

Before the Environment Court
At Auckland

ENV-2022-AKL-

I Te Koti Taiao O Aotearoa
Tamaki Makaurau Rohe

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal pursuant to clause 14(1) of Schedule 1 of the
RMA

Between **Hastings District Council**

Appellant

And **Hawke's Bay Regional Council**

Respondent

**Notice of appeal to Environment Court against decision on
proposed plan change**

Dated 26 October 2022

Hastings District Council

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To: The Registrar
Environment Court
Auckland

1. Hastings District Council (**HDC**) appeals part of a decision of the Hawke's Bay Regional Council (**HBRC**) on Proposed Plan Change 9 to the Hawke's Bay Regional Plan (Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments) (**PPC9**).
2. HDC made a submission and further submissions on PPC9, identified by HBRC as Submission Number 207.
3. HDC is not a trade competitor for the purposes of s 308D of the Act.
4. HDC received notice of the decision on 9 September 2022.
5. The decision was made by HBRC.
6. The parts of the decision HDC is appealing are:
 - (a) Provision within PPC9 for municipal water supply;
 - (b) The application of Stream Flow Maintenance and Habitat Enhancement (**Enhancement Scheme**) provisions to municipal water supplies;
 - (c) Schedule 34, Map 1 – Hastings Source Protection Zone.

All as detailed further below.

7. The reasons for the appeal are:
 - (a) As an overarching comment, in the absence of the relief sought by HDC, PPC9 fails to promote the sustainable management of resources, including failing to enable people and communities to provide for their social, economic and cultural wellbeing, and will not achieve the purpose of the RMA.

Municipal water supplies

- (b) In relation to provision for municipal water supplies, the decision rejected submissions by HDC that:

- (i) References to the Heretaunga Plains Urban Development Strategy 2017 (being the current growth strategy for the Heretaunga Plains, which is known to significantly underestimate actual growth) be amended to include reference to subsequent Future Development Strategies; and
 - (ii) There be an appropriate consenting pathway for allocation of water for 'municipal, community and papakāinga water supply' - instead the decision provides a non-complying activity option limited to 'essential human health needs' (defined as limited to 200 l/person/day);
 - (iii) There be provision for transfers of other uses to municipal supplies where appropriate to extend the serviced area of municipal supply, that are not limited to only human health needs.
- (c) The decision to reject submissions on those points:
- (i) Fails to give effect to, and is inconsistent with, the National Policy Statement on Urban Development 2020, including, without limitation, the requirement on Tier 2 authorities to provide at least sufficient development capacity to meet the expected demand for housing and for business capacity over the short, medium, and long term.
 - (ii) Fails to meet the requirements of ss 32 and 32AA RMA, including, without limitation, in failing to assess the economic, social, and cultural effects anticipated from the failure to accommodate future growth, including the opportunities for economic growth and employment;
 - (iii) Is not the most appropriate way to achieve the purpose of the RMA, compared to the relief sought by HDC;
 - (iv) Fails to recognise the hierarchy of needs to be met under Te Mana o te Wai of the National Policy Statement on Freshwater Management 2020, the Regional Policy Statement and OBJ16 in PPC9 as they relate to municipal supplies and the economic social and wellbeing of communities;

- (v) In relation to POL TANK 44 and POL TANK 50, contains minor errors in cross referencing which require correction.

Applicability of Enhancement Scheme provisions to municipal supplies

- (d) In relation to provisions of PPC9 relating to stream flow enhancement, the decision rejected submissions by HDC seeking that municipal supplies be required to adopt a Water Conservation Strategy, rather than being subject to the requirement to contribute to an Enhancement Scheme or cease allocation when a flow maintenance trigger was reached. That decision:
 - (i) Fails to account for the inability of municipal supply to cease abstraction, and therefore by default requires municipal water suppliers to contribute to an Enhancement Scheme, the form, costs and implications of are as yet unknown;
 - (ii) Fails to meet the requirements of ss 32 and 32AA RMA, including, without limitation, in failing to assess the economic, social, and cultural effects of the requirement to participate in an Enhancement Scheme;
 - (iii) Is not the most appropriate way to achieve the purpose of the RMA, compared to the requirement for municipal water suppliers to adopt a Water Conservation Strategy, which would appropriately address the issues described above while continuing to give effect to the objectives of PPC9, which in turn implement the requirements of the National Policy Statement on Freshwater Management (including Te Mana o te Wai) and the directives of the Regional Policy Statement;

