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NOTE: Where two people are listed under submitter/contact for service please contact both. Where one person is recorded as CONTACT: [name], please contact that person only.

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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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Liz Munroe

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: 14/8/20

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006

NAPIER

or fax to:

(06) 835-3601

or email to:

eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 14 August 2020

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

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HAWKES BAY
REGIONAL COUNCIL

TE KAUNIHERA A-ROHE O TE MATAU A-MĀUI

**Submission on Hawke's Bay Regional Councils Proposed Plan Change 9
for the Tutaekuri Ahuriri Ngaruroro and Karamu catchments**

Name: Heretaunga Tamatea Settlement Trust

Postal Address: PO Box 2192 Stortford Lodge
Hastings 4156

Email Address:

Phone number: 06 876 506

Contact person and address if different to above

Trade competition: Heretaunga Tamatea
Settlement Trust could not gain
an advantage in trade
competition through this
submission

Heretaunga Tamatea Settlement Trust wish to be heard in support of this submission and will consider joining with others who make submissions on similar issues at Mangaroa marae

Ko Wai Mātau (Who Are We?)

1. Heretaunga Tamatea Settlement Trust (HTST) is the Post Settlement Governance Entity for Heretaunga Tamatea established to receive the redress negotiated by He Toa Takitini in settlement of the historical Treaty grievances of Heretaunga Tamatea against the Crown.

The Crown Apology

2. The Heretaunga Tamatea Deed of Settlement¹ includes a Crown apology to Heretaunga Tamatea for its acts and omissions which breached the Crown's obligations under the Treaty of Waitangi and for the damage that those actions caused to Heretaunga Tamatea. These actions include using secret transactions and other divisive tactics to purchase huge areas of Heretaunga Tamatea land and continuing to negotiate disputed purchases - despite being warned that its actions were creating serious tensions - that ultimately led to war among Heretaunga people in 1857.
3. The Crown also apologised for introducing Native Land Laws that facilitated the further dispossession of the hapū of Heretaunga Tamatea, and for continuing to purchase land until by 1930 the whānau and hapū of Heretaunga Tamatea were virtually landless.
4. The Heretaunga Tamatea Deed of Settlement includes an apology for the damage that the Crown's breaches of the Treaty of Waitangi have caused to generations of Heretaunga Tamatea people, including severely limiting their economic and social opportunities and eroding tribal structures

Heretaunga Tamatea Primary Area of Interest

5. HTST's primary area of interest starts at Te Kauwae-a-Māui and follows the coast north to the mouth of the Tutaekurī River. It then extends westward along the Tutaekurī to the foothills and eastern slopes of the Kaweka and Gwavas Forest and follow's the Ruahine Ranges to the headwaters of the Manawatū River in the south. It crosses eastward to the coast at Te Poroporo and turns northwards up the coast embracing

¹ <https://www.govt.nz/assets/Documents/OTS/Heretaunga-Tamatea/Heretaunga-Tamatea-Deed-of-Settlement.pdf>

Parimāhu to arrive back at Te Kauwae-a-Māui. This primary area of interest can be seen in Map 1 below.



Map 1: Depicts Heretaunga Tamatea primary area of interest

Statutory Acknowledgements and Deeds of Recognition

- 6. Within the TANK catchments the Tutaēkurī, Ngaruroro and Karamu rivers and their tributaries fall within the primary area of interest of HTST. These rivers and their

tributaries, and part of the Kāweka state forest are recognised as Deeds of Recognition² and Statutory Acknowledgements³ in the Heretaunga Tamatea Deed of Settlement which sets out the legislative obligations required of authorities.

7. The Gwava's Conservation Area is recognised within the Heretaunga Tamatea Deed of Settlement as an Overlay Classification⁴ and sits within the TANK catchments. These Overlay classifications, Deeds of Recognition and Statutory Acknowledgments recognise the traditional, historical, cultural and spiritual association of Heretaunga Tamatea with places and sites owned by the Crown within HTST'S primary area of interest. This allows Heretaunga Tamatea and the Crown to protect and enhance the conservation values associated with these sites.
8. Ahuriri sits outside the Heretaunga Tamatea primary area of interest however it has immense significance to the hapū of Heretaunga Tamatea who connect with the Ahuriri catchments through Whakapapa and tribal associations.

Significance of the TANK catchments to Hapū and Marae

9. HTST represents 43 hapū and 23 marae within the Heretaunga Tamatea tribal boundary. Our marae and hapū that reside inside the Ngaruroro and Karamu catchments are mana whenua and as such inherit rights, obligations and authority through the Treaty of Waitangi, traditions, practices, whakapapa and tribal associations. Heretaunga hapū connect to their ancestor's ngā mountains, ngā streams, ngā rivers, nga lakes, nga wetlands and all flora and fauna within the TANK catchments. The taonga tuku ihoa intimately hold great significance to the marae and hapū below who are tasked with protecting it for future generations.

Marae
Rūnganga
Ōmahu

Hapū
Ngāti Hinemanu, Ngāi Te Upokoiri, Ngāti Mahuika
Ngāti Hinemanu, Ngāi Te Upokoiri, Ngāti Honomōkai

² <https://www.govt.nz/assets/Documents/OTS/Heretaunga-Tamatea/Heretaunga-Tamatea-Deed-of-Settlement.pdf> section 5.16-5.17

³ <https://www.govt.nz/assets/Documents/OTS/Heretaunga-Tamatea/Heretaunga-Tamatea-Deed-of-Settlement.pdf> section 5.18-5.22

⁴ <https://www.govt.nz/assets/Documents/OTS/Heretaunga-Tamatea/Heretaunga-Tamatea-Deed-of-Settlement.pdf> section 5.14-5.15

Te Awhina	Ngāti Hinemanu, Ngāi Te Upokoiri, Ngāti Mahuika, Ngāti <u>Honomōkai</u>
Mangaroa	Ngāti Rāhunga, Ngāti Poporo
Korongatā	Ngāti Pōporo
Matahiwi	Ngāti Hawea, Ngāti Hori, Ngāti Hinemoa
Kohupātiki	Ngāti Hori, Ngāti Hinemoa, Ngāti Toaharapaki
Ruahāpia	Ngāti Hāwea
Waipatu	Ngāti Hōri, Ngāti Hawea, Ngāti Hinemoa
Kahurānaki	Ngāi Te Rangikoianake, Ngāi Te Whātuiāpiti
Mihiroa	Ngāti Mihiroa
Taraia	Ngāti Hotoa, Ngāti Ngarengare, Ngāti Papatuamāro
Houngarea	Ngāti Hotoa, Ngāti Ngarengare, Ngāti Papatuamāro, Ngāti Tamaterā

10. HTST’s submission concerns the Hawke’s Bay Regional Council’s PPC9 for the Tutaekurī Ahuriri Ngaruroro and Karamu catchments.
11. HTST acknowledge the substantial work that has gone into the preparation of this plan from the TANK stakeholders and facilitators, HBRC staff and advisors, the regional planning committee and advisors and Mana Whenua.
12. This submission is structured as a table, with the section of the plan outlined in the left-hand column, followed by HTST’s support, opposition or amendments to proposals, the decision HTST’ seeks and HTST’s reason for seeking the decision.
13. HTST recommend amendments to PPC9 as outlined in this submission. Our submission acknowledges that with multiple submissions from numerous parties, the redrafting of PPC9 may re-arrange the objectives and policies. We agree to renumbering of these provisions, where relevant or necessary

Background

14. HTST makes the following comments in relation to the Background:
 - a. Paragraphs 5, 6 & 7: Comments about the input and participation level of Mana Whenua, whilst well intended, are subjective from the author’s viewpoint and therefore open to challenge from Mana Whenua.
 - b. Paragraph 5: Linking the “consensus” element with the “significant influence of Mana Whenua” is too broad and sweeping, suggesting Mana Whenua have, by and

- large, agreed to the recommendations. This is too generic and assumptive to be accurate.
- i. Delete “and the significant influence of Mana Whenua”
- c. Paragraph 6: Again, whilst well intended, the paragraph would be more accurate if it was factual only.
- i. The process was collaborative and Mana Whenua have indeed been involved in and contributed to it.
 - ii. This has enabled better understanding and accounting of Mana Whenua aspirations and values, but this does not necessarily mean the outcome reflects better understanding and accounting of Mana Whenua aspirations and values.
 - iii. The paragraph then goes on to define the Treaty obligations of HBRC. These are described as “ensuring an invitation to be part of a collaborative Council process” and inclusion of the Regional Planning Committee within the decision-making framework. In the same vein, this is presumptive and at best is a unilateral definition of the Treaty obligations. In our view, this section could be reworded to make it clear that Council and Mana Whenua are at the beginning of a journey to better understand, define and set up frameworks for, providing for Treaty of Waitangi obligations.
- d. Paragraph 7: Again, well intended but this paragraph has the effect of devaluing the significance of “the range and significance of culture and tikanga Māori”. It is saying that in this plan change, culture and tikanga Māori is ranked equally amongst the other criteria. It also makes assumptions about the scope of “Te Mana o Te Wai” and the author’s understanding of it and how this has been reflected within the integrated and holistic approach to water body management, again as understood by the author.

- i. In our view the better methodology would be to include a separate section within the background that speaks specifically to the Mana Whenua matters and how these are reflected within the plan and process.
 - ii. Mana Whenua should be offered the opportunity to write this section, with comment from Council staff.
- e. Paragraph 8: this paragraph needs to be reworded. The cost to people and communities ought not to be put as reason enough to excuse addressing the complexity and interconnectedness of managing freshwater. Nor should there be any relevance given to the absence of a quick fix.
- f. The background section can be more direct in stating the impact on freshwater that has occurred because of competing priorities and the higher weighting that has been given to economic development over the years. It has led to an urgent need to give more balance and/or recognition to restoration and preservation of the resource as well as economic priorities, which will result in improvement but over time.
- g. **Water Management Overview** As in previous paragraphs within the Background section, it is wishful to assert that Māori values have been incorporated to the required legal standard when Mana Whenua have continued to challenge these provisions along the way in the drafting process. It is also not acceptable to make sweeping statements and draw on or refer to Māori principals without opening the way for challenge as to how this has been achieved within PPC9.
- h. The reference to the 2017 version of the National Policy Statement for Freshwater Management (NPSFM) and the Outstanding Water Bodies policy is also bold and to some extent damning, as PPC 9 becomes arguable once the 2020 version of the NPSFM was promulgated in early August 2020. PPC9 also anticipates that no major changes will be made to the Outstanding Water Bodies proposed plan change that is being consulted on in the same time frame.

Issues Statements

15. HTST makes the following comments in relation to the Issues Statement:
- a. The issues statements are set out in lengthy statements that discuss a range of issues under one heading. It then leads on to complicated and lengthy objectives and policies with multiple objectives to address all the matters raised within an issues statement. This potentially leads to difficulties in plan interpretation and implementation. It also gives a perception of a link between the rules and the issues when there may be none at all, or the rule addresses one of a number of issues only.
 - b. A suggested approach is to stage each issue quite specifically, rather than attempting to capture a range. If each statement is concise and only refers to one or two issues, the linkage to relevant objectives, policies and rules is clearer. Focus issues for clarity of intent and desired outcomes.
 - c. Using Māori concepts within the same context as other concepts is problematic. It inadvertently equates the other as the definition of the concepts as definitions of the or infers that the concepts are interchangeable which is quite wrong. Mauri and ecosystem health are not comparable concepts. It is evident that the Māori concepts are not well understood and would be better scripted by some-one with the appropriate knowledge and cultural understanding.

Mana Whenua values and perspectives

- d. It is notable that there is frequent use of Te Reo Māori and Māori proverbs throughout PPC 9. Without more thought, any recognition of iwi values is at a surface level and short of any recognition and provision as required in sections 6 (e), 7(a) and 8 of the Resource Management Act 1991. Compliance with these legal provisions will be difficult when viewed only through a non-Māori lens. This unfortunately is evident in PPC9 and will remain inadequate until planners have developed their understanding of Māori, Māori culture and their traditional relationship and tradition with ancestral lands, waters, sites, wāhi tapu and other taonga.. The frequent use of te reo Māori implies Mana Whenua values have been

- recognised and provided for in policies and rules when they have not been operationally. It is a misrepresentation.
- e. Specific objectives are required, enabling the relationship of Māori with water, together with an accompanying policy and new schedule that provides for Mana Whenua to undertake monitoring throughout the life of the plan to enable the application of a diversity of systems of values and knowledge, such as mātauranga Māori to the management of freshwater within the TANK catchments

Alignment with guiding legislation

- f. The Plan has been notified prematurely and in haste, ahead of the impending changes to the National Policy Statement for Freshwater Management.
16. The NPSFM promotes the fundamental concept of Te Mana o Te Wai with a hierarchy of obligations that prioritises firstly the health and well-being of water bodies and freshwater ecosystems, secondly the health needs of people, and thirdly the ability for people and communities to provide for their social, economic and cultural well-being, now and in the future. PPC9 does not meet the hierarchy of obligations set out in NPSFM and will obviously need to be amended to ensure freshwater is managed in a way that gives effect to Te Mana o te Wai.

Recent national decisions regarding plan changes

17. The recent Bay of Plenty Regional Councils decision to withdraw the proposed plan change 9 relating to water quality recently was due to:
- fundamental differences of opinion unlikely to be resolved through the hearings process resulting in proceeding to court;
 - outcome of court proceedings unlikely to occur until after NPSFM is gazetted and implemented;
 - Continuing to pursue the resolution of the appeals would therefore be an inefficient use of resources, given new national direction on fresh water is imminent; and
 - Plan change(s) following the gazettal of the NPSFM will enable better integration of water quality and water quantity, and provide greater clarity in relation to Te Mana o Te Wai, which has been a key issue in the appeals.

18. There is a high degree of commonality between the bullet points noted above and the issues highlighted in this submission.

Intent of the Plan

19. The intent of the plan is queried - many sections are centred on a desire to 'enable' or 'allow for' activities, rather than to avoid or remedy the effects. This is a move away from the prescription of the RMA legislation and potentially ultra vires.
20. There is significant risk in achieving the intended outcomes promoted by PPC9 due to the non-regulatory methods promoted within the plan. This greatly concerns HTST as PPC9 takes a "hands off" approach and does not address with urgency the changes required to meet the governments short term objectives for improved water quality within 5 years, or the longer-term outcomes sought by 2040.⁵
21. The current drafting in effect enables and provides well for existing land use activities and existing water takes. It does this by exhaustively relying on the 'good will' of landowners, resource users, community groups and marae through voluntary catchment collectives and industry groups instead of through regulation. This is not enough to manage nutrient pollution and eutrophication of the TANK waterways, particularly the tributaries. Regulation is needed to provide legal tools to ensure accountability.

Stream flow 'maintenance'

22. HTST does not support stream flow 'augmentation', 'enhancement' or 'maintenance' as a solution to low flow issues. The policies on this are extremely problematic and the benefits have been grossly overstated and overestimated. This is illustrated by the gradual change in rhetoric from augmentation to stream flow "enhancement" to stream flow "maintenance". There is also no reference to Mana Whenua values on these policies.

⁵ <https://www.mfe.govt.nz/action-for-healthy-waterways>

23. PPC9 proposes Streamflow augmentation/enhancement/maintenance may be used to temporarily restore streamflow, for example during periods of drought. However, if the augmentation/enhancement/maintenance flow is very large or is maintained for long periods, negative consequences will occur, such as lowering of groundwater levels (due to pumping) and decreased spring discharge (due to lower groundwater levels) in the augmented stream and potentially other streams.

24. HTST consider these practices experimental and lacking long term data that incorporates the cumulative effects of multiple schemes operating simultaneously on the Heretaunga Plains. These schemes are reliant on water storage to implement environmental improvements. Such schemes would be required to comply with the operative National Policy Statement for Freshwater Management providing for Te Mana o te Wai.

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
Issues Statements	Oppose	Amend and separate out multiple issues within statements	Several issue statements seek to deal with various issues and are long drawn out
OBJ TANK1	Amend	<p>The Council, Mana Whenua and the urban and rural community work together in a way that recognises and provides for the kaitiaki and guardianship roles they each play in freshwater management and;</p> <p>a) recognise the importance of monitoring, resource investigations and the use of mātauranga Māori to inform decision making and limit setting for sustainable management;</p> <p>b) ensure good land and water management practices are followed;</p> <p>c) support good decision making and compliance by resource users.</p>	
OBJ TANK 2	Amend	<p>When setting objectives, limits and targets Council will uphold;</p> <p>a) Te mana o te Wai and integrated mountains to the sea, ki uta ki tai principles are upheld</p>	Freshwater is managed in a way that gives effect to Te Mana o Te Wai and the hierarchy of obligations it priorities

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
OBJ TANK 3	Amend	<p>The Council will have particular regard to the effects of climate change in respect of each of the following in making decisions about land and water management within the TANK catchments;</p> <p>a) The effects on aquatic ecosystems, including indigenous biodiversity, freshwater bodies, water supply and human health, primary production and infrastructure from the predicted:</p> <ul style="list-style-type: none"> (i) increases in intensity and frequency of rainfall; (ii) effects of rainfall on erosion and sediment loss; (iii) increases in sea level, and declining aquifer levels and the potential effects of salt water intrusion; (iv) increasing frequency of water shortages; (v) increasing variability in river flows; <p>b) The amount of information available and the scale and probability of adverse effects, particularly irreversible effects, as a consequence of acting or not acting;</p> <p>c) The timeframes relevant to the activity;</p>	<p>The effects of climate change are appropriately accounted for in decision making within the TANK catchments</p>

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
		<p>d) Investigate opportunities to improve community resilience for changes occurring as a result of (a)(i) to (iv).</p>	
OBJ TANK 4	Amend	<p>The quality of the TANK freshwater bodies is maintained or improved where objectives are currently being met, or is improved in degraded waterbodies so that they meet water quality attribute states in Schedule 26 reviewed by 2030 provided that:</p> <ol style="list-style-type: none"> 1. For any specific water body where the attribute state is found to be higher than that given in Schedule 26, the higher state is to be maintained or improved; and maintenance or improvement of a state is at the measured state⁶. 	Rework for clarity to suitably simplify objective
OBJ TANK 5	Oppose	Delete objective 5	Provided for in Objective 2 amendment
OBJ TANK 7	Amend	Reduction in contaminant loss including soil loss and consequential sedimentation in freshwater bodies, estuaries and coastal environment.	Amend to focus objective for clarity

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
OBJ TANK 8	Amend	<p>Aquatic ecosystem health and mauri of water bodies in the TANK catchments is improved by appropriate management through:</p> <ul style="list-style-type: none"> a) riparian marginal vegetation b) reducing effects of contaminant loss from land use activities; c) improve aquatic habitat, protection and enhancement of indigenous species including fish spawning habitat; d) reduce stream and stop bank erosion; e) enhance natural character and amenity values including cultural opportunities for economics; f) improve indigenous biodiversity; g) reduce water temperature especially in the lowland tributaries of the Karamu; h) reduced nuisance macrophyte growth through shading i) enable opportunities for the collection of mahinga kai, rongōa and raranga. 	Provide for s6(e)

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
OBJ 10	Amend	<p>In conjunction with meeting the water quality states specified in Schedule 26, the mauri, water quality and water quantity are maintained and enhanced where necessary to enable:</p> <ul style="list-style-type: none"> a) The life supporting capacity of water b) Ahuriri estuary sediments to be healthy and not accumulate excessively; c) healthy ecosystems that contribute to the health of the estuary; d) healthy and diverse indigenous aquatic plant, fish and bird populations; e) people and communities to safely meet their domestic water needs; f) primary production water for community social and economic well-being are provided for; g) 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. 	Amend to adequately provide for the "life supporting capacity of water"
OBJ 11	Amend	In combination with meeting the water quality states specified in Schedule 26, the use and development of land, the discharge of contaminants and	Amend to adequately provide for the "life

Plan Section	Support/ Oppose/Amend	Reason for decision requested
	<p>I seek the following decision from the Regional Council</p> <p>nutrients, and the taking, using damming and diverting of freshwater is managed 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;</p> <ul style="list-style-type: none"> a) the life supporting capacity of water and ecosystems; b) healthy ecosystems; c) 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; d) 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; e) protection of the natural character, instream values and hydrological functioning of the Ngaruroro mainstem and Taruarau and Omahaki tributaries; 	<p>supporting capacity of water".</p>

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
		<p>f) collection of mahinga kai to provide for social and cultural well-being;</p> <p>g) people and communities to safely meet their domestic water needs;</p> <p>h) primary production water needs and water required for associated processing and other urban activities to provide for community social and economic well-being;</p> <p>i) contribution to water flows and water quality in the connected Heretaunga Plains Aquifers;</p> <p>j) 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>	
OBJ TANK 12	Amend	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 Tutaeauri River catchment so that the mauri, water quality	Amend to adequately provide for the "life supporting capacity of water

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council 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: a) the life supporting capacity of water and ecosystems b) healthy ecosystems c) healthy and diverse indigenous aquatic and bird populations especially, whitebait, torrent fish, macroinvertebrate communities and a healthy trout fishery; d) people to safely carry out a wide range of social, cultural and recreational activities, especially swimming and cultural practices of Uu and boating; e) protection of the natural character, instream values and hydrological functioning of the Tutaekurī mainstem and Mangatutu tributary; f) collection of mahinga kai to provide for social and cultural well-being; g) people and communities to safely meet their domestic water needs; 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	Reason for decision requested

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
OBJ TANK 13	Amend	<p>i) primary production water needs and water required for associated processing and other urban activities to provide for community social and economic well-being.</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, 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) the life supporting capacity of water and ecosystems;</p> <p>b) healthy ecosystems;</p> <p>c) healthy and diverse indigenous aquatic and bird populations, especially black patiki, tuna and whitebait, and healthy macroinvertebrate communities;</p> <p>d) 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/Karamū;</p> <p>e) collection of mahinga kai to provide for social and cultural well-being;</p>	Amend to adequately provide for the "life supporting capacity of water.

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
		<p>f) people and communities to safely meet their domestic water needs;</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> <p>h) primary production water needs and water required for associated processing and other urban activities to provide for community social and economic well-being;</p>	
OBJ TANK 14	Amend	<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 Groundwater connected to the Ngaruroro, Tutaekuri and Karamu rivers and their tributaries to enable;</p> <p>a) the healthy functioning of the life supporting capacity of water and ecosystems;</p>	Amend to adequately provide for the "life supporting capacity of water.

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
		<p>b) 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;</p> <p>c) the maintenance of groundwater levels at an equilibrium that accounts for annual variation in climate and prevents long term decline or seawater intrusion;</p> <p>d) contribution to water flows and water quality in connected surface waterbodies;</p> <p>e) primary production water needs and water required for associated processing and other urban activities to provide for community social and economic well-being.</p>	
OBJ TANK 15	Amend	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 wāhi taonga within the TANK catchments	Amend to adequately provide for the "life supporting capacity of water

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
		<p>is managed so that mauri, water quality and flows, and levels are maintained and improved to enable;</p> <ul style="list-style-type: none"> a) the healthy functioning of the life supporting capacity of water and ecosystems; b) healthy and diverse indigenous fish, bird and plant populations in wetland and lake areas and connected waterways; c) improved hydrological functioning in wetland and lakes and in connected waterways; d) people to safely carry out a wide range of social and cultural activities; e) collection of mahinga kai to provide for social and cultural well-being; f) contribution to improved water quality in connected surface waters; g) the protection of the outstanding values of the Runanga Lake, Oingio Lake, Kaweka Lakes, Lake Poukawa and Pekapeka Swamp and the Ngamatea East Swamp; <p>and to</p>	

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
		<p>h) 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>	
OBJ TANK 16	Amend	<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> <ul style="list-style-type: none"> a) Environmental flows – Te mana o te Wai; b) Water for the essential needs of people; c) The allocation and reservation of water for domestic supply including for marae and papakāinga, and for municipal supply so that existing and future demand as described in HPUDS (2017) can be met within the specified limits; d) the development of Māori economic, cultural and social well-being e) Other non-commercial end uses; f) Primary production on suitable soils including food processing, industrial and commercial end uses. 	

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
OBJ tank 17	Amend	<p>The allocation and use of water results in:</p> <p>a) the development of Māori economic, cultural and social well-being which is recognised and prioritised by Council through:</p> <ol style="list-style-type: none"> I. regulating the use and allocation of the water available at high flows for taking, storage and use; II. reviewing water perm relating to ground and surface water takes; <p>b) Water being available for abstraction</p> <p>c) Efficient water use;</p> <p>d) Allocation regimes that are flexible and responsive, allowing water users to make efficient use of this finite resource.</p>	<p>Ensure development of māori economic, cultural and social well-being not reliant on a single mechanism of enablement such as water storage but rather has multiple opportunities for development.</p>
OBJ TANK 18	Amend	<p>The current and foreseeable water needs of future generations and for mauri and ecosystem health are secured through;</p> <ol style="list-style-type: none"> a) water conservation, water use efficiency, and scientifically robust innovations in technology and management that sustainably enhances the environment; b) water allocation limits and management regimes; 	<p>Ensure restraints on innovation to limit experimental methods that are not supported by long term studies or data that fails to correlate with the</p>

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
		<ul style="list-style-type: none"> c) water reticulation; d) appropriate sustainable water harvesting and storage. 	<p>magnitude of impacts relative to Hawkes Bay</p>
POLICY 1	Amend	<p>The Council will regulate land use activities and activities affecting surface and groundwater bodies so that water quality attributes are maintained at their current state or where required show an improving trend towards the water quality targets shown in Schedule 26 by focussing on:</p> <ul style="list-style-type: none"> a) water quality improvement in sub-catchments (as described in Schedule 28) where water quality is not meeting specified freshwater quality targets; b) sediment management as a key contaminant pathway to also address phosphorus and bacteria losses; c) the significant environmental stressors of excessive sedimentation and macrophyte growth in lowland rivers and nutrient loads entering the Ahuriri and Waitangi estuaries; d) the management of riparian margins; 	<p>PPC9 preferentiates industry, community groups and marae to manage land use activities and implement water quality improvements however the proposed plan may require regulation to illicit the level of change required to support behavioural change</p>

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
POLICY 2	Amend	<p>In the Clive/Karamū Rivers and their tributaries, in addition to Policy 1 the Council will work with mana whenua, landowners and the Hastings District Council to:</p> <ul style="list-style-type: none"> a) reduce water temperature and increase the level of dissolved oxygen by: <ul style="list-style-type: none"> i. the establishment of riparian vegetation to shade the water and reduce macrophyte growth while accounting for flooding and drainage objectives ; ii. reducing excessive macrophyte growth by managing nutrient limits and physical removal of weeds 	<p>Improve stormwater and drainage water quality and the life supporting capacity of ecosystem health of urban waterways and reduce contamination of stormwater associated with poor site management practices, spills and accidents in urban areas</p>
		<ul style="list-style-type: none"> e) the management of urban stormwater networks and the reduction of contaminants in urban stormwater; f) the protection of water quality for domestic and municipal water supply. 	

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
POLICY 10	Amend	<p>b) Investigate flow management regimes with mana whenua to determine their appropriateness in providing for Te Mana o te Wai in improving surface and ground water quality and quantity issues observed currently in waterbodies within this catchment;</p> <p>c) reduce the amount of sediment and nutrients entering the freshwater from adjacent land through regulation.</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) the extent to which the discharge will avoid contamination that will have an adverse effect on or contribute to adverse effects on, the life-supporting capacity of freshwater including on ecosystems associated with fresh water;</p>	<p>The Policy is not clear on how Schedule 26 limits and targets apply to the immediate vicinity of the discharge. The Rules do not assist in this regard either.</p> <p>Amended policy provides for the life supporting capacity and gives effect to the NPSFM and operative</p>

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
		<p>b) the extent to which it is feasible that any more than minor adverse effect on fresh water or any ecosystem associated with fresh water, resulting from the discharge would be avoided, remedied or mitigated.</p> <p>c) measurement uncertainties associated with variables such as location, flows, seasonal variation and climatic events;</p> <p>d) the degree to which a discharge is of a temporary nature, or is associated with necessary maintenance work.</p> <p>e) when it is an existing activity, identification of mitigation measures, where necessary, and timeframes for their adoption that contribute to the meeting of water quality objectives.</p>	<p>RPS in terms of safe-guarding the life-supporting capacity of water and ecosystems</p>
POLICY 13	Amend	<p>The Council will support improvement of riparian management to meet the specified timeframes (Policy 27) to provide for the values in Policies 11 and 12 by;</p> <p>a) working with industry groups and land owner collectives to identify where riparian management needs to be improved;</p> <p>b) providing information about appropriate riparian planting that assists in meeting the values;</p>	<p>As it is currently drafted this policy suggest's land owners and collectives can identify convenient areas and only some areas will be chosen for management</p>

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
		<p>c) regulating cultivation, stock access and indigenous vegetation clearance activities that have a significant adverse effect on functioning of riparian margins in relation to water quality and aquatic ecosystem health in adjacent waterbodies;</p> <p>d) providing funding assistance for riparian vegetation improvements;</p> <p>e) regulate activities within the riparian zone; and</p> <p>f) when making decisions on applications for resource consent to:</p> <ul style="list-style-type: none"> i. take into account benefits arising to the values in Policy 11 and 12 as a result of the activity; ii. consider whether to waive the fees and charges required to process the application where; <ul style="list-style-type: none"> 1. there is significant public benefit from the activity or the nature and scale of the activity results in significant ecosystem benefits; and 2. the activity is not a requirement of any other resource consent. 	

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
POLICY 14	Amend	<p>The Council will regulate activities in and adjacent to wetlands and lakes and will support and encourage the maintenance and improvement of wetland values, including their value for:</p> <ul style="list-style-type: none"> a) drought resilience, soil moisture retention and groundwater recharge; b) biodiversity and as a habitat for indigenous flora and fauna species; c) recreation (where appropriate); d) cultural uses including for tikanga Māori and mahinga kai; e) their role in the hydrological cycle, including their effects on both high and low flows; f) enhancement of water quality in connected waterbodies; fishery habitat and spawning. 	<p>Amend (d) to include reference to wetlands' value in drought resilience, soil moisture retention, and groundwater recharge</p> <p>Amend (f) to read "f) fish habitat and spawning".</p>
POLICY 21	Amend	<p><i>We strongly suggest that this Policy be more directive – to say that resource consents will only be granted where they will not contribute to an exceedance of a limit/failure to meet an objective or jeopardise achievement of a target.</i></p>	<p>Being part of a catchment collective should not allow you to get a consent – it should be based on the effect of your activity, including cumulative effect in the catchment.</p>

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
POLICY 27	Amend	<i>Reference that these timeframes may change as a result of the NPS-FM 2020.</i>	NPS-FM 2020 changes come into force 3 September 2020.
POLICY 36 and 37	Amend	Amend to cap groundwater use at 70M cubic metres until the hydrological investigations and aquifer modelling have been undertaken.	Policy 36 states that Council will cap existing groundwater use and reduce water use over time, but then in Policy 37 undertakes to allocate 90M cubic metres of water annually, without scientific evidence to support water use. Interim limits are not interim limits if consents are issued under them for 10 years or longer.

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
POLICY 39 , 40 and 41	Amend	<p><i>Amend to ensure at a minimum to include clauses that consider:</i></p> <ul style="list-style-type: none"> a) Mitigating stream depletion effects by regulating takes through appropriate minimum flow triggers" b) A numeric assessment of the degree of aquifer/streamflow depletion at the point of take versus the length and value of the habitat restored by streamflow enhancement" 	<p>Water augmentation would be better approached as a plan change in its own right once all the relevant robust research has been undertaken.</p> <p>This policy noticeably failed to gain consensus support during the collaborative phase and was a contentious issue for the Mana Whenua members of the Regional Planning Committee.</p> <p>Alternatives to flow maintenance schemes have not been adequately</p>

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
			<p>considered through the plan change process</p> <p>Flow maintenance schemes are reliant on the development of water storage infrastructure and infrastructure construction for water transfer</p> <p>The policies assume that diverting groundwater to streamflow enhancement is likely to have beneficial effects. It may, but similarly, there may be detrimental effects. This requires detailed investigation which the policy is not explicit on.</p>

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
			<p>Some of the water management zones are huge and with the RMA allowing for the transfer of resource consents for water abstraction or for the discharge of contaminants within the same Fresh Water Management Unit (FMU), the use of large FMU's means that the effects of activities, once transferred, can increase the scale or degree of adverse effect.</p> <p>It is not tika or in accordance with tikanga or kawa to transfer adverse</p>

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
			effects from within the rohe of one hapū or hapū group into the rohe of another.
POLICY 42	Oppose	Withdraw Policy 42 .	The policy waits for the consents to be reviewed and water reallocated to assess their water use and any savings possible, and only then begins the process of replacing the interim groundwater allocation limit with an appropriate limit. This breaches NPS-FM Objective and Policy requirements to avoid further over-allocation.

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
POLICY 43		<p>The council will:</p> <ul style="list-style-type: none"> a) investigate opportunities for wetland creation to improve hydrological functioning and water quality in the river, especially during low flows; b) improve riparian management to provide shade, reduce macrophyte growth, increased dissolved oxygen levels and decrease water temperature; c) reduce water permits to ensure flow management regimes provide for 90% of trout habitat 	<p>93% of the natural flow of the Paretua/Karewarewa is consented for water permits leaving 7% of the natural flow instream which is problematic. The Paretua and Karewarewa near Raukawa Rd suffers from prolonged drying during drought years. During 2013 and 2020 this stretch of riverbed was dry from early Jan - late July. Data from the dry stretch is not recorded or integrated into council SOE reporting or annual water quality reports which is highly</p>

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
POLICY 47	Amend	Amend c) replace with 90% reliability standard.	concerning and leads to questions relating to the accuracy of these reports.
POLICY 52	Amend	Amend to place priority on the total allocation volume driving the consent consideration.	What is the rationale for 95% reliability standard? There is a potential conflict between the requirement of this policy to phase out the over allocation of water resources by not issuing consents for new water and the requirement for efficiency gains. An efficiency gain does not necessarily result in a decrease in over-allocation
POLICY 56	Oppose to amend	Amend plan to ensure security of supply is 90%	Clause (b) refers to enhancing security of

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
		Introduce new provision to enable replacement of resource consents to abstract groundwater, with consents for abstraction from water storage	supply to existing users, but this can surely only be to the limits in the plan elsewhere, which this submission recommends is 90%
POLICY 59	Amend	The council will allocate 20 % of the total water available at times of high flow to Heretaunga Tamatea Settlement Trust to provide for development of Heretaunga Tamatea hapū and Marae in relation to Māori cultural, social, economic wellbeings and will have regard to the views of any affected PSGE, iwi authority.	Section 2,3 and 4 of this submission supports the request for the amendment sought. The TANK Social Cultural Impact Assessment also supports this request for amendment.
Schedule 26	Amend	Add "Mauri" as a critical value for each catchment/sub-catchment. Include the Taruarau and other Ngaruroror River tributaries in their own right. Include the Mangaone and Mangatutut Rivers in their own right.	Mauri is essential for sustaining life within each of the water bodies and connects to the mauri of Mana

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
		<p>Include the Karamu tributaries with the Paritua Stream as separate from the Karewarewa.</p> <p>Amend existing PPC9 policies and rules to promote the achievement of te Freshwater Quality Objectives in Schedule 26</p>	<p>Whenua. HTST view each river and stream has its own mana. Te Hauora o te Wai and Te Hauora o te Tangata are central to the NPSFM and HBRC should aspire to maintaining the existing mauri state in freshwater bodies where it is healthy, and improving it where it is degraded</p>
Schedule 27	Amend	Amend so Schedule 27 does have a regulatory function n	
Schedule 31	Amend	Apply total instantaneous rate of take limits for TANK rivers and their tributaries so that outstanding freshwater bodies and other water bodies, their habitats and ecosystems are protected and provided for and include rates of take that are based on sustainable management principles over the expected life of PC9. Ensure that these equate to allocable volume totals for each surface water body.	All minimum flows used by HBRC that have a management function should be visible in the regional plan.

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
		<p>Apply a total instantaneous rate of take limit in litres per second for water abstracted from the Heretaunga Plains Aquifer System that prevents over abstraction and prevents unsustainable abstraction and excessive decline in aquifer water levels.</p> <p>Apply a total allocation limit for the Heretaunga Plains /aquifer System with seasonal restrictions of 6 months for irrigation consents to allow sufficient time over the remainder of the year for ecosystem recovery and groundwater recharge</p> <p>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 and management purposes within PC9</p> <p>Ensure that the minimum flow for the Maraekakaho River maintains surface water connection between the minimum flow site at Taits Road and the confluence with the Ngaruroro River.</p>	<p>Increased frequency and duration of irrigation bans means extended periods when rivers and their aquatic ecosystems are subject to adverse effects.</p> <p>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 the aquifer</p>

Plan Section	Support/ Oppose/Amend	Reason for decision requested
	<p>I seek the following decision from the Regional Council</p> <p>Impose a limit on water abstraction from the Maraekakaho River and implement a minimum flow regime that protects instream habitat and fish passage during the fish spawning an migration seasons.</p> <p>Delete all trigger flows for flow enhancement/augmentation from PPC9 and its schedules</p> <p>Provide a Schedule that lists all TANK rivers and their tributaries, specifies the values that apply within each and link the schedule to the water quantity and water quality objectives and rules.</p> <p>Provide for a cultural flow that applies across all rivers and streams in the Tutaekuri, Ahuriri, Ngaruroror and Karamu catchments. Define this flow in the glossary as "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 Maori uses and values associated with the water body"</p>	<p>system which is inconsistent with operative RPS provisions.</p> <p>State of Environment monitoring is showing lowest groundwater levels in the HPAS almost every year over the last decade</p> <p>There will be other abstractive uses that will continue throughout the remainder of the year for domestic supply, urban water supply, industrial uses, dam filling and stock water provision.</p>

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
Schedule 36	Oppose	<p>Water augmentation would be better approached as a plan change in its own right once all the relevant robust research has been undertaken.</p> <p>Delete all augmentation provisions from PPC9 with the exception of Paritua stream.</p>	<p>HBRC has enabled significant groundwater abstractions from within water-short areas within Pakipaki, Bridge-pa and Maraekakaho. This has caused adverse effects on Mana Whenua values and interests</p> <p>As worded this schedule enables over-allocation to continue with an ecologically insufficient compensation scheme. This policy noticeably failed to gain consensus support during the collaborative stakeholder phase however</p>

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
			<p>staff have continued to promote this ideology. Alternatives to flow maintenance schemes have not been adequately considered through the plan change process</p> <p>Flow maintenance schemes are reliant on the development of water storage infrastructure and infrastructure construction for water transfer</p> <p>The policies assume that diverting groundwater to streamflow enhancement is likely to have beneficial effects. It may, but</p>

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
			<p>similarly, there may be detrimental effects. This requires detailed investigation which the policy is not explicit on. Some of the water management zones are huge and with the RMA allowing for the transfer of resource consents for water abstraction or for the discharge of contaminants within the same FMU, the use of large FMU's means that the effects of activities, once transferred, can increase the scale or degree of adverse effect.</p>

Plan Section	Support/ Oppose/Amend	I seek the following decision from the Regional Council	Reason for decision requested
			<p>It is not tika or in accordance with tikanga or kawa to transfer adverse effects from within the rohe of one hapū or hapū group into the rohe of another.</p>

Appendix 1

References

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Appendix 2

Transcript of live recording of Regional Planning Committee 18 March 2020 regarding notifying PPC9

Tangata whenua members cavieted and remind the other members of the RPC that tangat whenua had supported notifying the proposed plan change with a big caviet that they were not happy with the plan and felt that there were matters within the plan that were unresolved.

They did not want their support to notify to be misread in the future in hearings or court cases that the tangata whenua members of the RPC agree with all that is in the plan. Instead they highlight they agree to notifying the plan to enable the public to have their say.

<https://www.youtube.com/watch?v=xo-5H2mWg0&t=3828s> Time 22.15-23.00



**Office of the
Māori Climate Commissioner**
mata māori, āhuarangi ora

Submission to the Hawkes By Regional Council TANK Plan Change 9

*Tēnei au te hōkai nei o taku tapuwae
Ko te hōkai nuku ko te hōkai rangi
Ko te hōkai a tō tupuna a Tānenui-a-rangi
Ka pikitia ai ki te rangi tūhāhā ki te Tihi-o-Manono
Ka rokohina atu rā ko Te Matua-kore anake
Ka tīkina mai ngā kete o te wānanga
Ko te kete-tuauri
Ko te kete-tuatea
Ko te kete-aronui
Ka tiritiria ka poupoua
Ka puta mai iho ko te ira tangata
Ki te wheiao ki te ao mārama
Tihei-mauri ora!*

*This is the journey of sacred footsteps
Journeyed about the earth journeyed about the heavens
The journey of your ancestor Tānenuiarangi
Who ascended into the heavens to Te Tihi-o-Manono
Where he found the parentless source
From there he uplifted the baskets of knowledge
Te kete-tuauri
Te kete-tuatea
Te kete-aronui
These were distributed and implanted about the earth
From which came human life
Growing from dim light to full light
Tihei-mauri ora!*



**Office of the
Māori Climate Commissioner**

mata māori, āhuarangi ora

Message from our Chair

“Māori hei hoa mo te tiriti a te Kawanatanga ka tono ano mo te whanaungatanga pono mo tenei take o Te Wai. E hiahia ana matou kia haere whakamua ki te tu me te kawanatanga ki te hoahoa me te kawae i tenei kaupapa mahi nui; e haangai ana i nga ture me nga kaupapa here katoa e tautoko ana i nga tuinga, kia kore ai maatau e aro ki te wharanga kore waro mo te iwi karawhiu o Niu Tireni na roto i te ture NPs – FW me Te Mana o Te Wai engari kei a taatau te mahi ma te tuku i nga painga a-iwi ki o tatou iwi, me to tatou taiao.

Māori as the Government’s treaty partner again asks for a true partnership on the issue of the Water. We seek going forward to stand with government agencies to design and deliver a critical programme of work; co-designing all regulations and policies that support the frameworks, so that we not only achieve the targets New Zealand has enshrined through the National Policy Statement - Freshwater legislation and that of Te Mana o Te Wai but we do so in a manner that delivers intergenerational benefits to our peoples, and our environment.”

Sir Toby Curtis, Chairman OOTMCC

The Office of the Māori Climate Commissioner

The Office of the Māori Climate Commission (OOTMCC) was established because it is important that in a world beset by climate and environmental catastrophe, the Māori voice is heard and our mātauranga considered at the highest levels of decision making. .

In terms of economic wealth, jobs, incomes and adaption Māori will be disproportionately worst impacted by Climate change and environmental mismanagement . Accordingly,

- The OOTMCC has been tasked to provide independent Māori-focused research and advice that will contribute to Aotearoa meeting its obligations under the 2015 Paris Agreement on greenhouse-gas-emissions.
- That research and advice will be based on mātauranga Māori, and will be available to Māori, to politicians, government agencies, media, other New Zealanders, and to the global community.
- OOTMCC will facilitate opportunities for Māori to learn about the burning planet and ways Māori can play their part in the campaign to cool the planet in Aotearoa and across the globe.
- OOTMCC will promote movements that heal the mauri of Papatuanuku, in particular the restoration of full canopy native forests, the restoration of the mauri of the wai and the achievement of te ohanga āmiomio, a circular economy that is fair and just.

In late 2019, the following Māori leaders, namely Sir Toby Curtis, as the chairperson and Dame Areta Koopu, Dame Iritana Tawhiwhirangi, Mike Paku and Nicola Douglas, were appointed to the Board of the



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OOTMCC. .

We welcome the opportunity to make a submission on Plan Change 9. These are crucial policy settings as they put in place the pathway that will deliver Hawkes Bay's response to the current Water emergency.

Yet upon reading Plan Change 9, there is little more than lip service paid to Tangata Whenua .where numerous words in Te Reo Māori fudge the fact that the concepts upon which the proposals are based are Pakeha to their very core. You have Ignored your Treaty partner even while government has sent a clear message that Te Mana o Te Wai is to provide the basis for any planning on water with Tangata Whenua.

Again, we advise that before we even progress to agreeing suitable settings and frameworks it must be understood and addressed by the HBRC that you cannot do this alone. You have already acted in a prejudicial way to provide advantages to generations of Pakeha farmers and citizens at the expense of Mana Whenua and it is clear by the superficial nod to Māori proprietary interests in the Water that the timing of this Plan Change 9 is all about trying to put off the inevitable which is the acknowledgement of past and current racist practices by Pakeha Councils and staff and the signalling of a determination to continue down that colonial and ultimately counterproductive path.

Those Tangata Whenua impacted negatively by this Plan Change 9 must at a minimum get a seat at the table and the mechanism for Māori to stand side by side with Councillors and staff and co-design settings and frameworks must be put in place. If this is not to be a public relations exercise where the Plan puts up a show of shifting the resource from those who have the water to those who don't have it, then those recommendations made by the Heretaunga Tamatea Settlement Trust need to be taken seriously.



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The Office of the Maori Climate Commissioner (OOTMCC):

- **Supports** the alignment of Plan Change 9 with the National Policy Statement on Freshwater Management. The NPS-FW promotes the fundamental concept of Te Mana o Te Wai with a hierarchy of obligations that prioritises a) the health and well-being of water bodies and freshwater ecosystems b) the health needs of people c) ability for people and communities to provide for their social, economic and cultural well-being, now and in the future.
- **Supports** the HBRC altering Plan Change 9 so as to meet the hierarchy of obligations set out in NPSFM 2020 and supports amending PC 9 to ensure freshwater is managed in a way that gives effect to Te Mana o te Wai
- **Supports** the recommendations made by the Heretaunga Settlement Trust and urges staff and Councillors to set aside the Pakeha lens that currently provides an advantage to those who have water over those who do not and to those who pollute over those who suffer from that pollution.
- **Disagrees** with the HTST submission on one matter – that of their position on water storage (as seen in an early draft). While Council continues to support the Hawkes Bay water barons and other Pakeha holders of the water consents and their use of the water to build their business advantages, at the expense of Māori, we support the building of water storage facilities.
- **Supports** ownership of water storage by Mana Whenua to redress the generations of water being denied to them by decades of HBRC staff, Council and processes.
- **Supports** a specific objective providing for Tangata Whenua to undertake monitoring throughout the life of the plan to enable the application of a diversity of systems of values and knowledge, such as mātauranga māori to the management of freshwater within the TANK catchments
- **And is also deeply concerned** that polluters are being given a free pass to continue to pollute at rates that Council scientists know is unsustainable. What is worse is that these polluters have already had over ten years of notice that they have to reduce their pollution footprint and the fact that only a thousand famers had farm management plans developed shows that unless farmers are forced to act, 90% did not and will not.
- **Requests** that the HBRC commits to the partnership approach outlined in Te Mana o Te Wai and stops trying to maximise protection for HB’s water barons and polluting farmers.

In their submission the Heretaunga Tamatea Settlement Trust supports these last two points

where they :

1. **Identify** significant risk in achieving the intended outcomes promoted by PPC9 due to the non-regulatory methods promoted within the plan. This greatly concerns HTST as PPC9 takes a “hands off” approach and does not address with urgency the changes required to meet the governments



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short term objectives for improved water quality within 5 years or the longer-term outcomes sought by 2040.¹

2. **Raise their concern** at the current drafting in effect enables and provides well for existing land use activities and existing water takes by exhaustedly relying on the good will of land owners, resource users, community groups and marae through voluntary catchment collectives and industry groups rather than regulation. This is not enough to manage nutrient pollution and eutrophication of the TANK waterways particularly the tributaries.

We wish to appear to give an oral submission to support what we have set out here.

Ngā mihi

Donna Awatere Huata

Māori Climate Commissioner

¹ <https://www.mfe.govt.nz/action-for-healthy-waterways>



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**SUBMISSION ON PROPOSED PLAN CHANGE 9 TO THE OPERATIVE HAWKE'S
BAY REGIONAL RESOURCE MANAGEMENT PLAN PURSUANT TO CLAUSE 6 OF
THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

To: Hawke's Bay Regional Council
Private Bag 6006
Napier 4142
Attention: Planning Technician

By E-Mail only: etank@hbrc.govt.nz

Submitter: Z Energy Limited¹
PO Box 2091
WELLINGTON 6140

BP Oil NZ Limited
PO Box 99 873
AUCKLAND 1149

Mobil Oil NZ Limited
PO Box 1709
AUCKLAND 1140

Hereafter, collectively referred to as the Oil Companies

Address for Service: 4Sight Consulting Limited
201 Victoria Street West
Auckland Central
PO Box 911 310, Victoria Street West
AUCKLAND 1142

Attention: Mark Laurenson
Phone: 021 0868 8135
Email: markl@4sight.co.nz

¹ On behalf of the wider Z group, including the Z Energy and Caltex operations in New Zealand.

INTRODUCTION

- 1) Plan Change 9 (PC9) of the Hawke's Bay Regional Resource Management Plan (RRMP) seeks to amend the RRMP as it relates to water quality and quantity for the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments.
- 2) Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (*the Oil Companies*) receive, store and distribute refined petroleum products, including retail and aviation facilities in the TANK catchments. The Oil Companies also supply petroleum products to individually owned retail outlets and commercial clients within the TANK catchments. The bulk storage and marine facilities operated by the Oil Companies are outside the TANK catchments.
- 3) The Oil Companies' submission on proposed PC9 is focused on the key issues relevant to the ongoing operation, maintenance, and upgrade of its facilities. The Oil Companies consider it is critical that the following activities are appropriately provided for by the RRMP:
 - Storage and use of hazardous substances in accordance with good practice;
 - Discharges of stormwater from petroleum industry sites managed in accordance with the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (MfE, 1998, *the Guidelines*);
 - Disturbance of contaminated soils;
 - Passive discharges from legacy contaminated land; and
 - Groundwater takes and discharges for temporary construction dewatering associated with the installation of underground petroleum storage systems
- 4) It follows that the PC9 issues of interest to the Oil Companies relate to hazardous substances, contaminated land, water quality, and water quantity.

THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN CHANGE THAT THE OIL COMPANIES' SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:

- 5) The specific provisions submitted on, the rationale for the Oil Companies' submission on each of these matters, and the relief sought is contained in the attached table. Changes sought to the provisions are shown by deletion in ~~strike through~~ and addition in underline. The Oil Companies support alternative relief that achieves the same outcomes.
- 6) In addition to the specific outcomes and relief sought, the following general relief is sought:
 - a) Achieve the following:
 - i. The purpose and principles of the Resource Management Act 1991 (RMA) and consistency with the relevant provisions in Sections 6 - 8 RMA;
 - ii. Give effect to the National Policy Statement for Freshwater Management and the RPS provisions in the operative RRMP;
 - iii. Assist the Council to carry out its functions under Section 30 RMA;
 - iv. Meet the requirements of the statutory tests in section 32 of the RMA; and
 - v. Avoid, remedy or mitigate any relevant and identified environmental effects;
 - b) Make any alternative or consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the RRMP that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the document; and
 - c) Any other relief required to give effect to the issues raised in this submission.

THE OIL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION

IF OTHERS MAKE A SIMILAR SUBMISSION, THE OIL COMPANIES WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.

THE OIL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

- a) The Oil Companies are directly affected by an effect of the subject matter of that submission that -
- i. Adversely affects the environment; and
 - ii. Does not relate to trade competition or the effects of trade competition.

Signed on and behalf of Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited



Mark Laurensen

Principal Planning and Policy Consultant

14 August 2020

Notified Provision	Support/ Oppose	Rationale	Relief Sought (alternative relief may achieve the same outcome)
5.10.1 TANK Objectives			
General Objectives			
OBJ TANK 1 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; <ul style="list-style-type: none"> a) recognise the importance of monitoring, resource investigations and the use of mātauranga Māori to inform decision making and limit setting for sustainable management; b) ensure good land and water management practices are followed and where necessary, mitigation or restoration measures adopted; 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 plans and industry good practice programmes. 	Support	The Oil Companies support the objective and in particular the focus at b) on good land and water management practices and recognition that restoration may be appropriate in some instances. This is particularly relevant to addressing the effects of contaminated land which may be more appropriately managed in situ than by restoration.	Retain as notified
Water Quality General			
OBJ TANK 4 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 objectives are currently being met, or is improved in degraded waterbodies so that they meet water quality attribute states in Schedule 26 by 2040 provided that: <ul style="list-style-type: none"> a) For any specific water body where the attribute state is found to be higher than that given in Schedule 26, the higher state is to be maintained; and b) Maintenance of a state is at the measured state. 	Support	The Oil Companies have assets in a number of areas affected by PC9 overlays, including the Ahuriri and Karamu Freshwater Management Units, and the Heretaunga Plains Groundwater Management Unit. The Oil Companies support the overarching intent to improve degraded waterbodies so that they meet water quality attribute states by 2040 and to maintain water quality where objectives are currently being met. The support of the Oil Companies is predicated on their interpretation that the underlying policies giving effect to this	Retain as notified



		<p>objective do not require individual discharges in themselves to improve degraded water. For instance it is the Oil Companies' view that renewal of an existing stormwater discharge permit for a discharge managed in accordance with good practice would be consistent with this provision and would not in itself be required to improve degraded water when renewed, provided it was in accordance with good practice.</p>	
<p>Objective 9 Activities in source protection areas for Registered Drinking Water Supplies are managed to ensure that they do not cause water in these zones to become unsuitable for human consumption, and that risks to the supply of safe drinking water are appropriately managed.</p>	<p>Support in part</p>	<p>The Oil Companies have not undertaken a detailed analysis but anticipate having existing industrial or trade premises in the notified Source Protection Zones and in the provisional Source Protection Extent for Registered Drinking Water Supplies that supply drinking water to between 25 and 500 people for not less than 60 days per year. Objective 9 refers to these areas collectively as source protection areas.</p> <p>The Oil Companies support the management of activities in source protection areas to address risk to the supply of safe drinking water and to ensure potable water does not become unsuitable for human consumption.</p> <p>The Oil Companies consider that management of their activities in accordance with the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in NZ (MfE, 1998) and various codes of practice, for instance those relating to the design and operation of fuel tanks, represents good</p>	<p>Amend to clarify that the objective is to protect source water</p> <p><i>Activities in source protection areas for Registered Drinking Water Supplies are managed to ensure that they do not cause <u>source</u> water in these zones to become unsuitable for human consumption, and that risks to the supply of safe drinking water are appropriately managed.</i></p>



	<p>practice, and is important to the achievement of this objective.</p> <p>The Oil Companies understand that the notified Source Protection Zones can be amended but that this will be subject to a consenting process and that this consent process will ensure property owners who may be affected by any change will be notified and aware of any implications.² Similarly the Oil Companies understand that the provisional Source Protection Extents will apply until existing resource consents are replaced or an application is made to amend the provisional extent.</p> <p>A minor amendment is sought to clarify that the objective is to protect source water not all water in the zone. This is to reflect that there may be localised effects on shallow groundwater at some sites, for instance industrial or trade premises or legacy contaminated land, but that the objective seeks to ensure that the source water is not affected. This focus on source water is consistent with the underlying 'Protection of Source Water' policies.</p>	
<p>Catchment Objectives</p>		

² Section 32 Evaluation Report, page 304-305

<p>OBJ TANK 10 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:</p> <ul style="list-style-type: none"> a) Ahuriri estuary sediments to be healthy and not accumulate excessively; b) healthy ecosystems that contribute to the health of the estuary; c) healthy and diverse indigenous aquatic plant, fish and bird populations; d) people and communities to safely meet their domestic water needs; e) primary production water for community social and economic well-being; <p>and provide for;</p> <ul style="list-style-type: none"> 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. <p>OBJ TANK 11 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;</p> <ul style="list-style-type: none"> a) healthy ecosystems; 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; 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; d) protection of the natural character, instream values and hydrological functioning of the Ngaruroro mainstem and Taruarau and Omahaki tributaries; e) collection of mahinga kai to provide for social and cultural well-being; 	Support	The Oil Companies support the maintenance and enhancement of water quality and quantity to enable the particular outcomes in each of the catchments.	Retain Objectives 10 -to 15 as notified.
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<p>f) people and communities to safely meet their domestic water needs; g) primary production 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 water flows and water quality in the connected Heretaunga Plains Aquifers; 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.</p> <p>OBJ TANK 12 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:</p> <p>a) healthy ecosystems; b) healthy and diverse indigenous aquatic and bird populations especially , whitebait, torrent fish, macroinvertebrate communities and a healthy trout fishery; c) people to safely carry out a wide range of social, cultural and recreational activities, especially swimming and cultural practices of Uu and boating; d) protection of the natural character, instream values and hydrological functioning of the Tūtaekurī mainstem and Mangatutu tributary; e) collection of mahinga kai to provide for social and cultural well-being; f) people and communities to safely meet their domestic water needs; g) primary production 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>			
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<p>OBJ TANK 13</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, 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> <ul style="list-style-type: none"> a) healthy ecosystems; b) healthy and diverse indigenous aquatic and bird populations, especially black patiki, tuna and whitebait, and healthy macroinvertebrate communities; 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/Karamū; d) collection of mahinga kai to provide for social and cultural well-being; e) people and communities to safely meet their domestic water needs; f) primary production water needs and water required for associated processing and other urban activities to provide for community social and economic well-being; <p>and provide for;</p> <ul style="list-style-type: none"> 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>OBJ TANK 14</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 Groundwater connected to the Ngaruroro, Tūtaekurī and Karamū rivers and their tributaries to enable;</p> <ul style="list-style-type: none"> a) 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; b) primary production water needs and water required for associated processing and other urban activities to provide for community social and economic well-being; <p>and provide for;</p>			
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<p>c) the maintenance of groundwater levels at an equilibrium that accounts for annual variation in climate and prevents long term decline or seawater intrusion;</p> <p>d) contribution to water flows and water quality in connected surface waterbodies.</p> <p>OBJ TANK 15</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, 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;</p> <ul style="list-style-type: none"> a) healthy and diverse indigenous fish, bird and plant populations in wetland and lake areas and connected waterways; b) improved hydrological functioning in wetland and lakes and in connected waterways; c) people to safely carry out a wide range of social and cultural activities; d) collection of mahinga kai to provide for social and cultural well-being; e) contribution to improved water quality in connected surface waters; f) the protection of the outstanding values of the Kaweka Lakes, Lake Poukawa and Pekapeka Swamp and the Ngamatea East Swamp; <p>And to;</p> <p>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>			
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Water Quantity			
<p>OBJ TANK 16 Subject to limits, targets and flow regimes established to meet the needs of the values for the water body, water quantity allocation management and processes ensure water allocation in the following priority order;</p> <ul style="list-style-type: none"> a) Water for the essential needs of people; b) The allocation and reservation of water for domestic supply including for marae and papakāinga, and for municipal supply so that existing and future demand as described in HPUDS (2017) can be met within the specified limits; c) Primary production on versatile soils; d) Other primary production food processing, industrial and commercial end uses; e) Other non-commercial end uses. <p>OBJ TANK 17 The allocation and use of water results in;</p> <ul style="list-style-type: none"> a) the development of Māori economic, cultural and social well-being supported through regulating the use and allocation of the water available at high flows for taking, storage and use; b) Water being available for abstraction at agreed reliability of supply standards; c) Efficient water use; d) Allocation regimes that are flexible and responsive, allowing water users to make efficient use of this finite resource; <p>OBJ TANK 18 The current and foreseeable water needs of future generations and for mauri and ecosystem health are secured through;</p> <ul style="list-style-type: none"> a) water conservation, water use efficiency, and innovations in technology and management; b) flexible water allocation and management regimes; c) water reticulation; d) aquifer recharge and flow enhancement; e) Water harvesting and storage. 	Support	The Oil Companies support the proposed water quantity objectives which do not in themselves require the avoidance of over allocation. The importance of this to the Oil Companies' activities is discussed further in relation to temporary construction dewatering activities which may be required time to time in over allocated catchments.	Retain objectives 16 to 18 as notified.

