoting sustainable management of freshwater resources in the TANK catchments and help to recognise and provide for the relationships of Māori with their taonga.

Anticipated environmental results

- 9) **Add** Anticipated Environmental Results (AERs) following each group of policies that relate to specific objectives.

Reasons:

- The rationale for, and the outcomes expected from the objectives, policies and methods will be more clearly understood by plan users, decision-makers and resource consent applicants and assist monitoring of plan effectiveness.
- HBRC has not always been proactive in steering consent applicants and land uses towards achievement of plan objectives. With the addition of AERs the trajectory towards achieving limits and targets and sustainable outcomes from plan implementation, will be more clearly defined.
- It is difficult to reconcile sustainable management principles and practices, and improvement in environmental outcomes, with proposed objectives, policies and methods in PC9 given the uncertainty associated with reliance on further meetings and stakeholder forums, the collection of more data, the drafting of Farm Environmental Plans and Industry Collective Plans, and another plan change at a later date to address existing adverse effects of activities.

Operative and proposed schedules

- 10) **Amend Schedule Va** in the RRMP so that water quality rules and policies, and decision-making processes for groundwater takes and land use activities in PC9 that apply to the unconfined aquifer and land above it, are referenced in this schedule, and ensure that operative provisions in the RPS and RRMP that are not being amended by PC9 but that also apply to the unconfined part of the Heretaunga Plains Aquifer System, are integrated with provisions in PC9.
- 11) **Ensure** objectives, policies, methods and schedules in proposed PC9 that inform management, or control of the taking of groundwater and the effects of such taking from within the areas outlined in operative Schedule VI, are referenced in, or cognisant of, this schedule and associated rules/policies, and **superimpose** these water-short areas on the map in proposed Schedule 31-D Karamū Freshwater Management Unit – Quantity.

- 12) **Delete table in proposed Schedule 31** – Flows, levels and allocation limits and replace with content and structure as in Table 3A below.
- 13) Ensure **restrictions on water abstraction** in the operative RRMP, continue to apply through PC9 when flows in rivers/streams are at or fall below their minimum flow. Allow for abstraction to continue for domestic household use and firefighting, but restrict stock water use.
- 14) **Acknowledge the water-short areas** in Schedule VI in PC9 water allocation regimes, policies and methods for the Karamū catchment, and the lower Maraekakaho sub-catchment.
- 15) **Acknowledge in PC9** the engineering works that have occurred at the confluence of the Maraekakaho River with the Ngaruroro River, the gravel raking and changes to braided reaches of the Ngaruroro through modifications to the riverbed, and their subsequent effects on HPAS recharge rates/quantities, in the setting of allocation limits for the HPAS.
- 16) **Amend** the rule and policy references in Schedules VI and VIa in the operative RRMP as requested through these submissions so that the correct plan provisions are referenced in these schedules. Add new rules and policies from PC9 that apply a management function to these mapped areas, to these schedules.
- 17) **Add Tūtaekurī headwaters to a new version** of Schedule VIb. **Provide** spatial definition of the Tūtaekurī River headwaters as referred to in operative Rule 15 and New Rule 11A and specify where these are in proposed Schedule 26-A – Tūtaekurī Surface Water Management Unit.
- 18) **Include** new version of Schedule VIb in proposed PC9, with reference to PC9 objectives, policies and methods that manage nutrients, fertilisers, nitrogen (and nitrogen leaching), animal effluent and intensive grazing activities (including breakfeeding and winter grazing) in sensitive catchments.
- 19) **Superimpose** outlines of “*sensitive catchment*” areas from operative Schedule VIb, and of the Tūtaekurī headwaters (where relevant) onto proposed Schedules 26-C Ngaruroro, 26-D Karamū, 31-A Tūtaekurī, 31B - Ahuriri, 31-C Ngaruroro, 31-D Karamū, and 31-E Heretaunga Plains Groundwater MU - Quantity.
- 20) **Superimpose HPAS** spatial extension under the coastal marine area as shown in Figures 3-26 and 3-27 from the Heretaunga Aquifer Groundwater Model Scenarios Report (page 52). **Use different shading** to reflect where the aquifer is regulated under the RCEP.

- 21) **Provide a new schedule** that shows outstanding water bodies (as specified in Table 3B below) and strengthen the outstanding water body provisions in PC9 to promote better protection for their water quality and for their outstanding values and significant values. Acknowledge in provisions for managing water quality in outstanding water bodies, the linkage between groundwater abstraction, and potential decline in groundwater quality.
- 22) **Provide an updated** schedule or map for Drinking Water Source Protection Zones, and append a separate table and map identifying the townships/settlements of Omahu, Bridge Pa, Whakatu, Waipatu, Clive and Haumoana. Include elevated protection provisions in PC9 for domestic water supplies from groundwater in these communities. Extend the boundaries for Zone 3 to include substantially more area of the unconfined aquifer, and conjunctive and recharge zones.
- 23) **Clearly articulate** in PC9 that all the Schedules including the maps and water management zones form part of the proposed plan, and link them to objectives, policies, and methods.
- 24) **Add** references to proposed policies and rules that affect sensitive catchments, to each of the relevant schedules/maps.
- 25) **Require** properties within TANK catchments, including sensitive catchments¹¹, that are 4 hectares or larger, to develop and implement FEPs, and regulate productive land use where there are identified water quality issues or water quality objectives are not being met (i.e., targets apply).
- 26) **Amend** Schedule 27: Freshwater Quality Objectives so that the Schedule does have a regulatory function (e.g., include as objectives and targets in Schedule 26).

Reasons:

- The operative plan provisions which refer to animal effluent management posit that other nutrients also require careful management within sensitive catchments. Similar provisions need inclusion in PC9.
- Failure to comply with Environment Court directives and signed consent orders agreed between HBRC and appellants to the proposed RRMP, mean that some operative schedules require updating/correcting.

¹¹ Other than in the Heretaunga Plains unconfined aquifer area, where FEPs are required for intensive vegetable production on areas of 2 hectares or greater.

- The map in proposed Schedule 31-E and aligned management responses need to acknowledge the existence of other parts of the aquifer not regulated by the RRMP and PC9.
- Operative and proposed schedules should be better aligned where they inform management responses and actions for the same water bodies or parts thereof.
- Schedule VIb (sensitive catchments) includes the unconfined part of the Heretaunga Plains Aquifer System, and the headwaters of our major rivers, which are included within the spatial extent of PC9. If sensitive catchments are more susceptible to animal effluent discharges than other parts of the catchment, they will also be more sensitive to nutrient/contaminant discharges in general.
- The maps included in PC9 schedules do not include the parts of the aquifer that extend into the CMA.
- Outstanding freshwater bodies have already been identified by HBRC through proposed PC7, with submissions received on that plan change. There is potential that PC7 may not be heard before PC9 hearings. HBRC also have the option under the RMA, 1991 of withdrawing PC7, so there is no guarantee that it will be progressed.
- Although Te Taiwhenua o Heretaunga has requested in submissions to PC7, that a concurrent hearing be held for PC7 and PC9, there is no surety that this will occur despite the NPS-FM (2017) requiring the protection of outstanding freshwater bodies, and the RPS directing similar actions through regional plans.
- While we acknowledge the regulations relating to Drinking Water Source Protection Zones and the numerical threshold of 500 persons, other small communities, including Māori communities, should also have an element of protection for water supply sources used for households or marae, particularly protection from land use and over-abstraction of groundwater, which they have been restricted from having input to for numerous resource consent processes.
- It is unclear whether all schedules and maps which direct management approaches and methods for freshwater resources, are actually included within the proposed plan.
- The rule and policy references in some operative schedules are inaccurate in their current form and create confusion for freshwater management in the TANK catchments, or are ignored as they lack logic.
- Operative Rule 20 references the headwaters of the Tūtaekurī River as a sensitive catchment, yet Schedule VIb does not spatially define which parts of the Tūtaekurī River headwaters the rule applies to.
- HBRC's stated intent for PC9 (Advertisements in HB Today, Profit magazine etc) includes protection of freshwater resources in TANK catchments. This requires cohesion between proposed provisions and existing provisions in the RPS and RRMP. The relief sought herein will help achieve better integration between PC9 and other provisions in the RPS and RRMP.

Specification of values and attributes

- 27) Provide new Schedule 26-F that includes detailed maps of all TANK catchments and sub-catchments. In part of the schedule specify all instream values/uses that apply, selected from sections 28 to 30 below, with a separate part for abstractive values/uses. List the catchments, all sub-catchments and aquifers/groundwater zones down the side, with the applicable values along the top of the columns.
- 28) Indicate **which values/uses apply** to each sub-catchment, catchment, water body or FMU. **Include** the Taruarau, and other Ngaruroro River tributaries in their own right, as well as the Mangaone and Mangatutu Rivers, Kaweka Lakes, Lake Oingo, Lake Runanga, and Lake Poukawa. **Include** the Heretaunga Plains Aquifer System, the Karamū tributaries with the Paritua Stream separated from the Karewarewa Stream at Raukawa Road.
- 29) **Prescribe** where the following values apply, in addition to the tikanga Māori values from the Ngaruroro Values and Attributes report:

Inherent values

Natural state - NS	Aquatic ecosystem - AE
Life-supporting Capacity - LSC	Contact recreation - CR
Whakapapa - W	Mana – MA
Sites of significance Cultural - SOS-C	Uu - UU
Sites of significance Aquatic – SOS-A	Mauri - MAU
Inanga spawning - IS	Īnanga Habitat - IH
Whitebait migration - WM	Wāhi Taonga - WT
Indigenous fish - IF	Nohoanga - NOH
Trout fishing - TF	Mahinga kai -MK
Trout spawning - TS	Amenity - AM
Outstanding water body - OWB	Groundwater dependent ecosystem - GDE

Abstractive/other values:

Irrigation - IR	Flood control and drainage - FCD
Industrial abstraction - IND	Reticulated water supply - RWS
Stock water supply - SWS	
Domestic water supply - DWS	

- 30) In Schedule 26-F, indicate where the limits are not currently achieved, and where they are a target. Prescribe measurable attributes and limits, with numerical limits and targets from the NOF A and B bands for water quality where relevant. Where existing

water quality is lower than the equivalent B band for water quality, set a target in the B band, to be achieved within a reasonable timeframe.

- 31) Resource and enable the development of Mauri monitoring, assessment and reporting through PC9 implementation. **Include** a substantive definition for Mauri that applies within the Ngaruroro and Karamū catchments and include the following table or similar to assist with cultural monitoring.

Mauri State	Wairua / Mauri
Mauri ora	Vibrant, productive, vital, life sustaining, Wairua
Mauri tu	Upstanding, building resilience, productive
Mauri oho	Awakening, resurgence, improving, revitalising,
Mauri moe	Resting and recovery, building potential
Mauri pūwhenua	Degraded, threatened, losing potential
Mauri mate	Dead water, lacking in wairua,

Reasons:

- Each waterbody has its own mana and mauri which need to be improved or upheld
- Values should be more clearly articulated, and where they apply within sub-catchments and aquifers specified.
- Mauri is essential for sustaining life within each of the water bodies and connects to the mauri of tāngata whenua and Te Mana o te Wai.
- The RPS requires adverse effects on Mauri to be avoided, remedied, or mitigated, so Mauri within freshwater bodies will need to be monitored to help assess current state and inform subsequent management responses for improvement where required.
- Te Mana o te Wai, Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te Tangata are central to the NPS-FM, and HBRC should aspire to maintaining the existing Mauri state in freshwater bodies where it is healthy, and improving it over time where it is degraded.
- Attributes and limits for each value will inform desired state for each water body, and state of the environment and cultural monitoring, assessment and reporting for surface water and groundwater resources.
- Lakes sometimes get left out of planning constructs and their values and the attributes that support those values, get overlooked. Lakes and significant wetland systems warrant protection from adverse effects of land use activities, including the effects on groundwater ecosystems, on which they are often dependent.

Freshwater Management Units

- 32) In proposed schedules, **clearly delineate 12** separate Freshwater Management Units within the Ngaruroro catchment, the Tūtaekurī catchment and the Karamū catchment, in line with the Values and Attributes Report commissioned by HBRC and lodged as an Iwi Management Plan. Include in proposed plan provisions for the transfer of water permits to abstract water; *“The transfer will not result in an increase in the scale or intensity of adverse effects and will not occur in over-allocated catchments or aquifers”*.
- 33) Amend proposed objectives, policies, and methods to reflect these changes.

Reasons:

- It is unclear whether some water management zones or units in the proposed schedules/maps are FMUs or not, and therefore subject to NPS-FM requirements.
- Management of freshwater within the TANK catchments would be more effective with smaller FMUs so that cause/effect relationships between activities and adverse effects, are more easily identified, quantified and addressed.
- The use of the FMU terminology would more clearly align PC9 with the NPS-FM and the RPS and require specific management measures/responses to be undertaken by council, thus providing greater clarity for plan users, and more certainty of outcome.
- Some of the water management units are huge and with the RMA/NPS-FM allowing for the transfer of resource consents for water abstraction or transfer of permits for the discharge of contaminants within the same FMU, the use of large FMUs means that the effects of activities, once transferred, can increase the scale or degree of adverse effect.
- It is not tika or in accordance with tikanga Māori values to transfer adverse effects from within the rohe of one hapū or hapū group, into the rohe of another, or between catchments.
- The identification and quantification of the source of adverse effects is more suited to smaller FMUs, as they are more likely to be addressed, in terms of limits and targets.

Overseer use and outputs

- 34) Where Overseer or another council approved method is to be used as a tool to calculate nitrogen leaching in TANK catchments, and inform consent activity status and relevant rules, ensure the use of Overseer (or its equivalent) does not result in water quality decline such that limits are breached and targets not achieved within specific FMUs, management zones or timeframes.
- 35) Where Overseer or another HBRC approved system is used to assess/calculate nitrogen losses or nutrient leaching amounts, ensure the associated schedules and other plan provisions (including methods) clearly link the land use activities and LUC leaching rates

to achievement of groundwater quality and surface water quality objectives, limits and targets.

- 36) Remove any threshold allowance for or increase from nitrogen leaching calculations and LUC classes, from being applicable for TANK catchment rules.
- 37) Add Soluble Inorganic Nitrogen, Total Nitrogen and Soluble Reactive Phosphorus to provisions that regulate effects of land uses where Overseer or another approved system is used.
- 38) Impose a management/monitoring/mitigation charge of 0.50 cents per kg for any N leaching above a 12 kg/ha/yr threshold for land use activities where nitrogen is applied directly to land.

Reasons:

- Overseer has come under close scrutiny for its use as a management tool, however its outputs are reliant on accurate data entry, so there is a potential margin of error.
- There are fluctuations in outputs due to change in management practices, cropping areas and type, farm or property ownership, market trends and budgetary constraints. A regional plan requires certainty of outcome and a trajectory towards achieving limits in water quality parameters.
- Regional council has a role to manage adverse effects, including adverse effects of nitrogen inputs.
- There are excessive tonnages of nitrogen entering the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, that cause adverse effects on water quality and ecosystem health, both within the river channels and the Waitangi and Ahuriri Estuaries. Those who generate such effects and profit from causing them, should help to pay for the management, monitoring and mitigation of such effects, or avoid them where limits are exceeded.

Stream flow maintenance - augmentation

- 39) Replace “*stream flow maintenance*” and “*flow augmentation*” with “*surface flow mitigation*” within the proposed plan, and move any such provisions in proposed Policy 39 and schedules to a non-regulation section of the plan so that research, hui, meetings, formulation of ideas etc, can be undertaken outside of objectives and management methods. In proposed Policy 39, remove references to trigger flows, so they are no longer applicable to flow maintenance or flow augmentation, apart from for existing activities.

Reasons:

- The need for these arises from failure to address through resource consenting processes, the adverse effects from surface water depletion caused by groundwater takes and/or excessive surface water abstraction/over-allocation).
- The use of the term mitigation clearly links the need for a response to the causes of the adverse effects on flow – over-abstraction.
- A lot of proposed policy is about holding further meetings to decide what to do, undertake research and investigation etc. There is not enough certainty provided around the outcomes from these things at present.
- Flow mitigation requires substantially more research to determine its efficacy and viability before it is included in council's programmes, or enabled through a regional plan.
- Mitigation methods should be clearly linked to the reason for it, with those accountable responsible for the costs of mitigation.

High flow takes/abstraction

- 40) For the Ngaruroro River, impose the following restrictions for high flow allocations:
- a) Restrict high flow abstraction to flows above 24,000 litres per second, as measured at the Fernhill Bridge.
 - b) Provide a total instantaneous rate of take limit for high flow takes.
 - c) Limit the total amount of high flow take to 5 Million m³ per year, and to the periods 15 May to 15 October in any year.
 - d) Provide for additional flow for the river on a 1:1 ratio for high flow takes as identified in the MWH report, May 2010.
 - e) Do not allow high flow takes that are outside of allocation limits for any purpose.

Reasons:

- High flows in the mainstem of the river do not always indicate widespread rainfall, and higher flows in the mainstem can assist with natural recharge of flows/springs in tributaries and clean the bed of accumulated sediment and periphyton.
- Flow losses below Fernhill mean that flows in this reach can drop to 18,000 lps within the river channel if the high flow threshold were set at 20,000 lps.
- With the cumulative rates of abstraction from the Heretaunga Plains Aquifer System at over 30,000 lps, recharge of the aquifer should be a priority consideration.
- Enabling recharge of the HPAS through natural processes is more cost effective than abstracting water at high flows and using it later to transfer water into the aquifer.
- Natural recharge is provided for free. Other systems like Managed Aquifer Recharge using water from storage, will come at a high cost, and the general public should not have to pay to mitigate adverse effects caused by private enterprise and private profit.

- High flows and variations in flow are part of the mauri of the river, and the river's natural character. Water managers should seek to retain flow variability and include this in PC9 for the mainstems of the Ngaruroro and Tūtaekurī Rivers.

41) **Require** surface water depletion effects of 0.5 litres per second or greater, to be accounted for in water quantity allocations and consent limits for ground water abstractions, and subject to minimum flow restrictions and volume limits within FMUs and surface water management zones. Count surface water depletion rates in surface water abstraction rate limits, and depletion effects of more than 60 m³ per week in total abstraction volume limits for surface water bodies.

Reasons:

- The RMA requires the adverse effects of activities to be avoided, remedied, or mitigated. Adverse effects caused by over-abstraction of groundwater, were not addressed through the resource consenting process or consent conditions for the majority of consents to abstract groundwater.
- The proposed plan should prioritise avoidance of adverse effects as the first option for surface water depleting groundwater abstractions that have effects of 0.5 lps (equivalent to 1210 m³ per month) or more. Otherwise vast quantities of water are being used and unaccounted for in water management.
- The proposed plan while seeking to enable these amounts for irrigation to go uncounted, is simultaneously seeking to reduce takes for domestic household use to below 20 m³ per week, and prioritising irrigation use and stock water provision above human health and domestic water needs. This is inconsistent with Te Mana o te Wai (NPS-FM 2020).
- Regional councils have a statutory role under s30(1)(c) (ii) and (iii) to maintain both the quality and quantity of water in water bodies and have been remiss in the past for not actively promoting these through their water management processes.
- The stated aim in PC9, of rolling over existing consents to abstract water for 10 years after PC9 becomes operative, does not promote sustainable management, particularly when council is aware of the root causes of surface water depletion, the decrease in spatial extent of aquifers during irrigation seasons, and declining groundwater trends.

Stock water takes

42) **Amend Rule 53** so takes for stock water purposes within the water-short areas in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, as specified in Schedule VI, are controlled activities and required to be 60 m³ per week or less. Above this limit require these to be assessed as Restricted Discretionary

- 43) **Make concurrent amendments to Rules TANK 7 and TANK 8** so they prescribe the same 60 m³ per week limit (outside of water short areas) as permitted activities, and above this volume for stock water as restricted discretionary, and subject to zone or FMU limits.
- 44) **Remove the “efficient taking” proviso for wells**, so it no longer applies for domestic takes within TANK catchments.

Reasons:

- Groundwater takes within the water short (groundwater) areas are resulting in a decrease in the spatial extent of the Heretaunga Plains Aquifer System i.e. the aquifer retreats due to groundwater pumping. This has significant adverse effects on spring-flows from the aquifers into streams around the periphery of the HPAS. Some of these streams are drying up more frequently, over greater lengths and for longer durations as a consequence.
- Stock water takes pursuant to s(14)(3)(b) are not restricted provided that they **do not have an adverse effect** on the environment. The assumption that **all** stock water takes, including for stock kept under intensive production and irrigated pasture/cropping regimes, can be granted as permitted activities under s(14)(3)(b), is incorrect.
- The requirement that groundwater taken for domestic use should be subject to the council’s definition of “efficient taking¹²” is unrealistic when there is a continual declining trend in groundwater levels (SOE reports) due to HBRC’s aquifer management practices, and their granting of numerous resource consents to take groundwater, without scrutiny from the general public or from tangata whenua.

Stormwater rules

- 45) Elevate the activity status for stormwater discharges in the TANK catchments, to restricted discretionary where they are from an urban reticulated stormwater system or discretionary where they discharge to a site, river, or area of cultural significance.
- 46) **Add new stormwater Rule 21A** – to manage stormwater discharges from tile drainage, Novaflow drainage systems (or similar), and farm drainage systems in the rural areas of the TANK catchments, and stormwater discharges from roadside drains into land or water, as a restricted discretionary activity. Add:
- a) *Adverse effects on surface water habitat and life-supporting capacity*
 - b) *The achievement of objectives and targets associated with the sub-catchment*

¹² For the purposes of this Plan “efficient taking” of groundwater means abstraction by a bore which penetrates the aquifer from which water is being drawn at a depth sufficient to enable water to be drawn all year (i.e. the bore depth is below the range of seasonal fluctuations in groundwater level).

- c) *The ability for receiving waters to assimilate stormwater contaminants*
 - d) *Effects on Te Mana o te Wai, on Mauri, mahinga kai and sites of significance to tangata whenua in the affected surface water body*
 - e) *Objectives and targets in Schedule 26 for the receiving freshwater management unit, sub-catchment, or management zone*
 - f) *Seasonal fluctuations in surface water levels and flows, and*
 - g) *The life-supporting capacity of surface water.*
- as matters for discretion.

Reasons:

- These issues were raised at TANK SHG meetings but not addressed by council, despite repeated requests from tangata whenua.
- Stormwater rules in PC9 only seek to manage urban stormwater discharges, so ignore a large amount of point source discharges, and their effects.
- Tile drainage, Novaflow type systems and farm drainage provide a direct conduit for nutrients and other contaminants to enter surface and groundwater.
- Nutrient losses to groundwater and surface water through drainage systems are not usually addressed, avoided, or remedied through the use and influence of Overseer.
- Often categorised as “non-point source” many of these discharges actually have a point source location, where they enter surface water, or publicly owned land.

Water abstraction from the Heretaunga Plains Aquifer System

- 47) **Reserve** a quantity of freshwater (both volume and total allocation rate) from the Heretaunga Plains Aquifer System (HPAS) for regulating under the HB Coastal Environment Plan, including for domestic uses, and acknowledge these amounts when setting total abstraction quantities for PC9 and the RRMP. Set this volume at 2 Million m³ per year.
- 48) **Take a precautionary approach** for setting and managing the cumulative allocation volumes and rates, and abstraction from the HPAS, as the aquifer is being mined. Amend total abstraction volume from the HPAS, so that no more than 70 Million m³ abstraction per annum is allowed, inclusive of volumes regulated through the RCEP.
- 49) **Include this limit and the criteria below** in Heretaunga Plains groundwater allocation policies, surface water allocation policies and align with relevant schedules:
- *“Adverse effects on Mauri will be avoided, remedied or mitigated.*
 - *The restoration of groundwater in the Heretaunga Plains Aquifer System to sustainable levels, and the prevention of water mining and excessive abstraction and*

- *The protection of outstanding values and significant values within the Heretaunga Plains Aquifer System”*
- 50) **Require a financial contribution** from all those who use HPAS water for irrigation, of 10 cents per cubic metre to help pay for meetings, research, flow mitigations, oxygenation schemes and infrastructure, additional pumping capex and opex, and aquatic ecosystem enhancement, as well as any trials and experiments associated with these.
 - 51) **Apply** a total instantaneous rate of take limit in litres per second for water abstraction from the Heretaunga Plains Aquifer System during the irrigation season that does not exceed 12,500 lps and a substantially reduced allocation rate (and volume limit) for the other six months of the year.
 - 52) **Include** effects on Mauri, and on groundwater dependent ecosystems, in consent application criteria, consent renewal processes, and decision-making.
 - 53) **Prescribe** an irrigation season and seasonal constraints for groundwater use, to prevent unsustainable abstraction, excessive surface water depletion, and mining of the aquifer.
 - 54) **Delete all references** in PC9 provisions that enable, allow for, or infer that, degradation of water quality in the Heretaunga Plains Aquifer System, or in other groundwater/aquifers in the TANK catchments can occur. Delete Note 8 in Schedule 26.
 - 55) **Delete any reference to or prevent** the word “productive” from applying to aquifers and groundwater systems within TANK catchments.
 - 56) **Expand** the area of the Drinking Water Source Protection Zone (Zone 3) so it encompasses a larger area with one boundary extending generally from Maraekakaho along the southern bank of the Ngaruroro River to a point east of Twyford, then to the south towards the Tukituki River, then to a point near the intersection of Te Aute Road and St Georges Road, from there to a point southwest of Bridge Pā, and then back to Maraekakaho, upstream of Tait Road, then to the Ngaruroro River bank.
 - 57) **Prohibit any additional** consents to take water from the HPAS for bottling and exporting purposes.
 - 58) **Provide a definition** of “water mining” in a glossary specific to PC9 as – “*The abstraction of groundwater from an aquifer over a 12-month period, at a rate that exceeds the annual volume and rate of natural recharge*”.

Reasons:

- There are 221 consents to abstract groundwater from the HPAS, that expired in May 2019 (before PC9 was notified). More than 1240 are due to expire over the next 4 years. The cumulative adverse effects of these should be addressed concurrently.
- Allowing existing rates and volumes of abstraction to continue for another ten years while not addressing adverse effects that are more than minor, does not promote sustainable management as defined in the Act and renders any plan provisions to avoid or phase out over-allocation irrelevant.
- Objective 23 in the RPS requires *“The avoidance of any significant adverse effects of water takes on the long-term quantity of groundwater in aquifers and on surface water resources.”* This should be given effect to in management of groundwater.
- HBRC acknowledges uncertainty in proposed Policy 37, and a precautionary approach is more suitable than consent roll-overs that enable the same amount of allocation/abstraction, the same allocation rates as prescribed in existing and expired consents, and the continuation of their adverse effects in the face of uncertainty.
- 90 million cubic metres per year as proposed in PC9, will lead to record low levels continually being recorded in the HPAS, and further mining of the aquifer resource. This amount of abstraction increases potential for adverse effects on human health as it induces lower quality groundwater to enter the aquifer from surface water through the reversal of springs, and places Drinking Water Source Protection Zones and community health at risk.
- A prescribed irrigation season and reduced allocation amounts and rates will allow groundwater levels in the HPAS to recover during the non-irrigation season.
- There will be abstractions for domestic use, reticulated water supply, frost protection, industrial uses and food processing activities, that will continue during the non-irrigation season.
- There is no guarantee that existing consent holders will reduce the amounts of water they use, or are legally allowed to abstract for irrigation through continued operation of their existing consents, as they have a right to use water up to their full consent allocation, despite verbal agreements not to do so (TANK SHG meetings), unless consents are called in, reviewed and amended with reduced volumes.
- There are two plans that regulate the use of groundwater from the Heretaunga Plains Aquifer System. PC9 and the RRMP should not impinge on or cause adverse effects on existing water abstractions/users within the coastal environment’s landward margin.
- Records and research, including the Heretaunga Plains Groundwater Model, indicate a definite declining trend in groundwater levels in the HPAS, from existing

abstractions, but avoids specific use of the term “over-allocation”. Simply avoiding use of the word over-allocation does not mean the resource is sustainably allocated.

- Current allocations to abstract water from the Heretaunga Aquifer total 180 Million m³ and total instantaneous rates of abstraction can potentially reach >30,000 lps¹³. Average Annual Rates of recharge are far less than this.
- Tangata whenua and the general public had minimal input over the last two decades, into the granting of resource consents to take groundwater from within the Heretaunga Plains. Proposed PC9 provisions continue this restriction on public input.
- There is no guarantee that HBRC will reduce the total abstraction amounts and rates for current abstractions as PC9 promotes a continuation/rollover of approximately 1660 resource consents to abstract groundwater, for 12 – 13 years¹⁴.
- The current decline in groundwater storage is partly due to HBRC adopting a hands-off approach to groundwater consents. This has contributed to the retreat in spatial extent for the Heretaunga Aquifer, decreases in aquifer storage, and adverse effects on streams, springs and groundwater dependent ecosystems around the periphery of the aquifer.
- Statutory duties to maintain water quantity in water bodies as required by the Act at (s30(1)(c) (iii)), have not been upheld, and rather than continue with this approach, amendments to PC9 and decision-making processes need to discourage and prevent unsustainable abstraction (e.g. phase out over-allocation and avoid future over-allocation, NPS-FM Objective B2).
- HBRC has a duty to maintain or enhance water quality in all freshwater including in aquifers, whether they are productive or not.
- With abstraction of 78.1 Million m³ per annum, the groundwater levels in the Heretaunga Plains Aquifer System (HPAS) continue to show a declining trend. (Heretaunga Plains Groundwater Model).
- We need to allow sufficient time over the remainder of the year (outside of the irrigation season) for ecosystem recovery, aquifer contributions to the enabling of fish passage and fish migrations around the edges of the aquifer through spring flows, and sufficient time for groundwater/aquifer recharge and recovery.
- Other abstractive uses will continue throughout the non-irrigation part of the year including for domestic supply, urban water supply, industrial uses, dam filling and

¹³ HBRC files on groundwater consents abstracting from Heretaunga Aquifer total 39,000 lps, but some are for frost protection, industrial uses, food processing and reticulated supply. Others are stream depleting takes and the abstraction has a percentage coming from surface water – i. e. the total take rate isn't all from groundwater.

¹⁴ For ten years from the date that PC9 becomes operative – Proposed PC9, Policy 38 b).

stock water provision. Recovery of groundwater to pre-irrigation season levels will take some time to achieve.

- If actioned, the relief sought in clauses 48 to 58 above will help ensure Objective 23 in the RPS is given effect to – *“The avoidance of any significant adverse effects of water takes on the long-term quantity of groundwater in aquifers and on surface water resources.”*
- The exporting of our aquifer water is a contentious issue. Although a guarantee was given by HBRC that consents for water bottling and exporting would be publicly notified, their submissions to PC9 seek to circumvent this.
- It doesn't seem fair that domestic household uses are restricted while consents to abstract aquifer water for export are allowed to continue. This is inconsistent with the NPS-FM 2020 and Te Mana o Te Wai and Te Mana o te Tangata.

Water takes in water short areas

59) **Add a new Rule TANK 8A** for water takes within water short areas (as prescribed in Schedule V1) and in other TANK zones, water management areas and FMUs to prescribe takes for stock water and for other purposes, of above 60 m³ per week and up to 200 m³ per week, as restricted discretionary activities. Matters for control discretion to include:

- Avoidance and/or mitigation to address adverse effects on water takes/uses for domestic households, marae and communities, and for other purposes.*
- Adverse effects on stream flows including stream depletion effects above 0.5 litres per second or 200 m³ per week whichever is less, including fluctuations in percentage of flow depletion for tributaries during the irrigation season.*
- Effects on Te Mana o te Wai, on Mauri and on other tikanga Māori values and those values in Schedule 26-F and Table 3B.*
- Effects on groundwater dependent ecosystems and ecosystem health.*
- Total cumulative rates of take limits within the groundwater management unit and/or in the relevant surface water management unit where applicable.*
- Seasonal fluctuations in groundwater levels and pressures*
- The maintenance of the life-supporting capacity of water bodies.*

Reasons:

- Water short areas are under increasing stress with the diminishing of aquifer area over the irrigation season due to cumulative effects.
- Spring flows into streams have greatly diminished during the lifetime of the operative plan. This is inconsistent with directive RPS provisions and regional council's duties under section 30 of the Act.
- Tangata whenua and others have not had the opportunity to have input into numerous water takes and there has been an overall decline in aquifer storage.

Nutrients and fertilisers

- 60) Add new Rule 11A (restricted discretionary activity) to restrict fertiliser and nitrogen applications, nitrate-N leaching, intensive grazing, production landuse, landuse change (intensification), irrigation, and discharges of nutrients within sensitive catchments and those catchments, management zones or FMUs where water quality objectives are not being met. Apply a total limit of 80 kg/ha/year for nitrogen applications from all sources.

Add as "Matters for discretion:

- a) Compliance with surface water objectives and targets in Schedule 26 within sub-catchment, zone and FMU
- b) Compliance with groundwater contaminant objectives and targets where applicable
- c) Acknowledgment whether there is adequate vertical separation from groundwater, such that the activity is consistent with Objectives 21 and 22 in the RPS, and parallel provisions in the regional plan
- d) The values in Schedule 26-F and Table 3B are upheld.
- e) There are no offensive or objectionable odours imposed on neighbouring properties,
- f) There is no direct application within 10 metres of, or runoff of nutrients into, surface water
- g) A requirement for FEPs and regulation of production landuse for properties greater than 4 hectares in area in TANK sensitive catchments¹⁵ and where water quality targets are not being achieved." and
- h) For properties located above the Heretaunga unconfined aquifer, notification of tangata whenua as affected parties.

- 61) For all other applications of nutrients within the TANK catchments, restrict applications of nitrogen from all sources to 120 kgs/hectare/year¹⁶. For intensive vegetable production restrict applications to 150kgs/hectare/per year. Impose a catchment load limit for Total Nitrogen within each of the four TANK catchments.

- 62) Add definition of hazardous substances to PC9 glossary, that includes the potential for nutrient concentrations in fresh water to have toxicity effects on aquatic life and on human health.

Reasons:

- Sensitive catchments are areas where nutrients, contaminants and contaminant losses are likely to cause more than minor adverse effects.

¹⁵ Other than within the Heretaunga Plains unconfined aquifer area.