5.10.2 Policies: Surface Water and Groundwater Quality Management

Priority Management Approach

<p>1. The Council with landowners, local authorities, industry and community groups, mana whenua and other stakeholders will regulate or manage land use activities and surface and groundwater bodies so that water quality attributes are maintained at their current state or where required show an improving trend towards the water quality targets shown in Schedule 26 by focussing on:</p> <ul style="list-style-type: none"> a) water quality improvement in sub-catchments (as described in Schedule 28) where water quality is not meeting specified freshwater quality targets; b) sediment management as a key contaminant pathway to also address phosphorus and bacteria losses; c) the significant environmental stressors of excessive sedimentation and macrophyte growth in lowland rivers and nutrient loads entering the Ahuriri and Waitangi estuaries; d) the management of riparian margins; e) the management of urban stormwater networks and the reduction of contaminants in urban stormwater; f) the protection of water quality for domestic and municipal water supply. 	Support	<p>The Oil Companies support these policies, particularly the focus on appropriate management of contaminants in stormwater.</p> <p>The Oil Companies consider that the MfE Guidelines represent good practice in relation to stormwater discharges from petroleum industry sites and that compliance with them will be important to appropriate management of stormwater in these catchments.</p>	Retain policies1, 2 and 5 as notified.
<p>2. In the Clive/Karamū Rivers and their tributaries, in addition to Policy 1 the Council will work with mana whenua, landowners and the Hastings District Council to:</p> <ul style="list-style-type: none"> a) reduce water temperature and increase the level of dissolved oxygen by; <ul style="list-style-type: none"> (i) the establishment of riparian vegetation to shade the water and reduce macrophyte growth while accounting for flooding and drainage objectives ; (ii) reducing excessive macrophyte growth by physical removal of aquatic plants in the short term; b) adopt flow management regimes to remedy or mitigate the effects of surface and ground water abstraction; c) reduce the amount of sediment and nutrients entering the freshwater from adjacent land; 			

<p>d) improve stormwater and drainage water quality and the ecosystem health of urban waterways and reduce contamination of stormwater associated with poor site management practices, spills and accidents in urban areas (refer also to Policies 28 - 31).</p>			
<p>5. 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:</p> <ul style="list-style-type: none"> a) improve water clarity and reduce deposited sediment by reduce the amount of sediment being lost from land and river banks; b) reduce risk of proliferation of algae by reducing nutrient losses from land, including through management of phosphorous loss associated with sediment; 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; d) carry out further investigations to understand the estuary hydrology, functioning and environmental stressors. 			
Protection of Source Water			
<p>6. The quality of groundwater of the Heretaunga Plains and surface waters used as source water for Registered Drinking Water Supplies will be protected, in addition to Policy 1, by the Council:</p> <ul style="list-style-type: none"> a) identifying a source protection extent for small scale drinking water supplies or Source Protection Zones for large scale drinking water supplies by methods defined in Schedule 35; and b) regulating activities within Source Protection Zones that may actually or potentially affect the quality of the source water or present a risk to the supply of safe drinking water because of; <ul style="list-style-type: none"> i. direct or indirect discharge of a contaminant to the source water including by overland flow or percolation to groundwater; ii. an increased risk to the safety of the water supply as a result of a non-routine event : 	Support	<p>As set out in relation to Objective 9, the Oil Companies consider that management of their activities in accordance with the MfE Guidelines and various codes of practice, for instance those relating to the design, installation and operation of below ground petroleum tanks, represents good practice and is important to management of risk associated with the Oil Companies' activities.</p> <p>The Oil Companies understand that this policy is reflected in the provisions relating to discharges from sites used for the storage, use or transfer of hazardous substances.</p>	Retain as notified

<ul style="list-style-type: none"> iii. potentially impacting on the level or type of treatment required to maintain the safety of the water supply; iv. shortening or quickening the connection between contaminants and the source water, including damage to a confining layer; v. in the case of groundwater abstraction, the rate or volume of abstractions causing a change in groundwater flow direction or speed and/ or a change in hydrostatic pressure that is more than minor. 			
<p>7. When considering applications to take water for a Registered Drinking Water Supply, the Council will:</p> <ul style="list-style-type: none"> a) provide for the replacement or amendment of a source protection extent or Source Protection Zone which reflects the level of protection required for that supply, according to a method specified in Schedule 35; b) provide for the amendment of a Source Protection Zone where new information changes the outputs from the method specified in Schedule 35; c) require applications to include an assessment of the Source Protection Zone required, taking into account the factors set out in Schedule 35; d) have regard to: <ul style="list-style-type: none"> i. the extent to which the application reflects the factors and methodology in Schedule 35 when establishing the Source Protection Zone; and ii. the impacts, including any costs and benefits, of any additional restrictions in the Source Protection Zone; iii. the level of consultation with land owners in the Source Protection Zone. 	Support in part	The potential impacts of source protection zones on other activities is reflected at d) and is supported, including the potential requirement for consultation with affected landowners. The Oil Companies consider that this should, however, be broadened to owners and occupiers, to recognise affected parties will not necessarily be the landowners.	Amend 7d)iii) as follows: <i>d)iii) the level of consultation with land owners <u>and occupiers</u> in the Source Protection Zone.</i>
<p>8. The Council will, when considering applications to discharge contaminants or carry out land or water use activities within:</p> <ul style="list-style-type: none"> a. the source protection extent for Registered Drinking Water Supplies, take into account possible contamination pathways and risks to the quality of the source water for the water supply, b. A Source Protection Zone, avoid or mitigate risk of contamination from the activity of the source water for the water supply by taking into account criteria including but not limited to; 	Support in part	As set out in relation to Objective 9 and Policy 6, the Oil Companies consider that management of their activities in accordance with the MfE Guidelines and various codes of practice, which reflect good practice, are important to the achievement of this objective. The Oil Companies seek specific reference to the role of codes of practice and	Amend b)vi) to specifically reference codes of practice and guidelines: <i>vi. the effectiveness of any mitigation measures to avoid or mitigate risk of contaminants entering the source water and the extent to which the effectiveness of the mitigation</i>

<ul style="list-style-type: none"> i. the amount, concentration and type of contaminants likely to be present as a result of the activity or in any discharge; ii. the potential pathways for those contaminants, including any likely or potential preferred pathways; iii. the mobility and survival rates of any pathogens likely to be in the discharge or arising as a result of the activity; iv. any risks the proposed land use or discharge activity has either on its own or in combination with other existing activities, including as a result of non-routine events; v. ensuring the water supplier is aware of any abstraction of groundwater where abstraction has the potential to have more than a minor impact on flow direction or speed and/ or hydrostatic pressure; vi. the effectiveness of any mitigation measures to avoid or mitigate risk of contaminants entering the source water and the extent to which the effectiveness of the mitigation measure can be verified; vii. notification, monitoring or reporting requirements to the Registered Drinking Water Supplier. 		<p>guidelines in the policy. The proposed changes enable the value and merits of any particular guidelines/code of practice to be considered on their merits.</p>	<p><u>measure can be verified, including with regard to relevant codes of practice and guidelines;</u></p>
<p>9. The Council will work with the agencies which have roles and responsibilities for the provision of safe drinking water, including Napier City Council, Hastings District Council, Hawkes Bay District Health Board and Drinking Water Assessors and through multi-agency collaboration to:</p> <ul style="list-style-type: none"> a. implement a multi-barrier approach to the delivery of safe drinking water for Registered Drinking Water Supplies, through the consideration of source protection measures, water treatment and supply distribution standards; b. understand the nature and extent of the water resources used to supply communities, their connectivity with other waterbodies and their recharge sources; c. understand the nature of the relationship between water age and water quality, the use of water age as an attribute and implications for its management; 	<p>Support in part</p>	<p>The importance of source control as an additional means of controlling water quality is addressed further in relation to Policy 29 but is also appropriately referenced in Policy 9 in relation to safe drinking water.</p>	<p>Require consideration of source control at 9a and delete clause 9g which appears to effectively be a duplication of 9a.</p> <ul style="list-style-type: none"> a. <i>implement a multi-barrier approach to the delivery of safe drinking water for Registered Drinking Water Supplies, through the consideration of <u>source control</u>, source protection measures, water treatment and supply distribution standards;</i> g. <i>implement a multi-barrier approach to the delivery of safe drinking water for Registered Drinking Water</i>

<ul style="list-style-type: none"> d. understand risks to the quality of water used for Registered Drinking Water Supplies, including through consultation on any applicable resource applications in Source Protection Zones; e. maintain shared databases of activities, including information in consents for land and water use, that have the potential to adversely affect quality of water used for community supply; f. develop solutions that address risks to water quality including wastewater reticulation solutions in Source Protection Zones; g. implement a multi-barrier approach to the delivery of safe drinking water for Registered Drinking Water Supplies, through the consideration of source protection measures, and water treatment and supply standards. 			<p><i>Supplies, through the consideration of source protection measures, and water treatment and supply standards.</i></p>
Managing point source discharges			
<p>10. 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> <ul style="list-style-type: none"> a. measurement uncertainties associated with variables such as location, flows, seasonal variation and climatic events; b. the degree to which a discharge is of a temporary nature, or is associated with necessary maintenance work. c. when it is an existing activity, identification of mitigation measures, where necessary, and timeframes for their adoption that contribute to the meeting of water quality objectives. 	Support in part	This provision is potentially relevant to discharges of treated dewatering water like those undertaken from time to time to enable installation or replacement of underground tanks. The specific recognition of reasonable mixing and temporary takes is supported but the Oil Companies seek that the policy is expanded to reference replacement and upgrades.	<p>Amend clause b. to refer to maintenance and upgrading.</p> <p><i>b. the degree to which a discharge is of a temporary nature, or is associated with necessary maintenance, <u>replacement or upgrading work.</u></i></p>
5.10.4 Policies: Stormwater Management			
Urban Infrastructure			
28. The adverse effects of stormwater quality and quantity on aquatic ecosystems and community well-being arising from existing and new urban development (including infill development)	Support in part	As set out above, the Oil Companies support the good practice approach and consider the MfE Guidelines provide this for stormwater	<p>Amend clauses g, j and k as follows:</p> <p><i>g. adopting, where practicable, a good practice approach to stormwater</i></p>

<p>industrial and trade premises and associated infrastructure, will be reduced or mitigated no later than 1 January 2025, by:</p> <ol style="list-style-type: none"> a. Local Authorities adopting an integrated catchment management approach to the collection and discharge of stormwater; b. requiring stormwater to be discharged into a reticulated stormwater network where such a network is available or will be made available as part of the development; c. requiring increased retention or detention of stormwater, while not exacerbating flood hazards; d. taking into account site specific constraints including areas with high groundwater, source protection zones, and/or an outstanding water body ; 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; f. taking into account the effects of climate change when providing for new and upgrading existing infrastructure; g. adopting, where practicable, a good practice approach to stormwater management including adoption of Low Impact Design for stormwater systems; h. 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 objectives set out in this plan; i. developing and making available to the public advice about good stormwater management options (including through HBRC’s guidelines); j. encouraging, through education and public awareness programmes, greater uptake and installation of measures that reduce risk of stormwater contamination; k. requiring, no later than 1 January 2025, the preparation and implementation of a site management plan and good site management practices on industrial and trade 	<p>management on petroleum industry sites.</p> <p>What constitutes a ‘high risk of stormwater contamination’ is not defined. This is discussed in part in the section 32 report, particularly in relation to rule TANK 22.³ That discussion and the rule framework indicates that the Council proposes to define risk based on the size of the industrial or trade premises but suggests the option of an alternative approach through the use of an effects matrix to determine degree of risk.</p> <p>The Oil Companies consider that the size of the industrial or trade premise is not determinative of risk at petroleum industry sites but acknowledge that a number of plans around the country use industrial or trade activity areas (ie the area where hazardous substances are stored and used) and that what is most important is that the risk of the storage and use of hazardous substances is appropriately mitigated. In relation to petroleum industry sites, the Oil Companies consider that the MfE Guidelines constitute good practice and are not high risk. This is discussed further below in relation to the stormwater rules but mitigation where hazardous substances are stored and used would be appropriately referenced at g.</p> <p>In relation to clause k, the Oil Companies</p>	<p><i>management including adoption of Low Impact Design for stormwater systems <u>and suitable mitigation where hazardous substances are stored and used</u>;</i></p> <ol style="list-style-type: none"> j. <i>encouraging, through education and public awareness programmes, greater uptake and installation of measures that reduce risk of stormwater contamination, <u>including source control</u>;</i> k. <i>requiring, no later than 1 January 2025, 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>Clarify that MfE Guideline compliant petroleum industry sites are not high risk, for instance in the Auckland Unitary Plan.</p>
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³ Section 32 Evaluation Report, page 238



<p>premises with a high risk of stormwater contamination and those in the high priority areas:</p> <ul style="list-style-type: none"> i. of the Ahuriri catchment; ii. of the Karamū River and its tributaries; iii. of land over the unconfined aquifer; and iv. within identified drinking water Source Protection Zones. 		<p>recognise that it is appropriate that these sites are operated in accordance with appropriate operational stormwater management plans, including spill response plans. As the companies operate nationwide networks, these are not site specific plans but are standardized to ensure good practice network wide.</p> <p>Specific reference to source control as means to reduce risk of stormwater contamination is necessary at j to address an important aspect of stormwater control that is largely overlooked in PC9. This is discussed further in relation to Policy 29 below.</p> <p>References to industrial and trade premises should be amended to industrial or trade premises, as defined in the RMA.</p>	
<p>Source control</p>			
<p>29. Sources of stormwater contamination and contaminated stormwater will be reduced by:</p> <ul style="list-style-type: none"> a) 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; 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; c) controlling, and if necessary avoiding, activities that will result in water quality standards not being able to be met. 	<p>Support in part</p>	<p>The section 32 report addresses source control but focuses on doing so at the point of discharge through appropriate site design. The Oil Companies consider that this misses the opportunity to more efficiently manage contaminants by minimizing them arising in the first instance. While this is in part a national issue, the Oil Companies consider it is one that the Council, in conjunction with the relevant agencies, is well placed to lead a collaborative approach on, for instance through Local Government New Zealand. A requirement for Council to lobby Council in this regard is sought.</p>	<p>Recognise the important role of reducing contaminants through source control. This could be achieved by a new clause as follows:</p> <p><u>d) Council working with the agencies which have roles and responsibility for the management of stormwater and through multi-agency collaboration to lobby central government seeking national measures and industry standards to reduce the discharge of contaminants in stormwater, including zinc and copper</u></p>

			<u>from metal roofs, car tyres and brake linings.</u>
Dealing with the legacy			
<p>30. Aquatic ecosystem health improvements and community wellbeing and reduced stormwater contamination will be achieved by HBRC working with the Napier City and Hastings District Councils requiring discharges from stormwater networks to meet:</p> <p>a) water quality objectives (where they are degraded by stormwater) and the identification of measures that ensure stormwater discharges will achieve at least:</p> <ol style="list-style-type: none"> i. the 80th percentile level of species protection in receiving waters by 1 January 2025; and ii. the 95th percentile level of species protection by 31 December 2040. <p>and</p> <p>b. except as in (a) above, the management objectives in Schedule 26 for freshwater and estuary health through resource consent conditions, including requirements;</p> <ol style="list-style-type: none"> i. to apply the Stream Ecological Valuation methodology to inform further actions; ii. to install treatment devices within the drainage network where appropriate; iii. for stream planting/re-alignment for aquatic ecosystem enhancement; iv. for wetland creation, water sensitive design and other opportunities for increasing stormwater infiltration where appropriate; v. recognise existing and planned investments in stormwater infrastructure. 	Support in part	<p>Policy 10 recognises that it is appropriate that water quality measures relating to point source discharges apply after reasonable mixing. The Oil Companies consider that the same should be reflected in relation to policy 30 to provide clarity that these are not 'end of pipe' standards as frequently interpreted by Councils.</p>	<p>Amend Policy 30 as follows:</p> <p>30. Aquatic ecosystem health improvements and community wellbeing and reduced stormwater contamination will be achieved by HBRC working with the Napier City and Hastings District Councils requiring discharges from stormwater networks to meet <u>(after reasonable mixing)</u>: ...</p>
Consistency and Collaboration; Integration of city, district and regional council rules and processes.			
<p>31. To achieve the freshwater quality objectives in this Plan, HBRC, with the Napier City and Hastings District Councils will, no later than 1 January 2025, implement similar stormwater performance standards including through the adoption of:</p> <ol style="list-style-type: none"> a. good practice engineering standards; b. consistent plan rules and bylaws; 	Support	<p>The Oil Companies support this approach and consider it can appropriately apply to education and advocacy in relation to a range of measures, including source control.</p>	Retain as notified.

<ul style="list-style-type: none"> c. shared information and approaches to education and advocacy; d. shared information and processes for monitoring and auditing individual site management on sites at high risk of stormwater contamination; e. consistent levels of service for stormwater management and infrastructure design; f. an integrated stormwater catchment management approach; g. undertaking a programme of mapping the stormwater networks and recording their capacity; h. aligning resource consent processes and having joint hearings to achieve integrated management of proposals for urban activities particularly in respect of stormwater, water supply and wastewater provisions and implementation of the Heretaunga Plains Urban Development Strategy (2017). 			
5.10.6 Policies: Heretaunga Plains Groundwater Levels and Allocation Limits			
Heretaunga Plains Aquifer Management			
<p>36. The Council recognises the actual and potential adverse effects of groundwater abstraction in the Heretaunga Plains Water Management Unit on:</p> <ul style="list-style-type: none"> a. groundwater levels and aquifer depletion; b. flows in connected surface waterbodies; c. flows of the Ngaruroro River; d. groundwater quality through risks of sea water intrusion and water abstraction; e. tikanga and mātauranga Māori; <p>and will adopt a staged approach to groundwater management that includes;</p> <ul style="list-style-type: none"> f. avoiding further adverse effects by not allowing new water use g. reducing existing levels of water use; h. mitigating the adverse effects of groundwater abstraction on flows in connected water bodies; i. gathering information about actual water use and its effects on stream depletion; 	Oppose in part	<p>The Oil Companies are concerned that this policy and in particular the avoidance of adverse effects at clause f will not support permitted activity takes in the catchment, including for short term construction dewatering activities with limited potential for adverse effects.</p> <p>This could be addressed by amending clause f to avoid the granting of new water permits, as opposed to not allowing any water use, including as could be provided for by permitted activity provisions.</p>	<p>Amend clause f as follows:</p> <p>f. <i>avoiding further adverse effects by not allowing granting water permits for new water use;</i></p>

<ul style="list-style-type: none"> j. monitoring the effectiveness of stream flow maintenance and habitat enhancement schemes; k. including plan review directions to assess effectiveness of these measures. 			
<p>37. In managing the allocation and use of groundwater in the Heretaunga Plains Water Management Unit, the Council will;</p> <ul style="list-style-type: none"> a) adopt an interim allocation limit of 90 million cubic meters per year based on the actual and reasonable water use prior to 2017; b) avoid re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body until there has been a review of the relevant allocation limits within this plan; c) manage the Heretaunga Plains Water Management Unit as an over-allocated management unit and prevent any new allocations of groundwater; d) when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; <ul style="list-style-type: none"> (i) allocate groundwater the basis of the maximum quantity that is able to be abstracted during each year or irrigation season expressed in cubic meters per year; (ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 (except as provided by Policy 50); e) mitigate stream depletion effects on lowland streams by providing for stream flow maintenance and habitat enhancement schemes. 	Support in part	Subject to amendments to provide a permitted activity pathway for temporary construction dewatering, the Oil Companies do not oppose this provision on the basis that allocation limits are based on water allocated in water permits, not as provided for by permitted activities.	Ensure this policy supports permitted activity provisions with low potential for adverse effects.
General Water Allocation Policies			
<p>45. When assessing applications to take water the Council will;</p> <ul style="list-style-type: none"> a. provide that the abstraction of water that has been taken at times of high flow and stored and released for subsequent use, is not subject to allocation limits; b. require water meters to be installed for all water takes authorised by a water permit and water use to be recorded and reported via telemetry provided that 	Support in part	The Oil Companies seek a permitted activity pathway for temporary construction dewatering takes. This will avoid a technical requirement for metering takes which are not readily metered, for instance due to partially full pipes, but can be estimated	Provide a permitted activity pathway for temporary construction dewatering takes to avoid a technical requirement for water metering which is not practicable given the nature of these

<p>telemetry will not normally be required where the consented rate of take is less than 5l/sec or where there are technical limitations to its installation;</p> <p>c. ensure water allocation from tributaries is accounted for within the total allocation limit for the relevant zone and that the total abstraction from any tributary does not exceed 30% of the MALF for that tributary unless otherwise specified in Schedule 31;</p> <p>d. offset the stream depletion effects of any groundwater takes in Zone 1, that were not previously considered stream depleting, by managing them as if they were in the Heretaunga Plains Water Management Unit; and</p> <p>(i) require contributions to an applicable lowland stream enhancement programme at a rate equivalent to the stream depletion effect consistent with Policy 39;</p> <p>or</p> <p>(ii) require the water take to cease when the minimum flow for the affected river is reached if a permit holder does not contribute under clause (i) where there is an applicable lowland stream enhancement; and</p> <p>(iii) allow further technical assessments to determine the extent of stream depletion effect.</p>		based on pumping rates and durations.	takes.
Over-Allocation			
<p>52. The Council will phase out over-allocation by;</p> <p>a. preventing 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>	Support in part	Temporary construction dewatering takes are unusual in that measures are typically taken to reduce the amount of water to be taken and the water itself is not of benefit to the taker. They are, however, important to enable a range of activities, including encouraging replacement/upgrading of aging underground infrastructure. A permitted activity pathway for these takes is required to avoid a potential conflict with this policy.	Provide a permitted activity pathway for temporary construction dewatering takes.

<ul style="list-style-type: none"> c. provide for, within the duration of the consent, meeting water efficiency standards where hardship can be demonstrated; d. reducing the amount of water permitted to be taken without consent, including those provided for by Section 14 (3)(b) of the RMA, except for authorised uses existing before 2 May 2020; e. encouraging voluntary reductions, site to site transfers (subject to clause (f)) or promoting water augmentation/harvesting; f. prevent site to site transfers of allocated but unused water that does not meet the definition of actual and reasonable use; g. enabling and supporting permit holders to develop flexible approaches to management and use of allocatable water within a management zone including through catchment collectives, water user groups , consent or well sharing or global water permits; h. enabling and supporting the rostering of water use or reducing the rate of takes in order to avoid water use restrictions at minimum or trigger flows. 			
Frost protection			
<p>53. When considering applications to take water for frost protection, the Council will avoid, remedy or mitigate actual and potential effects of the take on its own or in combination with other water takes;</p> <ul style="list-style-type: none"> a) from groundwater in the Heretaunga Plains Water Management Unit on; <ul style="list-style-type: none"> (i) neighbouring bores and existing water users;. (ii) connected surface water bodies; (iii) water quality as a result of any associated application of the water onto the ground where it might enter water; b) from surface water on; <ul style="list-style-type: none"> (iv) instantaneous flow in the surface water body; (v) fish spawning and existing water users; (vi) applicable minimum flows during November to April; 	Oppose in part	There is potential for the proposed provisions to prohibit temporary construction dewatering activities. Subject to a permitted activity pathway, this potential is reduced but in the event that compliance with permitted standards cannot be achieved it is important that there is provision to consider the effects of these temporary shallow takes.	<p>Amend policy 53 to apply to both frost protection and temporary construction dewatering.</p> <p><i><u>Frost protection and temporary construction dewatering</u></i></p> <p>53. <i>When considering applications to take water for frost protection <u>or temporary construction dewatering</u>, the Council will avoid, remedy or mitigate actual and potential effects of the take on its own or in combination with other water takes;</i></p> <p>...</p>

<p>(vii) water quality as a result of any associated application of the water onto the ground where it might enter water;</p> <p>By;</p> <p>c) taking into account any stream depletion effects of groundwater takes;</p> <p>d) imposing limits in relation to minimum flows or groundwater levels;</p> <p>e) requiring water metering, monitoring and reporting use of water for frost protection.</p>			
Chapter 6 New Regional Rules			
<p>Rule - Tank 8 Groundwater take</p> <p>Activity - The take and use of groundwater in the TANK Water Management Zones including under Section 14(3)(b) of the RMA</p> <p>Status – Permitted</p> <p>Conditions/Standards/Terms</p> <p>a) Any take first commencing after 2 May 2020 is not from the Poukawa Freshwater Management Unit (quantity).</p> <p>b) There is only one point of take per property and the take does not exceed 5 cubic metres per day except;</p> <p style="padding-left: 20px;">(i) takes existing as at 2 May 2020 may continue to take up to 20 cubic metres per property per day and to meet the reasonable needs of animals for drinking water.</p> <p style="padding-left: 20px;">(ii) Takes occurring for a period of less than 28 days within any 90 day period, the total volume taken on any property shall not exceed 200 cubic metre per 7 day period.</p> <p style="padding-left: 20px;">(iii) The taking of water for aquifer testing is not restricted</p> <p>c) The rate of take shall not exceed 10 l/s other than aquifer testing for which the rate of take is not restricted.</p>	<p>Oppose in part</p>	<p>Rules 53 and 54 of the operative RRMP provide permitted activity pathways for minor takes and uses of groundwater subject to compliance with standards. Where compliance is not achieved, discretionary activity consent is required pursuant to Rule 55.</p> <p>Dewatering takes are important for the installation and maintenance of other underground infrastructure and for many construction activities.</p> <p>For the Oil Companies, they are most relevant to the installation of underground assets, primarily fuel storage tanks, where groundwater is less than five to six metres below ground level. These dewatering takes are essential to enable the safe and appropriate installation of underground fuel storage tanks in line with the relevant code of</p>	<p>Amend TANK 8 to provide a permitted activity pathway for temporary construction dewatering activities. This could be achieved by amending clauses b) and c) as follows:</p> <p><i>b) There is only one point of take per property and the take does not exceed 5 cubic metres per day except;</i></p> <p>...</p> <p><i>(iii) The taking of water for aquifer testing <u>and construction dewatering for up to 10 consecutive days</u> is not restricted</i></p> <p><i>c) The rate of take shall not exceed 10 l/s other than <u>for temporary construction dewatering which shall not exceed 40 l/s and aquifer testing for which the rate of take is not</u></i></p>



<p>d) The take shall not prevent from taking water, any other lawfully established efficient groundwater take, or any lawfully established surface water take, which existed prior to commencement of the take.</p> <p>e) The take shall not cause changes to the flows or levels of water in any connected wetland.</p> <p>f) Backflow of water or contaminants into the bore shall be prevented.</p>	<p>practice⁴, including allowing contractors to safely access the base of tank pits to anchor tanks to beams to help prevent them floating out of position. While dewatering may, in a technical sense, be considered a form of abstraction, it is the result of the interception of groundwater rather than any desire to take and or use that water. Significant measures are in fact taken to minimise the volume of water taken, typically including overlapping metal piles (sheet piles) around the perimeter of a tank pit to minimise lateral movement of water through the walls of the excavation.</p> <p>Tank installs are also infrequent activities with tanks typically having a 20 to 25-year life cycle. The duration of dewatering takes is the time taken to excavate below the water table to complete the tank pit base preparation, install the tank, and backfill the excavation. This usually comprises approximately three to five days of potentially continuous pumping, but contingency is generally sought for at least 10 days to allow for variation in local conditions and unforeseen circumstances, for instance if works are stopped during unpredicted bad weather or during technical malfunctions. Rates of take</p>	<p><i>restricted.</i></p>
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⁴ HSNOCOP 44: Below ground stationary container systems for petroleum – design and installation, June 2013

	<p>are estimated by the rate of pumping, as opposed to metering, and can be up to 40 litres per second (l/s) during the initial drawdown phase, often decreasing within 24 hours to be 0-20 l/s to maintain the lowered water level. Actual rates depend on a range of factors, particularly the permeability of the base of the tank pit. Until an excavation is undertaken and pumping commences, it is not practicable to accurately predict dewatering rates and volumes.</p> <p>Under the proposed rules, these takes in the TANK catchments would not comply with permitted volumes and rates and would require a water permit in all instances.</p> <p>The Oil Companies understand that the intent of PC9 is that TANK 11 would provide a discretionary activity pathway for takes within the Schedule 31 allocation limits and that takes exceeding the allocation limits would be prohibited by Rule TANK 12.⁵ This pathway is discussed further below in relation to TANK 11.</p> <p>The potential effects of these temporary and shallow dewatering takes on water quantity are such that the Oil Companies consider it is appropriate that they be provided for as a permitted activity as they are in a range of plans around the country. Amendments to</p>	
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⁵ Section 32 Evaluation Report, page 289

		this effect are sought and incorporate limits on the duration and rate of take that are at the upper end of what is required by the Oil Companies in most instances	
<p>Rule - Tank 11 Groundwater and surface water take (low flow) Activity - The take and use of surface (low flow allocations) or groundwater Status – Discretionary Conditions/Standards/Terms</p> <p>a) The activity does not comply with the conditions of Rules TANK 9 or TANK 10.</p> <p>b) Either</p> <p>(i) The application is either for the continuation of a water take and use previously authorised in a permit that was issued before 2 May 2020 or is a joint or global application that replaces these existing water permits previously held separately or individually in the following Management Units;</p> <ul style="list-style-type: none"> i. Ahuriri ii. Poukawa iii. Ngaruroro groundwater iv. Tūtaekurī groundwater v. Heretaunga Plains <p>or</p> <p>(ii) The total amount taken, either by itself or in combination with other authorised takes in the same water management unit does not cause the total allocation limit in the relevant management unit as specified in Schedule 31 to be exceeded except this clause does not apply to takes for:</p> <ul style="list-style-type: none"> i. frost protection; ii. takes of water associated with and dependant on release of water from a water storage impoundment. 	Oppose in part	<p>Where a proposed groundwater take does not comply with TANK 8 standards, and Section 124 RMA does not apply (and therefore TANK 9 and 10 are not applicable), the s32 report states that TANK 11 would apply where schedule 31 allocation limits are not exceeded and other standards met. However, non compliance with TANK 8 is not referenced in the first standards. This is required to avoid any confusion that non-compliance with TANK 8 could cascade to TANK 12.</p> <p>To ensure temporary groundwater takes for construction dewatering activities do not default to a prohibited activity status (Tank 12) in the event that compliance with TANK 8 cannot be achieved, reference to temporary construction dewatering takes is required in addition to reference to frost protection and takes associated with and dependent on the release of water from an impoundment.</p>	<p>Amend as follows:</p> <p>a) <i>The activity does not comply with the conditions of Rules <u>TANK 8</u>, TANK 9 or TANK 10.</i></p> <p>b) <i>Either</i></p> <p>(i) <i>The application is either for the continuation of a water take and use previously authorised in a permit that was issued before 2 May 2020 or is a joint or global application that replaces these existing water permits previously held separately or individually in the following Management Units;</i></p> <ul style="list-style-type: none"> i. Ahuriri ii. Poukawa iii. Ngaruroro groundwater iv. Tūtaekurī groundwater v. Heretaunga Plains <p>or</p> <p>(ii) <i>The total amount taken, either by itself or in combination with other authorised takes in the same water management unit does not cause the total</i></p>



			<p><i>allocation limit in the relevant management unit as specified in Schedule 31 to be exceeded except this clause does not apply to takes for:</i></p> <ul style="list-style-type: none"> <i>i. frost protection;</i> <i>ii. takes of water associated with and dependant on release of water from a water storage impoundment.</i> <i>iii. <u>temporary construction dewatering</u></i>
<p>Rule – TANK 12 Activity – The take and use of surface or groundwater Status – Prohibited Conditions/Standards/Terms a) The activity does not comply with the conditions of Rule TANK 11 No application may be made for this activity</p>	<p>Oppose</p>	<p>The s32 report addresses non-complying or prohibited activity status options for TANK 12 and considers it is finely balanced as to which is the more appropriate and goes on to recognise that a prohibited status poses a risk in relation to the level of certainty about whether a take should not be contemplated in any circumstances.⁶</p> <p>The Oil Companies consider the example of temporary construction dewatering, which may be required in catchments exceeding allocation limits, provides a clear example of the risk of a prohibited activity approach. Such a limit could potentially hinder the safe installation of underground tanks and</p>	<p>Amend the activity status of TANK 12 from prohibited to non-complying</p>

⁶ Section 32 Evaluation Report, page 286

		<p>prevent replacement of aging underground petroleum storage systems and would not promote sustainable management.</p> <p>A non-complying activity status would enable Council to refuse applications, including on the grounds of cumulative effects but would reduce the potential for unintended consequences due to takes arising that are not anticipated by the provisions of the RRMP.</p>	
<p>6.10.3 Stormwater</p>			
<p>Rule - Tank 19 Small scale stormwater activities</p> <p>Activity - The diversion and discharge of stormwater into water, or onto land where it may enter water from any new or existing and lawfully established:</p> <p>(a) residential activities;</p> <p>(b) non-industrial or trade premise;</p> <p>(c) industrial or trade premise with less than 1,000 m2 of impervious areas;</p> <p>(d) rural building.</p> <p>Status – Permitted</p> <p>Conditions/Standards/Terms</p> <p>a) The diversion and discharge shall not;</p> <p>(i) cause any permanent bed scouring or bank erosion of land or any water course at or beyond that point of discharge</p> <p>(ii) cause or contribute to flooding of any property</p> <p>(iii) cause any permanent reduction in the ability of the receiving environment to convey flood flows</p>	<p>Oppose in part</p>	<p>Under the operative RRMP, the diversion and discharge of stormwater is addressed by Rules 42 and 43. Rule 42 provides a permitted activity pathway but does not provide for discharges from industrial or trade premises used for the storage of any hazardous substance. Rule 43 provides a controlled activity pathway subject to all reasonable measures being taken to avoid particular effects in receiving waters after reasonable mixing.</p> <p>The s32 analysis that accompanies PC9 states that the status quo provisions are not adequate for managing water quality within the receiving water to a level that will allow the objectives of PC9 to be achieved.</p> <p>The Oil Companies operate industrial or trade premises, including in locations where properties cannot connect to reticulated stormwater networks.</p>	<p>Amend TANK 19(c) as follows to refer to the area used for industrial or trade activity:</p> <p>(c) <i>industrial or trade premise with less than 1,000 m2 of impervious areas <u>used for the storage, use or transfer of hazardous substances</u>;</i></p> <p>or</p> <p>(c) <i>industrial or trade premise with <u>an industrial or trade activity area less than 1,000 m2</u> of impervious areas;</i></p> <p>The Auckland Unitary Plan provides a comprehensive definition of ITA area which could be adopted to provide further explanation of how such an area is calculated. That definition is as follows:</p>

<p>(iv) contain hazardous substances or, be from a site used for the storage, use or transfer of hazardous substances</p> <p>(v) contain drainage from a stockyard</p> <p>(vi) cause to occur or contribute to any of the following after reasonable mixing:</p> <ul style="list-style-type: none"> i. production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials ii. any emission of objectionable odour iii. any conspicuous change in colour or the visual clarity of the receiving water body (including the runoff from bulk earthworks) iv. any freshwater becoming unsuitable for consumption by farm animals <p>(vii) cause to occur or contribute to the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water</p> <p>(viii) cause to occur or contribute to the discharge of microbiological contaminants including sewage, blackwater, greywater or animal effluent.</p> <p>b) The property cannot connect to a current or planned reticulated stormwater network.</p> <p>c) Any structure associated with the point of discharge or diversion is maintained in a condition such that it is clear of debris, does not obstruct fish passage and is structurally sound.</p> <p>The person who discharges or diverts, or who causes the discharge or diversion to occur, shall provide such information upon request by the Council to show how Condition (a) will be met or has been met.</p>	<p>As currently drafted, sub clause a(iv) would preclude permitted activity discharges from the Oil Companies sites as they store, use or transfer hazardous substances. This is consistent with the approach taken in the operative RRMP but effectively sets a zero contaminant threshold and will necessitate consent requirements for a range of activities with low potential for adverse effects, including discharges from MfE Guideline compliant petroleum industry sites.</p> <p>From a water quality perspective (which is assumed to be the driver given impervious area would otherwise be reflected in the pathway for other activities), the Oil Companies do not consider a 1,000m² impervious area limit is determinative of risk for industrial or trade premises. It follows that it should not be used to exclude activities from this permitted pathway.</p> <p>In the context of a MfE Guideline compliant service station site for instance, hazardous substances are only stored, used and transferred in particular parts of the site and stormwater from these areas is appropriately directed to an oil-water separator. The balance of areas do not contribute to risk associated with the industrial or trade premise and should not be a factor in determining the consenting pathway.</p> <p>The Oil Companies consider that clause (c) of the rule should instead refer to the industrial or trade activity area or the area where</p>	<p><i>The area of land or coastal marine area where a particular industrial or trade activity is being undertaken, which may result in the discharge of environmentally hazardous substances associated with that activity onto or into land or water. The calculation of the industrial or trade activity area must be based upon the following areas:</i></p> <ul style="list-style-type: none"> • <i>all roof areas onto which environmentally hazardous substances generated by the activity are deposited;</i> • <i>all outdoor storage, handling or processing areas of materials and/or products that may contribute to the quality or quantity of environmentally hazardous substance discharges (including occasional or temporary use of areas);</i> • <i>the area at risk from failure of the largest unbanded container used for the activity that may contribute to the quality or quantity of environmentally hazardous substance discharges; and</i> • <i>all areas (including roofs) that contribute runoff to the Industrial or trade activity area.</i>
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		<p>hazardous substances are stored, used or transferred. The latter would avoid the potential need for a definition of an industrial or trade activity.</p> <p>Alternatively, the Oil Companies are not opposed to a risk matrix to determine risk associated with particular discharges. As set out in relation to Policy 28, the Oil Companies do not consider MfE Guideline compliant discharges to be high risk. This is reflected in a range of plans around the country which permit discharges in accordance with the Guidelines.</p>	<p><i>The calculation of the industrial or trade activity area excludes the following areas:</i></p> <ul style="list-style-type: none"> • <i>all areas that discharge lawfully into an authorised trade waste system;</i> • <i>areas that are not used for or affected by the industrial or trade activity;</i> • <i>all indoor or roofed areas which do not discharge onto or into land or water; and</i> • <i>areas used for the storage of inert materials, provided that if suspended solids are generated by the materials and entrained in stormwater, the stormwater from such storage areas is treated in accordance with the best practicable option or is otherwise lawfully authorised.</i> <p>In the alternative, differentiate the pathway for industrial or trade premises by preparation of a risk matrix for the range of industrial or trade activities, reflecting that MfE Guideline compliant sites are not high risk.</p> <p>Amend standard a(iv) so that it does not exclude all hazardous substances and provides for activities that are appropriately regulated, for instance</p>
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			stormwater discharges from petroleum industry sites managed in accordance with the MfE Guidelines, at least for existing lawfully established activities.
<p>Rule – TANK 20 Small scale stormwater activities</p> <p>Activity - The diversion and discharge of stormwater into water, or onto land where it may enter water from any new or existing and lawfully established:</p> <ul style="list-style-type: none"> (a) residential activities; (b) non-industrial or trade premise; (c) industrial or trade premise with less than 1,000 m2 of impervious areas; (d) rural building. <p>Status – Restricted Discretionary</p> <p>Conditions/Standards/Terms</p> <ul style="list-style-type: none"> a) The activity does not comply with the conditions of Rule TANK 19 <p>Matters for Control/Discretion</p> <ol style="list-style-type: none"> 1. Location of the point of diversion and discharge including its catchment area. 2. Volume, rate, timing and duration of the discharge, in relation to a specified design rainfall event. 3. Effects of the activity on downstream flooding. 4. Contingency measures in the event of pipe capacity exceedance. 5. Actual or likely adverse effects on fisheries, wildlife, habitat or amenity values of any surface water body. 6. Actual or likely adverse effects on the potability of any ground water. 	Oppose in part	<p>Rule 43 of the operative RRMP provides a controlled activity pathway for discharges from industrial or trade premises used for the storage of any hazardous substance.</p> <p>As set out above in relation to TANK 19, the Oil Companies do not support the 1,000m2 threshold for industrial or trade premises.</p> <p>The Oil Companies are not opposed to a risk matrix to determine risk associated with particular discharges. As set out in relation to Policy 28, the Oil Companies do not consider MfE Guideline compliant discharges to be high risk.</p> <p>The Oil Companies consider that specific discretion should be retained for compliance with relevant codes of practice and guidelines.</p>	<p>Provide a restricted discretionary activity pathway for MfE Guideline compliant discharges that do not comply with TANK 19. This could be achieved by:</p> <p>Amending TANK 20(c) as follows to refer to the area used for industrial or trade activity and reference compliance with codes of practice and guidelines as a matter of discretion:</p> <p>(c) <i>industrial or trade premise with less than 1,000 m2 of impervious areas used for the storage, use or transfer of hazardous substances;</i></p> <p>or</p> <p>(c) <i>industrial or trade premise with <u>an industrial or trade activity area</u> less than 1,000 m2 of impervious areas;</i></p> <p>The Auckland Unitary Plan provides a comprehensive definition of ITA area which could be adopted to provide further explanation of how such an area is calculated (see above).</p> <p>In the alternative, differentiate the pathway for industrial or trade premises by preparation of a risk matrix for the range of industrial or trade activities, reflecting that MfE Guideline compliant</p>

<p>7. The actual or potential effects of the activity on the quality of source water for Registered Drinking Water Supplies and any measures to reduce the risk to the water quality including notification requirements to the Registered Drinking Water supplier.</p> <p>8. The actual of potential effects of the activity on the water quality objectives set out in Schedule 26.</p> <p>9. Duration of the consent.</p> <p>10. A compliance monitoring programme.</p> <p>11. Bonds or Administrative charges.</p>			<p>sites are not high risk and should be considered as permitted (via TANK 19) or restricted discretionary (via TANK 20) activities.</p> <p>Add an additional matter for control/discretion as follows:</p> <p><u>Compliance with relevant codes of practice or guidelines</u></p>
<p>Rule – TANK 21 Stormwater activities</p> <p>Activity - Diversion and discharge of stormwater from an existing or new local authority managed stormwater network into water, or onto land where it may enter water</p> <p>Status – Controlled</p>	<p>Oppose</p>	<p>This rule is subject of a long list of standards, including a requirement that the diversion and discharge shall not contain hazardous substances or be from a site used for the storage, use or transfer of hazardous substances.</p> <p>The Oil Companies anticipate that the exclusion of hazardous substances will effectively preclude most if not all stormwater discharges from this pathway because there will be some level of detectable hazardous substance from impervious surfaces. If consents are granted for network discharges under this rule, operators will not be able to receive discharges from a range of industrial or trade premises, including existing lawful connections. This will generate a requirement for discharges from those sites to obtain resource consent as a discretionary activity under TANK 23, despite what is otherwise an available network.</p>	<p>Recognise that stormwater network discharges will almost invariably contain hazardous substances and should be considered on that basis.</p>

<p>Rule – TANK 22 Stormwater activities</p> <p>Activity – Discharge of stormwater to water or onto land where it may enter water from any industrial or trade premises.</p> <p>Status – Restricted Discretionary</p>	Support	Support subject to provision of potential permitted and RDA pathways for MfE Guideline compliant discharges not meeting the provisions of TANK 19 and TANK 20.	Retain as notified, subject to the amendments sought to TANK 20.
<p>Rule – TANK 23 Stormwater activities</p> <p>Activity – The diversion and discharge of stormwater into water, or onto land where it may enter water.</p> <p>Status – Discretionary</p>	Support	The Oil Companies support the default to a discretionary activity consent requirement	Retain as notified.
Schedules			
Schedule 26: Freshwater Quality Objectives	Support		Retain as notified.
Schedule 27: Freshwater Quality Objectives	Support		Retain as notified
Schedule 31: Flows, Levels and Allocation Limits	Support		Retain as notified
Schedule 34: Urban Site Specific Stormwater Management Plan	Support in part	As sought in this submission, the consenting pathways for the Oil Companies may not ultimately trigger requirements for these management plans. However, if they are required, the Oil Companies seek flexibility that they need not be site specific in circumstances where sites are part of a nationwide network and standardized documentation can manage risks appropriately.	Recognise that standardized stormwater management plans for operations which are part of nationwide networks may appropriately manage risk.
Schedule 35 – Source Protection for Drinking Water Supplies	Support	The schedule provides clarity with regard to how these will be determined	Retain as notified
Glossary			

<p>Allocation limit for Groundwater means the maximum quantity that is able to be allocated in water permits and abstracted during each year, expressed in cubic metres per year, and is calculated as the sum of maximum water permit allocations for the groundwater zone. Allocations for irrigation will be calculated on the basis of the irrigation period of November-May. The Heretaunga Plains Water Management Unit groundwater allocation limit will be addition to water taken and used for frost protection which is expressed as an instantaneous take in litres per second and calculated as the sum of water permit allocations</p>	Support	The Oil Companies support the allocation limit being based on water permits, not permitted takes and consider this is important to a range of potentially permitted takes.	Retain as notified
<p>Registered Drinking Water Supply (or Supplies) means a drinking water supply that is recorded in the drinking water register maintained by the Chief Executive of the Ministry of Health (the Director-General) under section 69J of the Health Act 1956 that provides no fewer than 25 people with drinking water for not less than 60 days in each calendar year</p>	Support	These definitions, in conjunction with the schedule, help provide clarity regarding when and how these areas will be determined.	Retain as notified
<p>Source Protection Zone (SPZ) means an area surrounding the point of take for a registered drinking water supply that provides no fewer than 501 people with drinking water for not less than 60 days in each calendar year where plan provisions apply and includes any provisional Source Protection Zone and is defined by methods specified in Schedule 35 (information about the location of SPZs can be found on the Council's webpage)</p>	Support		
<p>Source Protection Extent is an area surrounding the point of take for a registered drinking water supply that provides no less than 25 and no more than 500 people with drinking water for not less than 60 days in each calendar year and includes any Provisional Source Protection Extent and is defined by methods specified in Schedule 35 (information about the location of these areas can be found on the Council's webpage.</p>	Support		

(Submit by email at eTANK@hbrc.govt.nz or post to HBRC, by 5pm Friday August 14th)

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

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

Name: Juliet Gray

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Submission Summary:

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

Submission Details:

A. General impact on the wine sector

Plan Provision	Concerns and Reasons	Decision Sought
<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 <u>reduceable</u> 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.</p> <p>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 <u>viticultural</u> soils”, or similar wording to achieve the outcome sought in this submission.</p> <p>Amend OBJ TANK 16.e to read “<u>Water bottling and</u> other non-commercial end uses”, or similar wording to achieve the outcome sought in this submission.</p>
<p>Policy 5.10.2.6/7/8 Protection of source water</p>	<p>These three policies adopt a strengthened approach to protection of the quality and quantity of drinkingwater supplies.</p> <p>I support a precautionary approach to such protection but considers that the policies and rules are unnecessarily onerous and reflect an over-response to the 2016 Havelock North water crisis.</p> <p>The Plan Change draws source protection zones expansively and the control exerted by Council through matters of discretion under TANK rules 2/4/5/6/9/10</p>	<p>Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10. Address risks via Farm Environment Plans, Catchment Collectives and Industry Programmes.</p>

	<p>is uncertain and potentially onerous, particularly on winery point source discharges but also on vineyard farming practices.</p> <p>In addition to the uncertain scope of control, there is a duplication in control because risks to drinkingwater will also need to be addressed in Farm Environment Plans, Catchment Collectives and Industry Programmes.</p> <p>Retaining the reference in TANK 2 will ensure that a risk assessment will still be made in the event that a property does not have a Farm Environment Plan or is not part of an Industry Programme or Catchment Collective.</p>	
<p>Policy 5.10.3.21 Assessing resource consents in subcatchments exceeding nitrogen objectives or targets</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>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>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 “<u>subject to Policy 21 a)-c)</u>, avoid land use change....” or similar wording to achieve the 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”.</p> <p>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.</p> <p>Similar, 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</p>	<p>Amend Policy 36.f to read “avoiding further adverse effects by <u>controlling net groundwater use within the interim allocation limit set out in Policy 37</u>” or similar wording to achieve the outcome sought in this submission.</p> <p>Amend Policy 36.g to read “<u>reducing existing levels of encouraging</u> water use <u>efficiency.</u>” or similar wording to achieve the outcome sought in this submission.</p>

	cumulative consented volume (sometimes referred to as “paper volume”) but not on cumulative consented actual use.	
Policy 5.10.6.37.d(ii) “Actual & Reasonable” water allocation approach	<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...”.</p> <p>The intent of this policy is understood to be to provide for replacement consent volumes not exceeding the highest use in the driest year in recent history (generally considered to be the 2012/13 water year), for landuse as at August 2017 (the point at which HBRC publicised the decision to cap groundwater usage at current peak dry-year levels). However, since TANK completed and the Plan was drafted, Hawke’s Bay has experienced a severe drought in 2019/20 water year. Given this recent experience and vastly improved water meter data collection in the most recent years, I consider that the 2019/20 water year data should be available as a benchmark dry year.</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>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 <u>August 2017 30 June 2020 (the end of the 2020 water year)</u>...”. or similar wording to achieve the outcome sought in this submission.</p> <p>Amend the Glossary definition of “Actual and Reasonable to provide that the volume allocated at consent renewals is the lesser of:</p> <ul style="list-style-type: none"> - the amount calculated by a Hawke’s Bay-specific IRRICALC model at 95% security of supply; - the volume of the expiring consent being replaced.”, <p>or similar wording to achieve the outcome sought in this submission.</p>
Policy 5.10.6.39	This policy subjects consented water users in the Heretaunga Plains Water Management Unit to a regime which requires them to either participate in	I understand that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. I support, in principle, jointly-funded

<p>Requirement for flow maintenance (augmentation)</p>	<p>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. 3. Large temporal and spatial spread of consent expiries and large consent numbers make it impractical and inequitable to require consent holders to take full responsibility for the development. 4. No allowance for an orderly transition to any new stream augmentation has been made. The currently proposed provisions could apply immediately from notification of the Plan Change, including to a very large number of currently expired consents (particularly groundwater takes in the unconfined aquifer), whereas stream augmentation schemes may be reasonably expected to take years to commission, particularly the kind of large-scale schemes that would be required to maintain flows in the Ngaruroro River. 5. Consent reallocations under the “Actual and Reasonable” provision of the Plan based on 95% certainty of supply do not provide sufficient water volume to support stream augmentation in dry years and so would decrease the effective certainty of supply of consents. 	<p>collective stream flow maintenance schemes on suitable lowland streams, facilitated by HBRC.</p>
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<p>Policy 5.10.7.51 Water Use and Allocation - Priority</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>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, <u>affected primary sector groups</u> and MPI, to make decisions ...” or similar wording to achieve the outcome sought in this submission.</p>
<p>Policy 5.10.8.59 High Flow Reservation</p>	<p>This policy requires Council to allocate “20% of the total water available at times of high flow in the Ngaruroro or Tūtaekurī River catchments for abstraction, storage and use for” contributions to environmental enhancement and Māori development.</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>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 Tūtaekurī River catchments” (emphasis added), whereas the intention in TANK was for it to apply to BOTH rivers. This may just be a drafting error. 2. The Policy now covers water for both Māori development and environmental enhancement but Schedule 32 only refers to Māori development. 3. The allocation rate of 1600L/s for the Ngaruroro River in Schedule 32 represents 20% of the total high flow allocation limit for that river, whereas the TANK agreement was for 20% of the new allocation (6000L/s), ie 1200L/s. 	<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 Māori development, reduce the proposed Māori development reservation for the Ngaruroro River from 1600L/s to 1200L/s in line with the 20% new-water allocation agreed at TANK and remove the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the high flow allocation.</p>

	<p>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.</p> <p>5. The Policy now requires “allocation” rather than “reservation”, with uncertain implications for private sector interests</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.</p> <p>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?</p> <p>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 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>Adjust the Grape kg/ha/yr for all soils to recognise 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>RRMP Chapter 6.9 - 6.3.1 Bore Drilling & Bore Sealing, Rule 1</p>	<p>This rule change has the effect of making bore drilling within a Source Protection Zone (SPZ) a Restricted Discretionary activity, as opposed to a Controlled activity. The proposed SPZs cover extensive areas of the Heretaunga Plains, particularly in the unconfined aquifer zone where many vineyards are located. The proposed Plan brings in intensive controls over activities in the SPZs and are specifically drawn to capture areas of unconfined aquifer upstream of protected water takes. Given the already-permeable nature of the unconfined aquifer area that comprises the bulk of the SPZs and other substantial controls over landuse activities, there is negligible additional benefit in controlling bore drilling in this area where the bore is a replacement for existing infrastructure. Also the additional expense and uncertainty of Restricted Discretionary status is likely to act as a deterrent to bore replacement as part of a normal maintenance cycle. Accordingly, bore drilling for the purpose of replacement of existing infrastructure in the SPZs should remain a Controlled activity.</p>	<p>Add a Condition to 6.3.1 Rule 1 reading: “<u>c. The bore is located within a Source Protection Zone but is a replacement for an existing bore that will be decommissioned.</u>” or similar wording to achieve the outcome sought in this submission.</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</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</p>

	<p>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 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>	<p>those of the Resource Management Amendment Act 2020 and related S.360 regulations.</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 and seek the following relief:

Plan Provision	Impact, Concerns and Reasons	Decision Sought
1.	<p>Background</p> <p>My name is Juliet Gray. I hold a Bachelor of Business Studies from Massey University and Postgraduate diploma in Viticulture and Winemaking from Lincoln University.</p> <p>My family have farmed a mixed land use 30 hectare property at 35 Dunvegan Road since 1985. This property is on Twyford Silt loam, gravels and a sandy loam. This property borders Fernhill and the Ngaroruro River.</p> <p>Crops grown on the property by my family include grapes, squash, corn, peas, asparagus and stonefruit. The property has a consent to irrigate pipfruit, process crops and grapes. In recent time this property has been under lease to a wine company. The contract has ended and we cannot get another contract for grapes.</p> <p>This property currently is the main sole income for two families. I am a widow with two young children. this property needs to continue to provide for my family.</p> <p>The property has provided employment for many years, to many people. This property is zoned as a fertile soil and cannot be used for other industries.</p> <p>Viticulture is a sustainable farming type on the Heretaunga Plains and has been efficient compared to other land uses for a long time. To lock in existing water</p>	<p>Land use not to be set from a certain date in time but from soil existing land uses already listed on the previous water consent.</p> <p>Farmers who have used water inefficiently should be penalised not efficient users. Efficient users are proven to be environmental friendly land users.</p> <p>Soil type, not land use to determine land use now and into the future.</p> <p>Viticulture land to have the same land use options as other horticultural fertile land in the area. This land is already being used to make an income, it cannot be restricted to one existing option or nothing.</p> <p>Zone 1 properties to be able to move their bore outside zone 1 if such a location for a new bore exists on their property.</p>

use and nitrogen use is limiting to the point of uneconomic for my family business. To allow for owners to have other land uses that are more moderate in terms or efficiently of water and nitrogen use is only fair to those who have minimised impact to the environment in the past.

Implications of restricting water, change of land use and nitrogen use for our family business

1. The impact of being unable to change land use to a higher water and nitrogen crop will make my land uneconomic and essentially make good fertile silt soils redundant. I am having to remove vines at present. It is uneconomic for my business to farm them with no grape contract.
2. Being only allow to farm alcohol, a product associated with negative health outcomes and government taxes. The changes will mean I will be unable to farm to provide healthy food and changing consumer needs.
3. Wine is a luxury product that in a recession (or Covid) becomes hard to sell. As a grape grower it is impossible to find contracts or sell at a profit.
4. Our family should be able to continue to gain an income off our land. We have done so in the most efficient manner we can for the last 35 years. We pride ourselves on being environmental friendly. Why does the HBRC and TANK want to penalise us and stop us being able to farm in the other crops our land already has been used for?
5. The Hastings District Council zoning mean my land is to be used for Plains Production. My land will become valueless. It is deemed as fertile soil but without water or nitrogen it is redundant for production.

	<p>Currently it is very difficult and expensive to re-zone to sell for use for other industries (i.e. industrial zoning).</p> <ol style="list-style-type: none"> 6. At a certain stage in time deemed by the council as the date to lock in land uses our property grew grapes. This period our property was not under our control but under a lease to a wine company. At this stage we could make a living off the land. That is not the case currently. 7. Some of the soils on our property have proven to be unsuitable for the production of quality wines. My family cannot continue to farm grapes on soils not suitable for the land use deemed by TANK at a certain period in time. 8. The cost of stream augmentation for zone 1 further jeopardises my family's livelihood. How are we meant to pay for that cost with our limited water and limited if any income? How do we put aside money we do not have and cannot make to contribute to stream augmentation? <p>My business has no way to continue to operate if the TANK plan changes go ahead. The land my family has worked tirelessly on for 35 years, TANK will reduce to waste land.</p>	
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Do you wish to be heard in support of your submission? Yes

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

Signature: Juliet Gray Date:.....14 August 2020

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

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

Name: (required) Ben Hindmarsh

Organisation/Iwi/Hapu: Ahuru Farming Ltd.

Postal address: (required) 651 Huiarangi rd.
Pataka

Email address: benhindy76@hotmail.com

Phone number: 0273491272

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: 13/8/2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 3 July 2020

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

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:


HAWKES BAY
REGIONAL COUNCIL

TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

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

Plan provision (eg. objective, policy or rule number) 5.10.8 (59) Water Daming - Iwi

I Support Oppose Amend

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

I thoroughly oppose the proposed ability for local iwi to be gifted the right to use 20% of a water body created by a landowner.

Reason for decision requested:

This concept opens up a plethora of social problems none of which have any relevatory significance to the action being taken by the landowner to secure a water source.

I would rather see a significant effort to support iwi in building their own site specific projects where they need them most and 100% funded by their own means.

The risk and challenge of creating a water body to irrigate would be far to significant and to have a third party come in to access it would create more risk and challenge.

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

Submission Details

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Plan provision (eg. objective, policy or rule number) 5.10.3 (23-24)

I Support Oppose Amend

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

I agree with the acceleration and support that HBRC would give to catchment groups. However the groups must abide by a democratic process to appoint the decision makers.

No one owns a catchment, but one landowner has a supporting and integral role in guiding the pathway.

Reason for decision requested:

Confusion around initial formation of catchment groups.
RMPP funded? beef + lamb involvement?
Motivating goals are unclear.

Suggest a model or framework be used to give structure on clear goals and objectives

Support needed to educate facilitators to help run and organise.

Need buy in from all landowners

My current catchment group has a conflict of interest by facilitator.

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

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

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

Name: (required) WAIPATU MARAE

Organisation/Iwi/Hapu: Manatapu, Hastings

Postal address: (required) PO Box 14079
Hastings

Email address: waipatu.marae2@yahoo.com

Phone number: 027 2617773

Contact person and address if different to above:
WAIAKIKI DAVIS - Secretary

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: 12/8/2020

NB: Space for writing submissions is overleaf

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
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HAWKES BAY

TE KAUNIHĀRA AROHE O TE MATAU-A-MĀUI

Submission Details

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

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

I Support

Oppose

Amend

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

see attached

Reason for decision requested:

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

WAIPATU MARAE SUBMISSION ON PROPOSED PLAN CHANGE 9

Hawke's Bay Regional Resource Management Plan

We would like to be recorded as **OPPOSING** the proposed plan change 9 and fully support the submissions made by Ngāti Kahungunu Iwi Incorporated and Te Taiwhenua o Heretaunga relating to the following areas:

Subject:

- Ngaruroro
- Te Karamu
- Aquifer
- Waterways

Issues:

- Dropping water levels affecting drinking water access
- Streams degraded

Effects:

- Mauri
- Waimāori (natural pristine water)
- Kaitiaki
- Whakapapa
- Kī uta, ki uta
- Taonga species

Solutions:

- **Restore** streams to improve water flows
- **Restore** groundwater levels
- **Restore** artesian pressure
- **Recognise** Mana o te Wa
- **Cultural monitoring**

Ko Takitimu te waka

Ko Tamatea Arikinui te tangata

Ko Ngāti Hōri, Ngāti Hāwea, Ngāti Hinemoa ngā hapū

Ko Kahuranaki te maunga

Ko Ngaruroro te awa

Ko Heretaunga te whare

Ko Ngāti Kahungunu te iwi

The tīpuna of the Waipatu Wharenuī is Tamatea Arikīnui acknowledging the rich tapestry of history we descend from outside of Aotearoa. The Wharenuī is named Heretaunga haukunui harotekahu takotonoa ararau – a reflection of the area’s life giving waters both surface and subsurface, the industry and energy derived from it, our obligation to protect the environment in order to create wealth and positive leadership for endurance as a people and all peoples that come within our realm.

There are 3 stories of the origins of the name Waipatu. The literal meaning of Waipatu is “wai” for water and “patu” for strike. The first strike to drill the first water bore (artesian) on the Heretaunga plains.

We, the hapū of Ngāti Hori, Ngāti Hāwea and Ngāti Hinemoa have every confidence that the submissions from our Iwi and Taiwhenua fully represents the tikanga, whakaaro, kaitiakitanga and mana of its people ngā taonga tuku iho (the future generations).



.....
4
(Waiariki Davis)

Wednesday 12 August 2020

If calling ask for Mark Clews

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

Dear Sir

Hastings District Council Submission on Plan Change 9 to the Hawke's Bay Regional Resource Management Plan – TANK Catchments

1. This submission is lodged by the Hastings District Council (HDC) in respect of Proposed Plan Change No 9 to the Hawke's Bay Regional Resource Management Plan (RRMP), pursuant to Clause 6 of Schedule 1 of the Resource Management Act 1991 (RMA).
2. In preparing its submission, HDC has liaised with Napier City Council (NCC) as an adjoining Territorial Authority with the same statutory roles and responsibilities as Hastings.

Context

3. From its inception HDC has been an active participant in the TANK process through its officers to ensure Council's roles and interests as a Territorial Authority are represented.
4. In addition to its role in implementing Statutory Policy Statements, Policies and Plans, HDC has considered the following in making this submission:
 - The policy direction and outcomes sought for the Plains Production Zone and Industrial Zones in the Hastings District Plan,
 - Its role as a drinking water supplier,
 - Its role in the economic development of the Hastings District,
 - Its role as a Consent Holder of water take and discharge permits,

The policy direction and outcomes of the Hastings District Plan

5. The Plains Environment is central to the economic and social wellbeing of the Hastings District and the wider Hawke's Bay community. The versatility of the resource has been identified as a key factor in the ability for the land based primary production industry to be able to respond rapidly to changing technologies or crop types demanded in the future
6. The value of this versatile land to the local economy is well proven and the need to protect it land from unnecessary development is recognised in the Regional Policy Statement, and the Heretaunga Plains Urban Development Strategy

7. The provisions of the Hastings District Plan, including the regulatory rule framework around how land may be used, reflect this. The availability of water for irrigation and flexibility of its management and use is hugely influential on the ability of the land to be used for productive purposes, and therefore the successful and anticipated implementation of the District Plan.
8. It is a similar situation with industrial zoned land. HDC has completed complex and costly plan change processes and infrastructure projects to release and service land for industrial purposes. As noted below, a significant portion of industrial land use is complementary and a necessary support to the productive land uses on the versatile soils. These three elements need to work together; without water and a means to process the end product, our versatile soil cannot achieve its potential.

Role as a drinking water supplier

9. HDC is a network water supplier, with obligations under the Health Act 1956 to provide a safe and adequate supply water for drinking, sanitation, community and municipal uses to over 65,000 people throughout the District. Of particular relevance to the TANK Plan Change is the Council's duty under section 69U of the Health Act to "take reasonable steps to contribute to protection of source drinking water".
10. HDC, through its role in the Joint Working Group (JWG) on Drinking Water Safety, has promoted the spatial definition of Source Protection Zones in the Regional Plan, as well as the associated suite of provisions. Accordingly the HDC submissions on these points are different to and more specific than those in the Napier City Council submission, which essentially adopts the JWG position.
11. In preparing this submission, HDC has been cognisant of the current water reform process and the expected regulatory framework as signalled by the Taumata Arowai – Water Services Regulator Act and the Water Services Bill. It is expected that this regulatory framework and relevant legislation will be developed concurrently as the TANK Plan Change process is occurring. HDC submits that the TANK Plan Change needs to ensure that it is not inconsistent with the legislative requirements and regulatory framework for source water protection. The specific wording and provisions may need to be amended as the Water Services Bill process progresses.

Role in the Economic Development of the Hastings District

12. Hawke's Bay is a primary production based economy that manufactures high quality products to deliver to domestic and overseas markets. Hastings is recognized as the industrial heart of the Hawkes Bay region, with predominating industries in Hastings linked to the strong fertile soils of the Heretaunga Plains, such as processing primary produce, manufacturing and engineering for the agri/hort sector.
13. The primary and manufacturing sectors in particular rely on water as a key input in the growing and processing of the district's quality produce and these activities deliver value and jobs to the Hawke's Bay region. Many millions of dollars of public investment in

services has been made to make land available to business in order to create employment and prosperity for the community.

14. While water quantity needs to be managed to phase out over-allocation, it is equally important to ensure that the resultant planning framework provides sufficient opportunity to enable new industries to establish and existing industries to expand and for new industrial zones to be serviced in a manner that is appropriate in terms of Plan outcomes.

Role as a Consent Holder

15. HDC is a consent holder of various water permits to take and use water for various purposes, as well as various discharge permits to discharge stormwater.
16. The fact that third parties hold their own discharge permits (authorized by HBRC) to discharge stormwater in locations where it then enters or influences HDC's stormwater network areas, means there is residual risk of third parties influencing the ability of HDC to meet the conditions of its own stormwater discharge permits and the overall ability of HDC to manage stormwater. It is important therefore that the Plan is clear and unambiguous in how what is expected of consent holders and that rules and conditions are proportionate to the likely effects and environmental benefits anticipated to be achieved.

Strategic Intent

17. HDC recognises that new challenges around water are major shifts that cannot be satisfactorily addressed through a 'modified business as a usual approach'.
18. It recognises that not only do we need to change how we view and use water resources, we also need to review what represents desirable economic development growth when it involves the use of scarce resources such as water and versatile soils of the Heretaunga Plains.
19. HDC intends to take a longer term strategic approach that works within the limitations of the current water resources, and to facilitate growth through investment in innovative approaches to excellence in water management and changing community awareness and behaviour. HDC is eager to work proactively and collaboratively with the NCC, HBRC and others, including Iwi in particular, to achieve this and to improve stormwater quality within the subregion.
20. PC9 will be a relevant factor in how this is developed and implemented. Against that backdrop HDC supports a large number of provisions in PC9, but there are provisions that HDC holds concern about. This submission seeks amendments to certain provisions of PC9 to enable HDC and the community to better rise to the challenges of growing within the limits of the water resource.
21. Specifically, HDC is looking for changes to PC9 that will better enable the Council to transition the community to a more water efficient future, while avoiding damage and lost opportunities that can come from too sharp a switch in direction.

Submission on Plan Change 9

22. Concerns or issues on provisions, and in most circumstances the relief sought is outlined in **Attachments 1**. It is noted that, where new wording has been identified, the relief sought is for that wording or for amendments to like effect, which address HDC's concerns. Key points of HDC's submission and relief sought are as follows:

Specific Themes:

Water Allocation

- There are various tools to provide for existing takes, however the pathway or provision for new opportunities is unclear. This needs to be resolved so as to not prevent the economic and social wellbeing of the Hastings District. In specific circumstances the re-allocation of water to new takes may be appropriate and the status of supplementary takes from augmentation schemes needs to be clearer.
- Broader matters beyond 'current use' need to be considered during replacement processes for non-irrigation takes i.e. industrial and commercial takes. These assessments should provide for the consideration of growth planned at time of the original consent so as to not undermine previous decisions and efforts in relation to economic development and to avoid potential implications on the social wellbeing of the Hastings District.
- Projects investigating flexible management initiatives and initiatives such as augmentation and global consents need to occur ahead of replacement processes so that solutions/options are in place at the time of reassessment to ultimately assist in reducing allocation.
- Need to recognise that the nature of urban growth demands, including the statutory obligation to provide for it, are different to other sectors and that water takes for municipal and industrial purposes therefore require different management tools.
- Need to recognise HPUDES as providing guidance around minimum demands when planning for municipal growth, but that changes are inevitable and more frequent than plan cycles and should be considered in a positive and proactive manner.
- The long term sustainable equilibrium of the groundwater resource itself still needs to be considered alongside effects on surface water in reviewing the allocation limit.
- There needs to be greater flexibility for transfers of water as a means of enabling opportunity, including for and between municipal use and to enable flexible management initiatives.

Source Protection

- The HDC supports the intent of Policy 7 and Schedule 35 relating to the spatial extent of the source protection areas for Registered Drinking Water Supplies but seeks to ensure that these are legally robust, provide certainty for water suppliers

and plan users alike, and provides adequate protection of source water from the time the provisions become operative.

Stormwater

- The HDC supports the direction towards alignment between District, City and Regional Councils to achieve integrated management for stormwater management, but seeks confirmation around roles and responsibilities, particularly with respect to defining receiving environments and for managing land uses which may impact indirectly on stormwater services (e.g. via overland flow).
- Further refinement of the risk matrix for industrial and trade premises is also sought to appropriately define low, medium and high risk sites. In addition, confirmation of the rule status for medium risk sites is required.

Conclusion

23. HDC supports the HBRC's and the TANK Group's objective to improve water quality and to the manage allocation of water in the Greater Heretaunga Freshwater catchments.
24. HDC does however have some concerns with PC9 as notified. The relief sought by HDC is aimed at better enabling the community to transition to a new future around water use, while still providing for growth and enhancement in community wellbeing and prosperity to be considered.
25. HDC wishes to continue working in a collaborative fashion on these issues and requests to be heard in support of its submission.

Yours sincerely

Bruce Allen
Acting Chief Executive
Hastings District Council
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HDC SUBMISSION TO HBRC REGIONAL RESOURCE MANAGEMENT PLAN CHANGE NO 9 - APPENDIX 1

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
Water Quantity			
Objective 16	Sets out the priority under which water is to be allocated	This objective refers to HPUDS 2017 in terms of demand expectations for municipal and papakainga supplies but makes no reference to new versions following the 5 yearly reviews (of HPUDS). This suggested change aligns with the integrated planning approach in Policy 50 c) i) that requires Council to give effect to all National Policy statements within the limits of the finite resources. Refer comments re Policy 50 also.	Support Objective 16, particularly the priority order, and amend subclause (b) as follows:
Suggested Amendment – add words in bold italics as follows: (b) The allocation and reservation of water for domestic supply including for marae and papakāinga, and for municipal supply so that existing and future demand as described in HPUDS (2017) and successive versions and/or any requirements prescribed under a NPS on Urban Development can be met within the specified limits;			
Policy 36	Sets out the management approach and tools for managing groundwater quantity.	Prevents re-allocation of unused water without exception and consideration of scale of overall environmental impacts in the context of re-allocation to efficient use.	Amend subclause (f) to allow new takes under 'exceptional circumstances' or similar terminology and introduce an additional Policy to guide what these circumstances may be (refer relief sought in relation to Policy 37).
Suggested Amendment – add words in bold italics as follows: "36. The Council recognises the actual and potential adverse effects of groundwater abstraction in the Heretaunga Plains Water Management Unit on: a) groundwater levels and aquifer depletion; b) flows in connected surface waterbodies; c) flows of the Ngaruroro River; d) groundwater quality through risks of sea water intrusion and water abstraction; e) tikanga and mātauranga Māori; and will adopt a staged approach to groundwater management that includes; f) avoiding further adverse effects by not allowing new water use unless deemed an exceptional instance under Policy 37A g) reducing existing levels of water use; h) mitigating the adverse effects of groundwater abstraction on flows in connected water bodies; i) gathering information about actual water use and its effects on stream depletion; j) monitoring the effectiveness of stream flow maintenance and habitat enhancement schemes; k) including plan review directions to assess effectiveness of these measures."			
Policy 37	Builds on Policy 36 and sets out the tools to manage the reallocation and use of groundwater. The 'interim limit' appears to be treated as a 'proper' limit, when in fact it is not, and in the context of this Plan is acting as a target to change mind sets/user behavior/expectations and base the implementation of different tools	In this context Policy 37(a) - (c) introduces too high a level of restriction and removes the ability to apply judgment over the term of the Plan. Policy 37(d) is narrowly focused and risks uses/industries not being able to realise benefits of existing and pre-planned investment.	Amend Policy 37 as follow to: 1. Treat the interim 'limit' as a target 2. Still manage the resource as over-allocated (generally) subject to exceptions – particularly those supported by Policy LW2 of the RPS.

	around to review and reduce allocation until a fuller review under Policy 42 in 10 years' time.		3. Better acknowledge that new allocations based on actual use over previous years may not be a reasonable approach for all replacement processes. Introduce an additional Policy (referred to as Policy 37A) to guide situations where the granting of new takes will be considered.
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Suggested Amendment – add words in bold italics as follows:

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

- a) ~~Adopt~~ **Set as a target** an interim allocation limit of 90 million cubic meters per year (based on the actual and reasonable water use prior to 2017), **with a view to developing a formal limit in accordance with Policy 42;**
- b) avoid re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body until there has been a review of the relevant allocation limits within this plan **unless supported by Policy 37A;**
- c) **generally** manage the Heretaunga Plains Water Management Unit as an over-allocated management unit and prevent any new allocations of groundwater;
- d) when considering applications in respect of existing consents due for expiry, or when reviewing consents, to;
 - (i) allocate groundwater **on** the basis of the maximum quantity that is able to be abstracted during each year or irrigation season expressed in cubic meters per year;
 - (ii) **as a starting point**, apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 (except as provided by Policy 50), **and then, subject to the proposal being for no more than the quantity specified on the existing consent, consider any volume beyond this taking the following into account;**
 1. **reasons for the proposed volume of water;**
 2. **efficiency of use;**
 3. **the proposed use, particularly if for beverages, food and fibre production and processing and other land-based primary production**
 4. **the value of the investment associated with the certainty of the volume as previously authorised;**
 5. **whether substantial progress or effort has been, and continues to be, made towards giving effect to the proposed use and investment enabled by the original volume authorised;**
- e) mitigate stream depletion effects on lowland streams by providing for stream flow maintenance and habitat enhancement schemes.”

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

- (i) **There are no feasible alternatives,**
- (ii) **Significant progress is being or is likely to be made toward achieving the target in Policy 37(a), and**
- (iii) **The allocation limits in Schedule 31 and 32 as at <the operative date> are not or are not likely to be exceeded;**

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

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

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

Policy 38	Sets out the ability/intention to review existing allocation at either replacement or times of review.	Change will only be implemented at either replacement or review. There needs to be a more strategic approach around this – with replacement processes being aligned with investigations around flow enhancement schemes and other initiatives.	Amend the Policy to outline what is proposed to be investigated/enabled prior to replacement processes to achieve a reduction in allocation as a result of those processes.
Policy 39	Applies when considering applications to take groundwater and requires groundwater uses to	The sequence of the Policy is confusing.	Amend Policy 39 as follow to:

	<p>cease when a stream flow trigger is reached or allows them to continue under a flow enhancement scheme.</p> <p>Subclause (b) provides for individual contributions to offset effects be made according to their relative contribution to overall stream depletion effects. No contribution is required for the proportion of take used for essential human health</p> <p>Subclause (c) implies such schemes are anticipated at the time of batch replacements/review.</p>	<p>Community supplies should not need to cease, rather they should be managed under a Water Conservation Strategy approach as is currently embodied in the majority of resource consent applications for municipal takes. This should be provided for in Policy rather than being raised in the resource consent process.</p>	<ol style="list-style-type: none"> 1. Re-order the sequence of the Policy 2. Provide for a Water Conservation Strategy approach for municipal takes rather than a requirement to cease.
<p>Suggested Amendment: Shift b and c to a and b as shown underlined, add words in bold italics as follows:</p>			
<p>"39 When assessing applications to take groundwater in the Heretaunga Plains Water Management Unit the Council will:</p> <ol style="list-style-type: none"> a. <u>assess the relative the contribution to stream depletion from groundwater takes and require stream depletion to be off-set equitably by consent holders while providing for exceptions for the use of water for essential human health; and</u> b. <u>enable permit holders to progressively and collectively through Water User Collectives develop and implement flow maintenance and habitat enhancement schemes as water permits are replaced or reviewed, in the order consistent with water permit expiry dates.</u> c. With the exception of takes for municipal purposes, where a water conservation strategy will be undertaken, either; <ol style="list-style-type: none"> i. require abstraction to cease when an applicable stream flow maintenance scheme trigger is reached; or ii. enable consent applicants to develop or contribute to stream flow maintenance and habitat enhancement schemes that; <ol style="list-style-type: none"> 1. contribute flow to lowland rivers where groundwater abstraction is depleting stream flows; and 2. improve oxygen levels and reduce water temperatures;" 			
Policy 40	<p>Sets out the matters to be considered when assessing applications for flow enhancement schemes.</p>	<p>Sub policy (e)(i) allows transfers but is unclear if this is limited to the actual use component of an existing allocation or up to the full existing allocation.</p>	<p>Enable transfers of allocated but un-used water if this is to assist augmentation.</p>
<p>Suggested Amendment – add words in bold italics as follows:</p>			
<p>"40 When assessing applications for a stream flow maintenance and habitat enhancement scheme the Council will have regard to:</p> <ol style="list-style-type: none"> a. opportunities for maximising the length of waterbodies where habitat and stream flow is maintained or enhanced; b. any improvements to water quality, especially dissolved oxygen, and ecosystem health as a result of the stream flow maintenance and habitat enhancement schemes; c. the duration and magnitude of adverse effects as a consequence of flow maintenance scheme operation; d. the extent to which the applicant has engaged with mana whenua; e. and will; <ol style="list-style-type: none"> i. allow site to site transfer of water (including allocations issued prior to 2 May 2020) to enable the operation of a flow enhancement scheme; ii. enable water permit holders to work collectively to develop and operate stream flow maintenance and habitat enhancement schemes consistent with the requirements of Schedule 36 iii. impose consent durations of 15 years that are consistent with the term for groundwater takes affected by stream flow maintenance requirements, except where stream flow maintenance is being provided by significant water storage infrastructure in which case consent duration is consistent with the scale of the infrastructure." 			
Policy 41	<p>States that HBRC will continue to investigate a storage/release scheme to remedy stream depletion effects on the Ngaruroro River arising from groundwater takes.</p>	<p>This needs to happen ahead of the Plan review in 10yrs time.</p>	<p>Amend Policy 41 so there is a clear intention to be working towards this such that its implementation can be considered as part of the Plan review in 10 years when the groundwater limit is to be defined as this is likely to be a very relevant factor.</p>

Suggested Amendment – add words in bold italics as follows:

“41 Over the 10 year period leading into the groundwater management review under Policy 42, and to inform that process, the Council will remedy the stream depletion effects of groundwater takes in the Heretaunga Plains Water Management Unit on the Ngaruroro River, in consultation with mana whenua, land and water users and the wider community through:

- a. further investigating the environmental, technical, cultural and economic feasibility of a water storage and release scheme to off-set the cumulative stream depletion effect of groundwater takes;
- b. if such a scheme is feasible, to develop options for funding, construction and operation of such a scheme including through a targeted rate; and
- c. if such a scheme is not feasible, to review alternative methods and examine the costs and benefits of those.”

Policy 42	<p>States that HBRC will review the Plan provisions within 10 years of the plan becoming operative with the aim:</p> <ul style="list-style-type: none"> • of reviewing the appropriateness of the interim limit/target (90Mm³) and • developing a plan change to ensure any over-allocation is phased out. 	<p>Apart from calculating the the amount of water allocated in relation to the interim allocation/target and the total annual metered groundwater use during the ten year prior to the time of review and reporting on any changes in the relationship between groundwater abstraction and the flows of rivers and groundwater levels, it is only the benefits of flow enhancement schemes that will inform any new allocation. One issue is that these schemes /or their benefits may not be established/understood within this period.</p> <p>Furthermore, information on the long term sustainable equilibrium of the groundwater resource that accounts for annual variation in climate and prevents seawater intrusion as referred to in Objective 14 should be considered.</p>	<p>A more strategic approach around investigating and establishing flow enhancement schemes is required to inform/enable this review.</p> <p>Amend the Policy to include consideration of information on the long term sustainable equilibrium of the groundwater resource.</p>
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Suggested Amendment – add words in bold italics as follows:

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

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

And will;

- e) In relation to plan objectives and adverse effects listed in Policy 36, will;
 - (i) **Consider new information on the long term sustainable equilibrium of the groundwater resource that accounts for annual variation in climate and prevents seawater intrusion;**

<p>e) f) f) g)</p>	<p>(ii) assess;</p> <ol style="list-style-type: none"> 1. the effects of the groundwater takes on stream flows; 2. effectiveness of stream flow maintenance schemes in maintaining water flows and improving water quality; 3. effectiveness of habitat enhancement including through improved riparian management and wetland creation in meeting freshwater objectives; <p>review the appropriateness of the allocation limit in relation to the freshwater objectives;</p> <p>develop a plan change to ensure any over-allocation is phased out."</p>		
<p>Policy 48</p>	<p>Applies when considering applications to transfer ground or surface water takes.</p>	<p>Sub-policy (e) encourages applications to transfer water away from irrigation end uses to be declined (in order to protect water availability for the irrigation of the versatile land of the Heretaunga Plains for primary production especially the production of food), however such a transfer may be appropriate if enabling food processing.</p> <p>Sub policy (f) prevents the transfer of allocated but un-used water, however the feasibility of a flow enhancement scheme may require the transfer of the full allocation – noting that this allocated but un-used water would be for environmental gain.</p> <p>Sub-policy (h) allows transfers to municipal supplies but not to industrial uses greater than 15m³/day. This gives municipal takes options but would prevent the servicing of a new industrial zone for example.</p>	<p>Amend the Policy as follows to:</p> <ol style="list-style-type: none"> 1 allow transfers under (e) to food processing uses 2 Regarding (f), allow the transfer of allocated but unused water where this enables flow enhancement schemes 3 Allow transfers to be a tool for managing urban growth.

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

- "48. When considering any application to change the water use specified by a water permit, or to transfer a point of take to another point of take, to consider:
- a) declining applications where the transfer is to another water management zone unless;
 - (i) new information provides more accurate specification of applicable zone boundaries;
 - (ii) where the lowland tributaries of the Karamū River are over-allocated, whether the transfer of water take from surface to groundwater provides a net beneficial effect on surface water flows;
 - b) effects on specified minimum flows and levels or other water users' access to water resulting from any changes to the rates or volume of take;
 - c) any alteration to the nature, scale and location of adverse effects on the water body values listed in Schedule 25 and in the objectives of this Plan;
 - d) effects of the alteration to the patterns of water use over time, including changes from seasonal use to water use occurring throughout the year or changes from season to season;
 - e) except where a change of use and/or transfer is for the purpose of a flow enhancement or ecosystem improvement scheme **or food processing**, declining applications to transfer water away from irrigation end uses in order to protect water availability for the irrigation of the versatile land of the Heretaunga Plains for primary production especially the production of food;
 - f) in Water Quality Management Units that are over-allocated, **and except where provided for under Policy 37A or for the purpose of a flow enhancement or ecosystem improvement scheme**, ensuring that transfers do not result in increased water use and to prevent the transfer of allocated but unused water;
 - g) declining applications for a change of use from frost protection to any other end use;
 - h) enabling the transfer of a point of take and change of water use to municipal water supplies, including for marae and papakāinga ~~(not including the transfer to industrial uses above 15m³/day)~~ from any other use ~~for the efficient delivery of water supplies and to meet the communities' human health needs for water~~ subject to clause (b)."

Policy 49	Outlines the duration of resource consents for various uses	<p>Sub-policy (h) states that HBRC will impose a consent duration for municipal supply consistent with the most recent HPUDS and reviews that align with other consents in the zone. HPUDS is reviewed every 5 years – which would risk limiting municipal durations to no greater than 5 years.</p> <p>The new NPS-UD has significantly increased HPUDS requirements. Mid term reviews will be required every 3 years to align with LTPs. HPUDS will need to include spatial identification of development areas <i>and</i> supporting infrastructure for the next 30 year timeframes. For this reason, a consent duration of 30 years is appropriate to provide the certainty for future planning under the NPS-UD. This suggested change aligns with the integrated planning approach in Policy 50 c) i) that requires HBRC to give effect to all National Policy Statements within the limits of finite resources</p>	Amend the Policy as follows
<p>Suggested Amendment – add words in bold italics and delete words struck out as follows:</p> <p>“49. When making decisions about applications for resource consent to take and use water, the Council will set common expiry dates for water permits to take water in each water management zone, that enables consistent and efficient management of the resource and will set durations that provide a periodic opportunity to review effects of the cumulative water use and to take into account potential effects of changes in:</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; <p>and the Council;</p> <ul style="list-style-type: none"> g) will impose consent durations of 15 years according to specified water management unit expiry dates. Future dates for expiry or review of consents within that catchment are every 15 years thereafter. h) will impose a consent duration for municipal supply for 30 years to align with the required infrastructure and planning decisions under the NPS-UD 2020 consistent with most recent HPUDS and will impose consent review requirements that align with the expiry of all other consents in the applicable management unit; i) may grant consents granted within three years prior to the relevant common catchment expiry date with a duration to align with the second common expiry date, except where the application is subject to section 8.2.4 of the RRMP).” 			
Policy 50	Policy 50 relates to making decisions on resource consents for municipal and papakainga takes.	The Policy refers to HPUDS 2017 (to 2045) in terms of demand expectations but makes no reference to new versions following the 5 yearly reviews of HPUDS. This suggested wording change aligns with the integrated planning approach at Policy 50 c) i) that requires Council to give effect to all National Policy statements within the limits of the finite resources and aligns with Objective 16. The policy refers to	Amend the Policy as follows to: <ul style="list-style-type: none"> 1 Include successive versions of HPUDS. 2 Ensure that the definition of non-residential includes all possible scenarios that municipal demand can supply. 3 Not limit the measure of efficiency to the ‘Infrastructure Leakage Index 4’ tool.

		an ILL of 4, however this is just tool and the level of assessment to confirm may be too onerous for papakainga and smaller community supplies.	
Suggested Amendment – add words in bold italics and delete words struck out as follows:			
<p>“50. In making decisions about resource consent applications for municipal and papakāinga water supply the Council will ensure the water needs of future community growth are met within water limits and;</p> <p>a) allocate water for population and urban development projections for the area according to estimates provided by the HPUDS (2017) and successive versions and/or any requirements prescribed under an NPS on Urban Development ;</p> <p>b) calculate water demand according to existing and likely residential, non-residential (schools, hospitals, commercial, and industrial, recreational, social, cultural and religious) demand within the expected reticulation areas; and</p> <p>(i) require that water demand and supply management plans are developed and adopted and industry good practice targets for water infrastructure management and water use efficiency including whether an infrastructure leakage index of 4 or better can be are achieved taking tools such as an Infrastructure Leakage Index of 4 into account;</p> <p>(ii) seek that the potential effects of annual water volumes are reflected in level of water supply service and reliability of supply objectives in asset management plans and bylaws for water supply;</p> <p>c) work collaboratively with Napier City and Hastings District Councils to;</p> <p>(i) develop an integrated planning approach thorough HPUDS that gives effect to the National Policy Statements within the limits of finite resources;</p> <p>(ii) develop a good understanding of the present and future regional water demand and opportunities for meeting this;</p> <p>(iv) identify communities at risk from low water reliability or quality and investigate reticulation options.”</p>			
Policy 52	Builds on Policy 36 and outlines the tools to phase out over allocation.	Unsure if this Policy follows Policy 42 or applies from the outset.	Amend the Policy as follows if it applies from the outset so as to better align with other areas of relief sought in relation to concerns raised.
Suggested Amendment – add words in bold italics and delete words struck out as follows:			
<p>“52. The Council will phase out over-allocation by;</p> <p>a) preventing any new allocation of water (not including any reallocation in respect of permits issued before 2 May 2020) unless supported under Policy 37A;</p> <p>b) for applications in respect of existing consents due for expiry or when reviewing consents, to;</p> <p>(i) generally 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) provide for, within the duration of the consent, meeting water efficiency standards where hardship can be demonstrated;</p> <p>d) reducing the amount of water permitted to be taken without consent, including those provided for by Section 14 (3)(b) of the RMA, except for authorised uses existing before 2 May 2020;</p> <p>e) encouraging voluntary reductions, site to site transfers (subject to clause (f)) or, separate to the Councils own initiatives under Policy 57, promoting and supporting permit holders, ahead of consent replacement processes, to develop water augmentation/harvesting schemes;</p> <p>f) limit prevent site to site transfers of allocated but unused water that does not meet the definition of actual and reasonable use;</p> <p>g) enabling and supporting permit holders, ahead of consent replacement processes, to develop flexible approaches to management and use of allocatable water within a management zone including through catchment collectives, water user groups, consent or well sharing or global water permits;</p> <p>h) enabling and supporting, including ahead of consent replacement processes, the rostering of water use or reducing the rate of takes in order to avoid water use restrictions at minimum or trigger flows.”</p>			
Policy 56	Acknowledges the beneficial effects of water storage and augmentation schemes and outlines the matters that will be taken into account when considered resource consent applications for these purposes.	The beneficial effects identified are presented as a criterion that must be met. The level of information required to confirm this would be extensive. This may be appropriate for an augmentation scenario or where stored water	Amend the Policy as follows to provide discretion as to the type of activity and scale of activity that is to be subject to the full extent of the Policy.

		is delivered to uses by a run of the river system, however as simple individual out of stream storage proposal should not be subject to this level of expectation/information.	
Suggested Amendment – add words in bold italics			
<p>“56 The Council will recognise beneficial effects of water storage and augmentation schemes, including water reticulation in the TANK catchments and out-of-stream- storage, and when considering applications for resource consent will take into account the nature and scale of the following criteria in a manner commensurate to the scale of activity proposed;</p> <p>a) benefits for aquatic organisms and other values in Schedule 25 or in relation to the objectives of this plan in affected water bodies;</p> <p>b) whether water availability is improved or the level to which the security of supply for water users is enhanced;</p> <p>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;</p> <p>d) whether the proposal provides benefits to downstream water bodies at times of low flows provided through releases from storage or the dam;</p> <p>e) the nature and scale of potential ecosystem benefits provided by the design and management of the water storage structure, its margins and any associated wetlands;</p> <p>f) benefits for other water users including recreational and cultural uses and any public health benefits;</p> <p>g) other community benefits including improving community resilience to climate change;</p> <p>h) whether the proposal provides for renewable electricity generation.”</p>			
Policy 57	Sets out that HBRC will carry out further investigation to understand the present and potential future regional water demand and supply including for abstractive water uses and environmental enhancement and in relation to climate change and will consider water storage and augmentation options.	This needs to happen before the review under Policy 42.	Amend the Policy as suggested below.
Suggested Amendment – add words in bold italics			
<p>“57 To support and inform the review under Policy 42, the Council will carry out further investigation to understand the present and potential future regional water demand and supply including for abstractive water uses and environmental enhancement and in relation to climate change. It will consider water storage options according to the criteria in Policy 56 in consultation with local authorities, tangata whenua, industry groups, resource users and the wider community when making decisions about water augmentation proposals in its Annual and Long Term Plans.’</p>			
Policy 60	Outlines the matters to be considered in assessing resource consent applications to take and store high flow water – all of which generally relate to Maori well-being.	Unclear as to whether this policy relates to all high flow takes or just the high flow allocation reserved for Maori development in Schedule 31.	Amend the Policy to link it to takes considered under Policy 59 as follows:
Suggested Amendment – add words in bold italics as follows:			
<p>“60 When making decisions about resource consent applications to take and store high flow water as reserved under Policy 59, the Council will take into account the following matters:</p> <p>a) whether water allocated for development of Māori well-being is still available for allocation;</p> <p>b) whether there is any other application to take and use the high flow allocation for development of Māori well- being relevant to the application;</p> <p>c) the scale of the application and whether cost effective or practicable options for taking and using the high flow allocation for Māori development can be incorporated into the application;</p> <p>d) the location of the application and whether cost effective or practicable options for including taking and using water for Māori development can be developed as part of the application;</p> <p>e) whether there has been consultation on the potential to include taking and using all or part of the water</p>			

<p>allocated for Māori development into the application;</p> <p>f) whether it is the view of the applicant that a joint or integrated approach for the provision of the high flow water allocated to Māori development is not appropriate or feasible, and the reasons why this is the case."</p>			
Rule TANK 7 – Permitted Activity for minor surface water takes		<p>Condition (f) prevents effects on other lawfully established efficient groundwater takes which existed prior to commencement of the take. Takes used for domestic and community purpose should not be affected even if the take is not defined as 'efficient' i.e. the onus should not be on these parties to upgrade their bore.</p>	<p>Amend Condition f by adding the words in bold italics as follows:</p> <p>"f) The take shall not prevent from taking water, any:</p> <p>(i) domestic or community take, which existed prior to commencement of the take.</p> <p>(ii) other lawfully established efficient groundwater take, or any lawfully established surface water take, which existed prior to commencement of the take."</p>
Rule TANK 8 – Permitted Activity for minor groundwater takes		<p>Condition (d) prevents effects on other lawfully established efficient groundwater takes which existed prior to commencement of the take. Takes used for domestic and community purpose should not be affected even if the take is not defined as 'efficient' i.e. the onus should not be on these parties to upgrade their bore.</p>	<p>Amend Condition d by adding the words in bold italics as follows:</p> <p>"d) The take shall not prevent from taking water, any:</p> <p>(i) domestic or community take, which existed prior to commencement of the take.</p> <p>(ii) other lawfully established efficient groundwater take, or any lawfully established surface water take, which existed prior to commencement of the take."</p>
Rule TANK 9 – Groundwater takes	<p>Restricted Discretionary Activity Take of water from the Heretaunga Plains Water Management Unit where Section 124 of the RMA applies (applies to existing consents).</p>	<p>The activity description should not refer to s124 as whether or not s124 rights are obtained is separate to/should not influence activity status.</p> <p>Note: Sub-headings above the conditions also confuse the understanding of the rule framework and are not necessary.</p> <p>As considered in relation to Policy 39, a Water Conservation Strategy approach should be taken for municipal and papakainga takes as supported in condition 6 (a) rather than a requirement to cease. The suggested amendments to (g) have the effect of excluding Hastings District Council from</p>	<p>Amend the Activity Description in Rule 9 by adding the words in bold italics and deleting the words shown as struck out as follows;</p> <p>"Replacement of an existing Resource Consent to take of water from the Heretaunga Plains Water Management Unit where Section 124 of the RMA applies (applies to existing consents)."</p> <p>Amend Condition (g) by adding the words in bold italics and deleting the words shown as struck out as follows;</p>

		<p>contributing to a stream flow maintenance and habitat enhancement scheme as the rationale provided with policy 39 applies here also. HDC would need full details of how such schemes will work before contributing to any such scheme.</p> <p>Matter of control/discretion (6) includes reference to an Infrastructure Leakage Index of 4, does not include successive versions of HPUDS and does not include full spectrum of non-residential uses that may utilise municipal supplies (refer issues raised in relation in Policy 39)</p>	<p>“(g) Any take authorised under clause (d) is not subject to conditions (f) but instead the water permit holder will comply with a Water Conservation Strategy approved as part of the application. in respect of that part of the total allocated amount used for essential human health</p> <p>Amend Matter for Control/Discretion 5 by adding the words in bold italics as follows;</p> <p>“Where the take is in a Source protection Zone or Source Protection Extent”</p> <p>Amend Matter of Discretion 6 by adding the words in bold italics and deleting the words shown as struck out as follows:</p> <p>“</p> <ul style="list-style-type: none"> a) provisions for demand management over time so that water use is at reasonable and justifiable levels including whether an infrastructure Leakage Index of 4 or better will be achieved; b) Rate and volumes of take limited to the projected demand for the urban area provided in HPUDS 2017, or successive versions. c) water demand based on residential and non-residential use including for schools, rest homes, hospitals, commercial, industrial, recreational, social, cultural and religious demands within the planned reticulated area”
Rule TANK 10 – surface and groundwater takes	<p>Restricted Discretionary Activity To take and use water where Section 124 applies (applies to existing consents). Applies to surface water takes and groundwater takes now connected to surface water i.e. those outside the Heretaunga Plains Water Management Unit (Quantity)</p>	<p>The activity description should not refer to s124 as whether or not s124 rights are obtained is separate to/should not influence activity status.</p> <p>Note: Sub-headings above the conditions also confuse the understanding of the rule framework and are not necessary.</p> <p>Matter for Control/Discretion 4 needs to refer to Source Protection Extents (See comments relating to Schedule 35).</p> <p>Matter of Control/Discretion (5) includes reference to an Infrastructure Leakage Index of</p>	<p>Amend Activity description in Rule 10 by adding the words in bold italics and deleting the words shown as struck out as follows;</p> <p>Replacement of an existing Resource Consent to take of water from the Heretaunga Plains Water Management Unit where Section 124 of the RMA applies (applies to existing consents)”</p> <p>Amend Matter of Discretion 4 description by adding the words in bold italics as follows;</p> <p>“Where the take is in a Source protection Zone or Source Protection Extent”</p>

		4 and does not include successive versions of HPUDS (refer issues raised in relation to Policies).	<p>Amend Matter of Discretion 5 by adding the words in bold italics and deleting the words struck out as follows:</p> <p>“</p> <ul style="list-style-type: none"> • provisions for demand management over time so that water use is at reasonable and justifiable levels including whether an infrastructure Leakage Index of 4 or better will be achieved. • Rate and volumes of take limited to the projected demand for the urban area provided in HPUDS 2017, or successive versions to 2045.”
Rule TANK 11 – ground and surface takes not complying with TANK 7-10	Discretionary Activity	<p>Condition (b)(i) picks up ‘existing’ takes not meeting the ‘actual and reasonable use’ definition.</p> <p>Condition (b)(ii) picks up ‘new’ takes provided allocation limits are still complied with (except takes for frost protection and takes of water associated with and dependant on release of water from a water storage impoundment).</p> <p>Rule TANK 11 (b)(ii) is the only pathway for a ‘new’ take, however as there is effectively no available allocation, no new take would be able to fall within (b)(ii), meaning they would fall to Prohibited under TANK 12. Rule 11 clearly intends to provide for the consideration of new takes provided the existing allocation is not exceeded, but redrafting is required to enable this. The further guidance provided by the amended Policy 37 and new Policy 37A would assist in the assessment of such applications.</p>	<p>Amend Rule 11 to avoid new takes within the existing allocation as at the date of the plan becoming operative falling to Prohibited or consider the introduction of a new Non-comping activity ‘in-between’ and clarify the effect of the interim limit/target and the long term limit set in line with Policy 42 in relation to this rule.</p> <p>Either way, and as noted in relation to the relief sought around Policy 36 and 37 and suggested Policy 37A, only takes where the existing allocation (as at the date of the Plan becoming operative) will be exceeded or the limit set pursuant to Policy 42, should fall to prohibited under Rule 12.</p>
Rule TANK 12	Prohibited Activity	Prohibited Activity Status is too restrictive without changes tom Rule 11 as sought above and generally inappropriate in relation to an interim target/limit within a staged approach with uncertainty in the severity of any adverse effects.	Subject to the outcome of relief sought in relation to Rule TANK 11, change the Activity Status of Rule 12 to Non-Complying .
Rule 62a – New rule pertaining to transfers Controlled Activity	Controlled Activity		<p>Amend Rule 62a by deleting the words shown as struck out from Condition (j) as follows:</p> <p>“The transfer enable efficient delivery of water supply to meet the communities’ human health needs.”</p>

			<p>Add the following advice note shown in bold italics:</p> <p><i>“For the purpose of (i), the transfer of water from a municipal supply to a point of take servicing industrial uses with a demand of greater than 15m³ per day is not considered to be a change of use.”</i></p>
Rule TANK 15 Take and use from a dam or water impoundment	Discretionary Activity	Re format for clarity.	Add the words <i>“That does not comply with the conditions of TANK Rule 7”</i> to the Activity Description and delete Condition (a).
Rule TANK 16 – activities that do not comply with the conditions of Rules TANK 13- 15	Non-complying Activity	Re format for clarity.	Add the words <i>“That does not comply with the conditions of TANK Rules 13-15”</i> to the Activity Description and delete the words <i>“The activity does not comply with the conditions of TANK Rules 13-15</i> in the Conditions/Standards and Terms.
Rule TANK 18 Transfer and Discharge of groundwater into surface water in the Heretaunga Plains Water Management unit (quantity) as associated with a Stream Flow Maintenance and Habitat Enhancement Scheme	Discretionary Activity	Compliance with Schedule 36 as a condition of consent may be too onerous for smaller schemes. Also, a proposal would be a Discretionary regardless whether or not it fully complies with Schedule 36	Delete condition (a) and refer to Schedule 36 in the right hand column as an Assessment Criteria (not a matter of control/restriction).
Source Protection			
Terminology	The Source Protection provisions throughout the Plan Change refer to Registered Drinking Water Supplies as per the regulatory framework at the time of drafting.	The definition of Registered Drinking Water Supply will be a focus of the Taumata Arowai Establishment Unit and including the size and type of supplies that are required to be registered and the terminology to be adopted. The specific terminology that will be in force during the Plan’s implementation period is not yet known. The Taumata Arowai – the Water Services Regulator Bill provides a definition of water supplier that is to be regulated by Taumata Arowai. The Bill has had its third reading in Parliament and is awaiting Royal Assent for enacting. The TANK Plan terminology should provide for an expected change but as yet unconfirmed terminology to refer to the drinking water supplies encompassed by the water supply regulation provisions.	Add to glossary: “Registered Drinking Water Supply” means any water supply listed on the Drinking Water Register maintained in accordance with section 69J of the Health Act and any water supply operated by a water supplier as defined in the Taumata Arowai – the Water Services Regulator Act.”
Objective 9	This objective communicates a strong priority for protecting source water and managing risks within those source protection zones. The objective is as proposed by JWG and supported by HDC.	The objective reflects the importance of source water protection as per the NES for Sources of Human Drinking Water and as per upcoming RMA amendments and as foreshadowed in the Water Services Bill. Section 42 of the Water Services Bill will require drinking water suppliers to prepare and implement source water risk management plans. Most notably, the Water Services Bill includes an amendment to the RMA to introduce a new section	HDC supports this objective

		<p>104G which would require the consent authority to, when considering resource consent applications, have regard to:</p> <ul style="list-style-type: none"> - The actual or potential effect of the proposed activity on the source of a drinking water supply that is registered under the Water Services Act. - Any risks that the proposed activity may pose to the source of a drinking water supply that are identified in the source water risk management plan. <p>Objective 9 and the proposed policy and rule provisions which follow from that objective provide for, and support the achievement of, the obligations set out above to be met. The inclusion of SPZ provisions in the Regional Plan assist in the integrated management of natural and physical resources to achieve the objectives of the RMA, Health Act and Water Services Bill</p>	
Policy 6	Sets up ability for SPZs to be defined and for activities within the zones to be regulated where they may present a risk to the source water.	Policy preamble and clause (a) are supported as it provides for spatial definition of SPZs as per Schedule 35'.	<p>The policy is supported subject to amending subclause (b) adding the words in bold italics as follows:</p> <p>“</p> <ul style="list-style-type: none"> (i) Direct or indirect discharge of a contaminant to the source water including by overland flow and/or percolation to groundwater (iv) Shortening or quickening the connection between contaminants and the source water, including damage to a confirming layer of the aquifer”
Policy 7	This policy sets up for SPZs to be defined through consenting processes for registered drinking water supplies and requires applications for water take for registered drinking water supplies to assess SPZs.	<p>It is unclear as to vires of this process as the spatial extent of regulation under the Plan is being defined via a consenting process. The approach is generally supported subject to confirming process for incorporation of changes to SPZs through the consenting process into the Regional Plan. If the SPZ boundary is able to be modified via a consenting process, then this does not provide certainty to Plan users. This is partially addressed by clause (d)(ii) and (d)(iii). If the SPZ Plans do not form part of the Regional Plan, as it appears from the notified version, then this policy provides a means by which the spatial extent of SPZs can be modified as they are developed in accordance with Schedule 35. However, it is unclear as to how the regulatory provisions of TANK Rules will be implemented if a SPZ area developed under Schedule 35 creates a consenting obligation on a third party after the Plan becomes operative.</p>	Include SPZs as part of the Regional Plan or provide confirmation as to the ability to implement the regulatory provisions of the TANK Plan change.

		Refer also to submission point under “SPZ Maps” below.	
Policy 8:	Policy sets out the activities which are to be regulated because of their location within SPZs as well as considerations for consenting of such activities.	<p>Clause (iv), re risks as a result of non-routine events. It refers to land use and discharge activities only and should also include water takes.</p> <p>Clause (v) has been amended in the notified TANK Plan change such that there is a requirement for Regional Council to notify water suppliers of any abstraction which may have the potential for impacts on flow, direction or hydrostatic pressure. This appears to be a notification to water suppliers only, rather than the ability for regional council to consider such effects (and presumably set conditions to manage those effects) in their decision making.</p> <p>Abstraction effects which alter the flow, direction or hydrostatic pressure within the aquifer can have adverse effects on source water quality and change the risks associated with the source water. It is therefore appropriate that such effects are taken into account in consent decision making and this is not limited to notification of the water supplier.</p>	<p>Amend the Policy 8(b) by adding the words in bold italics and deleting those shown as struck out as below:</p> <p>“</p> <p>(v) any risks to the proposed landuse, water takes or discharge activity has either on its own or in combination with other existing activities as a result of non-routine event.</p> <p>(vi) any risks ensuring the water supplier is aware of any abstraction of groundwater where abstraction has the potential to have more than a minor impact on flow direction and speed and/or hydrostatic pressure</p> <p>(viii) outcomes of consultation with the Registered Drinking Water Supplier with respect to the risks to source water from the activity, including measures to minimise risk and protocols for notification to the Registered Drinking Water Supplier in the event of an event which would present a risk to source water.”</p>
Policy 9:	This policy sets out a collaborative, multi-agency approach for the provision of safe drinking water including NCC, HDC, HBDHB and Drinking Water Assessors.	Policy clause (g) is repetitive of (a) and not needed.	Support but delete clause (g) .
Rules TANK 1-6 Use of Production Land	It is a condition of Permitted Activity Rule to have a Farm Environment Plan (FEP) or be a member of a Catchment Collective or Industry Programme. The requirements for an FEP, Catchment Collective or Industry Programme (Schedule 29) require productive land in SPZs or Source Protection Extents to identify the location within the SPZ or Source Protection Extents, the water supply manager, and measures to reduce the risk of contamination of source water.	<p>Support this approach as it does not place a consenting burden on productive land and it uses the FEP (or similar) vehicle to encourage communication with the water supplier and consideration of risks to the source water.</p> <p>It is noted that there is not any provision at present for those Farm Plans to be provided to water suppliers, no direction to those preparing the FEPs to engage with water suppliers in preparing the FEPs, nor is there any assessment of the efficacy of the FEP.</p> <p>Further, the timing of the FEP is linked to whether the site is in a high, medium or low priority area (which has different spatial zones for three different parameters – Sediment,</p>	<p>Support subject to:</p> <p>SPZs being made high priority areas for preparation of FEPs Source Protection Extents being made medium priority areas for preparation of FEPs. (Refer to submission point under Schedule 28)</p> <p>Amend the FEP / Catchment Collective Plan / Industry Programme requirements in Schedule 29 to encourage engagement with water suppliers in their preparation and for a copy of the FEPs / Catchment Collective Plans / Industry Programmes to be provided to the respective water suppliers. [Refer submission point under Schedule 30]</p>

		<p>Total N and Dissolved Oxygen; and a site may have three different priority ratings).</p> <p>High priority zones must have their FEPs in place within three years of the TANK plan change coming operative; Medium priority is six years and low priority is nine years, meaning that some FEPs may not be required until nine years after the plan becomes operative.</p>	<p>Add the words shown in bold italics to the Matters for Control/Discretion at (1)(g) in TANK 2, (4) in TANK 4, (2)(g) in TANK 5 and (4)(g) in TANK 6:</p> <p>“Measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply, irrespective of any treatment process for the Registered Drinking Water Supply”</p>
<p>Amendments to Rules in RMMP where activities are located with SPZs in order to give effect to the National Environmental Standard for Sources of Human Drinking Water (NESHDW)</p>	<p>JWG recommended several changes to the Regional Plan Rules via the TANK process so that:</p> <ul style="list-style-type: none"> - Permitted Activities would give effect to the NESHDW - SPZs would have the same consenting requirements (regulatory protection) as the unconfined aquifer - Where consents were required, there would be explicit requirements for consideration of effects on, and risks to, source drinking water. <p>The provisions as notified in TANK appear to have adopted some, but not all, of the JWG recommendations.</p>	<p>Not all of the recommended amendments have been incorporated into the notified TANK Plan Change.</p> <p>HDC supports the recommendations of the JWG for amendments to the Regional Plan Rules and seeks that the TANK Plan Change incorporate those amendments.</p>	<p>Support subject to amending the rules to fully incorporate the recommendations of the JWG, specifically:</p> <ul style="list-style-type: none"> - Amend activity description of Rule 1 and Rule 2 to include bore use and maintenance - Delete “upon request” for Rule 4f - Add “Measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply, irrespective of any treatment process for the Registered Drinking Water Supply” as a matter of discretion to Rule 7 and Rule 40 - Delete “upon request” for Rule 12h - Amend Rules 16, 48, and 49 to exclude activities within SPZs
<p>Schedule 28: relates to priority catchment and Rule TANK 1 relating to production land</p>		<p>Provide for land within a Source Protection Zone as a High Priority and land within a Source Protection Extent as a Medium priority</p>	<p>Amend the table by adding the words “land within a Source Protection Zone” as a High Priority and “land within a Source Protection Extent” as a Medium Priority.</p>
<p>Schedule 30: sets out the requirements for the establishment of a TANK Industry Group or TANK Catchment Collective</p>			<p>Amend 2.2 adding the words in bold italics as follows:</p> <p>f) Measures required to reduce risk of contamination of the source water for any Registered Drinking Water Supply. Landowners are encouraged to engage with the relevant Registered Drinking Water Supplier to understand potential risks of activities on the source water and to identify appropriate risk mitigation measures</p>
<p>Schedule 35: sets out the methodology by which spatial extent of the SPZs are to be developed.</p>	<p>Schedule 35 sets out a methodology for defining the spatial extent of Source Protection Areas (zones or extents) for drinking water supplies. For</p>	<p>There is ongoing work at a national level to develop guidance and methodologies for defining the spatial extent of source protection</p>	<p>Amend paragraph 5 of Schedule 35 by adding the words in bold italics as follows: “The location and spatial extent of a</p>

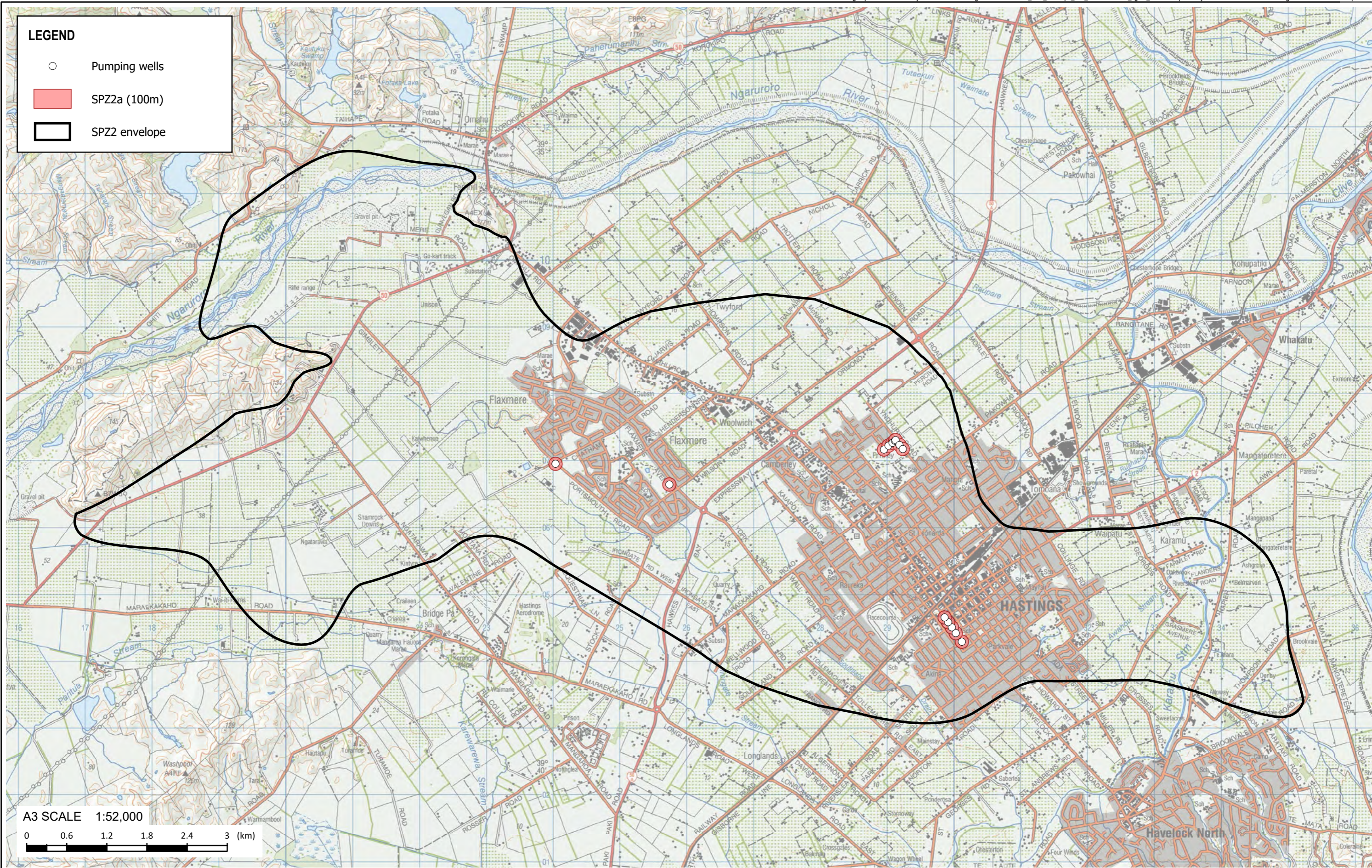
	<p>supplies serving more than 501 persons, only the Napier Urban and Hasting urban have spatial extent defined in the notified TANK Plan Change, with the intent being that others will be defined as consents are renewed.</p>	<p>areas. Schedule 35 should be amended to enable source protection areas to be defined in accordance with the most up-to-date technical guidance which is endorsed at a national level.</p> <p>Table 1 refers to the methodology for determining provisional Source Protection Zones until such time as Source Protection Zones are developed through a consent process. Hastings District has developed Source Protection Zones for all of its supplies within the TANK area and seeks that these be included in the TANK Plan change as SPZs (not Provisional Source Protection Zones). (refer submission point below under SPZ Maps)</p> <p>It is unclear whether or not the rule provisions in the TANK Plan Change which require consents for activities where these are located within SPZs apply to Provisional SPZs. Regulatory provisions as proposed by the TANK Plan Change should be afforded to both SPZs and Provisional SPZs</p>	<p>Source Protection Zone around a Registered Drinking Water Supply are to be determined using appropriate technical guidance provided via any relevant National Environmental Standard, National Policy Statement or technical guidance document endorsed by the Ministry for the Environment, or using site specific information listed in Table 2 below and according to the minimum requirements for the relevant population in Table 3.”</p> <p>Add to Schedule 35 the following or similar: “For avoidance of doubt, the term “Source Protection Zone” or “SPZ” in this Plan includes provisional SPZs and SPZs defined in accordance with this Schedule”</p> <p>Amend Matters of Consideration in relevant rules to include Source Protection Extents (i.e. to make these considerations explicit for activities which already require a consent, but are located in the source protection area for smaller supplies)</p>
SPZ Maps	<p>Notified TANK proposes that the SPZ maps do not form part of the Regional Plan.</p> <p>Notified TANK Maps only include the Hastings supply and does not include SPZs for all supplies provided by HDC.</p>	<p>HDC understand that the proposal to exclude the SPZ maps from the Regional Plan is so that they can be updated (via a consent process as per Policy 7 and Schedule 35) without requiring a Plan Change. While HDC supports the attempt to achieve flexibility to update the SPZs as they are developed, HDC seeks confirmation that the regulatory provisions of the TANK Plan Change (i.e. requiring a resource consent for specific activities where these are located within a SPZ) are enforceable if the SPZ maps do not form part of the Regional Plan. HDC submits that, to ensure the regulatory provisions are able to be implemented effectively, the maps for part of the Regional Plan.</p> <p>HDC has developed SPZs for all of its supplies in the TANK Catchment. These are attached to this submission. HDC submits that these be included in the Regional Plan</p> <p>The Hastings SPZ notified map does not cover all areas considered to be within the source protection zone for the supply borefields and is inconsistent with advice from the peer review process. Two SPZs have been developed for the Hastings urban supply via different methodologies</p>	<p>Include SPZs Maps as part of the Regional Plan or provide confirmation as to the ability to implement the regulatory provisions of the TANK Plan change.</p> <p>Add all SPZs Maps as attached to this submission for the Hastings supplies as part of the Regional Plan. Specifically,</p> <ul style="list-style-type: none"> - Hastings Urban (Eastbourne, Frimley, Wilson & Portsmouth Road); - Brookvale (noting that this is to be removed as a primary supply once upgrade works are complete, however HDC is currently reviewing whether or not it needs to be maintained for a backup supply); - Omahu - Whakatu - Waipatu - Haumoana (Palomino Road) - Clive (Tuckers Lane & Ferry Road)

		(one by HDC and one by HBRC using the Regional Model). These have been subject to independent peer review, with the peer reviewer recommending a SPZ which incorporates both methodologies with a buffer zone. HDC submits that a SPZ which meets the peer review process recommendations be adopted given this would be consistent with the adoption of the precautionary principle of the RMA and the preventative risk management approach which is one of the fundamental principles of drinking water safety.	
Stormwater			
Policy 28: Urban Infrastructure	The policy sets up a de facto objective of reducing or mitigating effects of stormwater quality and quantity on aquatic ecosystems and community wellbeing by January 2025 and then sets out a number of activities / initiatives for achieving this.	Clause (h) directs amendments to district plans, standards, codes of practice and bylaws to specify design standards for stormwater reticulation and discharge facilities. While integration and alignment of policies and provisions may be appropriate, the direction to do such in a Regional Plan is considered inappropriate and should be removed.	<p>Amend by adding the words in bold italics and deleting the words shown as struck out as follows:</p> <ul style="list-style-type: none"> a) Local Authorities adopting an integrated catchment management approach to the management, collection, treatment and discharge of stormwater. b) requiring increased retention or detention of stormwater, where necessary to prevent, while not exacerbating the exacerbation of flood hazards. d) taking account sites specific constraints including areas of high groundwater, source protection zones or extents and or an outstanding water body. ... g) amending district plans, standards, codes of practice and bylaws to specify design standards for stormwater reticulation and discharge through consent conditions that will achieve freshwater objectives set out in this plan.
Policy 30 Dealing with the Legacy	<p>Sets out water quality objectives for stormwater that will be achieved by HBRC working with Napier City and Hastings District with respect to stormwater networks, namely:</p> <ul style="list-style-type: none"> • 80th percentile level of species protection by January 2025 • 95th percentile level of species protection by December 2040. <p>Plus achievement of management objectives of Schedule 25 for freshwater and estuary health</p>	Should be measured after reasonable mixing	<p>Amend Policy 30(a) by adding the words shown in bold italics as follows:</p> <ul style="list-style-type: none"> “(i) the 80th percentile level of species protection in receiving waters after reasonable mixing by January 2025. (ii) the 95th percentile level of species in receiving waters after reasonable mixing protection by December 2040.”

Policy 31: Consistency and Collaboration – integration of city, district and regional council rules and processes.	Provides a policy direction for implementing similar stormwater protection standards across NCC, HDC and HBRC through adoption of good practice engineering standards; consistent plan rules and bylaws, shared information, consistent levels of service, integrated stormwater catchment management approach, mapping and aligning consent processes.	Need to ensure that Regional Plan is not directing amendments to District Plan or LGA documents. Also need provisions to clarify roles and responsibilities of the various agencies.	Amend Policy 31 by adding the words shown in bold italics and deleting those shown as struck out as follows: “b) consistent plan rules and bylaws ” c) shared information and processes for monitoring and auditing individual site management on sites at high risk of stormwater contamination, including clarification of roles and responsibilities for managing stormwater. e) an integrated stormwater catchment management approach, which determines roles and responsibilities for managing stormwater ”
Rule TANK 19 Small Scale Stormwater Activities	Permitted Activity for small scale stormwater discharges	Condition (b) provides for discharges as a permitted activity that cannot connect to a ‘current’ of ‘planned reticulated stormwater network’. What is meant by ‘planned reticulation stormwater network’ – is there a time horizon that is relevant?	Clarify the implementation of Condition (b) in relation to what ‘planned reticulation’ is defined as.
Rule TANK 20 Small Scale Stormwater Activities (Restricted Discretionary)	Provides a consent pathway where Permitted Activity criteria of TANK 19 are unable to be met.	Criteria should apply irrespective of whether stormwater potentially affects source water for a registered drinking water supply that is treated or not.	Amend Clause 7 of Matters for Control/ Discretion by adding the words shown in bold italics as follows: “The actual or potential effects of the activity on the quality of source water for Registered Drinking Water Supplies irrespective of treatment “ Add the following matter of discretion: “ Where consent is required because TANK 19(b) cannot be met due to a planned reticulation network not being available, conditions requiring connection to the network when that network becomes available. ”
TANK 21 Stormwater Activities - Local Authority Managed Network (Controlled)	Provides a controlled activity pathway for local authority networks; controlled activity is subject to Integrated Management Plan	Support subject to minor amendments to assist implementation and simplify	Amend Conditions by adding the word in bold italics and deleting those shown as struck out as follows: “a) (ii) cause or contribute to flooding of any property except where flooding occurs over a

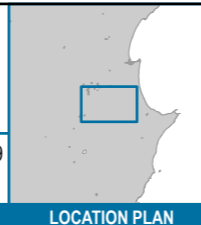
			<p>watercourse or designated secondary flow path.</p> <p>a)vi)(v) cause to occur or continue to the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water</p> <p>(vi)(vi) Cause to occur or continue to the exceedance of water quality targets for discharge of microbiological contaminants including sewerage, blackwater, greywater or animal effluent “</p> <p>b)(xi) Where the stormwater network (or part thereof) of discharge locations are situated within a Source Protection Zones of a registered drinking water supply, a description of measures to prevent or minimise adverse effects on the quality of the source water irrespective of treatment”</p>
<p>TANK 22 Stormwater Activities – Industrial or Trade Premises (Restricted Discretionary)</p>	<p>Provides consenting pathway where there is no reticulated stormwater network at the property boundary. Where there is a network, any application for on-site management would not meet TANK 22 and would be considered a Discretionary Activity under TANK 23. Requires Urban Site Specific Stormwater Management Plan as per Schedule 35</p>	<p>Consider that “urban” should be removed from “Urban Site specific stormwater management plan” as activities are unlikely to be in the “urban” area given that they are unable to connect to urban reticulation.</p>	<p>Amend Conditions by adding the words in bold italics and deleting those shown as struck out as follows:</p> <p>“a) An application for resource consent must include an Urban Site Specific Stormwater management Plan (Schedule 34).”</p> <p>d)(ii) the exceedance of water quality targets for discharge of microbiological contaminants including sewerage, blackwater, greywater or animal effluent”</p> <p>Amend Clause 1 of Matters for Control/ Discretion by deleting the word in bold italics as below:</p> <p>“1. “the efficacy of the Urban Site Specific Stormwater Management Plan”</p>

			<p>Amend Clause 3 of Matters for control/ Discretion by adding the word in bold italics as below:</p> <p>3 The actual or potential effects of the activity on the quality of source water for Registered Drinking Water Supplies <i>irrespective of treatment</i></p>
TANK 23 Stormwater Activities (Discretionary)	Any stormwater activities which cannot be considered under TANK 19 to 22 are to be assessed as Discretionary under this rule	Support with the exception that the notes associated with a review are not necessary as these are guided by S128 of the RMA	Delete the sole Matter of Control/Discretion referring to Reviews
Schedule 34: Urban Site Specific Stormwater Management Plan	Sets out basic requirements for Urban Site Specific Stormwater Management Plan	Support, with deletion of the word Urban for the reasons given in respect of Rule 22	<p>Delete the word “Urban” in the heading to Schedule.</p> <p>Amend the Site Management Plan (SMP) reference wherever it appears in the Plan Change by adding the words shown in bold italics as follows:</p> <p>“Site <i>Specific Stormwater</i> Management Plan (<i>SSSMP</i>)”</p> <p>Amend the 3rd bullet point in (5) by adding the words shown in bold italics as follows:</p> <ul style="list-style-type: none"> - “<i>Source control: methods of good site management including contingency measures in event of a spill or hazardous event.</i>”



NOTES:

0	First version	TAF0	CRSS	10/09/19
REV	DESCRIPTION	GIS	CHK	DATE

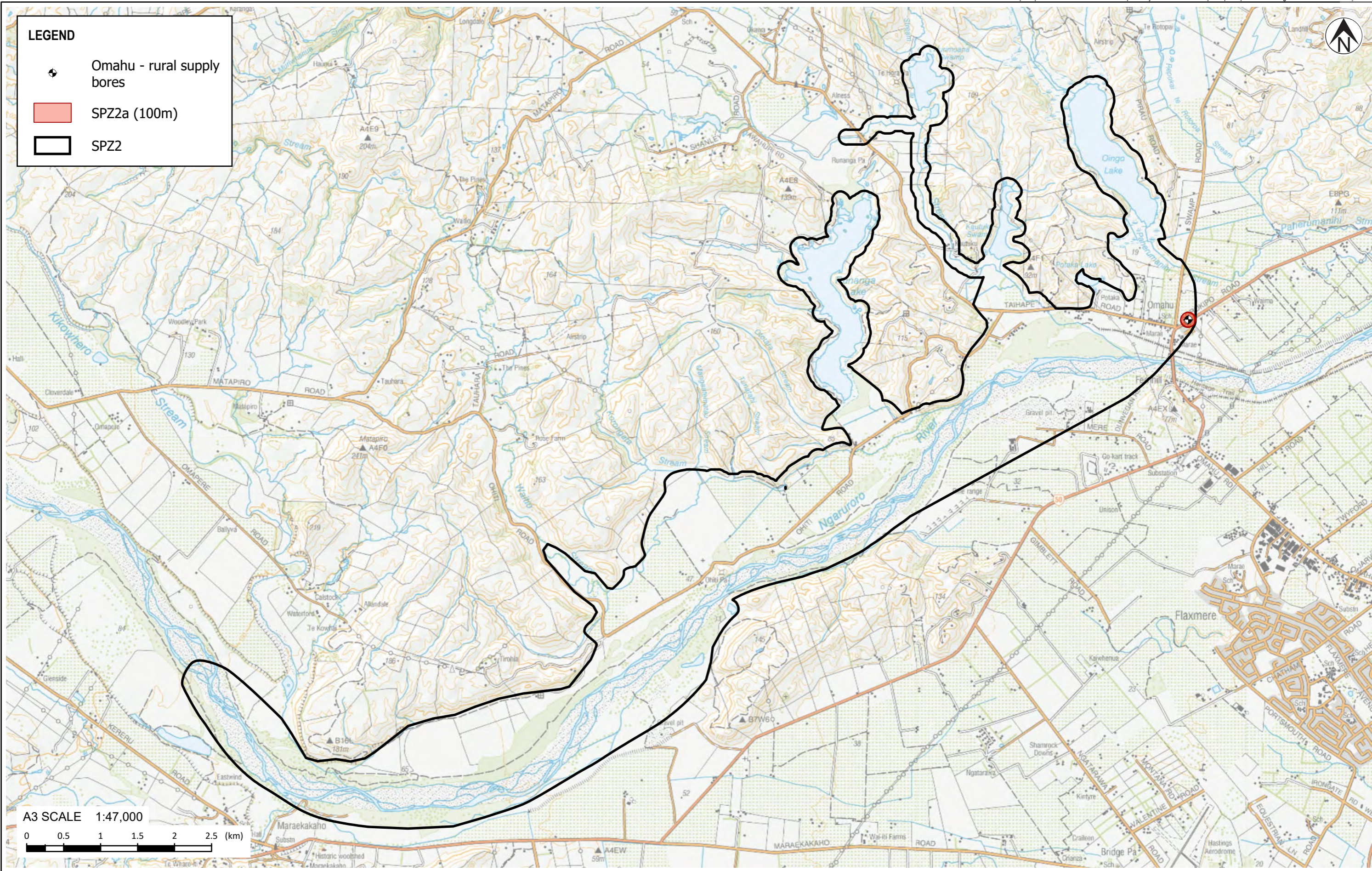


PROJECT No.	1005769		
DESIGNED	TAF0	OCT.19	
DRAWN	TAF0	AUG.20	
CHECKED	CRSS	AUG.20	
APPROVED	DATE		




CLIENT	HASTINGS DISTRICT COUNCIL		
PROJECT	SOURCE PROTECTION ZONES		
TITLE	SPZ2a AND SPZ2 BOUNDARY DELINEATION		
SCALE (A3)	1:52,000	FIG No.	FIGURE 1.
REV	0		



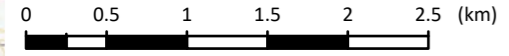
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LEGEND