¹⁶ Excludes intensive vegetable production,

- The HPAS is a valuable resource, an outstanding water body at the regional and national scale, and a taonga that requires more prescriptive protection to uphold its inherent values, and the attributes that support those values.
- Our upper catchments contain freshwater of exceptional quality, and the reduction of risk within these areas is consistent with the NPS-FM and the RPS to maintain that water quality.
- Nutrients when above a certain concentration in water, have toxic and ecotoxic effects, as well as ecosystem health effects at low concentrations. When at toxic levels they then become hazardous substances in terms of the RMA, 1991 and the HSNO Act. Hazardous substances require more prescriptive management approaches.
- Emerging evidence confirms that nitrogen and nitrate concentrations in drinking water have adverse effects on human health, at far lower concentrations than previously thought.

63) **Include** new provisions/criteria in rules for discharge permits in PC9, and in other operative rules for discharges that apply in TANK catchments.

“When considering an application for a discharge permit the consent authority must take into account the following matters:

- (a) the extent to which the discharge would avoid contamination that will have an adverse effect on or contribute to adverse effects on, the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and the achievement of water quality objectives and targets in Schedule 26; and*
- (b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided, remedied or mitigated.”*

Reasons:

- Some of the policies proposed to be deleted from applying within the four TANK catchments, were inserted into the RRMP as required by the NPS-FM 2014 and 2017. Although intended as an interim measure, their purpose was to safeguard the life-supporting capacity of freshwater resources, aquatic flora and fauna, and associated ecosystems and of ecosystem processes, pending regional plan changes to adequately address these matters and fully give effect to the NPS-FM.
- PC5, a plan change to the Regional Policy Statement was made operative in August 2019, prior to public notification of TANK PC9. It also contains directives on what is to be included in a proposed catchment-based plan change, including

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

Fresh water and the effects of land use and development are managed in an integrated and sustainable manner which includes:

1.

.....

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

- Despite the above, proposed PC9 does not include 'safeguarding of life-supporting capacity' within its ambit, other than to delete operative plan provisions that refer to it, so that they no longer apply within the four TANK catchments.
- PC9 therefore does not give effect to the NPS-FM or the operative RPS in terms of safeguarding life-supporting capacity.

Water abstraction/allocation – surface water

- 64) **Apply** total instantaneous rate of take limits for TANK rivers and their tributaries so that outstanding water bodies, other water bodies, their aquatic ecosystems including groundwater dependent ecosystems and habitats are protected, and ensure rates of take are based on sustainable management principles and within sustainable allocation limits. Ensure that these equate directly to allocatable volume totals and allocation rates for each surface water body. Include rates of take for abstraction permits regulated by other flows up to median flows.
- 65) **Reduce** the number of 'minimum flows' used for regulating water abstraction in rivers and streams in the TANK catchments, and include all flows used for resource consent processes and management purposes, in PC9. The Maraekakaho River currently has eight minimum flows implemented through consents but only one minimum flow is visible in the RRMP.

Reasons:

- Since the RRMP became operative in 2006, water managers have continued to grant resource consents to take surface water in excess of RRMP limits in the original Table 9¹⁷. Although some consents have been given a higher cut-off flow than the operative minimum flow, the cumulative effects of additional abstractions being approved is an increase in abstraction rates, overall allocation and faster decline towards the established minimum flows in the plan, with resultant irrigation bans of greater frequency and longer durations than the 5% of the irrigation season that the allocation regime in the RRMP predicted. This

¹⁷ As included in the RRMP when it became operative in June 2006.

decreases security of supply for all other users of the resource and adversely effects ecosystem health, and Māori relationships with these taonga.

- Extended low flow periods that are induced or partly induced by water abstraction undermine Te Mana o te Wai, and natural ecosystem function and resilience
- All minimum flows used by HBRC that have a management function should be visible in the regional plan and all permits for water takes should be required to cease at minimum flows (with the exception of takes for human drinking water).
- Increased frequency and duration of irrigation bans means extended periods when rivers and their aquatic ecosystems are subject to adverse effects and they take a longer time to recover.
- Cumulatively excessive abstraction rates contribute to degradation of groundwater resources as they coincide with groundwater abstraction which results in stream depletion effects and spring reversal where lower quality surface water is induced into our aquifer systems.
- Mining of the Heretaunga Plains Aquifer System has adverse effects on hydraulically connected surface waters and on groundwater dependent ecosystems, particularly within the Karamū catchment. This is inconsistent with and fails to give effect to the operative RPS.

Marekakaho River

- 66) **Ensure that** the minimum flow for the Maraekakaho River maintains surface water connection between the minimum flow site at Tait Road and the confluence with the Ngaruroro River.
- 67) Gradually **increase** the minimum flow for the Maraekakaho River to 150 lps by 01 July 2029.
- 68) **Impose a specific limit** on water abstraction from the Maraekakaho River which requires permit holders to cease taking, and implement a minimum flow regime that provides for and protects instream habitat, groundwater dependent ecosystems and fish passage during the fish spawning and migration seasons.

Reasons:

- The current minimum flow for the Maraekakaho River is insufficient to maintain surface water connectivity with the Ngaruroro River.
- The current minimum flow does not cater for Te Mana o te Wai or its constituent aspects.
- Excessive abstraction from the Maraekakaho River results in less water entering the groundwater recharge zone for the Heretaunga Plains Aquifer System.

- Construction of a water race across the confluence restricts indigenous fish recruitment in the Maraekakaho Stream, reduces the quantum of available habitat for fish and impedes entry of water into the Ngaruroro River.

Minimum flow limits

- 69) For Minimum Flow limits in PC9, **specify and include** an updated schedule that enables 90% habitat provision for a range of fish species including trout and torrent fish, for all main rivers and their tributaries. Amend minimum flow schedules and proposed plan provisions to include flow levels and abstraction limits as in Table 3A below.
- 70) Include an updated Q95 methodology for setting minimum flows¹⁸, related allocatable volumes, and derive a security of supply regime for surface water abstractions, and surface water depleting abstractions, from this.
- 71) Transfer content of **Explanation and Reasons** section (5.5.2 to 5.5.6) from the operative RRMP to PC9 so it applies in TANK catchments.
- 72) Require all **abstraction for irrigation to cease** when flows recede below minimum flows.
- 73) Apply minimum flows for major rivers and their main tributaries for the period 01 May to 30 Oct that equates to 2x MALF.

Reasons:

- The explanation and reasons sections of the operative RRMP explain the criteria and rationale that surface water allocations are based on, and that remain relevant for existing consents until PC9 provisions are resolved.
- Use of an updated Q95 would provide an element of surety around water availability and supply for abstractive uses, include consideration of climate change trends in Hawke's Bay, and take into account effects of flow recession. It could also inform security of supply provisions.
- The Q95 is a sensible methodology that uses historical flow data. The data requires updating to include the most recent flow records and naturalized statistics for the four TANK catchments.
- "*Actual and reasonable use*" which is the allocation method in PC9, means grandparenting of existing consents and their adverse effects, and the method is not based on sustainable management principles. There is an absence of any sound scientific method for surface water allocation and abstraction in PC9.

¹⁸ The Summer 7-Day Q95 requires updating to include flow data up to 2019, as it was originally based on data up to 1995.

- Continuation of excessive abstraction volumes and rates exacerbates surface flow recessions and has adverse effects on instream habitat and ecosystem health.
- 2x MALF will provide adequate fish passage during the fish spawning and fish migration seasons, help prevent flat-lining of flows and adverse effects on flow variability, and assist in enabling tikanga Māori values to be met.

Trigger flows and flow augmentation

- 74) Delete all trigger flow references in PC9 provisions/schedules, including their use for flow enhancement or augmentation schemes.
- 75) Delete flow augmentation/enhancement scheme provisions from proposed PC9 except for existing activities for Twyford/Ruapare, and for existing and proposed mitigations, for enhancing flows in the Paritua Stream. Make any additional schemes non-complying activities.
- 76) Enable 200 lps abstraction from the Ngaruroro River on a permanent basis for mitigating stream depletion in the Paritua Stream, and to assist groundwater recharge around the southern edge of the HPAS.
- 77) Provide for a new flow monitoring site at Raukawa Road for the Paritua and a minimum flow here of 120 lps.

Reasons:

- The planning for and efficacy of flow enhancement or water augmentation schemes are not advanced enough to be able to assess whether they would be sustainable or not, or compliant with the RMA, the NPS-FM or the RPS.
- There is still a significant amount of research and planning to be done to enable full assessments of such proposals to be undertaken, and they are reliant on approval from other processes and parties other than regional councils.
- Natural recharge rates occur at specific rates and over timescales and durations that allow Papatūānuku to cleanse the water through natural processes.
- Enabling reasonably 'young' or 'new' water to be induced into our aquifer systems presents a high level of risk to aquifer water quality, to the integrity of our aquifers and Drinking Water Source Protection Zones.
- Such schemes could still be included in the plan but as non-complying activities, which would then ensure the appropriate amount of rigour around scheme preparation, assessing their viability/suitability within a highly connected surface water-groundwater environment. However, the 'gateway tests' for non-complying activities will need to be strengthened by clear objectives and policies in PC9 as suggested above.

- The usual life of a regional plan is ten years, after which it is required to be reviewed. Flow mitigation can still be advanced as a plan change in its own right, once all the relevant research has been undertaken and the effects are better understood.
- HBRC has enabled significant groundwater abstractions from water-short areas within the vicinity of Pakipaki, Bridge Pā and Maraekakaho, which is inconsistent with the RRMP. The adverse effects of these require re-visiting through calling in of consents, rather than relying on something that may or may not work.
- Current allocations have caused adverse effects on tangata whenua water-related values and interests, and on aquatic ecosystems.
- Stream-bed conductance in the Paritua and Karewarewa Streams will allow for some groundwater recharge which can partly mitigate the reductions in groundwater levels around Bridge Pā, and in spatial extent of the HPAS that is occurring. Healthy stream ecosystems also require connectivity between surface flows and groundwater.
- Consistent flow in the Paritua will help restore groundwater dependent ecosystems around the southern side of the HPAS.
- Any mitigation schemes need to be well-thought out and thoroughly researched before they are enabled through a regional plan.
- Stream gauging for the Karewarewa is at a site where there is partial impoundment of flow, creating a situation where higher flows are recorded than the actual flow.
- Upstream of the minimum flow site at Turamoe Road, the stream is dry even when the minimum flow is exceeded, and the gauging site creates a false impression of instream ecosystem health.
- The minimum flow set for the Karewarewa is insufficient to protect the aquatic ecosystem, groundwater dependent ecosystems and the cultural and instream values for the Paritua Stream.

Transfer from over-allocated water resources

78) Introduce new provisions into PC9 to enable replacement of resource consents to abstract groundwater, with consents for abstraction from water storage to assist bringing total allocations within groundwater and surface water allocation limits.

Reason:

- This will allow for reductions in groundwater abstraction volumes and assist in moving towards a sustainable limit for abstraction from the Heretaunga Plains Aquifer System.

Coastal environment

79) Include more detailed maps that clearly show the boundary between parts of the TANK catchments that are regulated through PC9 and its rules/schedules/tables, and those

parts that are in the coastal landward margin but subject to management provisions in the HBCEP.

Reason:

- Proposed maps/schedules in PC9 are insufficient to articulate clearly the boundary between the two different management areas.

Outstanding fresh water bodies

80) Add a new Table or Schedule (in like manner to Table 3B herein) to the proposed plan to show which Outstanding Freshwater Bodies are located within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments, their inherent outstanding values and their significant values. **Add plan provisions** that protect their water quality, their outstanding values and their significant values.

Reasons:

- The NPS-FM directs specific management requirements for Outstanding Water Bodies, and for their protection.
- The operative RPS provides direction (Obj LW1.1) for regional plan changes to protect the quality of outstanding freshwater bodies, help achieve integrated management of outstanding freshwater bodies, and to maintain or enhance water quality and water quantity in them (Policy LW1.1 dA).
- Provisions in proposed PC9 need strengthening and more prescription in relation to Outstanding Water Bodies.

81) Hold a combined hearing for PC9 and for parts of PC7 - Outstanding Fresh Water Bodies – that are located within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments.

Reasons:

- It would be logical for two plan changes that seek to manage different aspects of the same freshwater bodies to be heard concurrently so as to save time and expense and manage effects in a cohesive manner. PC7 was notified before PC9 and has already received submissions.
- There is a risk in not considering the provisions in PC7 before or concurrently with PC9, as it could potentially create a situation where outstanding freshwater bodies cannot be protected in the TANK catchments, which is inconsistent with the NPS-FM and the RPS. This would render parts of the RPS relating to outstanding freshwater bodies obsolete or unable to be achieved.
- Plan Change 5 was notified in 2012 and became operative in August 2019, before PC9 was notified. PC5's purpose is to provide a pathway for implementation of the NPS-FM through regional planning, direct how catchment-based plan changes occur and what they need to contain. It includes direction for protecting outstanding freshwater bodies through regional plans.

- If the outstanding freshwater body provisions in the RPS are not used for the four TANK catchments, it will mean that plan changes for five of our major river catchments¹⁹, have not taken into account outstanding freshwater body provisions in the RPS and NPS-FM.

Precautionary approach to consent renewals

- 82) *It is important that water management zones, values, water quality thresholds and frameworks are based on sound science and management frameworks²⁰. Where such science is lacking, a precautionary approach erring on the side of environmental protection is required until conclusive data is available. In our view, this is preferable to continuing with the status quo. **Ensure that a precautionary approach** is given to the renewal of resource consents to abstract water, and Te Mana o Te Wai and Te Mana o Te Taiao are given appropriate priority when renewing or reviewing resource consents. Enable this to occur in a timely fashion through PC9.*
- 83) On resource consent expiry for groundwater takes for irrigation in the Heretaunga Plains Aquifer System area, **reduce amounts of water²¹** on a pro-rata basis of 12.5 percent, derived from average annual abstraction and use from the last 7 years. In addition, **call-in all consents** to abstract groundwater from the HPAS and reduce their abstraction amounts by 12.5% also, apart from those abstracting from water short areas (as identified in Schedule VI) where a 15% reduction shall apply - when PC9 becomes operative. Make consequential amendments to other PC9 provisions to enable the above to occur.

Reasons:

- HBRC did not process these numerous consents with due regard for operative plan provisions, in particular where springs that supply water to the Karamū catchment are adversely affected, or adverse effects on Māori relationships with these taonga were adversely affected.
- The Heretaunga Plains Groundwater Model omits due consideration for the unconfined part of the aquifer and how abstraction from it above a certain volume or rate, can adversely affect spring flows into our streams and rivers in Heretaunga.
- HBRC's stream depletion calculator is calibrated using data from pump-testing of wells during the autumn and winter months, when water storage in the aquifer is far greater than in the summer irrigation season²². Consequently, calculations of stream-depletion are likely to be under-estimated.

¹⁹ Tukituki, Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments.

²⁰ RPC Agenda 10 December 2012, Item 7 Para 78 in reference to LAWF recommendations.

²¹ Amounts predicated on actual volumes abstracted by each individual consent holder during the 2014-2015 irrigation season.

²² There are variances of 2 to 2.5 metres in groundwater levels between summer and winter.

- Management of groundwater abstraction has led to communities around the edges of the aquifer system (including in water short areas) having limited access to freshwater for domestic supply/domestic use.
- Mismanagement of the groundwater resource and over-abstraction contributed to the campylobacter outbreak in Havelock North in 2016.

Water management zones – rules/schedules

84) For TANK Rules 9, 10, 11, and Schedule 33:

- Our first position is to oppose the rules in PC9 until the objectives and policies have been more integrated with the RPS and NPS-FM provisions. Then to substantially amend these rules and schedules to delete all references to “actual and reasonable” use and other provisions relating to this criteria, and make the rules for water abstraction for irrigation purposes discretionary activities.
- Delete all “*Stream Flow Maintenance Scheme*” provisions.
- Require consent renewals to occur upon consent expiry or when PC9 becomes operative, whichever occurs first.
- Reduce total consent volumes for groundwater takes (Heretaunga Plains Groundwater) so the total is within a 70 Million m³ per year limit.
- Require groundwater takes to operate within a cumulative rate of take limit in litres per second.
- Require high flow allocation to operate within both volumetric and cumulative rate of take limits.
- Include stream depletion rates of 0.5 lps and above, and associated depletion volumes, within surface water take limits (for the affected surface water body).
- Prescribe seasonal irrigation restrictions from 1 November to 30 April for each consent to take groundwater or surface water for irrigation.
- Amend schedule 33 to reflect the changes above
- Restrict takes within Water Management Zones identified in Operative Schedule VIa and link this Schedule to TANK rules.
- Amend Rule 54 to include PC9 provisions where relevant

85) **Amend operative Rule 54** to include water bodies within the areas specified in Schedule VIa, restrict surface water allocation to a 60 m³ per week threshold for stock water provision, and add the Mangateretere Stream, the Paritua Stream and the Karewarewa Stream to the water body exclusions in the second column. Alternatively draft a similar rule for application in TANK catchments.

86) **Add new Rule 54A** as a restricted discretionary activity for **minor takes** in those TANK water bodies excluded from Rule 54 and located in TANK catchments. Acknowledge

tangata whenua as affected parties and restrict takes so any water abstraction for irrigation is seasonal²³. Add matters for control/discretion to include:

- Effects on the life-supporting capacity, associated habitats, and ecosystems of any affected surface water body
- Effects on Mauri and on tangata whenua relationships and uses for the water body
- Whether the values for the specific water body in Schedule 26-F are upheld and their attributes are met
- The cumulative adverse effects of stream-depleting groundwater takes on any surface water body during the irrigation season
- Adverse effects on the QMCI and ecosystem health
- Effects on Mauri are included for resource consent decisions to take surface water and/or groundwater

Make the new rule and criteria **applicable from** the date when PC9 becomes operative and call-in all relevant consents (refer to consent expiry dates for Karamū and surface water depleting takes).

- 87) **Amend** the permitted activity rule (**Rule 53** -Groundwater takes) to limit weekly volumes to 60 m³ per week for applications/takes in the TANK catchments and prescribe limits for stock water takes of up to 60 m³ per week. Consider changing *allocation* references in PC9 to “*abstraction*” so that allocation limits become abstraction limits (or take limits as in the NPS-FM 2020). Or alternatively draft a similar rule for PC9 with the same criteria above.

Reasons:

- There is a lack of alignment between some operative RRMP rules and PC9 provisions that apply to water bodies within the TANK catchments.
- It is the over-abstraction of water resources that leads to significant adverse effects, not specifically “over-allocation” (as this can also depend on how over-allocation is defined).
- PC9 as proposed does not provide enough prescription for sustainably managing the freshwater resources within TANK catchments.
- Total abstractions from the HPAS require reductions so they are within sustainable limits.
- If 78.1 Million m³ of groundwater abstraction is leading to mining of the aquifer/unsustainable use and adverse effects on surface water bodies, these matters need to be addressed, not left out of consideration through consent renewal or consent assessment processes.

²³ From 01 November to 30 April.

- 88) **Amend PC9 minimum flows** during the irrigation season to enable 90% trout and torrentfish habitat protection in the Tūtaekurī and Ngaruroro Rivers, and in their major tributaries by 1 July 2029 (See Table 3A below).
- 89) **Establish minimum flow sites** for the Mangaone, Mangatutu and Taruarau Rivers and for the Poporangi, Otamauri, Mangatahi, Kikowhero, Waitio and Ohiwia Streams, near their confluence with the main river channels. For the irrigation season, require minimum flows for these sites that provide for ecosystem health, life-supporting capacity and 90% habitat protection.

Reasons:

- Through our first major plan change in recent times (PC6-Tukituki) the provision of 90% habitat for trout was endorsed through staged increases in flow minima for the Waipawa and Tukituki Rivers, and some of their tributaries.
- The NPS-FM 2020 requires habitat protection for indigenous species, which includes fast-water species such as torrentfish, that require slightly more habitat provision than trout.
- The RPS states at 2.4 – Giving effect to the Regional Policy Statement:
“To achieve the best outcome for the Hawke’s Bay Region, it is necessary to ensure consistency in resource management approaches. This will be achieved through:
 - *the amendment of regional and district plans to give effect to this statement,*
 - and*
 - *adoption of consistent approaches and bottom-lines”*
- Adopting similar habitat provisions and timelines for achieving them - PC6 became operative from 2015 and 90% habitat provision is to be achieved by July 2023 - will ensure consistency of management approach and habitat provision across catchments.

Cultural flow

- 90) **Provide for a cultural flow** that applies across all rivers and streams in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments. Add a definition for *“cultural flow”* to the glossary section(s) in the regional plan – *“a flow or water level that is sufficient to maintain the health and well-being of the surface water body or groundwater body, and provide for tikanga Māori uses and values associated with the water body.”*
- 91) **Ensure a cultural flow of 2x MALF is provided for** outside of the six-month irrigation season – i.e., from 1 May through to 30 October, for all main rivers and their major tributaries in the TANK catchments. Amend the proposed plan to make irrigation of crops and pasture from surface water bodies (other than from water storage, and for frost protection purposes) during these months a *“non-complying activity”*.

Security of supply

- 92) **Prescribe a cumulative** rate of take limit for abstraction from the HPAS during the irrigation season, and a substantially reduced rate of take for the rest of the year. This will assist in deriving a level of security for water abstractions commensurate with sustainable management, groundwater availability, and abstraction limits.
- 93) Use an updated Q95 that includes flow data up to 2019 and flows specific to the irrigation season to help derive a security of supply that is linked to surface water availability, and surface water abstraction limits and rates of abstraction. This may require co-operation amongst water users or scheduling of abstraction amounts to reduce overall abstraction rates and the scale and intensity of adverse effects.

Reasons:

- Use of an updated Q95 would provide an element of surety around water availability and sustainable supply for abstractive uses, include consideration of climate change trends in Hawke's Bay, and take into account effects of flow recessions. It can also inform security of supply provisions.
- Security of supply needs to acknowledge sustainable limits and environmental and cultural values associated with those limits. There seems to be a pre-occupation with the notion of enabling current abstraction rates and volumes, and perhaps finding a solution to address adverse effects at a time in the future, but this is unacceptable.
- Sustainable management is a constant requirement of the Act through section 5, not something where avoiding, remedying, or mitigating adverse effects is continually delayed.

Schedule of values

- 94) **Provide a new Schedule 26-F** that lists all TANK rivers and their tributaries, and specifies the values that apply within each, and part of the schedule that specifies the attributes and attribute states/limits that support those values. Link the Schedule to the water quantity and water quality objectives, limits, targets, and rules. Provide a similar Schedule or part of the above Schedule for lakes and wetlands in the TANK catchments, but outside of the coastal environment.

Other amendments sought

- 95) **Substantially amend Policy 43** to expand on Zone 1 references and include groundwater takes and their effects that result in 0.5 lps surface water depletion rates or greater. Provide for these calculations to be assessed during the irrigation season.

- 96) Where streams are dry due to excessive abstraction of groundwater, **reduce surface water depleting takes** to help restore groundwater tables and levels, and enable the surface water body to flow again.
- 97) Make consequential amendments to other parts of PC9 that reference Zone 1, so that the “0.5 lps or greater” depletion rate applies within rules and schedules, and include a security of supply policy that links directly to sustainable volumes and rates of abstraction for both surface water takes and surface water depleting takes.
- 98) Ensure these matters (in clauses 94 – 97 above) acknowledge current uncertainty and the need to adopt a precautionary approach in the interim to safeguard life supporting capacity, and that the method promotes the purpose of the Act and gives effect to the NPS-FM.

Reasons:

- Current abstraction volumes from surface water and groundwater in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, are not backed up by a cumulative abstraction rate. Consequently, HBRC have granted additional volumes above the allocation volumes in the RRMP, without due consideration for cumulative effects.
 - The expected security of supply from the Q95 has been compromised due to the continual granting of new consents to take water in fully allocated catchments, an active disregard for allocatable volumes in the Karamū catchment, and failure to fully consider surface water depletion effects
 - These matters need to be addressed in PC9 rather than promoting the status quo and in some cases allowing for abstraction to continue below minimum flows, thus compromising Te Mana o te Wai, aquatic ecosystem health and life-supporting capacity, and tikanga Māori values and relationships with their taonga.
- 99) Re-configure Policy 50 so that the priority setting for water allocation has the health and well-being of the water body first²⁴, the health and well-being of people second (domestic uses) and uses for economic gain third, consistent with Te Mana o te Wai and the NPS-FM (2020).
- 100) Specify priority catchments in the plan and refer to them in the relevant schedules. Clearly link priority catchments to restrictions on land use in policies and methods, and SIN, TN and DRP limits in PC9.

²⁴ TToH acknowledge the need for emergency supplies of water for firefighting, and the premise in s(14)(3)(b) where water takes for domestic uses and for stock are unrestricted, provided they do not have an adverse effect on the environment.

101) Move Policy 51 to a non-regulatory section of the plan.

102) Add new Policy 43A and include reference in it to:

- *Reducing abstraction amounts and abstraction rates from the Ngaruroro River mainstem and from connected groundwaters in Zones 1 and 2; from the Tūtaekurī River mainstem and tributaries, and from the Karamū River mainstem and tributaries to achieve limits and targets.*
- *Gradually increasing flow minima in the Ngaruroro River at Fernhill as prescribed in Table 3A, so as to enhance the life-supporting capacity of freshwater and groundwater and increase instream habitat provision for torrentfish and trout.*

Reason:

- Some of HBRC's assessment criteria for water abstraction, does not sit within the RRMP, with elements of it having led to the current declining trend for both reliability of supply, lower groundwater levels, and decrease in water quality

103) Where the adverse effects of existing activities do not align with or are unlikely to achieve objectives, limits or targets, then in PC9 ensure that their **adverse effects are avoided**. Where activities operate within limits, then ensure that the plan requires their adverse effects to be **remedied or mitigated**.

104) Add a diagram to a section of PC9 that expresses the different states of Mauri within freshwater bodies, to help inform Mauri monitoring, assessment, and reporting processes for freshwater in the TANK catchments.

105) In groundwater allocation Policy 37, make the following amendments:

- In clause a) replace "90 million" with "70 million" and delete "based on the actual and reasonable water use prior to 2017".
- In clause b) add "Adopt a precautionary approach" before "avoid re-allocation."
- In clause d) (i), delete "each year or" and "per year". In clause d) (ii), delete "of actual and reasonable use" and after "reflects" add "sustainable management of groundwater". Delete "authorised in the ten years up to August 2017".
- In clause e), replace "maintenance" with "mitigation".
- Add new clause, "f) *The management of water abstraction volumes and rates from groundwater recharge zones to prevent reductions in mid-term²⁵ groundwater storage, and water mining of the Heretaunga Plains Aquifer System*".

106) In Policy 38, delete proposed clause b). ~~"in accordance with a review of all applicable permits within ten years of <the operative date>, and Add, "a prescribed irrigation~~

²⁵ Mid-term as in over a 5-year period.

~~season of 01 November to 30 April for each year~~ before “the plan policies and rules”.
Replace the word “either” with “by”.

- 107) Impose a management charge of 5 cents per cubic metre on surface water allocated for irrigation purposes, to be used for water management and monitoring purposes, including cultural monitoring.
- 108) Ensure RPS policy 57 is given effect through water quantity and water quality objectives and policies for TANK catchments.
- 109) Make petroleum/oil exploration activities and petroleum/oil extraction activities within the HPAS area, and within a 200 metre buffer zone around it, a prohibited activity. Provide a map to show the prohibited area.

Reasons:

- The HPAS is too important to the region to put it at risk from petroleum exploration and abstraction activities
 - The use of natural resources to derive a profit for private enterprise, should not result in a cost to the general public.
 - Those who cause adverse effects to the environment, need to be accountable for the costs to remedy or mitigate adverse effects that are more than minor, and for a part of the monitoring and management of the resource.
- 110) Provide for the prohibition on the placement of dams along mainstems of the Tutaekuri, Ngaruroro and Karamu Rivers. Where dams are enabled along tributaries, provide for fish passage structures and residual flows sufficient to support ecosystem health, Mauri and life-supporting capacity from the dam downstream to the main river channel.
- 111) Make the taking of water for irrigation below minimum flows, a prohibited activity.
- Reason:**
- The minimum flow is an environmental flow, and established to protect instream values, the life-supporting capacity of water, and to uphold Te Mana o te Wai,
- 112) Provide for an “Implementation Plan” for PC9, that includes a summary of specific actions and their timing to meet certain dates and commitments in the plan, and full implementation of different parts of the plan. Include monitoring of Mauri and budget provision through reference to long-term plans, and achievement of targets and elements of the NPS-FM 2020.

113) For global consent applications and processes, have a separate policy that includes significantly more detail and criteria than is provided in proposed PC9. Include in assessment criteria:

- *Cumulative rates of abstraction and their effects*
- *Seasonal restrictions on abstraction*
- *FMU and management zone limits and targets and considerations*
- *Cumulative surface water depletion rates, amounts and proposed mitigations*
- *Effects on life-supporting capacity of water and associated ecosystems*
- *Effects on Te Mana o te Wai*
- *The scheduling of abstraction rates and volumes and the alignment of these with cumulative rate of take limits for water bodies and parts thereof*
- *Effects on values in Schedule 26-F and associated attributes, limits and targets, and*
- *Seasonal availability of water*

Reasons:

- The issuing of global consents to date has not had a lot of rigour applied around the process.
- New members/contributors to global consents create the capacity for increasing the scale and intensity of adverse effects.
- The addition of new flow regimes, limits and targets to a proposed plan and thence to the RRMP, will mean greater specificity being required to assess adverse effects.
- The cumulative effects of multiple abstractions combined under one consent, can result in far greater adverse effects over a wider area.
- The adverse effects of cumulative takes and cumulative uses of water need to be considered together.

114) Restrict use of 90th and 95th percentile measurements for water quality parameters, within and through the implementation of PC9, as some exceedances and therefore their adverse effects can only be noted after they have occurred i.e., after 12 months has expired, when they can no longer be avoided or remedied.

115) Prevent use and encouragement of “adaptive management” practices in objectives, policies and methods in PC9, as it is a faulty methodology within an RMA, 1991 planning construct and does not always support sustainable management. It is akin to allowing unsustainable practices and their adverse effects to occur until a solution is found.

- 116) Make any other consequential amendments to proposed PC9, to ensure consistency and coherency with the relief sought through Te Taiwhenua o Heretaunga's submissions, and to give effect to the NPS-FM, and the operative RPS .

Relief sought – Add Table 3A: Irrigation Season minimum flow limits and targets

Surface Water Body	Minimum Flow Site	Minimum flow when PC9 Operative (l/s)	Minimum flow 1 July 2026	Minimum flow 1 July 2029	Allocable Volume (m ³ /wk) At 1 July 2029	Total Allocation Rate Limit# (l/s)
Ngaruroro River	At Fernhill Bridge	2,800 (previously 2,400)	3,400	4,200	714,269# (previously 956,189*)	1,581 (3,300)
Maraekakaho River	At Tait Road	110 (100)	130	150	5,443	9#
Tūtaekurī River	At Puketapu	2,400 (2000)	3,000	3,300	687,052# (928,972*)	1,536
Tūtaekurī-Waimate	At Goods Bridge	1,200	1,500	1,500	185,704# (367,144*)	607
Karamū River	At Floodgates	1,100	1,400	1,600	200,000# (18,023*)	331 ^x
Awanui Stream	At The Flume	150	150	150	Part of Karamū (0*)	
Awanui Stream	At Pakipaki Culvert	50	50	50	Part of Karamū (0*)	
Karewarewa River	At Turamoe Road	75	100	100	Part of Karamū (0*)	
Paritua Stream	At Raukawa Road	100 (new)	150	150	Part of Karamū	
Irongate Stream	At Clarks Weir	100	125	125	Part of Karamū (0*)	
Louisa Stream	At Te Aute Road	30	45	45	Part of Karamū (0*)	
Mangateretere Stream	At Napier Road	100	125	125	Part of Karamū (0*)	
Te Waikaha Stream	At Mutiny Road	25	35	35	Part of Karamū (-)	
Poukawa Inflow	At Site No. 1 d/s Dam	10	15	15	Part of Karamū (0*)	
Poukawa Inflow	At Site No. 1a u/s Dam	10	15	15	Part of Karamū (0*)	
Poukawa Stream	At Site No. 6	3	10	10	Part of Karamū (0*)	
Poukawa Stream	At Allens Bridge	20	30	30	Part of Karamū (0*)	
Raupare Stream	At Ormond Road	300	300	300	83,844 (83,844*)	138

* Abstraction limits in RRMP June 2006; # Inclusive of surface water depleting groundwater takes - effects of 0.5 l/s or greater; ^xInclusive of abstraction amounts from all Karamū tributaries. N.B. Lake Poukawa excluded.

Relief sought – Add Table 3AA – or merge with Table 3A

Table 3AA – New minimum flow sites

Surface Water Body	Minimum Flow Site	Minimum flow when PC9 Operative (l/s)	Minimum flow 1 July 2026	Minimum flow 1 July 2029	Allocable Volume (m ³ /wk) At 1 July 2029
Mangaone River	At confluence with Tūtaekuri	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Mangatutu River	At confluence with Tūtaekuri	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Taruarau River	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Poporangi Stream	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Otamauri Stream	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Kikowhero Stream	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Mangatahi Stream	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Waitio Stream	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Ohiwia Stream	50 m u/s of confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	

Relief sought: Add Table 3B

Table 3B: Outstanding Water Bodies within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments

Outstanding Water Body	Outstanding Regional Value(s)	Significant Regional Value(s)
Heretaunga Plains Aquifer System	Cultural-Whakapapa o te wai, Whakapapa o te Taiao, Whakapapa o te tangata Mauri Wairātahi, Waiū, Waiora, Cultural-Ki Uta ki Tai continuum, Puna aroha Life-supporting capacity	Hydrological – Ki Uta ki Tai Cultural - Papatūānuku cleansing, Puna aroha Ecological - Indigenous fish habitat and recruitment (springs) Recharge integrity
Ngaruroro River Headwaters Ngaruroro River down to Fernhill	Cultural-Whakapapa o te wai, Whakapapa o te Taiao, Whakapapa o te tangata Mauri Wairātahi, Waiū, Waiora, Ki Uta ki Tai continuum Ecology-Indigenous fish populations, habitat and recruitment Hydrological – recharge of our most outstanding groundwater resource Life-supporting capacity	Hydrological – Recharge of HPAS Cultural – Cultural connections between the river, the HPAS and Heretaunga hapū Ecological - Indigenous fish populations, habitat and recruitment, Birdlife Integrity of aquifer recharge – quality Integrity of aquifer recharge - quantity
Taruarau River (Could combine with Ngaruroro headwaters)	Cultural-Whakapapa o te wai, Whakapapa o te Taiao, Whakapapa o te tangata Mauri, Puna aroha, Life-supporting capacity Wairātahi, Waiū, Waiora, Historic Scenic Landscape	Ecological - Indigenous fish habitat and recruitment, Birdlife

	Ecology- Indigenous fish populations, habitat and recruitment	
Ngamatea East Swamp	Hydrology - Largest wetland in Hawke's Bay	Ecological - Indigenous fish habitat and recruitment, Birdlife
Karamū River	Hydrological – Recharge from HPAS Cultural - Puna aroha Whakapapa- Whakapapa o te wai, Whakapapa o te Taiao Ki Uta ki Tai Cultural/Spiritual – Waiu, Mauri	Hydrological Ecological - Indigenous fish habitat and recruitment, Birdlife
Tūtaekurī River headwaters Tūtaekurī River down to Puketapu	Cultural-Whakapapa o te wai, Whakapapa o te Taiao, Whakapapa o te tangata Mauri, Life-supporting capacity Wairātahi, Waiū, Waiora, Hydrological Ecological Landscape	Hydrological – Ki Uta ki Tai Ecological – Indigenous fish habitat and recruitment, Birdlife
Kaweka Lakes	Ecological – Indigenous fish habitat and recruitment Cultural – Wairātahi, Mauri,	Birdlife
Lake Ōingo	Cultural – Whakapapa o te Wai, Wairātahi, mahinga kai	
Lake Runanga	Cultural – Whakapapa o te Wai, Wairātahi, mahinga kai	

Statement:

We wish to be heard in support of our submission. We will consider combining with other submitters on particular issues to present a joint case to address all or parts of our submission points.