-  Omahu - rural supply bores
-  SPZ2a (100m)
-  SPZ2

A3 SCALE 1:47,000



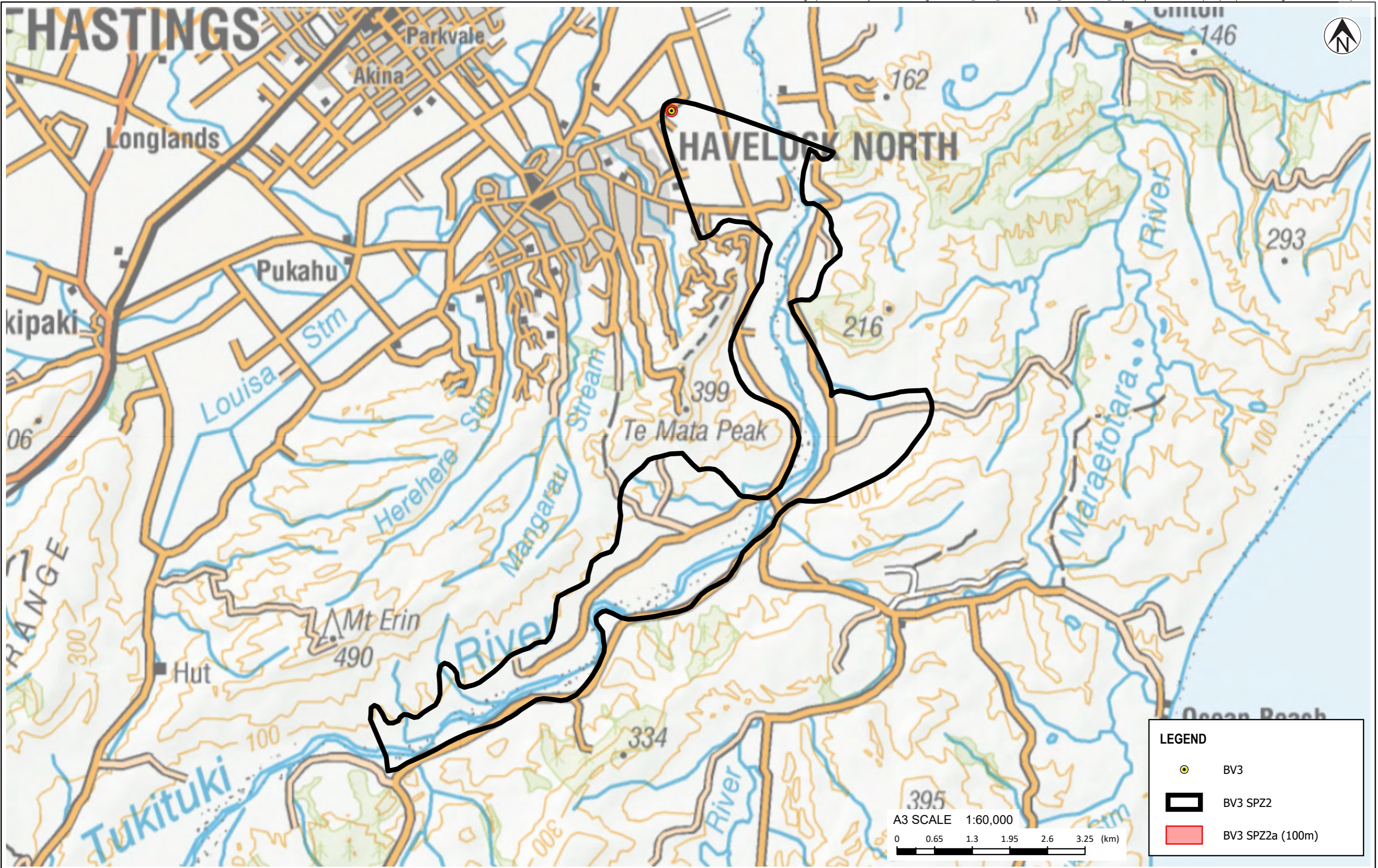

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NOTES:
 Basemap 50k Topo Maps: Eagle Technology, Land Information New Zealand

0	First version	TAFO	CRSS	10/09/19
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PROJECT No.	1008751
DESIGNED	TAFO AUG.20
DRAWN	TAFO AUG.20
CHECKED	CRSS AUG.20
APPROVED	DATE

CLIENT	HASTING DISTRICT COUNCIL
PROJECT	OMAHU RURAL SUPPLY BORES
TITLE	SPZ2A AND SPZ2
SCALE (A3)	1:47,000
FIG No.	FIGURE 1.
REV	0



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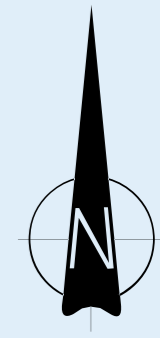
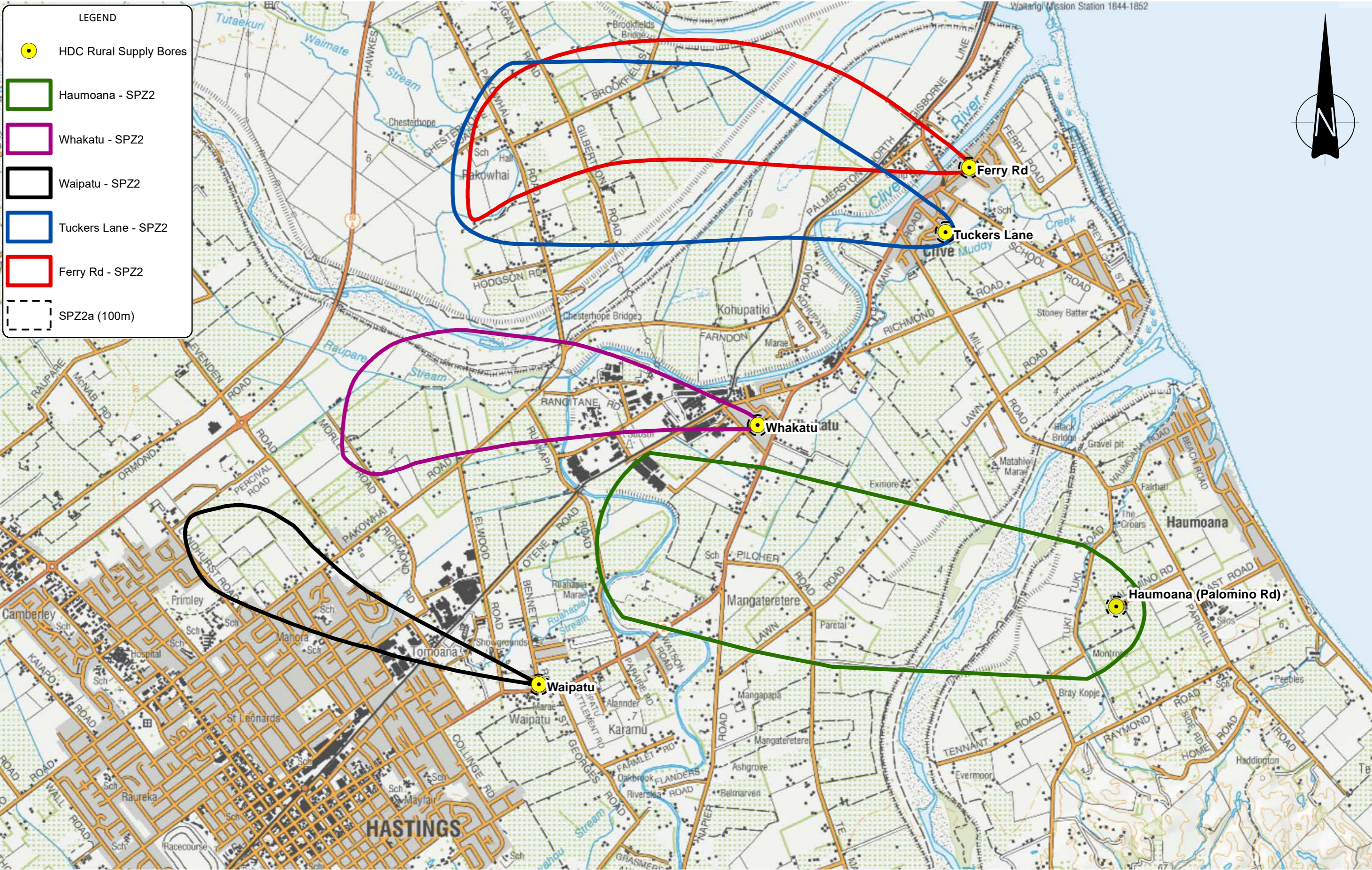
NOTES:
Basemap NZ - LINZ Topographic: Eagle Technology, LINZ

0	First version	TAFO	CRSS	18/05/20
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REV	DESCRIPTION	GIS	CHK	DATE

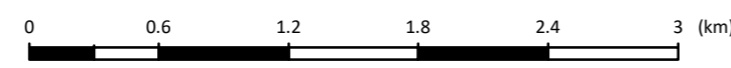
PROJECT No. 1013118	
DESIGNED	TAFO AUG.20
DRAWN	TAFO AUG.20
CHECKED	CRSS AUG.20
APPROVED	
DATE	

CLIENT	HASTINGS DISTRICT COUNCIL
PROJECT	BROOKVALE RD (BV3) SOURCE PROTECTION ZONE
TITLE	SPZ2 BOUNDARY
SCALE (A3)	1:60,000
FIG No.	FIGURE 2.
REV	0



Path: P:\1008751\WorkingMaterial\kele - HaumoanaSPZ\GIS\Figures\20200814_HDC Rural Supplies.mxd Date: 14/08/2020 Time: 10:45:04 am

Notes:
Service Layer Credits: Eagle Technology, LINZ



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DRAWN	KELE	Oct.19
CHECKED	TIR	Oct.19
APPROVED	CRSS	Aug.20
ARCFILE HDC Rural Supplies.mxd SCALE (AT A3 SIZE)		
1:35,000		
PROJECT No. 1008751		

HASTINGS DISTRICT COUNCIL
DRINKING WATER SOURCE PROTECTION ZONES
HDC Small Community Supply SPZs

FIGURE No. **Figure 2.**

Rev. **0**

Please click on the link below to view the document

https://hbrc.submissions.nz:443/Manage/Docs/PID_1/1_210HXVS42_Shapefiles.zip

https://hbrc.submissions.nz:443/Manage/Docs/PID_1/1_210R0AK0_Shapefiles Omahu.zip

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

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

Name: *(required)* Emma Taylor

Organisation: Villa Maria Estate Limited

Postal address: *(required)* P O Box 43 046 Mangere Auckland

.....

Email address: emmat@villamaria.co.nz

Phone number: 021412953.....

Contact person and address if different to above:

.....

.....

Submission Summary:

1. Villa Maria Estate (VME) 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. VME OPPOSE elements of PC9 that do not reflect those agreements reached by the TANK Group community representatives.
3. VME SUPPORT THE AMENDMENTS proposed by Hawke’s Bay Winegrowers’ Association Inc, and Gimblett Gravels Winegrowers Association. in their submissions dated 14 August 2020.
4. VME SEEK AMENDMENTS as set out in Section A of this submission below.
5. VME are 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. VME are concerned that PC9 will have significant negative effects on our business and VME have detailed their concerns in Section B below.

Submission Details:

A. Introduction:

Villa Maria is one of New Zealand's largest independently owned wine companies, celebrating 61 years of operation since inception by its founder and current owner Sir George Fistonich. Villa Maria has been committed to the Hawke's Bay for winegrape growing since the 1970's with its purchase of Vidal Estate in 1976, Esk Valley Estate in 1981 and later Te Awa Estate in 2012. Villa Maria is New Zealand's most awarded wine company and in 2001 at the first Hawke's Bay wine awards, Sir George Fistonich was recognised for his outstanding contribution to the Hawke's Bay wine region. Hawkes Bay has always been a keystone region for the Villa Maria group.

Villa Maria was one of the first wine companies to purchase and develop vineyards in the Gimblett Gravels and is now the largest landowner of vineyards in this outstanding world class wine region.

Villa Maria has recently undertaken a large capital expansion process. This included construction of a new winery at the Te Awa winery site, in the Gimblett Gravels in 2018. The new winery is vertically integrated processing grapes from its own vineyards and Terra Vitae's vineyard sites in the Hawke's Bay, as well as from vineyards in Gisborne. As a result of the development of this winery, VM was able to consolidate its other winemaking sites, and bring all processing to the one facility. The development included the installation of a winery waste water treatment facility at a cost of \$2 million dollars.

Nationally, Villa Maria employ 500 permanent staff, 200 seasonal staff and over 300 contract labour staff throughout the country in all its operations. In the Hawke's Bay, Villa Maria employ 98 full time staff in its Hawkes Bay operations, 90 contract labour staff throughout the year and 64 seasonal staff for the harvest period.

The Villa Maria productive vineyard holdings in the Hawke's Bay, including leased land is 298 hectares (Ha). In addition, growers contracted to Villa Maria have an additional 188 Ha of vineyards. Villa Maria have 293 Ha of production vineyard land (22.6 Ha in Gimblett Gravels).

Villa Maria hold several water consents for irrigation, a consent for water for its winery and restaurant facility at Te Awa, a consent for winery discharge to land close to the winery, and a consent for compost production on its Joseph Soler vineyard. For all of these consents Villa Maria operate to absolute best practice, ensuring that where possible they are complying with the consent.

Water stress impact on grapevines

Water stress can significantly reduce grape quality, yield and potentially create total crop loss. The effects of water stress not only affect the current growing season, but due to grapevine physiology significantly affect the following season's canopy growth and vine fruitfulness.

Grape vines on the free draining soils of the Gimblett Gravels and Heretaunga plains are very susceptible to water stress because of the free draining profile and low water storage potential of the gravels.

Grapevines physiological response to water stress is to reduce photosynthesis and growth rates followed by leaf senescence and defoliation. This can be combined with retarding fruit development and potentially total fruit/crop abortion with extended water stress.

Water stress also limits a vines ability to store carbohydrates that are essential to the following season's growth and fruitfulness.

Irrigation is essential to the establishment of new vineyards on the Heretaunga Plains.

New plantings and redevelopment is not possible without irrigation, thus will completely limit and growth in the wine industry, and the potential for vineyards to redevelop to maintain viable blocks, or potentially develop market opportunities.

Villa Maria is committed to minimising water usage. It utilised many ways to measure and record water, applying irrigation only when required. For its latest developments it has installed the drip irrigation sub surface and this has further reduced irrigation usage.

A. Specific impact on our business

Plan Provision	Concerns and Reasons	Decision Sought
OBJ TANK 7 Requirement to reduce contaminant losses	This Objective, as currently drafted, could be interpreted to require a reduction in contaminant loss including soil loss from all land use types. Some land use types including viticulture on low-slope land already have negligible contaminant losses (& especially soil losses) and would be unable to achieve any reductions.	Amend along the lines of....OBJ TANK 7 to read "...reduces <i>reduceable</i> contaminant loss..."; or similar wording to achieve the outcome sought in this submission.
OBJ TANK 16 Priority order for water allocation	This Objective establishes a priority order for water allocation which ranks primary production on versatile soils ahead of other primary production. Some viticultural production is on soils that are not considered to be versatile (eg. LUC 7 stoney soils) but is the highest and best primary production use of such soils, is highly efficient low water-use & low- contaminant activities that contribute strongly to community socio-economic development and should rank equally with primary production on versatile soils. As the largest landowner on the Gimblett Gravels VM would be at a lower priority for water from other primary industries. This would put our investment in vineyards in Hawkes Bay at risk as they would be untenable without water supply.	Amend along the lines of.... OBJ TANK 16.c to read "Primary production on versatile and <i>viticultural</i> soils", or similar wording to achieve the outcome sought in this submission.
Policy 5.10.2.6/7/8 Protection of source water	These three policies adopt a strengthened approach to protection of the quality and quantity of drinkingwater supplies. VME support a precautionary approach to such protection but considers that the policies and rules are unnecessarily onerous and reflect an over-response to the 2016 Havelock North water crisis. The Plan Change draws source protection zones expansively and the control exerted by Council through matters of discretion under TANK rules 2/4/5/6/9/10 is uncertain and potentially onerous, particularly on winery point source	Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10. Address risks via Farm Environment Plans, Catchment Collectives and Industry Programmes. Address the discharge levels and include the ability to do site specific monitoring to determine impacts.

	<p>discharges but also on vineyard farming practices.</p> <p>Our waste water field is located in a SPZ. We monitor the site monthly and this data is provided to the council. We are very specific about the water quality that is discharged to this land and monitor it appropriately. The plan change gives us an uncertain scope of control. We believe that any risks could be addressed in a Farm Environment Plan or Catchment Collective.</p> <p>Villa Maria feel also that while we operate a best practice model for our discharge consent, we could be unfairly restricted in our discharge operations as a result of poor consent compliance by neighbouring properties of which we have no control. VM believe that the current limits for discharge to land are too onerous.</p>	
<p>Policy 5.10.3.21 Assessing resource consents in subcatchments exceeding nitrogen objectives or targets</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>This is unnecessarily constraining of landuse change, undermines the role of community collectives, discriminates against viticulture as a particularly low nitrogen source and fails to recognise the 2040 timeline for meeting water quality objectives.</p>	<p>Amend along the lines of.... 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 along the lines of 21.d to read “<u>subject to Policy 21 a)-c)</u>, avoid land use change....” 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...”.</p> <p>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</p>	<p>Amend along the lines of 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 <u>August 2017 30 June 2020 (the end of the 2020 water year)</u>...”. or similar wording to achieve the outcome sought in this submission.</p>

	<p>2017 (the point at which HBRC publicised the decision to cap groundwater usage at current peak dry-year levels). However, since TANK completed and the Plan was drafted, Hawke’s Bay has experienced a severe drought in 2019/20 water year. Given this recent experience and vastly improved water meter data collection in the most recent years, I consider that the 2019/20 water year data should be available as a benchmark dry year.</p> <p>In addition the policy does not take into account the replanting of young vines in an established vineyard. Young Vines require significantly more water than a mature vineyard, in some instances where a mature vineyard is drilled, a young vineyard will be the only time that irrigation is required for the vines. The plan change does not allow the flexibility for a vineyard to replant its vineyard and supply the vines with important water supply in the first few formative years. Vine age in New Zealand has a 20 – 30 maximum. With most vineyards in NZ and indeed HB being planted in the late 1990s and early 2000s, it is likely that large scale vineyard replanting across HB will occur during the tenure of this plan.</p> <p>Villa Maria would be happy to utilise a allocation model that was based on Actual and Reasonable use from the 2019/2020 year in preference to working with the IRRICALC model.</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 VME OPPOSE this policy on five main grounds:</p>	<p>VME understand that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. VME support, in principle, jointly-funded collective stream flow maintenance schemes on suitable lowland streams, facilitated by HBRC., however is concerned by the lack of clarity around this at the time of draft publication.</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. 3. Large temporal and spatial spread of consent expiries and large consent numbers make it impractical and inequitable to require consent holders to take full responsibility for the development. 4. No allowance for an orderly transition to any new stream augmentation has been made. The currently proposed provisions could apply immediately from notification of the Plan Change, including to a very large number of currently expired consents (particularly groundwater takes in the unconfined aquifer), whereas stream augmentation schemes may be reasonably expected to take years to commission, particularly the kind of large-scale schemes that would be required to maintain flows in the Ngaruroro River. 5. Consent reallocations under the “Actual and Reasonable” provision of the Plan based on 95% certainty of supply do not provide sufficient water volume to support stream augmentation in dry years and so would decrease the effective certainty of supply of consents. 	
<p>Policy 5.10.7.49. Water Allocation – Permit Duration</p>	<p>This clause requires Council to set common expiry dates for water permits to take water in each water management zone.</p> <p>Whilst this is sensible, it has the unintended consequence of potentially requiring all grouped consent renewals to be publicly notified, as the cumulative effects of all the consents are likely to be “more than minor”.</p> <p>Public notification requirement caused in this way duplicates the TANK process and other processes within the Plan Change. To avoid unnecessary processing</p>	<p>Amend along the lines of ... 5.10.7.49 to ensure that public notification of consents is not required, if the requirement is triggered only by the cumulative effect of consents that individually have no more than minor effect.</p>

	time and cost, the policy should provide that the combining of consents should not of itself trigger the requirement for public notification.	
Rule TANK 2/4/5/6/9/10 – References to SPZs	<p>These rules governing land use and water takes all contain provisions including actual or potential effect of the activity in the SPZs on Registered Drinking Water Supplies. This introduces potentially significant cost and uncertainty for winegrowing, which is one of the major landuse activities in the SPZs. Such risks can and will already be assessed via Farm Environment Plans or Collectives in terms of Schedule 30, so separate inclusion in the consenting process is an unnecessary duplication.</p> <p>Retaining the reference in TANK 2 will ensure that a risk assessment will still be made in the event that a property does not have a Farm Environment Plan or is not part of an Industry Programme or Catchment Collective.</p>	Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10
Rule TANK 5 Land use change	<p>This rule controls land use change to production land use activity over more than 10% of a property or farming enterprise.</p> <p>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?</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.
Rule TANK 6	<p>This rule restricts change to production land use activity over more than 10% of a property or farming enterprise where there is no Catchment Collective or Industry Programme operative, where modelled land use change effect on total property nitrogen loss exceeds the figures in Table 2 of Schedule 29. Table 2 is populated from per-hectare figures for common primary production systems. The per-hectare figure of 1kg/ha/yr provided for Grapes for Esk/Omahu/Pakipaki Soils is unrealistically low & clearly fails to account for the autumn/winter sheep grazing rotation that commonly occurs on vineyards.</p> <p>Also the Plan Change does not record the version of the models employed to</p>	<p>Adjust the Grape kg/ha/yr for all soils to recognise 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>derive the crop loss figures, so is not future-proofed against the effect of future model changes.</p>	
<p>RRMP Chapter 6.9 - 6.3.1 Bore Drilling & Bore Sealing, Rule 1</p>	<p>This rule change has the effect of making bore drilling within a Source Protection Zone (SPZ) a Restricted Discretionary activity, as opposed to a Controlled activity. The proposed SPZs cover extensive areas of the Heretaunga Plains, particularly in the unconfined aquifer zone where many vineyards are located. The proposed Plan brings in intensive controls over activities in the SPZs and are specifically drawn to capture areas of unconfined aquifer upstream of protected water takes. Given the already-permeable nature of the unconfined aquifer area that comprises the bulk of the SPZs and other substantial controls over landuse activities, there is negligible additional benefit in controlling bore drilling in this area where the bore is a replacement for existing infrastructure. Also the additional expense and uncertainty of Restricted Discretionary status is likely to act as a deterrent to bore replacement as part of a normal maintenance cycle. Accordingly, bore drilling for the purpose of replacement of existing infrastructure in the SPZs should remain a Controlled activity.</p>	<p>Add a Condition to 6.3.1 Rule 1 reading: <i><u>“c. The bore is located within a Source Protection Zone but is a replacement for an existing bore that will be decommissioned.”</u></i> or similar wording to achieve the outcome sought in this submission.</p>
<p>Chapter 6.9 - 6.7.3 Transfer of Water Permits Rule 62a</p>	<p>This rule change is intended introduce new controls on water permit transfers in the TANK catchments.</p> <p>We consider that two of the proposed Conditions require amendment:</p> <p>“d. i. for groundwater takes in the Heretaunga Plains Water Management Unit (Quantity). the transfer is to any point downstream of any affected stream; ”</p> <p>Assuming a normal geographic distribution of transfer applications, approximately half of all applications in the HPWMU are likely not to meet the above Condition and therefore become a Discretionary activity. This is inefficient and unwarranted by the risk of material impact on the HPWMU from transfers, due to the generally high transmissivity of the aquifer in this area.</p> <p>“e. the transfer of a groundwater take is to an existing bore for which pump</p>	<p>Delete this requirement if Bore is in the same Zone – i.e. not located within Zone 1 if original consent is also not in Zone 1.</p>

	<p>tests are available and there is no change to the nature and scale of drawdown effects on neighbouring bores or connected waterbodies as a result of the transfer”</p> <p>This condition does not contain any materiality test and due to the high density of bores throughout the TANK catchments and the generally high transmissivity of the aquifers, few transfer applications are likely to meet this test. Again, this is inefficient and would largely nullify Controlled activity status for water transfers in the TANK catchments, defaulting them to Discretionary, which will be counterproductive to the efficient redistribution of water usage over time.</p> <p>Villa Maria was looking to globalise its consents, in an effort to minimise its water use and direct water to areas of higher priority, this would improve operations efficiencies in times of redevelopment. It is unclear if the transfers apply only to complete transfers or if combining consents on multiple properties under the same ownership would be affected. If it applies to globalising consents, it would have a negative impact on increased water efficiency.</p>	
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Do you wish to be heard in support of your submission? Yes
If others make a similar submission, would you consider
presenting a joint case with them at a hearing? Yes

Signature: *Al Taylor* Date: *14/8/2020*

Submission on Proposed Plan Change 9:
Hawkes Bay Regional Resource Management Plan

To: Hawke's Bay Regional Council

Private Bag 6006

Napier.

Email: Etank@HBRC.govt.nz

Name: Waiariki Davis

Postal Address: 65 SH51, Waipatu, Hastings

Email: waiarikidavis@gmail.com

Phone: 0212945009

I belong to Waipatu Marae, the home of the first Maori Parliament, 1892.

My Wharenui is "Heretaunga Haukunuiaarau Haro o te Kahu Takoto Noa" - Heretaunga of life giving dew, arcadian pathways the beauty below which can only be seen by the soaring hawk and was left to us by our departed chiefs.

Kahuranaki is my Maunga

Takitimu is my Waka

Tamatea Arikinui is my Mana

Ngaruroro is my Awa

Karamu my Healing

Ruawhoro my Guidance

Ngati Kahungunu is my Iwi

Tihei Mauri Ora!

The Waipatu community was established about 1860 after the massive floods at Pakowhai and after the last inter-hapū battles over the Heretaunga Block at Pakiaka 1857 between ancestors of the current occupant hapū, Ngāti Hori and other bordering hapū. To this day the descendants of Henare Tomoana still occupy the land and insist as their ancestor did, that this land is the sole preserve of themselves to determine what developments should or should not occur on them.

2.

The current landowners, supported by the rest of the Waipatu community, maintain that although not against progress, there are other factors that need considering in order to determine whether that progress is at the expense of fundamental cultural practices in this case land and water tenure or at the expense of a more universal priority, community safety.

1. This submission is on the Proposed Plan Change 9: Hawkes Bay Regional Resource Management Plan.
2. I OPPOSE the provisions in Plan change 9.
3. The specific provisions of the proposed plan that I relate to are those relating to water quantity and quality in the Ngaruroro, Te Karamu, Aquifer and waterways impacting on marae communities and papakainga.
4. My whanau were market gardeners over 60 years ago at Pakowhai and Waipatu. At Pakowhai we planted large quantities of kumara besides the old Ngaruroro River. The land was very fertile and we had two artesian bores at either end of the paddock and the quality and quantity was very much in abundance. At Waipatu, the bore was bubbling over and the quality of market garden kai produced at Waipatu was very much sought after and abundant. Time has since seen installation of water pumps for domestic use and marae operations, with the threat of anti-bacterial agents being placed in our bores. Built up urban areas and suburbs connect to "town supply" while marae communities' water quality and quantity depletes through over-water allocation demand to developing areas e.g. orchards, vineyards and industrial sites. People travel from out of town and other communities to fill up their water containers from Waipatu Marae where the first artesian well was sunk.
5. New homes have been built at Waipatu as well as papakainga established. There is another papakainga development in progress in Bennett Road. One of the new homes was required to close off an existing bore on the property and install water storage tanks. If this is the future of housing on ancestral land, marae and small communities surrounded by continuing horticulture development end up being compromised once again not to mention the mauri and fish life within the waterways.
6. Papatūānuku needs attention!

Solutions:

- Restore streams to improve water flows
- Restore groundwater levels
- Restore artesian pressure
- Recognise Mana o te Wa
- Cultural Monitoring

I respectfully seek that submissions made by mana whenua be heard on a local marae. Waipatu Marae would welcome this privilege.

A handwritten signature in black ink, appearing to read 'Waiariki Davis', written over a horizontal dotted line.

Waiariki Davis

Waipatu Marae

14/8/2020



Forest & Bird

TE REO O TE TAIAO | *Giving Nature a Voice*

SUBMISSION ON HBRC'S PROPOSED PLAN CHANGE 9 (TANK)

Clause 6 of the First Schedule, Resource Management Act 1991

14 August 2020

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

Email: eTANK@hbrc.govt.nz
(submission lodged by email)

Submitter: Royal Forest and Bird Protection Society of New Zealand (Forest & Bird)

Postal address: PO Box 631
Wellington 6140

Contact: Tom Kay
email: t.kay@forestandbird.org.nz
Phone number: 022 183 2729

Forest & Bird could not gain an advantage in trade competition through this submission.

Forest & Bird wishes to be heard in support of this submission.

If others make a similar submission, Forest & Bird will consider presenting a joint case with them at the hearing.

1. INTRODUCTION

- 1.1 The Royal Forest and Bird Protection Society of New Zealand (Forest & Bird) is New Zealand's largest independent conservation organisation. It is independently funded by private subscription, donations, and bequests. Forest & Bird's mission is to protect New Zealand's unique flora and fauna, and its habitat. Key matters of concern therefore relate to the protection of ecological values, particularly the sustainable management of New Zealand's indigenous biodiversity; natural landscapes; publicly owned land, rivers and lakes; and protection of public conservation areas. In Hawke's Bay, Forest & Bird's branches carry out many local projects, including reserve management and restoration activities, as well as actively advocating for the environment in a range of settings.
- 1.2 Forest & Bird's Hawke's Bay branches have invested substantial time and resource into planning processes relating to freshwater, and specifically into the development of PC9. In particular, Hastings-Havelock branch member Vaughan Cooper, and Napier branch member Neil Eagles, were members of the TANK stakeholder group.
- 1.3 Forest & Bird acknowledge the substantial work that has gone into the preparation of this plan. This is evident in the hundreds of hours that TANK stakeholders have poured into this plan change, the numerous background reports commissioned to support decision making, and the many versions of PC9 that were circulated to stakeholders in advance of notification.
- 1.4 While we appreciate that effort and where we have progressed to, we have a number of concerns with PC9. Many of these are related to the issues of 'non consensus' that were not resolved by the TANK group. For example, despite Forest & Bird continually raising concerns with council's approach to over-allocation and the setting of minimum/environmental flows throughout the drafting process, it is disappointing to find that PC9 sets environmental flows that in many cases only maintain the status quo, and that these are undermined by allowing for 'flow maintenance' schemes. We are also concerned that PC9 does not set out an appropriate approach to avoiding any further over-allocation or to phase out existing over-allocation of fresh water.
- 1.5 Forest & Birds submission is set out in two parts, firstly addressing overarching issues with PC9 (pages 3-16) and secondly considering the specific wording of proposed provisions (pages 16 onwards) (in table form).
- 1.6 Forest & Birds relief sought includes all similar and consequential relief to address these submissions.
- 1.7 The notification and close of submissions on PC9 has occurred while the NPSFM (2017) is in force. However, the NPSFM (2020) will be in force 3 September 2020. It is difficult to transcend the two NPSs in our comments, so most of our submission relates to the 2017 NPS. References to the 2020 NPS are explicitly stated.

2. OVERARCHING ISSUES

The following overarching issues are addressed in this section of the submission:

3. Complexity and wording of plan provisions.

- Objectives
- Relief sought for objectives
- Policies
- Relief sought for policies

4. Uncertainty of non-regulatory-focused provisions

- Relief sought to improve certainty

5. Over-allocation

- Relief sought for over-allocation

6. Giving effect to the NPSFM

- Freshwater management units
- Freshwater objectives
- Freshwater quality limits
- Environmental flows or levels
- Relief sought to give effect to NPSFM

7. Timeframes

8. Tangata Whenua Values/Perspectives

9. Regional Resource Management Plan

10. Climate Change

- Relief sought for climate change

3. COMPLEXITY AND WORDING OF PROPOSED PLAN PROVISIONS

- 3.1 The TANK chapter proposed by the plan change includes 18 Objectives and 60 Policies. Reconciling these provisions is complex and inhibited by the language used in them.
- 3.2 The objectives and policies are overly wordy, and they capture details and explanation which detracts from their purpose to provide clear intended outcomes and direction for implementation.

OBJECTIVES

- 3.3 Many of the objectives describe processes and management approaches rather than stating a desired outcome that can be measured, for example OBJ TANK 1. This makes any intended outcome of the objectives unclear and uncertain.
- 3.4 The Quality Planning advice for best practice on writing objectives is available online (<https://qualityplanning.org.nz/node/610>). Key aspects of this advice include:
- to write the objective in the form of a sentence that states **what** is to be achieved, **where** and **when**;
 - to avoid stating how the objective is to be achieved (that is the role of policies)
- 3.5 OBJ TANK 2 sets out direction for how the setting of objectives, limits, and targets is to be undertaken. Besides this being more appropriate as policy direction, it is concerning that the plan includes a direction about setting objectives. Freshwater objectives, limits, and targets should already be set and included in PC9 to give effect to the NPSFM.
- 3.6 OBJ TANK 6 is similarly (and extremely) concerning as it suggests that some of the freshwater quality limits in the plan change, particularly those for the Ahuriri and Karamu catchments, required to give effect to Policy A1 of the NPSFM are not implemented through PC9 or included in any real regulatory sense.
- 3.7 OBJ TANK 4 includes appropriate aspects of a good objective through the reference to attribute states in Schedule 26, however the direction on “activities are carried out” is suggestive of policy direction rather than stating an outcome.
- 3.8 The statements in TANK OBJs 10 – 15, for the objectives to be considered “in combination with meeting the water quality states specified in Schedule 26,” make the outcome sought particularly uncertain.
- 3.9 The wording of these catchment objectives suggests that activities will be carried out to maintain or improve mauri, water quality, and water quantity in specified water bodies. The objectives confusingly capture multiple concepts and outcomes, including:
- a. to carry out activities;
 - b. to maintain or improve mauri, water quality and water quantify; and
 - c. to ‘enable’ the values listed
- 3.10 In our view the idea of carrying out activities to “enable” values is inconsistent with the approach set out in the NPSFM. Instead, objectives should state the outcomes sought with respect to those values. Policies and Methods can then set out how activities must or should be undertaken to achieve those outcomes.
- 3.11 The reference to Schedule 26 could be useful in these objectives. However, the lack of certainty around the identification of FMUs; and lack of certainty as to whether Freshwater Objectives, freshwater quality limits, and environmental flows or levels have been identified for all FMUs make the outcomes sought uncertain. This is compounded by the separation of outcomes between schedule 26, 27, and 31.

- 3.12 As written, it is not possible to determine if the NPSFM would be given effect to by achieving the objectives of the plan change. Particularly with the 2020 NPS.
- 3.13 Forest & Bird consider that ‘freshwater objectives’ are distinctly different to, and should not be confused with, objectives included under s67 of the RMA, which are objectives for the region. Though it may be helpful to include references to ‘freshwater objectives’ within regional objectives where this supports or sets the outcomes sought in the objective.
- 3.14 The terminology used and reference to objectives throughout the plan is confusing because so many different terms and combinations of those terms are used. Throughout the plan objectives are referred to as:
- TANK objectives
 - General objectives
 - Catchment objectives
 - Plan objectives
 - Objectives
 - Freshwater objectives
 - Freshwater quality objectives
 - Water quality objectives
 - Objectives for water quality
 - Management objectives
- 3.15 This is discussed further in our submission in ‘freshwater objectives’ under the issue of ‘Giving effect to the NPSFM’ below. When referring to the 5.10.1 objectives elsewhere in the plan it would be helpful to include reference to that numbering so that it is clear which objectives are being referred to.

RELIEF SOUGHT FOR OBJECTIVES

- 3.16 Remove all 18 objectives from the plan and replace with new objectives:
1. The management of freshwater in the Tutaekuri, Ahuriri, Ngaruroro and Karamu catchments considers and recognises Te Mana o te Wai.
 2. The use and development of land, and of discharges of contaminants in the Tutaekuri, Ahuriri, Ngaruroro, and Karamu catchments safeguards:
 - a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and
 - b) the health of people and communities, as affected by contact with fresh water.
 3. The overall quality of fresh water within each freshwater management unit is maintained or improved to:
 - a) protect the significant values of outstanding freshwater bodies;
 - b) protect the significant values of wetlands; and

c) restore the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.

[consider adding reference to relevant freshwater objectives and schedules in relation to clauses a), b) and c)]

4. The life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water is safeguarded, through sustainably managing the taking, using, damming, or diverting of fresh water.
 5. The management of fresh water and the use and development of land in whole catchments is undertaken through integrated approach to the interactions between fresh water, land, associated ecosystems and the coastal environment.
 6. Source protection areas for Registered Drinking Water Supplies are safeguarded and suitable for human consumption, and risks to the supply of safe drinking water are removed or minimised.
- 3.17 Combine Schedules 26 and 27 so that all of the attributes have a regulatory function (making it an appropriate schedule to refer to in the objectives above), and redesign the schedule so that it is divided by FMU, rather than by attribute.
- 3.18 Any other amendments sought in our submission below

POLICIES

- 3.19 Policies extend over sections 5.10.2, 5.10.3, 5.10.4, and 5.10.5 in PC9. The policies are generally lengthy with extended explanations and methodology, including specific non-regulatory actions.
- 3.20 Aligning the policies with the objectives is difficult due to the large number of policies and the dependence between policies, some of which implement each other. For example, Policy 6 is dependent on Policy 1; Policies 7, 8, and 9 implement Policy 6; Policy 11 appears to implement Policy 10; Policies 12 and 13 implement Policy 11. It is difficult to follow which policies implement which PC9 Objectives or other objectives in the RRMP, and this has not been explained in the s32 report. Without clear alignment between provisions, PC9 cannot be effectively assessed under s32 of the RMA.
- 3.21 The biggest issue of the approach, rather than the subject, of the policies is that many of them are really 'Methods'. Best practice distinguishes between Policies and Methods as follows:
- Policies are the course of action to achieve or implement the objective (i.e. the path to be followed to achieve a certain, specified, environmental outcome).
 - Policies are implemented through methods (often plan rules) so policies need to be worded to provide clear direction to those making decisions on rules and those implementing methods.
 - write policies according to the effects that need to be addressed

- avoid policies written in the form or nature of methods
 - Methods are the means by which policies are implemented.
 - Methods can be regulatory (in the form of rules) or non-regulatory (e.g. council grants and assistance).
 - They can be included when there is a need to highlight significant 'other methods' crucial to the implementation of the policies of the plan to plan users.
 - The method should be written as a discrete course of action rather than generalised
 - The method should be clear as to when the method is to be implemented by persons or organisations other than the local authority who prepared the plan
- 3.22 Separating out the Methods from the Policies and including them as a separate Methods section would go a long way to clarifying the policy direction in PC9.
- 3.23 While there are a number of policies which could be moved wholesale into a methods section, other policies contain some actions that are directions for non-regulatory methods. Those actions would also sit better in a methods section. This would have the benefit of allowing policies to be refined and provide overarching direction, reducing the duplication and complexity of policies. These policies are listed in the relief sought below. Our view that many policies should be moved to a Methods section does not mean we necessarily support the subject or intent of the provisions.
- 3.24 The National Planning Standards (the Standards) set out detailed format, content, and electronic accessibility requirements for RPSs and regional plans. While the Council has until 2029 to implement the Standards in terms of the format and content, that timeframe will fall within the 10-year life of PC9. Rather than council having to rework provisions into that format later (being careful not to change intent), Forest & Bird consider it better to use that structure now so that submitters can be certain of how the plan addresses their concerns. This means that particular attention should be paid to aligning PC9 with the Standards where possible.
- 3.25 In particular, definitions should be written to align with the standards; the chapter numbering required by the standards should be used; and the recommended order and grouping of objectives, policies, and rules, with non-regulatory methods sitting after the rules, should be applied.

RELIEF SOUGHT FOR POLICIES

- 3.26 Move the following policies to a separate methods section of the plan:
- Priority Management Approach 2, 3, 4, 5
 - Protection of Source Water 6, 9
 - Riparian Land management 11, 12, 13
 - Wetland and lake management 14, 15
 - Phormidium management 16

- Adaptive management 17, 18
- Industry programmes 23, 24
- Management and compliance 26
- Timeframes 27
- Consistency and Collaboration 31
- Ahuriri Catchment 32
- Policies Monitoring and review 33, 34, 35
- Flow maintenance 41

(note that inclusion in this list is not representative of whether Forest & Bird supports or opposes the provision. See tables later in this submission for specific support or opposition to each of the policies)

- 3.27 Amend policies (and related provisions) to ensure consistency of terminology and referencing throughout the plan.
- 3.28 Align the format and content of the policies (and all sections of the plan) with the National Planning Standards.
- 3.29 Amend or remove some of the policies as per our comments and positions stated in the tables below.
- 3.30 Any other amendments sought in our submission below

4. UNCERTAINTY OF NON-REGULATORY-FOCUSED PROVISIONS

- 4.1 Forest & Bird is concerned that the preference for non-regulatory provisions over regulatory provisions lacks certainty, fails to deliver on Council's functions and responsibilities under the RMA and NPSFM, and limits Council's ability to act to achieve the outcomes it wants.
- 4.2 This preference for non-regulatory implementation is rife throughout the plan, with a strong focus on voluntary action, catchment collectives, industry programs, good management practice, and a non-regulatory schedule (27); and a lack of bottom lines or provision for Council regulation and enforcement. This is not sufficient to manage the impacts of activity on freshwater environments, particularly those of diffuse nutrient pollution.
- 4.3 Where there is some ability to regulate or enforce, PC9 is skewed to reduce the scope of that regulation. For example, many provisions use language that 'enables,' 'allows,' or 'provides for' activities, rather than language that 'avoids,' 'mitigates,' or 'remedies' effects of activities.
- 4.4 For example, PC9 includes provisions that provide for 'flow maintenance' (i.e. 'compensation') schemes to avoid turning irrigators off at times of low flow. This is an 'ambulance at the bottom of the cliff' approach that does not address the issue of over-allocation. It does not give effect to the NPSFM (2017), particularly Policy A1, which specifically directs the establishment of methods to include rules to avoid over-allocation – not to compensate for its effects.

- 4.5 As an aside, there is no clear timeframe over which over-allocation must be phased out – therefore it does not give effect to Policy B6 of the NPSFM (2017).
- 4.6 Not only is this bias towards non-regulatory mechanisms apparent in a broad range of policies, it is also extremely unfocused. PC9 does not present a clear path from the objectives through to the policy directions, and does not clearly illustrate how these non-regulatory mechanisms will help achieve the outcomes outlined (and which should be outlined more clearly) in the objectives.
- 4.7 We also note that the schedules intended to give effect to some of these non-regulatory mechanisms lack details. For example, Schedule 28 is described as a list of priority catchments where actions in Schedule 30 will be implemented first. However, no catchments are listed. Instead a reference is made to maps which show “priority areas” but are not part of the planning maps. It is extremely confusing as to how any decision maker will action these non-regulatory ‘methods’.

RELIEF SOUGHT TO IMPROVE CERTAINTY

- 4.8 Amend all policies to give effect to the NPSFM (noting the 2020 NPS comes into effect 3 September 2020), in part by removing the substantial bias towards non-regulatory mechanisms for achieving the objectives of the plan (particularly those objectives in Schedules 26, 27, and 31).
- 4.9 Remove the phrasing throughout the plan that ‘enables,’ ‘provides for,’ and ‘allows,’ potentially environmentally damaging activities to be undertaken.
- 4.10 Where non-regulatory mechanisms are to remain in PC9, clarify the link between the objectives, policies, and any non-regulatory methods that arise to clearly illustrate how those methods will achieve the outcomes sought in the objectives; and clearly illustrate what regulatory mechanisms are available to the Council where those would be more effective in achieving outcomes than non-regulatory methods.
- 4.11 Clarify the circumstances in which non-regulatory mechanisms would not be suitable for managing an activity, so that decision-makers are clearly guided through decisions on managing such activities.
- 4.12 Any other amendments sought in our submission below

5. OVER-ALLOCATION

- 5.1 Several of the TANK rules on allocation of water appear to allow water users to retain unused/surplus allocations if they have plans for development. This approach undermines the planning for efficient and effective use and Te Mana o te Wai as it does not put the needs of the waterbody as a foremost consideration. Water needs for future development should follow the same allocation requirements as for new activities.
- 5.2 Forest & Bird has fundamental concerns with both managed aquifer recharge and stream augmentation. This is because the approach set out appears to direct council to recognise the benefits of these approaches rather than addressing over-allocation and would

potentially allow continued over-allocation or an increase in allocation (both in terms of water takes and nutrient discharges). Effectively this allows people to ‘buy’ their way out of cease take or pollution limits. It is not an efficient use of water as pollution and over allocation should be avoided in the first place.

- 5.3 This suggests that over allocation could continue with augmentation being used achieve improvement in water quality and quantity to meet instream targets/limits.
- 5.4 Forest & Birds concerns with the augmentation and recharge provisions it that they:
- Are not efficient uses of water.
 - Will have environmental consequences, as noted by HBRC below (5.7).
 - Encourage intensification of land use.
 - Encourage continued over-allocation.
 - Do not support best management practice.
 - Are not consistent with the sustainable management purpose of the Act and do not give effect to the NPSFM
 - Put more stress on freshwater resources and does not provide for resilience needed for natural ecosystems to survive climate change.
- 5.5 However, we recognise that managed aquifer recharge or stream compensation might be necessary in very specific circumstances for community water supplies or to ensure survival of indigenous species. We would only support this as a temporary measure, such as during an extraordinary drought to protect native species (e.g. to prevent the death of eels that occurred in the 2019/2020 summer – noting that avoiding over-allocation should be the first way to address this).
- 5.6 We do not support stream flow ‘augmentation’ or ‘maintenance’ as a solution to low flow issues. The policies on this are extremely problematic and the benefits have been grossly overstated and overestimated by HBRC. This is illustrated by the gradual change in rhetoric from stream flow “enhancement” and “augmentation” to “maintenance”. In fact, it should be referred to as “compensation”. There is also no reference to tangata whenua values in these policies.
- 5.7 HBRC’s own report states that “[Streamflow augmentation] may be used to temporarily increase (or restore) streamflow, for example during periods of drought. However, if the augmentation flow is very large or is maintained for a long period, negative consequences may occur, such as lowering of groundwater levels (due to pumping) and decreased spring discharge (due to lower groundwater levels) in the augmented stream and potentially other streams” (p. 12)¹

¹Rakowshi, P. (2018). Heretaunga Aquifer Groundwater Model Scenarios Report. HBRC.
<https://www.hbrc.govt.nz/assets/Document-Library/Publications-Database/5018-Heretaunga-Aquifer-Groundwater-Model-Scenarios-Report-final.pdf>

- 5.8 Stream flow ‘maintenance’ or ‘augmentation’ therefore should not be used as a mitigation option through which resource consents can be approved. All references to these schemes should be removed from the plan.

RELIEF SOUGHT FOR OVERALLOCATION

- a. Provide clear policy direction to phase out over allocation within 5 years
- b. Remove any provisions for ‘stream flow augmentation/maintenance/enhancement’
- c. Any other amendments sought in our submission below

6. GIVING EFFECT TO THE NPSFM

- 6.1 Forest & Bird consider that the proposed plan change fails to give effect to the NPSFM. There are three key areas where this is evident.
- 6.2 Firstly, the matter of national significance to which the NPSFM applies is the management of fresh water through a framework that considers and recognises Te Mana o te Wai as an integral part of freshwater management. Both objective and Policy AA1 set direction to recognise Te Mana o te Wai.
- 6.3 The NPSFM (2017) provides an explanation, which includes that:
- *“Upholding Te Mana o te Wai acknowledges and protects the mauri of the water”*
 - *“By recognising Te Mana o te Wai as an integral part of the freshwater management framework it is intended that the health and well-being of freshwater bodies is at the forefront of all discussions and decisions about fresh water, including the identification of freshwater values and objectives, setting limits and the development of policies and rules.”*
- 6.4 The NPSFM (2020) clarifies this further:
- *Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.*
 - ...
 - *There is a hierarchy of obligations in Te Mana o te Wai that prioritises:*
 - a) *first, the health and well-being of water bodies and freshwater ecosystems*
 - b) *second, the health needs of people (such as drinking water)*
 - c) *third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*
- 6.5 PC9 lacks clear objectives with measureable outcomes to safeguard life supporting capacity, ecosystem health, and human health. Nor does PC9 identify outstanding

freshwater bodies where significant values are to be protected. HBRC's Outstanding Waterbodies plan change has been notified, so it would make sense to use the values and waterbodies identified in that to inform the content of PC9.

- 6.6 Secondly it is not clear whether the plan change (PC) includes "freshwater objectives" required under policy CA2 of the NPSFM for all FMUs. The freshwater quality and quantity objectives identified in Schedules 26, 27, and 31 do not reflect the quality and quantity aspects of the NPSFM, are 'NA' or non-regulatory in some cases, and fail to set targets where objectives are not currently met.
- 6.7 Thirdly, PC9 relies heavily on non-regulatory methods, unenforceable commitments from users and other parties, and documents and processes which sit outside the plan framework. This approach devolves council's functions under the Act and does not fulfil the council's responsibilities to give effect to the NPSFM.

FRESHWATER MANAGEMENT UNITS

- 6.8 The framework for the management of fresh water under the NPSFM, as it was amended in 2017, is built around freshwater management units (FMUs). The NPSFM requires:
- a. Freshwater quality limits for all FMUs (Policy A1)
 - b. Environmental flows or levels for all FMUs (Policy B1)
 - c. Freshwater Objectives for all FMUs (Policy CA2)
- 6.9 Identifying freshwater management units (FMUs) in regional plans is key to implementing the NPSFM. However, the inconsistency in terminology and the lack of a map or table setting out the TANK FMUs in relation to all waterbodies within PC9 makes it uncertain whether FMUs have been identified and which provisions relate to each of them.
- 6.10 For example, rule TANK 8 and new RRMP Rule 62a are the only provisions which specifically use the term "freshwater management unit". The term "water management unit" is used in many other provisions (in particular in Schedule 31) and in referring to the Heretaunga Plains Water Management Unit. In a few cases the term "management unit" is also used.
- 6.11 The identification of and understanding of FMUs in PC9 is not helped by the explanation in the s32 report (page 22) that an FMU may include multiple waterbodies and that the TANK catchments are an appropriate grouping of water bodies under the RRMP to set freshwater objectives for. The report then states that objectives, policies, and rules apply to the individual waterbodies within TANK catchments in giving effect to Policy CA2 of the NPSFM. It is not clear how those provisions align with the FMU approach set out in the NPSFM.
- 6.12 This is confusing because the wording implies that TANK is one FMU under the RRMP for which freshwater objectives will be set, while at the same time saying provisions manage individual waterbodies to achieve Policy CA2. However, if Policy CA2, which takes an FMU approach to setting freshwater objectives, is given effect to as stated in the s32, this would

mean that individual water bodies are FMUs under PC9. In which case we would also expect to find freshwater objectives for each and all FMUs.

- 6.13 The inconsistency in terminology and lack of explanation around freshwater management units, catchments, tributaries, and rivers in PC9 makes any distinction between the various terms used in the provisions uncertain.
- 6.14 Without clearly identifying FMUs it cannot be determined whether PC9 gives effect to the NPSFM.

FRESHWATER OBJECTIVES

- 6.15 Freshwater objectives are given special importance under the NPSFM and the substance of these will need to be retained to recognise the process followed in their development under Policy CA2. However, it is not clear whether any of the objectives in PC9 section 5.10.1 are 'freshwater objectives' given the variation in terminology used to reference objectives in PC9, or whether the schedules identify freshwater objectives as directed under the NPSFM.
- 6.16 Policy CA2 provides direction for formulating objectives in numeric terms, with reference to specified numeric attribute states where attributes are listed in Appendix 2, or otherwise in numeric or narrative terms. This direction is quite specific and clearly requires a freshwater objective for each attribute state. This is supported by the NPSFM "interpretation" that a "freshwater objective" describes an intended environmental outcome in an FMU.
- 6.17 This means that the freshwater objective needs to capture the numeric or narrative description of the desired attribute state, and that there may be many freshwater objectives for n FMU..
- 6.18 PC9 refers to objectives in various ways:
 - a) TANK objectives
 - b) General objectives
 - c) Catchment objectives
 - d) Plan objectives
 - e) Objectives
 - f) Freshwater objectives
 - g) Freshwater quality objectives
 - h) Water quality objectives
 - i) Objectives for water quality
 - j) Management objectives

- 6.19 A freshwater objective is a specific type of objective as defined by the NPSFM. It is not clear whether PC9 “freshwater quality objectives” and “water quality objectives” are intended to be freshwater objectives under the NPSFM. The inclusion of the word “quality” creates uncertainty with respect to giving effect to NPSFM Policy A1, which includes the setting of freshwater quality limits, NPSFM Policy B1, which includes the setting of flows for all FMUs, and the establishment of freshwater objectives in accordance with NPSFM Policies CA1-CA4, where resource use considerations and values are key factors in setting and achieving freshwater objectives.

FRESHWATER QUALITY LIMITS

- 6.20 PC9 appears to only include freshwater quality limits for the Ngaruroro and Tutaekuri FMUs (Schedule 26). It appears that the Ahuriri and Karamu catchments are not captured in the ‘limits’ in Schedule 26, and are instead covered, and only in part, by the non-regulatory ‘goals’ in Schedule 27. Estuaries are also not clearly captured. We also note it would be much clearer if this schedule was divided by water body or FMU, rather than by the attribute being measured.
- 6.21 We note that NPSFM Policy A4 must be included in the plan until both policies A1 and A2 are given effect to by operative provisions in the plan, and it is unclear if this is the case.

ENVIRONMENTAL FLOWS OR LEVELS

- 6.22 Comments on environmental flows are provided in detail in the tables below. Note also comments in regard to over-allocation.
- 6.23 As noted elsewhere, PC9 does not set minimum flows that address over-allocation or protect ecosystem health. It also appears to omit flows for the Ahuriri catchment (and possibly other waterbodies).
- 6.24 Page 115 of PC9 (below Schedule 31) includes a note that allocation limits reflect allocated water, not the amount of water available without causing over-allocation. This is concerning and appears to illustrate that PC9 manages water to the ‘status quo’ rather than an environmental limit.
- 6.25 The s32 report states that the implementation plan is a critical component of PC9 (page 46), yet it is not part of the RRMP or subject to this schedule 1 process.

RELIEF SOUGHT TO GIVE EFFECT TO THE NPSFM (noting the 2020 NPSFM might change how amendments are effected):

- a. Clearly identify Freshwater Management Units relevant to PC9
- b. Clarify the “freshwater objectives” in respect of all FMUs. Consider a table similar to that used by Waikato Regional Council in their decisions on PC1.

- c. Insert increased minimum flows, for the Ngaruroro River in particular, with interim timeframes to achievement (like that for the Tukituki River in PC6)
- d. Insert minimum flows for the Ahuriri catchment (and other omitted waterbodies).
- e. Add the following policies:
 - Insert Policy A4 of the NPSFM until such time as Policies A1 and A2 are both given effect to.
 - Insert Policy B7 of the NPSFM until such time as Policies B1, B2 and B6 are both given effect to
- f. Any other amendments sought in our submission below

7. TIMEFRAMES

- 7.1 Timeframes are used haphazardly throughout the plan and in the schedules. These need to be clearly stated and associated with outcomes/objectives/targets. See our comments in the tables below.

8. TANGATA WHENUA VALUES/PERSPECTIVES

- 8.1 We're concerned that tangata whenua thoughts and concerns have not made it through in material form to the final plan change. For example, their views on the stream flow 'maintenance' and water storage policies appear to have been ignored. We hope to see this remedied through the hearing process.

9. REGIONAL RESOURCE MANAGEMENT PLAN

- 9.1 Many consequential changes to the RRMP rules appear to weaken the original rules. We oppose these changes and seek that the original RRMP provisions apply where they are stronger than proposed TANK provisions. Further comment is provided in the tables below.

10. CLIMATE CHANGE

- 10.1 PC9 provides very little mention of climate change and its causes and impacts. Only one objective mentions climate change. Four policies mention climate change but these are limited to sediment management, urban infrastructure, water allocation, and water storage. Climate change should be reflected much more through the plan change.
- 10.2 The plan fails to provide a long term view to achieving sustainable water use and to sustain the life supporting capacity of freshwater. Rather it 'beds in' practices which prop-up land use practices that are not sustainable in a changing climate.
- 10.3 The plan also fails to recognise the connections of freshwater in our rivers and aquifers with the coast. Reducing flows in our rivers can result in reduced transport of material for

our beaches and coastal defence from sea level rise. Likewise reduced pressure in our aquifers can result in the saltwater/freshwater boundary moving landward. This is made explicit in the recent climate risks report from MFE.²

RELIEF SOUGHT

- a. Integrate the consideration of potential causes of and impacts from climate change clearly throughout the objectives and policies to provide council scope to consider these in making resource management decisions.
- b. Consider PC9 in light of the recent MFE climate risks report,² the Adapting to Climate Change in NZ report³, the Coastal Hazards and Climate Change Guidance for Local Councils⁴, and any other relevant work undertaken regionally, and ensure PC9 is consistent with recommendations in those reports.
- c. Any other amendments sought in our submission below

Specific positions and comments on the various sections of the plan follow in the tables starting on the next page.

- **Objectives – page 17**
- **Policies – pages 17-34**
- **TANK Rules – pages 35-45**
- **RRMP Rules – pages 46-47**
- **Schedules – pages 48-55**
- **Glossary – page 56**

² <https://www.mfe.govt.nz/climate-change/assessing-climate-change-risk>

³ <https://www.mfe.govt.nz/sites/default/files/media/Climate%20Change/ccatwg-report-web.pdf>

⁴ <https://www.mfe.govt.nz/sites/default/files/media/Climate%20Change/coastal-hazards-guide-final.pdf>

5.10.1 TANK OBJECTIVES

Section	F&B Position	Comments	Relief sought
TANK OBJ 1 – TANK OBJ 18	Oppose	Our position on the TANK objectives is discussed in detail above. In summary, the TANK objectives are unclear and not written in a way that is consistent with a good objective – i.e. they do not clearly describe an outcome. They also fail to give effect to the NPSFM.	Remove from the plan and replace with the objectives suggested earlier in our submission.

5.10.2 TANK POLICIES

Section	F&B Position	Comments	Relief sought
Priority Management Approach 1	Oppose	This policy states that “landowners... industry and community groups...and other stakeholders” will regulate land use. However, only the council has the jurisdiction to regulate land use activities. Priority Management Approach 1 is also mixed up and relied on in Policy 6, which makes the implementation of policies confusing. It focuses only on some causes of freshwater quality degradation in only some areas of each catchment. It should be amended to better reflect the council responsibility to manage all causes of degradation to protect the values described in the NPS Freshwater Management. Rewording is needed to make it clear that water quality improvements are needed wherever objectives are not currently met, and targets should be achieved by 2040. It should then state the way decision makers will achieve this.	Reword the policy to make it clear that water quality improvements are needed wherever objectives are not currently met, and targets should be achieved by 2040, then state the way decision makers will achieve this. Care should be taken to reflect national planning standards format and the NPS Freshwater Mgmt. Also remove the interdependency between this policy and Policy 6, and format the policies in a clear way so that decision makers are not required to move back and forward through the plan in making decisions.
Priority Management Approach 2	Oppose	This policy includes wording that would be better as a method. It also lacks direction.	Remove parts of the policy that would be better in a ‘methods’ section (e.g. “establishment of riparian vegetation to shade the water and reduce macrophyte growth while accounting for flooding and drainage objectives”). Reword to provide more direction on what the water quality objectives are, and how and when they will be achieved (without writing methods).
Priority Management Approach		Requires rewording to better reflect planning standards and guiding legislation.	Remove parts of the policy that would be better in a ‘methods’ section. Reword the policy to focus on what is to be protected/restored

3			(i.e. the outcome) rather than what council will do. E.g. "The values and ecosystem health of wetlands and lakes will be protected and enhanced by..."
Priority Management Approach 4		Requires reworking as per our comments on Policy 2.	Remove parts of the policy that would be better in a 'methods' section Reword to provide more direction on what the water quality objectives are, and how and when they will be achieved (without writing methods).
Priority Management Approach 5		Requires reworking as per our comments on Policies 2 and 4.	Remove parts of the policy that would be better in a 'methods' section. Reword to provide more direction on what the water quality objectives are, and how and when they will be achieved (without writing methods).
Protection of Source Water 6	Support	This is appropriate to protect human and ecosystem health.	Retain. Consider mapping source protection zones in Schedule 28.
Managing point source discharges 10	Support in part	Specific reference needed to what happens when Schedule 26 targets are not being met	Amend to reference meeting Schedule 26 targets where objectives are not currently being met and include timeframe.
Riparian Land Management 11	Support in part	Some of these clauses might be better in a methods section, or the policy could be reworded to focus more explicitly on how riparian areas will be managed and regulated (i.e. not just what they will promote). This should include consistency with (or more stringent direction than) the new stock exclusion and setback rules from central government.	Amend as per our comments.
Riparian Land Management 12	Support	We support this policy in principle, though note some matters could be addressed in a methods section	Refer to comments.
Riparian Land Management		There are issues with this policy in terms of some matters which would be better in a methods section (e.g. "council will support improvement... by... working with industry groups")	Move to a 'methods' section, or reword to better reflect best practice policy frameworks.