Ngā maua,



Marei Apatu

Te Kaihautū

Te Manaaki Taiao

Te Taiwhenua o Heretaunga

Date: Friday, 14th day of August 2020

**Submission on Proposed Plan Change 9 (PC9):
Hawke's Bay Regional Resource Management Plan EIANK@hbrc.govt.nz**

Wi Te Tau Huata
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021918762

DRAFT

Kia ora.

I am born and bred in Bridge Pā. I belong to Ngāti Rahunga I te Rangi, a Hapū of Ngāti Kahungunu and to Mangaroa Marae, Raukawa Rd, Bridge Pā.

I have worked the land all my life, as a fruit and grower and exporter. I was raised to grow by the traditional methods of Ngāti Kahungunu, the Maramataka, which is the knowledge of the land, movements of the moon, the water, wind and the elements to optimise growing on our land.

My family are the only Māori wine producers in the Hawkes Bay, with Taiao Estate whose tastes and smells reflect the unique terroir of Bridge Pā

I am the Chair and trustee of several Māori land trusts, of several land based typed companies including Aotearoa Carbon Forestry Ltd, whose goal is to assist Māori landowners participate in the carbon economy through planting regen forests and of Pataka Taiao Trust whose goal is to facilitate Ngāti Kahungunu owned water storage.

I am the Chair of the Bridge Pā Community Plan, an initiative supported by the Hastings District Council and the Department of Internal Affairs, the aim of which is for the community of Bridge Pā to develop a ten year vision and a plan to achieve it. Over a hundred families took part in our interviews and hui and a key theme from Māori participants was the status of water in Bridge Pā.

For 30 years now our whanau in Bridge Pā have had their lives disrupted from the effects of our awa – the Paritua Karewarewa having run dry.....And we're sick of it. We're hoha with our neighbours who are given the right by Hawkes Bay Regional Council to irrigate their crops, their lands all the while it is basically the Maori community in Bridge Pa that are without water.

Throughout the country iwi are pushing back against the fact that while Pakeha are overallocated water, most of those with no allocation are Māori landowners.

Submission Summary:

I have just three points to submit.

I Support Te Mana o Te Wai applied to Plan Change 9

I support the aspects of Plan Change 9 that are in line with Te Mana o Te Wai that moves Councils closer towards an acknowledgement that Māori own the water. Or as the Waitangi Tribunal put it in its report on freshwater and geothermal (2358)— we have a proprietary interest. But neither the National Policy Statement Freshwater Management (NPS – FM) nor the HBRC Plan Change 9 are consistent with the findings of Wai 2358 acknowledging that proprietary interest in or ownership of the water. That does not mean the issue is going away, simply that government has dodged the issue and Council is burying its head in the sand to protect Pakeha interests – for a little bit longer.

On August 5th 2020 the new rules, based on Te Mana o Te Wai, to protect and restore New Zealand's freshwater passed into law. The key whakaaro that underpins the new rules is Te Mana o Te Wai that acknowledges that the health and wellbeing of the waterways is the priority.

HBRC is now required to follow the new NPS-FM which strengthens and sets out more clearly what Te Mana o te Wai means : Council is required :

- to set a long-term vision (intergenerational) for the water that is informed by aspirations of tangata whenua and communities for what the waterbodies should look like in the future, an understanding of current pressures and an understanding of the waterbodies' history
- to report on progress towards the long-term vision
- to investigate options for tangata whenua involvement such as joint management agreements, and publicly report on decisions around whether to use these options.

Plan Change 9 does not give effect to

The NPS – FM acknowledges that tangata whenua are the expert knowledge holders for the values we hold about the water. And that our values and measures of the wellbeing of the water will be incorporated into regional freshwater planning processes.

The Plan Change 9 has a long way to go to achieve this.

While the HBRC does not have to update the regional policy statement until 31 December 2024 as to how it will implement the new NPS-FM, now is as good a time as any to incorporate tangata whenua values, practices and matauranga of water into planning.

2. Plan Change 9 rewards those who are already privileged with water rights, further disadvantages Tangata Whenua Plan Change 9 does not right the wrong that currently exists where some individuals and businesses have enormous water consents and others have none. Existing water rights holders need to apply along with first time applicants for water rights. Otherwise their water rights are like an inheritance of old wealth. The Plan further rubs the injustice in by refusing new allocations to be given. This policy further rewards the haves – the old Pakeha money of Hawkes Bay and punishes the have nots – Māori who, by virtue of not having access to development finance in earlier times now find ourselves owning land without water. The injustice is not helped by the one section which I assume was meant to acknowledge the historic injustices and sought to remedy them - **Policy 5.10.8.59** High Flow Reservation which requires Council to allocate “20% of the total water available at times of high flow in the Ngaruroro or Tutaekuri River catchments for abstraction, storage and use for” contributions to **environmental enhancement** and Māori development. My concern is that where council staff are involved in allocating resources, water or finance, then Pakeha will take the resources meant to right an injustice through the environmental enhancement loophole or through Pakeha paying for the “Māori development” water and the funds used for Māori good. I disagree with this most strongly. What Tangata Whenua need to develop their lands is water not to sell it to others.
- Policy 59 needs to be changed so that the 20% is for Māori development full stop. The only water guaranteed under this section is for the small parcels of land that will be returned to PSGE’s. The bulk of land available for development is owned by land trusts. *“Policy 59 (iii) the contribution to the fund is proportional to the amount of reserved water being taken and any commercial returns resulting from the application.”* Is this policy saying that Pakeha can buy the Māori allocation - if so this is contrary to the purpose of Policy 59 which is to redress the injustice of Māori being denied water consents for generations.
3. I support Water Storage being owned by Tangata Whenua **Policy 56c** *“The Council will recognise beneficial effects of water storage and augmentation schemes, including water reticulation in the TANK catchments and out-of-stream- storage, and when considering applications for resource consent will take into account the nature and scale of the following criteria; c) whether the proposal provides for the productive potential of un-irrigated land or addresses the adverse effects of water allocation limits on land and water users, especially in relation to primary production on versatile land.”*
- This rule provides for capture, storage and use of surface water at times of high flow. Given the refusal of Council to end the free transfer of wealth to those who already have water consents, then the next choice is to allow Māori in particular to achieve the remedies we seek from generations of discrimination and allocation of water rights to the privileged.

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

[Handwritten Signature]

14. 08 - 20

DRAFT

Signature: Date:

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

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

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

My son and I (Maree Kupa senior and junior) wish to write this submission as growers and trustees of the Potaka trust. *M. Kupa*

We whakapapa back hundreds of years on the banks and flats of the Ngaruroro river well before European settlement. My Grandfather, my father, my son, now my grandson and I have continuously been in the business of dairying and cropping in the Fernhill Omahu area. A portion of our land was taken under public works act at the turn of the twentieth century and is subject to a treaty claim. The lands under irrigation currently owned and farmed by the trust are totalling 104.6 ha. The irrigation operates under consent AUTH -121467-02 from Well no. 7822: Well no. 15407: Well no. 15733: All takes are subject to low flow restrictions once the Ngaruroro river flow at Fernhill falls below 2,400L/sec.

The kupa family wish to change land use over time from dairy to permanent crops such as apples, kiwifruit, stone fruit and grapes. This will reduce the nutrient and sediment load on the Ngaruroro river. However currently all the consents for water held by the Potaka trust land are subject to low flow restrictions at Fernhill bridge. As a direct result of this rule the family cannot plant permanent crops. Given the light silt soils the restrictions make it impossible to guarantee the production of quality well sized fruit and potentially these restrictions place the very survival of trees or vines at risk.

While agreeing with many of the goals, thrust and themes of plan change 9, we think the plan should be rewritten in its entirety.

The plan is contradictory and does not clearly allow a pathway for the kupa family to transition into lower environmental impact permanent crops. Maori families have moved off the land and drifted into urban areas. The social outcomes have not always been positive. The kupa family is proud to be still farming and want to ensure the family continues to farm and grow crops. The kupas do not want to be forced out by the changing world, changing markets and not able to change with the world due to a poorly written plan. The plan is premature when results from the most expenditure and sophisticated scientific work to date including 3D helicopter mapping has not been analysed and published for public scrutiny. The family believe the plan will have the effect as described above of alienation from their ancestral lands and as a result has treaty of Waitangi implications.

The kupa family believe mitigation of adverse effects including augmentation should be central to all rules and policies in the plan. For example, policy 43 has no consideration for mitigation of adverse effects during low flow periods in Zone 1.

The Kupa family oppose:

Flow Management Regimes; Tūtaekurī, Ahuriri, Ngaruroro and Karamū

43. The Council will manage river flows and lake or wetland water levels affected by surface water abstraction activities, including groundwater abstraction in Zone 1, during low flow periods so that they meet objectives for aquatic ecosystem health, mauri, tikanga Māori values, and other instream values by

- For the Ngaruroro river; a) maintaining the existing minimum flows for the Ngaruroro River and its tributaries;
- b) reducing the effects of abstraction from the mainstem and connected groundwater in Zone 1 by reducing the allocation limit for the Ngaruroro River;
- c) establishing allocation limits for the river, connected groundwater in Zone 1 and tributaries to account for the cumulative effects of all abstraction and provide water for abstraction at a reasonable security of supply;
- d) establishing a limit for groundwater abstraction in the upper Ngaruroro catchment based on existing actual and reasonable use until more information about the nature and extent of that resource is available.

Policies, 36, 37, 38, are further examples where rules and restrictions have been written without any reference to mitigation of the activity.

Policy 37. a) "adopt an interim limit of 90 million cubic meters per year based on actual and reasonable water use.

Annual allocation of 90M m3 should **NOT be the limit**. Enforcing 90M m3 as a limit does not leave room for augmentation against stream depletion over and above adequate irrigation needs (as per Irricalc modelling). It is a round number not based on science. All restrictions need to identify the adverse effect and leave an opportunity for mitigation of that adverse effect. The kupa family disagree with treating the Heretaunga plains water management as an over-allocated unit preventing any further allocations of ground water without reference to adverse effects, mitigation and actual water usage. We believe treating the Heretaunga plains as one homogeneous unit is simplistic and does not consider the varying locations, proximity to the ocean, underground structures, strata and varying effects on different water bodies.

Summary:

The kupa family believe the plan should allow for releasing more environmental flows into streams and rivers from water storage and be an integral part of plan change 9 to allow growers including the kupa family to farm in the modern age as we have for hundreds of years. The family believe the plan needs to be redrafted as it needs to be framed with reference to mitigation and augmentation giving an opportunity to draw water once the Ngaruroro river has fallen below 2,400 l/sec. The family oppose all the rules and policies and believe the plan should be redrafted. We wish to be heard in support of our submission.

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

Maree Kupa (senior)

Maree Kupa (Junior)

Willem Kupa

Trustee Potaka trust

Signature of submitter:

M. R. Kupa SM12 - Family Kaumatua
Maree Kupa Jr
W. Kupa - Trustee
Maree Kupa Jr Trustee

W. Kupa

Date 14/8/2020

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**SUBMISSIONS ON
PROPOSED PLAN CHANGE 9 – TŪTAEKURĪ, AHURIRI, NGARURORO AND
KARAMŪ CATCHMENTS
TO THE HAWKE’S BAY REGIONAL RESOURCE MANAGEMENT PLAN**

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1. INTRODUCTION

Ravensdown Limited – Overview and Interests in the Hawke’s Bay Region

- 1.1 Ravensdown Limited (**Ravensdown**) is a farmer owned co-operative. Ravensdown’s goal is to enable smarter farming for a better New Zealand. Given this goal, Ravensdown provides products, namely fertiliser and agrochemicals (agrichemicals), expertise and technology to help farmers reduce environmental impacts and to optimise value, or outputs, from land.
- 1.2 Ravensdown, in deciding whether to participate in regional planning processes, considers whether the plan, or proposed plan change, will achieve the purpose of the Resource Management Act 1991 (**RMA**) while also evaluating whether the planning provisions will unduly constrain its own activities (i.e., manufacturing, store sites and quarries) and/or the users of their products (i.e., its farming shareholders).
- 1.3 In this context, the nature of Ravensdown’s interests in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (**TANK**) catchments includes the Napier Works at Awatoto , which manufactures a range of fertiliser products which are then supplied throughout the North Island and bulk stores in Napier (Severn Street and Napier Port). In addition, through Ravensdown Environmental, Ravensdown assists its shareholders and others to meet regional planning requirements through the provision of farm environment services, which include nutrient loss and mitigation modelling (including OVERSEER Nutrient Budgeting), Farm Environment Plan (**FEP**) development and associated resource consent planning services.
- 1.4 Given the nature of Ravensdown’s activities in the TANK catchment, Ravensdown seeks to ensure that the ‘Proposed Plan Change 9 - Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments’ (**PPC9**) to the Hawke’s Bay Regional Resource Management Plan (**HBRRP**) promotes the sustainable management of natural and physical resources, in this instance, the land and water resources contained within TANK catchments. This includes the ability to continue to use and develop resources, including the rural land resource, while ensuring that adverse effects of activities are avoided, remedied or mitigated.
- 1.5 Given the above context, the provisions of PPC9 are of interest to Ravensdown given its activities within the TANK catchments and the nature of farming activities undertaken by its farming shareholders in the region, as outlined in **paragraph 1.3** above. Therefore, in preparing this submission, Ravensdown has focussed on the proposed provisions that relate to their Napier Works site at Awatoto and its bulk stores as well to the provisions which apply to the farming activities undertaken by its farming shareholders within the catchments.

Overview of Submission

- 1.6 Ravensdown’s submission, given its key interests within the TANK catchments, including the potential implications of PPC9 to the farming community, generally supports PPC9 in terms of its intent to sustainably manage water quality and quantity within the TANK catchments.
- 1.7 This includes, in relation to farming activities, requiring the identification of actions, and timeframes, to contribute to meeting PPC9’s freshwater quality objectives, including of adoption of good (management) practices, either as part of an Industry Programme or Catchment Collective or via an individual FEP. The requirement for Industry Programmes,

Catchment Collectives and FEPs to be approved and audited, and for FEPs to be prepared by appropriately qualified professionals is also supported.

- 1.8 In the context of Ravensdown's operations within the TANK catchments, namely its Napier Works and its Severn Street store, the regulatory framework which effectively recognises and provides these activities, including their resource use activities, is generally supported. This includes requiring such activities to contribute to the achievement of the freshwater quality objectives and reduce water quantity over-allocation is supported. In relation to discharges from such activities, the requirement to implement good site/industry practices is also considered appropriate, as is the need for new resource consents for existing water takes to seek an amount of water that reflects the actual and reasonable needs of such sites.
- 1.9 However, through these submissions, Ravensdown seeks amendments that enable Ravensdown, its shareholders and the users of its products to continue to use and develop resources in the catchments in a manner that continues to provide for the sustainable management of natural and physical resources, including the region's land and water resource, while also ensuring that adverse effects on the environment are avoided, remedied or mitigated.
- 1.10 One of the areas where Ravensdown's submission points, as outlined in the table contained in **Attachment A** of this submission, is seeking changes relates to the fact that PPC9 is not consistent with the recently gazetted national instruments for healthy waterways, namely the National Policy Statement for Freshwater Management 2020, the National Environmental Standards for Freshwater and the associated regulations (e.g., the Resource Management (Stock Exclusion) Regulations 2020). Ravensdown is working hard with its shareholders to get buy-in into the obligations arising from the various national and regional statutory planning documents that are now coming into effect. For this to be successful, it is important that national consistency with these requirements is achieved where possible. While it is recognised that PPC9 was developed prior to the these national instruments coming into force, and while also recognising that these instruments do provide time for some of the provisions to be incorporated into relevant regional planning provisions, Ravensdown considers that where possible, and necessary, PPC9 provisions should be amended to align with these national planning instruments. Given this goal, amendments to PPC9 provisions are being sought by Ravensdown's submission in order to endeavour to achieve alignment with these national instruments.
- 1.11 Ravensdown's submissions on PPC9 is structured as follows:
- (a) Specific submission points on the provisions of PPC9 to the HBRRP are contained in the table provided in **Attachment A**;
 - (b) A conclusion, including the overarching reasons for the submission, is provided in **Section 2**.

2. CONCLUSION

- 2.1 Ravensdown generally supports PPC9, subject to the amendments requested to address the concerns raised within its submission. In relation to the provisions that Ravensdown has raised

concerns about, those provisions require amendment because, without amendment, those provisions:

- (a) will not promote sustainable management of resources and will not achieve the purpose of the RMA;
- (b) is contrary to Part 2 and other provisions of the RMA;
- (c) will not enable the social and economic well-being of the community within the TANK catchments and thus the Hawke's Bay region;
- (d) will not meet the reasonably foreseeable needs of future generations;
- (e) will not achieve integrated management of the effects of the use, development or protection of the region's land and water resources;
- (f) will not enable the efficient use and development of Ravensdown's assets and operations, and of those resources which are dependent on, or benefit from, Ravensdown's assets and operations; and
- (g) do not represent the most appropriate means of exercising Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

2.2 Ravensdown could not gain an advantage in trade competition through this submission.

2.3 Ravensdown wishes **to be heard** in support of its submissions.

2.4 If others are making a similar submission, Ravensdown will consider presenting a joint case with them at the hearing.

Date: 14 August 2020



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Carmen Taylor

Consultant Planner (Associate)

Authorised to sign this submission on behalf of Ravensdown Limited



ATTACHMENT A – RAVENSDOWN LIMITED'S SUBMISSIONS ON PROPOSED PLAN CHANGE 9 - TŪTAEKURĪ, AHURIRI, NGARURORO AND KARAMŪ CATCHMENTS

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
Section 5.10.1 - TANK Objectives					
<i>General Objectives</i>					
1	OBJ TANK 1	8	Support in part	<p>Ravensdown supports the intent outlined in this objective that the community as a whole have a role to play in the management of the freshwater resources associated with the TANK catchments. Ravensdown, given its manufacturing interests and the presence of its farming shareholders within the catchments, acknowledges that it is important that good decisions are made in relation to resource use activities, including through the use of Farm Environment Plans (FEP) and industry good practice programmes (i.e., including Good Management Practices (GMP) in relation to farming operations). However, to ensure terminology consistency throughout PPC9, rather than referring to 'farm management plans', the objective should refer to 'Farm Environment Plans' (FEP). This is the term used throughout PPC9, including in Schedule 30.</p> <p>In supporting the continued use of the FEP throughout PPC9, Ravensdown acknowledges that Part 9A of the Resource Management Amendment Act 2020 (RMAA), and the regulation that is to follow from these provisions of the RMAA, uses the term 'Freshwater Farm Plan' (FFP). A change to this terminology is not being requested by Ravensdown as FEPs are a tool currently used nationally, and in the absence of the FFP regulations, it is considered</p>	<p>Amend OBJ TANK 1 as follows:</p> <p><i>The Council, tangata whenua and the urban and rural community work together in a way that recognises the kaitiaki and guardianship roles they each play in freshwater management and;</i></p> <p><i>a) recognise the importance of monitoring, resource investigations and the use of matauranga Maori to inform decision making and limit setting for sustainable management;</i></p> <p><i>b) ensure good land and water management practices are followed and where necessary, mitigation or restoration measures adopted;</i></p> <p><i>c) support good decision making by resource users including rural and urban communities through marae and hapū initiatives, community or other catchment management programmes and monitoring initiatives, urban stormwater programmes, landowner collectives, farm management <u>environment</u> plans and industry good practice programmes.</i></p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
2	OBJ TANK 2	8	Support in part	<p>possible that a FFP would potentially form part of a broader FEP (i.e., section 217F of the RMAA identifies the content requirements for FFP).</p> <p>Ravensdown supports the direction provided within this objective as to the matters to consider when setting freshwater objectives, limits and targets. However, Ravensdown has two issues with the notified objective.</p> <p>Firstly, part (b) of the objective is confusing. A particular concern is the requirement for 'continuous improvement'. While striving for continuous improvement may be desirable in the context of resource use activities, it is not always achievable or even necessary for such activities (e.g., if the effects of a resource use activity are minor or are not significant). However, striving for continuous improvement in the context of a plan objective is not an appropriate concept. Rather, the goal, or aim, when setting objectives, limits and targets should be the long-term vision and environmental outcomes being sought. Ravensdown considers that parts (a) to (e), subject to the amendment proposed, identify the environmental outcomes to be provided for when setting objectives, limits and targets.</p> <p>Secondly, we note that Schedule 25, referred to in part (e) of the objective, is not yet operative. In fact, the final form and content of this schedule is not yet known as hearings have not yet been held in relation to Proposed Plan Change 7 – Outstanding Water Bodies. In raising this issue, Ravensdown does not propose any changes to part (e) of the objective. Rather Ravensdown just wishes to note, that</p>	<p>Amend OBJ TANK 2 as follows:</p> <p><i>When setting objectives, limits and targets;</i></p> <p><i>a) Te Mana o te Wai and integrated mountains to the sea, ki uta ki tai principles are upheld;</i></p> <p><i>b) A continuous improvement approach to the use and development of natural resources and The protection of indigenous biodiversity is adopted and the collective sustainable management of freshwater is enabled;</i></p> <p><i>c) The kaitiakitanga role of tangata whenua and their whakapapa and cultural connection with water are recognised and provided for;</i></p> <p><i>d) The responsibilities of people and communities for sustainable resource use and development is recognised and supported; and</i></p> <p><i>e) The significant values of the outstanding water bodies in Schedule 25 and the values in the plan objectives are appropriately protected and provided for.</i></p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
Water Quality General					
3	OBJ TANK 4	9	Support in part	<p>Ravensdown is supportive of the aim of Objective TANK 4 to maintain water quality, and to improve it where it is degraded, as quantified against the freshwater objectives contained in Schedule 26.</p> <p>However, amendments are requested to ensure clarity around what the objective is requiring, and to ensure consistency of wording with Schedule 26. In this context, part (b) of the objective is unnecessary as the proposed amendment to part (a) clearly identifies the requirement to maintain existing water quality where the freshwater quality objectives in Schedule 26 are being achieved.</p>	<p>Amend OBJ TANK 4 as follows:</p> <p><i>Land and water use, contaminant discharge and nutrient loss activities are carried out so that the quality of the TANK freshwater bodies is maintained where the freshwater quality objectives in Schedule 26 are currently being met, or is improved in degraded waterbodies so that they meet the freshwater quality attribute states targets in Schedule 26 by 2040, provided that:</i></p> <p><i>a) For any specific water body where the freshwater quality attribute state is found to be higher than the freshwater quality objective that given in Schedule 26, the existing higher state is to be maintained; and</i></p> <p><i>b) Maintenance of a state is at the measured state.</i></p>
4	OBJ TANK 6	9	Oppose	<p>Except for its inclusion in this objective, Schedule 27, which identifies potential future freshwater quality objectives, plays no policy or regulatory function within PPC9. For this reason, as stated in Sub. Ref. 58, Ravensdown considers that Schedule 27 is redundant and should be deleted.</p> <p>In requesting the deletion of this policy (and Schedule 27), Ravensdown acknowledges that Council, as part of its requirements to implement the National Policy Statement for Freshwater Management 2020 (NPS-FM 2020), may set long term attribute states that may</p>	<p>Delete OBJ TANK 6 in entirety.</p> <p><i>The quality of the TANK freshwater bodies set out in Schedule 27 will be achieved through future plan changes.</i></p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
5	OBJ TANK 7	9	Support	<p>reflect the freshwater quality objectives currently contained in Schedule 27. However, Ravensdown considers that the inclusion of long-term attribute states needs to be determined as part of a broader National Objectives Framework (NOF) as outlined in Subpart 2 of the NPS-FM 2020.</p> <p>Finally, in relation to this objective, the Resource Management Act 1991 (RMA) requires the regular review of statutory plans, and also enables plan changes to be notified at any time. For this reason, and given the requested deletion of Schedule 27, Ravensdown consider that this objective is not required.</p> <p>Ravensdown is supportive of the intent of this objective but recommends an amendment to the wording to ensure that the intent of this objective is clear.</p>	<p>Amend OBJ TANK 7 as follows: <i>Land use is carried out in a manner that reduces contaminant loss, including soil loss and consequential sedimentation, into freshwater bodies, estuaries and coastal environment.</i></p>
6	Objective 9 (presumably OBJ TANK 9)	9	Support	<p>The protection of areas where water is sourced for human consumption is important. Ensuring that potential risks to such supplies are managed in a manner that ensures the water does not become unsuitable for human consumption is appropriate. For these reasons, this objective is supported.</p> <p>However, while supporting this objective, Ravensdown considers that it is important that the source areas for such supplies, and thus associated protection areas, are appropriately defined and identified (i.e., the area of protection needs to directly relate to the source area). If the protection area extends over an area not directly associated with</p>	<p>Retain OBJ TANK 9 as notified.</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPOSE	COMMENTS	RELIEF SOUGHT
Catchment Objectives					
7	OBJ TANK 10	9	Support in part	<p>This Ahuriri specific objective is supported as it seeks to ensure that the mauri, water quality and water quantity in the catchment is maintained and enhanced. Given the significance of the estuary, this is an appropriate resource management response.</p> <p>While the aim of the objective is supported, Ravensdown considers that part (e) should be amended. Water, where it is available in a manner that does not adversely affect the sustainability of freshwater bodies, is used for a range of uses, not just primary production, to provide for social and economic well-being.</p>	<p>Amend OBJ TANK 10 as follows:</p> <p><i>In combination with meeting the water quality states specified in Schedule 26, the use and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater is carried out in the Ahuriri freshwater catchments so that the mauri, water quality and water quantity are maintained and enhanced where necessary to enable:</i></p> <ul style="list-style-type: none"> <i>a) Ahuriri estuary sediments to be healthy and not accumulate excessively;</i> <i>b) healthy ecosystems that contribute to the health of the estuary;</i> <i>c) healthy and diverse indigenous aquatic plant, fish and bird populations;</i> <i>d) People and communities to safely meet their domestic water needs;</i> <i>e) Primary production access to water for community social and economic well-being; And provide for;</i> <i>f) Contribution to the healthy functioning of the Ahuriri estuary ecosystem and enable people to safely carry out a wide range of social, cultural and recreational activities including swimming and the collection of mahinga kai in the estuary.</i>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
8	OBJ TANK 11	10	Support in part	<p>Similar to the above comment on OBJ TANK 10 (Sub. Ref. 7), this objective is supported as it is seeks to maintain the mauri, water quality and water quantity of the river in the upper reaches, and improve, where necessary, these attributes in the lower river.</p> <p>While the aim of the objective is supported, Ravensdown considers that part (f) should be amended. Water, where it is available in a manner that does not adversely affect the sustainability of freshwater bodies, is used for a range of uses including for industrial and commercial activities, not just primary production or urban activities, to provide for social and economic well-being. In requesting this change, Ravensdown notes that it considers that “associated processing” does not provide for all industrial and commercial activities that may occur within the catchment.</p>	<p>Amend OBJ TANK 11 as follows:</p> <p><i>In combination with meeting the water quality states specified in Schedule 26, the use and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater is carried out in the Ngaruroro River catchment so that the mauri, water quality and water quantity are maintained in the mainstem above the Whanawhana Cableway and in the Taruarau River, and are improved in the tributaries and lower reaches where necessary to enable;</i></p> <ul style="list-style-type: none"> <i>a) Healthy ecosystems;</i> <i>b) healthy and diverse indigenous aquatic plant, animal and bird populations especially whitebait, torrent fish, macroinvertebrate communities, bird habitat on braided river reaches and a healthy trout fishery;</i> <i>c) people to safely carry out a wide range of social, cultural and recreational activities especially swimming and cultural practices of Uu and boating, including jet-boating in the braided reaches of the Ngaruroro;</i> <i>d) protection of the natural character, instream values and hydrological functioning of the Ngaruroro mainstem and Taruarau and Omahaki tributaries;</i> <i>e) collection of mahinga kai to provide for social and cultural well-being;</i> <i>f) people and communities to safely meet their domestic water needs;</i>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPOSE	COMMENTS	RELIEF SOUGHT
9	OBJ TANK 12	10	Support	<p>Similar to the above comments on OBJ TANK 10 and OBJ TANK 11 (Sub. Refs. 7 and 8), this objective is supported as it seeks to maintain the mauri, water quality and water quantity of the river in the upper reaches, and improve, where necessary, these attributes in the lower river.</p> <p>While the aim of the objective is supported, Ravensdown considers that part (g) should be amended. Water, where it is available in a manner that does not adversely affect the sustainability of freshwater bodies, is used for a range of uses including for industrial and commercial activities, not just primary production or urban activities, to provide for social and economic well-being. In requesting this change, Ravensdown notes that it considers that “associated processing” does not provide for all industrial and commercial activities that may occur within the catchment.</p>	<p>g) <i>primary production, industrial and commercial water needs and water required for associated processing and other urban activities to provide for community social and economic well-being; and provide for;</i></p> <p>h) <i>contribution to water flows and water quality in the connected Heretaunga Plains Aquifers;</i></p> <p>i) <i>contribution to the healthy functioning of Waitangi Estuary ecosystem and to enable people to safely carry out a wide range of social, cultural and recreational activities and the collection of mahinga kai in the estuary.</i></p>
					<p>Amend OBJ TANK 12 as follows:</p> <p><i>In combination with meeting the water quality states specified in Schedule 26, the use and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater is carried out in the Tūtaekurī River catchment so that the mauri, water quality and water quantity are maintained in the upper reaches of the mainstem and are improved in the tributaries and lower reaches where necessary to enable:</i></p> <p>a) <i>healthy ecosystems;</i></p> <p>b) <i>healthy and diverse indigenous aquatic and bird populations especially, whitebait, torrent fish, macroinvertebrate communities and a healthy trout fishery;</i></p> <p>c) <i>people to safely carry out a wide range of social, cultural and recreational activities,</i></p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
10	OBJ TANK 13	11	Support in part	<p>Similar to the above comments on OBJ TANK 10 to OBJ TANK 12 (Sub. Refs. 7 to 9), this objective is supported as it is seeks to maintain and improve the mauri, water quality and water quantity of these two river catchments.</p> <p>While the aim of the objective is supported, Ravensdown considers that part (f) should be amended. Water, where it is available in a manner that does not adversely affect the sustainability of freshwater bodies, is used for a range of uses including for industrial and commercial activities, not</p>	<p>especially swimming and cultural practices of <i>Uu</i> and boating;</p> <p>d) protection of the natural character, instream values and hydrological functioning of the Tūtaekurī mainstem and Mangatutu tributary;</p> <p>e) collection of mahinga kai to provide for social and cultural well-being;</p> <p>f) people and communities to safely meet their domestic water needs;</p> <p>g) primary production, industrial and commercial water needs and water required for associated processing and other urban activities to provide for community social and economic well-being;</p> <p>and provide for;</p> <p>h) contribution to the healthy functioning of Waitangi Estuary ecosystem and to enable people to safely carry out a wide range of social, cultural and recreational activities and the collection of mahinga kai in the estuary.</p>
					<p>Amend OBJ TANK 13 as follows:</p> <p>In combination with meeting the water quality states specified in Schedule 26, the uses and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater is carried out in the Karamū and Clive Rivers catchment so that the mauri, water quality and water quantity are improved to enable;</p> <p>a) healthy ecosystems;</p> <p>b) healthy and diverse indigenous aquatic and</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPOSE	COMMENTS	RELIEF SOUGHT
11	OBJ TANK 14	11	Support in part	just primary production or urban activities, to provide for social and economic well-being. In requesting this change, Ravensdown notes that it considers that “associated processing” does not provide for all industrial and commercial activities that may occur within the catchment.	<p>bird populations, especially black patiki, tuna and whitebait, and healthy macroinvertebrate communities;</p> <p>c) people to safely carry out a wide range of social, recreational, and cultural activities, including swimming and cultural practices of Uu and rowing and waka ama in the Clive/Karamu;</p> <p>d) collection of mahinga kai to provide for social and cultural well-being;</p> <p>e) people and communities to safely meet their domestic water needs;</p> <p>f) primary production, industrial and commercial water needs and water required for associated processing and other urban activities to provide for community social and economic well-being;</p> <p>and provide for;</p> <p>g) contribution to the healthy functioning of the Waitangi Estuary ecosystem and to enable people to safely carry out a wide range of social, cultural and recreational activities and the collection of mahinga kai in the estuary.</p>
11	OBJ TANK 14	11	Support in part	Similar to the above comments on OBJ TANK 10 to OBJ TANK 13 (Sub. Refs. 7 to 10), this objective is supported as it is seeks to maintain and improve the mauri, water quality, water quantity and groundwater levels are maintained in groundwater where connected to Ngaruroro, Tūtaekurī and Karamū rivers and their tributaries. While the aim of the objective is supported,	<p>Amend OBJ TANK 14 as follows:</p> <p>In combination with meeting the water quality states specified in Schedule 26, the use and development of land, the discharge of contaminants and nutrients, and the taking and using of freshwater is carried out so that the mauri, water quality, water quantity and groundwater levels are maintained in the</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
12	OBJ TANK 15	11	Support	<p>Ravensdown considers that part (b) should be amended. Water, where it is available in a manner that does not adversely affect the sustainability of freshwater bodies, is used for a range of uses including for industrial and commercial activities, not just primary production or urban activities, to provide for social and economic well-being. In requesting this change, Ravensdown notes that it considers that “associated processing” does not provide for all industrial and commercial activities that may occur within the catchment</p>	<p>Groundwater connected to the Ngaruroro, Tūtaekurī and Karamū rivers and their tributaries to enable;</p> <p>a) <i>people and communities to safely meet their domestic water needs and to enable the provision of safe and secure supplies of water for municipal use;</i></p> <p>b) <i>primary production, industrial and commercial water needs and water required for associated processing and other urban activities to provide for community social and economic well-being;</i></p> <p>and provide for;</p> <p>c) <i>the maintenance of groundwater levels at an equilibrium that accounts for annual variation in climate and prevents long term decline or seawater intrusion;</i></p> <p>d) <i>contribution to water flows and water quality in connected surface waterbodies.</i></p>
				<p>Ravensdown is supportive of the intent of this objective to manage activities in the TANK catchment, where connected to the ‘Wetland and lake waahi taonga’, to ensure that mauri, water quality, flows and levels in these freshwater bodies are maintained and improved.</p>	<p>Retain OBJ TANK 15 as notified.</p> <p><i>In combination with meeting the water quality states specified in Schedule 26, the use and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater connected to the Wetland and lake waahi taonga within the TANK catchments is managed so that mauri, water quality and flows, and levels are maintained and improved to enable;</i></p> <p>a) <i>healthy and diverse indigenous fish, bird and plant populations in wetland and lake areas</i></p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPOSE	COMMENTS	RELIEF SOUGHT
					<p>and connected waterways;</p> <p>b) improved hydrological functioning in wetland and lakes and in connected waterways;</p> <p>c) people to safely carry out a wide range of social and cultural activities;</p> <p>d) collection of mahinga kai to provide for social and cultural well-being;</p> <p>e) contribution to improved water quality in connected surface waters;</p> <p>f) the protection of the outstanding values of the Kaweka Lakes, Lake Poukawa and Pekapeka Swamp and the Ngamatea East Swamp;</p> <p>And to;</p> <p>g) increase the total wetland area by protecting and restoring 200ha hectares of existing wetland and reinstating or creating 100ha of additional wetland by 2040.</p>
Water quantity					
13	OBJ TANK 16	12	Support in part	<p>Ravensdown, given its area of interest, supports this objective and the proposed priority order, in particular the priority accorded to primary production activities and industrial water users.</p> <p>However, while supporting the objective, Ravensdown considers that all primary production should be provided for in the priority order, not just primary production on versatile soils. Accordingly, Ravensdown considers that part (c) of the objective should be amended by removing the reference to versatile soils.</p>	<p>Amend OBJ TANK 16 as follows:</p> <p>Subject to limits, targets and flow regimes established to meet the needs of the values for the water body, water quantity allocation management and processes ensure water allocation in the following priority order,</p> <p>a) Water for the essential needs of people;</p> <p>b) The allocation and reservation of water for domestic supply including for marae and papakāinga, and for municipal supply so that existing and future demand as described in HPUDS (2017) can be met within he specified</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
14	OBJ TANK 17	12	Support	This objective is supported as it outlines a range of considerations that are to be accommodated when establishing a resource management regime for the allocation and use of water resources in the TANK catchments. This includes requiring efficient water use and ensuring that allocation regimes are flexible and responsive to water user's needs.	<i>limits;</i> c) <i>Primary production on versatile soils;</i> d) <i>Other primary production food processing, industrial and commercial end uses;</i> e) <i>Other non-commercial end uses.</i> Retain OBJ TANK 17 as notified.
15	OBJ TANK 18	12	Support	Ravensdown supports this objective, which focusses on ensuring that the needs of future generations, as well as the mauri and ecosystem health is secured. The objective identifies a range of appropriate tools to be used to achieve this, in conjunction with the objective framework as a whole, including, but not limited to, water conservation, efficient water use, technology innovation and the provisions of flexible water allocation and management regimes.	Retain OBJ TANK 18 as notified.
Section 5.10.2 – Policies: Surface Water and Groundwater Quality Management					
Priority Management Approach					
16	Policy 1	13	Support in part	Ravensdown, as outlined in this policy, is in support of Council working with other groups, though both regulatory and non-regulatory methods, to ensure that water quality attributes are maintained or improved where water quality targets are not being met. While the policy is supported, Ravensdown seeks	Amend Policy 1 as follows: <i>The Council with landowners, local authorities, industry and community groups, mana whenua and other stakeholders will regulate or manage land use activities and surface and groundwater bodies so that water quality attributes objectives are maintained at their current state or where</i>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
17	Policy 4	13	Support	<p>several amendments to this policy in order to ensure consistency of terminology and to also provide clarity (i.e., PPC9 uses the term objective, rather than attribute in relation to water quality). In addition, the following amendments are also sought:</p> <ul style="list-style-type: none"> in part (b), amendments are proposed as it is considered that reference to specific potential contaminants is not required; in part (e), amendments are proposed to reflect the fact that PPC9 also manages other stormwater sources outside of urban stormwater; and in part (f), the inclusion of 'other water users' is requested as a range of other water users, for example food production industries, also require access to safe water supplies. <p>Finally, as outlined in Sub. Ref. 59 below, it is noted that Ravensdown has requested that Schedule 28 is amended to clearly identify the priority catchments.</p>	<p>required show an improving trend towards the water quality targets shown in Schedule 26 by focussing on:</p> <ol style="list-style-type: none"> water quality improvement in <u>sub-priority</u> catchments (as described in Schedule 28) where water quality is not meeting specified <u>freshwater</u> quality targets; sediment management to <u>address</u> as a key contaminant pathways to also address phosphorus and bacteri#-losses; the significant environmental stressors of excessive sedimentation and macrophyte growth in lowland rivers and nutrient loads entering the Ahuriri and Waitangi estuaries; the management of riparian margins; the management of urban stormwater networks and the reduction of contaminants in urban stormwater <u>and other stormwater sources;</u> the protection of water quality for domestic and municipal water supply <u>and other water users.</u>
18	Policy 5	14	Support	<p>This policy is of interest to Ravensdown as its Napier Works is located within the lower Ngaruroro and Tūtaekuri catchment.</p> <p>Ravensdown supports the aim of this policy, including the regulatory and non-regulatory management approaches outlined in part (a) to (c).</p> <p>This policy is of interest to Ravensdown as its Severn Street store is located in the Ahuriri catchment.</p>	<p>Retain Policy 4 as notified.</p> <p>Amend Policy 5 as follows:</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				<p>This policy aims to improve the health of the Ahuriri Estuary, and its tributaries, by reducing contaminant discharges into the tributaries that flow into the estuary, including requiring the implementation of appropriate site management practices (part (c)) and the need to further investigate how the estuary functions (part (d)). Ravensdown supports the intent of this policy, but seeks a minor grammatical amendment to part (a) of the policy.</p>	<p><i>In the tributaries of the Ahuriri Estuary, in addition to Policy 1 the Council will work with mana whenua, landowners and the Napier City Council to:</i></p> <ul style="list-style-type: none"> <i>a) improve water clarity and reduce deposited sediment by reducing the amount of sediment being lost from land and river banks;</i> <i>b) reduce risk of proliferation of algae by reducing nutrient losses from land, including through management of phosphorous loss associated with sediment;</i> <i>c) improve stormwater and drainage water quality and the ecosystem health of urban waterways and reduce contamination of stormwater associated with poor site management practices, spills and accident in urban areas;</i> <i>d) carry out further investigations to understand the estuary hydrology, functioning and environmental stressors.</i>
Protection of Source Water					
19	Policy 6	14	Support	<p>Ravensdown supports the aim of this policy to protect the quality and quantity of registered drinking water supplies, including through the identification and use of Source Protection Zones.</p> <p>It is noted that Ravensdown's Napier Works is located in the proposed Awototo Water Source Protection Zone (Map 2 – Source Protection Zones of PPC9, which is not a 'planning map'). Therefore, while supporting this policy, as outlined above in relation to OBJ TANK 9 and 'Map 2 – Source Protection Zone'</p>	Retain Policy 6 as notified.