13		<p>All adverse effects should be managed, not just 'significant' effects.</p> <p>There are no 'values' listed in Policies 11 and 12. We suggest creating a schedule of freshwater values with a note on where they apply (Schedule X) which can then be referenced by this policy.</p>	<p>Remove 'significant' from (c) – i.e. “regulating cultivation, stock access and indigenous vegetation clearance activities that have an significant adverse effect on functioning of riparian margins in relation to water quality and aquatic ecosystem”</p> <p>Create a schedule of freshwater values with a note on where they apply (Schedule X) which can then be referenced by this policy.</p>
Wetland and Lake Management 14	Support with amendment	<p>This policy is repetitive and would be better merged with Policy 3 or split into method/policy components.</p> <p>This should include reference to wetlands' value in creating drought resilience, for soil moisture retention, and for groundwater recharge.</p> <p>Change (f) to include spawning habitat, or remove as it's covered by (a)</p>	<p>Reword and merge with Policy 3 or split into method/policy components.</p> <p>Amend to include reference to wetlands' value in creating drought resilience, for soil moisture retention, and for groundwater recharge.</p> <p>Amend (f) to read “f) fish habitat and spawning”</p>
Wetland and Lake Management 15	Support in part	<p>This policy is repetitive and would be better merged with Policy 3 or split into method/policy components.</p> <p>Clarify what activities would be appropriate for a wetland and would require resource consent.</p>	<p>Reword and merge with Policy 3 or split into method/policy components.</p>
Phormidium Management 16	Support in part	<p>We support this policy in principle, though note some matters could be addressed in a methods section.</p> <p>There are multiple potentially toxic benthic cyanobacteria. Reference should be cyanobacteria in general to avoid confusion. Reference to cyanobacteria in lakes would be appropriate here too.</p> <p>Reference to Schedule 26 targets and timeframes is also needed.</p>	<p>Consider what might be better placed in a 'methods' section.</p> <p>Amend to read: “The Council will address the risks to human health and dogs from <u>potentially toxic benthic cyanobacteria</u> phormidium by; ... (e) <u>maintaining flushing flows</u>” (g) <u>regulating land use activities and diffuse discharges to assist in preventing the occurrence of blooms</u>”</p> <p>Refer to Schedule 26 targets and timeframes for achievement.</p>
5.10.3 Managing Adverse Effects From Land Use on Water Quality (Diffuse)	Oppose	<p>See below comments in regard to Policy 18.</p> <p>Catchment collectives might not pick up individual offenders or worst polluters.</p> <p>We want regulation in combination with education. There is merit in Farm</p>	<p>Delete Policy 17. Take components to a methods section.</p> <p>Replace with a policy that better reflects the requirements of the NPSFM, RMA, and NES FW, and references the targets and timeframes in Schedule 26.</p>

<p>Discharges)</p> <p>Adaptive Approach to Nutrient and Contaminant Management</p> <p>17</p>		<p>Plans and catchment collectives but it cannot replace having regulatory bottom lines.</p>	
<p>Adaptive Approach to Nutrient and Contaminant Management</p> <p>18</p>		<p>The Adaptive and Staged Approach to Nutrient and Contaminant Management appears to be saying that nutrient loads and limits for nutrient allocation will only be set if non-regulatory measures (in Policy 17) based on good practice don't work over ten years. Forest & Bird experience is that regulatory measures are necessary to maintain water quality and achieve water quality improvements, and that the proposed approach will push potential improvements out for another 10 years.</p> <p>Effectively this policy leaves the issue of nutrient pollution to a future plan change, despite the current water quality issues in the TANK catchments. Delaying action has will result in serious adverse effects on receiving environments, particularly estuaries (as noted in the PCE's recent report⁵).</p> <p>We accept information to set allocation limits may not be available but do not accept that regulation should only be used if GMP is not sufficient – this will delay gathering the necessary information and creating necessary regulation.</p> <p>We've got a system in the Tukituki catchment – why can't we have a similar one here?</p> <p>Forest & Bird feel very strongly that this approach to controlling the adverse effects of diffuse nutrient leaching or pollution is extremely inadequate. Effects of such discharges have been known for some time and are being dealt with in other regions (e.g. Horizons through leaching allocation limits, Waikato through a similar framework, and Hawkes Bay through PC6 and mandatory farm plans). It is not good enough to have no regulatory 'backstop' to address possible adverse effects from diffuse discharges. We are not demanding that loads are set and allocated in the absence of adequate information to do so.</p>	<p>Delete Policy.</p> <p>Replace with a policy that better reflects the requirements of the NPSFM, RMA, and NES FW, and references the targets and timeframes in Schedule 26.</p> <p>A clear regulatory pathway is needed to achieve 2040 targets. That must include nutrient management – either via inputs or outputs.</p>

⁵ <https://www.pce.parliament.nz/publications/managing-our-estuaries>

		<p>We are asking that the plan reflects the need for a regulatory approach to nutrient management and works towards setting and allocating loads, rather than relying only on good practice.</p> <p>Re. “c) regulating land use change where there is a significant risk of increased nitrogen loss;” – what is the definition of “significant risk” ?</p>	
Adaptive Approach to Nutrient and Contaminant Management 19	Oppose	Repeats content from previous policies	Delete
Sediment Management 20	Oppose	We support the regulation of cultivation, stock access, and vegetation clearance. However, the policy wording is not directive enough to ensure implementation.	Amend to make more directive towards management measures and bottom lines.
Land Use Change and Nutrient Losses 21	Oppose	<p>The plan change should control all land use intensification, not just those deemed high risk. There should be clear definitions as to what is included (increases in irrigation area, extent of cropping/grazing, etc.).</p> <p>This policy needs to be more directive to do that. In particular, it should make it clear that resource consents will only be granted where they will not contribute to an exceedance of a limit, or failure to meet an objective, or jeopardise achievement of a target (or something to that effect).</p> <p>At the moment this seems to give council a lot of scope to make an arbitrary decision on granting or declining a consent, and a reliance on GMP (such as farmers being part of a catchment collective etc.). Being part of a catchment collective should not allow you to get a consent – it should be based mostly on the effect of your activity, including cumulative effect in the catchment.</p>	Amend to provide more direction and clarity.
Stock Exclusion 22	Oppose in part	<p>The adverse effects of stock access to waterbodies and riparian areas are well documented in scientific literature. Effects on ecosystem health are substantial.</p> <p>Stock should be excluded from all TANK waterbodies, and conditions should be required in farm plans. We suggest a 10m setback as a minimum. Larger setbacks may be required around some areas.</p>	Amend to make more directive and include reference to schedule 26 targets and timeframes.

		<p>A definition of stock is required.</p> <p>Care should be taken to ensure TANK provisions do not contradict new central government regulations.</p>	
Industry Programmes and Catchment Management 23	Oppose	<p>See our comments above (policies 17 and 18) for our position on non-regulatory management of pollution.</p> <p>This effectively hand council's responsibility for managing land use impacts off to a third party that has a vested interest, and that is not sufficient for managing effects.</p>	<p>Delete and/or move components to a 'methods' section.</p> <p>Replace with a system that gives effect to NPSFM.</p>
Industry Programmes and Catchment Management 24	Oppose	<p>See our comments above (policies 17 and 18, and 23) for our position on non-regulatory management of pollution.</p> <p>This effectively hand council's responsibility for managing land use impacts off to a third party that has a vested interest, and that is not sufficient for managing effects.</p>	Delete and/or move components to a 'methods' section.
Industry Programmes and Catchment Management 25	Oppose	<p>See our comments above (policies 17 and 18, and 23) for our position on non-regulatory management of pollution.</p> <p>All farmers should require farm plans anyway and this is probably better addressed through other policies.</p>	<p>Delete.</p> <p>Replace with a system that gives effect to NPSFM.</p>
Management and compliance. 26		<p>See our comments above (policies 17 and 18, and 23, 24, and 25) for our position on non-regulatory management of pollution.</p> <p>This may be required in a methods section if components of the policies above are retained.</p>	Move to a 'methods' section if required.
Timeframes; Water and Ecosystem Quality 27.		<p>Timeframes would be better placed within each of the relevant policies (as noted in some of our comments above), rather than in a standalone policy.</p> <p>The intention to develop an implementation policy would be better placed in a methods section. However, implementation should not sit outside of the plan entirely, as that removes council statutory responsibility. Key actions to achieve outcomes need to be 'baked into' the plan and actions council should be statutorily responsible for them.</p>	<p>Delete and move intention to create implantation plan to a 'methods' section (while retaining key actions for implementation elsewhere in the plan).</p> <p>Integrate timeframes into the relevant policies.</p>
5.10.4	Support in part	Support this in principle, though it is not entirely clear what the outcomes are. Reference to schedule 26 targets would be useful.	Amend to refer to schedule 26 targets.

<p>Policies: Stormwater Management</p> <p>Urban Infrastructure</p> <p>28</p>			
<p>Source Control</p> <p>29</p>	<p>Support in part</p>	<p>This policy is very unclear and wordy (e.g. (a) is an extremely long sentence).</p> <p>We support the control of contaminants in stormwater at the source, as this is the most efficient means to reduce pollution.</p> <p>Consideration should also be given to what jurisdiction council has over sources of contaminants, such as the materials used in new buildings, to avoid production of metals and toxins which can contaminate water (e.g. paint, roofing material, pipes, etc.). Council may be able to control these through source control plans. In summer, the temperature of stormwater is also a significant issue when running off hard areas (asphalt, concrete, roofing iron, etc.).</p>	<p>Amend to provide more clarity.</p>
<p>Dealing with the Legacy</p> <p>30</p>	<p>Support in part</p>	<p>We support this in principle, and note that some of the previous policies could benefit from similar references to targets and timeframes.</p> <p>However, schedule 26 targets should apply to all networks, not just resource consents.</p> <p>It is unclear what “working with’ and “requiring” mean in such close proximity - is it one or the other, or both? Who is doing what? Managing to meet the targets should be a requirement.</p> <p>The policy should also refer to avoiding the loss of net stream length and ecosystem health.</p>	<p>Amend to make it clear that schedule 26 targets apply in all cases (i.e. clause b should not provide exception to clause a), that meeting targets is a requirement, and to refer to avoiding the loss of net stream length and ecosystem health.</p>
<p>Consistency and Collaboration; Integration of city, district and regional council rules and processes.</p>	<p>Support in part</p>	<p>This is not the only policy that relates to achieving objectives. Wording akin to “to assist in achieving the freshwater quality objectives in this plan” would be more appropriate.</p> <p>What does “good practice” mean? Why is it not “best practice”?</p> <p>This policy may be better placed in a methods section.</p>	<p>Consider moving to a ‘methods’ section.</p> <p>Reword to: “To <u>assist in</u> achieve<u>ing</u> the freshwater quality objectives in <u>Schedule 26</u> of this Plan <u>by 2040</u>, HBRC, with the Napier City and Hastings District Councils will, no later than 1 January 2025... g) <u>undertaking completing</u> a programme of mapping the stormwater</p>

31			networks and recording their capacity”
Ahuriri Catchment 32	Oppose	This policy doesn’t make sense. It says the council will <i>support the development of a plan</i> by improving water quality <i>through a plan</i> . It’s circular and needs to be reworked. Surely it should be about <i>supporting changes in water quality by developing a plan</i> . It should also refer to a timeframe. We suggest 1 January 2025 as per policy 31.	Rework to remove circular nature. Consider moving to a ‘methods’ section. Amend to include a timeframe.
5.10.5 Policies: Monitoring and Review 33	Support in part	We support council supporting and resourcing mana whenua to monitor according to mātauranga Māori. Local community monitoring would be better addressed in a non-regulatory methods section.	Move community monitoring to a ‘methods’ section.
Policies: Monitoring and Review 34	Oppose	This is a method.	Move to a ‘methods’ section.
Policies: Monitoring and Review 35	Oppose	This is a method and is not succinct.	Move to a ‘methods’ section and reword for clarity.
5.10.6 Policies: Heretaunga Plains Groundwater Levels and Allocation Limits Heretaunga Plains Aquifer Management 36	Oppose	This policy (and 37 and 38) must give effect to NPS FM direction to avoid further overallocation, phase out existing over allocation of groundwater, and protect the significant values of outstanding freshwater bodies and wetlands. This policy does not do that. It is very unclear whether this is implemented by methods/rules. It should also include consideration of effects on groundwater ecosystems, and community and cultural values that aren’t necessarily held by māori – i.e. all of the community can see intrinsic value in the groundwater and the flow-on effects “flow maintenance” schemes should not be used as a way to address over-allocation. They are a compensation method and reference to them should be removed.	Delete and replace with a new policy that gives effect to the NPSFM. The new policy should include consideration of groundwater ecosystems, including stygofauna, and community and cultural values. Provision for “stream flow maintenance...” should be removed.
Heretaunga Plains Aquifer	Oppose	This policy (and 36 and 38) must give effect to NPS FM direction to avoid further overallocation, phase out existing over allocation of groundwater, and	Delete and replace with a new policy that gives effect to the NPSFM.

<p>Management</p> <p>37</p>		<p>protect the significant values of outstanding freshwater bodies and wetlands. This policy does not do that.</p> <p>We do not support “e. mitigate stream depletion effects on lowland streams by providing for stream flow maintenance and habitat enhancement schemes” because there are significant issues with these schemes. This also provides a way for council to continue with status quo over-allocation through an ‘ambulance at the bottom of the cliff’ measure, rather than actually addressing over allocation (which is a requirement of the NPSFM).</p> <p>It should be “mitigate stream depletion effects by regulating takes through appropriate minimum flow triggers” or something similar, rather than through “flow maintenance”.</p> <p>Also, flow maintenance is not correct. It is a <i>compensation</i> measure.</p>	
<p>Heretaunga Plains Aquifer Management</p> <p>38</p>	<p>Oppose</p>	<p>This is unclear. It could be read two ways:</p> <ol style="list-style-type: none"> 1. that council will only reallocate water to previous holders of permits and takes (i.e. it will be ‘restricted’ to these groups), effectively ‘grandparenting’, or 2. that council will restrict how much water it allocates to those applicants for consents whose consents have expired (though it possibly still implies some degree of grandparenting) <p>Obviously, just because someone holds a permit doesn’t mean they should have a right to it again – they aren’t necessarily going to be the most appropriate or efficient user of the water.</p> <p>This needs clarification to give effect to the NPSFM.</p>	<p>Delete and replace with a new policy that is clearer and gives effect to the NPSFM.</p>
<p>Flow maintenance</p> <p>39</p>	<p>Oppose</p>	<p>‘Augmentation’ (compensation) schemes don’t need to be in the plan. They can (and are) managed through limits and individual resource consents (whether they are appropriate at all is another question). Writing them into the plan just allows people to keep taking water and does not meet NPS objective to manage over allocation.</p> <p>The ability of the TANK plan change to maintain flows (and protect ecosystem health) should not be predicated on an experimental engineering solution. There is nowhere else where a plan is so predicated on an engineering solution. It’s very unorthodox and does not meet NPSFM requirements (and</p>	<p>Delete policy and all references to stream flow maintenance in the plan</p>

		<p>not at all desirable).</p> <p>As an aside, “stream flow maintenance and habitat enhancement” is an inappropriate term to use for these schemes. At best they are “stream flow compensation schemes” and it is very unlikely that they enhance habitat, as irrigators are still able to extract groundwater and have a stream-depleting effect, which they can then compensate for by putting water into the effected stream.</p> <p>If the water is put into the stream further downstream than where the effects of the depletion are seen, then there will still be a habitat loss upstream of the point of compensation. Further, this is just ‘robbing Peter to pay Paul’ – taking water from the ground and depleting its ability to naturally provide flows for spring-fed streams.</p> <p>As worded this policy just allows for (arguably enables) over-allocation to continue with an ecologically insufficient compensation scheme.</p> <p>Tangata whenua and environmental groups consistently opposed this enabling policy throughout the collaborative process, yet it has remained in the plan change. Alternatives to augmentation were not adequately considered through that process.</p> <p>See also our comments in regard to stream depleting effects of groundwater takes.</p>	
Flow maintenance 40	Oppose	Comments as above.	Delete policy and all references to stream flow maintenance in the plan
Flow maintenance 41	Oppose	<p>This policy is inappropriate as it takes a backwards approach to managing effects.</p> <p>It should not be the council’s role to remedy effects on behalf of water users (as worded it is “the council will remedy... effects”).</p> <p>Policies should also not pre-empt the council as a developer of water storage schemes.</p> <p>The remediation of these effects also shouldn’t be directed by a single policy,</p>	<p>Delete.</p> <p>Include policies to manage stream depletion effects through the sustainable allocation of water.</p>

		<p>towards a single solution (water storage and flow “enhancement” (compensation)).</p> <p>Investigating alternative methods to address over allocation should be the first priority in the plan. The plan should not reference particular solutions (unless it’s managing allocation through resource consents and reviews etc.). It is inappropriate to effectively say ‘council will investigate water storage options, and if that doesn’t work will look at other options, and will do those things on behalf of water users’.</p>	
<p>Groundwater management review</p> <p>42</p>	Oppose	<p>As above, compensation schemes should not be written into the policy.</p> <p>Over allocation must be addressed in this plan change.</p> <p>Allowing streams such as the Karewarewa/Paritua to regularly run dry as a result of over-allocation does not meet the council’s functions under the RMA or the requirements of the NPS FM. Therefore, (g) should not be on the list – the current plan change is the one that should phase out over-allocation, not a future plan change.</p>	<p>Delete.</p> <p>Replace with a policy to phase out overallocation.</p>
<p>5.10.7</p> <p>Policies: Surface Water Low Flow Management Regimes; Tūtaekurī, Ahuriri, Ngaruroro and Karamū</p> <p>43</p>	Oppose	<p>Managing the effects of surface and groundwater abstraction on life-supporting capacity and ecosystem health (and other values) means all takes affecting river and stream flows should stop at the minimum flows stated in Schedule 31 (though we note the minimum flows in Schedule 31 are in some places insufficient to support values and meet requirements of the NPSFM).</p> <p>Waterbodies without minimum flows and allocation limits in Schedule 31 need to have these identified and included.</p> <p>“Maintaining the existing minimum flows for the Ngaruroro River and its tributaries” allows council to maintain the status quo because the existing flow (2400l/s) offers only a very low percentage level of habitat protection. It isn’t consistent with the objective to meet “aquatic ecosystem health” or the requirements of the NPSFM. There should be a proposal for a staged increase in minimum flows over time here, as per the Tukituki River in PC6, and like that proposed for the Tutaekuri River below (more on this in our comments on Schedule 31 below). We should aim for 80% protection for torrentfish through the Ngaruroro River’s minimum flow. We note that mean flows back in the</p>	<p>Delete.</p> <p>Amend to state that flows will be managed to the minimum flows in Schedule 31 (noting our suggested amendments to schedule 31).</p>

		<p>1970s, 80s, and 90s were much higher than now, and that changes in climate does not explain the reduction.</p> <p>Minimum flows are also vital for maintaining groundwater levels / recharge of the aquifer –lower flows mean less recharge.</p>	
<p>Paritua/Karewarewa Streams</p> <p>44</p>	Oppose	<p>Needs to be reframed as “the council recognises”</p> <p>We support the principles here on wetland creation. This should be referred to more often in other policies as a potential solution to water security issues and minimum flows, instead of using other engineering-based compensation methods.</p> <p>Provisions d-f are entirely inappropriate. The effects of ground and surface water takes on streams must be managed using take restrictions at minimum flows and limiting allocation of ground and surface water takes. Engineering solutions are not appropriate and inconsistent with the NPSFM and RMA.</p> <p>Provision d(iii) reads as if council will allow for streambeds to be concreted like swimming pools, which we assume/hope is not the intent.</p> <p>We do not support provision (e) because it hands over management to the people who take water, which is not appropriate – water users should not self-regulate.</p> <p>We oppose provision (f) because diverting water from the Ngaruroro River to the Paritua Stream just shifts adverse effects from one waterbody to another. It does not meet council’s responsibilities under the NPSFM and RMA to manage effects. Also using Ngaruroro flows is not appropriate because ‘enhancement’ is likely to be needed at times of low flow when the Ngaruroro itself is already under stress.</p>	<p>Reframe as “The Council will recognises...”</p> <p>Amend as “investigate opportunities for create wetlands creation to...”</p> <p>Delete provisions d-f</p> <p>Amend to be consistent with RMA and NPSFM requirements to manage effects.</p>
<p>General Water Allocation Policies</p> <p>45</p>	Oppose	<p>High flows in rivers have valuable ecosystem functions. They flush out algae and sediment, mobilise the bed (and prevent bed armouring and compaction), trigger fish and macroinvertebrate life-cycle stages, remove weeds and nuisance vegetation growth, and are vital to maintain the natural character and floodplain condition of a river. Water taken at a time of high flow must be subject to allocation limits and there must be limits on the maximum rate that water can be taken at high flows. Such limits are vital to ensure ecosystem</p>	<p>Amend the provisions around high flows to clearly state that allocation of high flows will be managed in a way that gives effect to the NPSFM, protects Te Mana o te Wai and ecosystem health, and meets Schedule 26 targets.</p> <p>Retain requirements for telemetric monitoring and ensure they are consistent with recent NPS/NES direction.</p>

		<p>processes are protected.</p> <p>Telemetric monitoring is vital to ensure cease takes are being complied with and to inform future allocation of water and resource consent reviews.</p> <p>We don't support (d)(i). Reasons are outlined elsewhere in our submission. Compensation should not be written into policies. Though we appreciate that in this policy it is actually referred to as a compensation method, rather than 'enhancement', 'maintenance', or 'augmentation'. Regardless it should be deleted as it is entirely inconsistent with RMA and NPSFM direction.</p>	<p>Delete the exception part of the clause for telemetry.</p> <p>Delete clause (d) as it is inappropriate and inconsistent with the RMA and NPSFM requirements.</p>
Water Use and Allocation – Efficiency 46	Oppose	<p>The provisions listed do not relate to the efficient use of water and should be deleted. They are also inconsistent with NPSFM and RMA direction.</p>	Delete
Water Use and Allocation – Efficiency 47	Support in part	<p>Is there a definition for “good practice”? It should be “best practice.”</p> <p>Reliability standards are inappropriate as they are not measures of efficiency and should be deleted.</p> <p>Otherwise this policy is supported.</p>	<p>Amend to state “best practice”</p> <p>Delete reference to reliability standard.</p>
Water Use Change/Transfer 48	Oppose in part	<p>“Water use change or transfer” is inappropriate for any overallocated waterbody or zone. Any application to transfer water use into an overallocated zone should be declined (and assigned a rule with prohibited activity status).</p> <p>Applications should also be declined wherever significant adverse effects on ecosystem health are likely.</p> <p>Suggest inserting “(a)(iii) whether mana whenua agree that this is an acceptable approach” as this would include much needed cultural sensitivity around such an activity (though as above, it should only be a consideration where transfers are into a zone that is not over-allocated).</p> <p>Reference to stream flow augmentation/maintenance schemes should be deleted as per previous comments in this submission. They are inappropriate to manage adverse effects.</p>	<p>Amend to make it clear that applications for transfer to overallocated zones and waterbodies will be declined.</p> <p>Delete reference to stream flow augmentation/maintenance schemes</p> <p>Increase consistency with NPSFM and RMA direction on allocation Elevate status of ecosystem health, te mana o te wai, and human health over irrigation and other uses.</p> <p>Include provision for mana whenua consultation when considering transferring use and takes</p> <p>Retain clause (g)</p>

		<p>Amendments are required to ensure that ecosystem health, te mana o te wai, and water for human health are prioritised over irrigation.</p> <p>Amendments are required to increase consistency with NPSFM and RMA direction.</p> <p>We support clause (g). Any water currently allocated for frost protection should not be reallocated to a different use. Any new allocations for frost protection should still be subject to minimum flow requirements, high flow allocation limits, and cease takes.</p>	
Water Allocation - Permit Duration 49	Oppose in part	<p>It would be useful to explicitly state that reviews of resource consents provide council jurisdiction to reduce the allocations in those consents.</p> <p>Fifteen years is too long for consents where effects and allocations statuses are unknown.</p>	<p>Amend to explicitly state that consent reviews allow council to change allocated amounts of water.</p> <p>Shorten consent duration or remove this reference to 15 years.</p>
Water Allocation – Priority 50	Support	We suggest an amendment to include consideration of water metering residential supplies in future.	<p>Retain</p> <p>Introduce a new clause “(d) investigate water metering for all residential and commercial urban water users”</p>
Water Allocation – Priority 51	Support in part	Water taken below minimum flows should only be available for human health and animal wellbeing needs.	Remove reference to horticultural crops.
Over-Allocation 52	Oppose	<p>These provisions are not clear enough to phase out overallocation. This approach appears to grandparent current use and maintain the status quo, rather than address overallocation.</p> <p>The policy also lacks timeframes.</p>	Include clear methods for how overallocation will be addressed with timeframes.
Frost Protection 53	Oppose	<p>Frost protection uses a large amount of water. It should be subject to allocation limits and minimum flows like all other uses. Water at all flows is vital for ecosystem health protection. Exempting it under its own policy is not consistent with NPSFM requirements.</p> <p>We understand that frost fans are more efficient for mitigating the effect of</p>	<p>Remove policy.</p> <p>Treat water for frost protection like all other uses.</p>

		frosts on grape crops than spraying water on them – so that should be the priority, not using water.	
5.10.8 Policies: High Flow Allocation Adverse Effects - Water Damming 54	Oppose	<p>This policy seems to pre-empt applications to dam rivers. Run of river dams have permanent, irreversible adverse effects on ecosystems.</p> <p>“Ecologists have singled out the damming of rivers as one of the most dramatic and widespread deliberate human impacts on the natural environment. The ecological impact of a dam begins with the terrestrial ecosystems inundated above the dam, and reaches right down to estuaries, coastlines and river mouths. In between, there are many other negative ecological, hydrological and physical consequences, including modification of sediment and water flow, restrictions to passage by fish, destruction of habitat, and diminished recharging of aquifers. The result has been irreversible loss of species and ecosystems (p. 244)” and “A review of 165 scientific papers revealed that 92 per cent of them reported a decrease in ecological health in response to flow regulation.” (p. 248)⁶</p> <p>Therefore, run of river dams, whether on a ‘mainstem’ or tributary, should be prohibited as they are completely inconsistent with RMA and NPSFM requirements. The effects cannot be avoided, remedied, or mitigated.</p> <p>Any water taken for off-line water storage should also be subject to minimum flows cease takes and high flow allocation limits. Consideration also needs to be given to the final use and associated discharge of water use (e.g. point source and diffuse pollution).</p>	<p>Delete.</p> <p>Replace with a policy that clearly states dams in river channels will be prohibited.</p> <p>Allow instead for ‘off-line’ water storage with a clear provision for the consideration of those effects, including ‘end use’ effects (policy 55 could be amended to do this).</p>
Adverse Effects - Water Take and Storage 55	Oppose in part	<p>The policy currently lacks any reference to the impact of takes on the physical habitat condition of the riverbed, riparian areas, and floodplain. This is needed as these areas are vital to ecosystem health. Suggest addition to read “(viii) the physical condition of the active channel, riparian areas, and floodplain, and the habitat they provides”</p> <p>There is no reference to minimum flows and cease takes in this policy. There should be to meet NPSFM and RMA requirements.</p> <p>It would also be appropriate to limit the amount of water taken to a</p>	<p>Add (viii) “the physical condition of the active channel, riparian areas, and floodplain, and the habitat they provides”</p> <p>Amend (ix) to state that takes are subject to minimum flows and allocation limits, and state where the allocation limits and cease takes are situated in the plan (i.e. what schedule).</p> <p>Insert limit on the proportion of flow that can be taken above the median flow and reflect that in a relevant schedule.</p>

⁶ Joy & Foote. (2017). Damn the dams. Journal of Urgent Writing. https://www.researchgate.net/publication/321094881_Damn_the_dams

		<p>proportion of the current flow. I.e. if a river has a median flow of 10 cumecs and the river is flowing at 30 cumecs, water users should not be able to take all water above the median flow, because this would create 'flat' hydrographs by drawing the flow down to 10 cumecs for long periods and limiting natural variation in flow.</p> <p>There should be a higher threshold to start taking 'high flow allocations' than the median flow. The median flow in many Hawke's Bay waterbodies is quite low. 'High flow' allocations should only be available when the river is actually at a high flow.</p>	Amend to make 'high flow takes' available at a higher threshold than the median flow.
Benefits of Water Storage and Augmentation 56	Oppose	<p>Stating that HBRC will "recognise... benefits for aquatic organisms... [and] ecosystem benefits provided by the design and management of the water storage structure" is an inappropriate provision for a Regional Plan that is supposed effect to the RMA's Part 2 Purpose to safeguard "the life-supporting capacity of air, water, soil, and ecosystems."</p> <p>There is a widespread understanding that dams are generally bad for ecosystems. For example: "Ecologists have singled out the damming of rivers as one of the most dramatic and widespread deliberate human impacts on the natural environment. The ecological impact of a dam begins with the terrestrial ecosystems inundated above the dam, and reaches right down to estuaries, coastlines and river mouths. In between, there are many other negative ecological, hydrological and physical consequences, including modification of sediment and water flow, restrictions to passage by fish, destruction of habitat, and diminished recharging of aquifers. The result has been irreversible loss of species and ecosystems (p. 244)" and "A review of 165 scientific papers revealed that 92 per cent of them reported a decrease in ecological health in response to flow regulation." (p. 248)⁷</p> <p>Therefore, this policy should be deleted.</p> <p>In addition, streamflow augmentation should be regarded in a similar way and should not be heralded for its 'benefits'. HBRC's own report on this issue states: "Streamflow augmentation... may be used to temporarily increase (or restore)</p>	Delete policy.

⁷ Joy & Foote. (2017). Damn the dams. Journal of Urgent Writing. https://www.researchgate.net/publication/321094881_Damn_the_dams

		<p>streamflow, for example during periods of drought. However, <i>if the augmentation flow is very large or is maintained for a long period, negative consequences may occur, such as lowering of groundwater levels (due to pumping) and decreased spring discharge (due to lower groundwater levels) in the augmented stream and potentially other streams.</i> The Ngaruroro River is not subject to augmentation, but some depletion of the Ngaruroro River is predicted to occur as a consequence of abstraction for lowland streamflow enhancement elsewhere” (p. 12)... <i>negative effects of augmentation are predicted for all streams...</i> Augmentation is likely to be effective as a short term mitigation measure for low streamflows that are depleted from current groundwater use. However, <i>augmentation is unlikely to be effective for mitigating the effects of increased groundwater allocation.</i>” (p. 13)⁸ (emphasis added).</p> <p>Iwi and eNGOs were against these provisions throughout the TANK process and they should be removed.</p> <p>They do not give effect to the RMA and NPSFM and do not reflect the scientific consensus on water storage and ‘augmentation’ (including as written/concluded by HBRC staff).Error! Bookmark not defined.</p>	
Benefits of Water Storage and Augmentation 57	Oppose	<p>This is a method not a policy.</p> <p>Reference to ‘environmental enhancement’ is questionable... does this mean investigating how allocation and takes can be managed to enhance (I.e. <i>restore</i>) the environment? Or does it mean investigate abstraction and water storage to enhance the environment (I.e. <i>compensate</i> for adverse effects)?</p>	Move to a methods section and amend to clarify what is meant by environmental enhancement (and ensure that reference is to managing allocation, not compensating for adverse effects).
Benefits of Water Storage and Augmentation 58	Support in part	<p>We support this and support the prohibited activity status (TANK Ruler 17) for damming on the main stem of these water bodies.</p> <p>However, as discussed above, the effects of run of river dams are significant and irreversible, so these should be prohibited everywhere.</p>	Amend to prohibit all run of river dams (I.e. only allow ‘off line’ storage).
High Flow Reservation 59	Oppose in part	<p>This requires iwi input. However, any policy should not be in contradiction to NPSFM and RMA requirements.</p> <p>What is the definition of “environmental enhancement” – e.g. does it include</p>	<p>Revise with iwi input</p> <p>Make it clear that any allocation to iwi is independent of allocations to address environmental issues (I.e. low flows).</p> <p>Ensure consistency with NPSFM and RMA.</p>

⁸ Rakowshi, P. (2018). *Heretaunga Aquifer Groundwater Model Scenarios Report*. HBRC. <https://www.hbrc.govt.nz/assets/Document-Library/Publications-Database/5018-Heretaunga-Aquifer-Groundwater-Model-Scenarios-Report-final.pdf>

		<p>Managed Aquifer Recharge, storage for 'flow maintenance' at a later date, etc? This should not be used as a way to avoid allocation regimes and minimum flow requirements as per NPSFM and RMA requirements. Iwi should not be burdened with the requirement to mitigate the adverse effects on flow from other water users.</p> <p>We support the idea in principle but it is confusing and it could be problematic. – e.g. in future it could be expected that iwi use this water to provide for the environment, and have to choose between use it for community and economic benefit or the environment.</p> <p>We also note that this policy may offend tangata whenua in that it is pakeha essentially 'permitting' iwi to access water (that arguably should've always been allocated to them).</p>	
High Flow Reservation 60	Oppose in part	<p>Comments as above for Policy 59. Iwi input needed.</p> <p>It appears to undermine policy 59 (e.g. (a) seems to provide scope for allocation of mana whenua water if it hasn't been taken up by maori, as do other provisions).</p>	Revise with iwi input

6.10 TANK RULES

Rule	F&B Position	Comments	Amendment sought
<p>TANK 1 Use of Production Land</p> <p>The use of production land on farm properties or farming enterprises in the TANK catchments that are greater than 10 hectares... and associated non-point source discharges...</p> <p>Permitted</p>	Oppose	<p>Just having a farm plan or being part of a catchment collective isn't enough of a pre-requisite to be given permitted status, particularly given (1) the potential effects of the types of land use that are captured under this rule, (2) the lack of any maximum area of land use, (3) the lack of reference to land use capability (LUC) class, (4) the lack of any reference to land use intensity or the type of land use, and (5) that farmers can be part of an 'industry' or 'catchment' collective and there are inherent conflicts of interest in such self-regulation.</p> <p>It is extremely worrying that Council seems to be handing away its regulatory power for almost all land uses and associated discharges with this rule. Essentially, provided a farmer has signed up to a group or prepared a plan saying they are making some effort to reduce their environmental impact they can go ahead with their activity, and leaves no scope for council to consider the appropriateness of that activity/land use/discharge. This is not sufficient to meet Council's responsibilities under the NPSFM and will not ensure council can meet its desired outcomes for freshwater quality.</p> <p>It is also unclear whether Schedule 30 introduces additional matters for discretion that would be more appropriately referenced directly in the rule (e.g. the reference to in Schedule 30 to meeting Schedule 26 objectives)</p> <p>This rule significantly limits council's ability to take action to manage adverse effects of activities where a farmer meets the requirements of having a farm plan. It is unclear what mechanisms would be available to address issues with environmental degradation where a farmer is causing an adverse effect but has a farm plan or is part of a catchment collective.</p> <p>It is also unclear how this rule addresses potential/actual cumulative adverse effects of land use change.</p>	<p>Amend to make consistent with the NPSFM and to increase Council's scope to assess whether an activity and associated discharge is appropriate. This could be achieved by making the use of productive land for farming a restricted discretionary activity in some catchments or where water quality targets are not met a full discretionary activity.</p> <p>Amend to include matters of discretion. Provide scope for council reviews of all farm plans.</p>
<p>TANK 2 Use of Production Land</p> <p>Controlled</p>	Oppose	<p>There is not sufficient scope within the matters for control to ensure that council meets its responsibilities under the NPSFM.</p> <p>It is also unclear how this rule addresses potential/actual cumulative adverse effects of land use change.</p>	<p>Amend to give effect to the NPSFM, in particular by including explicit reference to effects on life-supporting capacity, ecosystem processes, and indigenous species including their associated ecosystems from the NPSFM, rather than just referencing 'Schedule 26'.</p>

			Amend Schedule 26 to include the values and catchments in Schedule 27, and to include measures of fish community integrity, using the Fish Index of Biological Integrity, and habitat quality, using the Habitat Quality Index.
TANK 3 Stock Access Stock access to rivers lakes and wetlands Permitted	Oppose	<p>Dairy cattle should not be permitted access to rivers, lakes, or wetlands. While this rule might capture that to some degree (as many farmers mightn't put dairy cows on land with slopes over 15 degrees), it should be explicitly stated.</p> <p>Cattle (whether dairy or beef) and pigs should not be permitted access to any lakes or wetlands.</p> <p>It is unclear whether this rule capture ephemeral rivers.</p> <p>Active formed channel could benefit from a definition.</p> <p>We note that a new (2020) Stock Regulations may supersede any of our comments and/or the councils proposed rule.</p>	<p>Amend to clearly prohibit dairy cattle access to rivers, lakes and streams; and to prohibit all stock from accessing wetlands.</p> <p>Exclude stock from all fish spawning riparian areas and estuarine environments.</p> <p>Also address the lack of clarity around ephemeral rivers and the definition of active formed channel, and amend to give effect to the NPSFM.</p>
TANK 4 Stock Access Stock access to rivers lakes and wetlands Restricted Discretionary	Oppose	<p>The rule is not effects-based and is inconsistent with the NPSFM. E.g. considering whether stock exclusion 'is practicable in the circumstances' is not a sufficient consideration for access to wetlands, and stock access to source water areas for Registered Drinking Water supplies should be managed much more strictly.</p> <p>Dairy cattle should not be permitted access to rivers, lakes, or wetlands in any circumstances. Wetlands should not be accessible to cattle or pigs in any circumstances.</p> <p>We note that a new (2020) Stock Regulations may supersede any of our comments and/or the councils proposed rule.</p>	<p>Amend to give effect to the NPSFM.</p> <p>Amend to give more discretion to council over stock type, waterbody type, habitat type, and other relevant land use activities and natural values.</p>
TANK 5 Use of Production Land The changing of a use of production land on farm properties or farming	Oppose	<p>This does not give effect to the NPSFM. It does not give council enough discretion to decline consent.</p> <p>It is unclear what the 'changing of a use of production land' includes. i.e. Does it include a change from growing apples to growing oranges? Does it include a change from horticulture to dairy? It is also unclear what time frame the 10% threshold for change applies over – i.e. is it 10% of the property each year or every 5 years?</p> <p>"Council may require information" can't be a condition of the rule.</p>	<p>Amend to give effect to the NPSFM, and to address the issues of clarity and risk noted in our comments. Amend to provide more scope for public notification of proposals to intensify land use and to provide council more scope to decline consent.</p>

<p>enterprises that are greater than 10 hectares in the TANK catchments ... and associated nonpoint source discharges...</p> <p>Controlled</p>		<p>The rule lacks any sort of effects-based threshold to minimise the risk of increased adverse effects as a result of a land use change. This needs to be addressed.</p> <p>It is also unclear how this rule addresses potential/actual cumulative adverse effects of land use change.</p>	
<p>TANK 6 Use of Production Land</p> <p>The changing of a use of Production land on farm properties or farming enterprises that are greater than 10 hectares in the TANK catchments... and associated non-point source discharges...</p> <p>Restricted Discretionary</p>	<p>Oppose</p>	<p>This rule does not appear to take an effects-based approach, and does not give effect to the NPSFM.</p> <p>It would be particularly difficult to determine whether an activity meets the conditions of TANK RULE 5 under the current rule 5 conditions, as they are unclear (e.g. “council may require information.”)</p> <p>Components of Schedule 29 would be better placed in the rule, rather than in the schedule (e.g. “where the land use activity involves arable or vegetable cropping...”)</p> <p>It is also unclear how this rule addresses potential/actual cumulative adverse effects of land use change.</p>	<p>Amend to provide more scope for public notification of proposals to intensify land use.</p>
<p>TANK 7 Surface Water take</p> <p>The take and use of surface water in the TANK water Management Zones...</p> <p>Permitted</p>	<p>Oppose</p>	<p>The condition “c) The taking of water does not cause any stream or river flow to cease” is much to low a standard and does not give effect to the NPSFM. In effect, a take could reduce a stream’s flow by 95% and still meet this condition.</p> <p>The rule does not address cumulative adverse effects of small takes when considered together or in conjunction with other consented takes .</p>	<p>Amend to give effect to the NPSFM, in particular by amending condition c to set an appropriate limit that protects ecosystem health and ecological values.</p> <p>Amend to clearly address the potential for cumulative adverse effects of small takes.</p> <p>Include a condition requiring notification of the take, location, volume and rate to be provided to council within 1 month or the take commencing or this plan becoming operative.</p>

<p>TANK 8 Groundwater take</p> <p>The take and use of groundwater in the TANK Water Management Zones...</p> <p>Permitted</p>	<p>Oppose</p>	<p>Having no restriction on the taking of water for aquifer testing is not appropriate. Testing can pump thousands of cubic metres of water from an aquifer in a very short period, and could have an adverse effect. As such, it should be controlled to reduce the potential for adverse effects.</p> <p>The rule does not address cumulative adverse effects and does not give effect to the NPSFM.</p>	<p>Remove “(iii) The taking of water for aquifer testing is not restricted” and replace with a restriction on how much water can be taken for aquifer testing.</p> <p>Amend to give effect to the NPSFM and to clearly address the potential for cumulative adverse effects of small takes.</p> <p>Include a condition requiring notification of the take, location, volume and rate to be provided to council within 1 month or the take commencing or this plan becoming operative.</p>
<p>TANK 9 Groundwater take – Heretaunga Plains</p> <p>Take of water from the Heretaunga Plains Water Management Unit where Section 124 of the RMA applies (applies to existing consents).</p> <p>Restricted Discretionary</p>	<p>Oppose</p>	<p>This rule is unclear and does not give effect to the NPSFM.</p> <p>In particular, stream flow maintenance schemes are inappropriate for long-term use in a consent, do not protect ecological values, and are inconsistent with the requirements of the NPSFM. If they are to be included in the plan in any form, they need to be referred to as “stream flow compensation” schemes and should not be available to water users as a ‘first choice’ to address stream depleting effects. The NPSFM requirement to address over-allocation should be the first mechanism to address such issues.</p> <p>We also note that ‘maintenance’, ‘augmentation’, and ‘habitat enhancement’ are not ecologically appropriate terms to use, and are not consistent with national mitigation and offsetting guidelines, which would clearly identify what HBRC proposes here as compensation.</p> <p>We note the HBRC report that states: “Streamflow augmentation... may be used to temporarily increase (or restore) streamflow, for example during periods of drought. However, if the augmentation flow is very large or is maintained for a long period, negative consequences may occur, such as lowering of groundwater levels (due to pumping) and decreased spring discharge (due to lower groundwater levels) in the augmented stream and potentially other streams. The Ngaruroro River is not subject to augmentation, but some depletion of the Ngaruroro River is predicted to occur as a consequence of abstraction for lowland streamflow enhancement elsewhere” (p. 12)... negative effects of augmentation are predicted for all streams... Augmentation is likely to be effective as a short term mitigation measure for low streamflows that are depleted from current groundwater use. However,</p>	<p>Delete and replace with a policy on groundwater takes that gives effect to the NPS-FM.</p>

		<p>augmentation is unlikely to be effective for mitigating the effects of increased groundwater allocation.” (p. 13)⁹</p> <p>Given the above, it is inappropriate for HBRC to consider this a reasonable mechanism of giving effect to the NPSFM.</p> <p>It is unclear why there are two matters for discretion that apply to the effect of takes on flows – “4. The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any minimum or trigger flow or level given in Schedule 31 and rates of take to limit drawdown effects on neighbouring bores” and “8. The effects of any water take and use for frost protection on the flows in connected surface water bodies.” Frost protection takes should be treated in the same way as other takes.</p> <p>There also appears to be elements of ‘grandparenting’ in this rule which may be problematic or incentivise poor behaviour (e.g. matters for control/discretion 3. “previous history of exercising the previous consent”).</p>	
<p>TANK 10 Surface and groundwater takes (abstraction at low flows)</p> <p>To take and use water where Section 124 applies (applies to existing consents).</p> <p>Restricted Discretionary</p>	Oppose	<p>The rule is unclear in how it gives effect to the NPSFM. It is also unclear as to whether water taken for frost protection is treated differently to other water takes.</p> <p>Note that we support requirements for fish screens, water meters, and backflow prevention.</p>	Amend to give effect to the NPS and address issues of clarity.
<p>TANK 11 Groundwater and</p>	Oppose	It is unclear how this gives effect to the NPSFM.	Amend to give effect to the NPSFM.

⁹ Rakowshi, P. (2018). Heretaunga Aquifer Groundwater Model Scenarios Report. HBRC. <https://www.hbrc.govt.nz/assets/Document-Library/Publications-Database/5018-Heretaunga-Aquifer-Groundwater-Model-Scenarios-Report-final.pdf>

<p>surface water take (low flow)</p> <p>The take and use of surface (low flow allocations) or groundwater</p> <p>Discretionary</p>		<p>It is inappropriate for the minimum flows in Schedule 31 to not apply to takes for frost protection and takes associated with storage impoundment. Water use for frost protection is not best practice and frost fans are a more efficient and popular option. We commented on this earlier in our submission.</p>	<p>Remove the exclusion for takes to not have to meet Schedule 31 minimum flows.</p>
<p>TANK 12</p> <p>Groundwater and Surface water take</p> <p>The take and use of surface or groundwater</p> <p>Prohibited</p>	<p>Support</p>	<p>We support the notion that some types of water extraction will not be appropriate. However, the conditions on the previous rules need to be amended in order to ensure that TANK 12 captures those inappropriate uses, rather than allowing them to be granted on the basis of enhancement or offsetting options .</p>	<p>Retain (noting amendments to rule 11 needed).</p>
<p>TANK 13</p> <p>Taking water – high flows</p> <p>The taking and use of surface water at times of high flow (including for storage in an impoundment)</p> <p>Discretionary</p>	<p>Oppose</p>	<p>This policy does not give effect to the NPSFM. The flow allocations set in Schedule 32 are too high. This rule should be supported by effects-based conditions stating that the take should not contribute to adverse effects on ecosystem health, water quality, etc., and include a condition to protect habitat quality using a metric such as the Natural Character Index / Habitat Quality Index (which should be inserted in Schedule 26).</p>	<p>Amend to give effect to the NPSFM, including by adding ecological considerations in the conditions and a standard for maintaining the natural character / habitat quality of the river using the Natural Character / Habitat Quality Index.</p>
<p>TANK 14</p> <p>Damming water</p> <p>Damming of surface waters and discharge from dams except as prohibited by Rule TANK 17</p>	<p>Oppose</p>	<p>Consideration only of Schedule 32 is not sufficient to give effect to the requirements of the RMA or the NPSFM. We note that “Ecologists have singled out the damming of rivers as one of the most dramatic and widespread deliberate human impacts on the natural environment. The ecological impact of a dam begins with the terrestrial ecosystems inundated above the dam, and reaches right down to estuaries, coastlines and river mouths. In between, there are many other negative ecological, hydrological and physical consequences, including modification of sediment and water flow, restrictions to</p>	<p>Amend to prohibited status, except where that dam is constructed ‘offline’. Address ecological effects of offline dams by adding ecological considerations in the conditions and a standard for maintaining the natural character / habitat quality of the river water is taken from using the Natural Character / Habitat Quality Index. We also suggest an acknowledgement within the plan of the potential impact of dams on riverine</p>

Discretionary		<p>passage by fish, destruction of habitat, and diminished recharging of aquifers. The result has been irreversible loss of species and ecosystems (p. 244)” and “A review of 165 scientific papers revealed that 92 per cent of them reported a decrease in ecological health in response to flow regulation.” (p. 248)¹⁰.</p> <p>We consider that ‘run of river’ damming should be a prohibited activity in all circumstances.</p> <p>Additional conditions relating to the ecological impact of offline storage/damming and the associated takes should be included.</p>	ecosystems.
<p>TANK 15</p> <p>Take and use from storage</p> <p>Take and use from a dam or water impoundment</p> <p>Discretionary</p>	Oppose	<p>Consideration only of Schedule 32 is not sufficient to give effect to the requirements of the RMA or the NPSFM.</p> <p>Also note the statement above regarding the potential effect of takes of water for dams.</p>	Amend to give effect to the NPSFM and RMA.
<p>TANK 16</p> <p>Damming, take and use at high flow or take from a dam or water impoundment</p> <p>Non-complying</p>	Oppose in part	<p>In its current form this allows (as a non-complying activity) the damming and taking of water at high flows outside of allocation limits except in specified waterbodies.</p> <p>These allocation limits are too permissive anyway and anything beyond this should not be allowed.</p>	Strengthen to prohibited status
<p>TANK 17</p> <p>Damming water</p> <p>The construction of dams or the damming of water on the mainstem of the following rivers</p> <p>(i) Ngaruroro River</p> <p>(ii) Taruarau River</p>	Support with amendment	<p>We are extremely supportive of this provision in principle given the ecological values of these rivers.</p> <p>However, as noted above, we consider the impacts of run of river dams to be extremely significant. We seek an amendment to extend this rule to cover all rivers in the TANK catchments (i.e. only allowing ‘off line’ storage).</p> <p>Even if this list were to remain small, it is unclear what the threshold for inclusion here is. At least all tributaries of the Upper Ngaruroro River should be added to this list in its current form. This is supported by the evidence in the Ngaruroro WCO case and the decision of the special tribunal to recommend a WCO for the Upper</p>	Amend the list to include all water bodies in the region.

¹⁰ Joy & Foote. (2017). Damn the dams. Journal of Urgent Writing. https://www.researchgate.net/publication/321094881_Damn_the_dams

<p>(iii) Omahaki River (iv) Tūtaekurī River: (v) Mangaone River (vi) Mangatutu River</p> <p>No application may be made for these activities.</p> <p>Prohibited</p>		<p>Ngaruroro River. It would also be consistent with HBRC’s draft Outstanding Waterbodies plan change.</p>	
<p>TANK 18 Stream Flow Maintenance and Habitat Enhancement Scheme</p> <p>Transfer and Discharge of Groundwater into surface water in the Heretaunga Plains Water Management unit (quantity)</p> <p>Discretionary</p>	<p>Oppose</p>	<p>This rule does not give effect to the NPSFM.</p> <p>In particular, stream flow maintenance schemes are inappropriate for long-term use in a consent, do not protect ecological or cultural values, and are not an appropriate mechanism to give effect to the NPSFM. If they are to be included in the plan in any form, they need to be referred to as “stream flow compensation” schemes and should not be available to water users as a ‘first choice’ to address stream depleting effects. The NPSFM requirement to address over-allocation should be the first mechanism to address such issues. It is also inappropriate for HBRC to ‘hand over’ responsibility to address over allocation and stream depletion issues to water users, who have an explicit conflict of interest in such circumstances.</p> <p>We also note that ‘maintenance’, ‘augmentation’, and ‘habitat enhancement’ are not ecologically appropriate terms to use, and are not consistent with national mitigation and offsetting guidelines, which would clearly identify what HBRC proposes here as compensation, or offsetting at best.</p> <p>We note the HBRC report that states: “Streamflow augmentation... may be used to temporarily increase (or restore) streamflow, for example during periods of drought. However, if the augmentation flow is very large or is maintained for a long period, negative consequences may occur, such as lowering of groundwater levels (due to pumping) and decreased spring discharge (due to lower groundwater levels) in the augmented stream and potentially other streams. The Ngaruroro River is not subject to augmentation, but some depletion of the Ngaruroro River is predicted to occur as a consequence of abstraction for lowland streamflow enhancement elsewhere” (p. 12)... negative effects of augmentation are predicted for all streams... Augmentation is likely to be effective as a short term mitigation measure for low streamflows that are depleted from current groundwater use. However,</p>	<p>Delete rule and associated framework for stream flow compensation schemes. Delete all references to maintenance/enhancement/augmentation throughout the plan.</p>

		<p>augmentation is unlikely to be effective for mitigating the effects of increased groundwater allocation.” (p. 13)¹¹</p> <p>We also note that it is possible to have a stream flow compensation scheme under the existing RRMP rule framework, and a new rule and enabling framework is not necessary. Introducing these rules only makes the root cause of the problem – over allocation – more avoidable by council and water users.</p> <p>Given the above, it is inappropriate for HBRC to consider this a reasonable mechanism of giving effect to the NPSFM.</p>	
<p>TANK 19 Small scale stormwater activities</p> <p>The diversion and discharge of stormwater into water, or onto land where it may enter water from any new or existing and lawfully established...</p> <p>Permitted</p>	Support in part	<p>It is unclear what is captured in this rule (e.g. does it include residential development?).</p> <p>The conditions do not exclude the discharge of sediment.</p> <p>Condition a)(vii) is uncertain and unlikely to be enforceable until after the destruction has already occurred.</p> <p>It also lacks any reference to te mana o te wai, protecting ecosystem health, and achieving schedule 26 targets</p>	Amend to include limits and restrictions to address te mana o te wai, and ensure that any adverse effects are no more than minor on ecosystem health, and to refer to schedule 26 objectives/targets
<p>TANK 20 Small scale stormwater activities</p> <p>The diversion and discharge of stormwater into water, or onto land where it may enter water from any new or</p>	Support in part.	Activities which have greater risk of contaminations and higher volumes of stormwater discharges require a higher activity classification.	Amend the rule for consistency with changes sought to Rule 19.

¹¹ Rakowshi, P. (2018). Heretaunga Aquifer Groundwater Model Scenarios Report. HBRC. <https://www.hbrc.govt.nz/assets/Document-Library/Publications-Database/5018-Heretaunga-Aquifer-Groundwater-Model-Scenarios-Report-final.pdf>

existing and lawfully established...			
Restricted Discretionary			
TANK 21 Stormwater activities Diversion and discharge of stormwater from an existing or new local authority managed stormwater network into water, or onto land where it may enter water Controlled	oppose	Council requires more discretion to decline consents for new activities. The consideration for locational and cumulative impacts require greater discretion for council.	Make restricted discretionary. Include current matters of control as matters of discretion and add impacts on native fish spawning areas.
TANK 22 Stormwater activities Discharge of stormwater to water or onto land where it may enter water from any industrial or trade premises Restricted Discretionary	Support in part	This lacks any reference to meeting schedule 26 target timeframes.	Amend to include reference to schedule 26 and associated timeframes.
TANK 23 Stormwater activities The diversion and discharge of stormwater into water, or onto land	Support in part	Activities that do not meet the preceding rules require a higher activity classification.	Amend the rule for consistence with changes sought to Rule 19 to 22.

where it may enter water.			
Discretionary			

6.9 AMENDMENTS TO RRMP RULES

RRMP Rule	F&B Position	Comment	Amendment sought
RRMP 7 Vegetation clearance and soil disturbance Vegetation clearance and soil disturbance activities (permitted)	Support in part	<p>Scientific research has clearly found that larger setbacks of cultivated land from waterways are vital to protect ecosystem health and have positive environmental and economic benefits. This rule should be amended to increase setback distances and state that no cultivation should occur in critical source areas (e.g. swales where runoff will easily enter nearby waterways).</p> <p>Council should also have discretion over where schedule 26 targets are not being met.</p> <p>It is unclear how cultivation could contribute to improvement in riparian condition. This should be explained.</p>	<p>Retain (f)</p> <p>Amend to increase setback distances to minimum of 10m and state that no cultivation should occur in critical source areas (e.g. swales where runoff will easily enter nearby waterways).</p> <p>Include as a matter for control where water quality targets are not being met.</p> <p>Clarify how cultivation can lead to improvements in riparian condition (clause i). Is it referring to cultivation of permanent native plants?</p>
RRMP 32 33 33A Discharge and drainage	Support in part	<p>These amendments are generally supported, however there should be explicit reference to the targets in schedule 26.</p> <p>We support the 10-year timeframe for achievement.</p>	Amend to refer directly to schedule 26 targets
RRMP 62a Permanent or temporary transfer of water	Oppose	<p>'Flow enhancement schemes' do not give effect to the NPSFM and should not be provided for in the plan.</p>	<p>Amend to give effect to NPSFM</p> <p>I.e. Amend as: <i>"for transfers that enable the operation of a flow enhancement scheme (ref Policy 38)"</i></p>
RRMP 67 Erecting dams and other barriers	Oppose	<p>Allowing new dams as a permitted activity does not provide council scope to decline consents where it might need to protect sensitive environments. A higher threshold should be considered.</p> <p>This rule needs to state explicitly that the dam should not have any gates/turbines/etc. that would harm fish moving downstream (i.e. the provision should only apply to solid (e.g. earth) dams with an overflow).</p>	<p>Amend to have a higher activity status threshold.</p> <p>Amend to state that the dam must be solid and have no capacity to kill fish migrating downstream (or words to that effect).</p>
RRMP 68 Existing dams	Oppose	<p>Fish passage is not provided for. It needs to be.</p>	Amend to include provision for fish passage.

<p>RRMP 70</p> <p>River control & drainage works & structures</p>	<p>Oppose</p>	<p>River control and drainage works can have significant effects on physical habitat in rivers. To date, despite there being clear requirements around managing effects on habitat in the RMA and NPSFM, river engineering works have been given a free pass in terms of any consenting pathway. This is entirely inappropriate.</p> <p>River works should require a consent, or at the very least the 'Hawke's Bay Regional Council Environmental Code of Practice for River Control and Drainage Works' should require a consent. That consent should include a condition that any works does not contribute to a decline in the median Natural Character Index (a.k.a. Habitat Quality Index) of more than 15% or component score of more than 40% (see notes elsewhere on the NCI/HQI in our submission).</p> <p>We also note that the 1999 code of practice seems to be out of date and HBRC has published at least 2 new codes of practice since. We assume the most recent is 2016.</p>	<p>Amend to require consent for river works.</p>
<p>RRMP 71</p> <p>Activities affecting river control & drainage schemes</p>	<p>Oppose in part</p>	<p>It is unclear why this is provided for in the Karamū catchment and not others.</p>	<p>Amend to provide for ecological enhancement planting in other catchments.</p>

SCHEDULES

Section	F&B position	Comments	Amendment sought
Schedule 26 Freshwater Quality Objectives Overall comments	Support with amendments	<p>Overall, we are relatively supportive of Schedule 26 and the attributes and values it contains. However, we have some comments:</p> <p>The preamble/introductory paragraph to Schedule 26 is unclear and wordy. Remove or reword. It can probably be addressed elsewhere in the plan.</p> <p>PC9 appears to use the terms freshwater limits, freshwater targets, freshwater objectives, limits, targets, and objectives interchangeably. This needs to be clarified and consistent wording used throughout the plan.</p> <p>Similarly, various terms are used to refer to FMUs throughout the plan. e.g. 'surface water quality management units', 'freshwater quality management units', 'areas', etc. This needs to be clarified and consistent wording used throughout the plan.</p> <p>It is unclear how the timeframes are applied for PC9. Wording needs to be consistent with the NPSFM.</p> <p>Schedule 26 only includes freshwater quality limits for the Ngaruroro and Tutaekuri FMUs, and the groundwater of all 'areas' (which we assume are FMUs, though this should be clarified). Specifically, the Ahuriri and Karamu catchments are not captured in the limits in Schedule 26, and are instead covered (only in part), by the non-regulatory 'goals' in Schedule 27. Estuaries are also not clearly captured. This is an extreme oversight, particularly given the recent report published by the Parliamentary Commissioner for the Environment, which outlines the issues of estuary management, including a statement that they often fall between the cracks of management.¹² That appears to have occurred with this plan change.</p> <p>It would be much clearer if this schedule was divided by water body or FMU, rather than by the attribute being measured.</p> <p>Timeframes for measuring attributes against targets are needed. e.g. 'measured over 5 years as the median value' or whatever is most appropriate.</p> <p>The values listed in the column 'also relevant for' would be more appropriate in a separate schedule</p>	<p>Clarify or remove the introductory wording.</p> <p>Clarify the wording used to refer to objectives/targets/limits in Schedule 26 and throughout the plan.</p> <p>Clarify the wording used to refer to FMUs in Schedule 26 and throughout the plan.</p> <p>Amend wording around timeframes to be consistent with NPSFM.</p> <p>Include all TANK catchments in Schedule 26 (i.e. bring the Karamu and Ahuriri catchments across from Schedule 27). Apply all attributes in Schedule 26 to the water bodies shifted over from Schedule 27.</p> <p>Clarify timeframes for measuring attributes against targets (e.g. 'measured over 5 years as the median value' or whatever is most appropriate).</p> <p>Move values in the 'also relevant for' column to another schedule of values for each water bodies.</p>

¹² <https://www.pce.parliament.nz/publications/managing-our-estuaries>

		(similar to that in the Horizons OnePlan). This would integrate much better with the Outstanding Water Bodies plan change too.	
Schedule 26 Freshwater Quality Objectives	Support with amendment	<p>We are supportive of the attributes used to measure ecosystem health and protect drinking water.</p> <p>We are particularly supportive of the 1mg/l nitrate-nitrogen limit for groundwater in all areas at all times. This should be retained.</p> <p>It is unclear what is meant by the 'reference state' for temperature. It would be more appropriate to set a maximum value as for other attributes. This should be based on known limits for fish and macroinvertebrate health.</p> <p>Currently, there is no attribute to manage physical habitat quality. This is one of the key components of ecosystem health.^{13,14} It is also a key requirement of the NPSFM and RMA. Policy 9 of the NPSFM (2020) is "The habitats of indigenous freshwater species are protected". And "Habitat – the physical form, structure, and extent of the water body, its bed, banks and margins; its riparian vegetation; and its connections to the floodplain and to groundwater" is a compulsory value in Appendix 1A of the NPSFM (2020). In the RMA, "the preservation of the natural character of... rivers and their margins, and the protection of them from inappropriate subdivision, use, and development" and "the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna" are matters of national importance (s6). It is therefore imperative that a measure of physical habitat condition and a mechanism to prevent its degradation (or enable its improvement) are included in the plan.</p> <p>We suggest the introduction of a measure of the physical habitat condition of TANK rivers/streams in Schedule 26, using the Natural Character Index (a.k.a. the Habitat Quality Index). The Natural Character Index (NCI/HQI) was developed by Professors Russell Death and Ian Fuller (with others) at Massey University and provides a measure of how much a river has changed from a reference condition. It is currently being considered for inclusion in the GWRC Regional Plan and is explained in depth in the evidence of Russell Death¹⁵ (starting on pg. 7 at para. 7). It has also recently been applied by GWRC to measure changes in river habitat on the Hutt and Waikanae Rivers, and more recently in a separate study of the Waiohine River, to measure the impact of river engineering on</p>	<p>Retain all attributes.</p> <p>Clarify what is meant by 'reference state' for water temperature and introduce a maximum.</p> <p>Insert a new attribute for physical habitat, '<u>Natural Character/Habitat Quality Index</u>', for all areas.</p> <p>It would be useful to include an associated value or narrative description: "<u>river form (including pool, run, and riffle sequences, and riparian margins) and function (including hydrological regime and fluvial processes) is suitable to support fish and macroinvertebrates through their life phases and protect, and where degraded restore, ecosystem health</u>" or (for consistency with the NPSFM (2020), "<u>Habitat – the physical form, structure, and extent of the water body, its bed, banks and margins; its riparian vegetation; and its connections to the floodplain</u>"</p> <p>Targets/limits for the NCI/HQI relate to a reference condition for the river being assessed (similar to that proposed in PC9 for temperature). Therefore, the associated target should generally be "<u><15% change in the median HQI score (i.e. HQI score >0.85) or <40% in any component HQI score (HQI score</u></p>

¹³ <https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/freshwater-ecosystem-health-framework.pdf>

¹⁴ <https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/freshwater-science-and-technical-advisory-group-report.pdf>

¹⁵ <https://pnrp.gw.govt.nz/assets/Uploads/HS3-S308-Russell-Death-Technical-Evidence.pdf>

		<p>physical habitat. GWRC has also included its use in its Te Kāuru Upper Ruamāhanga Floodplain Management Plan¹⁶. Recently the technique has been outlined in an internationally peer reviewed journal article¹⁷. It can be used to assess long term changes in the geomorphological condition of rivers, or to assess short term impacts associated with resource consents or discrete river engineering or flood protection works (or other similar activities with a potential impact on a river's physical habitat condition).</p> <p>Reference to the NCI/HQI in policies or methods as a consequential change might also be appropriate. A separate rule could be added, though including the NCI/HQI in Schedule 26 should mean it's captured anywhere that the other attributes are.</p> <p>Using the NCI/HQI would also be very useful for restoration projects, for assessing resource consents, and for integrating into flood management plans or 'codes' for river engineering works. A variation of the method could also aid in managing the restoration of other environments that have been degraded or had their edges 'hardened', such as estuaries.¹⁸</p>	<p>>0.6)". However, it would be best separated into several thresholds to reflect the type of river/stream being protected. Potential targets be "<u><30% change in the median HQI score (i.e. HQI score >0.7)</u>" for lowland rivers/streams, "<u><20% change in the median HQI score (i.e. HQI score >0.8)</u>" for mid gradient rivers/streams, and "<u><10% change in the median HQI score (i.e. HQI score >0.9)</u>" for steep, hard sedimentary, confined rivers/streams.</p> <p>Any other consequential amendments to ensure the protection of physical habitat quality is included in the plan. This may be through policies or methods.</p>
<p>Schedule 26 Freshwater Quality Objectives</p> <p>Water clarity and turbidity</p>	<p>Support in part</p>	<p>Clarity and turbidity targets don't apply to all catchments (i.e. some are excluded by being included only in Schedule 27). This should be fixed.</p> <p>Excluding some flow conditions from the measurements for the Tutaekuri and Ngaruroro Rivers means standards will only be met some of the time. This is not appropriate. The use of a median statistic already accounts for high silty flows, so excluding more flows is not necessary.</p>	<p>Apply to all catchments (i.e. those in Schedule 27).</p> <p>Remove flows from the water clarity and turbidity targets/limits for all FMUs.</p>
<p>Schedule 26 Freshwater Quality Objectives</p> <p>Deposited sediment (%)</p>	<p>Support with amendment</p>	<p>An objective of <20% is appropriate for most rivers. This is the threshold value at which biodiversity and salmonid spawning are negatively affected (as per Clapcott et al.'s Sediment Assessment Methods, 2011)</p> <p>In regard to the Upper Ngaruroro and Upper Tūtaekurī Rivers, it does not make sense to have a value of 15% for part of the year and 20% for the rest of it. The lower value (15%) should apply year-round given these waters are in very good condition.</p>	<p>15% threshold should apply to the Upper Ngaruroro and Upper Tūtaekurī River year-round</p>
<p>Schedule 26 Freshwater Quality Objectives</p>	<p>Support with amendment</p>	<p>MCI = Macroinvertebrate Community Index. 'MCI (index)' is a tautology.</p> <p>Equal to/over 130 is a more appropriate aspirational MCI score for the upper rivers, particularly given the Upper Ngaruroro's very good condition. Consistent with NPSFM (2020) A band.</p>	<p>Retain as proposed but remove tautology.</p> <p>Apply to all catchments (i.e. those in Schedule 27)</p>

¹⁶ <http://www.gw.govt.nz/assets/floodprotection/Final-Te-Kauru-FMP-post-edits-20200311-SCREENcompressed-1.pdf>

¹⁷ <https://onlinelibrary.wiley.com/doi/abs/10.1002/rra.3672>

¹⁸ <https://vimeo.com/444712481>

MCI (index)			Amend Upper Ngaruroro target to 130
Schedule 26 Freshwater Quality Objectives	Support with amendment	Dissolved inorganic nitrogen (DIN) and dissolved reactive phosphorous (DRP) are key measurements for ecosystem health ¹⁴ . The critical values for these attributes should be 'ecosystem health'.	Amend to state that critical value is 'ecosystem health' Apply to all catchments (i.e. those in Schedule 27)
DIN (mg/L)			
DRP (mg/L)			
Schedule 26 Freshwater Quality Objectives	Support	There is substantial evidence supporting the impact of elevated nitrogen levels on ecosystem health ¹⁹ . There is also increasing evidence illustrating the potential risk of what were previously considered 'low' levels of nitrogen on human health ²⁰ . We therefore support this attribute and value.	Retain as proposed
Nitrate- nitrogen (concentration of nitrate- nitrogen (mg N-NO ₃ /l)			
Schedule 26 Freshwater Quality Objectives	Support in part	Effects on ecosystem health are experienced at much lower levels than the 'toxicity' level. This is well documented and accepted.	Change the critical value for nitrate and ammonia from Toxicity (NOF) to 'ecosystem health' Apply NPSFM A band for nitrate to all catchments (including those currently in schedule 27).
Nitrate and Ammonia			
Schedule 26 Freshwater Quality Objectives	Support in part	The high targets/limits for the upper reaches of the Ngaruroro and Tutaekuri rivers are appropriate. The Ahuriri Estuary is used extensively for recreation (in 'Pandora Pond'). E. coli limits should be applied there (and across all catchments).	Retain limits for upper rivers. Apply limits to all catchments (i.e. those in Schedule 27)
E. coli			
Schedule 26	Support in	Support the development of these and their implementation as soon as possible.	Develop with iwi as soon as possible.