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				<p>(Sub. Refs. 6 and 67), Ravensdown considers that it is important that the extent of the Source Protection Zone reflects the area required to protect the Napier drinking water supply. Ravensdown considers that if the extent of the zone is larger than what is required to achieve the purpose of this policy, then a range of activities of appropriately located activities (i.e., activities in Industrial Zones), including the Napier Works, may be unnecessarily constrained by the presence of the Source Protection Zone.</p> <p>Given the above potential issue, it is noted that the section 32 Report (p.252 of the section 32 Report) states that the Source Protection Zones for Napier's water supply is provisional, and that the modelling work to appropriately define the extent of the zone may be completed in time to enable a technical submission on PC9. If this is not the case, then the section 32 Report also identifies that the extent of the Source Protection Zones will be refined as new information comes to hand, as anticipated and provided for by Schedule 35 (Sub. Ref. 65 below) (p.253 of the section 32 Report). Given these issues, Ravensdown has submitted on the Napier Source Protection Zone map (Map 2 – Sub. Ref. 67 below) requesting that the extent of the zone is appropriately identified on the maps, based on relevant technical information and in accordance with this policy.</p>	
Managing point source discharges					
20	Policy 10	15	Support	Ravensdown is supportive of the aim of this policy to manage point source discharges within the TANK catchments in a manner that ensures that the	Amend Policy 10 as follows:

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPOSE	COMMENTS	RELIEF SOUGHT
				<p>freshwater quality objectives in Schedule 26 are achieved. This includes, as outlined in part (c) of the policy, the requirement for existing activities to identify and implement mitigation measures, where necessary, to contribute to meeting the freshwater quality objectives.</p> <p>However, an amendment is requested to ensure consistency of wording with Schedule 26 (i.e., 'freshwater quality objectives', rather than 'water quality objectives').</p>	<p>The Council will manage point source discharges (that are not stormwater discharges) so that after reasonable mixing, contaminants discharged either by themselves or in combination with other discharges do not cause the objectives for water quality in Schedule 26 to be exceeded and when considering applications to discharge contaminants will take into account:</p> <p>a) measurement uncertainties associated with variables such as location, flows, seasonal variation and climatic events;</p> <p>b) the degree to which a discharge is of a temporary nature, or is associated with necessary maintenance work.</p> <p>c) when it is an existing activity, identification of the mitigation measures, where necessary, and timeframes for their adoption that contribute to the meeting of freshwater quality objectives.</p>
Section 5.10.3 – Policies: Managing Adverse Effects from Land Use on Water Quality (Diffuse Discharges)					
Adaptive Approach to Nutrient and Contaminant Management					
21	Policy 17	18	Support in part	<p>Ravensdown is supportive of the requirement, as reflected in this policy, for those who use land within the TANK catchment areas to manage nutrients and contaminants through the proposed adaptive approach, in order to achieve the Schedule 26 freshwater quality objectives. In particular, Ravensdown supports, in conjunction with the regulatory framework included in PPC9, the use of FEPs, or 'programmes' prepared by catchment collectives or industry to adopt and implement the</p>	<p>Amend Policy 17 as follows:</p> <p>The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 26 with landowners, industry groups, and other stakeholders and will implement the following measures;</p> <p>a) establish programmes and processes through Farm Environment Plans, Catchment</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
22	Policy 18	18	Support in part	<p>requirements outlined in parts (a)(i) to (iv) of the policy.</p> <p>While supporting the proposed Catchment Collectives and Industry Programmes as two of the three pathways provided for farming activities within PPC9, from experience in other regions, Ravensdown considers that it is possible that the use of FEPs by individual farmers may be the preferred approach. The impending requirement for farming activities to have in place FFP, under the upcoming regulations under the RMAA, may also be a driver for individual FEPs.</p> <p>However, it is considered that the reference, in part (a)(iv) of the policy, to 'nutrient management plans' is unnecessary and does not reflect the requirements of PPC9 nor Schedule 30. Rather, Ravensdown considers that what is being referred to here is the need to identify measures for nutrient management within the Catchment Collective or Industry Programmes (i.e., as outlined in Clause 2.3 of Section B of Schedule 30).</p>	<p>Collectives and Industry Programmes to ensure land managers;</p> <p>(i) adopt industry good practice;</p> <p>(ii) identify critical source areas of contaminants at both property and catchment scale;</p> <p>(iii) adopt effective measures to mitigate or reduce contaminant loss;</p> <p>(iv) implement measures for prepare nutrient management plans in catchments not meeting targets for dissolved nitrogen.</p>
	Policy 18	18		<p>This policy outlines investigations, collaborations and research that Council intend to undertake to determine whether or not the freshwater quality targets or freshwater quality objectives in Schedule 26 are being, or have been, achieved and maintained as a result of the policy and regulatory framework proposed in PPC9. The approaches outlined in this policy are considered appropriate, particularly in light of ensuring that appropriate information is available to underpin any future resource management regional plan development decisions.</p>	<p>Amend Policy 18 as follows:</p> <p>The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 26 by:</p> <p>a) gathering information to determine sustainable nutrient loads;</p> <p>b) developing nutrient limits and a nutrient allocation regime if the management framework in Policy 17 is not achieving the freshwater quality objectives leading to</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
23	Policy 19	18	Oppose	<p>However, as raised in previous submission points, consistent terminology needs to be used throughout PPC9. Therefore, an amendment to part (b) of the policy has been requested.</p>	<p>improved attributes states by the time this plan is reviewed;</p> <p>c) <i>regulating land use change where there is a significant risk of increased nitrogen loss;</i></p> <p>d) <i>gathering and assessing information about environmental state and trends and the impact of land use activities on these;</i></p> <p>e) <i>working with industry groups, landowners and other stakeholders to undertake research and investigation into;</i></p> <p>(i) <i>nutrient pathways, concentrations and loads in rivers and coastal receiving environments;</i></p> <p>(ii) <i>nutrient uptake and loss pathways at a property scale;</i></p> <p>(iii) <i>measures to reduce nutrient losses at a property as well as catchment scale including those delivered through industry programmes.</i></p>
				<p>As outlined above in relation to Policy 17 (Sub. Ref. 21), Schedule 30 of PPC9 refers to the implementation of measures to manage nutrients, in specific catchments, as part of Catchment Collectives or Industry Programmes.</p> <p>On this basis, the requirement for a 'nutrient management plan' as proposed by this policy is not considered to be required. For this reason, Ravensdown considers that Policy 19 should be deleted.</p>	<p>Delete Policy 19 in its entirety.</p> <p>In catchments that do not meet objectives for dissolved nutrients specified in Schedule 26, the Council will ensure landowners, landowner collectives and industry groups have nutrient management plans according to the priority order in Schedule 28.</p>



SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
<i>Sediment Management</i>					
24	Policy 20	18	Support in part	<p>Ravensdown is generally in support of Policy 20 as it appropriately outlines the range of approaches that can be used to mitigate sedimentation issues in waterbodies.</p> <p>However, an amendment is sought to the wording of the policy to clarify that management of sedimentation is the approach being adopted, with parts (a) to (e) of the policy outlining the different approaches that are proposed to be used.</p>	<p>Amend Policy 20 as follows:</p> <p><i>The Council will reducemanage adverse effects on freshwater and coastal aquatic ecosystems from eroded sediment, and from the phosphorus associated with this, by prioritising the following mitigation measures;</i></p> <ul style="list-style-type: none"> <i>a) regulating cultivation, stock access and vegetation clearance activities;</i> <i>b) targeting priority areas and activities for sediment loss management where there is high sediment loss risk and working with land managers to identify and manage critical source areas of contaminants at both property and catchment scale;</i> <i>c) informing land managers where land is vulnerable to erosion, using tools such as SedNet and LUC; and providing information about measures that reduce soil loss;</i> <i>d) recognising the benefits provided by tree planting and retirement of land for erosion control as well as for mitigating climate change effects and improving indigenous biodiversity by;</i> <ul style="list-style-type: none"> <i>(i) targeting resources where multiple objectives can be met;</i> <i>(ii) and supporting landowners to retire land, establish forests where appropriate, and plant trees on land with high actual or potential erosion risk;</i>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
Land Use Change and Nutrient Losses					
25	Policy 21	19	Support in part	<p>Ravensdown is in general support of the intent of Policy 21 to manage diffuse discharges of nitrogen from productive land use as provided for within PPC9 (i.e., requirement for resource consents for some productive land uses and the need for Landowner Collectives, Industry Programmes and FEPs).</p> <p>However, Ravensdown considers that there are some issues associated with the proposed policy.</p> <p>Firstly, as outlined in parts (a) and (d) of the policy, the achievement of the freshwater quality objectives contained in Schedule 26 are the aim of PPC9. This policy needs to reflect this requirement.</p> <p>Secondly, PPC9 establishes a regulatory framework for productive land use activities in the TANK catchments, not just where land use or water use is changing. This fact needs to be appropriately recognised in the policy.</p>	<p>e) Supporting and encouraging improved riparian management across all TANK catchments.</p>
<p>Amend Policy 21 as follows:</p> <p>The Council will remedy or mitigate the potential impact of diffuse discharge of nitrogen on freshwater quality objectives by regulating productive land uses, land and water use changes that modelling indicates are likely to result in increased nitrogen loss (modelled on an annual, whole of property or whole of farm enterprise basis) and <u>In making decisions on resource consent applications, the Council will take into account:</u></p> <ol style="list-style-type: none"> whether freshwater quality objectives or targets are being met in the catchment where the activity is to be undertaken; where any relevant TANK Industry Programme or Catchment Collective is in place the extent to which the changed land use <u>activity is consistent with the Industry Programme or Collective outcomes, mitigation measures and timeframes;</u> any mitigation measures required, and timeframes by which they are to be implemented that are necessary to ensure the actual or potential contaminant loss occurring from the property, in combination with other contamination losses in the catchment will be 					

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPOSE	COMMENTS	RELIEF SOUGHT
					<p>consistent with meeting freshwater quality objectives, including performance in relation to industry good practice, efficient use of nutrients and minimisation of nutrient losses; and will;</p> <p>d) avoid land use change that will result in increased nitrogen loss that contributes to freshwater quality objectives and targets in Schedule 26 for dissolved nitrogen not being met.</p>
Industry Programmes and Catchment Management					
26	Policy 23	19	Support	<p>While it is considered that the development and implementation of FEPs by individual farmers may be the preferred approach adopted in the TANK catchment, Ravensdown also supports the introduction of proposed Industry Programmes and Catchment Collectives, as a means of achieving the freshwater quality objectives and other environment objectives for the TANK catchments by landowners working together. In this context, it is considered that matters outlined in parts (a) to (e) of the policy appropriately reflect the areas of support and information provision that Council should provide to these landowners.</p> <p>However, an amendment is proposed in part (d) of the policy, to ensure that terminology used throughout PPC9 is consistent (i.e., in this instance, 'freshwater quality objectives').</p> <p>While supporting this policy, Ravensdown also considers, as is provided for within the PPC9 provisions (i.e., including Policy 25 – Sub. Ref. 28),</p>	<p>Amend Policy 23 as follows.</p> <p>The Council will support the establishment and operation of Industry Programmes and Catchment Collectives and:</p> <p>a) ensure any relevant information or expertise for making sustainable land management decisions is available to land managers;</p> <p>b) support local investigation and water monitoring programmes where information gaps exist;</p> <p>c) support development and use of catchment scale models that assist in identification and management of critical source areas;</p> <p>d) support catchment and farm scale decision making to meet freshwater quality objectives and encourage local solutions and innovative and flexible responses to water quality issues;</p> <p>e) work with water permit holders to encourage and support establishment of catchment collectives that address both freshwater</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPOSE	COMMENTS	RELIEF SOUGHT
27	Policy 24	20	Support in part	<p>that landowners who are not part of an Industry Programme or Catchment Collective must be required to prepare and implement a FEP.</p> <p>As outlined above in relation to OBJ TANK 1 (Sub. Ref. 1), Ravensdown supports the continued use of the term FEPs throughout PPC9, as FEPs are a tool currently used nationally, and in the absence of the FFP regulations, it is considered possible that a FFP could form part of a broader FEP (i.e., section 217F of the RMAA identifies the content requirements for FFP).</p> <p>As stated above in relation to Policy 23 (Sub. Ref. 26), Ravensdown supports the proposed introduction of Industry Programmes and Catchment Collectives as a means of achieving the freshwater quality objectives and other environmental objectives for the TANK catchments. This includes the needs for these programmes or collectives to:</p> <ul style="list-style-type: none"> - identify practices, and associated timeframes, to meet the freshwater quality objectives; - undertake monitoring; - provide annual reports; - adopt good (management) practices; - comply, or be consistent, with the requirements of Schedule 30, including the requirements for Council approval and auditing. <p>It is considered that the above approaches generally reflect resource management approaches that have been, or are being, adopted throughout New Zealand in regional plan provisions for farming activities.</p> <p>While the policy is supported, amendments are</p>	<p>quality objectives and stream flow management through environmental management programmes as specified in Schedule 30 and Schedule 36 and within the timeframes specified in Schedule 28.</p>
				<p>Amend Policy 24 as follows:</p> <p>The Council will continue to work with landowners, industry groups and other stakeholders to manage land and water use activities so that they meet objectives for freshwater/aquatic ecosystems by:</p> <p>a) further supporting the development of Industry Programmes that contribute to meeting applicable freshwater quality objectives and that;</p> <p>(i) identify practices that contribute to meeting applicable freshwater quality objectives;</p> <p>(ii) specify timeframes for completion or adoption of measures to manage <u>mitigate</u> contaminant losses;</p> <p>(iii) ensure individual performance under an Industry Programme is monitored;</p> <p>(iv) provide annual reports to the Council on progressive implementation of measures</p>	

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				<p>requested. Ravensdown considers that the landowners should be required to manage nitrogen losses in order to achieve the freshwater quality objectives, rather than mitigate them (refer to parts (a)(ii) and (b)(ii) of the policy). Other amendments are proposed for the purposes of terminology consistency (i.e., 'freshwater quality objectives') and to provide clarity as to the intent of a provision (i.e., the requested amendment to part (b)(i) of the policy).</p>	<p>identified in Industry Programmes established under Schedule 30 and progress towards meeting applicable freshwater quality objectives for water <u>quantity</u>;</p> <p>(v) promote adoption of good industry practice;</p> <p>(vi) ensure that Industry Programmes are consistent with the requirements of Schedule 30;</p> <p>b) supporting landowners to establish Catchment Collectives to develop and implement environmental management plans that contribute to meeting applicable freshwater quality objectives and that;</p> <p>(i) identify and adopt measures at a property scale and collectively with other land managers that reduce contaminant losses or remedy or mitigate the effects of land uses on freshwater objectives;</p> <p>(ii) specify timeframes for completion or adoption of measures to reduce <u>mitigate</u> contaminant losses;</p> <p>(iii) ensure individual performance under a catchment collective is monitored;</p> <p>(iv) provide annual reports to the Council on progressive implementation of measures identified in landowner collectives established under Schedule 30 and progress towards meeting applicable</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
28	Policy 25	20	Support	As outlined above in relation to Policy 23 (Sub. Ref. 26), Ravensdown considers it is appropriate that landowners who are not part of an Industry Programme or Catchment Collective are required to prepare and implement a FEP. Therefore, this policy is supported.	<p>freshwater quality objectives for water quality;</p> <p>(v) promote adoption of good agricultural practice;</p> <p>(vi) ensure programmes prepared by a collective are consistent with the requirements of Schedule 30;</p> <p>c) Approving any Landowner Collective or Industry Programme developed under Schedule 30;</p> <p>d) Auditing Landowner Collective or Industry Programmes prepared and approved under Schedule 30 including auditing of member properties.</p> <p>Retain Policy 25 as notified.</p>
Management and compliance					
29	Policy 26	20	Support	As stated above in relation to Policies 23 and 24 (Sub. Refs. 26 and 27), Ravensdown supports the proposed introduction and implementation of Catchment Collectives and Industry Programmes. In this context, it is considered that it is necessary that a process is in place to resolve or address issues where individuals, as members of such schemes, are not meeting their obligations. For this reason, this policy is supported. While the policy is supported, a minor amendment is requested for the purpose of terminology consistency	<p>Amend Policy 26 as follows:</p> <p>Where individuals are members of a Catchment Collective or Industry Programme but do not undertake their activity in accordance with the approved plan prepared in accordance with Schedule 30, or do not follow the agreed terms of membership the Council will;</p> <p>a) provide a conflict resolution service;</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				(i.e., 'farm environment plan', not 'farm plan').	<p>b) where an individual is no longer, or is deemed through conflict resolution processes not to be, a member the Council will;</p> <p>(i) require the development of a farm environment plan for that property within 6 months or;</p> <p>(ii) require an application for a land use consent to be made;</p> <p>c) take appropriate enforcement action.</p>
Timeframes: Water and Ecosystem Quality					
30	Policy 27	21	Oppose	<p>This policy identifies that Council will identify an implementation plan to ensure that all relevant parties are engaged in Industry Programmes, Catchment Collectives or prepared FEPs in accordance with the timeframes specified in Schedule 28 and to report on the milestones outlined in the table attached to this policy. It is considered this policy is uncertain, lacks clarity and is unnecessary in the context of PPC9 provisions as a whole.</p> <p>On the above basis, and given the amendments/clarification sought to Schedule 28 (Sub. Ref. 59), Ravensdown considers that this policy adds nothing to PPC9 and therefore should be deleted.</p>	<p>Delete Policy 27 (including Table 1) in its entirety.</p> <p>The Council will develop an implementation plan for this Plan Change with industry groups, landowners, water permit holders, tangata whenua, and other stakeholders to ensure that the land-owners and lease-holders are engaged in industry or landowner collective programmes or have prepared farm environmental plans within the timeframes in Schedule 28 and to ensure reporting (as specified in Schedule 30) on the milestones in Table 1 below.</p>
Section 5.10.4 – Policies: Stormwater Management					
Urban Infrastructure					
31	Policy 28	22	Support in part	Ravensdown is supportive of the intent of this policy to ensure that adverse effects on aquatic ecosystems and community well-being from stormwater discharge, whether from local authority reticulated	<p>Amend Policy 28 as follows:</p> <p><i>The adverse effects of stormwater quality and quantity on aquatic ecosystems and community well-being arising from existing and new urban</i></p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				<p>network or a site-specific discharge, are reduced and mitigated. To that end, the various approaches outlined in parts (a) to (k) are generally considered to reflect appropriate best and good practice.</p> <p>This support includes the preparation of 'site management plans', as proposed in part (k) of the policy, for industrial and trade premises with a high risk of stormwater contamination. This requirement will apply to Ravensdown's Napier Works and potentially the Severn Street store.</p> <p>However, Ravensdown is concerned about the timeframe proposed in terms of being able to ensure that the 'best practicable option', as effectively proposed under this policy, can be implemented and then achieve the outcome sought in the next four years. There is also the question of how these approaches will be implemented or enforced. For example, for many existing activities, it is envisaged that many of these requirements will need to be considered when a resource consent is renewed, unless consent reviews are initiated. On this basis, the deletion of the 1 January 2025 timeframe is requested.</p> <p>Another issue for Ravensdown, is the need for regional councils and territorial authorities to ensure that an integrated approach and consistent requirements are being articulated when activities, such as industrial activities which are appropriately located within industrial zones in urban areas, discharge site stormwater into reticulated stormwater networks. Given this concern, an amendment to part (a) of this policy is requested that</p>	<p>development (including infill development), industrial and trade premises and associated infrastructure, will be reduced or mitigated no later than 1 January 2025, by:</p> <p>a) Local Authorities, in conjunction with HBRC, adopting a consistent and integrated catchment management approach to the collection and discharge of stormwater;</p> <p>b) requiring stormwater to be discharged into a reticulated stormwater network where such a network is available or will be made available as part of the development;</p> <p>c) requiring, where feasible, increased retention or detention of stormwater, while not <u>not exacerbating ensuring that flood hazards are not exacerbated</u>;</p> <p>d) taking into account site specific constraints including areas with high groundwater, source protection zones, and/or an outstanding water body;</p> <p>e) taking into account the collaborative approach of HBRC, Napier City and Hastings District councils in managing urban growth on the Heretaunga Plains as it relates to stormwater management;</p> <p>f) taking into account the effects of climate change when providing for new and upgrading existing infrastructure;</p> <p>g) adopting, where practicable, a good practice approach to stormwater management including adoption of Low Impact Design for</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				<p>identifies the need for collaboration and consistency. In relation to the amendments sought to part (h) of the policy, it is noted that some stormwater discharges are permitted activities. Therefore, specifying, within this part of the policy, that the requirements will be achieved through consent conditions is not appropriate.</p> <p>An amendment to part (c) is proposed to clarify that it may not always be feasible for stormwater retention and detention to be provided.</p> <p>Finally, in relation to part (k) of the policy, Ravensdown considers that this part of the policy should clarify that these requirements, that apply to industrial and trade premises, will be considered through the resource consent process (including consent conditions).</p> <p>In addition, some minor amendments are proposed to provide clarity and for the purpose of terminology consistency.</p>	<p>stormwater systems;</p> <p>h) <i>amending district plans, standards, codes of practice and bylaws to specify design standards for stormwater reticulation and discharge facilities through consent conditions, that will achieve the freshwater quality objectives set out in this plan;</i></p> <p>i) <i>developing and making available to the public advice about good stormwater management options (including through HBRC's guidelines);</i></p> <p>j) <i>encouraging, through education and public awareness programmes, greater uptake and installation of measures that reduce risk of stormwater contamination;</i></p> <p>k) <i>requiring, no later than 1 January 2025 through resource consents, the preparation and implementation of a site management plan and good site management practices on industrial and trade premises with a high risk of stormwater contamination and those in the high priority areas:</i></p> <p><i>(i) of the Ahuriri catchment;</i></p> <p><i>(ii) of the Karamū River and its tributaries;</i></p> <p><i>(iii) of land over the unconfined aquifer; and</i></p> <p><i>(iv) within identified drinking water Source Protection Zones.</i></p>
Source Control					
32	Policy 29	22	Oppose	While Ravensdown is supportive of the aim of the policy to reduce stormwater contamination, it is considered that this policy unnecessary as it effectively repeats the guidance provided by Policy 28	Delete Policy 29 in its entirety. Sources of stormwater contamination and contaminated stormwater will be reduced by:

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				<p>(refer to Sub. Ref. 31).</p> <p>Another issue with this policy, is that part (c) specifies that activities that result in 'water quality standards' not being met will, if necessary, be avoided, thus inferring prohibited activity status. Ravensdown agree that stormwater discharges from activities should not result in the freshwater quality objectives not being met. However, as outlined in Policy 28, there are a range of approaches that should be implemented within site, or within reticulated network catchments, that will ensure that adverse effects from stormwater discharges are reduced or mitigated.</p>	<p>e) specifying requirements for the design and installation of stormwater control facilities on sites where there is a high risk of freshwater contamination arising from either the direct discharge of stormwater to freshwater, the discharge of stormwater to land where it might enter water or the discharge to a stormwater or drainage network;</p> <p>b) requiring the implementation of good site management practices on all sites where there is a risk of stormwater contamination arising from the use or storage of contaminants;</p> <p>e) controlling, and if necessary avoiding, activities that will result in water quality standards not being able to be met.</p>
Dealing with the Legacy					
33	Policy 30	23	Support in part / Oppose in part	<p>Ravensdown supports the intent of this policy, which is that Council will work with the local authorities to identify the desired outcomes and then working together to achieve the identified outcomes. This includes the reduction of stormwater contaminants from their reticulated systems, where freshwater quality objectives are not being met, in order to provide for improved aquatic ecosystem health and community well-being.</p> <p>However, this policy is confusing, as it introduces 'water quality standards' which are in addition to the Schedule 26 freshwater quality objectives that underpin PPC9. Ravensdown considers that the 'water quality standards' contained in part (a) are not needed and reference to them should be deleted.</p>	<p>Amend Policy 30 as follows:</p> <p>Aquatic ecosystem health improvements and community well-being and reduced stormwater contamination will be achieved by HBRC working with the Napier City and Hastings District Councils requiring discharges from stormwater networks to meet:</p> <p>e) water quality objectives (where they are degraded by stormwater) and the identification of measures that ensure stormwater discharges will achieve at least:</p> <p>(f) the 80th percentile level of species protection in receiving waters by 1 January 2025, and</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPOSE	COMMENTS	RELIEF SOUGHT
				<p>Finally, a minor amendment is proposed for the purpose of terminology consistency.</p>	<p>(iii) the 95th percentile level3 of species protection by 31 December 2040.</p> <p>and</p> <p>b) except as in (a) above, the management for freshwater quality objectives in Schedule 26 for freshwater and estuary health through resource consent conditions, including requirements;</p> <p>(i) to apply the Stream Ecological Valuation methodology to inform further actions;</p> <p>(ii) to install treatment devices within the drainage network where appropriate;</p> <p>(iii) for stream planting/re-alignment for aquatic ecosystem enhancement;</p> <p>(iv) for wetland creation, water sensitive design and other opportunities for increasing stormwater infiltration where appropriate;</p> <p>(v) recognise existing and planned investments in stormwater infrastructure</p>
Ahuriri Catchment					
34	Policy 32	23	Support	<p>This policy is of interest to Ravensdown as its Severn Street store is located in the Ahuriri catchment.</p> <p>This policy identifies that an Integrated Catchment Management Plan is to be prepared for the Ahuriri Estuary, with the aim of the plan being to improve the quality of the freshwater entering the estuary and to further investigate how the estuary functions. Ravensdown supports the proposed approach as outlined in this policy.</p>	Retain Policy 32 as notified.

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPOSE	COMMENTS	RELIEF SOUGHT
35	Policy 33	24	Support	To determine the effectiveness of PPC9, it is important that Council undertakes appropriately focussed monitoring. Ravensdown considers that the nature of the monitoring outlined in this policy reflects many of the considerations of importance when determining ecosystem health and mauri of the TANK catchments.	<p>Amend Policy 33 as follows:</p> <p><i>The Council will recognise and support monitoring according to mātauranga Māori and will recognise and support local scale monitoring to assess ecosystem health and mauri including water quality in relation to identified values and its contribution to:</i></p> <ul style="list-style-type: none"> <i>a) understanding local ecosystem health and land and water use impacts on it;</i> <i>b) enabling kaitiaki and resource users' responsibilities for sustainable freshwater management to be met;</i> <i>c) assessing effectiveness of mitigation measures adopted to meet freshwater quality objectives;</i> <i>d) understanding state and trends of local water quality;</i> <i>e) adding to the regional knowledge about environmental state and trends;</i> <p><i>by;</i></p> <ul style="list-style-type: none"> <i>f) developing protocols and procedures for monitoring appropriate to the purpose of the monitoring;</i> <i>g) providing assistance and advice;</i> <i>h) supporting the provision of monitoring materials;</i> <i>i) collating and reporting on data as appropriate.</i>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
36	Policy 35	24	Support	<p>Ravensdown considers that it is important that Council undertakes appropriately focussed monitoring. For this reason, Ravensdown generally considers that the nature of the monitoring outlined in this policy reflects many of the considerations of importance when determining ecosystem health and mauri of the TANK catchments.</p> <p>While Ravensdown supports this policy, an amendment to part (c) is required to accommodate Ravensdown's requested deletion of Policy 27 (Sub. Ref. 30).</p> <p>In addition, it is considered that part (f) of the policy is not needed as section 79 of the RMA specifies when regional (and district) plans are to be reviewed.</p> <p>Finally, minor amendments are proposed to reflect that the PPC9 does not just contain water quality provisions and for the purpose of terminology consistency.</p>	<p>Amend Policy 35 as follows:</p> <p>The Council will monitor and report on the effectiveness of the TANK water^{quality} management policies and rules, and to assist in making decisions about reviewing or changing this management framework, the Council will:</p> <ol style="list-style-type: none"> continue to monitor instream water quality and review and report on the progress towards and achievement of the <u>freshwater</u> quality objectives in Schedule 26 and according to Objectives 2 and 3 of this Plan in its regular State of the Environment monitoring; monitor and report on the state of riparian land and wetlands, and carry out regular ecosystem habitat assessments, including native fish monitoring and through the application of mātauranga Māori tools and approaches when they are developed; monitor the progress towards the milestones listed in Policy 27, according to timeframes specified in Schedule 28, and collate and report annually on information about; <ol style="list-style-type: none"> the nature and extent of the mitigation measures being adopted to meet water quality and/or quantity outcomes through Catchment Collectives, Industry Programmes and Farm <u>Environment</u> Plans; the establishment of Catchment Collectives and assess progress in

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
					<p>implementing the measures specified in their environment plans;</p> <p>(iii) the preparation of Farm Environment Plans and assess progress in implementing the measures specified in that plan;</p> <p>d) work with Industry Groups to collate information annually on the functioning and success of any Industry Programme in implementing measures specified in the Industry Programme;</p> <p>e) along with the Napier City Council and Hastings District Council, report annually on progress towards the improvement of the stormwater network, including reporting on the preparation of Site Management Plans for activities at risk of contaminating stormwater in urban areas;</p> <p>And</p> <p>f) commence a review of these provisions within ten years of <operative date> in accordance with section 79 of the RMA.</p>
Section 5.10.6 – Policies: Heretaunga Plains Groundwater Levels and Allocation Limits					
Heretaunga Plains Aquifer Management					
37	Policy 36	25	Support in part	Ravensdown's Napier Works, which takes groundwater for use within the site, is located in the Heretaunga Plains Groundwater Management Unit (HPGMU). Therefore, this policy is of potential relevance to Ravensdown. Ravensdown considers that the potential adverse effects associated with groundwater abstraction are appropriately identified	<p>Amend Policy 36 as follows:</p> <p>The Council recognises the actual and potential adverse effects of groundwater abstraction in the Heretaunga Plains Water Management Unit on:</p> <p>a) groundwater levels and aquifer depletion;</p> <p>b) flows in connected surface waterbodies;</p> <p>c) flows of the Ngaruroro River;</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
38	Policy 37	25	Support in part	<p>in parts (a) to (e).</p> <p>In addition, with one exception, the proposed approaches to managing and monitoring adverse effects outlined in parts (f) to (j) also represent an appropriate resource management approach. The exception, or concern, that Ravensdown has in relation to these approaches, is that part (f) of the policy states that new water uses will be avoided, thus inferring prohibited activity status. While restricting such takes may be appropriate, prohibiting them without consideration of the potential effects of the take and potential mitigation measures is not an appropriate resource management approach. Finally, it is considered that part (k) of the policy is not needed as section 79 of the RMA specifies when regional (and district) plans are to be reviewed and there is no need to repeat these legislative provisions.</p>	<p>d) groundwater quality through risks of sea water intrusion and water abstraction;</p> <p>e) tikanga and mātauranga Māori; and will adopt a staged approach to groundwater management that includes;</p> <p>f) avoiding <u>mitigating</u> further adverse effects by not allowing <u>restricting</u> new water use;</p> <p>g) reducing existing levels of water use;</p> <p>h) mitigating the adverse effects of groundwater abstraction on flows in connected water bodies;</p> <p>i) gathering information about actual water use and its effects on stream depletion;</p> <p>j) monitoring the effectiveness of stream flow maintenance and habitat enhancement schemes;</p> <p>k) including plan review directions to assess effectiveness of these measures.</p>
	Policy 37			<p>This policy is relevant to Ravensdown's Napier Works as it is located in the HPGMU and it takes groundwater for use within the site.</p> <p>This policy outlines the framework for the allocation and management of the use of groundwater from the HPGMU. This includes the identification of an allocation limit, which Schedule 31 identifies as being fully allocated to existing users only (i.e., including the Napier Works). Subject to refinement of some elements of the proposal, Ravensdown is generally supportive of the management approach outlined in this policy, including the requirement that when consents are renewed (or reviewed as proposed in</p>	<p>Amend Policy 37 as follows:</p> <p><i>In managing the allocation and use of groundwater in the Heretaunga Plains Water Management Unit, the Council will;</i></p> <p>a) <i>adopt an interim allocation limit of 90 million cubic meters per year based on the actual and reasonable water use prior to 2017;</i></p> <p>b) avoid <u>minimise</u> re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body until there</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
39	Policy 38	25	Oppose	<p>the policy) that an assessment of actual and reasonable use of the water being taken will be required (refer to part (d)(ii) of the policy). However, while supporting this policy, Ravensdown has concerns about some of the wording used. These concerns are as follows:</p> <ul style="list-style-type: none"> - Part (b) of the policy, as notified, identifies that re-allocation of water, when it becomes available, will be avoided until a review of the allocation limit has occurred. The use of the term 'avoid' is problematic as it infers a total prohibition, when in reality re-allocation may represent a sustainable use of an available water resource. In addition, as stated above (i.e., refer to Policy 36 above - Sub. Ref. 37), reference to plan review processes is considered unnecessary; - In part (c), the policy states that new allocations of groundwater will be prevented. Given that water within the allocation may be available (as stated in part (b) of the policy), it is considered that new allocations should be restricted, rather than prevented. <p>The policy reiterates parts of Policy 37 (refer above – Sub. Ref. 38) in terms of the approach to re-allocation of water and on this basis is considered unnecessary. In terms of the timing outlined in this policy, the guidance is also considered unnecessary. For example, when it is time to renew the consent, then the matters currently outlined in this policy will be considered as they will be part of the plan. In terms of the review of consents, section 128(1)(a) of the</p>	<p>has been a review of the relevant allocation limits within this plan;</p> <p>c) manage the Heretaunga Plains Water Management Unit as an over-allocated management unit and prevent restrict any new allocations of groundwater;</p> <p>d) when considering applications in respect of existing consents due for expiry, or when reviewing consents, to;</p> <p>(i) allocate groundwater the basis of the maximum quantity that is able to be abstracted during each year or irrigation season expressed in cubic meters per year;</p> <p>(ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 (except as provided by Policy 50);</p> <p>e) mitigate stream depletion effects on lowland streams by providing for stream flow maintenance and habitat enhancement schemes.</p>
					<p>Delete Policy 38 in its entirety.</p> <p>The Council will restrict the re-allocation of water to holders of permits to take and use water in the Heretaunga Water Management Unit issued before 2 May 2020 and will review permits or allocate water according to the plan policies and rules either:</p> <p>e) upon expiry of the consent; or</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
Flow maintenance					
40	Policy 39	26	Support	<p>RMA requires the reason for such a review to be specified in the consent itself. On this basis, this policy is considered unnecessary and can be deleted.</p> <p>This policy is relevant to Ravensdown's Napier Works as it is located in the HPGMU and it takes groundwater for use within the site.</p> <p>Subject to the implementation of the priority order for cessation of water takes, as outlined in Policy 51 (refer below – Sub. Ref. 46), Ravensdown considers that this policy's aim to ensure that groundwater takes avoid, remedy or mitigate adverse effects on the flow regimes of connected surface waterbodies, including during low flow situations, is appropriate.</p> <p>While supporting the policy, some amendments are requested. In addition to a number of grammatical amendments, it is also considered that consent applicants should be encouraged, rather than enabled, in terms of contributing to stream flow maintenance and habitat enhancement schemes (part (a)(ii) of the policy).</p>	<p>b) in accordance with a review of all applicable permits within ten years of <the operative date>;</p> <p>whichever is the sooner.</p>
Amend Policy 39 as follows:					
<i>When assessing applications to take groundwater in the Heretaunga Plains Water Management Unit the Council will:</i>					
<i>a) either;</i>					
<i>(i) require abstraction to cease when an applicable stream flow maintenance scheme trigger is reached; or</i>					
<i>(ii) enable encourage consent applicants to develop or contribute to stream flow maintenance and habitat enhancement schemes that;</i>					
<i>1. contribute flow to lowland rivers where groundwater abstraction is depleting stream flows; and</i>					
<i>2. improve oxygen levels and reduce water temperatures;</i>					
<i>b) assess the relative the contribution to stream depletion from groundwater takes and require stream depletion to be off-set equitably by consent holders while providing for exceptions for the use of water for essential human health; and</i>					
<i>c) enable permit holders to progressively and collectively, through Water User Collectives,</i>					

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
41	Policy 41	26	Support	<p>This policy is relevant to Ravensdown's Napier Works as it is located in the HPGMU and it takes groundwater for use within the site.</p> <p>The proposed investigation, and potential implementation, of options for remediation of stream depletion effects outlined in this policy is supported. If such options are feasible, it may mean that continued access to water by existing consented water users, such as Ravensdown's Napier Works, may not be unduly restricted.</p>	<p>develop and implement flow maintenance and habitat enhancement schemes as water permits are replaced or reviewed, in the order consistent with water permit expiry dates.</p> <p>Retain Policy 41 as notified.</p>
Groundwater management review					
42	Policy 42	27	Oppose	<p>This proposed policy outlines matters to consider during future plan reviews. While this may be of assistance for resource users, it is considered that the policy is not needed and should be deleted. The requirement to review plans under the RMA every ten years is stated in section 79 of the RMA. In addition, the scope of any reviews undertaken in the future will not and should not be constrained by existing provisions of plans, such as this policy.</p>	<p>Delete Policy 42 in its entirety.</p> <p>After water has been re-allocated and consents reviewed in accordance with Policies 36–38, the Council will commence a review of these provisions within ten years of <operative date> in accordance with Section 79 of the RMA and will determine:</p> <p>a) the amount of water allocated in relation to the interim allocation limit;</p> <p>b) the total annual metered groundwater use for the Herefounga Plains Water Management Unit during the ten years prior to the time of review;</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
					<p>e) if any changes in the relationship between groundwater abstraction and the flows of rivers and groundwater levels have occurred;</p> <p>d) the extent of any stream flow maintenance and habitat enhancement schemes including in relation to;</p> <p>(i) the length of stream subject to flow maintenance;</p> <p>(ii) the extent of habitat enhancement including length of riparian margin improvements, and new or improved wetlands;</p> <p>(ii) the magnitude and duration of stream flow maintenance scheme operation;</p> <p>(iii) trends oxygen and temperature levels in affected streams;</p> <p>And will;</p> <p>e) in relation to plan objectives and adverse effects listed in Policy 36, assess;</p> <p>(i) the effects of the groundwater takes on stream flows;</p> <p>(ii) effectiveness of stream flow maintenance schemes in maintaining water flows and improving water quality;</p> <p>(iii) effectiveness of habitat enhancement including through improved riparian management and wetland creation in meeting freshwater objectives;</p> <p>f) review the appropriateness of the allocation limit in relation to the freshwater objectives;</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPOSE	COMMENTS	RELIEF SOUGHT
Section 5.10.7 – Policies: Surface Water Low Flow Management					
Water Use and Allocation - Efficiency					
43	Policy 46	29	Support	Providing for the allocation of water in a manner that ensures the known security of supply is provided for, along with the need to meet actual and reasonable water use requirements, is appropriate. Ravensdown also considers that providing flexibility for water users (such as the Napier Works), within limits, and collecting data on water use and monitoring water resources is an important component of continuing to allocate water sustainably. For these reasons, this policy is supported.	Retain Policy 46 as notified.
44	Policy 47	29	Support	In the context of Ravensdown's operations at its Napier Works and Severn Street store, and the water use at these sites, Ravensdown supports the requirements to adopt good practice to ensure water is used efficiently, to meter the use of water and to ensure that the site's water systems are appropriately maintained. For these reasons, this policy is supported.	Retain Policy 47 as notified.
Water Allocation – Permit Duration					
45	Policy 49	30	Oppose	It is recognised that providing for a co-ordinated review of resource use activities on a water management zone basis, as proposed by this policy, can be advantageous, particularly for Council. However, from a resource user's perspective, limiting consent durations, can be problematic. The time and costs associated with gaining a resource	Amend Policy 49 as follows: <i>When making decisions about applications for resource consent to take and use water, the Council will set common expiry dates, or include a review condition, for water permits to take water in each water management zone, that enables consistent and efficient management of the</i>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				<p>consent can be significant. Being required to repeat such processes every 15 years, particularly when the effects of an activity are minor or minimal, is unfair. Also, larger businesses, such as Ravensdown's Napier Works, which have invested significantly in their sites, require security that they can continue to operate and certainty in order to be able to make future decisions on investment and/or the nature of operations at such sites. Shorter-term resource consents can affect the certainty and security around the ability to continue to operate or expand.</p> <p>For the above reasons, Ravensdown considers that flexibility should be provided whereby a review condition that aligns with the proposed common expiry dates is also an option.</p>	<p>resource and will set durations that provide a periodic opportunity to review effects of the cumulative water use and to take into account potential effects of changes in:</p> <ul style="list-style-type: none"> a) knowledge about the water bodies; b) over-allocation of water; c) patterns of water use; d) development of new technology; e) climate change effects; f) efficacy of flow enhancement schemes and any riparian margin upgrades; and the Council; g) will impose consent durations of 15 years, or impose review conditions reflecting the same timeframe, according to specified water management unit expiry dates. Future dates for expiry or review of consents within that catchment are every 15 years thereafter. h) will impose a consent duration for municipal supply consistent with the most recent HPUDS and will impose consent review requirements that align with the expiry of all other consents in the applicable management unit; i) may grant consents granted within three years prior to the relevant common catchment expiry date with a duration to align with the second common expiry or review condition date, except where the application is subject to section 8.2.4 of the RRMP.

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
46	Policy 51	31	Support in part	<p>This policy is potentially of relevance to Ravensdown's Napier Works given that it takes groundwater for use within the site.</p> <p>Ravensdown supports the aim of this policy, and considers that the priority order proposed is generally appropriate. This includes ensuring the water that is essential for the continued operation of a business, which includes commercial and industrial activities under the HBRMP definition for 'business', is provided for as a matter of priority.</p> <p>While supporting the policy, amendments to Parts (e), (f) and (g) are proposed to clarify what the activities are that the policy is referring to.</p>	<p>Amend Policy 51 as follows:</p> <p><i>When making water shortage directions under Section 329 of the RMA, occurring when rivers have fallen below minimum flows and water use has decreased or ceased according to permit conditions, the Council will establish and consult with an emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi and MPI, to make decisions about providing for water uses in the following priority order;</i></p> <ul style="list-style-type: none"> <i>a) water for the maintenance of public health;</i> <i>b) water necessary for the maintenance of animal welfare;</i> <i>c) water essential for community well-being and health;</i> <i>d) water essential for survival of horticultural tree crops;</i> <i>e) uses where water uses is subject to required to <u>meet the seasonal demands for of primary production;</u></i> <i>f) uses for which water is essential for the continued operation of a business (commercial or industrial activity) and primary production not provided for by (e) above. ⁷</i> <i>except where water is subject to seasonal demand for primary production or processing.</i>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPOSE	COMMENTS	RELIEF SOUGHT
Over-Allocation					
47	Policy 52	31-32	Support in part	<p>Ravensdown supports the aim of this policy to phase out over-allocation through the range of approaches outlined in this policy.</p> <p>Ravensdown, as a holder of water permits to take groundwater for its Napier Works, agrees with the need, when seeking new resource consents for its site, to demonstrate actual and reasonable need of the water, as well as the requirement to adopt good practice standards and use water efficiently.</p> <p>While generally supporting the policy, amendments are requested to address issues raised in previous submission points. The amendments requested relate to:</p> <ul style="list-style-type: none"> - Parts (a) and (f) of the policy refer to 'preventing' new allocations of water and site to site transfers under specified circumstances. Prevention infers an absolute resource management approach. Ravensdown considers that 'restricting' such activities may be a more appropriate approach. 	<p>The following uses will not be authorised under a water shortage direction:</p> <p>g) use of water not associated with the continued operation of a business (<u>commercial or industrial activity</u>) or community well-being;</p> <p>h) non-essential amenity uses such as private swimming pools and car washing.</p> <p>Takes not subject to any restrictions are:</p> <p>i) firefighting uses;</p> <p>j) non-consumptive uses;</p>
<p>Amend Policy 52 as follows:</p> <p>The Council will phase out over-allocation by;</p> <p>a) preventing <u>restricting</u> any new allocation of water (not including any reallocation in respect of permits issued before 2 May 2020);</p> <p>b) for applications in respect of existing consents due for expiry or when reviewing consents, to;</p> <p>(i) allocate water according to demonstrated actual and reasonable need (except as provided for by Policy 50)</p> <p>(ii) impose conditions that require efficiency gains to be made, including through altering the volume, rate or timing of the take and requesting information to verify efficiency of water use relative to industry good practice standards;</p> <p>c) <u>provide for, within the duration of the consent or review conditions, meeting water efficiency</u></p>					

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				<p>Such an approach will require consideration of the effects of the activity (i.e., it may not result in over-allocation, or the effects may be de minimus) in the context of the policy framework of PPC9.</p> <p>- Given the requested amendments to Policy 49 (Sub. Ref. 45), Ravensdown considers that this policy also needs to be amended to refer to review conditions (as well as the duration of consent).</p>	<p>standards where hardship can be demonstrated;</p> <p>d) <i>reducing the amount of water permitted to be taken without consent, including those provided for by Section 14 (3)(b) of the RMA, except for authorised uses existing before 2 May 2020;</i></p> <p>e) <i>encouraging voluntary reductions, site to site transfers (subject to clause (f)) or promoting water augmentation/harvesting;</i></p> <p>f) prevent <i>restrict site to site transfers of allocated but unused water that does not meet the definition of actual and reasonable use;</i></p> <p>g) <i>enabling and supporting permit holders to develop flexible approaches to management and use of allocatable water within a management zone including through catchment collectives, water user groups, consent or well sharing or global water permits;</i></p> <p>h) <i>enabling and supporting the rostering of water use or reducing the rate of takes in order to avoid water use restrictions at minimum or trigger flows.</i></p>
Section 6.10.1 - Use of Production Land (New Regional Rules)					
48	Rule TANK 1 - Use of Production Land (Permitted Activity)	37	Support in part	The proposed new TANK catchment permitted activity Rule TANK 1 permits all farming activities, on a property greater than 10ha, where the conditions/standards/terms can be met. The conditions include that less than 75% of the land area	Amend permitted activity Rule TANK 1 by changing the land area used within the rule from 10ha, to the land areas that apply to different farming activities under the NES-F (Regulation 8) and to which FFPs will be required by way of regulation in the near future

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				<p>has plantation forest cover and that the property is either part of an Industry Programme or TANK Catchment Collective in accordance with the requirements of Schedules 28 and 30, or has prepared and implemented a FEP (also in accordance with the requirements of Schedules 28 and 30), which is to be provided to Council upon request.</p> <p>As stated above in relation to various policies, Ravensdown supports the proposed introduction of Industry Programmes, Catchment Collectives and FEPs as a means of farming activities assisting with achieving the freshwater quality objectives and other environmental objectives for the TANK catchments. Permitted activity status for farming activities that comply with the rule's conditions, is considered appropriate.</p> <p>It is considered that the above approaches generally reflect resource management approaches that have been, or are being, adopted throughout New Zealand in regional plan provisions for farming activities.</p> <p>However, for the purpose of alignment (as discussed in paragraph 1.10 of this submission), Ravensdown considers that the 10ha starting point for the application of this rule should be changed to reflect the requirements of the NES-F (Regulation 8) and the RMAA (section 217D). Regulation 8 of the NES-F identifies the minimum farm size, for different farming activities, that the NES-F standards for farming activities apply to. Section 271D of the RMAA is similar, except that it relates to the minimum farm sizes which will be required to have a FFP in place. As an overview, the areas are 5ha for horticultural land</p>	(section 271D of the RMAA).

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
49	Rule TANK 2 - Use of Production Land (Controlled Activity)	38	Oppose	<p>use and 20ha for all other farming activities.</p> <p>This proposed new TANK catchment controlled activity Rule TANK 2 provides for farming activities, on a property greater than 10ha, which do not comply with Condition (b) of the permitted activity Rule TANK 1 (i.e., where they are not part of an Industry Programme or Catchment Collective or have a FEP in place).</p> <p>Ravensdown considers that it is appropriate that farming activities that do comply with Condition (b) of the permitted activity rule (Rule TANK 1) should be required to seek resource consents. However, Ravensdown considers that restricted discretionary rather than controlled activity status would be more appropriate, as this would give Council the ability to decline a resource consent where a farmer is not willing to modify practices.</p> <p>In addition, as outlined above in relation to Rule TANK 1 (refer above – Sub. Ref. 48), Ravensdown considers that the minimum farm size that applies to this rule needs to be amended to align with the RMAA and NES-F.</p> <p>Finally, Ravensdown considers that the matters of discretion, given the restricted discretionary activity status being requested, are generally appropriate in the context of such farming activities and the policy framework of PPC9. However, a minor amendment to provide for terminology consistency to Matter of Control/Discretion 1 has been requested.</p>	<p>Amend controlled activity Rule TANK 2 as follows:</p> <ul style="list-style-type: none"> - amend the activity status from controlled to restricted discretionary; - change the land area used within the rule from 10ha, to the land areas that apply to different farming activities under the NES-F (Regulation 8) and to which FFPs will be required by way of regulation in the near future (section 271D of the RMAA); and - amend Matter for Control/Discretion 1 as follows: <ul style="list-style-type: none"> 1. <i>The freshwater water quality objectives and targets in Schedule 26 for ...</i>
50	Rule TANK 5 - Use of Production Land	41	Oppose	<p>Rule TANK 5 puts in place a regulatory framework that seeks to ensure that there is no further deterioration</p>	<p>Delete controlled activity Rule TANK 5 in its entirety.</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
	(Controlled Activity)			<p>of water quality (such as nutrient losses) as a result of changing production land uses. This rule specifically relates to production land which is located within a Catchment Collective, as provided for within PPC9.</p> <p>In recognition of the potential risks associated with such land use change, where the change is to a more intensive (not less intensive) land use, Ravensdown supports regulating such activities.</p> <p>However, it is considered that controlled activity status, particularly in light of the new regulation that applies to farming intensification, until 1 January 2025, under the NES-F (refer to Regulations 15 to 25), is not appropriate. The NES-F provides for agricultural land use intensification as discretionary activities where the permitted activity regulations are not complied with. Given this national direction, Ravensdown considers that this rule should be deleted, and that the change of use of production land, to more intensive land uses, should be regulated by way of a discretionary activity rule (refer to Rule TANK 6 below – Sub. Ref. 51).</p>	
51	Rule TANK 6 - Use of Production Land (Restricted Discretionary Activity)	42	Oppose	<p>Rule TANK 5, puts in place a regulatory framework that seeks to ensure that there is no further deterioration of water quality (such as nutrient losses) as a result of changing production land uses. This rule, as notified, specifically relates to changes in the use of production land that is not provided for by Rule TANK 5 (controlled activity) (i.e., where the change of use occurs outside of an area covered by a Catchment Collective, and where more than 10% of the property or enterprise area is changing).</p> <p>Ravensdown supports regulating such activities to</p>	<p>Amend restricted discretionary activity Rule TANK 6 as follows:</p> <ul style="list-style-type: none"> - amend the rule title as follows: <ul style="list-style-type: none"> <u>Change of Use of Production Land</u> - amend the activity status from restricted discretionary to discretionary; - amend the activity description as follows: <ul style="list-style-type: none"> <u>The changing of a use of production land to a more intensive land use activity on farm properties or farming enterprises ...</u>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				<p>manage the potential risks associated with such land use change, where the change is to a more intensive (not less intensive) land use. However, as discussed above in relation to Rule TANK 5 (Sub. Ref. 50), Ravensdown considers that this rule should be amended so that aligns with the NES-F. This can be achieved by either amending the rule to reflect the NES-F, or deleting the rule and referring to or inserting the relevant NES-F regulations.</p> <p>If the rule is to be retained, other concerns to be addressed within the rule are as follows:</p> <ul style="list-style-type: none"> - The 'activity' is a 'Change of Use of Production Land', not just 'Use of Production Land'. - The rule could be read to apply to all land use change, even if the change was less intensive and/or implemented as a mitigation measure in response to the effects of the use of production land. It is considered that this is not the intent of the rule. To address this issue, it is suggested that the rule should clearly identify that the rule applies to changes to more intensive land uses. 	<ul style="list-style-type: none"> - insert a new 'Conditions/Standards/Terms' that reflect the conditions attached to permitted activity regulations in Part 1, Subpart 2 of the NES-F; and - delete the Matters of Discretion. <p>Or, alternatively, delete this rule and refer to or insert the NES-F regulations (Part 1, Subpart 2 of the NES-F).</p>
Section 6.10.2 – Water – Take and Use (New Regional Rules)					
52	Rule TANK 9 - Groundwater Take – Heretaunga Plains (Restricted Discretionary Activity)	45	Support	<p>This rule will apply to Ravensdown when it seeks to renew its groundwater takes at its Napier Works. Ravensdown considers that restricted discretionary activity status is appropriate.</p> <p>In addition, given the over-allocated status of the Tank catchment's water resources, including the HPGMU from which the Napier Works takes groundwater, the need to seek the amount of water that reflects an actual and reasonable amount of</p>	Retain restricted discretionary activity Rule TANK 9 as notified.

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
53	Rule TANK 11 - Groundwater and Surface water take (low flow) (Discretionary Activity)	49	Support	<p>water is appropriate. In the case of the Napier Works, actual and reasonable use will be driven by the production capacity of the site.</p> <p>In addition, it is considered that the matters of discretion are appropriate.</p> <p>This rule provides for the take of water, in the TANK catchments, where the conditions of Rules TANK 9 or TANK 10 are not complied with.</p> <p>As stated previously, Ravensdown's groundwater takes at its Napier Works are from the HPGMU, as identified in Schedule 31E of PPC9. Ravensdown anticipates that when seeking new resource consents for these groundwater takes, that it will comply with the conditions of Rule TANK 9. Therefore, it is anticipated that this rule will not apply to Ravensdown's operations.</p> <p>Irrespective of this current assessment, should Rule TANK 9 not apply to Ravensdown's operations at its Napier Works, the discretionary activity status of this rule is considered appropriate, as is Condition (a) that identifies that the take is for the continuation of an existing consented take and use. This reflects the allocation status of the Heretaunga Plains as identified in Schedule 31 (i.e., fully allocated to existing uses). For these reasons, this rule is considered appropriate.</p>	Retain discretionary activity Rule TANK 11 as notified.
Section 6.10.3 – Stormwater (New Regional Rules)					
54	Rule TANK 21 – Stormwater activities (Controlled Activity)	54-56	Support	<p>This rule provides for the diversion and discharge of stormwater from stormwater networks managed by a local authority.</p> <p>This rule, in terms of the conditions attached to it, is</p>	<p>Amend controlled activity Rule TANK 21 as follows:</p> <p>Conditions/Standards/Terms</p> <p>a) <i>The diversion and discharge shall not:</i></p>

Attachment A - Submissions on Proposed Plan Change 9 (TANK Catchments) to the
Hawke's Bay Regional Resource Management Plan

Ravensdown Limited (14 August 2020)



SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				<p>relevant to Ravensdown’s Severn Street store (i.e., it is connected to a local authority’s stormwater network). While Ravensdown generally supports the rule, there are issues with the manner in which industrial and trade premises are accommodated within the rule that Ravensdown considers needs to be addressed.</p> <p>Condition (a)(iv) specifies that the network discharge cannot include a diversion or discharge from a site that stores, uses or transfers hazardous substances. Areas serviced by stormwater networks (i.e., developed land areas), will contain a mix of land uses including industrially zoned land which accommodates a range of industrial activities which will store, use or transfer hazardous substances. In this context, it is considered that restriction on such sites should be removed.</p> <p>In addition, it is important to recognise that it may be challenging for such sites to ensure that stormwater discharges do not contain absolutely any hazardous substances. For this reason, the proposed inclusion of conditions requiring Site Specific Stormwater Management Plans, in accordance with Schedule 33 (refer to Sub. Ref. 63 below), from industrial and trade premises, as part of an Integrated Catchment Management Plan is appropriate and therefore supported (Conditions (b)(v) to (vii)).</p> <p>While not specifically identified within this submission point, consistent terminology needs to be applied throughout this rule (i.e., freshwater quality objectives).</p>	<p>... <i>(iv) contain hazardous substances or, be from a site used for the storage, use or transfer of hazardous substances</i> ...</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPOSE	COMMENTS	RELIEF SOUGHT
55	Rule TANK 22 - Stormwater activities (Restricted Discretionary Activity)	57	Support	<p>This rule provides for the discharge of stormwater from industrial or trade premises, subject to several conditions, including where there is no reticulated stormwater network at the boundary (Condition (e)).</p> <p>This rule may therefore apply to Ravensdown's stormwater discharges from its Napier Works when it seeks new resource consents for this aspect of its site operations. Ravensdown considers that the condition attached to this rule, as well as the matters of discretion appropriately reflect the nature of such stormwater activities, the actual and/or potential effects and the management and mitigation measures that can and should be applied to stormwater discharges.</p> <p>While supporting the rule, as noted above in relation to Rule TANK 21 (Sub. Ref. 54), it is important to recognise that it may be challenging for industrial sites, such as the Napier Works, to ensure that stormwater discharges do not contain absolutely any hazardous substances as required by Condition (b)(iv) of this rule.</p>	<p>Retain restricted discretionary activity Rule TANK 22 as notified.</p>
56	Rule TANK 23 - Stormwater activities (Discretionary Activity)	58	Oppose in part	<p>This rule provides for stormwater diversion and discharges not provided for by Rules TANK 19 to TANK 22 as a discretionary activity. Discretionary activity status for such discharges is considered appropriate. Ravensdown oppose the matters for control/discretion listed under this rule. Firstly, as this rule has a discretionary status, it is not considered appropriate to list a matter for control/discretion. In addition, the 'matter for discretion', as proposed, are effectively an advisory note. Finally, under section</p>	<p>Amend discretionary activity Rule TANK 23 as follows:</p> <p>Conditions/Standards/Terms</p> <p><i>The activity does not comply with Rules TANK 19 to TANK 22</i></p> <p>Matters for Control/Discretion</p> <p><i>The Council may at any time, by written notice to the owner or occupier (following a reasonable period of consultation), review a consent in light of new information that has become available or any change in circumstances that has occurred,</i></p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				128 of the RMA, unless a new planning provision triggers a review process (s128(b) to (bb)), or information in an application was inaccurate (s128(c)), a review condition must be included on the consent specifying the purpose of the review. For the above reasons, the 'matters for control/discretion' should be deleted.	and vary any condition of consent as a consequence.
Section 6.3.3 - Vegetation Clearance and Soil Disturbance Activities (Amended HBRRP Rules)					
57	Rule 7 - Vegetation clearance and soil disturbance (Permitted Activity)	64-65	Support in part	PPC9 proposes inserting new conditions into this regional rule, that would mean that vegetation clearance and soil disturbance (cultivation) activities in the TANK catchments within waterbody set backs and/or on steeper land are generally not permitted under this rule, unless it is part of riparian management activities specified in a FEP or Catchment Collective. These restrictions are considered appropriate and are therefore supported. While the conditions are supported, rather than just referring to FEPs and Catchment Collectives, it is considered that the conditions should refer to the full suite of tools provided for by Schedule 30 (i.e., including Industry Programmes).	Retain new Conditions (f) to (i) of Rule 7 as notified, while making the following amendment in Conditions (f)(i) and (i)(i): ... <u>Farm Environment Plan, Catchment Collective Plan or Industry Programme prepared in accordance with Schedule 30.</u>
Schedules (New)					
58	Schedule 27 – Freshwater Quality Objectives	97 - 100	Oppose	This schedule contains longer term freshwater quality objectives that apply beyond 2040. As outlined above in relation to OBJ TANK 6 (refer to Sub. Ref. 4 above), this schedule is not utilised within the policy or regulatory framework of PPC9 (except for OBJ TANK 6). OBJ TANK 6, which Ravensdown requests is deleted, solely identifies that the freshwater quality objectives contained in Schedule 27 will be achieved	Delete Schedule 27 in its entirety. And, as a consequential amendment , all references to Schedule 27 within PPC9.