¹⁹ <https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/freshwater-science-and-technical-advisory-group-report.pdf>

²⁰ <https://blogs.otago.ac.nz/pubhealthexpert/2020/08/10/reducing-the-health-burden-from-contaminated-drinking-water-in-nz-opportunities-arising-from-the-new-water-services-bill/>

Freshwater Quality Objectives	principle		
Placeholder for mātauranga Māori attributes that are yet to be developed			
Schedule 26 Freshwater Quality Objectives	Support	These are appropriate.	Retain
<ul style="list-style-type: none"> • pH • BOD • Metals... 			
Schedule 27 Freshwater Quality Objectives	Oppose	It is not appropriate to have a non-regulatory focus for the implementation of these objectives. The distinction between schedules 26 and 27 in the plan is inappropriate.	Move all catchments in Schedule 27 across to Schedule 26. Apply all attributes to all catchments.
Schedule 28: Priority Catchments	Support with amendments	It is unclear where these apply. Schedule 28 is described as a list of priority catchments where actions in Schedule 30 will be implemented first. However, no catchments are listed. Instead a reference is made to maps which show “priority areas” but are not part of the planning maps. Timeframes are needed (these are referred to in the plan but are not in the schedule).	Amend for clarity. Identify what catchments are a priority. Include maps. Include timeframes.
Schedule 29 Land Use Change	Oppose in part	The annual nitrogen loss thresholds in table 2 are unclear. i.e. are they across a whole farm or should it be kg/ha/y?	Amend for clarity
Schedule 30: Landowner Collective, Industry Programme and Farm Environment Plan	Oppose in part	<p>Please see our comments earlier in the submission on stream flow ‘maintenance’ schemes. All reference to these schemes in the plan should be removed.</p> <p>See our comments earlier in the submission about farm plans. In summary our concerns are that:</p> <p>Just having a farm plan or being part of a catchment collective isn’t enough of a pre-requisite to be given permitted status, particularly given (1) the potential effects of the types of land use that are captured, (2) the lack of any maximum area of land use, (3) the lack of reference to land use</p>	<p>Remove all reference to stream ‘maintenance’ schemes.</p> <p>Amend entire management of land uses to be more consistent with NPSFM and NZCPS and give council scope for more control, and compliance, monitoring, and enforcement.</p>

		<p>capability (LUC) class, (4) the lack of any reference to land use intensity or the type of land use, and (5) that farmers can be part of an 'industry' or 'catchment' collective and there are inherent conflicts of interest in such self-regulation.</p> <p>It is extremely worrying that Council seems to be handing away its regulatory power for almost all land uses and associated discharges with this schedule. Essentially, provided a farmer has signed up to a group or prepared a plan saying they are making some effort to reduce their environmental impact they can go ahead with their activity, and leaves no scope for council to consider the appropriateness of that activity/land use/discharge. This is not sufficient to meet Council's responsibilities under the NPSFM and will not ensure council can meet its desired outcomes for freshwater quality.</p> <p>It is also unclear whether Schedule 30 introduces additional matters for discretion that would be more appropriately referenced directly in the rule (e.g. the reference to in Schedule 30 to meeting Schedule 26 objectives)</p> <p>This significantly limits council's ability to take action to manage adverse effects of activities where a farmer meets the requirements of having a farm plan. It is unclear what mechanisms would be available to address issues with environmental degradation where a farmer is causing an adverse effect but has a farm plan or is part of a catchment collective.</p>	<p>Ensure farm plans are tied to enforceable conditions in rules and resource consents which set out measureable outcomes to be achieved by the farm environment plan. Where flexibility is provided for to finalise or amend farm plans ensure this is only for consented activities where an independent certification process can be applied to the conditions of consent.</p>
Schedule 31: Flows, Levels, and Allocation Limits	Opposed	<p>The statement "The allocation limits do not apply to water abstraction that is enabled by the release of water from water taken at times of high flow and stored for later release (Schedule 32)." Is unclear. Does this relate to stream flow maintenance schemes? Does it mean that water stored in a dam isn't subject to allocation limits? Or does it mean that water taken to be stored in a dam isn't subject to limits?</p> <p>Modelling by HBRC indicates that a minimum flow of 2400 l/s for the Ngaruroro River at Fernhill provides only a 44% level of habitat protection for torrentfish (and other fast-water fish), 47% for invertebrates, 86% for moderate-water fish, and 100% for slow-water fish.²¹ Torrentfish require 4200 l/s and rainbow trout require 3900 l/s to be afforded a 90% level of habitat protection²²</p> <p>We also note the significant depleting effect of groundwater extraction on the Ngaruroro noted in an HBRC report: "Modelling indicates that river losses have increased in all major rivers analysed</p>	<p>Amend terms and structure for clarity.</p> <p>Introduce a process of staged increases (much like that in the Tukituki PC6) in the Ngaruroro minimum flow at Fernhill, with the first target being 3600 l/s, the 70% habitat protection level required for fast-water fish (and the flow that would provide >90% protection for moderate- and slow-water fish, and >70% protection for invertebrates).²⁵ Further increases to 4000 l/s (80% protection) and 4400 l/s (90% protection) should be considered for dates further into the future.</p>

²¹Wilding, T. (2018). *Addendum to fish habitat modelling for the Ngaruroro and Tutaekuri rivers* (Report No. 4990 – RM 18-09). HBRC. <https://www.hbrc.govt.nz/assets/Document-Library/TANK/TANK-Key-Reports/4990-Addendum-Fish-Habitat-Modelling-Ngaruroro-Tutaekuri-010418.pdf>

²²Johnson, K. (2011). *Lower Ngaruroro River Instream Flow Assessment*. HBRC. <https://www.hbrc.govt.nz/assets/Document-Library/Projects/TANK/TANK-Key-Reports/Ngaruroro-Flow-Assessment-2011.pdf>

	<p>(the Ngaruroro...), and spring gains have declined in lowland streams (the ...Tūtaekurī–Waimate ...). The increased groundwater pumping has caused reduced streamflow, particularly during summer. Modelling indicates that the most affected surface water body is the Ngaruroro River, with about 50% loss (depletion of about 1000 L/s) during the driest conditions...”²³</p> <p>The flows set for the Ngaruroro are therefore inconsistent with the NPSFM and RMA. Particularly around protecting habitat and avoiding over allocation.</p> <p>Plan Change 6 (Tukituki) to the Hawke’s Bay Regional Plan set minimum flows on five of the major rivers and streams in the CHB catchment. These minimum flows were established to provide 90% habitat protection for the aquatic fish species considered critical.²⁴ It follows that the TANK catchments should be afforded the same level of protection, given HBRC has the same responsibilities to protect these catchments as those subject to PC6.</p> <p>We note that PC6 also affords species a 99% protection level for total ammoniacal nitrogen, and at least a 95% protection level for other toxicants. Why would we not apply the same level of protection for flow/access to habitat and other important components of ecosystem health?</p> <p>There are no flows set for the Ahuriri catchment. There should be. At the moment there is no clarity around what is being taken and how ecosystem health is being protected. It is also unclear how the Karamu catchment flows were set and whether they protect ecosystem health.</p> <p>The allocation limit for the Tūtaekurī-Waimate is >50% of the minimum flow and the Maraekakaho allocation limit is >33% of minimum flow. Such significant allocations are likely to cause significant adverse effects on aquatic on ecosystem health. These allocations need to be reduced.</p> <p>The approach to setting minimum flows across all water bodies (especially the Tūtaekurī and Ngaruroro Rivers) is extremely inconsistent and appears to just preserve the status quo.</p> <p>The allocation of Tutaekuri flows is a significant proportion of the MALF. This is not appropriate and it should be reduced.</p>	<p>Include flows for the Ahuriri catchment.</p> <p>Provide flows in the Karamu and Ahuriri catchment that protect ecosystem health and other values.</p> <p>Introduce a system to phase out overallocation in the Tūtaekurī-Waimate and Maraekakaho.</p> <p>Take a consistent (and robust) approach to setting minimum flows.</p> <p>Reduce allocation of Tutaekuri River to 20% of MALF.</p>
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²⁵ HBRC. (2018). Discussion Document for TANK Meeting 38. <https://www.hbrc.govt.nz/assets/Document-Library/TANK/TANK-Key-Reports/Item-2.-TANK-low-and-high-flow-management-discussion-document-March-2018.pdf>

²³ Rakowshi, P. (2018). *Heretaunga Aquifer Groundwater Model Scenarios Report*. HBRC. <https://www.hbrc.govt.nz/assets/Document-Library/Publications-Database/5018-Heretaunga-Aquifer-Groundwater-Model-Scenarios-Report-final.pdf>

²⁴ HBRC. (2015). Plan Change 6 to Hawke’s Bay Regional Resource Management Plan – Tukituki River Catchment, Operative dated October 2015. (HBRC Report No. SD 15-08-4767). <https://www.hbrc.govt.nz/assets/Document-Library/Tukituki/Tukituki-Plan-Change-6.pdf>

Schedule 32: High Flow Allocation	Oppose in part	<p>High flows in rivers have valuable ecosystem functions. They flush out algae and sediment, mobilise the bed (and prevent bed armouring and compaction), trigger fish and macroinvertebrate life-cycle stages, remove weeds and nuisance vegetation growth, and are vital to maintain the natural character and floodplain condition of a river. Water taken at a time of high flow must be subject to allocation limits and there must be limits on the maximum rate that water can be taken at high flows. Such limits are vital to ensure ecosystem processes are protected.</p> <p>It is unclear how the allocation limits proposed give effect to the NPSFM, protect Te Mana o te Wai and ecosystem health, and meets Schedule 26 targets. e.g. the high flow allocation for the Tūtaekurī at Puketapu is a significant proportion of the flow (31%) at 8,000 l/s.</p>	<p>Increase the flow value at which high flow allocation is allowed.</p> <p>Reduce the amount of high flow allocation to give effect to the NPSFM and protect the functions of rivers at those flows.</p> <p>Retain prohibition on damming and extend them to all run of river schemes, as per comments earlier in our submission.</p>
Schedule 36	Oppose	<p>This is entirely inappropriate, as per our comments earlier in the submission. Some comments are reproduced here for ease of reference:</p> <p>Streamflow augmentation should not be heralded for its 'benefits'. HBRC's own report on this issue states: "Streamflow augmentation... may be used to temporarily increase (or restore) streamflow, for example during periods of drought. However, if the augmentation flow is very large or is maintained for a long period, negative consequences may occur, such as lowering of groundwater levels (due to pumping) and decreased spring discharge (due to lower groundwater levels) in the augmented stream and potentially other streams. The Ngaruroro River is not subject to augmentation, but some depletion of the Ngaruroro River is predicted to occur as a consequence of abstraction for lowland streamflow enhancement elsewhere" (p. 12)... negative effects of augmentation are predicted for all streams... Augmentation is likely to be effective as a short term mitigation measure for low streamflows that are depleted from current groundwater use. However, augmentation is unlikely to be effective for mitigating the effects of increased groundwater allocation." (p. 13).</p> <p>These schemes do not give effect to the RMA and NPSFM and do not reflect the scientific consensus on 'augmentation' (including as written by HBRC staff).</p>	Delete all references to streamflow enhancement/maintenance/augmentation throughout the plan

GLOSSARY

Term defined in the plan	F&B Position	Comments	Proposed changes to definition
Allocation Limit	Oppose	It is not clear whether the definition is describing the total available water above and environmental limit or an allocation limit as it would apply to individual consents for takes. The different measures for litres vs cubic meters is also confusing It is not clear how the river or management zone approach relates to the FMU approach under the NPSFM.	Amend to clarify
Allocation limit for Groundwater	Oppose	It is not clear whether the definition is describing the total available water above and environmental limit or an allocation limit as it would apply to individual consents for takes. The different measures eh litres vs cubic meters is also confusing	Amend to clarify
Allocation limit for high flow takes	Oppose	It is not clear whether the definition is describing the total available water above and environmental limit or an allocation limit as it would apply to individual consents for takes. The different measures for litres vs cubic meters is also confusing	Amend to clarify
Applicable stream flow maintenance scheme	Oppose	As stated earlier, these are inappropriate.	Delete
Farm Environment Plan	Oppose	The purpose of the farm plan is not clear. The definition fails to capture key factors which could result in plans meeting the definition but not achieving the outcomes sought by PC9.	Amend to address submission concerns on Schedule 30 above.
Indigenous vegetation	Oppose	The definition implies that the terms could have a different meaning else where in the plan. This results in uncertainty when considering policies and non regulatory measures. The definition is uncertain as to determining vegetation on the basis of which is greater. There is no need to refer to plantation forestry as that is provided for under its NES.	Delete and replace with: “ <u>Indigenous vegetation means vegetation containing plant species that are indigenous or endemic to the area/site</u> ”

SUBMISSION ENDS

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

Name of Submitter: Brian McLay

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

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

My submission is:

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

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

Provisions & general description of issue	Amendments sought
<p><i>Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary</i></p> <p>Replacement of water permits based on actual and reasonable use</p>	<p>Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of:</p> <ul style="list-style-type: none"> a) the quantity specified on the permit due for renewal or any lesser amount applied for; or b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise an equivalent method) and to a 95% reliability of supply. <p>Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.</p>

<p><i>Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32</i></p> <p>High flow takes and storage</p>	<p>The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).</p>
<p><i>Policy 51, 52, TANK 7 and TANK 8</i></p> <p>Availability of water for survival of permanent horticultural crops</p>	<p>A specific exemption should be provided in TANK 7 and 8 to allow up to 20m³ to continue to be taken per day to assist the survival of permanent horticultural crops.</p>
<p><i>Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b</i></p> <p>Transfers of water permits</p>	<p>Transfers of all water permits that have been exercised should be enabled.</p>
<p><i>Policy 37 and 38</i></p> <p>Restriction on re-allocation of water</p>	<p>The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primary production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).</p>
<p><i>Policy 37, 39, 40, 41, TANK 18 and Schedule 36</i></p> <p>Stream flow maintenance and augmentation schemes</p>	<p>Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.</p>
<p><i>Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary</i></p>	<p>Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.</p>

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

My horticultural operation is located at 82 Carrick Rd, Twyford and comprises, at date of submission, 28 ha of apple orchard and 10 ha of cropping land which is currently leased to grow sweetcorn. This land use may well change to other crops requiring different levels of water use.

Plan Change 9/TANK is likely to affect my business in the following ways: By putting at risk the availability of existing required water to grow currently established practices. It puts, at a even greater risk, the ability to modify crops on our property. Any potential reduction in available water forces me, as a landowner, to question the risk versus reward equation. The results of this could have far reaching effects on employment generated from our business. I, and our family, as a result of such challenges, have decided to sell a considerable parcel of this prime horticultural land. I am frustrated with the continual requirement to justify my ongoing water requirements and the continual need to feed the bureaucratic machine in this regard and the considerable costs both legal and in compliance.

There are many examples in the region showing the gross under-utilization of our prime land or repositioning of land use due to unavailable supply of guaranteed water, to meet the needs of our high value crops

I am concerned over the ratchet-based approach to water, i.e. where and when a decision is made those seeking change then position all moves from the new position and do not take into consideration existing contributions. This becomes particularly relevant should current scientist modeling be proven to be inaccurate or wrong.

I am equally concerned over the proposed potential reduction in total available water and the inequitable way in which it is proposed to achieve this. Surely all vested parties must contribute on an equal proportional basis. Our farming community has over the last decade or more invested heavily in optimizing water use and mitigating wastage yet our municipality freely acknowledge substantial wastage with seemingly little effort in trying to mitigate it, hiding behind cost as their argument; an argument which has not been allowed consideration for our farming community. Our industrial area will not require the water they currently take if the suppliers cannot produce the crops which they supply to them.

Ceasing to grow crops and planting houses will not simply remove the problem. Based on my calculations housing requires 18.7 m cubed of water per ha per day or 131 m cubed per week. This is

taken all year round and is a figure not dissimilar to the average water required per week by our farmers, but only over the irrigation period.

The decisions you make here will not only affect me in my lifetime, but will also affect my children and their children and the future economic and social health of our community .

As a member of Twyford Water I also support the submission made by them.

I seek the following decision from the local authority: The plan change is amended as set out in the table above, taking account of the comments and expansion as set out in Twyford Water submission .

Any policies which I have not disagreed with specifically in this submission or are commented on as requiring alteration in Twyford Water submission can be taken for the purpose of this submission as that I agree with.

I wish to be heard in support of my submission.

Signature of submitter:

BJ McLay

Date:14/8/2020

Electronic address for service:b.mclay@airnet.net.nz

Contact phone number:0274486848

Postal address:82 Carrick Rd, RD5, Hastings 4175

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

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

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

Name: (required) Omahu School

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

Postal address: (required) me ona piringa hapu
..... 22 Taihape Rd
..... Omahu, Rd 5, Hastings

Email address: principal@omahu.school.nz

Phone number: 06 8797974

Contact person and address if different to above:
Lyn Pohe

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: Lyn Pohe Date: 14/8/2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006

NAPIER

or fax to:

(06) 835-3601

or email to:

eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 14 August 2020

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

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:


HAWKES BAY
REGIONAL COUNCIL

TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

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

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

I **Support** **Oppose** **Amend**

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

To ensure the impact of dredging on the Ngaruroro River is inclusive in the plan.
The dredging frequency (and), access, and effects on the river,

The review of the Ngaruroro River Flood protection and drainage scheme in relation to the TANK objectives

Reason for decision requested:

Omahu School students and staff questioned why the swimming hole down by the (Omahu) Fernhill bridge was now so shallow and no longer clean.

It raised questions of Water Quantity and Quality.

Dredging harms biodiversity, affects water turbidity and water table levels. It promotes riverbank erosion.

During Covid-19 restrictions our students and whānau witnessed trout jumping in the river down at the Fernhill bridge.

Did the impact of "Industry" ^{stopped} on the river halt disturbance and allow fish to return?

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

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

Name: *(required)* Peter Scott

Organisation: The Wine Portfolio

Postal address: *(required)* PO Box 67, Katikati, 3129

Email address: peters@wineportfolio.co.nz

Phone number: 0274 516 276 or 06 8749 678

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

Submission Summary:

1. I SUPPORT the overall framework of PC9, to the degree that it reflects agreements reached by the TANK Group community representatives, developed over more than 6 years of intensive dialogue and providing an integrated catchment solution that best balances the values and interests of the Hawke's Bay community.
2. I OPPOSE elements of PC9 that do not reflect those agreements reached by the TANK Group community representatives.
3. I SUPPORT THE AMENDMENTS proposed by Hawke's Bay Winegrowers' Association Inc. in their submission dated 14 August 2020.
4. I SEEK AMENDMENTS as set out in Section A of this submission below.
5. I am concerned that PC9's approach to allocation of water and control of farming emissions unfairly penalises viticultural land owners as very low water users and very low emitters compared to other major primary production systems. Our vineyards are accredited with the Sustainable Winegrowing New Zealand (SWNZ) program operated by New Zealand Winegrowers and our practice aligns with HBRC water irrigation goals. At all times we implement best practice for efficient and effective irrigation, which includes tight management of irrigation ensuring vines remain at a mildly water stressed state to ensure maximum crop growth and reduction in canopy growth.
6. I am concerned that PC9 will have significant negative effects on The Wine Portfolio, as outlined in the below submission details – general impact on the wine sector.

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 5.10.2.6/7/8 Protection of source water</p>	<p>These three policies adopt a strengthened approach to protection of the quality and quantity of drinking water supplies.</p> <p>I support a precautionary approach to such protection but considers that the policies and rules are unnecessarily onerous and reflect an over-response to the 2016 Havelock North water crisis.</p> <p>The Plan Change draws source protection zones expansively and the control exerted by Council through matters of discretion under TANK rules 2/4/5/6/9/10</p>	<p>Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10. Address risks via Farm Environment Plans, Catchment Collectives and Industry Programmes.</p>

	<p>is uncertain and potentially onerous, particularly on winery point source discharges but also on vineyard farming practices.</p> <p>In addition to the uncertain scope of control, there is a duplication in control because risks to drinking water will also need to be addressed in Farm Environment Plans, Catchment Collectives and Industry Programmes.</p> <p>Retaining the reference in TANK 2 will ensure that a risk assessment will still be made in the event that a property does not have a Farm Environment Plan or is not part of an Industry Programme or Catchment Collective.</p>	
<p>Policy 5.10.3.21 Assessing resource consents in subcatchments exceeding nitrogen objectives or targets</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>This is unnecessarily constraining of land use change, undermines the role of community collectives, discriminates heavily against viticulture as a particularly low nitrogen source and fails to recognise the 2040 timeline for meeting water quality objectives.</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 “<i>subject to Policy 21 a)-c)</i>, avoid land use change....” or similar wording to achieve the 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”.</p> <p>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.</p> <p>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</p>	<p>Amend Policy 36.f to read “avoiding further adverse effects by <i>controlling net groundwater use within the interim allocation limit set out in Policy 37</i>” or similar wording to achieve the outcome sought in this submission.</p> <p>Amend Policy 36.g to read “<i>reducing existing levels of encouraging</i> water use <i>efficiency.</i>” or similar wording to achieve the outcome sought in this submission.</p>

	cumulative consented volume (sometimes referred to as “paper volume”) but not on cumulative consented actual use.	
Policy 5.10.6.37.d(ii) “Actual & Reasonable” water allocation approach	<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...”.</p> <p>The intent of this policy is understood to be to provide for replacement consent volumes not exceeding the highest use in the driest year in recent history (generally considered to be the 2012/13 water year), for land use as at August 2017 (the point at which HBRC publicised the decision to cap groundwater usage at current peak dry-year levels). However, since TANK completed and the Plan was drafted, Hawke’s Bay has experienced a severe drought in 2019/20 water year. Given this recent experience and vastly improved water meter data collection in the most recent years, I consider that the 2019/20 water year data should be available as a benchmark dry year.</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>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.</p> <p>Amend the Glossary definition of “Actual and Reasonable to provide that the volume allocated at consent renewals is the lesser of:</p> <ul style="list-style-type: none"> - the amount calculated by a Hawke’s Bay-specific IRRICALC model at 95% security of supply; - the volume of the expiring consent being replaced.”, <p>or similar wording to achieve the outcome sought in this submission.</p>
Policy 5.10.6.39	This policy subjects consented water users in the Heretaunga Plains Water Management Unit to a regime which requires them to either participate in	I understand that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. I support, in principle, jointly-funded

<p>Requirement for flow maintenance (augmentation)</p>	<p>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. 3. Large temporal and spatial spread of consent expiries and large consent numbers make it impractical and inequitable to require consent holders to take full responsibility for the development. 4. No allowance for an orderly transition to any new stream augmentation has been made. The currently proposed provisions could apply immediately from notification of the Plan Change, including to a very large number of currently expired consents (particularly groundwater takes in the unconfined aquifer), whereas stream augmentation schemes may be reasonably expected to take years to commission, particularly the kind of large-scale schemes that would be required to maintain flows in the Ngaruroro River. 5. Consent reallocations under the “Actual and Reasonable” provision of the Plan based on 95% certainty of supply do not provide sufficient water volume to support stream augmentation in dry years and so would decrease the effective certainty of supply of consents. 	<p>collective stream flow maintenance schemes on suitable lowland streams, facilitated by HBRC.</p>
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<p>Policy 5.10.7.51 Water Use and Allocation - Priority</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>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, <u>affected primary sector groups</u> and MPI, to make decisions ...” or similar wording to achieve the outcome sought in this submission.</p>
<p>Policy 5.10.8.59 High Flow Reservation</p>	<p>This policy requires Council to allocate “20% of the total water available at times of high flow in the Ngaruroro or Tūtaekurī River catchments for abstraction, storage and use for” contributions to environmental enhancement and Māori development.</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>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 Tūtaekurī River catchments” (emphasis added), whereas the intention in TANK was for it to apply to BOTH rivers. This may just be a drafting error. 2. The Policy now covers water for both Māori development and environmental enhancement but Schedule 32 only refers to Māori development. 3. The allocation rate of 1600L/s for the Ngaruroro River in Schedule 32 represents 20% of the total high flow allocation limit for that river, whereas the TANK agreement was for 20% of the new allocation (6000L/s), ie 1200L/s. 	<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 Māori development, reduce the proposed Māori development reservation for the Ngaruroro River from 1600L/s to 1200L/s in line with the 20% new-water allocation agreed at TANK and remove the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the high flow allocation.</p>

	<p>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.</p> <p>5. The Policy now requires “allocation” rather than “reservation”, with uncertain implications for private sector interests</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.</p> <p>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?</p> <p>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 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>Adjust the Grape kg/ha/yr for all soils to recognise 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>

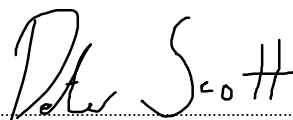
<p>Rule TANK 13 Taking water – high flows</p>	<p>This rule provides for capture, storage and use of surface water at times of high flow. I consider this to be a critical element of the overall Plan Change, providing the opportunity to re-engineer the Heretaunga Plains water use profile in a way that 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>RRMP Chapter 6.9 - 6.3.1 Bore Drilling & Bore Sealing, Rule 1</p>	<p>This rule change has the effect of making bore drilling within a Source Protection Zone (SPZ) a Restricted Discretionary activity, as opposed to a Controlled activity. The proposed SPZs cover extensive areas of the Heretaunga Plains, particularly in the unconfined aquifer zone where many vineyards are located. The proposed Plan brings in intensive controls over activities in the SPZs and are specifically drawn to capture areas of unconfined aquifer upstream of protected water takes. Given the already-permeable nature of the unconfined aquifer area that comprises the bulk of the SPZs and other substantial controls over landuse activities, there is negligible additional benefit in controlling bore drilling in this area where the bore is a replacement for existing infrastructure. Also the additional expense and uncertainty of Restricted Discretionary status is likely to act as a deterrent to bore replacement as part of a normal maintenance cycle. Accordingly, bore drilling for the purpose of replacement of existing infrastructure in the SPZs should remain a Controlled activity.</p>	<p>Add a Condition to 6.3.1 Rule 1 reading: “<i>c. The bore is located within a Source Protection Zone but is a replacement for an existing bore that will be decommissioned.</i>” or similar wording to achieve the outcome sought in this submission.</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</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</p>

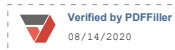
	<p>it is inefficient and counterproductive to apply an essentially pastoral-farming approach to viticulture.</p> <p>Schedule 30 also does not recognise the recent policy advances made nationally via the government’s Essential Freshwater package and in particular the Resource Management Amendment Act 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>	<p>those of the Resource Management Amendment Act 2020 and related S.360 regulations.</p>
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Do you wish to be heard in support of your submission? No

If others make a similar submission, would you consider

presenting a joint case with them at a hearing? No

Signature:  Date: 14 August 2020



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

Name of Submitter: Hawkes Bay Vegetable Growers Assoc

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 submission is:

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

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

Provisions & general description of issue	Amendments sought
<p><i>Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary</i></p> <p>Replacement of water permits based on actual and reasonable use</p>	<p>Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of:</p> <ul style="list-style-type: none"> a) the quantity specified on the permit due for renewal or any lesser amount applied for; or b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise an equivalent method) and to a 95% reliability of supply. <p>Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.</p>

<p><i>Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32</i> High flow takes and storage</p>	<p>The allocation limit for high flow takes should be revisited. We understand that the TANK collaborative group did not reach a consensus position on the allocation limit and we believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).</p>
<p><i>Policy 51, 52, TANK 7 and TANK 8</i> Availability of water for survival of permanent horticultural crops</p>	<p>A specific exemption should be provided in TANK 7 and 8 to allow up to 20m³ to continue to be taken per day to assist the survival of permanent horticultural crops.</p>
<p><i>Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b</i> Transfers of water permits</p>	<p>Transfers of all water permits that have been exercised should be enabled.</p>
<p><i>Policy 37 and 38</i> Restriction on re-allocation of water</p>	<p>The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (i.e. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primary production purposes (and would be allocated in accordance with proposed definition of ‘reasonable’ outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).</p>
<p><i>Policy 37, 39, 40, 41, TANK 18 and Schedule 36</i> Stream flow maintenance and augmentation schemes</p>	<p>Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don’t have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.</p>
<p><i>Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary</i> Industry programmes and landowner collectives</p>	<p>Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.</p>

<p><i>Policy 21, TANK 5, TANK 6, Schedule 26, Schedule 28 and Schedule 29</i></p> <p>Land use change and nutrient loss</p>	<p>A definition of what a change to production land use is needs to be provided to clarify what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.</p>
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Our Association comprises members across all HB who are active Commercial Growers and levy payers under the Commodities Levy act.

We have been active participants in the TANK process and look forward to a plan change that works for the community.

Plan Change 9/TANK is likely to affect our businesses in the following ways: our members are very aware of our environmental impacts, we aim to minimize our water use through increasing use of new technologies and other remedial actions etc. However our investment and job opportunities are based upon the security of our water supply to our businesses.

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

We wish to be heard in support of my submission.
If others make a similar submission, we will consider presenting a joint case with them at a hearing.

Signature of submitter:

Scott Lawson, Chair HBVGA

GHareth Holder, Vice Chair HBVGA

Date: 14.8.20

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

Contact phone number: 027 444 6267

Postal address: 302 Ngatarawa Road, RD5 Hastings 4175

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

Scott Lawson.

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

Name of Submitter: Peter Dooney / Dooney Partnership

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

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

My submission is:

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

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

Provisions & general description of issue	Amendments sought
<p><i>Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary</i></p> <p>Replacement of water permits based on actual and reasonable use</p>	<p>Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of:</p> <ol style="list-style-type: none"> the quantity specified on the permit due for renewal or any lesser amount applied for; or for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise an equivalent method) and to a 95% reliability of supply. <p>Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.</p>

<p><i>Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32</i></p> <p>High flow takes and storage</p>	<p>The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).</p>
<p><i>Policy 51, 52, TANK 7 and TANK 8</i></p> <p>Availability of water for survival of permanent horticultural crops</p>	<p>A specific exemption should be provided in TANK 7 and 8 to allow up to 20m³ to continue to be taken per day to assist the survival of permanent horticultural crops.</p>
<p><i>Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b</i></p> <p>Transfers of water permits</p>	<p>Transfers of all water permits that have been exercised should be enabled.</p>
<p><i>Policy 37 and 38</i></p> <p>Restriction on re-allocation of water</p>	<p>The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primary production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).</p>
<p><i>Policy 37, 39, 40, 41, TANK 18 and Schedule 36</i></p> <p>Stream flow maintenance and augmentation schemes</p>	<p>Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.</p>
<p><i>Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary</i></p>	<p>Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.</p>

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

My horticultural operation is located 49 The Loop Napier and comprises of the following crops and acreage 15 ha fruit trees and 15 ha mixed cropping

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

I seek the following decision from the local authority:

I wish to be heard in support of my submission.

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

Signature of submitter: P Dooney

Date: 14/8/2020

Electronic address for service: p.dooney123@gmail.com

Contact phone number: 027 8431946

Postal address: 49 The Loop, Napier

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



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

August 2020

TO: Hawke's Bay Regional Council

Name of submitter: New Zealand Apples & Pears Inc.



1 Apple & pear industry in Hawkes Bay

1.1 Overview of the apple & pear industry

The New Zealand apple and pear industry has 10,396 planted hectares, from which 66% is situated in Hawkes Bay. The New Zealand pipfruit industry has been growing at 3.5% Compound Annual Growth Rate (CAGR) in area and 13% CAGR in value for the past 8 years. The industry is projected to reach \$1 billion of exports by 2021 and to reach \$2 billion by 2030, creating an additional 2,159 permanent jobs and 11,052 seasonal jobs.¹ Pipfruit is the third largest horticultural export industry in New Zealand, representing an export value of \$870m FOB in 2019. Apples from New Zealand are exported to over 65 markets in 2020, from which they command a premium. ~67% of our crop is destined for export each year.

The New Zealand apple and pear industry has the world's highest productivity at 61 metric tonne per hectare. This is 48% higher than our nearest competitor and 161% higher than the world average.² Additionally, New Zealand was named in the World Apple Review as #1 in international competitiveness in 2015, 2016, 2017 and 2018.

A report completed in 2014 by Economic Solutions Ltd showed the regional economic impacts of the pipfruit industry in each of the growing regions. In 2013, the pipfruit industry contributed \$370.5 million to the regional GDP and employed 3,110 staff. No recent report has been completed, but we can assume that the impact the pipfruit sector has on jobs and regional GDP is greater in 2020, based on the land area in Hawkes Bay increased by at least 1160 hectares or 22% and an increase in production by 63,820 MT or 31%, compare to 2013.

1.2 Pipfruit water use and irrigation management

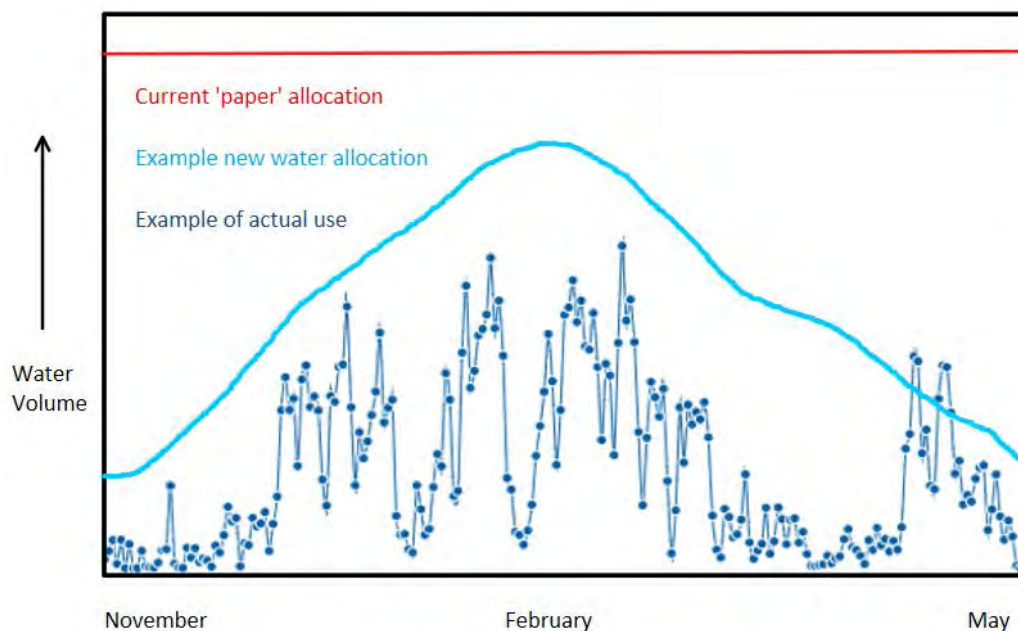
Irrigation management for producing trees is a tool to control vigour, maximise growth and manage outcomes such as fruit size, maturity, colour and storability. The impact of water stress on apple and pear trees is well reported, for both young and producing blocks.

There has been a shift over the last decade with the replacement of 'older' style blocks that were on high vigour rootstocks, planted on large spacings (~1000 trees/hectare), to low vigour rootstocks in high density planting systems (2000-4000 trees/hectare). These newer, high density plantings are efficient producers in terms of tonnes per hectare (often reaching yields upwards of 100 MT/Ha) and are developed with sophisticated, micro-irrigation systems which allows for targeted, efficient application of water directly to the root-zone.

All exporting apple and pear orchards comply with the international assurance program, GlobalGAP. Within this, growers are assessed on a number of control points that cover food safety (annual water tests for contaminants, checks of bore for contamination) and irrigation use (calibration of system, irrigation decision making, timeframe and application). GlobalGAP is a requirement to export (both regulatory and commercial), and all export pipfruit orchards in New Zealand are GlobalGAP certified. Pipfruit growers either outsource or in-house manage irrigation monitoring, either weekly using TDR or neutron probe systems, or permanent continuous monitoring sites which give records to 5 minute intervals. By monitoring they ensure irrigation events are justified, timed and delivered effectively which enables a high level of compliance within the programme. NZGAP is a similar assurance standard that is used by producers that sell their fruit domestically.

Water use on apple and pear orchards is not uniform year-round. Apples and pears are a deciduous crop which means they are permanent (often in the ground for 10-30 years), they have a dormancy period from May through September, bloom from October and harvest from Mid-February through to May. There are certain times of the year where water availability is imperative, especially as Hawkes Bay seasons often

dictate hot and dry summers, and often windy and dry springs. Graph 1 depicts seasonal water use, with few applications going on through spring to top up the water profile in the view of supporting flowering and fruit set, the bulk of irrigation happening through the summer months, as higher temperatures result in higher crop use (evapotranspiration is highest through these months) as the trees actively photosynthesise to provide enough energy for the fruit to set, grow and mature. There is also an uptick in irrigation right before the trees go into dormancy, to ensure they are 'set up' with good energy stores to set a crop the next season.



Graph 1 Seasonal water application: Current/Historical "paper" allocation, Irrigal new allocation, Expected actual irrigation use)³

To ensure the pipfruit industry continues to grow at 3.5% CAGR in area and 13% in value, Plan Change 9 needs to accommodate for the key areas of concern highlighted in this report. These are land availability, land use change, change of water requirements, R&D for industry best practice, and water storage options in the future.

The cost to industry for getting this wrong will have direct impacts on land value and growth potential, therefore our CAGR in area, and fruit quality and quantity, therefore our CAGR in value. If growth by area and value suffer, this could then have secondary, but very real, impacts on regional prosperity and wellbeing.

References:

¹ New Zealand Apples & Pears Inc. Annual Report, 2020

²The World Apple Review, 2018, Belrose Inc. World Fruit Marketing Analysis (<https://www.e-belrose.com>)

³AgFirst Hawke's Bay

2 Response to Plan Change 9

2.1 Introduction

New Zealand Apples & Pears Inc. (NZAPI) would firstly like to thank Hawke's Bay Regional Council (HBRC) for the opportunity to respond and submit on the TANK Plan Change 9 and welcomes any opportunities to work collaboratively in the future.

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

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

2.2 General comments

NZAPI supports the overall focus of maintain and/or improving water quality and acknowledges that it is important to plan how we address and manage this into the future. Industry supports the general principles of what the HBRC Plan Change has set out to achieve, and growers are aware of the need for water users (of which they are one group) to do "their bit" to help in this process. Water users need to learn to live within the boundaries of fair and reasonable irrigation consent allocations, ensure their water management focusses on improved irrigation use efficiency, and optimising environmental outcomes, alongside ensuring their own long-term business sustainability. Therefore, NZAPI fundamentally agrees with a New Zealand wide focus on ensuring the future quality of water bodies.

Horticulture is critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available to provide for that. The value of horticulture, its contribution to export earnings, its role in providing for domestic food supply and security, and the ability to feed people in the future particularly in a changing climate, is not currently reflected in the proposed Plan Change 9.

The economic impact to the region through potential adverse effects from the implementation of the plan have not been adequately understood. Fair and balanced assessments of impacts: environmental, social, and economic, are important. Economic analysis does not appear to be fairly addressed as recommended in the Economy Wide Impacts of Proposed Policy Options for TANK Catchment, 20 August 2018, commissioned by the TANK Economic Analysis Group.

There is concern that the plan lacks detail in certain areas and on how the rules will be implemented. Without clear detail on how the plan will be implemented, industry cannot assess the true impact on the orchards and to the region. The submission provided by Horticulture New Zealand addresses areas lacking in detail and seeks clarity regarding definitions that are relevant across horticultural sectors. There is concern that without robust development of objectives and policies with industry consultation, implementation of the plan will restrict industry's ability to manage available water, impact land use change and ability to expand.

Of major concern for the apple and pear industry is that its largest producing region, Hawkes's Bay, will effectively become locked into historic patterns of water and land use. This plan change needs to provide opportunities for change that will enable improvements in freshwater management to be achieved and without adverse effects of the industry's potential for growth.

3 Areas of concern and potential impacts

The following sections outline areas of concern to the apple and pear industry in Hawke's Bay.

3.1 Ensuring meaningful environmental outcomes

Growers are aware their management practices affect the environment in which they live and work. New Zealand Apples & Pears Inc. provides a lot of time, resource, and research into ensuring growers are well educated and following best management practices. All export growers are GlobalGAP certified and therefore are audited by a third party on an annual basis, as well as completing individual customer audits. There are substantial amounts of information and tools available for growers and are audited to ensure best management practices are implemented and followed. New Zealand Apples and Pears Inc. undertakes research and development on behalf of its grower members to ensure best practice is based on scientifically robust and proven management strategies.

NZAPI supports the overall sentiment of the plan change, however, supports only changes in the plan that can confidently show meaningful gain to the environment. There is a concern that some restrictions may not provide substantial environmental gain but could create a cost or risk to growers. Restrictions should only be considered where there is clearly researched and articulated risk vs reward studies that accurately quantify the expected impact of potential restrictions on both growers and the environment.

The following sections highlight areas where NZAPI believe consideration is required for meaningful environmental gain:

3.1.1 Stream depletion effects

Maintaining adequate stream flows is important for the health of aquatic ecosystems. Surface water models have indicated that all irrigation users are likely to have some effect on neighbouring water ways (low land streams and / or rivers).

It is important to consider the timeframes and lag between imposed restrictions and the intended mitigating impacts. To ensure that restrictions are having a meaningful environmental gain, the expected timeframe lag between irrigation reductions and when that would flow onto any environmental gains might take to occur need to be considered. It is important to consider that once the cone of influence from an irrigation take is having an effect on a local water body, the effect of stopping the use of individual grower irrigation is not always having an instantaneous improvement (meaningful environmental gain) on the water body, it could be many weeks later before the water body (generally rivers) stops being affected. By this time in the Hawkes Bay climate it is likely that rainfall in the ranges has already happened and freshened up the rivers (with the irrigation ban not actually leading to a meaningful environmental gain).

The majority of water users are well informed and use the resources appropriately. Water bans designed around a single minimum flow point is a very crude water management tool, a better approach could be staged reductions to maintain flow regimes and provide some water to maintain crops and rootstock in dry years.

3.1.2 Land use change and environmental impacts

Hawke's Bay is New Zealand's largest apple and pear producing region, producing fruit that is exported around the world. The ability to expand is important for the industry and region and developing land for orchards can have a positive environmental impact. The plan needs to allow for land use change and ensure growers can undertake land use changes with minimum disruption if they can show acceptable environmental impact outcomes.

Allocation based on the 'lesser amount of actual and reasonable' will directly impact land use change, land value, and growth, effectively locking the plains into historic patterns of water and land use. For example, land that has historically been used where water inputs are low (e.g. bare land or viticulture) would then not be available for apple and pear establishment and industry growth or where a property stop producing and using water they are at risk of losing their water allocation and therefore decrease in land value. This plan change needs to provide opportunities for change that will enable improvements in freshwater management to be achieved and without adverse effects of the industry's potential for growth.

Apples and pears are low nitrogen input systems, but question nitrogen loss being used as a trigger for resource consent to allow a land use change to occur. Land use change should consider and encourage change based on land use suitability and overall environmental impact and against broader benefits / impacts for the area or region, and not on nitrogen loss alone. Contaminants identified as key issues for particular water bodies varies across the region, and land use change may in fact have a positive environmental impact.

3.1.3 Water storage

Storage of water needs to be kept open as an option, this includes dams at property or community scale or on farm water storage. It is critical that the harvesting of water at high flows, and storage for later utilisation, is provided for by the TANK plan change and NZAPI supports HortNZ's submission that further work needs to be done to identify whether or not additional water can be taken for this purpose.

Recommendation:

- Harvesting of water at high flows, and storage for later utilisation, is provided for by the TANK plan and recognised as an important means of securing water for future generations.

3.1.4 Riparian planting

It is important to ensure that riparian planting provides ecosystem services while selecting species that are appropriate for horticultural landscapes. Significant areas of riparian planting are mentioned in the plan; however, detail is lacking on how this would be implemented. For riparian planting to be successful, strong community engagement is required and selection of species needs to be considered and well researched. Land, cost, timeframes, and resources all need to be consulted and addressed along with long-term maintenance requirements – these all need to be considered at the time of establishing riparian planting.

Plant selection for riparian planting in a horticultural landscape needs to consider pest populations, host species, phytosanitary, and biosecurity implications as well as their ability to filter nutrients and provide shade etc. Horticultural groups should be consulted and engaged to assist in developing riparian planting advice for growers that are appropriate for horticultural landscapes. As land use may change and these plantings will be permanent, often on boundaries and may act as corridors – this should be considered in a wider horticultural context.

Recommendation:

- Clear outline of expectations regarding riparian planting: land, cost, timeframe and resources.
- HBRC work together with NZAPI, HortNZ and other horticulture sectors and industry groups on appropriate species selection for ecosystems services and suitable plantings in a horticultural landscape.

3.2 Flexibility to incorporate improved information and new knowledge

Research and innovation allow continual learning and improvement in all aspects of the way we manage orchards and landscapes. The plan needs to allow flexibility for a changing environment, new knowledge,

and improved best practice in light of new research or from outcomes of projects such as the National Science Challenges – Our Land Our Water. This flexibility needs to extend beyond practical land management, but it is important that this encompasses the underlying modelling used in the plan change. Information as model inputs, from crop water use to soil types, and modelling techniques, all need to allow for continual improvement. A plan that doesn't allow the flexibility to include the most up-to-date information could have significant effects on the horticultural industry and on environment impacts. Consideration should also be given that allows for new solutions and innovation that could potentially deliver superior outcomes by replacing prescribed regulations.

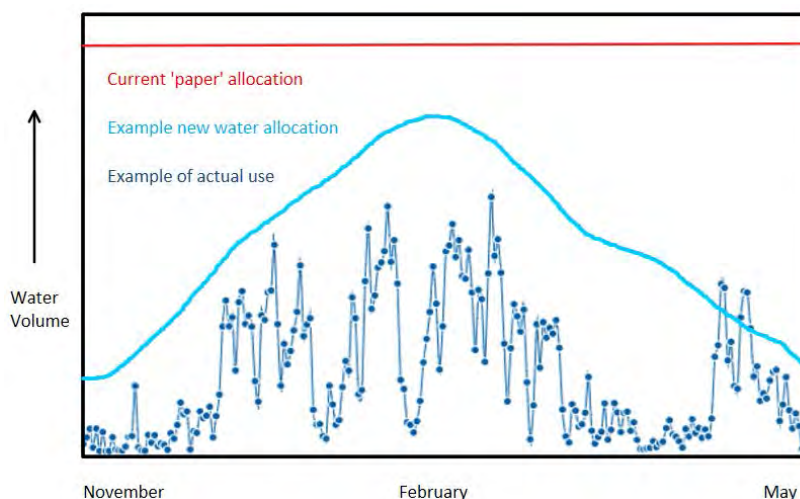
Recommendation:

- the plan change has underlying rules directing that if new information or science reveals a rule or implementation of the rule to be having incorrect consequences or reveals a better approach (in regards to the values and vision of the TANK Plan Change) the most informative and recent science must be taken into account and used to correct the plan or the direction of implementation.

3.2.1 Grower water allocation volumes

The allocated volumes of water based on 'actual and reasonable' use has caused real concern for growers due to issues with availability and accuracy of water meter data, which makes it impossible for them to demonstrate actual use. Areas of concern regarding allocation include:

- The difficulty for many growers to demonstrate actual use because of a lack of robust water meter data – either because water meters were not installed until recently, or water meter records that do exist are not entirely accurate as in many instances the finetuning of the meters to ensure accurate readings took some time. Therefore, much of the historical data from water meters is likely to be inaccurate
- The plan change specifies the lowest of either the IRRICALC predicted irrigation use data or the actual historical water meter data to set up future irrigation consents – this is likely to be a risk to growers who have inaccurate water meter records and are therefore are unrealistically and unfairly low
- Growers that have made water savings gains are likely to be penalised compared to less efficient water users as their actual use will be lower. Water users who employ careful management and use water most efficiently will have lower actual water use statistics, therefore places them in an unfair position.
- Growers water use patterns may have changed over time, young trees or fallow ground during this 2007 – 2017 period, may mean that this data does not represent the current or future cropping needs of a grower. Young trees or orchard redevelopment that has seen a significant increase in the planting of shallower rooting stocks, has necessitated a requirement to irrigate less water, more regularly, because the shallower roots cannot access water as far down the soil profile.
- Irrigation systems and practices have developed and improved significantly since 2007, although their implementation has occurred over varying timeframes. Irrigation infrastructure and systems are much more efficient, guided using monitoring and scheduling, using best management practices. Therefore, the actual – on orchard application efficiency of each irrigation scheme can vary and needs to be considered when assessing how appropriate the allocated volumes are compared to orchard need.
- Annual allocations rather than a flat line reduction (based on monthly allocations) will allow growers to irrigate to their actual use patterns. A flat line reduction in allocation would over allocate water when it is not needed and negatively impact industry when water is 'needed', refer to graph below. Industry can use the same amount of water (or less) over a time period if allocation is made appropriately to work with industry's pattern of use.



Recommendation:

- That water allocation be based on 'reasonable' use rather than 'actual and reasonable', this should applying to both existing properties and for determining allocations for change in land use.

3.2.2 Stream or river depletion assessments

The stream depletion calculator will be a key tool in determining the impacts growers are expected to address and the mitigation measures that are expected to be implemented. It is acknowledged that these models have been developed using robust scientific approaches that have been peer reviewed. The effects of the outputs of this model will be significant for growers and it is important that there is a high level of confidence across the community that it is appropriate. Models are useful tools but have their limitations and must be utilised accordingly. It is important that the plan allows for model improvements, or replacement if it is superseded by new information, sources of inputs or methodologies.

The limited extent of reliable historical irrigation use and lack of good scientific water use data has resulted in water use / effects models populate based on potential grower use from historical paper allocation volumes. This causes challenges in that the over-estimated usage values are used to drive environmental models. The assumption in the model that irrigation pumping is 24 hrs per day for the entire irrigation season (no let off for rainfall etc.) it is guaranteed to over-estimate the environmental effects when compared to irrigation reality. This causes concern in that the overstated usage data is feeding the environmental impact modelling – giving an overinflated worse case environmental impact scenario.

The closer to reality that a grower can get their estimated level of stream depletion effect the easier it is to target the specific management options that might be available to them such as augmentation and the volumes of water that this might require. Allocated volumes that are available using the IRRICALC software and then, once growers have high quality actual water meter usage data over a reasonable time frame, could be used to reassess how appropriate the initial prediction model input data assumptions are.

Recommendations:

- as newer / lower consented allocation information numbers become available they should be used to update the different HBRC assessment models (e.g. over allocation, stream depletion impact assessment)
- inclusion of provision for the ongoing ability for individuals to manage their own effects

3.2.3 New solutions and innovation

NZAPI encourages the plan to be able to incorporate new solutions and innovations. There is a need to have the ability to create rule exceptions for activities shown to improve water quality, stream health and biodiversity. Regulatory frameworks have been a large barrier in trialling and implementing solutions and this plan change needs to leave open easy pathways to solutions e.g. bioreactors may be appropriate mitigation tools in some situations but can be restricted through regulation. NZAPI suggest where science shows new solutions that are more appropriate or have more relevance to creating desired outcomes – there is an ability to not just create rule exceptions but to replace with these with new solutions.

3.2.4 Nutrient Loss

Nutrient loss is a key focus of this plan change, as with all aspects of the plan we encourage the opportunity to incorporate new knowledge, improved models, actual measurements, or the latest scientific data to supersede modelled data such as Overseer. There are currently limited options available for modelling nutrient loss, particularly from horticultural systems. While work is ongoing to improve nutrient loss models (e.g. Overseer which was originally developed for dairy pasture-based systems), for horticultural crops – their accuracy is still questionable.

Given the current capabilities related to modelling nutrient loss, the approach in the plan change is understandable, it is important that flexibility is incorporated to allow the applicant to use an approved model to calculate their land use change impact.

3.3 Catchment Collectives and Industry Schemes

Approaching problems as collectives or groups, or recognising existing programs is supported and encouraged where appropriate, however these types of groups and schemes operate very differently which needs to be understood, but all could play an important role in achieving improved environmental outcomes in terms of water use and environmental impacts.

Industry programmes, or in the case of the GAP schemes, industry assurance schemes are about the development, implementation and monitoring of good agricultural practice, which could incorporate farm environment plans – one tool that will help facilitate good environmental management practices.

Catchment collectives enable a collective approach to managing resources – whether that be land or water, and provide a means of potentially sharing the use of those resources (in terms of water), but also could enable sharing of any costs associated with monitoring, technical support, as well as management effort and knowledge sharing amongst landowners and the development of shared objectives and actions.

NZAPI supports the use of groups being able to work together, allowing for potential solution identification and implementation, assuming science supports the effectiveness of that solution. Groups however, could take a range of forms, by catchment, product groups, horticultural groups or broader to include pastoral systems as well.

Recommendations:

- NZAPI encourages the use of industry schemes (e.g. GlobalGAP) where possible for growers to provide evidence of good agricultural practice and used by growers to satisfy the farm planning requirements of this proposed plan.
- As industry schemes (e.g. GlobalGAP) are annually audited by a third party, and suggest that this would therefore not be required under this plan

- Where appropriate, support the opportunity for stream depletion effects to be managed collectively, but believe it will be extremely difficult for schemes to be developed by consent applicants, and therefore suggest exploring the development of these schemes in a progressive manner by HBRC, in consultation with affected growers

3.4 Allowing time for implementation

In general, the plan allows time for practice changes to be made, and the impact of those monitored and understood before decisions about further restrictions are made. NZAPI supports this approach and believe that we need to allow time for changes to be implemented, but also we believe it is critical to work with growers as they require assurance that they can continue to operate, environmentally and economically sustainably, for them to make investments in infrastructure etc.

4 Summary and recommendations

1. Industry support maintaining / improving water quality and plans to develop how we address and manage this into the future.
2. There is concern that the provisions of the plan change as currently drafted will unnecessarily restrict the industry's ability to abstract water, impact land use change and ability to expand.
3. Restrictions should only be considered where there is clearly researched and articulated risk vs reward studies that accurately quantify the expected impact of potential restrictions on both growers and the environment.
4. Recommend that the plan change incorporates underlying rules directing that if new information or science reveals a rule or implementation of the rule to be having incorrect consequences or reveals a better approach (in regards to the values and vision of the TANK Plan Change) the most informative and recent science must be taken into account and used to correct the plan or the direction of implementation.
5. Support the use of existing industry schemes (e.g. GlobalGAP) to be incorporated where appropriate.
6. Support a collective approach to managing effects of both land use and water use, however acknowledging that industry schemes and collectives are very different mechanisms that while both important, achieve different outcomes in different ways. Also acknowledging that collectives could be formed in different ways.
7. That water allocation be based on 'reasonable' use as many growers will have difficulty demonstrating actual use because of a lack of robust water meter data.
8. As newer / lower consented allocation information numbers become available they should be used to update the different HBRC assessment models (e.g. over allocation, stream depletion impact assessment)
9. Inclusion of provision for the ongoing ability for individuals to manage their own effects.
10. Harvesting of water at high flows, and storage for later utilisation, is provided for by the TANK plan and recognised as an important means of securing water for future generations.
11. Clear outlines and expectations of riparian planting regarding: land, cost, timeframe and resources. HBRC work together with horticulture sectors and industry groups on appropriate species selection for ecosystems services and suitable plantings in a horticultural landscape.

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

Name of Submitter: Paul Paynter on behalf of Johnny Appleseed Holdings Ltd

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

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

My horticultural operation is located at 548 St Georges Rd Sth, RD2 Hastings 4172 but extends over some 70 titles and 700 hectares between Eskdale and Pukahu. We grow approximately 400HA of apples, 200 HA of stonefruit (nectarines, peaches, plums, apricots and interspecific varieties), 30 hectares of pears, fruit nurseries and a range of annual crops.

We have approximately 360FT employees and sell 70% of our crops on the domestic market, predominately under the well known 'Yummy' brand, which we established in 1974.

We are a family business that has been fruit growing since 1862 and since 1904 in Hawkes Bay.

I seek the following decision from the local authority: Accept with amendments

My submission is:

- I generally support the overall framework of Plan Change 9, to the degree that it reflects a staged approach to improving the management of the TANK Catchments freshwater resources.
- Horticulture is critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available to provide for that. The value of horticulture and its role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9.
- TANK analysis correctly concludes that groundwater allocations do not reflect actual water use. In many cases they are a proxy value for the water requirement in a 1 in 20 year drought. Moreover, historic consents were based on lazy estimations of actual water requirements as water was generally regarded as super-abundant. TANK analysis gives far too much credence to groundwater consent numbers. They are not a sensible basis on which to conclude 'overallocation' or to set allocation limits for individual users. Actual water use during exceptionally dry 2020 summer is probably the most accurate indicator of maximum water requirement for the existing land use.
- Of recent years cultural and environmental considerations under the RMA have been more fully considered but sometimes to the detriment of social

and economic considerations. Policies need to reflect the dynamic realities of water takes, the relative necessity of minimum water takes and extreme variation in economic impacts caused by water restrictions or bans. Specifically:

- Land use and water takes in some industries or on some properties is much more dynamic than low resolution analysis indicates. For instance, many of the pipfruit and stonefruit orchards in Hawkes Bay are new the end of their economic life. They will make a transition to new crops or growing structure over the next decade and the water requirements over this time will be dynamic. For example an old apple 'semi-dwarf' apple orchard planted on M793 rootstock has a modest demand for water. The trees are fairly deep rooted and well established. It may be removed and a season of annual crops may be grown; commonly mustard for soil sterilization. It might then be more intensely planted in dwarf apples under a new growing system. The water take over the next three years may be quite modest but slowly increase in the 6 years from planting. Orchard productivity would also be much greater than it had been previously. These dynamics reflect the necessity of the HBRC to have some understanding of the past present and future water requirements and industry participants may also be greatly interested in a collective forecasting model.
- It would be desirable to have multiple levels of water allocation rights. The highest may represent an indicative right for maximum use in a dry year and at the lowest level and absolute right that ensures the preservation of capital stock (i.e trees and vines). In a water crisis, growers may be prepared to sacrifice lower valued annual crops or secondarily, a single year's production from a perennial crop. What they do wish to preserve is the capital stock and the economic and social impacts of not doing so have been insufficiently considered. By way of an example, a total water ban for 3 weeks could kill every grape vine in the Gimblett Gravels. There simply isn't the capacity to truck in enough water to save the hundreds of thousands of perennial trees and vines in Hawkes Bay. It would take perhaps 5 years to bring new vineyards back into production and many more to replicate the wine quality that can be delivered from older vines. Over this time the impacts on jobs and downstream economic activity would be vast. A guaranteed minimum water allocation and/or a cap and trade system for water use would create the security needed to preserve high value perennial crops.
- Simplistic binary allocations of water are not sufficiently nuanced. For growers there is an optimal supply of water, an acceptable supply of water and a bare minimum supply of water in the case of perennial crops. No regulator can manage water appropriately without some understanding of the specific water requirements of each operator and economic and social impacts of water restriction at different levels.

- I support the ability for a group of landowners to be able to manage environmental issues collectively to improve the effectiveness of the response to water issues. I consider Plan Change 9 should better enable collective approaches to water and nutrient management by reducing the level of detail and specificity in the plan, as every collective grouping will be slightly different and work in a slightly different way, and it is important that this is enabled.
- Where this submission aligns with that of Horticulture New Zealand's submission, I support that submission.
- I oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. I also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

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

Provisions & general description of issue	Amendments sought
<i>Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary</i> Replacement of water permits based on actual and reasonable use	Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of: <ol style="list-style-type: none"> the quantity specified on the permit due for renewal or any lesser amount applied for; or for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise an equivalent method) and to a 95% reliability of supply. Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.
<i>Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32</i> High flow takes and storage	The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).
<i>Policy 51, 52, TANK 7 and TANK 8</i> Availability of water for survival of permanent horticultural crops	A specific exemption should be provided in TANK 7 and 8 to allow such minimum takes as required to ensure the survival of perennial horticultural crops.
<i>Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b</i> Transfers of water permits	Transfers of all water permits that have been exercised should be enabled.
<i>Policy 37 and 38</i> Restriction on re-	The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected

allocation of water	water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primary production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).
<i>Policy 37, 39, 40, 41, TANK 18 and Schedule 36</i> Stream flow maintenance and augmentation schemes	Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.
<i>Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary</i> Industry programmes and landowner collectives	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.
<i>Policy 21, TANK 5, TANK 6, Schedule 26, Schedule 28 and Schedule 29</i> Land use change and nutrient loss	A definition of what a change to production land use is needs to be provided to clarify what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.

I wish to be heard in support of my submission.