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
59	Schedule 28 – Priority Catchments	101	Support in part / Oppose in part	<p>through future plan changes. On this basis, Ravensdown considers that this schedule is unnecessary and redundant and therefore should be deleted.</p> <p>In requesting the deletion of this schedule, as outlined above in relation to OBJ TANK 6, Ravensdown acknowledges that Council, as part of its requirements to implement the NPS-FM2020 may set long term attribute states that may reflect the freshwater quality objectives currently contained in Schedule 27. However, Ravensdown considers that the inclusion of long-term attribute states needs to be determined as part of a broader NOF as outlined in Subpart 2 of the NPS-FM 2020. On this basis, it is considered that this schedule does not necessarily reflect such long-term attribute states as envisaged by the NSP-FM 2020.</p>	Amend Schedule 28 by replacing the current content of the schedule with a table or list that clearly identifies the priority catchments, including the timeframes that apply within each catchment.
				<p>Ravensdown supports the identification, and subsequent use of priority catchments as a planning tool to be used to trigger a more focussed regulatory framework to achieve the objectives of PPC9. In this context, the identification of high, medium and low priority catchment, along with associated timeframes for the application of the regulatory framework (i.e., 3, 6 or 9 years after PPC9 becomes operative), are also supported.</p> <p>However, at present, Ravensdown considers that the schedule is not clear in terms of its intent. Also, the schedule does not specifically identify the priority catchments. The identification of the actual priority catchments, and the timeframes that apply to each catchment, should be clearly articulated within this</p>	

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
60	Schedule 29 - Land Use Change	102	Oppose	<p>schedule so that all resource users can understand their obligations. Requiring resource users to interpret the 'water quality issues' identified in the schedule, and associated table, is problematic as it is difficult to interpret, understand and to apply to specific waterbodies. In addition, PPC9 should include key provisions within it, not outside of the plan change itself.</p> <p>It is understood that this schedule, as proposed, is attempting to place a framework around what a change of use of production land is under Rules TANK 5 and TANK 6. Ravensdown considers that there are significant issues with this schedule and that, given amendments sought by Ravensdown to the 'change of use' regulatory framework (refer to Sub. Refs. 4, 50 and 51), the schedule is unnecessary and should be deleted. The amendments being sought by Ravensdown revolve around the need for the land use change provisions of PPC9 to align with the agricultural intensification regulations in the NES-F (refer to Part 1, Subpart 2 of the NES-F). Given the nature of the regulatory framework rules requested by Ravensdown, this schedule is not longer needed and should be deleted.</p> <p>Ravensdown also notes that there are issues associated with this schedule as notified. The issues include, but are not limited to:</p> <ul style="list-style-type: none"> - While Ravensdown's considers that Overseer can have a role to play in RMA regulatory framework, that role should not include the use and reliance of absolute numbers that need to be complied with. 	Delete Schedule 29 in its entirety.

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPOSE	COMMENTS	RELIEF SOUGHT
61	Schedule 30 – Landowner Collective, Industry Programme and Farm Environment Plan	103-108	Support in part	<ul style="list-style-type: none"> - Overseer is continually updated and this means that nitrogen loss numbers for a farm system, even where it does not change, will change. - The nitrogen loss rates included in this schedule are very low, even for sheep and beef farms. <p>As outlined above, in relation to a number PPC9 policies and the 'use of production land' rules, Ravensdown supports the use of Industry Programmes, Catchment Collectives and FEPs for farming activities in the TANK catchments. The schedule outlines the requirements for these plans, and includes, but is not limited to: identifying practices, and associated timeframes, to contribute to meeting freshwater quality objectives; adoption of good (management) practices; and, ensuring that plans are approved and audited.</p> <p>Having reviewed the proposed schedule, Ravensdown considers that the requirements of the schedule generally reflect similar approaches that have been, or are being, adopted throughout New Zealand in regional plan provisions for farming activities. For this reason, this schedule is supported. As outlined above in relation to OBJ TANK 1 (Sub. Ref. 1), in supporting the continued use of the FEP throughout PPC9, Ravensdown acknowledges that Part 9A of the RMAA, and the regulation that is to follow from these provisions of the RMAA, uses the term FFP. A change to this terminology, and the requirements for FEPs under this schedule, is not being requested by Ravensdown as FEPs are a tool currently used nationally, and in the absence of the FFP regulations, it is considered possible that a FFP</p>	Retain Schedule 30 as notified, but make amendments throughout the schedule to ensure that consistent terminology, as used in PPC9, is being used.

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
62	Schedule 31 – Flows, Levels and Allocation Limits	109	Support	<p>could form part of a broader FEP (i.e., section 217F of the RMAA identifies the content requirements for FFP).</p> <p>While supporting this schedule, Ravensdown notes that PPC9 terminology has not been used consistently throughout the schedule. It is considered that this should be rectified.</p> <p>Ravensdown's interest in this schedule is associated with the fact that its Napier Works takes groundwater from the HPGMU.</p> <p>This schedule identifies the minimum flows, flow maintenance trigger and allocation limit for the TANK catchment water management units.</p> <p>The allocation limit for the HPGMU, as stated in this schedule, reflects the total amount allocated to existing consents (prior to 2 May 2020 when PPC9 was notified). As a holder of existing water permits to take groundwater, Ravensdown supports that the fact that its groundwater takes, into the future, are provided for within the allocation limit. Ravensdown also acknowledges that, as a responsible resource user, that when seeking new resource consents for these groundwater takes that it will be required to seek an allocation of water that reflects the site's actual and reasonable anticipated future use.</p>	Retain Schedule 31 as notified.
63	Schedule 33 – Water Permit Expiry Dates	112	Oppose	<p>For the reasons outlined above in relation to Policy 49 (refer to Sub. Ref. 45 above), Ravensdown considers that flexibility should be provided within PPC9 whereby a review condition, that aligns with the common expiry dates, is also an option.</p> <p>In addition, it is noted that Policy 49 of PPC9, not</p>	<p>Amend Schedule 33 as follows:</p> <p><i>Refer to Policy 45 49 and Rules TANK 9 - 11. The Council will consider the following Schedule when determining the duration of any permit, or the inclusion of a review condition reflecting the same timeframe, to take and use water.</i></p>

Attachment A - Submissions on Proposed Plan Change 9 (TANK Catchments) to the

Hawke's Bay Regional Resource Management Plan

Ravensdown Limited (14 August 2020)

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
64	Schedule 34 – Urban Site Specific Stormwater Management Plan	113	Support in part	<p>Policy 45, as currently referred to in the schedule, relates to water permit expiry dates.</p> <p>Ravensdown supports the use of stormwater management plans, as outlined in Rules TANK 21 to TANK 23, including the requirement for industrial and trade premises, such as Ravensdown’s Napier Works, to prepare and implement such plans. It is considered that the minimum requirements for these plans, as outlined in the schedule, are appropriate.</p> <p>While supporting the requirement for these plans, it is considered that the reference to ‘urban’ should be removed from the stormwater plan name. This is principally as the requirement to prepare such plans, under the PPC9 stormwater rules, does not solely apply to urban environments. For example, Rule TANK 22 applies to discharges from industrial or trade premises, subject to a number of conditions, including that a reticulated stormwater network is not available at the property boundary. This infers that premises that are seeking resource consents under this rule, are outside of urban environments. It is noted that Condition (a) of Rule TANK 22 requires a</p>	<p><i>Where appropriate, the duration of the consent and/or the review condition will be consistent with the next common expiry date for the relevant water management as shown in this Schedule. If an application is made up to three years before the next due date for the relevant zone, the Council may issue the permit for the following expiry date or include a review condition reflecting the same timeframe.</i></p> <p><i>For applications in an area for which no expiry date is specified, the duration of the consent will be a matter for Council’s discretion.</i></p> <p>Amend Schedule 34 by amending references to all ‘Urban Site Specific Stormwater Management Plan’ as follows: Urban-Site Specific Stormwater Management Plan</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
65	Schedule 35 – Source Protection for Drinking Water Supplies	119-121	Support in part	<p>plan, in accordance with this schedule, to be included as part of the resource consent application.</p> <p>Ravensdown’s Napier Works is located in the proposed Awototo Water Source Protection Zone (Map 2 – Source Protection Zones, which is not a planning maps).</p> <p>As outlined above in relation OBJ TANK 9 and Policy 6 (Sub. Refs. 6 and 19), Ravensdown considers that it is important that the extent of the Source Protection Zone reflects the area required to protect the Napier drinking water supply. Ravensdown considers that if the extent of the zone is larger than what is required to achieve the purpose of the zone, then a range of activities of appropriately located activities (i.e., activities in Industrial Zones), including the Napier Works, may be unnecessarily constrained by the presence of the Source Protection Zone.</p> <p>Given the above potential issue, it is noted that the section 32 Report (p.252 of the section 32 Report) states that the Source Protection Zones for Napier’s water supply is provisional, and that the modelling work to appropriately define the extent of the zone may be completed in time to enable a technical submission on PC9. If this is not the case, then the section 32 Report also identifies that the extent of the Source Protection Zones will be refined as new information comes to hand, as anticipated and provided for by this schedule (p.253 of the section 32 Report). Given these issues, Ravensdown requests that the extent of the zone is appropriately identified on the maps, even though they are not planning maps, based on relevant technical information and in</p>	<p>Retain Schedule 35 as notified, including the reference to the “Registered Drinking Water Supply Protection Zone map layers on the HBRC website”, And, amend this ‘map layer’ reference, and all associated references, by clearly stating that the maps are ‘not planning maps’.</p>

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPOSE	COMMENTS	RELIEF SOUGHT
Chapter 9 – Glossary of Terms Used					
66	Farm Environment Plan	126	Support	<p>PPC9 defines FEP as: <i>means a plan that has been prepared in accordance with the requirements of Schedule 30C by a person with the professional qualifications necessary to prepare such a plan which is implemented by a landowner or on behalf of a landowner</i></p> <p>Ravensdown considers that FEPs should be prepared by a person with appropriate professional qualifications. It is also important that FEPs are implemented in order to achieve the outcomes being sought by PPC9.</p> <p>In supporting this definition, Ravensdown recognises that with the introduction of the FFP regulations, sometime in the next 12-months or so, this definition, and Schedule 30C of PPC may need to be revisited.</p>	Retain the definition of 'Farm Environment Plan' as notified.
Other TANK Maps – Source Protection Zones (Not Planning Maps)					
67	Map 2 – Source Protection Zone	-	Oppose	<p>Ravensdown's Napier Works is located in the proposed Awototo Water Source Protection Zone (Map 2 – Source Protection Zones). Therefore, while the proposed map is not a planning map, the map is considered to have potential implications for Ravensdown's Napier Works given the objectives, policies and rules contained in PPC9 that refer to the Source Protection Zones (i.e., the map identifies the current proposed extent of the drinking water</p>	Amend Map 2 to reflect the extent of the Awototo Water Source Protection Zone required to manage the potential risks to the Napier drinking water supply.

SUB. REF.	HBRRP PPC9 PROVISION	PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				<p>protection zone as described in Schedule 35 – refer to Sub. Ref. 65 above).</p> <p>As outlined above in relation OBJ TANK 9 and Policy 6 (Sub. Refs. 6 and 19), Ravensdown considers that it is important that the extent of the Source Protection Zone reflects the area required to protect the Napier drinking water supply. Ravensdown considers that if the extent of the zone is larger than what is required to achieve the purpose of the zone, then a range of activities of appropriately located activities (i.e., activities in Industrial Zones), including the Napier Works, may be unnecessarily constrained by the presence of the Source Protection Zone.</p> <p>Given the above potential issue, it is noted that the section 32 Report (p.252 of the section 32 Report) states that the Source Protection Zones for Napier’s water supply is provisional, and that the modelling work to appropriately define the extent of the zone may be completed in time to enable a technical submission on PC9. If this is not the case, then the section 32 Report also identifies that the extent of the Source Protection Zones will be refined as new information comes to hand, as anticipated and provided for by Schedule 35 (Sub. Ref. 65 above) (p.253 of the section 32 Report). Given these issues, Ravensdown requests that the extent of the zone is appropriately identified on the maps, even though they are not planning maps, based on relevant technical information and in accordance with the objective and policies of PPC9.</p>	

**Submission on Proposed Plan Change 9 - TANK plan
To the Hawke's Bay Regional Resource Management Plan
Present to Clause 6 of the First Schedule, Resource Management Act 1991**

To:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

Email:

eTANK@hbrc.govt.nz

Name of submitter:

Te Hira Henderson

Tribal identity:

Waipatu te marae
Heretaunga te whare
Kahuranaki te maunga
Ngaruroro te awa
Ngati Hori, Ngati Hawea, Ngati Hinemoa nga hapu
Ngati Kahungunu te iwi
Ara Takitimu te waka
Tamatea Arkinui te tangata.

Address

405 Farndon Rd RD2
Pakowhai
Hastings

Contact person:

Te Hira Henderson
tehira1@icloud.com
021 323-563

1. This submission is on the proposed TANK plan change, Plan Change 9.
2. My submission relates to provisions of the proposed plan relating to:
Water - its quality, quantity, use, pollution, discharge use, its transgression of Tapu.
3. My submission opposes the provisions in Plan Change 9 relating to these matters.

4. My submission:

Water quality. There is no water quality.

The distinctive characteristic condition of quality water does not pertain to the river and the rivers I belong to, as it once did.

I was born of river hapu, settled on the river banks for sustenance of health, social welfare, education, transport, food supply, cultural practises, cultural purposes and religious purposes, all that was necessary for my sustenance from my birth to young adulthood with my family, my hapu and iwi.

Today that is an impossibility. To do so today would be quietus, exemplified by the extinction of river life from the rivers and estuaries. As such all that I grew up with is impossible for me, my children and mokopuna.

Undisturbed possession of taonga written in Te Tiriti is code for extinguishment of taonga. Such was the argument from William Colenso, the first Pakeha with his wife and daughter to settle in Hawkes Bay, against Maori signing Te Tiriti. He predicted this.

Today the non quality of these waterways result in carrying a drastically declined living aquatic river life of ill health with some, as mentioned above, such as species of whitebait, koura, and flounder amongst others befouled into extinction. Some living whitebait are green in their colour, eels also discoloured of the same nature. These signs of ill health signal no water quality.

Today from my Pakowhai residence a view of low tide reveals a carpet of green weed surfacing above the low tide water line. It stretches the complete width of the river with a thickness masking the river water itself from view with all air and light masked from the water itself. This suffocation stretching up the Karamu, and also in the opposite direction toward the settlement of Clive. The waterways I knew as a child have declined to the point of needing urgent revitalisation, with some of the waterways I knew as a child having declined to the point of extinction. This signals no water quality.

The river bed is polluted mud. All pollution flows into the river and flows past my residence with others. Some pollution is discharged directly into the river. It smells foul of pollution. This examples no water quality.

The use of water and its quantity is excessive. My bore now has little water pressure and at times with no water flow at all. It is common throughout my tribal lands.

I challenge all opposed to my submission to drink from it directly, to feed their their children from it and use it for the purpose of cooking their meals. I use the word challenge specifically as it is the ultimatum for my life, or death, as there is no water quality.

5.. Relief sought:

I seek relief from these matters by stopping all proposal plans, and only immediately to stop the flow out, extremely excessive to what flows in.

6. Reason.

Lack of common sense and mismanagement by plundering of taonga, water.

In my life time I have witnessed all water use extorted and plundered beyond sustainability in excess. It would be wise to stop first and foremost to recalibrate.

Equal equity must be given to Te Tiriti in all decisions regarding water.

Water is a taonga tapu, not a commodity for plunder.

The reason for this negative practice has compounded negatively by osmosis since Donald McClean was given the title of 'Extinguisher of Native Title' by George Grey in the 1860s permeated by the 1960 Hunn Report reporting I would be extinguished into extinction. Allowing for this, this report was the basis for Maori Affairs policy in the 1960s which I was permitted to live and grow under until my extinguishment. My family and I were further blocked from any decision making by the Pakeha council in the 1960s cutting access to the river by building a river bank at the end of my paddock, then adding insult by fencing me out

from the river and also from the end of my paddock. All the while changing the course of the river without consideration under Te Tiriti or my existence, or my purpose. All for gain of a water source for commercial purpose. Needless to say William Colenso's predictions have compounded negatively down the generations to me with direct continuity to what I now and still say in 2020. There is no change in attitude.


That is, nothing has changed since the land grab wars to take my decisions, my ownership, my economic base of land and sea. The New Zealand Settlement Act, the Native land Act, the Oyster Act, all Pakeha only legislated confiscation acts of the 1860s designed to take my economic base to build a future for a people other than me. A people from another mother well apart from Papatuanuku. Nothing has changed especially so since my consecration as the living Treaty of Waitangi. I am a Red Coat soldier, I am Ngati Kahungunu, I am Te Tiriti.

As such there is no equity and no ownership in decisions regarding me, Ko Te Ngaruroro ko au, ko au Te Ngaruroro.

7. I wish to speak to my submission on a marae in Heretaunga, and please supply a translator for your own purpose.

Signature

Date



4.08.20 .

Submission on Proposed Plan Change 9 - TANK plan

To the Hawke's Bay Regional Resource Management Plan

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

To:

Hawke's Bay Regional Council

Private Bag 6006 NAPIER

Email:

eTANK@hbrc.govt.nz

Name of submitter:

Ngatai Huata

Tribal identity:

Ko Pa Waipatu Te Marae

Ko Heretaunga Te Whare Tipuna

Ko Hato Matiu Te Whare Karakia

Ko Kahuranaki Te Maunga

Ko Tūtaekuri, Ahuriri, Ngaruroro, Karamū Ngā Awa

Ko Ngāti Hori, Ngāti Hawea, Ngāti Hinemoa ngā Hapū

Ko Te Karanemanema o Te Mata o Rongokao Te Pou-Tiaki

Ko Ngāti Kahungunu Te Iwi

Ko Takitimu Te Waka

Ko Tamatea Arikinui Te Tangata.

Address

805 Norton Road,
 Akina 4122, Hastings
 Te Matau-ā-Maui (Hawke's Bay)
 Aotearoa – NZ
 Ngatai Huata
 E: ngatai.huata@gmail.com

Mobile:

(022)6014959

My Submission on Proposed Plan Change 9 - TANK

To the Hawke's Bay Regional Resource Management Plan

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

To:

Hawke's Bay Regional Council
 Private Bag 6006 NAPIER

Email:

eTANK@hbrc.govt.nz

Name of submitter:

Ngatai Huata

Tribal identity:

Ko Pa Waipatu Te Marae
 Ko Heretaunga Te Whare Tipuna
 Ko Hato Matiu Te Whare Karakia
 Ko Kahuranaki Te Maunga
 Ko Tūtaekuri, Ahuriri, Ngaruroro, Karamū Ngā Awa
 Ko Ngāti Hori, Ngāti Hawea, Ngāti Hinemoa ngā Hapu
 Ko Ngāti Kahungunu Te Iwi
 Ko Takitimu Te Waka
 Ko Tamatea Arikinui Te Tangata.

Address

805 Norton Road,
 Akina 4122, Hastings
 Te Matau-ā-Maui (Hawke's Bay)
 Aotearoa – NZ
 Ngatai Huata
 E: ngatai.huata@gmail.com
 Mobile:
 (022) 6014959

He Kupu Whakataki: This submission lays out my views of the HBRC proposed TANK Plan Change 9, and provisos of the proposed plan.

This I will lay out primarily through sharing the Teachings and Learnings of my Tipuna and ensuing Life's experiences, and continuing Lifetime Rangahau and Wānanga of ...

WAI, WAI-U, WAIRUA, WAIORA, WAITAPU, WAIPUNA, WAIRERE, WAI TAHEKE, TŪMOMO
 WAI me ēra atu māuri o ngā mea o Te Hau Oranga o Te Ao Turoa

He Kaupapa Kupu Kōrero Oranga Wairua:

All Our Relations: Awa, Wai-u, Wairere, Wai moana, Muriwaihou
 Our Rivers, Our Lakes, Our Streams, Our Moana, Our Mountains,

We Are Our Rivers - Our Rivers are Us

Tūtaekuri, Ahuriri, Ngaruroro, Karamū

The Aquifer

Water Life

Water Spirit

Water Soul

He Kaupapa Pūtake Kupu Kōrero Oranga Māuri:

My submission further opposes the provisos in Plan Change 9 relating to these following kaupapa pūtake ...

Water Quality, Water Quantity, Water Usage, Water Pollution, Water Discharge

HBRC Plan Change9

3

Ngatai Huata -Pa Waipatu Marae

All Rights Reserved

14th August 2020

He Kupu Whakakapi:

Summary of the evidence submitted, and proposed resolutions of that summary segues across from other submissions:

- ❖ Pa Waipatu Marae
- ❖ Te Manaaki Taiao
- ❖ Te Rūnanganui o Heretaunga
- ❖ Te Taiwhenua o Heretaunga
- ❖ Ngāti Kahungunu Iwi Inc.

I am Ngāti Kahungunu, I am Takitimu

I am Te Mana Ahua Ake o Te Tiriti o Waitangi

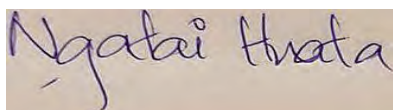
I am He Mana Ahua Ake Wakaputanga o Te Rangatiratanga o Niu Tireni

There is no equity or ownership in decisions regarding *ahau, mātou, tātou*

Ko Ahau Ngā Awa ... Ko Ngā Awa Ko Ahau

I will present my submission at the Pa Waipatu Marae Hearings, and please supply a translator for your own purpose.

Signature:



Date: 14th August 2020

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

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: **NGATAI HUATA** *(required)*

Organisation/Iwi/Hapu:

PA WAIPATU MARAE

NGĀTI HAWEA, NGĀTI HORI, NGĀTI HINEMOA

TE RŪNANGANUI O HERETAUNGA O TE TAIWHENUA O HERETAUNGA

NGĀTI KAHUNGUNU IWI INC

Postal address: *(required)*

PA MAI ON NORTON, 805 NORTON ROAD, AKINA 4122, HASTINGS,

TE MATAU-Ā-MĀUI (HAWKE'S BAY), AOTEAROA - NZ

YES I wish to present my submission within a joint case with the Pa Waipatu Marae submission and other members of Waipatu at the Hearings

Email address: ngatai.huata@gmail.com; msnhuata@gmail.com

Phone number **(022) 6014959**

Contact person and address if different to above: **NGATAI HUATA (as above)**

Trade Competition

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

- adversely affects the environment; and
- does not relate to trade competition or the effects of trade

If others make a similar submission, would you consider

presenting a joint case with them at a hearing?

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

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

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

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 3 July 2020

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

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

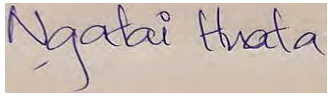
Database Entry Operator:

competition.

Yes / No Please tick the sentence that applies to you:

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

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



Signature:

Date: 14th August 2020

NB: Space for writing submissions is overleaf.

Submission Details

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

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

OPPOSE

Amend

I seek the following decision from the Regional Council: *[Please give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

PLEASE REFER TO ATTACHMENT:

Ngatai Huata Pa Waipatu Marae HBRC Plan Change 9 SUBMISSION

Reason for decision requested:

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

*He Moemoea
Ngātai Huata*

PA WAIPATU MARAE

HBRC Plan Change 9

*Nā Ngātai Huata te waiata kaupapa pūtake o
Ngā Wai o Waiora Wairua Wairere o Waipatu
Hei Whakaoranga
Here-Turi-Kōkā 2020*

**Pa Waipatu, Whakakite, Moemoeā
Rārangahia, He Whāriki,
Mō Ngā Tau Kotahi Mano
E Heke Mai Nei, Mō Ngā Uri Tamariki
Mokopuna, Rangatira,
Ngāi Tamariki , Mokopuna, Uri Rangatira,**

**Ngā Wāhine Pūrotu, o Waipatu
Ka karanga ake ki ngā wahine,
E Ngā Whare Tāngata
Ka puta noa i Tēnei Ao Hurihuri e
Ngā Tamariki, Mokopuna, Waihua
Mō Ngā Uri, Mokopuna, Hei Oranga**

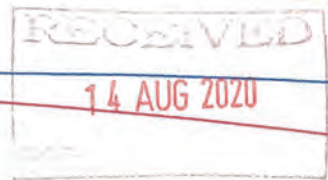
**Te Matapuna, Te Puna, Hei Oranga
Nana i Tango Nana i Tuku
Ko Io Mata Ngaro
E Heke Mai Nei, Mō Ngā Uri Tamariki,
Rangatira, Moemoeā
Te Matapuna, He Waiora He Wairua**

**Mai i te Puna, hei Oranga, he Moemoeā
Ka Pupu ake, Te Puna, o Te Mātauranga
E Pōkarekare ana, Ngā Wai o Wairua, Waipuna (Waiata)
E rere ana, hei Tōmairangi, Te Waiora**

*He Moemoea
Ngātai Huata*

**Ma Te Whānau ... Me Ngā Hapū ... Pa Waipatu,
Rārangahia, Whāriki Oranga, Mō Ngā Tau Kotahi Mano
Ngā Kai-Tiaki, Ngā Wai o Waiora, Pa Waipatu e ...
Whakaoranga Tūtaekuri, Ahuriri ... Ngaruroro ... Karamū e ...**

**Nā te Puna o Waikoko, Te Waiora
Te Muriwaihou Te Tumu Oranga
Te Whānau Hapū o Waipatu,
E Pōkarekare ana, Ngā Wai o Waiora, Waiata, Aroha
O Ngāti Hori, o Ngāti Hāwea, o Ngāti Hinemoa,
E Karanga ake, a mātou hapū - Māuri Ora – Hei Oranga
Ka Karanga Mana Ahua Ake - Tū Mai Ra ... Pa Waipatu**



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

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: (required) Marei Apatu

Organisation/Iwi/Hapu:

Postal address: (required) 49 Watson Rd RDZ
HASTINGS

Email address: mareiapatu@gmail.com

Phone number: 06 8764245

Contact person and address if different to above: -

Trade Competition

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

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

Please tick the sentence that applies to you:

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

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

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

Do you wish to be heard in support of your submission?

Yes / No

If others make a similar submission, would you consider presenting a joint case with them at a hearing?

Yes / No

Signature: [Signature] Date: 14th August 2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 3 July 2020

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

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:


HAWKES BAY
REGIONAL COUNCIL

TE KAUNIHERA A-ROHE O TE MATAU-A-MĀUI

Submission Details

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

Plan provision (eg. objective, policy or rule number) as outlined in the attached submission

I Support Oppose Amend

I seek the following decision from the Regional Council: *[Please give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

Please find attached my response submission to PC9

Reason for decision requested:

As per my response and submission attached

14 August

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON ~~2 JULY~~ 2020



Submission on Proposed Plan Change 9 (the TANK Plan)
To the Hawke's Bay Regional Resource Management Plan
Pursuant to Clause 6 of the First Schedule, Resource Management Act 1991

To: Hawke's Bay Regional Council
 Private Bag 6006
 NAPIER

Email: eTANK@hbrc.govt.nz

Name of submitter(s): Marei Apatu

My tribal identity

Ko Kahuranaki Ruahine Puketapu I āku ngā pae maunga – these are my maunga
Ko Tukituki Ngaruroro Waitio Te Karamū ngā awa – my awa
Ko Waipatu Ōmahu - my marae
Ko Ngāti Hori, Ngāti Hawea, Ngāti Hinemanu Ngai Te Upokoiri – my hapū
Ko Heretaunga haukunui – Heretaunga of life giving dews
Heretaunga ararau – Heretaunga of many arcadian pathways
Heretaunga Haaro Te Kaahu – Heretaunga whose beauty can only be seen through the
eyes of the hawk Te Kaahu
Heretaunga takoto noa – Heretaunga is left to us the humble servants
Heretaunga Ringahora – with open hands of welcome
Ngāti Kahungunu is my Iwi - Takitimu is my waka!

Organisation (if applicable): Makirikiri Holdings

Address for Service: 49 Watson Rd RD2 Hastings

Contact Person: Marei Apatu

Email: Mareiapatu@gmail.com

Phone:

06 8764245 or cell 0272843632

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

The specific provisions of the proposed plan that my submission relates to are those provisions relating to:

- a) Water quality in the Karamū
- b) Weed in the Karamū
- c) Storm-water discharge into the Karamū
- d) Water quantity ground water use
- e) Water quality source protection zones for small communities (papakainga)

3. I *support / oppose* the provisions in Plan Change 9 relating to these matters.

4. My submission points are:

a) **Water quality in the Karamū** – The water in the Karamū is often discoloured and dirty during the majority of the year but in particular summer. We have discontinued fishing (hinaki for tuna) for over 10 years now due to the risk and uncertainty of contaminated water and kai, that has occurred from accidental discharges from Havelock North township, and the Mangateretere drains a lot of mud which remains on the bottom. This is a danger to my mokos when they go down to the river due to soggy mud. The water flow is sluggish and appears unhealthy and smells.

b) **Too much weed in the Karamū** – I have noticed over time a steady build-up of weed growing in the Karamū Stream near Ruahapia Marae, and also at Clive, particularly during the middle of summer. Sometimes the weed smells, and when the river drops there is a lot of this weed left on the riverbed. There is definitely more growth and when cut it ends up downstream at Clive to build up rot and a stink smell. I believe that too much fertiliser is allowed to go into the river.

c) **Storm water discharge into the Karamū via the Ruahapia and Tomoana drains is disgusting and shameful** – The storm water drains are carrying too much visible waste, and discolours the Karamū all throughout the year and stinks. I believe not enough controls are in place. A key issue is that people get a consent to discharge into or pollute the water. At its basic it is private profit at a cost to the public, or private enterprise and business profits at the expense of the environment.

d) **Water quantity ground water use** – The effects on streams and springs around the edges of the Heretaunga Plains aquifer system – decline in stream flows, no water in streams for a major period of the year and reduced ability to use these streams for

recreation, fishing, mahinga kai cultural practises for teaching my mokopuna about their streams / river and springs

e) **Water quality source protection for small communities** – While we acknowledge the regulations relating to Drinking Water Source Protection Zones and the numerical threshold of 500 persons, other small communities, including Māori communities i.e. Waipatu, Omahu, Bridge Pa, Whakatu, Te Hauke should also have an element of protection for water supply sources used for household use, particularly protection from land use and over-abstraction of groundwater for which they have been restricted from having input to resource consent processes.

5. Relief sought:

I seek the following relief from the hearings panel considering these matters on behalf of the Hawke's Bay Regional Council:

- a) I want Plan Change 9 to reduce the amount of mud/sediment and other contaminants coming into the Karamū, and to increase the amount of water left in the awa during the summer so that it gets a good flush out from better flows. I'd like an increase of minimum flows for the Karamū of 10 %.
- b) Change the plan so that less fertilisers are used on the land and less nutrients come into the awa. I want a limit put on how much fertiliser gets used in the Karamū catchment so that the weeds and algae are reduced and the Karamū becomes healthier. At the moment it has a declining mauri. Also leave more water in the Karamū for increased fish habitat so my whānau can collect healthy kai from there again.
- c) I want Plan Change 9 to impose more effective storm water management controls and that discharge consents carry a charge or levy to enable more constant monitoring including cultural monitoring by tangata whenua, as well as council monitoring. That way we can have a far better early warning system in place for the Karamu, to inform affirmative action.
- d) Too many consents are being rolled over, whilst PC9 mentions reducing over allocation, this can only be done when all resource consents to take groundwater are called in to reduce their allocations on a pro rata basis (evenly). We ask for PC9 to enable this most obvious and pragmatic measure to better manage water abstraction and manage adverse effects within sustainable limits.
- e) As a māori landowner and mana whenua my whānau whakapapa connects us to a long tradition to the original inhabitants of Heretaunga spanning a period of 800 to 1000 years back. I am very fortunate to have our papakainga and home established on the whenua that sources our drinking water from a pristine and special well. I want protection to a very special spring and bore on my property from land use and over- abstraction.

Outcome desired; make any consequential changes to Plan Change 9 to give effect to the relief sought through my submission.

6. Reasons:

a) Council has failed to actively protect mana whenua values in our waterways. My whānau hapū and Iwi have cultural and historical connection to Te Karamū awa, the old bed of the Ngaruroro awa (the original names Ngā Ngaru o Ngā Upokororo – Te Awa o te Atua – Ngā Roromoko ki Rangatira) now referred as Te Karamū, was the travel passage of my ancestor Tamatea and Kahungunu as they travelled from Tauranga on their waka arrived at Ahuriri / Te Whanganui A Orotu carried on their journey on toward Te Popo (Roys Hill).

b) I have always considered Te Karamū awa - the former bed of the Ngaruroro - to be a culturally and spiritually significant awa (the lair of the Taniwha Wahaparata and Waipuna) special springs on the awa edges, and on my property these have unique values. I established my home on the highest ground which is less than a 100 metres away from the awa, close to where my ancestors once travelled – how close to this important feature can you get?

c) My grand-parents, uncles and aunties fished for eels in this vicinity, the eels were big and abundant, and were caught near the Oppenheimer Drain at the end of Watson Rd next to my property. I take food scraps down to the awa most days to periodically feed the eels and get a real feel of the area. I take note of the colour of the wai, its clarity and smell and the condition of the surrounding habitat every day. I have witnessed many things i.e. watched on 2 – 3 occasions a Kotuku in flight diving into the awa to snare an eel in its beak then take off in flight, drop the eel and pick it up again. I've recently seen during the covid-19 lockdown, how the fishery in the awa had come alive, with numerous cockabullies' and smelt close to the river edge. This showed me that Te Karamu has the ability to recover if industrial outputs and water abstractions are reduced.

d) We set our own patuna in the awa in the early 1980's until raw sewerage from an incident at Havelock during the mid 1990's entered into the Karamū stream. The smell in the mud was a disgusting pungent odour, culturally offensive. We have not gone back to fish off our patuna. I wish for my children and mokopuna one day to have that re-connection back to their awa. I named my farming business after the ford crossing called Makirikiri – this name came from my Uncle Boy Tomoana who referred the name to me as 'white sands', a place where vibrant springs emerged from the whenua.

e) When weed grows excessively, and too much abstraction occurs simultaneously, this reduces the flow, and culminates in there often being insufficient water left in the awa or stream which puts fish passage at risk. With too much algae, the water being too warm, varieties of habitat suffer and less natural oxygenating occurs.

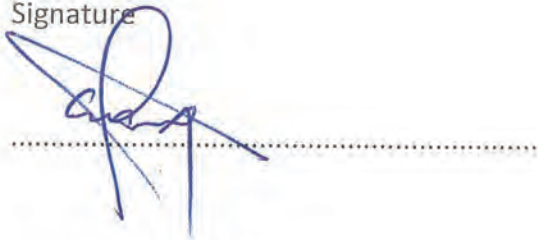
f) The Karamū and other awa i.e. Paritua and Karewarewa need more respect as they are important to us and our hapū have a long association with them as I referred. We can't even go and sit at the edge of the banks to socially recreate or collect our kai. We need processes lead by tangata whenua mana whenua to bring back and enhance the mauri of the Karamū and its tributaries.

g) The plan needs to reduce over-allocations and over-abstractions from groundwater and surface water that contribute to low flows the Karamu is 800% over allocated in terms of the operative plan.

h) Over-allocation and over-abstractions from groundwater puts at risk the water quality (age and residency) used to supply my household and papakainga that warrants protection.

5. I wish to speak to my submission and respectfully seek that submissions made by mana whenua all be heard on a local marae in Heretaunga.

Signature



Date: 12th August 2020

Proposed TANK Plan Change 9

Submitter Details

First name: charmaine **Last name:** Pene

Phone number: 068796383

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

Note to person making submission:

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

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

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

Additional requirements for hearing:

Consultation Document Submissions

Proposed TANK Plan Change 9

- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:

In general, this submission opposes the 'Proposed Plan Change 9'.

The following issues of concern are:

1. Lack of consultation with tangata whenua along the Ngaruroro river; and also with tangata whenua at Papanui Stream Patangata.

P1 Background gives a sense that robust consultation with tangata whenua was conducted. This is not the case.

2. Restrictions on Land use and water activities:

2.1 Gravel extractions- Who do they service?

This activity impacts on the freshwater fish or resources.

There are two National Standards in regards to this type of activity.

2.2 Speed boating activities on the river or lakes.

This type of activity not only disrupts the ecosystem, and the fresh water fish but also pollutes or carries foreign matter from other areas. Good example of this is the Rotorua and Taupo Lakes.

3. The taking of water from the Ngaruroro River.

Water levels in the Ngaruroro River was an all time low. Below Zero. HBRC failed to act before it reached this level.

I highly recommend that the resource consent application for the man-made lake in Maraekakaho and the one between Matapiro and Whanawhana be reviewed.

4. Resource Consent applications for lifestyle Blocks be restricted.

Reason for decision requested:

I would like to speak further to these points and attempt to offer some resolutions for consideration.

Attached Documents

File

No records to display.

Proposed TANK Plan Change 9

Submitter Details

Submission Date: 14/08/2020

First name: Andrew and Tania **Last name:** Kerr

Phone number: 0272414758 (Tania)

I could not

Gain an advantage in trade competition through this submission

I am not

directly affected by an effect of the subject matter of the submission that :

- a. adversely affects the environment, and
- b. does not relate to the trade competition or the effects of trade competitions.

Note to person making submission:

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

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

Additional requirements for hearing:

Consultation Document Submissions

Proposed TANK Plan Change 9

- Support
- Oppose
- Amend

I seek the following decision from the Regional Council:

1. support for Catchment groups, to set up and to operate, and to encourage the, to come together to share ideas and works closely with HBRC
2. support the effective operation of catchment groups to ensure they operate to their full potential
3. delete rule regarding 10% land use change as a trigger for consent
4. Maintain current 20m³ allowance for new water takes
5. Stock exclusion rules should match the new national standards.

Reason for decision requested:

- 1. catchment groups can spend a lot off time and energy during the setup process. We believe this could be streamlined with HBRC assistance.**
- 2. For Catchments groups to reach potential they will need guidance and science. HBRC can assist with funding towards appropriate science to ensure data collected is relevant and of use to drive change (if needed)**
- 3. Farms need to be able to quickly alter land use to respond to market and climate. (think 2020 drought) A 10% land use change rule, (if used to trigger a resource consent application) becomes a costly and limiting factor with little benefit**
- 4. To limit a take to 5m³/day is unworkable for the average farmer, especially as in many cases the current 20 m³ /day limit is insufficient. A basic operation carrying 200 cattle through summer would consume approximately 5-6 m³ on their own without accounting for other livestock classes (e.g. sheep) or domestic use. This issue is particularly relevant as more farms move to exclude stock from water courses**
- 5. National standards (although not perfect) have clearly identified land parcels with rules where stock must be excluded from waterways. This is easier to understand and comply with, than calculating a 15% slope on average in a paddock**

Attached Documents

File
Proposed TANK Plan Change 9

To Hawkes Bay Regional Council

From Kereru Station

Contact person Danny Angland

Email kererumanager@xtra.co.nz

This is a submission on the following proposed policy statement:

Proposed Plan Change 9 to the Hawkes Bay Regional Resources Management Plan (TANK Plan Change)

Introduction

Kereru Station farms 2990ha in the Kereru district. Our catchment area runs into the Poparangi, Ohara and Whanaukini catchments. Kereru Station is predominantly a sheep and beef operation with a mix of flat, rolling and some steep terrain. Kereru Station is governed by two charitable trusts, the A R Nelson and Gwen Malden trusts.

I have managed Kereru Station now for just over 13 years and am submitting on the stations behalf. I have been a member of the reference group which helped shape parts of the tank plan. We also initiated the first catchment group and held a field day in our district for the tank committee.

My submission is:

The specific provisions my submission relates to:	My submission is that:	Why/ reason	Relief Sought
Policy 21 Land use change.	I support in part	This will help farmers to pool resources and ideas, as each catchment is different and will require different solutions.	However given the different size of farms this should be 10% of farm area. Also this should be an option again after every 3 years.
Farm Environmental Plan	I disagree in part	If the farmer is involved in a Catchment group and monitoring is done then this will highlight any issues.	It would then be up to that group to investigate where the issue is and remedy. With the support from the HBRC
Schedule 31 Minimum flows, Maraekakaho, Poukawa, Mangaone and Mungatutu	I Oppose	Unsure as to why these have been added and or increased.	Would like to see the science behind this and should not be set on modelling alone.
Rule 7 Surface Water	I Oppose	Water for domestic and stock should be a permitted activity and not limited to 5 cubic metres for new takes or 20 cubic metres for existing takes.	There are in some instances where two or more farms source their water from one property. This policy does not take this into account. Nor does it take into account number of dwellings or stock units on individual properties.
Rule 11,18	I disagree	This will affect existing farm dams.	
Riparian Land Management	I support in part	We support the planting of riparian strips however in some areas this could and would cause more damage and erosion.	To be accessed case by case. Maybe not fencing in difficult terrain but just planting trees.
Policy 34	Question	We agree but needs to happen and be collaborative.	

Rule Tank 3 Stock access	I Oppose	This will be very restrictive on rotational grazing and more thought is needed	
Policy 49 Consent duration	I strongly oppose	The time frame of 15 years is to short given the capital required to establish irrigation infrastructure.	This needs to be a minimum of 25years (Marlborough district is 30years).
Policy 59 High flows	I oppose in part	The tank plan is well set up to encourage on farm storage and collecting off high flows. However under policy 59 more explanation is needed as the wording implies there will be a commercial benefit to some groups. The Government (past and present) has always believed in not commercialising water.	As to the 20% of high flows allocated to Iwi we agree with but only when they can demonstrate they have the infrastructure to utilize it on their properties. Up until then the 20% should be made available to consent holders, if not then this valuable resource will be wasted.

In regards to all other submissions, we support the proposed plan change as notified, and seek that those provisions be retained as notified.

That any consequential amendments be made to give effect to the relief sought in this submission, or as otherwise necessary to address our concerns.

I am also happy to speak to this submission if needed.

Yours Sincerely

Danny Angland

Hm (06) 8760970

Cell 0272237122

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

Submitters Details:

Name	Big Hill Station Limited
Address for service	Big Hill Station C/- Bill Glazebrook RD1 Hastings 4171
Email address	bighill@farmside.co.nz
Telephone number	068760950
Mobile	0274466882

Introduction

1. Big Hill Station Limited owns Big Hill Station, a hill country pastoral farm of approximately 2,700 hectares located adjacent to the Ruahine Ranges on the Southern Bank of the Ngaruroro River. We farm sheep and cattle, breeding and fattening the progeny for export meat markets.
2. We do condense our cattle into intensive feeding systems from time to time and from place to place within the property.
3. The Whana Whana cable way is anchored onto our property. Approximately 50% of our property drains to the Ngaruroro River above the cableway and 50% below the cableway.
4. Big Hill Station Ltd could not gain an advantage in trade competition through this submission.

Provisions of Plan Change 9 addressed in this submission

5. Big Hill Station either supports or is neutral to aspects of the plan change not referred to in this submission.
6. The table that follows sets out the specific provisions of the proposal that Big Hill Station Ltd's submission relates to. The relief sought includes any consequential amendments to other parts of the plan change arising out of the specific relief requested.

Provisions	Reason for opposition/support	Relief sought
Introduction	Support the acknowledgement that there are water bodies whose actual state is the desired state.	
OBJ4	Support	
OBJ 7	Disagree that land use change needs to improve water quality.	Amend OBJ 7 to align with or be incorporated with OBJ 4 with reference to Schedule 26

OBJ 8	Support with amendments	Amend the objective so that it is clear that improvement or regulation is not required where freshwater quality objectives in Schedule 26 are currently being met as described by OBJ 4
OBJ 11 b)	Disagree with the requirement to enable a healthy trout fishery. Agree with balance of out comes a)-g) and as a consequence contributions to h) and i)	Remove "a healthy trout fishery" from the OBJ 11 b)
OBJ 12	Disagree with the requirement to enable a healthy trout fishery. Agree with balance of out comes a)-g) and as a consequence contributions to h)	Remove "a healthy trout fishery" from the OBJ 12 b)
OBJ 13,14,15	Support	
OBJ 16	Partially agree	Priority c) and d) are combined become priority c) priority e) becomes priority d)
OBJ 17	Partially agree	Amend OBJ TANK 17 a) to read "in consideration of the development of Maori economic, cultural and social well-being'
OBJ 18	Support	
5.10.2 Policy 1, 4 5,10.3 Policy 20 Sediment management	Disagree 1) Incomplete understanding of the relationship and ratios between total sediment and Phosphorus before setting objectives. 2) Two private samples of Papa in the catchment both indicated Phosphorus level was nil (0) 3) The flood control measures protecting the plains may be the single greatest contributing factor to estuarine overload of sediment in the Waitangi Estuary 4) In the Ngaruroro catchment the Crown land in the Ranges has a high proportion of exposed soil without any vegetation and a large total surface area of very steep contour. 5) There is no reference to whether sediment loading is less concentrated where it exits Crown land. 6) Existing water quality and river characteristics is acknowledged by other stakeholders to be of a high	a) No regulatory impositions on sediment control until accurate data sets are available for defined catchments. b) With reference to accurate data sets establish reasonable and separate sediment and phosphorus outcome criteria for land users to abide by.

	<p>standard.</p> <p>7) Existing vegetation covers a large proportion of the banks and sidling's of the lessor tributaries of the Ngaruroro farmland catchment.</p> <p>Land users need clear and accurate data to benchmark their data in regard to sediment when considering their Catchment Collective or Individual Environmental Farm Plans.</p>	
5.10.2 Policy 14	Partially Agree	Amend f) to: indigenous fishery habitat
5.10.3 Policy 20 a)	<p>Strongly Disagree with regulations around cultivation and vegetation clearance. There is too many site specific factors for generic solutions to be applied.</p> <p>It is important that other catchment characteristics are not unnecessarily compromised to remediate problems that don't actually exist for large areas of the catchment</p>	Rely on approaches stated in policies 19, 23, 24, 25, 26 to produce good objective outcomes. Allow time for factual data sets to be compiled.
5.10.3 Policy 19, 23, 24, 25, 26	Strongly Support. These approaches accommodate monitoring to identify and then focus resources on what needs remediation within a collaborative framework that keeps all parties positively looking forward while building knowledge and understanding of positive outcomes without conscripting all land to a costly regulatory regime.	Define enforcement measures in policy 26 and remove policy 20 a).
TANK 5 and 6	Disagree. Consent applications under these Rules considered without any form of notification	<p>For both rules, add the following to 'Matters for Control/Discretion':</p> <p>'If water quality limits and targets in Schedule 26 are being met in the catchment, consent applications in that catchment will be considered without public notification and without the need to obtain written approval of affected persons.'</p> <p>Delete the following from TANK 5:</p> <p>Consent applications will generally be considered without notification and without the</p>

		need to obtain written approval of affected persons.
TANK 7 and TANK 8 - Water for Livestock and Domestic Purposes.	There has not been sufficient (if any) consultation within the community.	<p>That this be removed from Plan change 9 and addressed separately</p> <p>If it is to proceed without further consultation the wording of Rule TANK 7 and Rule TANK 8 must make it clear:</p> <ul style="list-style-type: none"> a) That existing takes reflect the right that livestock have had unlimited access to surface water and with permanent water courses now being statutorily fenced off ensure continuing takes are equal to what that access to permanently running streams has provided for in the past. b) That in livestock having access to those streams and rivers in the past these water takes predate many if not all surface and ground water takes for irrigation purposes. c) That the subdivision of land should not diminish the right of those takes for the purpose of maintaining livestock drinking water of any subsequent titles associated with the land of the original title. d) That any volume not to be exceeded per day is over and above the requirement for livestock drinking water. e) That the 5000 litres per day be associated with holdings up to 2 hectares, with a progressively greater take associated with increased land area. f) Allow for more than one point of take.
Schedule 26, 27	I support the setting of measurable Water Quality Objectives and Targets, the Objectives and Targets should reflect the ability to maximise all areas of relevance.	Allow for changes to less stringent thresholds if data sets indicate it can be achieved while maintaining critical values.
Schedule 26, 27	Disagree with demarcation line between Upper and Lower Ngaruroro River. It dissects the farmland at arbitrary point of catchment. The land use above the	The demarcation describing Upper Ngaruroro River to be where the river is no longer bounded by Crown land on both banks.

	<p>Whana Whana is the same as immediately below the Cableway.</p> <p>Agree with setting measurable objectives but reserve comment for the appropriateness of levels proposed at time of submission being heard</p>	<p>Agree with setting measurable objectives but reserve comment for the appropriateness of levels proposed at time of hearing of submissions</p>
Schedule 29	<p>Disagree</p> <p>1) With the catchment outcome requirements of Schedule 26 to be legally met by land users, property scale TN loading models should be a tool only for land users and catchment collectives to identify issues if Schedule 26 outcomes are not being met, or for land use changes to express how requirements will be met.</p> <p>2) Scrub and tree cover can accommodate Mixed Sheep, Beef and Deer Land use</p>	<p>a) Areas of Scrub and tree cover on a Mixed sheep beef farm be assessed equally as Mixed sheep, Beef and deer land use type</p> <p>b) TN for beef be 22 and TN of Sheep Beef and Deer be 16.</p>

In summary:

7. The rivers in the upper and middle catchments of the Ngaruroro and Tutaekuri are of high quality, and no threat to anyone in their present state. We support the prioritising of areas to be identified for remediation where water quality outcomes do not meet agreed standards.
8. I oppose District/Region wide regulatory measures and rules to remediate issues suggested or alerted to by modelling.
9. Modelling is a useful alert system but issues needs to be verified by actual data retrieved by scientific monitoring prior to the adoption and enforcement of regulations.
10. In the absence of actual data to determine hard facts, decisions and subsequent regulatory directives are vulnerable to political pressure or based on personal opinions and perceptions that may be based on no facts at all, limited facts or facts of selective bias.
11. No matter how well intentioned the chance of decisions being fair and accurate in those circumstances are reduced.
12. Because of the current high quality of our waterways in our pastoral areas, the process can reasonably allow time to collect and analyse the facts to enable correct and fair solutions that maximise all relevant aspects of each catchment.

13. Big Hill Station Limited wishes to be heard in support of this submission. If others make a similar submission, we would consider presenting a joint case with them at the hearing.

14 August 2020



Bill Glazebrook
Big Hill Station

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

Name: Peter Hyslop

Organisation: Strathallan Trust

Postal address: 1732 Matapiro Road

..... RD9, Hastings 4179

Email address:

..... pete.bridget@hyslop.co.nz

Phone number: 0272402595

Introduction: Strathallan Trust grows 20ha grapes in conjunction with Kikowhero Partnership (115ha grapes) at Crownthorpe. The land is flat and drains into the Kikowhero stream on its northern boundary which in turn drains into the Ngaruroro river. Current vineyard was planted from 2002-2005. Supply of irrigation water comes from the Ngaruroro river and two ground water bores on the block.

Attached to this submission is a combined overview of Strathallan Trusts and Kikowhero p/ships water security and concerns brought about by proposed changes.

Submission Summary:

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

Submission Details:

A. General impact on the wine sector

Plan Provision	Concerns and Reasons	Decision Sought
<p>OBJ TANK 7 Requirement to reduce contaminant losses</p>	<p>This Objective, as currently drafted, could be interpreted to require a reduction in contaminant loss including soil loss from all land use types. Some land use types including viticulture on low-slope land already have negligible contaminant losses (& especially soil losses) and would be unable to achieve any reductions.</p>	<p>Amend OBJ TANK 7 to read "...reduces reduceable contaminant loss..."; or similar wording to achieve the outcome sought in this submission.</p>
<p>OBJ TANK 16 Priority order for water allocation</p>	<p>This Objective establishes a priority order for water allocation which ranks primary production on versatile soils ahead of other primary production. Some viticultural production is on soils that are not considered to be versatile (eg. LUC 7 stoney soils) but is the highest and best primary production use of such soils, is highly efficient low water-use & low- contaminant activities that contribute strongly to community socio-economic development and should rank equally with primary production on versatile soils.</p> <p>The Objective also does not make it clear what the ranking of water bottling activities would be. The Hawke's Bay community has clearly indicated that water bottling should not be a priority use of water, so should be amended to explicitly record a lower priority, ranking below all other activities involving the economic use of water.</p>	<p>Amend OBJ TANK 16.c to read "Primary production on versatile and viticultural soils", or similar wording to achieve the outcome sought in this submission.</p> <p>Amend OBJ TANK 16.e to read "Water bottling and other non-commercial end uses", or similar wording to achieve the outcome sought in this submission.</p>
<p>Policy 5.10.3.21 Assessing resource consents in subcatchments exceeding nitrogen</p>	<p>This policy requires Council to have regard to any relevant Industry or Catchment Collective plans in place when assessing resource consents for effect on diffuse discharge of nitrogen. However, as currently drafted, clause 21.d appears to prevent the issuance of any resource consent for any land or water use change that may result in any increased nitrogen loss, where a subcatchment exceeds dissolved nitrogen objectives or targets in Schedule 26.</p>	<p>Amend so that Catchment Collectives and Industry Programmes may manage land use change in accordance with the 2040 timeline for meeting water quality objectives.</p> <p>Amend 21.d to read "subject to Policy 21 a)-c), avoid land use change...." or similar wording to achieve the</p>

<p>objectives or targets</p>	<p>This is unnecessarily constraining of landuse change, undermines the role of community collectives, discriminates heavily against viticulture as a particularly low nitrogen source and fails to recognise the 2040 timeline for meeting water quality objectives.</p>	<p>outcome sought in this submission.</p>
<p>Policy 5.10.6.36 Heretaunga Plains Aquifer Management</p>	<p>This policy requires Council to “adopt a staged approach to groundwater management that includes: f) avoiding further adverse effects by not allowing new water use and g) reducing existing levels of water use ” . The requirement to “not allow new water use” is needlessly restrictive and ostensibly prohibits ANY new [take and] use, including use of new water stored under the high flow allocation provisions of the Plan, as well as potentially the replacement of expiring consents. Similarly, the requirement to “reduced existing levels of water use ” precludes use of new stored water and fails to recognise that the interim allocation limit of 90 million cubic meters is intended to align with previous actual water usage and that the Heretaunga Plains Aquifer is considered to be overallocated based on cumulative consented volume (sometimes referred to as “paper volume”) but not on cumulative consented actual use.</p>	<p>Amend Policy 36.f to read “avoiding further adverse effects by controlling net groundwater use within the interim allocation limit set out in Policy 37” or similar wording to achieve the outcome sought in this submission. Amend Policy 36.g to read “reducing-existing-levels of encouraging water use efficiency.” or similar wording to achieve the outcome sought in this submission.</p>
<p>Policy 5.10.6.37.d(ii) “Actual & Reasonable” water allocation approach</p>	<p>This policy requires Council to “when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; ... (ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 ... ” The intent of this policy is understood to be to provide for replacement consent volumes not exceeding the highest use in the driest year in recent history (generally considered to be the 2012/13 water year), for landuse as at August 2017 (the point at which HBRC publicised the decision to cap groundwater usage at current peak dry-year levels). However, since TANK completed and the Plan was drafted, Hawke’s Bay has experienced a severe drought in 2019/20 water year. Given this recent experience and vastly improved water meter data collection in the most recent years, I consider that the 2019/20 water year data</p>	<p>Amend Policy 37.d(ii) to read “(ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August-2017-30 June 2020 (the end of the 2020 water year).... ” or similar wording to achieve the outcome sought in this submission. Amend the Glossar definition of “Actual and Reasonable to provide that the volume allocated at consent renewals is the lesser of: - the amount calculated by a Hawke’s Bay-specific IRRICALC model at 95% security of supply; - the volume of the expiring consent being</p>

	<p>should be available as a benchmark dry year.</p> <p>More fundamentally, I disagree with the definition of “Actual and Reasonable” and its inequitable and unworkable approach to allocation of water for replacement of consents that existed as at August 2017.</p> <p>Due to the lack of reliable and comprehensive water metering data from 2012/13 and the impact of vine age and redevelopment timing on actual annual vineyard irrigation requirements, practical difficulties in evidencing historical landuse activities and the risk of penalising efficient users at the expense of inefficient ones, I consider that there should be a presumption that the Hawke’s Bay-specific IRRICALC model is the appropriate measure of “Actual and Reasonable” for the purpose of calculating allocations for those replacement consents.</p>	<p>replaced.”, or similar wording to achieve the outcome sought in this submission.</p>
<p>Policy 5.10.6.39 Requirement for flow maintenance (augmentation)</p>	<p>This policy subjects consented water users in the Heretaunga Plains Water Management Unit to a regime which requires them to either participate in stream flow maintenance and habitat enhancement schemes, or cease abstraction once a stream flow maintenance trigger is reached.</p> <p>When this policy was conceived in TANK, it was intended to apply initially to 3 named lowland streams which HBRC science indicated were suitable for a stream flow maintenance scheme. Post-TANK, the Plan has incorporated all streams as well as the mainstem of the Ngaruroro River and I OPPOSE this policy on five main grounds:</p> <ol style="list-style-type: none"> 1. The flow maintenance requirement now proposed, extends far beyond that supported in TANK and the need for such extension has not been justified. 2. In TANK, it was envisaged that HBRC would play a central role in establishing the 3 then-proposed lowland stream augmentation schemes. As HBRC hold all the relevant scientific and technical information required to operationalise such schemes, it is critical that HBRC takes on a central role in their development. 	<p>I understand that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. I support, in principle, jointly-funded collective stream flow maintenance schemes on suitable lowland streams, facilitated by HBRC.</p>

<p>Policy 5.10.7.51 Water Use and Allocation - Priority</p>	<p>3. Large temporal and spatial spread of consent expiries and large consent numbers make it impractical and inequitable to require consent holders to take full responsibility for the development.</p> <p>4. No allowance for an orderly transition to any new stream augmentation has been made. The currently proposed provisions could apply immediately from notification of the Plan Change, including to a very large number of currently expired consents (particularly groundwater takes in the unconfined aquifer), whereas stream augmentation schemes may be reasonably expected to take years to commission, particularly the kind of large-scale schemes that would be required to maintain flows in the Ngaruroro River.</p> <p>5. Consent reallocations under the “Actual and Reasonable” provision of the Plan based on 95% certainty of supply do not provide sufficient water volume to support stream augmentation in dry years and so would decrease the effective certainty of supply of consents.</p>	
<p>Policy 5.10.8.59 High Flow Reservation</p>	<p>This clause provides for an emergency water management group when making water shortage directions under Section 329 of the RMA, with the group including representatives from various sectors of the community but not including the primary sector. As decisions made in consultation with this group relate inter alia to the provision of water essential for the maintenance of animal welfare and survival of horticultural tree crops and to seasonal demand for primary production, the primary sector should also be represented in the group.</p> <p>This policy requires Council to allocate “20% of the total water available at times of high flow in the Ngaruroro or T ūtaekurī River catchments for abstraction, storage and use for” contributions to environmental enhancement and M āori development.</p> <p>This policy originated in an agreement in TANK to reserve 20% of any NEW high flow allocation for Māori development, then underwent significant development and change as Council explored ways to operationalise it and through iwi and RPC consultations.</p>	<p>Amend 5.10.7.51 to read “...emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi affected primary sector groups and MPI, to make decisions...” or similar wording to achieve the outcome sought in this submission.</p>
		<p>Policy 59 needs significant re-write to address the above inconsistencies between the policy as it now stands and the framework agreed in TANK. It should distinguish clearly between water for environmental enhancement and water for M āori development, reduce the proposed M āori development reservation for the Ngaruroro River from 1600L/s to 1200L/s in line with the 20% new-</p>

	<p>The resulting policy has some fundamental differences to that originally agreed in TANK:</p> <ol style="list-style-type: none"> 1. The Policy refers to the Ngaruroro OR Tūtaekuri River catchments” (emphasis added), whereas the intention in TANK was for it to apply to BOTH rivers. This may just be a drafting error. 2. The Policy now covers water for both Māori development and environmental enhancement but Schedule 32 only refers to Māori development. 3. The allocation rate of 1600L/s for the Ngaruroro River in Schedule 32 represents 20% of the total high flow allocation limit for that river, whereas the TANK agreement was for 20% of the new allocation (6000L/s), ie 1200L/s. 4. Policy 60 now embodies the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the allocation. 5. The Policy now requires “allocation” rather than “reservation”, with uncertain implications for private sector interests 	<p>water allocation agreed at TANK and remove the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the high flow allocation.</p>
<p>Rule TANK 5 Land use change</p>	<p>This rule controls land use change to production land use activity over more than 10% of a property or farming enterprise. The rule gives no guidance on what constitutes “change to the production land use activity”, with the result that it is highly uncertain what types of activity are controlled and the rule cannot be practically enforced. For example, is a change from conventional farming to organic farming captured? A change in planting density? Also the rule fails to account for the possibility that a farming enterprise may span multiple water quality management units within a Surface Water Allocation Zone, which may then unintentionally permit land use change beyond 10% of the farming enterprises’ properties within a water quality management unit</p>	<p>The rule needs further development to give more guidance on what changes are intended to be controlled and to control change by farming enterprises within a water quality management unit more appropriately.</p>
<p>Rule TANK 6</p>	<p>This rule restricts change to production land use activity over more than 10% of a</p>	<p>Adjust the Grape kg/ha/yr for all soils to recognise</p>

	<p>property or farming enterprise where there is no Catchment Collective or Industry Programme operative, where modelled land use change effect on total property nitrogen loss exceeds the figures in Table 2 of Schedule 29. Table 2 is populated from per-hectare figures for common primary production systems. The per-hectare figure of 1kg/ha/yr provided for Grapes for Esk/Omahu/Pakipaki Soils is unrealistically low & clearly fails to account for the autumn/winter sheep grazing rotation that commonly occurs on vineyards.</p> <p>Also the Plan Change does not record the version of the models employed to derive the crop loss figures, so is not future-proofed against the effect of future model changes.</p>	<p>winter sheep grazing rotation.</p> <p>Include details of crop model versions used to derive the crop loss figures in Schedule 29 and include a mechanism to address the effects of model and/or version changes to modelled outputs. .</p>
<p>Rule TANK 13 Taking water – high flows</p>	<p>This rule provides for capture, storage and use of surface water at times of high flow. I consider this to be a critical element of the overall Plan Change, providing the opportunity to re-engineer the Heretaunga Plains water use profile in a way that multiple & often conflicting interests and values can be addressed.</p>	<p>Supported, subject to amendments to POL 59 & 60 to address concerns about drafting details relating to the 20% Maori/environment reservation.</p>
<p>Schedule 30 Landowner Collective, Industry Programme and Farm Environment Plan</p>	<p>Schedule 30 sets out the requirements for Farm Environment Plans, Landowner Collectives and Industry Programmes, as a method primarily to address the cumulative effects of landuse. I support this general approach over more prescriptive approaches, as it provides flexibility for landowners to achieve environmental objectives in the most efficient ways.</p> <p>The NZ wine industry has a longstanding and highly respected industry sustainability programme (Sustainable Winegrowing New Zealand - SWNZ), which the industry intends to further develop to achieve equivalency with a Farm Environment Plan. However, as the environmental profile of vineyards is dramatically different from (and in most respects lower than) that of other major primary industries, SWNZ does not comfortably fit within the PC9 framework and it is inefficient and counterproductive to apply an essentially pastoral-farming approach to viticulture.</p> <p>Schedule 30 also does not recognise the recent policy advances made nationally via the government's Essential Freshwater package and in particular the</p>	<p>Schedule 30 should be less prescriptive, more facilitative and more industry risk profile-based in respect of Industry Programmes. The Programme Requirements in Section B of Schedule 30 as they relate to Industry Programmes should be re-cast as a more of a guideline, with an acknowledgement that detailed requirements can vary depending on the Industry's risk and emissions profile as it relates to catchment objectives.</p> <p>Amend all references to Farm Environment Plan in this Plan Change to "freshwater farm plan" and otherwise align the Plan Change requirements to those of the Resource Management Amendment Act 2020 and related S.360 regulations.</p>

	<p>Resource Management Amendment Act 2020, which provides for a national framework of “freshwater farm plans”, to be operationalised via S.360 regulations.</p> <p>I consider that the references to and requirements for a Farm Environment Plan in this Plan Change ought to be aligned with the Resource Management Amendment Act 2020 and related S.360 regulations and that these national requirements should be adopted by the Plan Change, in the interests of national standardisation and longer-term efficiency.</p>	
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B. Specific impact on me and/or my business

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

1. Please find attached document outlining a joint overview of Strathallan Trust and Kikowhero Partnerships water security and the concerns brought about by proposed plan changes.

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

Signature: P M Hyslop Date: 12/8/2020

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

Submitted by: Jamie Wheeler

Date: 14 August 2020

No a whenua tawhiti oku tupuna,
kua noho oku tangata ki Aotearoa,
he pakeha matau.

I noho au ki Papaioa, ka haere au ki Te Kura a Iwi o Ngati Kauwhata,
Katahi ka noho au ki heretaunga inaianei,
Ko Tracy Wheeler toku mama,
Ko Bevin Wheeler toku papa,
Ko Jamie ahau.

I am a seventeen year old girl from Hastings. I want to have a say in what happens to the rivers that I love to swim in in summer. I've been learning about sustainability and kaitiakitanga. I want our Hawke's Bay rivers to be sustainable for me and for future generations because I'm going to live here for the next sixty or seventy years.

I fully support Ngati Kahungunu Iwi Incorporated submission and the submissions from the people of Heretaunga marae and their recommendations to make the TANK plan a more sustainable way forward. I support them because they are the kaitiaki of this rohe, and they are the ones who have lived here the longest and deserve a significant say in what happens. They know what's going on, and what's working and not working. Please strongly consider what they have to say and modify the proposed Plan Change to include their recommendations. Their values, recommendations and view of things should be included because, as I said, they are the kaitiaki of this rohe. This means that they are the people who have a strong connection to the mauri of this land, and the rivers, and feel a cultural responsibility as tangata whenua, to look after this place. Ngati Kahungunu have mana and need to be heard.

Naku noa,
Jamie Wheeler



Submission to HB Regional Council re Proposed Plan Change 9

14/8/2020

Dear Sir/Madam

We write to represent the interests of Awanui Station at Paki Paki and Titiokura Station at Te Pohue. As well, our concerns set out herein cover the economic and social needs of the populace of the Heretaunga Plains, the needs of cropping operators, industries reliant on water for food processing, horticulturalists and viticulturalists etc.

Introduction

Awanui Station is a mixed cropping and pastoral unit of 688ha. Since purchase in 1986 we have developed this property from being primarily a grazing unit with no irrigation, to a productive enterprise with 185ha of cropping land fully irrigated supplying Heinz Watties and McCains with process crops and leasing land to Bostock New Zealand. We support in the most part submissions by Horticulture NZ, Bostocks, Freshmax and Mr Apple, Heinz Watties and Winegrowers who collectively provide thousands of jobs in our region. We wish to be heard in any hearings that may eventuate, both in regard to our own submission, and also in support of concerns raised by the aforementioned.

Titiokura Station may be affected by livestock exclusion regulations over its several waterways

Concerns

Whilst on initial appraisal, the intent of the Plan Changes may seem worthy and well meaning, close analysis and critique reveal matters of very deep concern. Simply put, the Objectives and Policies outlined, demonstrate a marked inclination to favour and grant precedence to those that may have an 'axe to grind', and to those with interests that may compete with current water users on the plains. The Plan is stacked and tilted against the primary producers who underpin our economy. In fact, if accepted and implemented, the Policies and Objectives proposed have the real potential to impose a severe handbrake on the economic development of the region. This recessionary effect cannot be entertained. This is so in any event, but particularly with the Government currently striving to stimulate the economy because of real pressures in other spheres. The policies will in effect, run counter to provisions set out and stated in 'Purpose' of the Resource Management Act Part Two. I know I'm not a lawyer, but unfortunately have quite some experience in RMA matters due to reluctantly being compelled to take legal action to defend our property interests from obstructive parties opposed to sensible land development on three occasions. We had no other option open to us to protect our land.

The RMA states in Part Two - Purpose... 'The purpose of the act is to **promote** the sustainable management of natural and physical resources '. It then goes on to say ... which **enables** the people and communities to **provide** for their social **economic** and cultural wellbeing whilst sustaining the potential of natural and physical resources to meet the **reasonable foreseeable needs of future generations**.

In section 7 - Other Matters, the RMA says:- 'In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to— (b) the efficient **use** and **development** of natural and physical resources.' Please note, 'use' and 'development' are key words implying active utilisation.

With all due respects to HBRC Planners, Plan Change 9 creates serious impediments which fly in the face of the aforementioned RMA directions both actual and implied. Proposed in the plan change are definitive limits to be imposed on regional groundwater abstraction, provisions to cut off and/or drastically reduce water supply to growers, objectives and policies (and indeed decrees) that favour and will empower Maori and other opposition groups to oppose consents for development. We sincerely believe HBRC needs to seriously consider these factors. They are a reality.

The imposition of more red tape in an already strongly regulated sphere, without doubt, will affect investors decisions, the local economy, job prospects and the economic wellbeing of the populace. The RMA does not have such restrictions in mind. Nor does the Government want local economies to be hindered or stifled. Rather, the opposite is urged.

Submissions and Changes Sought

Objectives.