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

Date: 14 August 2020

Electronic address for service:

Contact phone number: 021 242 8264 or 06 877 8127

Postal address: 548 St Georges Rd Sth, RD2 Hastings 4172

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

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

Name of Submitter: Irrigation Services Orchard

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

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

My submission is:

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

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

Provisions & general description of issue	Amendments sought
<p><i>Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary</i></p> <p>Replacement of water permits based on actual and reasonable use</p>	<p>Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of:</p> <ul style="list-style-type: none"> a) the quantity specified on the permit due for renewal or any lesser amount applied for; or b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise an equivalent method) and to a 95% reliability of supply. <p>Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.</p>

<p><i>Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32</i> High flow takes and storage</p>	<p>The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).</p>
<p><i>Policy 51, 52, TANK 7 and TANK 8</i> Availability of water for survival of permanent horticultural crops</p>	<p>A specific exemption should be provided in TANK 7 and 8 to allow up to 20m³ to continue to be taken per day to assist the survival of permanent horticultural crops.</p>
<p><i>Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b</i> Transfers of water permits</p>	<p>Transfers of all water permits that have been exercised should be enabled.</p>
<p><i>Policy 37 and 38</i> Restriction on re-allocation of water</p>	<p>The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primary production purposes (and would be allocated in accordance with proposed definition of ‘reasonable’ outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).</p>
<p><i>Policy 37, 39, 40, 41, TANK 18 and Schedule 36</i> Stream flow maintenance and augmentation schemes</p>	<p>Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don’t have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.</p>
<p><i>Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary</i> Industry programmes and landowner collectives</p>	<p>Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.</p>

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

- 450 Lawn Rd
- 435 Lawn Rd
- 68 Tennant Rd
- 290 St Georges Rd
- 239 St Georges Rd
- 32, 34, 53 Grasmere Ave
- 23 Bennett Rd

and comprises of the following crops and acreage:

- Apples 87.75 ha (effective)
- Peaches 3.75 ha (effective)
- Cherries 0.6 ha (effective)

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

By drastically increasing the uncertainty of orchard productivity and operation. This flows on to uncertainty of labour and long term employment.

Steady and consistent production is paramount in the already high risk nature of orcharding; with hail, weather and labour shortages.

Orcharding is very efficient nutrient and water wise but water is crucial to allow this efficient land use for food preparation to prosper

We currently employ 52 RSE Workers and 48 Kiwi employees, without certainty of water year in year out steadiness of employment cannot occur.

We can adjust business practice by incorporating water storage long term but if high flow is limited there are no alternatives to mitigate risk and production and long term improvements cannot be instigated.

I seek the following decision from the local authority:

What has been detailed needs to be acted on to allow certainty of orchard operation and employment

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

Signature of submitter:

A handwritten signature in blue ink, appearing to be 'AMS', written in a cursive style.

Date: 14th August 2020

Electronic address for service: adrian@irrigationservices.co.nz

Contact phone number: 027 450 9904

Postal address: 450 Lawn Road, RD 10 Hastings 4180

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

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

Name of Submitter: Michael and Julie Russell

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

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

My submission is:

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

relates to are:

**Provisions & general Amendments sought
description of issue**

Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of:

- and the Glossary*
- Replacement of water permits based on actual and reasonable use
- a) the quantity specified on the permit due for renewal or any lesser amount applied for; or
 - b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise an equivalent method) and to a 95% reliability of supply.

Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.

Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32 The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently

High flow takes and storage provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).

Policy 51, 52, TANK 7 and TANK 8 A specific exemption should be provided in TANK 7 and 8 to allow up to 20m³ to continue to be taken per day to assist the survival of

Availability of water for permanent horticultural crops.
survival of permanent horticultural crops

Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b Transfers of all water permits that have been exercised should be enabled.

Transfers of water permits

Policy 37 and 38 The re-allocation of any water that might become available within
Restriction on re-allocation of water the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primary production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).

Policy 37, 39, 40, 41, TANK 18 and Schedule 36 Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportion the

Stream flow cost equally and concomitantly across all takes affecting maintenance and groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.

Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.

Industry programmes and landowner

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

Our property is located at 129 Rosser Road, Hastings, and comprises 53.048 hectares of which approximately 31.4 ha is annual crops, 2.04 ha in buildings and curtilage, and 19.608 hectares of orchard, predominantly planted in plums, grown for the local market and processing industries. We are the largest grower of plums in New Zealand and take an active role in industry representative groups and research programmes.

We employ a full time orchard manager, and typically have 2-3 other staff working on the orchard most of the year. Thinning and harvest are undertaken by local contractors. We typically spend over \$400,000 annually on salaries and wages. We are currently undertaking succession planning for our property looking at how we can structure to continue to grow and flourish when we wish to retire. This is looking to continue farming as we currently do, or perhaps further develop some of the arable land into permanent crops. We are strongly focused on what we can establish to maintain and improve the lifestyles of our children, grandchildren, and permanent staff members. We are unsure whether this draft plan change will allow us these opportunities, although hope that these considerations have been made.

We have attended a number of public meetings and talk with many others involved in primary and secondary industries about the significant changes to existing practices indicated in this draft plan that we consider may have a detrimental impact on our farming operation. We do not have extensive knowledge on the legal structure of this document, the language, and interpretation thereof, but consider the following;

1. Land use change, and our flexibility to change growing systems or crops, either on an annual or permanent basis, and knowing that those opportunities are available to us with sufficient irrigation water when we want it, and nutrient discharge limits that are reasonable and achievable in normal growing operations.
2. Water allocation limits that are fair and reasonable, that can be based on "actual and reasonable" use, but considering seasonal and climatic and crop rotation variation. The least of option that considers highest recorded use between 2007 and 2017 is irrelevant, as our recorded use has fluctuated widely over this period as

- support what water use decisions we were making and why, over that period.
3. Stream flow maintenance suggestions are potentially a significant cost for us going forward, yet I see no evidence of stream flows being affected in the two streams bounding our property even though we live in a district of extensive arable farming all of which is irrigated. I appreciate that cumulative impacts of groundwater takes may be affecting stream flows but hydrological study done on our property, and neighbouring properties of which I am aware show the impact to be “less than minor” and this is my observation of the Kawerawera and Awanui streams adjoining our property.
 4. We currently undertake significant lamb fattening operations on the arable land over the non cropping periods of the year and appreciate that this creates a different risk regarding potential nutrient leaching. We have little or no understanding of what this may be, but see the draft plan as possibly restricting this activity due to unknown potential nutrient leaching impacts. We need more knowledge in this area before being comfortable with these limits.
 5. I consider the long term solution to water sustainability and changing future demands for water is storage, and want to ensure that that opportunity is enabled in a fair and equitable way for all water users going forward.

We would like to see due consideration given to our concerns above in particular;

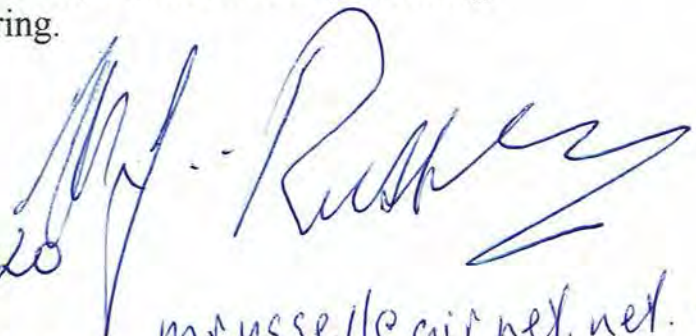
1. The ability to change land use and crop rotations with the understanding that sufficient irrigation water allocation is available for us to continue to do as we are currently practicing.
2. “Actual and reasonable” allocations do not consider the least of option for the 10 years preceding 2017, because those records do not exist, and our operations have changed frequently over that period.
3. I see no need for us to contribute to stream flow maintenance schemes as I see no impacts from our operations, and from other extensive irrigation operations in our vicinity on the two streams neighbouring our property.
4. Rules around the harvesting, storage, reticulation, and utilization of stored water that is fair and equitable for all water users going forward

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

Signature of submitter:

Date:

14/08/2020



Electronic address for service:

mrusselle@airnet.net.nz

Contact phone number:

0274 434349

Postal address:

129 Rossier Rd. R.D. 4 Hāshir

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

Mike Russell

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

Name of Submitter: Gillum Springfield Trust, per Steve Gillum

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

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

My submission is:

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

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

Provisions & general description of issue	Amendments sought
<p><i>Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary</i></p> <p>Replacement of water permits based on actual and reasonable use</p>	<p>Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of:</p> <ol style="list-style-type: none"> the quantity specified on the permit due for renewal or any lesser amount applied for; or for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise an equivalent method) and to a 95% reliability of supply. <p>Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.</p>

<p><i>Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32</i> High flow takes and storage</p>	<p>The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).</p>
<p><i>Policy 51, 52, TANK 7 and TANK 8</i> Availability of water for survival of permanent horticultural crops</p>	<p>A specific exemption should be provided in TANK 7 and 8 to allow up to 20m³ to continue to be taken per day to assist the survival of permanent horticultural crops.</p>
<p><i>Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b</i> Transfers of water permits</p>	<p>Transfers of all water permits that have been exercised should be enabled.</p>
<p><i>Policy 37 and 38</i> Restriction on re-allocation of water</p>	<p>The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primary production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).</p>
<p><i>Policy 37, 39, 40, 41, TANK 18 and Schedule 36</i> Stream flow maintenance and augmentation schemes</p>	<p>Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.</p>
<p><i>Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary</i> Industry programmes and landowner collectives</p>	<p>Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.</p>

<p>Policy 21, TANK 5, TANK 6, Schedule 26, Schedule 28 and Schedule 29 Land use change and nutrient loss</p>	<p>A definition of what a change to production land use is needs to be provided to clarify what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.</p>
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My horticultural operation is located 484 Springfield Road, RD3 Napier 4183 and comprises of the following crops and acreage: 20 ha of apples being approximately 50% medium density older plantings and 50% newer intensive plantings of export varieties.

Plan Change 9/TANK is likely to affect my business in the following ways: As we continue to replace older wider plantings with narrower closer spaced plantings we are at risk of not being able to obtain the optimum amount of irrigation water to continue to produce the highest quality export apples that this property has produced for over 30 years. The opportunities for re-investment or diversification into other high value crops such as gold kiwifruit, by either ourselves or future owners, will be constrained. Over 35 year we have proven that this property really is amongst NZ's best classed horticultural soils & that provision of adequate water is critical to the ongoing best utilization of the property.

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

~~I wish to be heard in support of my submission.~~

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

Signature of submitter: Stephen Paul Gillum, Trust Mgr



Date: 14 Aug 2020

Electronic address for service: blenkarne@gmail.com

Contact phone number: 2010 833 6350

Postal address: 484 Springfield Road; RD3 NAPIER 4183

Contact person (if submission on behalf of a business or organisation): Steve Gillum -as above

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

Name of Submitter: WT Scott

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

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

My submission is:

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

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

Provisions & general description of issue	Amendments sought
<p>Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary</p> <p>Replacement of water permits based on actual and reasonable use</p>	<p>Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of:</p> <ul style="list-style-type: none"> a) the quantity specified on the permit due for renewal or any lesser amount applied for; or b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise an equivalent method) and to a 95% reliability of supply. <p>Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.</p>

<p>Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32 High flow takes and storage</p>	<p>The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).</p>
<p>Policy 51, 52, TANK 7 and TANK 8 Availability of water for survival of permanent horticultural crops</p>	<p>A specific exemption should be provided in TANK 7 and 8 to allow up to 20m³ to continue to be taken per day to assist the survival of permanent horticultural crops.</p>
<p>Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b Transfers of water permits</p>	<p>Transfers of all water permits that have been exercised should be enabled.</p>
<p>Policy 37 and 38 Restriction on re-allocation of water</p>	<p>The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primary production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).</p>
<p>Policy 37, 39, 40, 41, TANK 18 and Schedule 36 Stream flow maintenance and augmentation schemes</p>	<p>Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.</p>
<p>Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary Industry programmes and landowner collectives</p>	<p>Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.</p>
<p>Policy 21, TANK 5, TANK</p>	<p>A definition of what a change to production land use is needs to be</p>

6, Schedule 26, Schedule 28 and Schedule 29 Land use change and nutrient loss	provided to clarify what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.
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My horticultural operation is located 286 Te Aute Road Havelock North and comprises of the following crops and acreage 1.5ha Strawberries & Raspberries 2ha stone fruit and 8 ha Apples.

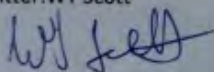
Plan Change 9/TANK is likely to affect my business in the following ways: I am concerned that I may not be able to get enough water for irrigation to grow the varied crops we have. This means that our strawberries and raspberries, which are shallow rooted, would struggle to survive without regular irrigation. This would have a major impact on our business 'Scott's Strawberry Farm' which has a road side shop that has been selling to the Hawkes Bay public for 60 years. We also supply to many of the restaurants locally and around the north island such as the Depot in Auckland and Logan Brown in Wellington. We also supply to many of the independent fruit outlets such as Moore Wilsons in Wellington. It would also have a flow on effect to our business in areas such as all the permanent facilities set up for the production of these crops, the staff we employ, and the investment that has gone in over the years to establish a good brand and product.

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

I don't wish to be heard in support of my submission

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

Signature of submitter: WT Scott



Date: 14/08/20

Electronic address for service: roz-billy@xtra.co.nz

Contact phone number: 0274488095

Postal address: 32 Richard road RD2 Hastings

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

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

Name: (required) owen Jerry Hāpuku (kay)
 Organisation/Iwi/Hapu: Ngāiwi Kahungunu/Ngāi Te Rangikōhanga
 Postal address: (required) 13 Jetton Street
Havelock North, Hastings 4130
 Email address: whanau@kosc054.kohanga.ac
 Phone number: 022 0204542

Contact person and address if different to above: Teira Hāpuku
(daughter) 0210 291 7477
29 Tarmen Street Havelock North.

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: Owen J Hapuku Date: 14/08/20

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 3 July 2020

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

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

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) Refer to 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]

Refer to attached submission

Reason for decision requested: Refer to attached submission

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 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): Owen Jerry Hapuku

My tribal identity

*Ko Kahurānaki tōku maunga
Ko Ngaruroro, ko Tukituki ngā awa
Ko Poukawa te waiū
Ko Takitimu tōku waka
Ko Tamatea Arikini tōku tangata
Ko Ngāi Te Rangikoianake tōku hapū
Ko Kahurānaki tōku marae
Ko Te Hāpuku Ika Nui o Te Moana te tangata
Ko Ngāti Kahungunu is my Iwi*

Organisation (if applicable): Not applicable

Address for Service: 13 Sefton Street, Havelock North, Hastings 4130

Contact Person: Owen Jerry Hāpuku

Email: whanau@k08c064.kohanga.ac

Phone: 022 020 4542 or 021 029 17477 (Teiti Hāpuku, daughter)

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:

- Water quantity issues
- Water quality issues
- Water Source Protection for communities less than 500 (papakainga).

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

WATER QUANTITY ISSUES

1. Ground Water Use/Allocation

- a) 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 part of the year, reduced ability to use streams for recreation, fishing, mahinga kai, cultural practices, for teaching tamariki/rangatahi about their streams/rivers etc.
- b) Unsustainable use of the aquifer system: more water coming out than goes in, declining water levels; wells drying up more frequently, council looking to reduce the amount allowed for personal use
- c) Over-allocation – PC9 talks about reducing over-allocations, but 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). PC9 doesn’t plan to do this. Instead it seeks to ‘roll over’ existing consents for 10 years after the TANK Plan becomes operative, which would be until 2033 (approximately) which is basically a ‘do nothing’ approach for 13 years.
- d) Council would have a lot of opposition from existing consent holders for groundwater abstraction, as a resource consent is a ‘legal document’ and has been granted by HBRC for a set duration/term. You can ask for a reduction in allocations overall (in PC9) but realistically if council does not ‘call in’ all groundwater consents simultaneously, then they can only be addressed as they expire which is each year from 2019 up to 2027. PC9 would then need to have a provision in it that requires both a reduction in over-all quantity of water abstracted from the Heretaunga Plains Aquifer System (reductions in current use) PLUS a method to ensure expiring consents are dealt with in such a manner that these reductions are applied as resource consents come up for renewal.
- e) If you plan to submit on groundwater matters in your submissions, then effects of groundwater use and what is happening in your immediate area would be helpful, as well as the more general issues around the Heretaunga Aquifer as a whole.

2. Surface Water Allocation/Use

- f) Similar to groundwater, the allocation and the use of surface water, are slightly separated in objectives, policies and rules. Over-allocation can be addressed through

asking for a reduction in total allocations from your stream or river, but you would need to indicate by how much, e. g. 5%, 10%, 15% etc.

- g) Over-abstraction is a separate issue, as it is something that results in adverse effects on the environment, and it is related to actual over-use of a water resource. From presentations during the series of webinars, you may recall that irrigation bans are now a regular occurrence on several rivers/streams, which means that too much water is being taken out on a regular basis, with adverse effects on stream health, and for some, no water in their awa for several months of the year. Sometimes fish passage is reduced so that indigenous fish can no longer migrate during their various life stages.
- h) The other issue, (and this applies to groundwater takes as well) is the total or combined rate of take in litres per second for all consents to abstract water from a river or stream, as the higher this total number is, the faster the decline in water in the stream/river. The total volume allowed to be taken from a river/stream (volume in cubic metres per week) should be directly related to a limit on the total rate of take in total litres per second. this would then reduce the rate of decline in how much water is left in the stream.
- i) The rate of take issue can perhaps be addressed in submissions by asking for a reduction in total rates of take by a certain percentage.
- j) In the current plan, abstractions from rivers for irrigation is required to stop when the river drops to its minimum flow. PC9 seeks to change this and allow irrigation for some purposes to continue below the minimum flow. This means that the minimum flow as a means of protecting in-stream values (including tikanga Māori values) and aquatic habitat, becomes meaningless.
- k) Global consents – A global consent is the term used for a group of consent holders who co-operate in terms of their individual consents and donate the amount of water allowed by their individual consent, towards a global or collective consent. This then allows combined use of all consent quantities within the collective, and the sharing of the water amongst multiple users. Generally, these types of consents have not been supported through our regional plan, and only one has so far been approved which is the Twyford Water Users' Group consent.
- l) PC9 seeks to enable more of these types of consents through Rule TANK 9. One of the conditions requires each member of the global consent to contribute to 'a stream flow enhancement scheme' but there is little detail on what this would entail or the conditions around such a scheme, nor have such schemes been assessed as to whether they will be effective or not and granted a resource consent for their construction or operation. The other consideration is whether they would be effective or not. Discussions with colleagues have resulted in the consensus, that if included in the TANK plan, a lot more detail should be required, and such schemes given a non-complying activity status rather than restricted discretionary as is currently the case for Rule TANK 9
- m) A stream or river flow enhancement scheme could be anything from a dam, to taking water from the aquifer to put into the stream/river, to infrastructure including pipes, pumps, filters, aeration devices etc and TANK Rule 9 currently is too lenient.

2. WATER QUALITY ISSUES

- n) The main things associated with water quality are too much algae, the water being too warm, too many nutrients and/or contaminants entering the water, insufficient dissolved oxygen in the water affecting aquatic life, sedimentation, suspended solids/clarity issues and receiving more attention lately – the abstraction of too much water resulting in water quality decline as newer water or degraded water is induced into a relatively clean water body. .
- o) A key issue now is that people get a consent to discharge into or pollute the water and this detracts for other people or the general public being able to enjoy the rivers/streams as much as we used too. 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.
- p) Another issue is that there is often insufficient water left in the river or stream so as to provide flow variation, varieties of habitat, and oxygenate the water.

3. Relief Sought

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

- e) I want the ceasing of stream diversion and abstraction from Poukawa, and the restoration and future protection of Poukawa.

5. Desired Outcome

Make any consequential changes to Plan Change 9 to give effect to the relief sought through my submission.

6. Reasons

Council is an agent of the Crown, the treaty partner of tangata whenua, have failed to actively protect our taonga i.e. awa, waiū, tikanga, te reo.

As a respected elder of this community, and a descendent of our chief Te Hāpuku Ika Nui o Te Moana, I have a responsibility to uphold his legacy. The degradation of our sacred Poukawa waiū and Ngaruroro awa brings great sorry, pain and distress for not only me but those hapū and marae whānau of Kahurānaki.

Te Hāpuku Ika Nui o Te Moana, many years ago left a covenant on his Poukawa waiū. That covenant has been broken many times and I'd like to say this on behalf of Poukawa waiū "Let mana laws find a solution in natures environment for man's sake".

Kaua e Raweketia ki Te Wai o Poukawa Moana

Kaua e Rere Te Wai

Kei te Mana te ihi te wehi

Ki tona ingoa ko Te Hāpuku Te Ika Nui o te Moana

Our sacred waiū (source of sustenance) Poukawa that once spanned across a vast area that was full of glistening pristine water and an abundance of taonga species i.e. tuna, that were safe to harvest, has now reduced significantly in size and occupied mainly by stock.

Only a year ago, Poukawa waiū would flood after a heavy down pour. This no longer happens. Even in Autumn, the lake edge could be seen some 200-300 metres from the fence line.

Water levels of Poukawa has significantly reduced and from what we have learnt is due to the diversion of neighbouring streams to allow for the vast increase in farming and cropping (refer to Nga Pou Mataara Hou Report), water consumption of the local farmer, and possibly the new housing developers.

Poukawa waiū is now a diminished version of its former self, polluted, and a reduced number of taonga species. Whānau traditions that had been handed down for centuries can no longer be passed on to tamariki and mokopuna.

I fear that if our sacred waiū, Poukawa continues to be sucked dry for economic gain of the horticultural and agricultural sectors, we could end up like Bridge Pā. Nothing but dry dirt. For Māori, all things are connected. Without an awa, there would be a disconnect to our whakapapa (lineage) that will impact future generations.

7. 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

.....

Owen Jerry Hāpuku

Date: 14th August 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): Jenny Winipere Mauger

Organisation (if applicable): Ngā Kaitiaki o te Awa a Ngaruroro

Address for Service: PO Box 12-069, Ahuriri, Napier 4144

Contact Person: Jenny Winipere Mauger
Email: Ngaruroro.Hinemanu@gmail.com
Phone: 021 141 7587

Tena koutou nga mema o Te Kaunihera ā-Rohe o Te Matau-a-Māui

Kaitiaki of our awa Ngaruroro, have been in existence since its formation, prior to the arrival of humans. We ignore them at our behest.

Kaitiakitanga, upholding the obligations in the natural realm preserved in time immemoria l by the mana whenua & tangata whenua, ahi kā roa, hau kainga, acknowledged in the name of the roopu, Ngā Kaitiaki o Te Awa a Ngaruroro .

We *support* / *oppose* in parts the provisions in Plan Change 9

While resource management law is written, amended & rescinded, tangata whenua values are constant and remain unchanged.

Water recommendations:

Mana Whakahono ā Rohe provision in the RMA seems to have been wilfully neglected by HBRC. Similarly, Te Mana o Te Wai (the authority of water itself) has been all but disregarded in the proposed PC9.

Relief sought:

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

If Matauranga Māori (knowledge informed by Māori worldviews) had been woven into the decision making of our water values and management, our respective water bodies would be in relatively good shape for all to interact within and around. Tikanga (Māori customs and

lore) has largely been omitted, emphasised by the current & respective Treaty Settlement arrangements surrounding our water bodies and associated taonga (treasures). We recommend your team engage someone with cultural competency to analyse the majority of submissions made by Māori and our respective organisations, to elucidate the contents. Also, given the shape, look and feel of the proposed PC9 reflects the disingenuous process encountered by our roopu and other tangata whenua representatives throughout the vast majority of the process, we recommend that HBRC and the Environment Court engage a Māori translator and interpreter for the oral submissions. Nga Kaitiaki o Te Awa a Ngaruroro foresee HBRC greatly benefitting the organisation and those it serves by committing to cultural auditing annually until desired outcomes are reached.

Statements:

We support the submissions of the whanau, hapū, organisations of Ngāti Hinemanu me Ngāi Te Upokoiri me ngā Piringa Hapū Authority, Te Taiwheuna o Heretaunga, Ngāti Kahungunu Iwi Inc and associated whānau / hapū.

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

Signature of submitter (required for hard copies only)

Jenny Winipere Mauger

Convenor

Ngā Kaitiaki o te Awa a Ngaruroro

Date: 14 Aug 2020

Marist Holdings (Greenmeadows) Limited

PO Box 7043
 Taradale, Napier 4141
 Hawke's Bay
 New Zealand
 Telephone (06) 845 9350
 Facsimile (06) 844 6023
 Email info@missionestate.co.nz



Mission Estate Winery and Vineyards
 Mission Forestry
 Mission Restaurant
 Mission Accommodation
 198 Church Road
 Greenmeadows, Napier 4112
 Hawke's Bay, New Zealand

SUBMISSION

Name: Marist Holdings (Greenmeadows) Limited T/A Mission Estate Winery

Address for service: Mission Estate Winery
 C/- Peter Holley
 198 Church Road
 Greenmeadows
 Napier 4112
 Phone: 06 845 9350
 Mob: 021 417 877
 E-mail: peter.holley@missionestate.co.nz

This is a submission on Hawke's Bay Regional Council TANK Plan Change (PC9).

1. Who we are:

Mission Estate Winery ("MEW") was established in Hawke's Bay in 1851 by the French Marist religious order. The winery is New Zealand's oldest winemaking concern and is still owned by the Society of Mary. Proceeds from the MEW's commercial activity is used to fund the religious and charitable works of the Society in New Zealand.

The vineyards were first planted in Meeanee on the Heretaunga plains in 1851. Over the decades the company has further established vineyards in the famous Gimblett Gravels region and acquired vineyards in Marlborough. Fruit is sourced from an additional 16 growers who are all located on the plains and reliant on irrigation.

MEW has two vineyards (19 hectares) situated on the Gimblett Gravels that require irrigation (established 1993) and one at Taradale which is dry farmed (established 1903).

Our vineyards and winery are audited annually, to ensure we continue to operate in a sustainable manner. The SWNZ system and the ISO 14001 programs monitor and aim to continually improve our systems with respect to minimising our impact on the environment whilst maximising vineyard performance.

We are committed to protecting our environment by minimising and where possible reducing the use of chemicals, energy, water and packaging. This commitment also extends to growing organically certified grapes.

The company has an established restaurant and tourism business that hosts in excess of 135,000 national and international visitors per annum. The vineyards at Greenmeadows also host the annual Mission Concert which attracts in excess of 25,000 patrons to the annual event.

Premium wines are exported to the United Kingdom, USA, Australia, China and other Pacific Rim countries.

MEW is absolutely committed to sustainability. We have proudly held the ISO14001 certificate since 1998 and have been registered on the SWNZ programme for 20 years. We continuously strive to improve the environmental sustainability of our production processes by actively monitoring and reducing our inputs including fertilisers, sprays, water, energy and labour.

We strongly support the Hawke's Bay Winegrowers submission.

2. The parts of the Plan Change the submission relates to:

The submission relates to Plan Change 9 in its entirety. In particular:

- a. MEW substantially **supports** the Hawke's Bay Wine Growers and the overall intent of PC9.
- b. MEW **opposes** a number of matters of detail in the notified version of PC9, which are set out below.

3. Mission Estate Winery position

1. The effects of PC9 are expected to be far reaching. It seems realistic to cap water use based on the driest season which is now noted as 2019/20. With the advent of climate change and the possibility of longer and more intense droughts this benchmark requires a provision to be periodically reviewed.
2. Annual irrigation consent volumes based on historical "actual and reasonable" use is very subjective and open to interpretation. The assumption used in the irrigation NZ Irricalc water allocation tool will need to be carefully considered.
3. Based on MEW's historical water use and the application of the Irricalc tool would suggest range of reduction from between 32% and 37% for the Mere Road and Gimblett vineyards. This theoretical reduction is likely to cause significant growing challenges even in an average season.
4. The new requirements for all groundwater users to pay for flow augmentation in lowland streams will be subject to irrigation bans is an extra cost to business. There has been no indication as to the costs involved nor the phasing in period.
5. The TANK plan calls for individual Farm Environment Plans. NZ Wine Growers and HB Wine Growers have already submitted that these plans can be collectively managed through the NZ Wine Growers SWINZ programme.
6. The requirement for universal telemetry. This requirement will result in MEW replacing our existing telemetry with new compliant equipment at an estimated cost of \$7,200. Where telemetry equipment is operating to specification and needs to be replaced this cost should be subsidised.
7. Hawke's Bay winegrowers are advocating strongly for the requirement of the proposed "actual and reasonable" allocation regime to make it more accommodating for grapes which are the lowest and most efficient water users. The Gimblett Gravels are a very special case where high value crops are grown in soils with a very low water holding capacity. Small volumes of soil are irrigated with drippers which means regular and economical irrigation may be applied during dry periods. The wetted zones immediately under the drippers are the only source of water. Vines are managed with a limited canopy density and require less water. The HBRC "reasonable factor" becomes critical as the soil texture gets lighter with lower water storage capability. Water stress on the Gimblett Gravels is evident within 3 – 5 days if irrigation is interrupted in the hot summer months. This interval could lessen with the predicted effects of climate change. The NIWA climate change model reported in 2018 has clearly indicated more frequent hot, dry periods especially in Spring/early Summer. The report has also stated that potential evapo transpiration would increase in the future. Soil moisture will therefore be lost at a faster rate.

4. Economic Impact

The TANK Plan, as notified, would have a considerable effect on MEWs ability to grow grapes and

produce wine of any notable quality. Both the company's well establish grower's network and MEWs own vineyards would be equally affected. Clearly, this will have a significant commercial impact on the company's inbound tourism, hospitality, entertainment but more importantly the growth in foreign exchange earnings. The ability of the Society to continue its charitable works such as schooling and pastoral care would become highly questionable.

5. Recommendations

It is strongly recommended that the HBRC take note of the company's position and seek to achieve a balance that strikes an accord between best practice environmental management whilst simultaneously recognizing the economic imperatives within the region.

DATED at Greenmeadows this 14th day of August 2020



Peter Holley
Chief Executive Officer – Mission Estate Winery

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

Organisation: Ngati Hinemanu, Ngai Te Upokoiri me ona piringa

Name of submitter(s): Mary Tukiwaho

Address for Service: 1/205 Gascoigne Street, Raureka. Hastings

Contact Person: Mary Tukiwaho

Email: marytukiwaho@gmail.com

Phone: 02108155927

I seek the following decision from the Regional Council:

I oppose the current TANK plan as it needs be readdressed and re-written due to it been deliberately vague around current management, implementation and monitoring systems as it is being mismanaged by current bodies, a long term favoritism to certain organisations i.e: farmers, growers, HBRC, HDC etc that has not been address despite the continual drop in water flow from all puna, awa, roto. and is culturally insensitive as there are inserted in the plan kupu Maori BUT do you all REALLY UNDERSTAND!! what these kupu mean to Te Ao Maori, to tangata whenua, mana whenua? Was there any consultation with tangata whenua, mana whenua o te rohe katoa? Kao!!! If there was consultation then our puna, awa, roto me wai wouldn't be in the state it is in, in the past, recently and in this present time.

I also wish to be heard at Omaha Marae on my submission.

Reason for decision requested:

I believe that working alongside tangata whenua who would co-own, co-governance, co-manage with the possibility of a percent of stored water for those in need at all times. This would ensure a partnership between Tangata whenua and Crown as well as external organisations as stated within the Treaty of Waitangi thus ensuring a continual rise in employment with the alternative or the expectation of training in areas needed to enable this partnership to work.

Schedule 26: This needs to be re-written with the acknowledgement and support of ALL tangata, whanau me nga hapu katoa o Ngati Kahungunu, these people understand how quality works and at this point in time HBRC and HDC have failed Heretaunga people time after time, year after year with shocking water quality. You are killing

our people, our freshwater ecosystem, our mahinga kai, etc from the inside out with the so call treatments you use to gain what you deem as quality of water.

Schedule 27: This also needs to be re-written and re-designed due to the fact that it is practically the same as Schedule 26. The so - called "Protection Level" is non-existent, the ecosystem is failing due to term over-usage, bad management and NO consultation with te Iwi Maori at the grass roots. the level of ALL awa are significantly way below the recommended level, which honestly is far below the required standards that we tangata whenua would like and know it to be.

Schedule 28, 29 & 30: These schedules must be re-written to include co-own, co-govern, co-manage alongside tangata whenua, mana whenua, tangata ahi kaa, which would form a co-governance body to oversee the implementation, monitoring and allocation if permits, if any, of ALL catchments within the Kahungunu rohe, including catchments that are presently in the HBRC and HDC database or those that have been formed by other means.

Schedule 31: This schedule needs to be readdressed, rewritten and an independent governing body to oversee the readdressing and rewriting due to the landowners, farmers, growers or government body, unable to see the detrimental effects their drawing water has on the rivers not to mention the re-routing of natural bodies of water that have served this rohe for hundreds of years.

Schedule 32: This needs to be rewritten with an independent governing body made up of tangata whenua and should include All waterways not just our main awa.

Schedule 33: This needs to be readdressed, definitely rewritten and a new management and co-governing body to be implemented.

Schedule 34: This schedule is a joke and needs to be re-address with stronger monitoring, maintenance and penalties to be put in place due to the monitoring system is undermanned for competent and regular maintenance to be of any proven validity. There needs to be a penalty to be put into place as well as the HDC to take full responsibility of the downfalls that have been happening far too long.

Schedule 35: This schedule is also a joke especially when HDC and HBRC does not take full responsibility of their bad management (this is putting it nicely) for the despicable way the drinking water supply now has bleach in it to mask the quality of bad water. It needs a better management system to be put in place.

Schedule 36: This would also need to be readdressed, rewritten in certain areas and to be managed alongside tangata whenua.

I also support ALL the submissions submitted by whanau, tangata whenua o Ngati Kahungunu, hapu, Te Taiwhenua o Heretaunga and Ngati Kahungunu Iwi Inc.

12th August 2020

Kia Ora,

Ko Jane taku ingoa

I am writing to oppose the HBRC's Water Plan.

I have just completed a Te Whare Wananga O Awanuiarangi programme "TE WAI ORA", our classes were held at Mangaroa Marae, Bridge Pa.

We studied our wai Karewarewa and awa Ngaruroro. We now have found after all the mahi (work), that whanau and hapū have done, i.e. repopulation of our kai by planting natives along Karewarewa, getting water to our Maara kai (Veg garden), is now becoming a waste of time, due to Karewarewa once again drying up from the farmers and vineyards taking our water from our aquifer, making man made dams, pond etc. which has polluted the quality of our drinking water.

Leeches are growing in these ponds/ dams. Now you want to make other/ more manmade storage places like tanks to populate the mosquito whanau and refill our waterways with WAI MATE (DEAD WATER), from being stored.

I have 9 children and 2 mokopuna, in the Ngaruroro estuary is where I walk out my Kahawai and Flounder nets to harvest kai for my whanau and if a good catch my whānau/ hapū, my cousin goes further up Ngaruroro to set his nets by the fork that branches to Tutaekuri to find a big hole right on that fork that again you lot have been taking resource and now there are no flounders there. This year I have been stopped as your lot has decided to gate and padlock the area, to cut my connection with this one and only food basket that I have for carrying on this tikanga.

Na Jane Morrell

Tena koe me koutou hoki o te Ahiahi me te Po

My name is Peter MacGregor Chair of the Owahaoko C Trust a Trust currently a respondent in the proposed WCO on the upper Ngaruroro River. The Trust has and still does participate in discussions through and hosted by TTROH on matters to do with TANK.

This email is to advise the HBRC that we oppose the current approach you are and or have developed to advance TANK it is form and the changes you wish to seek. The HBRC do know the Owahaoko C Trust exists as you do of a number of others Maori land based Trusts affected and not engaged and are ratepayers.

We are late filing and this email is to ensure given the pressures of our legal responsibilities to our peoples and land and the impacts of covid past and now present, again we ask this email submission be entered.

Our reason in opposing is again as in the WCO proposition in draft on the Ngaruroro awa assuming that so called representative committees and or advisors can speak and represent my whanau whanui our peoples being inherited owners of their lands and recognised as such in the Law of Aotearoa NZ in the first instance and not as an entity developed and promulgated in order to settle TOW claims in the second instance.

In short we have never been engaged directly in the TANK process and in the second instance the matter of the proposed WCO is not settled and as such what the TANK proposes excises Maori – Mana whenua and allows the Crown to continue on unabated and unchallenged on advice internal to its function and “committees” and some cloaked as tangata whenua.

We oppose

Nga mihi

Peter MacGregor
Chair Owahaoko C Trust

From: [Tania Huata](#)
To: [Peter MacGregor](#); [eTank](#); [Marei Apatu](#)
Cc: ["Sheryle"](#); ["Mona Stewart"](#); ["Koro Te Whaiti"](#); ["Kahu Hakiwai"](#); ["Matty Toa Toa"](#); ["Owhaoko C Trust"](#); ["Arapiu"](#); ["Richard Steedman"](#); ["Binky Ellis \(ETL\)"](#); [Alexandra Bartlett](#)
Subject: Re: TANK
Date: Saturday, 15 August 2020 12:58:53 PM

Nga mihi nui koutau

As one of the Trustees for Owhaoko C Trust.

I tautoko the previous korero from our chairman Peter MacGregor and the submission from the writer Marei Apatu of Te Taiwhenua o Heretaunga on behalf of Te Manaaki Taiao and Te Runanganui whom are the ones that holds the mana and tikanga of the area's of authority on behalf of our next generation.

Puritia ngā taonga a ngā tūpuna mō ngā puāwai o te ora, ā mātou tamariki ('Hold fast to the cultural treasures of our ancestors for the future benefit of our children')

Tania Huata Kupa

The views expressed in this email with any accompanying attachments maybe confidential and subject to legal privilege. It maybe read, copied and used only by the intended recipient(s). If you have received this message in error, please notify the sender immediately by return email and delete this message. You may not copy, disclose or use the contents in anyway. Thank you.

On Friday, 14 August 2020, 10:16:25 pm NZST, Marei Apatu <marei.apatu@ttoh.iwi.nz> wrote:

Kia ora Pete

Ngā mihi ana atu kō matou nei whānau ngā Kaitiaki o te whenua o Owhāoko

I've attached fyi the Taiwhenua submission made on all our behalf today and as an active member of Te Manaaki Taiao and Te Rūnanganui that's inclusive of the Owhaoko C Land Trust. The submission makes reference to promote the values and aspirations recognised by those holding the mana and tikanga over their respective areas of influence i.e. whenua / awa to various parts of the Ngaruroro including the Taruarau. Whilst the WCO is awaiting a decision this plan change process seeks specific reference responses in regards to water quality, quantity, discharge, land use where I believe we've covered off in terms of those values and more importantly the key issues we are challenging the HBRC and to seek specific relief in and around our whanau whenua and awa.

Nāku noa, nā

Marei Apatu

Te Kaihautū

Te Manaaki Taiao

Te Taiwhenua o Heretaunga

Heretaunga Park

821 Orchard Road

PO Box 718

Hastings 4156

Aotearoa NZ

T +64 6 871 5350

M +64 27 430 4282

Marei.Apatu@ttoh.iwi.nz

From: Peter MacGregor [mailto:peter.hughes.macgregor@gmail.com]
Sent: Friday, 14 August 2020 6:01 PM
To: eTANK@hbrc.govt.nz
Cc: 'sheryle' <kauangaroa@hotmail.com>; 'Mona Stewart' <softexnz2@gmail.com>; 'Tania Huata' <tania.huata@yahoo.co.nz>; 'Koro Te Whaiti' <korotewhaiti@icloud.com>; 'Kahu Hakiwai' <k.hakiwai07@gmail.com>; 'Matty Toa Toa' <mataorakahungunu@gmail.com>; 'Owhaoko C Trust' <owhaoko@xtra.co.nz>; 'Arapiu' <arapiu17647@gmail.com>; 'Richard Steedman' <richard.steedman@xtra.co.nz>; 'Binky Ellis (ETLT)' <binky.ellis@easttaupolands.co.nz>; Marei Apatu <Marei.Apatu@ttoh.iwi.nz>; Alexandra Bartlett <Alexandra.Bartlett@ttoh.iwi.nz>
Subject: TANK

Tena koe me koutou hoki o te Ahiahi me te Po

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This email is to advise the HBRC that we oppose the current approach you are and or have developed to advance TANK it is form and the changes you wish to seek. The HBRC do know the Owhaoko C Trust exists as you do of a number of others Maori land based Trusts affected and not engaged and are ratepayers.

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We oppose

Nga mihi

Peter MacGregor

Chair Owahaoko C Trust



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) ANSIE DELBY
 Organisation/Iwi/Hapu: AHURIRI ESTUARY PROTECTION SOCIETY INC.
 Postal address: (required) Secretary
167 Kennedy Rd, Mawera, NAPIER
 Email address: angetden908@gmail.com
 Phone number: 027 36 86 468
 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: ASD Date: 12/8/20

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
 Private Bag 6006
 NAPIER

or fax to:
 (06) 835-3601

or email to:
 eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 3 July 2020

14 AUGUST

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

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:


HAWKES BAY
 REGIONAL COUNCIL

TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

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

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

I Support Oppose Amend

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

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Reason for decision requested:

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14 August, 2020

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





Submission on HBRC Proposed Plan change 9 (known as TANK)

6 August, 2020

To: Hawkes Bay Regional Council
 Private Bag 6006
 Napier
eTANK@hbrc.govt.nz
 (submission lodged by ~~email~~
printed doc.)

Submitter: Ahuriri Estuary Protection Society Inc.
Postal Address: The Secretary, 167 Kennedy Rd, Napier 4110
Contact: Angie Denby, chairperson
Email: angelden908@gmail.com
Phone: 027 36 86 466

Note:

Ahuriri Estuary Protection Society wishes to be heard in support of this submission. We would consider presenting alongside and supporting those with similar submissions.

Submission:

Ahuriri Estuary Protection Society(AEPS) is a community-based volunteer organisation, established in Hawkes Bay in 1981 to protect the estuary from 'development' and to advocate for endemic wildlife and ecosystems. Over the years many members have worked to protect, preserve, and nurture the health and well-being of the Ahuriri Estuary (te Whanganui a Orotu), its waters, wildlife, and flora.

We engage in the following activities:

- we invest time into attending meetings and networking with relevant government departments
- we organise monthly clean-ups at the estuary
- we advocate for the estuary by presenting submissions, and
- we network with like-minded organisations.

Our interest in this plan relates to issues regarding the Ahuriri Estuary catchment, its tributaries, and urban stormwater networks.

Our Society acknowledges the enormous amount of time and work that has gone into the preparation of the TANK Plan over a long period. We were not involved in the collaborative process meetings.

What we would like to see achieved as a result of the TANK plan change is:

1. The cleaning of Stormwater – The Estuary Society's wish and lobbying over decades has been for cleaning up the Napier urban and industrial stormwater systems and waterways into which they feed—in particular the Ahuriri Estuary and its tributaries. In order to achieve this, strong regulatory standards are needed. However, Schedule 27 of the TANK plan, which includes water quality standards for the Ahuriri Estuary (including vital standards for deposited sediment), is proposed to be non-regulatory i.e. standards don't need to be met. As a result no one is accountable for achieving outcomes for the Ahuriri catchment. This needs to be addressed and standards ought to be enforceable. We believe that standards should go so far as to prescribe that any discharge into the estuary shouldn't be required to just avoid adverse effects, but should instead be required to have a positive effect.
2. We support the recognition of Te Mana O te Wai, as outlined in the National Policy Statement for Freshwater Management 2020, as an integral part of freshwater management. It needs to be at the forefront of all discussions and decisions about fresh water. On that basis, we wish to see ecosystem health (as the guiding legislation emphasises) taking priority over all activities (including recreational activities) in the Ahuriri Estuary. Iwi values are important also, and we need their values and concepts captured from a local perspective.
3. Climate change needs more acknowledgement and prominence throughout the plan. It is unclear from the plan what the potential impacts of climate change on the Ahuriri Estuary are and how they will be avoided, remedied, or mitigated. What mitigation is being planned? How will success be measured? How are the objectives for climate change given effect in the policies and rules? We feel the plan lacks clarity in these respects.
4. The Ahuriri Estuary suffers from nutrient and sediment run-off from the hills which creates inhospitable environments for spawning fish, and leads to declining native fish numbers. There are invasive species taking hold in the Upper estuary (and possibly lower waterways), contaminants from industries being recorded consistently above recommended levels, changing salinity levels in Upper estuary (possibly related to pumping changes or sea level rise), and the threat of mixed stormwater/wastewater discharge in high or long rainfall (due to overflowing infrastructure). These are the challenges faced.

For all these issues we need **measurable outcomes and strong enforceable standards**.

The plan is very difficult to interpret from the position of a layperson, and this lack of clarity has left the AEPS with many questions:

5. How will the plan be implemented and how will outcomes be achieved? Any implementation strategies should be a part of the regulatory plan and council should be accountable for them. They should not sit outside the plan change in documents with no legal force.
6. What are the procedures to ensure outcomes are achieved?

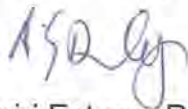
7. How will compliance be overseen, and what action will council take when rules are not followed? Council needs to have scope to take appropriate action when outcomes are not achieved.
8. How will council ensure adequate resources are put in place to enable outcomes to be achieved?
9. How will statutory bodies (local and regional councils, government) collaborate to achieve outcomes?

Our sense of the direction that is needed, to ensure the health and wellbeing of the Ahuriri Estuary, is based on our knowledge gained through involvement in estuary issues and our protective stance over many decades.

We need reassurance that councils are proceeding with clarity and intend to put into action the long-awaited genuine collaborative effort to enhance the ecology of the Ahuriri Estuary. We urge council to think of environments holistically, put Te Mana o Te Wai at the centre of everything they do, focus on ecosystem health, work genuinely to restore the environment in our region, and protect biodiversity for future generations.

Thank you for this opportunity to engage and give feedback to the TANK Plan.

Angie Denby



Chairperson, Ahuriri Estuary Protection Society

14 AUG 2020

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

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

Name: (required) Christine Kidwell

Organisation/Iwi/Hapu: Ngati Hauwai - Poromaharua

Postal address: (required) 7 Lake St Kahurangi
Takapau

Email address: kidwellc67@gmail.com

Phone number: 027 390 4128

Contact person and address if different to above:

Trade Competition

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

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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: 11/8/20

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 3 July 2020

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

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

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]*

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Reason for decision requested:

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



Water: The Life Force of everything - Ko te wai ora o nga mea katoa

My submission is written with much angst after returning home and seeing the ruination of our rivers, and tributaries disappearing, and filthy like a disease has been introduced.

The tikanga of Nkll 25 year Vision states clearly the fresh water strategy of Kahungunu ki uta, Kahungunu ki tai. and also the same for my Tamatakutai whakapapa. Tamatakutai ki uta, Tamatakutai ki tai.

My journey

Upon my return to my mum Iramutu Karaitianas' rohe here in Kahungunu, the first visit was my awa..Ka tangi, Ka tangi, Ka tangi aku roimata.

Since I have been home I often visit streams, rivers, and sea to reflect on my childhood memories of living off the awa, and whenua because both compliment each other.

In my time growing up girls were restricted to whitebaiting season, as the boys did most of the river walking between Haumoana, Teawanga, Kohupatiki, Omahu and Ruahapia.

Our main food source comes from Tutaekuri and Ngaruroro where at times nets were used for kahawai, mullet, with hinaki, and gafs for eels and flounders. From the time I can remember we never starved, we never took more than we needed and shared with many other whanau. Kohupatiki was our watercress patch, as was Ruahapia river.

I can only ever remember our rivers by the significant Marae we always participated at with our parents.

Many of our food sources have been depleted like the plate sized flounder, the real pure whitebait, which as a child I learnt to separate them from other small fish species.

The rivers have been raped and mutilated by machines as a commodity for supply and demand, and to benefit a system that holds the Tangata whenua at bay by applying Acts that the Ministry for Environment can enact to their local and Regional Councils.

Nothing was ever wasted from our Awa or Moana and the bones were manure for fruit trees and gardens.

Rocks and plants were not allowed to be removed from the water as we were told that crabs and other species would hide under them.

The rivers are so damaged today that our Marae now depend on our fish quota from another source to feed important manuhiri, or tangi, weddings, events and so on.

The wastewater pollution from increased housing developments, agriculture and farming near our marae has also had major impacts on our rivers too and more such increased developments need better management based on the impacts it will cause to our rivers.

Research & Holistic strategies

According to Troy Brockham of Ngai Tahu "we must remember that Wai is the essence of all life and the World's most precious resource/taonga. It is instilled in our whakapapa/ genealogy, pepeha, as part of our identity."

Troy also states that "we must manage water in isolation, as the current service is not working."

Troy says, What if we choose to change this approach? **What if it is not the environment or water, but it is the people that need managing.** This shift involves a different way of thinking, founded on a holistic approach, and a culturally designed enhanced water design approach. Integrating Mātauranga Māori values, knowledge, tikanga, incorporating traditional Indigenous practises to protect our water for our mokopuna and those yet not born.

This scarcity & polluted wai issue is URGENT and now is the time to act before it's too late to repair the mistakes of yesterday.

The Kahungunu 25 year strategy also incorporates a holistic approach to benefit whanau and place values that give the best duty of care to our Awa, moana, tributaries.

The loss of water from our tributaries is not only an insult but feels like a vein within my own body being reduced to nothing, by an invasion of foreign materials and machines

Water allocation for irrigation developments must be reduced to keep all of our Tributaries full to capacity so they can keep feeding into our rivers.

An example of the life force taken on the impacts of our mauri from our awa/rivers and tributaries.


- Waiparu, clouded waters;
- Waipiro, odorous waters;
- Waikino, polluted waters;
- Waikawa, rancid, slow-moving waters; and
- Waimate, stagnant, dead or death-inducing waters.

The ability to interact with these many forms of water appropriately depends upon your ability to 'commune' with water, to observe the waters and understand what each variation means to keep its mauri intact.

Water communicates its needs for us, and our comprehension depends entirely upon our relationship with it. The protection of water sits at the heart of kaitiakitanga (principle of care and protection).

Whatungarongaro te Tangata, Toi Tu te whenua - Land is permanent, while people come and go

Christine Kitchell





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) Peter Kay
 Organisation/Iwi/Hapu: Sheep + Beef Rep' on the TANK Process
 Postal address: (required) 2559. Kereru Rd
Rd1.
Hastings.
 Email address: pkay@xtra.co.nz
 Phone number: 06-8760912
 Contact person and address if different to above:

Trade Competition

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- 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: Peter Kay Date: 14 Aug 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

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

I Support

Oppose

Amend

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

There are several Policies, Schedules and Rules I would like to comment on and have attached my submission separately.

Reason for decision requested:

14 Aug.
REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON ~~3 JULY~~ 2020

HAWKES BAY REGIONAL COUNCIL PROPOSED PLAN CHANGE 9 (TANK)

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

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

To: Hawkes Bay Regional Council

Personal Information

Company name:

Given names: Peter

Surname: Kay

Contact person: Peter Kay

Address: 2559 Kereru rd, RD1, Hastings

Region*: Hawkes Bay

Country:

Phone: 068760912

Email*: pbkay@xtra.co.nz

Submission

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

Background about my farm and why I am making this submission

2. My name is Peter Kay. I own a sheep and beef farm in the Kereru district and my family have been farming for over 100 years on this property. I have lived and worked in the Primary Agricultural Sector most of my life and have a good understanding of the industry in Hawkes Bay, New Zealand and the world.
3. I have served on the HDC Rural Community Board for 15 years, 12 years as chairman. I also represented rural Hawkes Bay on the Coastal Hazards committee, which, through a collaborative approach, mapped out the future of our coastline and affected area from Cape Kidnappers to Waipatiki for the next 100 years.
4. I am a member of the TANK collaborative shareholder group representing sheep and beef farmers. I am familiar with the proposed plan change 9 and how it may affect sheep & beef farmers. Although the TANK process took 7 years to complete it is my opinion that it was thorough, collaborative and informative with many expert presentations to back up the science for future management of our resources.
5. As the sheep & beef representative on the TANK process, I formed a reference group comprised of 18 land owners & managers. This group, with the help of relevant experts, helped compile a land management plan for the sheep & beef area of the TANK catchment. I presented this plan to the TANK group as well as conducting a field day for the TANK group to my local catchment. Consequently this plan was adopted by the TANK group. You may hear from members of the reference group during this hearing process.
6. There were 3 points the reference group was adamant about:
 - a. Keep it simple (Not easy but we tried!)
 - b. We must learn from the mistakes of plan change 6 and not repeat them. Plan change 6 is messy and complex and already needs to be repealed in some areas. E.g. the lack of flexibility of formal institutions and their ability to adapt. One rule doesn't fit all;
 - c. All rules and policies should be outcome focused and based on science data not modeling.

Section B: General responses to the proposals

Catchment Management Approach

7. Support and seek it be retained as proposed
8. The reference group reasoned that the catchment approach is more practical for the TANK area and provides 'ownership' of potential problems, solutions and upholding environmental standards. A catchment approach has locals solving local problems. To this end I have helped

form 3 catchment groups already. These groups will form a template for future catchment groups to be established.

Catchment Community Initiatives/ Industry Schemes/ Farm Environment Plans

9. Support and seek that they be retained.
10. Landowner collectives/programmes and FEP's are in my view aspirational, but there will need to be a lot of support from the HBRC who will have to provide leadership and expertise to make this happen.

Section C: Specific responses to the proposals:

11. There are a number of policies and rules, which I would like to comment on.

Policy 21 Land use change and nutrient loss and associated provisions (Rule TANK 1, TANK 2, TANK 5, TANK 6, and Schedule 29)

12. Support in part with amendments.
13. Oppose Schedule 29 and seek it be deleted.
14. 10ha is a very small area in the sheep & beef area. This would be relevant for land holdings under 100ha but for larger holdings it would be far more practical to be 20ha or 10% of the farmed area (which ever is greater) and only able to be changed every 3 years. This would also align with District Councils rural subdivision rules. This policy, as it stands, is not flexible and does not allow an increase in productivity even if there are mitigation processes in place. It is influenced by one of the weaknesses of Overseer, which, I think, does not recognize the changes in land classification. Neither does Overseer recognize best management practices for winter grazing and, generally, it wasn't designed for policy making. It was also designed for fertilizer use and not specifically N leaching. Overseer may be the best tool in the kit at present and is also updating itself regularly, but we must treat it as one of many tools at our disposal and not rely or set rules exclusively because Overseer says so.
15. Seek that catchment community and FEP are retained
16. Seek that land use change restrictions only apply where the change is greater than 20ha or 10% of the property (which ever is greater) over a three year rolling average period.

Schedule 31 and associated provisions

17. Oppose and seek Schedule 31 be deleted
18. The increase to minimum flows for the Maraekakaho, Poukawa, Mangaone and Mangatutu streams was not agreed to, to my knowledge, by either the reference group or the TANK group. It is my view there is no practical reason to increase these flows. Maraekakaho has

been lifted from 100 to 109, Poukawa from 10 to 20, and the Mangaone and Mangatutu from 0 to 2500 and 3800 l/s respectfully. There is no clear reason why this has been done.

Policy 25 and associated provisions

19. Agree in part.
20. It would be better to require not only a FEP, but also a Nutrient Plan with more regular monitoring. This policy is designed to encourage landowners to become part of a catchment group or collective so it requires a disincentive over catchment groups.

Policy 27 and associated provisions

21. Support with amendments.
22. We are nearing the end of 2020 and this plan change may not be operative until 2023 and whilst most would agree with the stock exclusion milestone, it would be more practical to say within 2 years of the plan becoming operative. Seek stock exclusion milestone be amended to be 2 years after the plan becomes operative.
23. Also, the output to be reported on for nutrient management may not be necessary. E.g. If the catchment testing results show no excess of any particular nutrient leaving the catchment, why do we need a nutrient plan? If there is a problem it is up to the group to isolate it and remedy the problem. This may involve the need for a nutrient plan for an individual property, but not before. This is why we measure at the bottom of our catchment. Seek deletion of reporting on management, unless environmental outcomes are not being achieved.

Policy 34 and associated provisions

24. Agree, but it is not happening.
25. Already there have been changes to the original TANK plan without stakeholder input. Whilst the TANK process was lengthy and exhaustive, it was a process where not everyone got what they wished for, but we worked through it. It was a process I am proud to have been part of, but it must remain collaborative.

Policy 49 Water Allocation and associated provisions

26. Oppose
27. It is not my intention to comment on water allocation on the plains because you will hear expert reports on this subject, except to say it is my view that 15 years is too short a time for consent durations considering the amount of capital needed in the first place. I seek that the policy be amended to 20 years minimum consent duration.

Policy 59 and associated provisions

28. Agree in part.

29. I recognize it is essential we use water available at high flow times, but I have concerns about the exclusivity the rules are making. C (i) mentions a fund contribution with no more explanation. C (iii) says the contribution is proportional to any commercial returns. Defining, commercial returns would be very hard to do! The current and previous Governments have gone to great lengths not to commercialise water. It opens up a can of worms which would not be agreed to by most NZers.
30. However, the straight 20% allocation reserved for Iwi for Maori land development, or not, I do agree with. This was discussed during the TANK process.

Rule TANK 1, and Rule TANK 5 and associated provisions

31. Support with amendments
32. There are 3 catchment groups already recording and monitoring stream health. A question raised already is, who owns this information which we are collecting? The catchment does, but some of the data may be sensitive and not want to be shared or it may be commercially sensitive. Catchments may want to sell their data or intellectual property. Are the HBRC expecting to receive this information for nothing? There needs to be a comprehensive list of requirements by the HBRC. Seek that data is retained as the property of the catchment collective, and as such cannot be shared without the permission of the collective.
33. The land management plan that was recommended by the sheep & beef reference group and subsequently adopted by the TANK group has formed the basis of much of this plan change, certainly in the sheep & beef area which I represent. I seek that this be retained with amendments. There are areas of this plan that need some fine tuning, some of which I have mentioned and some more which you will hear about and I concur with their comments in support of this plan change:
- a. Enable the plan to be developed by the farmer or collective;
 - b. Delete requirements to have a plan prepared by an expert;
 - c. Enable flexibility in farm systems, management practices, and mitigation in order to address environmental concerns (freshwater, biodiversity, climate change and adaption, and soil conservation) while continuing to support the resilience, vibrancy, and profitability of the farming business;
 - d. Ensure the plan is underpinned by robust soil conservation principles.

Rule TANK 7 and associated provisions

34. Disagree.
35. Surface water take. Currently it is 20cubic meters per day and it should remain at that level. There are many farms with multiple buildings for staff and a large number of stock units.

Allowing for 400 ltrs per household per day and 10 ltrs per stock unit, the proposed 5 cubic meters per property is not enough.

36. Stock and domestic drinking water is the top priority of us all in the rural area. What this proposed rule does not address is a water source which serves more than one property. Some properties may not have a domestic water source but have an easement to take water from a neighbouring property. At 5 cubic meters the limit is set far too low and consequently will lead to no water being available for domestic needs or stock water.

37. I seek that the take limit is kept at 20 cubic meters per day

Rule TANK 67 and associated provisions

38. Agree in part.

39. Water storage is relevant in the sheep & beef area, arguably not so much for the farmers but for the plains. There is not enough information on how stored water may be used. Leaving dam bank levels at 4m limits many storage areas. A downstream bank height of 6mtrs would be more practical. It would also encourage farmers to fence these dams off and reticulate water for stock to lower areas. We must remember that dams are also very efficient sediment and nutrient traps. They should be encouraged because they are the single most efficient way of mitigating sediment and nutrient runoff. They also provide habitat for many species of fauna, ie, birds, eels.

Concluding comments

40. From a sheep and beef farmers' point of view, I congratulate Mary-Anne and her team so far.

41. I wish to be heard in support of this submission, and would consider presenting with other submitters which make like minded points.

Yours sincerely



Mr Peter Kay

14 AUG 2020

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

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

Name: (required) Matahiwi Marae

Organisation/Iwi/Hapu: Ngati Hawea, Ngati Kautere, Ngati Hori

Postal address: (required) PO Box 98, Cline 4102
Hastings

* Please refer to attached written submission attached

Email address:

Phone number:

Contact person and address if different to above:

* Please refer to attached written submission attached

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

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

Signature:  Date: 08 / 08 / 2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

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Private Bag 6006
NAPIER

or fax to:
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or email to:
eTANK@hbrc.govt.nz

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5pm Fri 3 July 2020

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OFFICE USE ONLY

SUBMISSION ID#

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HAWKES BAY
REGIONAL COUNCIL

TE KAUNIHERA A-ROHE O TE MATAU-A-MĀUI

Submission Details

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

I Support Oppose Amend

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

Please refer to attached written submission attached
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Reason for decision requested:.....

That all Mana Whenua Submissions be heard on a Marae
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REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 JULY 2020



'MATAHIWI MARAE'*Pepeha*

Mai i te tihi o Kahuranaki maunga
 ki ngā tūparipari o ngā awa o te Tukituki, te Tutaekuri, te Ngaruroro, te Karamu
 kei te waka tapu o Takitimu
 ki uta ki te whenua o Matahiwi Marae,
 ki te whare tūpuna o te Matau-ā-Maui

*From the peak of Kahuranaki mountain,
 to the banks of the Tukituki, the Tutae-kuri, the Ngaru-roro, te Karamu rivers,
 on the sacred Takitimu canoe,
 to rest at the land of Matahiwi Marae,
 to the ancestral house of Matau-ā-Maui*

**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: Hawkes Bay Regional Council
 Private Bag 6006
 NAPIER

Email: Etank@hbrc.govt.nz

Name of submitter(s): Ngā Hapū o Matahiwi Marae
 Ngāti Hawea, Ngāti Kautere, Ngāti Hori

Organisation (if applicable): N/A

Address for Service: 376 Lawn Road
 Clive - 4180
 Hastings

Contact Person: Levi Walford / Darlene Carroll

Email: leviwalford@gmail.com / darlene.carroll@gmail.com

Phone: 027 764 0594 / 027 435 0875

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

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

- (a) Water Quality
- (b) Water Quantity
- (c) Impact of Land Use

2. We oppose the provisions in Plan Change 9 relating to these matters.

3. We seek the following decision from the Regional Council:

- A substantial reduction of allocation and abstractions from ground water & surface water that contribute to low flows in – or no water being available to already diminishing streams
- Amend Plan Change 9 to include sustainable allocation volumes and abstraction rates from the Ngaru-roro river
- Harmful nutrients that are discharged into the Karamu causing adverse, affects, on the habitat and aquatic life are 'LIMITED'
- That an imposition be put in place for abstractions from all Aquifer Systems – especially the Heretaunga Plains, so that the springs that feed into the rivers are not restricted
- Elevate the minimum flow in all rivers to provide a 90% habitat provision for the range of aquatic life that prefer fast flowing river reaches

4. Reason for decision requested:

- Proposed TANK Plan Change does not give effect to the National Policy Statement for Freshwater Management
- The Proposed Plan Change 9 does not give effect to the Regional Policy Statement

- The Proposed Plan Change 9 fails to recognised and provide for the relationship of Māori with their ancestral waters or taonga
That the relationship is respectful and importantly inclusive in the consultation and consenting process
- The Proposed TANK plan make provisions for the promotion of sustainable management of freshwater resources

Cultural Perspective:


'KO TE WAI KO AU, KO AU TE WAI'
'For the water is me as I am the water'

Heretaunga ararau, Heretaunga haukunui,
Heretaunga haro o te kahu,
Heretaunga takoto noa!

*Heretaunga of archaic pathways,
Heretaunga of life-giving dew,
Heretaunga of majestic beauty,
a view appreciated through the eyes of the Hawk in full flight,
Heretaunga, where chiefs departed - where we the servants remain*

Date: 08. August 2020 

Signed by:  Position Held: Chairman

Witnessed by:  Position Held: Trustee

The following kōrero are presented on behalf of Matahiwi Marae to provide context for the main submission. These kōrero will also give clarity towards why it is imperative that we - as stewards of our awa - state and reflect upon the importance of restoring the mauri that has been lost over time.

“Ko au te awa - ko te awa ko au” is a theme that will be repeated many times over in this section. It means “I am the river - the river is me.” The inherent link that we share with our waterways is paramount and stands at the forefront of our decision making as we move forward together.

Social

“As I was growing up, I knew of the Clive river simply for its reputation as being the bridge that you could jump off and into the river. I often remember paddling our waka near the bridge and looking up to see my uncles as they dived from the bridge, into the river, and then rose from the waters to climb into the waka. The awa easily proved to host one of the greatest gatherings with our whānau and so much of that was because of the inherent relationship between us as the people and the wai. Where the wai flows is where the mauri of the people can thrive.”

- Levi Walford

Education

“I remember back in the 70s when whitebait/smelt season was on, everybody had some. When my brothers got a phone call from friends by the river mouth, in the middle of whitebait season, they'd grab their scoop nets from the wash house and run around the corner to the beach to catch the wave. The awa was our learn-to-swim venue too. I learned to dive watching my brother teach older kids. Of course, he was in a deeper spot than I realised, and I soon learned to find a deeper spot next time lol. I believe, from my brother Mana's stories, that the mussels were a lovely colour and could be gathered, along with tuna and other kai, from the lagoon in Haumoana. In my time, the sewage outlet was placed there so the food source for many whānau became obsolete. With those memories came knowledge of the way the community worked to feed their whānau and with that the values and lessons learned about taking only what was needed or to share so there was kai left for another time. Never would I have imagined how life on, in and around the awa was going to be just a commodity to other humans and the mauri of the wai being cut from its connection with us.

Ko au te awa, ko te awa ko au.”

- Eve Kireka

Recreation

"My Grandfather made a mud hut carved with his own 2 hands that my mother and her siblings lived on, situated at the riverbank behind the homestead at the marae at Matahiwi."

- Donna Geordeen

"I grew up always on our awa. If the smelt and whitebait were running, I was there with my nan and papa. Grabbing the bucket as they pulled a "pudding" from their nets or I was grabbing some willow branches from the trees. So many childhood memories of playing and swimming in the river and mouth. I wished our awa was sustainable and clean so the upcoming generations can be taught living off the river."

- Ngareta Hesketh

Kai

"Growing up in Clive, Whakatū and Haumoana areas and now being parents and grandparents ourselves, we have noticed the drastic changes to all these rivers. These rivers were our playgrounds, picnicking, swimming, and fishing with our parents. There was always an abundance of fish; mullet, kahawai, smelts, whitebait, and eels plus watercress that was a great part of our whānau diet.

Today, our rivers are in a sad state and at times a sight for sore eyes. The rivers have been diverted, ruining the natural flow of them all and depleting the abundance of fish that used to be there - if you try white-baiting down the back of the Ngaruroro, one thing you can guarantee you will catch are the weeds that continuously float down the river when the council have been cutting further upstream.

If one is lucky to catch whitebait this year, you can tell how it has been affected by river sludge for sure. The whitebait is not clear and translucent like they should be but dark colouring from all the mud and slush flowing down the river, and the taste is sludgy and metallic. At times when it is low tide the rivers have little water in them, almost a stagnant state. Have even come over the Clive bridge to the stench of the river - what a disgrace. Even one of our local tourism attractions can no longer function on the Clive river because of the build-up of mud and slush there.

It is all now certainly a sad state of affairs."

- Dianne & Jim Manaena

Culture

“Ko au te awa,

Ko te awa ko au.

My kōrero goes back as a child and our parents would fish along by the Haumoana bridge. There used to be a dump called ‘blue something’ and we would camp along there catching whitebait - and this would happen season after season - our parents Moari and Iramutu Karaitiana; Nanny Materoa, Toa, Tony and Punch Moananui, Nanny baby Carroll, Walker whānau, Whatarau whānau. During those times all the families read the tides by the way the water ran and reading patterns of colour in the sky “red sky at night, fisherman’s delight. Red sky in morning, fisherman’s warning.” Sometimes we would be out there before school or weekends.

I left this beautiful fishing place in 1982 to return home in 2014 to see our rivers absolutely ruined by deep holes, sediment, removal of flora and fauna that kept our water clean. We were always told to put back a rock or plant if it was disturbed, our elders made sure or you got a kick or slap, so best we listen. Today, machines are damaging the very essence of our taonga, I call it raping our taonga, our wai Māori always respected by our ancestors.

The system acting as our environmentalists, are commodity driven, rapists, cruel, unapologetic, and show no real concern for our water, our awa, our life force.

Our family of 21 survived from all these rivers, these waterways kept and gave us long life, hence my story. From Waipureku to Waimarama, Waipatu Marae, Ruahapia Marae, Kohupātiki Marae, we ate flounder, eels, kahawai, herrings, mullet, odd snapper, crabs, freshwater crayfish, and so many others.

All these rivers under TANK Plan change 9 I stand as an opposer to any more raping and ruining our taonga, our awa, our moana, our life force. No longer should we stand back and watch the ruination of our nation’s water, our communities’ water, our Marae water of life being sacrificed as a commodity.

Enough is enough.

Ka mate te wai

Ka mate hoki te Tangata.”

- Christine Anne Kidwell

Corporate Services



17 August 2020

Our Ref: SUB013 20

Hawke's Bay Regional Council
Private Bag 6006
Napier
4142

Email: eTANK@hbrc.govt.nz

SUBMISSION ON TANK PLAN CHANGE

The Hawke's Bay District Health Board (HBDHB) welcomes the opportunity to submit to the TANK Plan.

The HBDHB has a responsibility under the New Zealand Public Health and Disability Act 2000 to advocate for environmental conditions that contribute to the health of the community. Medical Officers of Health and Health Protection Officers also have responsibilities for the safety of drinking water under the Health Act 1956.

The TANK Collaboration

The DHB participated fully in the TANK collaboration. HBDHB staff and Board members also participate in the Hawke's Bay Drinking Water Joint Working Group (JWG) and Joint Committee. The TANK collaboration agreed that the JWG should be regarded as the drinking water advisory subgroup to the TANK collaboration. Recommendations of the JWG were accepted by the TANK collaboration at meeting 42 on 26 July 2018. The input of the JWG should be noted in the "Background" section of Change 9.

The TANK collaboration took place over many years achieving consensus on several values and objectives. However, the drafting of the Plan itself took place over a very compressed time period. Specific concerns raised by the DHB in the final stages of the TANK collaboration process were not able to be discussed by the wider TANK group. It is clear that the Plan has undergone significant further change since being passed to the Planning Committee. Some details such as Schedule 35 dealing with Source Protection for Drinking Water Supplies have been added.

Some specific changes requested by the DHB have not been incorporated into the notified version of the Plan. We note also that despite the TANK collaboration adoption of the JWG recommendations for drinking water source protection at meeting 42 a number of specific recommendations have not been incorporated into the notified version of the Plan.

This submission follows the structure of the Plan and comments on requested changes, omissions and changes that are inconsistent with previous agreements as they occur in the Plan.

Issues

Recommendation 1: Include new issue: Protection of Drinking Water Sources

Up to 8320 people suffered illness as a result of contamination of the Havelock North water supply¹. As of the time of this submission this was the largest outbreak of *Campylobacter* recorded in scientific literature. The government inquiry into the outbreak found that a failure to understand risks and protect the source of Havelock North water contributed to the outbreak and the inquiry made a number of recommendations that are being implemented by government.

¹ Gilpin B. J. et al. A large scale waterborne *Campylobacteriosis* outbreak, Havelock North, New Zealand. *Journal of Infection*. 81 (3) Sept 2020.

In particular, there is a need to understand risks to drinking water sources and to put in place enhanced controls of land use and other activities in areas where these activities may contribute to water source contamination.

Introduction

Recommendation 2: Modification to human health attributes in Figure 1

Figure 1 included in the new Chapter 5.10 introduction suggests the only attributes of water relevant to human health are E.coli and nitrate. The presence of cyanobacteria, the quantity of water and the presence of pathogens and other chemical contaminants are also important attributes. The Te Pae Mahutonga framework for human health promotion also links Waiora² to human health.

TANK Objectives

General Objectives 1 and 2

Recommendation 3: The HBDHB supports these objectives but recommends the Plan makes it clearer as to how policies and rules give effect to them. It would be useful to include a list of policies and rules that specifically give effect to these objectives.

Objective TANK 3

Recommendation 4: Add bullet point a) (vi) changes in habitat for human and animal disease vectors

Climate change with warming and changes in rainfall pattern is predicted to impact on the risks of vector borne disease.

Objective TANK 4

Recommendation 5: Add bullet point c):

“Where measured states require improvement to meet the attribute stated in Schedule 26, improvement must be measurable within 5 years of this Plan becoming operative. For measured states that have not improved within 5 years, a review of Plan effectiveness should be completed with policy and rules review to be commenced.”

It is our view that the TANK catchment cannot afford to wait for the standard 10 year interval to commence review if there is no indication that the provisions of Plan change 9 are making a positive impact within 5 years.

Objective 9

Recommendation 6: Reword as follows:

Activities in source protection zones (and extents*) for Registered Drinking Water Supplies are managed to ensure that they do not cause water in these zones to become unsuitable for human consumption with *existing treatment levels*, and that risks to the secure supply of safe drinking water are appropriately managed.

(* if this term is used – see below for further discussion)

Objective TANK 16

Recommendation 7: Add additional bullet point a) the life supporting capacity of water bodies

The first priority for allocation should be to ensure water bodies are able to support ecosystems. This would mean the second priority is water for essential needs of people. Adding this priority would align with Objective 2.

Objective TANK 18

Recommendation 8: add new bullet point a) Sustainable water allocation

Flexible water allocation and management regimes along with other listed approaches will not necessarily achieve the objective. For example, the Heretaunga Aquifer Groundwater Model report (RM18-32) notes that “Augmentation is likely to be inadequate to mitigate the effects of increasing water allocation” (p78).

² <https://www.health.govt.nz/our-work/populations/maori-health/maori-health-models/maori-health-models-te-pae-mahutonga>

TANK Policies

Policy Management Approach 1

Recommendation 9: modify bullet point f as follows:

The protection of water quality for domestic, *community* and municipal water supply.

Policy 6: Protection of Source Water

Recommendation 10: Extend the definition of Water Source Protection Zone to all registered water supplies serving 25 persons or more.

Policy 6 and Schedule 35 appear to classify drinking water source protection areas into zones or extents based on the population thresholds set out in the current Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007. These regulations are under review and it seems likely that new regulations will impose more stringent requirements. However, at present the NES states that regulations (7 and 8) concerning water permits and discharge permits up stream (up gradient) of a water supply apply to registered supplies supplying no fewer than 501 people. Similarly the NES states that regulation 10 limiting permitted activity rules applies to supplies of the same size. For supplies serving 25 or more councils are required to include a consent condition for the consent holder to notify the water supplier in the event that an activity may adversely impact on the quality of the water at source.

The NES regulations state explicitly that “Consent authority requirements may be more stringent than regulation requirements”. In our view the notified Plan is creating an inequity by failing to provide the same degree of protection to smaller water supplies. Table one lists Hawke’s Bay supplies with populations less than 501 (and greater than 100) in the 2019 annual survey. The supplies are predominantly serving small predominantly Māori communities. There are many other registered supplies serving between 25 and 100, some of which supply schools. It is our view that by applying the methods set out in schedule 35 default source protection zones could be defined for all supplies over the 25 person threshold.

Table one: Registered Drinking Water Supplies with populations between 100 and 500

Water Supply	Registered Population (2019)
Pōrangahau	160
Farm Road	120
Ōmāhu	126
Waimārama	260
Whakatū	337
Raupunga	250
Tuai	300

(source: Ministry of Health. 2020 Annual Report on Drinking-water Quality)

Policy 35: Monitoring and Review

Recommendation 11: Link monitoring of attributes requiring improvements to achieve the attribute states in schedule 26 to milestones and timeframes for review (Policy 27 and schedule 28)

Change bullet point f) to read. “Commence a review of these provisions if monitoring of attributes requiring improvement to achieve schedule 26 attribute states fails to show progress within 5 year of “operative date”.

See recommendation 5 above.

Policy 37

Recommendation 12: Clarify point d) i)

It is unclear how council will reconcile differences between maximum quantity able to be extracted under an existing permit (for example if water was extracted continuously through-out the year) and the assessment of actual and reasonable use.

Stormwater Policies and Rules

Recommendation 13: Manage the impact of solid contaminant and debris discharge in stormwater

The notified TANK Plan is silent on the impact of solid contaminants and debris entering into the Stormwater network and then on into our streams, rivers, and into the Ahuriri Estuary. However solid contaminants in the form of windblown plastic, drink containers, industrial debris or animal waste rubbish currently enter the stormwater network and on into receiving surface waterbodies without any clear plan to stop this occurring. While not generally associated with immediate health risk these discharges significantly impact on recreational and other values and may be associated with discharge of endocrine disrupting chemicals and other emerging contaminants.

We recommend a number of changes (*in italics*) to Policies and Rules (as set out below) to reduce the effects of solid contaminants and refuse entering the stormwater network.

5.10.2 Policies: Surface Water and Groundwater Quality Management Priority Management Approach (Page 13)

5. 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:

Amend wording in the Plan to include the additional wording (highlighted in *italics*):

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, *and solid contaminants and debris*;

5.10.4 Policies: Stormwater Management Urban Infrastructure 28. (Page 22)

Amend wording in the Plan to include the additional wording:

L) Requiring the management of solid contaminants and debris entering into the Stormwater network, and implementing measures to remove it once instream.

5.10.4 Policies: Stormwater Management Urban Infrastructure 28. (Page 22)

Source Control 29. Sources of stormwater contamination and contaminated stormwater will be reduced by:

Amend wording in the Plan to include the additional wording:

c) controlling, and if necessary avoiding, activities that will result in water quality standards not being able to be met, *or that lead to solid contaminants and debris entering the stormwater network.*

Dealing with the Legacy (Page 23)

Amend wording in the Plan to include the additional wording:

30.

b) (vi) to implement measures that manage solid contaminants and physical debris entering into the stormwater network, and apply measures to remove solid contaminants and physical debris once entered into the stormwater network.

6.10.3 Stormwater –Rule - TANK 19 Small scale stormwater activities (Permitted) (Page 52)

Amend wording in the Plan to include the additional wording:

Conditions/Standards/Terms

a) The diversion and discharge shall not; *contain solid contaminants and debris*

6.10.3 Stormwater –Rule - TANK 20 Small scale stormwater activities (Restricted Discretionary) (Page 53)

Amend wording in the Plan to include the additional wording:

Matters for Control/Discretion

12. The management of solid contaminants and debris entering into the Stormwater network, and implementing measures to remove it once instream.

6.10.3 Stormwater –Rule - TANK 21 Small scale stormwater activities (Controlled) (Page 54)

Amend wording in the Plan to include the additional wording:

Conditions/Standards/Terms

a) The diversion and discharge shall not; *contain solid contaminants and debris*

6.10.3 Stormwater –Rule - TANK 22 Small scale stormwater activities (Restricted Discretionary) (Page 57)

a) The diversion and discharge shall not; *contain solid contaminants and debris*

Schedule 30: Landowner Collective, Industry Programme and Farm Environmental Plans

Recommendation 14: Section B 2.2 f) changed as follows:

“Measures required to *prevent the contamination* of the source water for any Registered Drinking Water Supply”

Recommendation 15: Section B 3.1: Add new bullet point as a matter the Council will take into account in approving plans or programmes:

“e) the effectiveness of measures proposed to prevent drinking water source contamination”
Section C: Farm Environment Plans 3 Auditing.

Recommendation 16: include an auditing frequency requirement linked to performance

Targeting an audit frequency that is based on farm environmental performance will incentivise compliance and ensure focus and energy is given to those farms who may need either help, or not be meeting their environmental obligations under the TANK Plan. We recommend lengthening the time between audits out to 18-months for those high performing farms in order to leave them to get on with what they are already doing well. We also recommend that audit frequencies be shortened to between 3-12 months depending on an assessed criteria as per our wording below.

Audit frequency is likely to be an effective non-enforcement method for demonstrating farm environment plan implementation, as a poor performing farm plan will incur the cost burden of repeated audits necessary to drive improvement. This will likely create an incentive for farms plans to be implemented in full. This approach has been utilized effectively in food safety compliance.

New Table: Frequency of verification of Farm Plans

- (1) The frequency levels for the verification of **a farm** that is subject to a Farm Environment Plan should be as follows:

Steps	Frequency of verification
5	18 months
4	12 months
3	9 months
2	6 months
1	3 months

- (2) If the result of the initial verification is an acceptable outcome, the verification agency or verifier must carry out verification of the Farm Environment Plan and Farm at the frequency referred to in step 4 of the table in subclause (1) (the table).
- (3) If the result of the initial verification or any subsequent verification (including any unscheduled verification) is an unacceptable outcome, the verification agency or verifier must, after considering the frequency criteria, increase the frequency of verification to a level set out in steps 3 to 1 of the table.
- (4) If the results of 2 consecutive verifications (including any unscheduled verification) are 2 acceptable outcomes, the verification agency or verifier must reduce the frequency of verification to a lesser frequency further up the table.

Thank you for the opportunity to submit on the TANK Plan.

We do wish to speak to our submission.

Yours sincerely,



Dr Nicholas Jones

Clinical Director Health Improvement and Equity

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

14 AUG 2020

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) Stephen Randall

Organisation/Iwi/Hapu: Hohe Mōnōtanga Onohu

Postal address: (required) 6 Hakiwai rd. ROS
Onohu. Hastings

Email address: stephenrandell22@gmail.com

Phone number: 0274416695

Contact person and address if different to above:

Halo + Melinie
022 376 8528

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: 14/8/20

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 3 July 2020

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

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

HAWKES BAY
REGIONAL COUNCIL

TE KAUNIHERA 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)

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]

(Hope Resources. AWA. Roto. Maungees)
Maori whenua & wai Mauri, Monitoring (Waiora)
Haere Mai ki HOPE Education. CT NZQA. Qualification
Authority Quality Education Programed.
(A matau wairua - Our Vision)
Knowledge with modern scientific tools.
(Hope to learn from the Past) reconise to Maori
intergenerational learning. Kaunatua Marae tikanga &
Kawa naturally flow. The use of matauranga Maori
intergrated with western science is a key elements &
Potential for indigenous whanau. thoughtout the Pacific

Reason for decision requested: Nga Uara - Our Values
(Empowerment Whanau hapu. iwi)
He Tangatawhenua. Collaboration Whanau hapu
" " iwi. Kaitiaki, Marae & Communities
" " with industry & standard setting
bodies.
Respect Mana & traditions handed
down by our Tipuna. All tikanga &
Kawa. For all Tena Koto Katoa.
Kia ora. Kapaui

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

17 AUG 2020

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

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

Name: (required) GRAEME WEDD
 Organisation/Iwi/Hapu: ROTONA STATION TRUST
 Postal address: (required) 305 ANAROA ROAD
R.D. 4, HASTINGS, 4174
 Email address: graemewedd@ara.co.nz
 Phone number: 06 874 8778
 Contact person and address if different to above: _____

N/A.

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: Graeme Wedd Date: 11th 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 14 August 2020

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

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

HAWKES BAY
REGIONAL COUNCIL

TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

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

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

I Support

Oppose

Amend

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

- * I Support the catchment collective. We are out come focused about water quality.
- * I agree Taking ownership of any problems.
- * I have no interest in Plan change 6 Solving problems. Any Cropping is done for Sustainability and welfare of the land not to pollute waterways.
- * We cannot exist under plan change 7. We have Reason for decision requested: 10,000 Stock units needing average of 20 hrs per day. We also have 3 Families in houses on the property.
- * I need the right to apply to Store water from Farm Springs in the Future to irrigate pasture & Crops in any especially dry Seasons.

Yours Faithfully
Graeme Wedd.
owner.

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

See Attached

236

RECEIVED

RECEPTION

TIME: 1.10pm DATE: 10/08/20

SIGNATURE: [Signature]

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) Kenneth Mark

Organisation/Iwi/Hapu:

Postal address: (required)

Email address: Lyonmarkestate@gmail.com

Phone number:

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:

- [X] 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: 10/08/2020

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

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eTANK@hbrc.govt.nz

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SUBMISSION ID#

Date Received:

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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) PLAN CHANGE 9

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]

Because of the country being in complete lockdown with coronavirus, I feel this is an inappropriate time to be making far reaching decisions of this nature. Also because of the worst drought in Maraekakaho district, farmers have suffered through having to sell stock at extremely low prices and also knowing it would depreciate their finances, and when having to replace that stock finance will not be available - leaving farmers with no alternative but to force them into liquidation. The stress being experienced by farmers has been well publicised, including myself having been hospitalised for three weeks with heart problems caused by the stress of this whole situation. Farmers who need water allocation to remain the same do not need this proposed reduction to affect them more.

Reason for decision requested:

The 90 Cubic Metre Limit has not been correctly assessed.

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

ATTACHMENT FOR THE HBRC TANK change 9 – my possible submission points.

- I oppose the 90 million cu/metres per year interim allocation limit for Heretaunga Aquifer

Reason being:- This is based on the 2013 Drought year ,not based on actual measurements.

- I oppose new 5 cubic metre/day permitted activity limit. The current Regional Resource Management Plan limit of 20 cubic metres per day should remain in place in the TANK plan.

REASON BEING: If all the farms in the TANK catchment together use 20 cubic metres per day, this only totals 20% of the (2013) worst case modelled.

I oppose any reference throughout the TANK plan to “2 May 2020” as the commencement date for compliance.

REASON BEING: The TANK plan is still being considered. The rules could change by the time the TANK plan has been through the process. It may be pointless to have to comply with new rules if they are to be changed by the time the TANK plan is made fully operative.

I oppose the requirements for limiting the transfer of takes in water permits to “actual and reasonable” take.

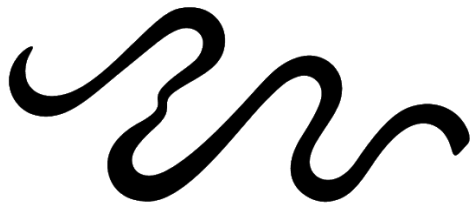
REASON BEING: If you manage to save water as an irrigator from time to time you should be able to share that with other irrigators who need the water, rather than having to surrender any not used simply because of an assumption that the freshwater resource is fully allocated or over allocated based on a modelled limit of 90 million cubic metres per year.

I am making my submission, as per your required form. However, I am concerned about your privacy act.

I do not agree that my details can be made available to whoever wants them. My contact details can only be made by email address because of this reason.

SIGNED:.....
KENNETH MARK

DATED: 10/08/2020.....



Whitewater NZ

Mo ngā awa te aroha, he waiaroha For the love of rivers

To:

Mary-Anne Baker, Senior Planner, mary-anne.baker@hbrc.govt.nz
Hawke's Bay Regional Council
Private Bag 6006
NAPIER

12 August 2020

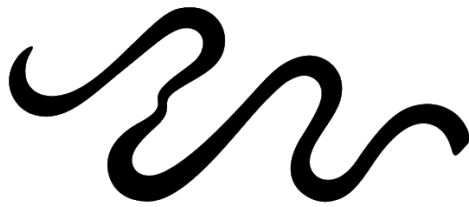
Dear Mary-Anne

I am writing this submission on behalf of Whitewater NZ Incorporated.

Whitewater NZ (WWNZ) is a key advocacy body for recreational whitewater river sports in Aotearoa. Our mission is to protect and restore Aotearoa's whitewater rivers and enhance opportunities to enjoy them safely. Whitewater enthusiasts' passion represents a shared voice for river conservation in Aotearoa. The concept of kaitiakitanga is strongly embraced and celebrated by our community and manifests itself in many ways.

In this particular instance, WWNZ has a strong interest in preserving the recreational whitewater kayaking opportunities and the mana of the Ngaruroro River, which is part of the TANK group of rivers. The proven unique and outstanding qualities of the Ngaruroro River have been documented thoroughly to date via multiple stakeholders efforts and in myriad media formats. Such exhaustive and ubiquitous celebration and documentation inherently acknowledges a nationally significant recreational resource. As a key advocacy body for whitewater sport in New Zealand, we strongly feel that WWNZ should have been invited to contribute to every stage of the planning process. Without our input to the development of this plan you have failed to take into account the needs of a large stakeholder group.

Upon first reading, the "plan" appears to provide for enhanced water quality, protected flows and biodiversity protection. However, there are no specific targets, actions, regulations or enforcement powers detailed within the plan. The information provided on your website is very voluminous. There is so much information that it makes it difficult to ascertain what the actual details are. The overriding principles appear to be sound, but with no solid methods to uphold those principles it raises the question "will this plan actually work?".



Whitewater NZ

Mo ngā awa te aroha, he waiaroha For the love of rivers

It is our opinion that the methods by which you have chosen to present this plan are confusing and potentially misleading. As such we believe that this is in direct contravention of the Local Government Act (2002) and the Resource Management Act (1991). For example, the Plan's failure to quantify abstraction limits and to accurately describe the permissible or non-permissible damming of tributaries, there is no tangible protection for the mainstem of the Ngaruroro River. Additionally, it fails to recognise the inherent importance of the tributaries to the overall health of the whole catchment. We also note that the TANK Plan fails to:

- Give effect to the Regional Policy Statement
- Give effect to the National Policy Statement for Freshwater Management, 2020
- Achieve Part 2 of the Resource Management Act

Additionally, the s32 assessment is deficient.

Considering the misleading presentation of information and the apparent failure to provide the protections that this "plan" claims to provide, we suggest that this plan be scrapped and re-developed with proper attention to Te Mana O Te Wai, legal processes and to the interests of all stakeholders. Failing this, if this plan is to be adopted we suggest making the following changes:

- Re-draft a more concise set of objectives and policies, and include rules that will ensure that the objectives and policies are achieved
- Include limits and rules to maintain or improve water quality
- Prohibit damming on the mainstem of the Ngaruroro and in all tributaries above Whanawhana
- Prohibit further abstraction of water (other than as provided for under section 14(3)) from the Ngaruroro River and tributaries above Whanawhana

We wish to be heard in support of this submission.

Nga mihi nui

Kev England,

President, Whitewater NZ.
 president@whitewater.nz

(Submit by email at eTANK@hbrc.govt.nz or post to HBRC, by 5pm Friday August 14th)

Submission on Proposed Plan Change 9 (PC9):

Hawke's Bay Regional Resource Management Plan

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

Name: *(required)* **Emma Taylor**.....

Organisation:**Gimblett Gravels Winegrowers Association**.....

Postal address: *(required)*

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.....**emmataylor.viti@gmail.com**.....

Phone number:**021 412 953**.....

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Submission Summary:

1. THE GGWA 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. THE GGWA OPPOSE elements of PC9 that do not reflect those agreements reached by the TANK Group community representatives.
3. THE GGWA SUPPORT THE AMENDMENTS proposed by Hawke's Bay Winegrowers' Association Inc. in their submission dated 14 August 2020.
4. THE GGWA SEEK AMENDMENTS as set out in Section A of this submission below.
5. THE GGWA are 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. THE GGWA are concerned that PC9 will have significant negative effects on our business and THE GGWA have detailed their concerns in Section B below.

Submission Details:

A. Introduction:

1. Gimblett Gravels is the registered trademark of the GGWA. The Association and registered brand were developed to define and then name a wine growing district. To the best of our knowledge this is the first viticultural appellation in the New World where its ultimate boundary is defined by a distinct soil type boundary.
2. The macro-designation of the Gimblett Gravels Winegrowing District follows a recognised boundary of roads and rivers that covers the extent of the meso-climatic terroir factors. The designation imposes a further qualification that to be able to become a member of the Association an applicant must own vineyard land within the defined locality and that the vineyard must have 95% of the area of the vineyard with soil types scientifically characterised as from either the Omahu (1), Flaxmere (2) or Omarunui (4) series. All these soils are recent soils and part of the old bed of the Ngaruroro River.
3. There are now some 800 hectares of vineyards showing the unique terrain of the Gimblett Gravels Winegrowing District
4. Viticulturally the Gimblett Gravels Winegrowing District has a short history. Up until the late 1980s the area was regarded as the poorest, least productive land in Hawke's Bay, needing about three acres to feed one sheep and no hope of growing a decent crop of anything.
5. The Gimblett Gravels Winegrowing District is an outstanding example of high quality production propelling the New Zealand wine industry onto the international stage. The Gimblett Gravels Winegrowing District might be a small area, however it has a big reputation.
6. As well as producing quality wines, members of the GGWA have a large interest in sustainability. All vineyards in the Gimblett Gravels Winegrowing District are accredited to either the New Zealand Winegrowers Sustainable Winegrowing certification system or hold Organic accreditation through BioGro or Assure Quality.
7. According to the HBRC, within the Gimblett Gravels District there are 27 resource consents for irrigation and winery usage totalling around 640l/s and an additional 6 takes for frost protection totalling 1,505l/s.
8. Five vineyards have their wineries vertically integrated and located on the Gimblett Gravels.

THE GGWA are concerned that PC9 will impact on our business in the following ways and seek the following relief:

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 along the lines of...OBJ TANK 7 to read "...reduces <i>reduceable</i> 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. All of the GGWA 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>Amend along the lines of... OBJ TANK 16.c to read "Primary production on versatile and <i>viticultural</i> soils", or similar wording to achieve the outcome sought in this submission.</p>
<p>Policy 5.10.2.6/7/8 Protection of source water</p>	<p>These three policies adopt a strengthened approach to protection of the quality and quantity of drinking water supplies.</p> <p>As the GGWA sits in a SWPZ in its entirety, it supports a precautionary approach to such protection but considers that the policies and rules are unnecessarily onerous and reflect an over-response to the 2016 Havelock North water crisis.</p> <p>The Plan Change draws source protection zones expansively and the control exerted by Council through matters of discretion under TANK rules 2/4/5/6/9/10 is uncertain and potentially onerous, particularly on winery point source discharges but also on vineyard farming practices.</p> <p>In addition to the uncertain scope of control, there is a duplication in control because risks to drinking water will also need to be addressed in Farm Environment Plans, Catchment Collectives and Industry Programmes.</p>	<p>Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10. Address risks via Farm Environment Plans, Catchment Collectives and Industry Programmes.</p>

	Retaining the reference in TANK 2 will ensure that a risk assessment will still be made in the event that a property does not have a Farm Environment Plan or is not part of an Industry Programme or Catchment Collective.	
Policy 5.10.3.21 Assessing resource consents in subcatchments exceeding nitrogen objectives or targets	<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>This is unnecessarily constraining of landuse change, undermines the role of community collectives, discriminates against viticulture as a particularly low nitrogen source.</p>	<p>Amend along the lines of.... 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 along the lines of.... 21.d to read “<i>subject to Policy 21 a)-c)</i>, avoid land use change....” or similar wording to achieve the outcome sought in this submission.</p>
Policy 5.10.3.34. Monitoring and Review	This policy provides for “regular” meetings “with representatives from TANK stakeholder groups” but is light on detail of the structure and function of such meetings. Overall the provision appears to be consultative rather than collaborative, so does not reflect best participatory practice in catchment management and governance.	Amend Policy 34 to require Council to establish and maintain a community catchment governance body to oversee subcatchment activities within the TANK catchments. We suggest that this should comprise representatives from the Regional Planning Committee, together with representatives from each of the subcatchments and should meet at least bi-annually.
Policy 5.10.6.37.d(ii) “Actual & Reasonable” water allocation approach	<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...”.</p> <p>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</p>	Amend along the lines of.... 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 <i>August 2017 30 June 2020 (the end of the 2020 water year)</i> ...” or similar wording to achieve the outcome sought in this submission.

	<p>was drafted, Hawke’s Bay has experienced a severe drought in 2019/20 water year. Given this recent experience and vastly improved water meter data collection in the most recent years, I consider that the 2019/20 water year data should be available as a benchmark dry year.</p> <p>In addition the policy does not take into account the replanting of young vines in an established vineyard. Young Vines require significantly more water than a mature vineyard, in some instances where a mature vineyard is dry farmed, a young vineyard will be the only time that irrigation is required for the vines. The plan change does not allow the flexibility for a vineyard to replant its vineyard and supply the vines with important water supply in the first few formative years. Vine age in New Zealand has a 20 – 30 maximum. With most vineyards in NZ and indeed HB being planted in the late 1990s and early 2000s, it is likely that large scale vineyard replanting across HB will occur during the tenure of this plan.</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 The GGWA 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 	<p>THE GGWA understand that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. THE GGWA support, in principle, jointly-funded collective stream flow maintenance schemes on suitable lowland streams, facilitated by HBRC.</p>

	<p>operationalise such schemes, it is critical that HBRC takes on a central role in their development.</p> <ol style="list-style-type: none"> 3. Large temporal and spatial spread of consent expiries and large consent numbers make it impractical and inequitable to require consent holders to take full responsibility for the development. 4. No allowance for an orderly transition to any new stream augmentation has been made. The currently proposed provisions could apply immediately from notification of the Plan Change, including to a very large number of currently expired consents (particularly groundwater takes in the unconfined aquifer), whereas stream augmentation schemes may be reasonably expected to take years to commission, particularly the kind of large-scale schemes that would be required to maintain flows in the Ngaruroro River. 5. Consent reallocations under the “Actual and Reasonable” provision of the Plan based on 95% certainty of supply do not provide sufficient water volume to support stream augmentation in dry years and so would decrease the effective certainty of supply of consents. 	
<p>Policy 5.10.7.45.d General Water Allocation Policies</p>	<p>This policy provides a stream augmentation option for water permits newly recategorized as stream-depleting in Zone 1, to avoid having to cease water takes based on a minimum flow trigger.</p> <p>There are several members within the GGWA who are affected by this. Currently this policy provides no certainty or clarity around how this might look, or what the overall impact will have on our businesses. There is a risk that the properties will be changed to Zone 1 before sufficient off-setting is in place. As the GG has very little water holding capacity any water reduction during the growing season can have disastrous consequences.</p>	<p>Modify 5.10.7.45.d as required to align with any changes to Policy 39, and ensure that these are in place before zone changes are made.</p>
<p>Policy 5.10.7.49. Water Allocation – Permit Duration</p>	<p>This clause requires Council to set common expiry dates for water permits to take water in each water management zone.</p>	<p>Amend along the lines of.... 5.10.7.49 to ensure that public notification of consents is not required, if the requirement is triggered only by the</p>

	<p>Whilst this is sensible, it has the unintended consequence of potentially requiring all grouped consent renewals to be publicly notified, as the cumulative effects of all the consents are likely to be “more than minor”.</p> <p>Public notification requirement caused in this way duplicates the TANK process and other processes within the Plan Change. To avoid unnecessary processing time and cost, the policy should provide that the combining of consents should not of itself trigger the requirement for public notification. All resource consents in the Gimblett Gravels are currently expired and operating on temporary permission. The public notification has the potential to cause delays in processing while multiple submissions are heard. While the delay in consent renewal for the May 2019 consents has been ongoing, several members have been unable to sell property to purchasers who view the consent as expired. This creates uncertainty to our members.</p>	<p>cumulative effect of consents that individually have no more than minor effect.</p>
<p>Policy 5.10.7.51 Water Use and Allocation - Priority</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>Amend along the lines of.... 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, <u>affected primary sector groups</u> and MPI, to make decisions ...” or similar wording to achieve the outcome sought in this submission.</p>
<p>Rule TANK 2/4/5/6/9/10 – References to SPZs</p>	<p>These rules governing land use and water takes all contain provisions including actual or potential effect of the activity in the SPZs on Registered Drinking Water Supplies. This introduces potentially significant cost and uncertainty for winegrowing, which is one of the major landuse activities in the SPZs. Such risks can and will already be assessed via Farm Environment Plans or Collectives in terms of Schedule 30, so separate inclusion in the consenting process is an unnecessary duplication.</p> <p>Retaining the reference in TANK 2 will ensure that a risk assessment will still be made in the event that a property does not have a Farm Environment Plan or is not part of an Industry Programme or Catchment Collective.</p>	<p>Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10</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.</p> <p>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?</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 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>Adjust the Grape kg/ha/yr for all soils to recognise 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>RRMP Chapter 6.9 - 6.3.1 Bore Drilling & Bore Sealing, Rule 1</p>	<p>This rule change has the effect of making bore drilling within a Source Protection Zone (SPZ) a Restricted Discretionary activity, as opposed to a Controlled activity.</p> <p>The proposed SPZs cover extensive areas of the Heretaunga Plains, particularly in the unconfined aquifer zone where many vineyards are located. The proposed Plan brings in intensive controls over activities in the SPZs and are specifically drawn to capture areas of unconfined aquifer upstream of protected water takes.</p> <p>Given the already-permeable nature of the unconfined aquifer area that comprises the bulk of the SPZs and other substantial controls over landuse activities, there is negligible additional benefit in controlling bore drilling in this area where the bore is a replacement for existing infrastructure. Also the</p>	<p>Add a Condition to 6.3.1 Rule 1 reading: “<i><u>c. The bore is located within a Source Protection Zone but is a replacement for an existing bore that will be decommissioned.</u></i>” or similar wording to achieve the outcome sought in this submission.</p>

	<p>additional expense and uncertainty of Restricted Discretionary status is likely to act as a deterrent to bore replacement as part of a normal maintenance cycle. Accordingly, bore drilling for the purpose of replacement of existing infrastructure in the SPZs should remain a Controlled activity.</p>	
<p>Chapter 6.9 - 6.7.3 Transfer of Water Permits Rule 62a</p>	<p>This rule change is intended introduce new controls on water permit transfers in the TANK catchments.</p> <p>We consider that two of the proposed Conditions require amendment:</p> <p>“d. i. for groundwater takes in the Heretaunga Plains Water Management Unit (Quantity). the transfer is to any point downstream of any affected stream;”</p> <p>Assuming a normal geographic distribution of transfer applications, approximately half of all applications in the HPWMU are likely not to meet the above Condition and therefore become a Discretionary activity. This is inefficient and unwarranted by the risk of material impact on the HPWMU from transfers, due to the generally high transmissivity of the aquifer in this area.</p> <p>“e. the transfer of a groundwater take is to an existing bore for which pump tests are available and there is no change to the nature and scale of drawdown effects on neighbouring bores or connected waterbodies as a result of the transfer”</p> <p>This condition does not contain any materiality test and due to the high density of bores throughout the TANK catchments and the generally high transmissivity of the aquifers, few transfer applications are likely to meet this test. Again, this is inefficient and would largely nullify Controlled activity status for water transfers in the TANK catchments, defaulting them to Discretionary, which will be counterproductive to the efficient redistribution of water usage over time.</p>	<p>Delete this requirement if Bore is in the same Zone – i.e. not located within Zone 1 if original consent is also not in Zone 1.</p>

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

Signature: Date:.....

Proposed TANK Plan Change 9

Submitter Details

First name: Mangaone **Last name:** Catchment Group
Organisation/Iwi/Hapu: Mangaone Catchment
Group Incorporated

Phone number:

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

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

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

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

Additional requirements for hearing:

Consultation Document Submissions

Proposed TANK Plan Change 9

- Support
 Oppose
 Amend

I seek the following decision from the Regional Council:

As per attached document.

Reason for decision requested:

As per attached document.

Attached Documents

File
Mangaone Catchment Group Tank Submission (1)

Mangaone Catchment Group (MCG) TANK Submission.

Rule 6.10.1 (TANK 1-6)

Rule 6.10.2 (TANK 7)

Our Catchment collective

We have formed the MCG so that we (as a community) can set our own standards and values for how we manage our river (the Mangaone – see annex 1).

The MCG was formed by our community to enable our community to effectively manage our relationship with our river. Many of the farms within our community are multi-generational or genuine family farms. Our relationship with our river is important to us and has been for a long time.

A lot of land within the 22,500 ha catchment has been in families for 4 generations or more. The families are very proud that we have a healthy river, that has allowed the previous and current generations to swim in the Mangaone. This is something we are determined to enhance. With the passion of a collective approach, blended with technology and science we strongly believe that we look after the lifeblood of our community.

Having catchment-based data collection will be imperative to understanding correlations between land uses and river health.

Understanding our own data is going to be a key driver to the way our community makes future decisions.

The community identified that we needed a governance structure to have a formalised accountability that creates longevity. Through this process we have created an incorporated society that has a constitution for its members.

Timeframe

We think it is useful for the hearing panel to understand that an effective and constructive catchment collective (CC) requires significant time, effort and resources to organise. In our case it has taken at least 18 months of community input and organisation to formally form the MCG. This is important when considering any compliance timeframe for catchment collectives as significant time may be needed to simply form a group to the standards required.

Relief sought

Support for catchment collectives within TANK catchments

HBRC Structure

While we fully endorse HBRC's enthusiasm for CC's, we are concerned that they are being seen as a cheap fix for a very complex problem. We believe that CC's should be structured in a way that provides for the:

- Protection of sensitive and confidential information that will inevitably be held by CC's

- Administration support for CC's to engage with HBRC
- Methods to ensure the long-term governance of CC's is protected from the short-term political nature of HBRC.

Relief Sought

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

Stock Exclusion

While MCG in general support the concept of stock exclusion where possible and cost effective it is concerned that the rule TANK 3 is overly restrictive when compared against national regulations.

The combination of having to assess the average slope across a paddock over 15 degrees is very difficult. If the regulation was more in line with national expectations of 10 degrees the ability to assess slope would be a lot easier as land with a 10-degree slope is usually more consistent and typically fenced into tighter paddocks.

Relief Sought

Change stock exclusion requirements to land less than 10 degrees slope.

Change in land use

Limitations on the ability of farms to change land use in order to respond to markets and climate is pivotal to their short- and medium-term resilience. The MCG do not agree that the cost and time necessary to satisfy activity status or consent requirements is either necessary or effective. Many of our farm systems are naturally variable. It is unclear what a 10% change would look like or over what time frame and therefore we cannot support this policy.

Our preference is that any limitations for land use change or connected to actual catchment conditions and potential conditions over the medium term. Not against arbitrary limits as set out in Schedule 29 table1.

Relief sought

Delete references to limitations of 10% land use change.

Sediment

The MCG is concerned that our catchment is seen as the highest priority for sediment loss. We are concerned that this is based on high level modelling carried out by HBRC that does not represent actual on ground topography. It does not make sense that we are the highest priority when our MCI index (as a proxy for ecosystem Health) is the same as virtually every other catchment in the TANK area (HBRC water quality report 2014)

The devastation of cyclone Bola in 1988 was a defining moment for the Mangaone catchment. It clearly showed what could happen to a bare landscape. With the help and foresight of HBRC, the generation before us swung into action protecting their land from eroding. Over a number of years/generations steep sided gorges were retired completely, gullies production planted in forestry, and hillsides space planted. This in turn, has resulted in a sustainable ecosystem that is aesthetically pleasing.

The region boasts a number of winners of farm forester and Ballance farmer of year awards. Large tracts of native bush within the catchment have been protected through the QE2 trust, and virtually all the Mangaone itself fenced from stock (see Annex 2)

Monitoring

The MCG believe very strongly that if CC's are to become a viable, constructive and long-term outcome with TANK they need to be able to respond to conditions that are relevant to them. We believe that CC's that have the necessary structure and demonstrated governance should be able to set their own direction and standards (possibly exceeding HBRCs) based on within catchment monitoring.

Relief Sought

HBRC to work with CC's to develop monitoring programs that are related to catchment issues and structure

Surface Water Takes (TANK 7)

Domestic and stock water use is a critical resource for any farming enterprise. The new restrictions placed on surface water takes are excessively onerous and will contribute very minor benefits to the wider catchment. 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 there 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.

Relief Sought

Maintain current 20m³ allowance for new water takes

The MCG wishes to talk to our submission at the Hearing.

MCG committee.

Name: Richard Beetham

Name: Callum Thomsen

Name: Ben Absolom

Annexure 1

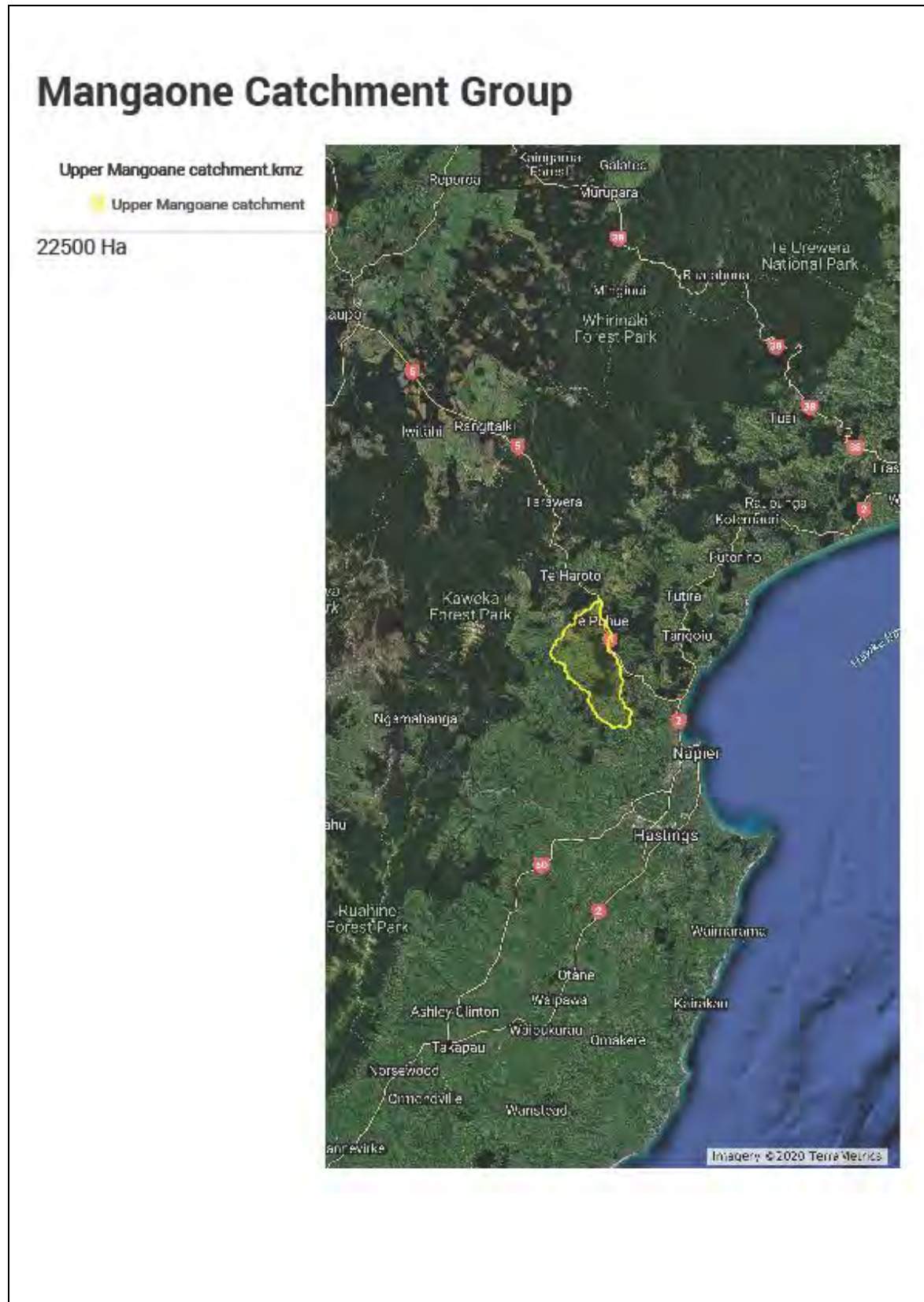


Figure 1: MCG Catchment

Annexure 2



Figure 2: Image of Mangaone river showing significant reversion of gully side post fencing off and retiring. Also evident is significant and ongoing bank erosion that is not related to pastoral agriculture.

Proposed TANK Plan Change 9

Submitter Details

First name: Te Kaha **Last name:** Hawaikirangi

Phone number: 0210632840

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:

Attached Documents

File
Ngati Parau Hapu TANK Submission



Ngāti Pārau Hapū Trust Submission – Plan Change 9

Tūtaekurī, Heretaunga, Ahuriri (Te Whanganui a Orotū), Ngaruroro, Karamu

To: Hawkes Bay Regional Council

Submitter: Ngāti Pārau Hapū Trust

Contact: Te Kaha Hawaikirangi

Address for service: 7 Pitaka Lane, Waiohiki, Napier 4183

Phone: 0210632840

Email: ngaatiparau@gmail.com

- I confirm that I am authorised on behalf of Ngāti Pārau Hapū Trust to make this submission
- Ngāti Pārau wish to be heard in support of this submission
- If other parties make similar submissions, Ngāti Pārau would consider presenting a joint case with those parties at the hearing.



1. Introduction

- 1.1. Ngāti Pārau Hapū Trust thank the Hawkes Bay Regional Council for the opportunity to submit on the Proposed TANK Plan Change 9 – Tūtaekurī, Ahuriri (Te Whanganui a Orotū), Ngāruroro and Karamu Catchments.
- 1.2. Ngāti Pārau are a registered Hapū Authority who hold mana whenua in and around the Napier City area, which includes the Southern end of the Ahuriri (Te Whanganui a Orotū) estuary and the lower reaches of the Tutaekurī Awa.
- 1.3. Ngāti Pārau Hapū Trust is a mandated organisation that represents the Ngāti Pārau Hapū. The Ngāti Pārau Hapū are the people who whakapapa to the hapū of Ngāti Pārau and Ngāi Tahuahi.

2. Relief Sought

- 2.1. To give effect to the relief sought in this submission.

3. Background

- 3.1. Ngāti Pārau Hapū currently have a joint hapū management plan submitted with the council (Ngā Hapū o Tūtaekurī, Awa Management and Enhancement Plan). The Hapū and Marae (Waiohiki) have also participated in the Tūtaekurī Cultural Values Report as part of the TANK process.
- 3.2. Ngāti Pārau Hapū Trust wishes to raise our concern with the level of consideration afforded to the Ngā Hapū o Tūtaekurī, Awa Management and Enhancement Plan and the level of engagement from the Council. Namely, in regards to taking into account this hapū planning document which has been lodged with the council, to the extent that its content has a bearing on the plan.
- 3.3. Ngāti Pārau Hapū Trust also wishes to raise our concern with the level of engagement mana whenua representatives held in the TANK stakeholder process. Namely, that mana whenua representatives were grouped as stakeholders, not as treaty partners.



4. Matters Requiring Relief

- 4.1. We have a concern with the clarity of the processes to engage a regulatory approach if an individual within the industry programmes or collectives fails to meet specified limits or management measures.
- 4.2. There is no mechanism to enable matauranga Māori assessment and monitoring with regards to resource consents.
- 4.3. Consent application, new, amendments, or renewals require identification and information on how Te Ao Maori is provided for, and in a manner that is consistent with Te mana o te wai.
- 4.4. Ensuring mana whenua hapū values have been adequately identified, included and taken into effect within farm plans, collectives, and industry programmes.
- 4.5. That the interest of mana whenua hapū in the allocation of the available ground and surface water is not recognised or addressed in this plan.
- 4.6. Low flow settings are raised to achieve hapū values, an increase from 2000L/s to 2800 L/s with a goal to reach further significant increases over an agreed period¹. We also support 3300 L/s by 2030 as stated in the Te Taiwhenua o Heretaunga submission.
- 4.7. Better protection of springs and surface water recharge. Springs that provide recharge to surface water, their contributions to surface water require protection. As written springs gradually diminish due to reduction in aquifer pressures due to groundwater abstraction. Then they go into reversal and draws water from streams/rivers down into the aquifer.
- 4.8. Appropriate FMU size/spatial extent for surface water management zones for hapū based environmental/cultural monitoring, accounting and reporting.
- 4.9. Acknowledgement of overuse of groundwater and effects on the efficacy of springs, including the advent of spring reversal and surface water recharge due to groundwater abstraction.
- 4.10. Tributaries that flow into the Ahuriri (Te Whanganui a Orotū) within the Napier City area are excluded as a tributary and not subject to limits. E.g Pūrimu, Old Tūtaekurī, Taipo, Tāmihinu.
- 4.11. New stormwater consents hold a maximum duration of 10 years as systems are due for renewal/replacement (Three waters).
- 4.12. Overlay sensitive catchment areas within the Tūtaekurī and Ahuriri (Te Whanganui a Orotū) in TANK schedules 26 and 31. Apply cumulative land-use limits/totals for all

¹ Reference the Tūtaekurī Values Report, section 9.3 i)



nitrogen sources - 120 kg/ha/yr maximum; Less for unconfined aquifers and where groundwater concentrations are above 3.8 mg/litre.

- 4.13. Include the headwaters of the Tūtaekurī as a sensitive catchment and subject to restrictions of animal effluent application, intensive farming activities, and total N limits of 80 kgs/ha/yr.
- 4.14. Include ANZECC guideline substances and concentrations as limits.
- 4.15. Exception for Nitrates, but an acknowledgement of nitrates as a contaminant and as a hazardous substance when above concentrations of 5.6 mg/l.
- 4.16. Amend and/or add to the plan the connection of cultural values with specific rules.
- 4.17. The lack of promoting and/or requiring indigenous vegetation for restoration, riparian and erosion control.
- 4.18. The lack of protection for indigenous vegetation (outside the 10m proximity to rivers).
- 4.19. Ensuring that all agricultural land use activities utilise best management practices to minimise erosion, sediment supply, and nutrient losses.
- 4.20. Ensuring that hydraulic fracturing does not occur in the Tūtaekurī, Ahuriri (Te Whanganui a Orotū) catchments, and neighbouring catchments that share underground aquifers.
- 4.21. Unsustainable extraction of gravel, not reaching the Waitangi estuary and coastal area.
- 4.22. The lack of targeted sediment reduction loads in both the Ahuriri (Te Whanganui a Orotū) and Waitangi estuaries.
- 4.23. Consent application, amendments or renewals are subject to the most recent rules and regulations, existing or historic conditions associated with the consent are null and void. needs to;
 - (a) consider the extent and nature of current effects (including cumulative effects),
 - (b) avoidance or mitigation of effects that are more than minor
 - (c) promotion of sustainable management as defined by the RMA. (Broad statements that say the regional plan gives effect to the RMA are not necessarily true if plan implementation promotes unsustainable management or unsustainable use of freshwater resources (over-allocation)
 - (d) allocation within clearly defined and sustainable limits
 - (e) articulation of sub-catchment boundaries and limits
 - (f) protection and upholding of key values
 - (g) Restrict irrigation outside of irrigation season



- (h) sensitive catchments acknowledged TANK, nor restrictions on N, effluent applications, intensive farming activities (Upper Ngaruroro, Upper Tutaekuri, Unconfined aquifer, (add unconfined valley aquifers)
- (i) Water short areas and restrictions for water use in these, where they lie within the TANK catchments – Poukawa

Nāku noa,

Chad Tareha

Chairperson

Ngāti Pārau Hapū Trust

Proposed TANK Plan Change 9

Submitter Details

First name: Penny and John **Last name:** Reynolds

Phone number: +64274888308

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

Note to person making submission:

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

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

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

Additional requirements for hearing:

Attached Documents

File
WSL submission TANK change 9

Submission on HBRC plan change 9 (TANK).

Date : 14 August 2020

Name of Submitters : Penny and John Reynolds , Washpool Station Limited (WSL)

Mobile: Penny: 0274888308 and John: 0275994711

Email: pennyreynolds1@gmail.com and jgmreynolds@gmail.com

WSL is a mixed farming business west of Hastings in the Paritua catchment that has now been in our family for five generations. Washpool is a 1250 ha property of half easy to rolling hills and half flat land. All generations of our family have taken great pride in the sustainable management of our land and our community. We have continuously planted trees for well over 100 years and all shared a passion for our environment. The Paritua stream runs five kilometres through Washpool from our west to east boundary and we are proud to say it has been fenced and planted for decades.

Washpool finishes lambs from autumn through to spring. Friesian bulls are farmed largely to manage the pasture in preparation for the lamb finishing. Our rolling hills dry off completely during the hot summer months.

Our flat land grows vegetables in the summer for McCain, Watties and Bostock. This vegetable production, mostly of peas, beans, sweetcorn and squash is made possible by irrigation from our surface water take from the Ngaruroro river and groundwater bores. After the vegetables are harvested, short term ryegrass is planted for winter lamb finishing,

We are making this submission because we are passionate about our land. It matters to us and our adult children that we continue to manage it in an environmentally sustainable way for future generations to enjoy. Water and land use flexibility are fundamental to its future.

WSL has been McCain's overall top grower for three out of the last six seasons for peas, beans and sweetcorn. We have achieved this by being particular about everything we do from soil and crop husbandry, soil moisture management, efficient and strategic irrigation application by centre pivot irrigators. We take best management practice very seriously.

There is a large Hawkes Bay community around us that we contribute to from farm employees, local contractors, service providers, food manufacturers and processors, marketers and exporters.

For the future prosperity of us all in HB, we need practical regulations that are based on sound science and common sense. We are food producers for New Zealand and the world. With global consumer demands constantly changing and climate change we need land and water regulations that enable us to be nimble and adaptive to whatever the future may bring.

WSL is a member of the Ngaruroro Irrigation Society and in addition to this submission we endorse the proposals in their submission. We also endorse submissions by Horticulture NZ and Beef + Lamb New Zealand.

WSL broadly supports the themes of the Tank Objectives but consider the policies, rules and regulations do not adequately balance social, environmental and economic sustainability.

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

We are very concerned that the Tank Plan Change 9 is a very large document full of technical jargon and complex detail which is largely unintelligible to those who are working on the land, trying hard to create prosperity for their families, their communities, their district and their country.

Schedule 29. Land use change

We oppose this provision. Management frameworks should be equitable across land uses and focused on environmental outcomes/effects for an entire property. We oppose land use specific Nitrogen loss restrictions and believe farmers should be able to remain flexible and adaptive to changes in circumstances to optimally utilise their land resource.

We oppose the 10 ha limit. This is an arbitrarily set area that should be deleted.

We seek that Table 1 in Schedule 29 is deleted and propose a “flat rate per hectare” permitted threshold is applied per property respective of land use and land use change.

WSL’s Farm Environmental Plan, using Overseer and its resulting nutrient budget will identify any areas of nitrogen loss risk and therefore any adaptations required to operate within a sustainable level .

The requirement of Farm Environmental Plans and Nutrient budgets will ensure all properties are treated equally and fairly, irrespective of land use.

Policy 21. Land Use change and Nutrient Losses

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

WSL needs to be nimble and adaptable to growing a variety of crops in varying amounts from year to year. No two years are the same. The crops we grow are dependent on domestic and export market demand by the processors and marketers we grow for. Requiring a consent for any change of production will cause uncertainty, expense and delays for our business, where timing is critical to the success or failure of a crop.

This policy needs to be clearer and reflect the practical realities of food production.

Schedule 30 . Section C. 1.1.a) Farm Environment Plans

We support the requirement of FEPs . We oppose this wording and seek to have “ a landowner “ included as a person suitably qualified to prepare such a plan.

Schedule 31. Flows, Levels & Allocation Limits

We oppose the change from 1581 l/s to 1300 l/s.
The wording is unclear and we seek clarification.

Schedule 32. High Flow Allocation

We oppose this schedule for the Ngaruroro river.
The wording is unclear and we seek clarification but if this means reduced takes at high flow limits we oppose it.

Tank 3. Stock Access

We support requirements to avoid adverse effects on waterways caused by stock but seek to have rules amended to provide clarity eg the definition of the word “bed” and be practical when implemented.

Tank 6. Section 6.10.2 . Stock Drinking Water and Domestic Water

We oppose that the TANK plan does not appropriately provide for either stock drinking water or domestic water as a permitted activity and a priority take.

Stock drinking water should be based on actual consumption of animals. The total volume required for all stock should not be restricted as it will vary by property, location, season, stock type and weather and it is therefore essential that it is unlimited.

Our bulls will drink far more in summer than in winter. Two year old bulls will drink more than one year old bulls. Whatever they need, they must have or else there is potential for very serious animal welfare issues. One to two days without adequate drinking water on a hot HB summer day can cause the death of a bull.

Domestic water supply is essential when living in a rural area where there is no reticulated town supply. On Washpool we have six bores which are all necessary to maintain supply across various areas of our property. Two of these also supply domestic needs. Any restriction on the number of bores per property will have a detrimental effect on our business and the lives of those who live on Washpool.

We propose that the taking of water for domestic needs and stock drinking water is appropriately provided for and that taking water for these purposes is prioritised above other non essential takes. We also propose there is no requirement for a consent for these purposes.

Policy 37 a-d) and 38 a-b). Water Quantity

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

WSL 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. WSL believe treating the Heretaunga plains as one homogeneous unit is simplistic and does not consider the varying locations, proximity to the ocean, underground structures, strata and varying effects on different water bodies.

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

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

Policy 55 ix) and x). Adverse Effects – Water take and storage

We support this with amendments and clarification.

We are concerned this will have a detrimental effect on our business.

Policy 56c. Water Storage

Rather than limiting future agricultural production by setting limits on high flow takes and continuously restricting our water take generally ; we believe it would be far better to leave high flow limits where they are and instead create a plan or allow for micro and macro water storage to mitigate any perceived over allocation of ground and surface water. We believe this should be facilitated and encouraged and could be done individually or in combination with other landowners, council or government.

On Washpool we have a 10 hectare dam built 20 years ago to help provide certainty and confidence in our water supply. We fill our dam in the winter during high flow months and refill as required through summer when access to surface water is available. Even with our dam, it is an annual challenge to juggle our water supply with our crop demands.

We oppose any restriction on dam fill takes at high river flows We would like the opportunity in the future to expand our dam and this restriction will create uncertainty for any future development on our property.

Tank 7 and 8. The take and Use of Surface water and Groundwater in Tank zones

In support

Tank 9. e) iii). “The maximum annual water uses in any one year within the 10 years preceding 1 August 2017 “

WSL disagrees with this as its important for us to maintain flexibility to rotate and change crop type over the longer term to meet changing circumstances. As water meters were not compulsory until 2016, the water use data is incomplete.

Summary

WSL believes that all the rules that support the policy statements discussed above need to be amended. In fact we believe there are many policy statements in the Tank plan that are so hard to understand they will not encourage community engagement.

With respect to water allocation, we believe the general emphasis should be on mitigation rather than restriction. The best way to improve the current perceived over allocation is to encourage water storage rather than the theme of the plan which is all about limitations and restrictions.

All agriculture is a very risky long term business and all the businesses involved need certainty and practical, easy to understand regulations in order to have the confidence necessary to continue to invest in HB's future. The value of HB's agriculture and its role in providing for domestic food supply and security, export value and the ability to feed people in the future are not reflected in the proposed TANK plan change 9. The social and economic consequences for the local community have therefore also not been considered.

This all seems contrary to the governments recent announcement that it would like the primary sector to increase by \$44 billion in 10 years. If HB wants to be an important contributor to that growth, as it should be, we believe this plan as its written is largely unhelpful.

WSL would like to be heard in support of our submission and if others make a similar submission we will consider presenting a joint case with them at a hearing.

Regards

Penny and John Reynolds