- A separate objective should be introduced that reflects the implications of the RMA 'Purpose of the Act' Part Two as set out heretofore. This objective will demonstrate and underscore HBRC's commitment to recognise and provide for land owners' and leaseholders' rights to operate their properties for profitable use, for the economic wellbeing of themselves and the regional economy without undue or unwarranted obstruction or interference, (of course, within the constraints of the law). The currently proposed objectives in Plan Change 9 are in the main, loaded in dissenters' favour. The general public really expect Councils to be **enablers** and encouragers of development and growth in our region. In this regard, it is sad to often hear of frustrations being expressed by proactive people in our district.
- **Objective 2...**Te Mana o Te Witi and integrated mountain to the sea, ki uta ki tai principles are upheld. The word 'upheld' should be changed to - 'considered in decision making process'. The way this objective is currently worded implies priority or a paramount interest and that such interests **must** be made way for and upheld. There is no mandate whatsoever that Council can take from law that such Maori or other interests are overriding considerations in any decision-making process. Otherwise landowners will be subject to prejudice in any consent application or activity they wish to undertake. Of course, Maori interests must be considered and taken into account with respect that is due. But the Objectives and Policies in the Plan should guard against inbuilt rulings and prejudice against landowners and those seeking to make progress, and not enhance the prospects for unwarranted obstruction against them. Wording in all policies and objectives should be well

balanced in this regard. This should apply to all references to Maori and other interests referred to in the Plan

- **Objective 15 Increase in Wetland Construction.** Wetlands previously constructed by HBRC are now contributing to issues of severe flooding of properties in Paki Paki. If HBRC wish to construct wetlands this should be subject to notified consent with public input. A proviso to protect landowners from such issues needs to be included in the Plan Change. The obligations resting on Councils of the Drainage Act 1908 need to be heeded with respect to hindering drainage and waterflow that is consequent on the construction of wetlands
- **Objective 18 - Add to list of provisions - (f) Regular review of the moratorium on drilling new bores based on scientific and/or circumstantial evidence that may be presented to Council.** Further comments later in submission.
- **5.10.2 Riparian Plantings along Waterways.** The planting of trees and shrubs by waterways should not affect or interfere with drain efficiency or waterflow. Mr Dave Paku, head of HBRC waterway maintenance, has expressed deep concern about this to me. Farmers rely on well maintained and sufficient drainage channels to quickly receive and transport surface water from cropping paddocks, orchards and vineyards. Riparian planting may well limit access by drain clearing machinery or may be an impediment to the widening or deepening of drains that could be required. This needs to be signalled in the Plan. We respectfully suggest Council would be well advised to consider the ramifications of the Drainage Act 1908. Specific requirements and obligations on Councils to provide sufficient drainage contained in this Act were quite recently used to convince Auckland Regional Council to dramatically improve drainage channels that serviced an avocado grower's land north of Auckland. Previously Auckland Council had refused to cooperate, thereby putting the grower's crop at risk.
- **5.10.6 Heretaunga Plains Groundwater Levels and Allocation Limits**
This is a very contested subject. We contend that science does not conclusively prove that the aquifer is at its limits or over allocated. The true extent of the resource is not accurately known. In any event the recent helicopter scanning survey results have not been released to the public and we have been told they will not be available for 18 months. Regardless, decisions have been made to limit groundwater abstraction. A moratorium has been placed on drilling new water wells. A regional limit of 90 million cubic metres of ground water abstraction will be imposed.

The following are just some examples of circumstantial evidence which demonstrate that the aquifer is not over allocated:-

- (a) In recent severe droughts, wells at Awanui Station Paki Paki, which is right on the extreme edge of the aquifer, have remained very productive with no issues extracting water at over 90 litres per second. This is at times when there has been a large draw on groundwater by growers such as Apatu Farms, Ryans etc between us and the Ngaruroro River and also across the entire plains zone.
- (b) A bore sited on the McClay property at Twyford which is used to provide water into the Raupare drain system to maintain stream flow during drought, retained a positive head

during drought periods, free flowing at 80 litres per second. River depletion has not been reliably proven. But this is conclusive evidence of water still pouring up from the aquifer under pressure during times of great irrigation demand and during extremely severe drought (Source Honnor Welldrillers - Greg Honnor who will speak in support of our submission at the hearing)

- (c) There are several springs in Twyford that remain flowing during extreme drought. These springs are surface seepage from the aquifer. If the aquifer was depleted or under extraction pressure to the extent Council says it is, these springs would not continue to flow at these times.
- (d) Wells in the Clive and Awatoto areas maintain strong positive head during drought periods. Water just pours out of the ground with heads of up to 4-5 meters above ground level! This is conclusive proof that the aquifer is not depleted. Clive is the last land to receive aquifer water before the sea. Very substantial abstraction of ground water occurs upstream of that area. And then beyond Clive and Awatoto, the aquifer bubbles up in large volumes out of the seabed in the Hawke Bay Ocean! This is ample and incontrovertible evidence of a massive abundant water resource that has plenty in reserve. Much more research needs to be done before making decisions on limiting water takes. And a key point is, word has it that the recent helicopter scanning found the aquifer to be more extensive than previous science had thought. I understand that as a result more exploratory drilling is to be undertaken by HBRC.
- (e) **Needs of Future Generations.** The RMA directs decision makers to take into account the factor of sustaining the potential of natural and physical resources to meet the foreseeable needs of future generations (RMA part Two -Purpose) There are several thousand hectares of flat land (approx. 6000) on the plains suitable for horticulture that have no (or very little) consented groundwater. Examples are the Fernie and Cooper blocks and several hundred hectares of prime Maori owned land. The well drilling moratorium has had a drastic effect on those properties. These blocks will be needed to fulfil the needs of future generations, providing for the population and its growth by way of jobs and expansion of the local and national economy. The decree by HBRC to cease any further groundwater abstraction will prevent these needs being fulfilled. These land blocks have been significantly devalued as a result. All on the back of unproven science which is clearly subject to challenge.
- (f) **Current Consenting Process for Groundwater Abstraction.** HBRC has systems and processes in place to ensure that over allocation in individual areas on the Heretaunga Plains does not occur. Consider the process that Awanui Station had to go through. Council required our engaging of a professional hydrologist and ground water expert to conduct extensive testing of our groundwater resource. This involved several days of pumping at high volumes whilst conducting head loss tests on 5 neighbouring bores. A comprehensive report (36 pages) was prepared by hydrologist Susan Rabbitte, a renowned expert on the Heretaunga Plains aquifer. Total charges for this environmental assessment and the report including the analysis by HBRC (\$8000) came to more than \$42,000. The effects were assessed as being no more than minor by the consultant and this was confirmed by HBRC's own analytical experts. There proved to be an abundance of water available. Now we understand that our allocation may well be reduced by

HBRC when our consent comes up for renewal! (We ask Council to please understand that this will not be taken lightly by Awanui Station owners. Many other growers will be in the same predicament after complying with such exhaustive consent process with similar effort and cost).

The point we are making is that very adequate process is available to HBRC to ensure that groundwater abstraction is not over done, and this can still be utilised for new bores that may need to be installed to provide for needs now and in the future.

Solutions to Council Concerns

There is a very simple and practical solution to Council concerns. That involves water storage by way of a series of smaller dams sited beside the Ngaruroro River upstream. Water can be released from these dams into the river during times of drought and low flow, which will support river life and will also help replenish the aquifer. I understand some Maori groups are also in support of such action.

As a matter of interest, low flows in the Ngaruroro River are not just a recent occurrence resultant from increased groundwater extraction. Mr Willie Agnew of Agnew Horticulture Ltd told me that his father recalled the river drying up at Fernhill when he was a child (around 100 years ago). This was obviously long before any significant groundwater extraction was undertaken on the Heretaunga Plains as compared to extraction volumes today.

Why should HBRC take precious water allocation from growers and organisations who fund and underpin our local economy? Fix the problems perceived by HBRC once and for all with Government funded water storage schemes. Never has there been a better time to apply for Government grants with Covid 19 creating such economic uncertainty and the stimulus of regional economies being at the forefront of many minds at the Beehive.

As to Council's stream depletion concerns, I have discussed mitigation possibilities with my neighbours at Pakipaki who are large scale growers. We are prepared to look at providing supplementary water to the upper reaches of the Awanui Drain behind Raukawa to mitigate anxieties with respect to the stream drying up during drought and the maintenance of stream life. This alleviation, which will flow right to the Paki Paki township and beyond, should be able to be done regardless of the fact that the consultants report presented to Council with our consent application, demonstrated that our water wells were not causing any stream depletion on account of the more than adequate tight sealing layers identified and noted in bore logs at drilling.

Thankyou for the opportunity to present a submission. We look forward to speaking in relation to this dialogue in the forthcoming hearing.

Your sincerely

Peter Raikes

Awanui Station





New Zealand Defence Force
 Defence Estate and Infrastructure
 Level 6 Reserve Bank
 NZDF Headquarters
 Private Bag 39997
 Wellington 6045

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

Clause 6 of First Schedule, Resource Management Act 1991

To: Hawke's Bay Regional Council
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 Private Bag 6006, Napier 4142
Email: info@hbrc.govt.nz

Submitter: New Zealand Defence Force
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Introduction

The New Zealand Defence Force (NZDF) welcomes the opportunity to submit on the proposed plan change to the Hawke's Bay Regional Resource Management Plan for the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments (herein the 'Proposed TANK Plan Change'). NZDF has outlined the key matters of importance to their operations and requested amendments to the provisions of the Proposed TANK Plan Change to facilitate this, as described below.

NZDF has military interests throughout New Zealand. Within the Hawke's Bay region, NZDF manages the closed Roy's Hill Rifle Range facility and the operational Army Battalion HQ in Napier. NZDF may need larger or additional facilities in the Hawke's Bay region in the future. NZDF may also undertake temporary military training activities (TMTA) in the Hawke's Bay region.

Temporary Military Training Activities

NZDF is undertaking a nationwide project to ensure that regional and district plans recognise and provide for TMTAs. NZDF undertakes TMTAs across New Zealand as part of its function of maintaining the nation's security, maintaining NZDF operational capacity and providing for the wellbeing, health and safety of communities. TMTA are essential in maintaining capability so that NZDF is ready to respond to a wide range of national and international situations, including providing aid and assistance following natural disasters. The need to train in unfamiliar real-world situations means that TMTA may be undertaken

anywhere within a region and as such need to be provided for in regional plan provisions to address their effects.

As the TANK Plan Change relates to water quality and quantity only, the TMTA activities of particular relevance are firefighting training and water treatment.

Firefighting Training

NZDF respond to a range of emergency fire incidents from aircraft, structural and rural rescue and firefighting operations. To maintain capability and skills, personnel must train using realistic scenarios which may be specific training exercises or undertaken as part of a larger scale military exercise to prevent, suppress and extinguish fires. While section 14(3)(e) of the RMA expressly provides for water take/use for firefighting purposes it is imperative that regional plans provide for these activities, or at least not contradict section 14(3)(e).

Water Treatment Activities

NZDF operates deployable (portable) water treatment units as part of its defence functions in situations such as civil defence emergencies. To maintain its capability in operating these units and meet its statutory obligations under the Defence Act 1990, personnel must train with the units under realistic field conditions. This training may be water treatment specific or may involve producing potable water for military personnel as part of a larger scale military exercise.

In this submission, NZDF requests for specific permitted activity rules to be provided in proposed TANK Plan Change to enable these important training activities to take place. Further information on the operation of the portable water treatment units is provided in **Attachment 1** (please note that the information is based on the current model of treatment units and may change in the next year or so).

The submission by NZDF is provided in Table 1 attached – in the ‘relief sought’ column where text is sought to be deleted/removed, this is shown in ~~strike through~~ and where text is sought to be added, this is shown as underlined.

NZDF **could not** gain an advantage in trade competition through this submission.

NZDF **wishes to be heard** in support of this submission.

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



Person authorised to sign
on behalf of New Zealand Defence Force

Date 14/08/2020

Point	Provision	Support/ Oppose	Reasons	Relief Sought
Policies				
1	10	Support	<p>This policy seeks to manage point source discharges through a range of factors that the Council must take into account when considering applications for consent including the degree to which the discharge is of a temporary nature. NZDF supports the management of point source discharges as sought by this policy. Both firefighting training and the use of the water treatment units may result in point source discharges which may or may not include contaminants (such as fire suppressants, chlorine and cleaning solutions etc). However, these activities are of a temporary nature and therefore able to be managed so as to avoid long term effects on water quality.</p> <p>Further information on the discharges which may be associated with the water treatment units operated by NZDF is attached at Attachment 1.</p>	Retain as notified
2	51	Support	<p>Policy 51 sets a priority order for water uses when making shortage directions under Section 329 of the RMA. The policy excludes firefighting and non-consumptive uses from these restrictions. As mentioned in the introduction of the submission, section 14(3)(e) of the RMA expressly provides for water take/use for firefighting purposes for NZDF. Condition (i) of this policy aligns with the RMA and therefore, NZDF supports this policy.</p>	Retain as notified
Rules				
3	Section 6.10.2 Water – Take and Use	Oppose	<p>Section 6.10.2 provides rules relating to water take and use. Proposed Rule TANK 7 only provides for water takes for up to 5m³ per day (among other conditions) as a permitted activity. The current water treatment</p>	<p>NZDF seeks a new permitted activity rule and standards be inserted to provide for temporary take, use and discharge of water for water treatment units. Suggested wording is as</p>

Point	Provision	Support/ Oppose	Reasons	Relief Sought
			<p>units require temporary taking and use of surface water of up to 210m³/day (based on the current model of treatment unit – this may change in the next year or so).</p> <p>Given that temporary takes are not provided for within the proposed rules, NZDF request the inclusion of an additional rule to provide for these specific activities.</p> <p>Further information on the water treatment units operated by NZDF is attached at Attachment 1.</p>	<p>follows:</p> <p><u>The take, use and discharge to land or surface water for use of water treatment units.</u></p> <p>a) <u>The instantaneous take rate must not exceed 5% of the river flow at the point of take at any time.</u></p> <p>b) <u>The take, use and discharge must be conducted by the New Zealand Defence Force.</u></p> <p>c) <u>The take must not occur for more than ten consecutive days.</u></p>
4	Section 6.10.2 Water – Take and Use	Oppose	<p>Proposed Rules TANK 14-17 relate to damming activities however do not provide specific provision for temporary damming activities. As part of training activities, NZDF may need to construct a temporary dam to enable the use of water treatment units. NZDF considers it appropriate to provide for temporary dams to be constructed within watercourses as a permitted activity (subject to conditions), activity while also recognising that it is not appropriate for this activity to occur on the main stems of the following rivers:</p> <ul style="list-style-type: none"> • Ngaruroro River • Taruarau River • Omahaki River • Tūtaekurī River: • Mangaone River • Mangatutu River 	<p>Insert a new rule to provide for temporary dams as a permitted activity, subject to standards, as requested below:</p> <p><u>The construction of a temporary dam and associated take and use of surface water for use of water treatment units.</u></p> <p>a) <u>The activity must be undertaken by the New Zealand Defence Force.</u></p> <p>b) <u>The temporary dam must not intersect groundwater.</u></p> <p>c) <u>The temporary dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure; and</u></p> <p>d) <u>The dam must be constructed to enable dismantling at the completion of each use.</u></p>

Point	Provision	Support/ Oppose	Reasons	Relief Sought
				<p>e) <u>The dam must not be on the mainstem of the following rivers:</u></p> <ul style="list-style-type: none"> (i) <u>Ngaruroro River</u> (ii) <u>Taruarau River</u> (iii) <u>Omahaki River</u> (iv) <u>Tūtaekuri River</u> (v) <u>Mangaone River</u> (vi) <u>Mangatutu River</u>

Attachment 1: Details on the operation of portable water treatment units for military training

NZDF must train in the use of portable water treatment units in order to maintain its capability.

Operation of the treatment units involves the abstraction of surface water (marine or fresh), associated minor bed disturbance if required, and the discharge of process water and unused potable water back into the environment.

The following information provides an overview of the NZDF's training activities using portable water treatment units, and further details can be provided on request.

Overview of the portable water treatments units

A number of different types of water treatment units are currently used by NZDF. In general, the units operate as follows;

- Flexible intake pipe with screen is placed in the suitable water source;
- Raw water is pumped to the unit;
- Water is treated by filtration or reverse osmosis. No chemicals are used in the treatment process, and chlorine is added only if the water is to be stored;
- The water streams are discharged to land or water;
- The units are periodically cleaned using air, water, and/or additives.

Abstraction rates

Water is abstracted at a maximum rate of 16.67 litres/second to a maximum daily volume of 210m³/day.

Abstraction site selection

Depending on the purpose of the training, water can be abstracted from lakes, permanently or intermittently flowing streams, estuaries, or the sea.

The units require a continuous water supply or they may be damaged. Abstraction sites are therefore only selected if the operator is certain that there is sufficient flow at many times greater than pump rate. This limitation ensures that the abstraction does not result in severe reductions in water levels that might impact on aquatic habitat and organisms.

Depending on the site, minor disturbance of the bed might be required to hand dig a small pool to facilitate placement and operation of the pump inlet.

Training may occur on NZDF owned land or by arrangement on other public private land across the country.

Discharges

The discharges from the water treatment units fall under three categories: potable water, concentrate and backwash, and cleaning solutions. The nature of these discharge types and their management procedures are summarised as follows:

- 1 Potable water: chlorinated or unchlorinated clean water. Potable water that is not consumed is discharged either direct to the waterbody or over stable vegetated land. Chlorinated water is left as long as possible exposed to sunlight to encourage deactivation, and the rate of discharge is controlled to ensure the chlorine levels in the receiving water body meet the ANZECC Guidelines for Fresh and Marine Water Quality.
- 2 Concentrate and backwash: raw water with higher concentrations of original, source water, contaminants. Concentrate and backwash is discharged to a sump or to stable vegetated land; it is not discharged direct to the source waterbody.
- 3 Cleaning solutions; the units are periodically washed using cleaning solutions (normally acid based) then rinsed with water, and are disinfected using chlorine based disinfectants to prevent cross-contamination. These operations are generally undertaken at an NZDF camp or base and the cleaning solutions are discharged to the sewer. Where cleaning must be undertaken in the field, the cleaning solutions are discharged to a hand dug sump or stable vegetated land in locations where it will not discharge to surface water, and diluted with rinse water.

Frequency and duration

NZDF generally conducts between two and four water treatment training exercises per year nationwide. When in operation, the water treatment units may be in use 24 hours per day. Exercises will generally last for around 72 hours (3 days), but can last up to three weeks when supporting a larger military training exercise.

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

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: (required) Serene Morrell
 Organisation/Iwi/Hapu: Ngāti Mihiroa, Ngāti Kahungunu
 Postal address: (required) Mihiroa matae, Old main Road RD11, Hastings 4178
 Email address: tuxnposs@gmail.com
 Phone number: 0276479664
 Contact person and address if different to above: _____

Trade Competition

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

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

Please tick the sentence that applies to you:

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

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

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

Do you wish to be heard in support of your submission?

Yes No

If others make a similar submission, would you consider presenting a joint case with them at a hearing?

Yes No

Signature: [Signature]

Date: 14/08/2020

NB. Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
 Private Bag 6006
 NAPIER

or fax to:
 (06) 835-3601

or email to:
 eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 3 July 2020

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

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

Submission Details

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

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

I Support Oppose Amend

I seek the following decision from the Regional Council: *[Please give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

Refer to written submission attached

Reason for decision requested:

Refer to written submission attached.

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



To: Hawkes Bay Regional Council, Private Bag 6006, Napier

Submission on Proposed Plan Change 9 (The TANK Plan)
To the Hawkes Bay Regional Resource Management Plan
Pursuant to Clause 6 of the First Schedule
of the Resource Management Act 1991

Email: eTANK@hbrc.govt.nz

Name of Submitter: Mihiroa Marae, Pakipaki

Address for service: 821 Orchard Rd, Camberley, Hastings 4156

Email: serene.morrell@gmail.com

Contact Person: Serene Morrell

Phone: 0276479664

Ko wai hoki?

Ko Takitimu te waka

Ko Tamatea Arikinui te tangata

Ko Ngāti Miiroa te hapū

Ko Kahuranaki te maunga

Ko Ngāti Kahungunu te iwi

Ko Ngaruroro, ko Tukituki ngā awa

Ko Miiroa te whare

Ko Pukepuke Tangiora te wharekai

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

Pakipaki is a small settlement situated five kilometres south of Hastings. Pakipaki is the derivative of Te Pakipakitanga o Hinetemoa. Hinetemoa is the mokopuna of Ngare Ngare (from whom the Ngāti Ngarengare hapū take their name) and the mother of Te Whatuiapiti (from whom Ngāti Whatuiapiti take their name). Whilst bathing in our local awa, Awanui, Hinetemoa instructed her maid servant to keep a watchful eye out and warn her of anyone approaching so that they did not see her in her nakedness. The servant however did not hear a hunting party returning and by the time she did warn Hinetemoa it was too late; the hunting party was upon them. To hide her nudity and deep embarrassment, Hinetemoa grasped hold of her rāpaki (traditional clothing/skirt) and wrapped it around her shoulders and bosom concealing the upper part of her body. Her nephew, Taharakau, who was with the hunting party, stood in front of her to shield her from view and save her from further embarrassment. The sound of the rāpaki hitting her bare skin was a slapping/clapping noise, hence the name “Te Pakipaki o Hinetemoa”.

The Pakipaki community is tight knit. We have 3 marae - Mihiroa, Taraia and Houngarea, kōhanga reo, Pakipaki kura and two physical churches with many denominations represented for a population upwards of 600. However, those who whakapapa back to Pakipaki number in the thousands.

Mihiroa Marae is located on Old Main Road south of Hastings. Ngāti Mihiroa hapū have ancestral connections to the marae, to the waka Takitimu, the maunga Kahurānaki and the awa Ngaruroro and Tukituki. These are the whenua and the awa that our people use to identify themselves in their pēpeha.

The manga or streams that we have strong cultural associations to are the Awanui, the Kahumoko/Karewarewa and the Turamoe. The Paritua at Raukawa Road Bridge feeds into the Kahumoko/Karewarewa, and at Pakipaki the Kahumoko/Karewarewa meets the Awanui Stream which subsequently converges with the Karamū Stream at the beginning of Te Aute Road. What is now known as the Karamū, and many of its tributaries were once part of the many pathways of the Ngaruroro River, before it was diverted. These streams have different names along their journey, and these reflect the historical and cultural significance to Ngāti Mihiroa.

Our submission is relevant to Plan Change 9. We support in their entirety the Heretaunga Tamatea Settlement Trust, Te Taiwhenua o Heretaunga and Ngāti Kahungunu Iwi submissions and thank them for the many hours advocating for Māori, and for small communities such as ours.

Ngā mihi mo to koutou mahi, mo ngā whakaaro, mo te manaaki ki a matou.

What do we want for our awa through Plan Change 9?

We want the mana of our awa to be returned, so they can be living awa again. We want the water quality in our waterways to be improved and safe for our tamariki and future generations to enjoy, whether it is through swimming like many whānau remember participating in whānau events and occasions around our awa, especially in the summer months, and to be able to participate in our cultural practices through the gathering and sharing of kai from our awa. Kai that is healthy and safe to eat. With proper management of our awa, our taonga, our aquatic species, can be healthy and plentiful again.

Many toi are displayed in our Wharekai showing what types of kai species Pakipaki were lucky to have, such as tuna (eel) and koura (freshwater crayfish). The watercress was abundant, and our waterways were sustainable and clean. What we as hapū, whānau and community are now seeing is the degradation of the mauri of these precious resources, often they are paru. The consequences of the diversion or allocation of the water to go elsewhere from the awa is sad because as kaitiaki we are unable to upkeep the mauri of this taonga and we have had enough of not being heard. Although we entrust the Regional Council to advocate and protect our natural resources, sadly we do not see this happening at all. Protection is not being upheld, partnership is one sided and participation in making decisions on our awa is limited to a select few and we are not privy to decisions or kōrero. We want our voices and the sounds of the awa to be heard.

How we see our connections and associations to the awa?

Our cultural connections are absolute. As Māori whose ancestors and whānau have had our lands taken over successive generations, now we see the water that sustained our community has been taken as well, and what is left is not sufficient to sustain us or to fulfil our collective moemoea, our aspirations for the wai. It has meant that our whānau has not been able to connect to the awa as we would normally. Because it has been polluted, diverted and manipulated we don't know where the stream really is in some parts. If you look at what is happening at the top end with the irrigation raceways, drainage and the water networks, where has our awa gone? We believe if the plan change goes ahead in its notified form, this plan will have adverse effects on us as we will be unable to practice our

cultural practices to the extent that we are entitled too, the Treaty principle of active protection will be breached, and the ability to sustain our aquatic life in the future for our mokopuna will be compromised. We do not want the only view our mokopuna see of what our tuna look like being from inside a book or on the internet.

Changes we seek for Plan Change 9

We ask for the waters around Pakipaki to be managed sustainably through amendments to Plan Change 9 so that:

- For water allocation provisions in the plan – Less water is taken out of our awa, the Kahumoko/Karewarewa, the Turamoe and the Awanui so there is enough left to support our taonga species and provide for their habitat.
- Less water is taken from the aquifers, so more water is left to support our springs that feed into and replenish our awa.
- That irrigation is restricted to certain times of the year only.
- For water quality – that the water quality in our awa is improved so that we can carry out our cultural practices in a safe manner, and the kai we harvest from the wai is safe to eat.
- For water quality – that the water quality is improved so that when we baptise our tamariki and mokopuna, the wai in our puna is clean and healthy, and
- For decision-making around water allocation, that our whānau are able to have a say in processes that allocate water from our awa or from the aquifers within our whenua.

We wish to be heard in support of our submissions, and we wish to present some of our evidence in te reo Maori.

We are not a party or group who could gain a commercial advantage from our submissions to Plan Change 9.

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

Ngā maua,

Serene Morrell

(on behalf of Mihiroa Marae)

Date: 14 August 2020

Attachment: Mihiroa Marae - Nga kōrero o ngā hapū

Donna Keefe

“The wellbeing of our Marae and Hāpu is linked to the health of our waterways physically and spiritually. For Māori, Water possesses Mauri (lifeforce) and links us in our natural world to our spiritual realms through using, for us in Pakipaki our creek to wash our hands, for lifting tapu after being in our urupa. Also, we were able to display our cultural beliefs and values in a physical way, gathering kai from our streams and creeks to manaaki our manuhiri.

Too often nowadays our mokopuna are listening to older generations say “oh remember the time when we used to swim and fish and “Gee I’ll never forget when we were taught about how to karakia before we got kai from our rivers and creek”, which can only be a past tense

thing now, and soon if we don't do anything, no one will remember, so culturally it does have an impact on our cultural practices!

The tuna or long fin eel we used to be able to source in our creek in Pakipaki were abundant and because of the continual mistreatment of our water we are seeing less, and no one fishes there anymore because they are scared they will get sick. The tuna will always be held in very high regard and are culturally significant to Māori, helping our tipuna when they arrived here many years ago to settle in the interior of the land which was covered in native bush. They followed the tuna up the river system when they returned from the ocean enabling our tipuna to live by the river”.

Wai Mauri

Wai Ora

Wai Māori!

Narelle Huata

“Te Pakipakitanga o Hinetemoa is named after an incident that took place with Hinetemoa around our wai and is part of our whakapapa kōrero, and the significance that our wai was so pure, pristine and clean that our tipuna would bathe in our wai.

As a kid growing up in Pakipaki, Aunty Beverly and I alongside our Pakipaki cousins often played in what we called the creek. We would often spend hours finding eels and watch our boy cousins preparing the hīnaki and the next day pulling it up to see the hīnaki full. Cousins William Harrison, Rendell Hape, Patrick Dunn and others would often do this as kids. The boys often tried making canoes to try and paddle up the creek. Aunty Beverly and I would play and swim all the time by the creek. There was a tree at the back of the whare and we would swing off it to go into the water. At that time the water levels were high enough to do that and clean enough for us to swim in. Summers were very hot in Pakipaki and so swimming in the creek was a normal fun activity.

I also remember as a little girl hearing about when our parents and grandparents were younger the creek water was much higher and there used to be a lot of freshwater crayfish and plenty eels in the wai. This is depicted in the wharekai at Mihiroa.

I have a lot of fond memories from living in Pakipaki and growing up playing in the creek. Because we lived by the creek it was literally out the back door, it was very much part of our normal living as kids”.

Ngā mihi,

Narelle

Beverley Te Huia

“One story I remember is dad saying when they would dig the posts for the fences the water would come up thru the ground - meaning the water table was right there”.

Karanema Bartlett

Tena tatou te whanau,

“We the families that lived on Stock Road walked along and lived off the Awanui. Several of our households walked the awa on a daily basis to get to Pakipaki primary school as it was the quickest way to school for 4 to 5 years, our age range would have been 9 to 12 years before moving onto secondary and intermediate school in 1970.

The food:

“We caught and ate tuna, koura (freshwater crayfish) and watercress from the Awanui, collected puha and rere from its banks. Food from the Awanui was abundant. Frogs and cockabullies were also present and in 1969 I can remember spearing carp which was a new experience for all of us as we had never ever seen carp in our Awanui before. I also remember seeing hundreds of eels stranded on the banks of the Awanui after the HBCC had just cleaned out the Awanui with a digger.

I haven't fished the Awanui for 36 years, although there were occasions when I would go down to fish the Awanui during my holidays from boarding school.

I heard that my younger brother had been fishing in the Awanui earlier this year and the numbers of tuna have dropped dramatically, and koura haven't been seen”.

“Given what we know now, what is the water quality of Awanui now and how often is it teste? What were the water testing results over the last 2 years and how does that compare to the last year to today? Until we have this information we don't know if its safe to eat the resources from the Awanui? These are some of the experiences I hold, but I will not jeopardize the safety of my mokopuna until I have that information”.

Kua haumaru ki a tatou.

Karanema Bartlett.

Jason Roberts

“I too remember playing and swimming in the Creek that runs behind Nanna Nans and Koro George's Whare (I think the flow also came from the same creeks of Pakipaki) there too. We and our cousins caught tuna and had seen freshwater crayfish, but these were sometimes too quick to catch. Swimming was another memory and enjoying the Wai as this was super clean and flowing. Trying to make rafts out of fish bins and whatever else was handy - but failing lol.

I also remember our Kuia talking about how clean the wai was in Paki, for swimming, gathering kai (watercress, tuna, koura), and even years before they used to catch pātiki, and freshwater kuku were seen in these wai around Paki. Man, it would've been great times of seeing what was, and not just hearing about it. Please get our wai back to them days of our Kuia ma me Koro ma”.

Ngā mihi

Jason Roberts

Sarah Reo

"I have the fondest memory of watching cuzzies Patrick, Joe and Rendell catch eels. And cousin Rangi Kenrick. And uncle Hemi always feeding them. Being threatened to get thrown in the creek if we were too cheeky to our older cousins and playing spotlight by the creek at night. Beautiful memories that bring a smile and warm my heart. As it reminds me of the days when our nannies were still with us and kept us all safe if we played up too much with our parents. Haha.

Cousin Jill showed me the place and shared the kōrero of Hinetimoa bathing in the spring and Hikawera 1 seeing her as a young woman upon his return from a whawhai. Araa... ka puta ko Whatuiapiti. But like Aunty Relle says, cousin Jill is the best to share that kōrero".

Ngā manaakitanga

Sarah Reo

0275156186

805 Collinge Road
 Mayfair
 HASTINGS
 Email: rahina.huata@gmail.com
 11th August 2020

To: Hawkes Bay Regional Council
Submission to the Proposed Plan Change 9 TANK

Tēnā koutou,

Ko Mangaroa te marae
 Ko Hikawera tuarua te whareniui
 Ko Hinetemoa te wharekai
 Ko Kārewarewa me Paritua ngā waiū
 Ko Takaparātā te taniwha
 Ko Ngāti Rahunga I te Rangi te hapū.

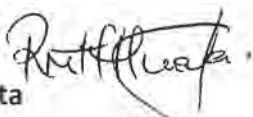
My name is Rahina Huata. Eddie Huata is my father. His mother is Hinemihi Huata. Her mother was Parewanui Marsh. Her mother was Akarana Keriana Tipuna Edwards who had manawhenua over the Mangaroa Whenua.

I am opposed to the Proposed Plan Change 9 TANK because it does not adequately recognise and acknowledge the proprietary interests of ngā hapū o Ngāti Kahungunu ki Heretaunga, Ngāti Kahungunu ki Tamatea and Ngāti Kahungunu ki Ahuriri. The over-allocation of water licences has had a devastating impact on the quantity and quality of the water which flows within all our waterways including the aquifer below the ground.

Your predecessors and yourselves main focus over the last century including today has been based on greed and acquiring wealth for the few at the detriment of the water quality and quantity. As Manawhenua, we have been excluded from having a "real" say on the management and governance of these precious taonga. Until there is proper sharing of power, I think you will continue to mismanage these taonga. Therefore, I do not support this Plan.

Nga mihi,

Rahina Huata



805 Collinge Road
Mayfair
HASTINGS
9th August 2020

To: Hawkes Bay Regional Council
Submission to the Proposed Plan Change 9 TANK
Tēnā koutou,

Ko Mangaroa te marae
Ko Hikawera tuarua te wharenuī
Ko Hinetemoa te wharekai
Ko Kārewarewa me Paritua ngā waiū
Ko Takaparātā te taniwha
Ko Ngāti Rahunga I te Rangi te hapū.

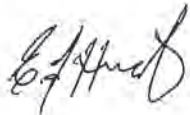
Ko Eddie Huata toku ingoa. Ko Hinemihi toku mama. Ko Parewānui Marsh tōnā māmā. Ko Akarana Keriana Tipuna Edwards tōku tupuna. Mai ki a ia he manawhenua.

I am against your Proposed Plan Change 9 TANK.

The Plan is not in the best interest of my whānau / hapū. Until there is equal sharing of power within our country between the Crown and tangatawhenua, your plan will not work for us.

Nga mihi,

Eddie Huata



102 Willowpark Road South
HASTINGS
Email: whakaha@gmail.com
9th August 2020

To: Hawkes Bay Regional Council
Submission to the Proposed Plan Change 9 TANK
Tēnā koutou,

Ko Mangaroa te marae
Ko Hikawera tuarua te wharenuī
Ko Hinetemoa te wharekai
Ko Kārewarewa me Paritua ngā waiū
Ko Takaparātā te taniwha
Ko Ngāti Rahunga I te Rangī te hapū.

My name is Nathan Whakaaha Huata. Eddie Huata is my father. His mother is Hinemihi Huata. Her mother was Parewanui Marsh. Her mother was Akarana Keriana Tipuna Edwards who had manawhenua over the Mangaroa Whenua.

I am against your Proposed Plan Change 9 TANK. I don't think its in the best interest of our hapu

As a young fulla I would go out eeling with my dad down the Paritua and Karewarewa awa. Those times the water was flowing. Haven't been out for years. I've noticed how there is no water in the Karewarewa now. Not natural at this time of the year. What's going on.

So, no I'm against your plan.

Nga mihi,

Nathan Huata