Source Protection Zone Map

- (e) In relation to the Source Protection Map included in Schedule 34, Map 1, the map included in PPC9 reflects the less conservative numerical model for identification of the extent of the Source Protection Zone, rejecting HDC's submission that a more conservative approach be taken, with the map reflecting a combination of the numerical and analytical models. That decision:

- (i) Excludes key areas which are included in HDC's version of the map, including the Omaha Industrial Area and the wider area surrounding Frimley borefield;
- (ii) Fails to achieve or give effect to relevant objectives and policies of PPC9, including, without limitation, OBJ TANK 6 (*"Activities in source protection areas for Registered Drinking Water Supplies do not cause source water in these areas to become unsuitable for human consumption, and that risks to the supply of safe drinking water are appropriately managed"*) and POL TANK 7 (*"The quality of groundwater of the Heretaunga Plains and surface waters used as source water for Registered Drinking Water Supplies will be protected..."*);
- (iii) Fails to meet the requirements of ss 32 and 32AA RMA, including, without limitation, in failing to assess the risk of acting or not on the basis of uncertain or insufficient information about the extent of the area where there is potential for contamination of groundwater;
- (iv) Proceeded on an incorrect understanding of the cause of the Havelock North water contamination event, namely that it was *"very largely due to very poor well head protection at the Brookvale bore, rather than any upgradient contamination of the groundwater supply"*. That reasoning is contrary to the findings of the Board of Inquiry dated December 2017 that the most probable pathway for contamination was contaminated water from a pond having entered the aquifer.

8. By contrast, granting relief sought would overcome the issues outlined above.

9. HDC seeks the following relief:

- (a) Amend OBJ TANK 13, POL TANK 36, POL TANK 44, POL TANK 45, POL TANK 47, POL TANK 48, POL TANK 50, Rule TANK 8, Rule TANK 9, Rule TANK 11, Rule 62A of PPC9 as set out in **Attachment A** or to like effect to address the grounds of appeal set out above;

- (b) Replace Schedule 34, Map 1 – Hastings Source Protection Zone with the map attached as **Attachment B** or to like effect;
 - (c) Such other additional or consequential relief as may be required to give effect to the primary relief sought.
 - (d) Costs.
10. In addition to Attachments A and B referenced above, the following documents are **attached** to this notice:
- (a) **Attachment C** - A copy of relevant parts of the decision on PPC9;¹
 - (b) **Attachment D** - A list of the names and addresses of persons to be served with a copy of this notice;²
 - (c) **Attachment E** - A copy of HDC’s submission on PPC9;³
 - (d) **Attachment F** – A copy of HDC’s further submission on PPC9.⁴

(Attachments C, E and F are not served on persons other than HBRC, but may be obtained, on request, from HDC, or are available on the HBRC website at the links below).

Dated this 26th October 2022.



Asher Davidson
Counsel for appellant

¹ Also available at <https://www.hbrc.govt.nz/assets/Uploads/Decision-Combined.pdf>
² Also available under ‘Helpful Links’ at <https://www.hbrc.govt.nz/hawkes-bay/projects/the-tank-plan/tank-decision/>
³ Submission also available at <https://www.hbrc.govt.nz/assets/Document-Library/TANK/Submissions/Part-6-Submitters-201-241.pdf> from p 113
⁴ Further Submission at <https://www.hbrc.govt.nz/assets/Document-Library/TANK/Submissions/FurtherSubmissions-Compiled.pdf> from p 347

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Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must –

- Within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in Form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- Within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (*see* Form 38).

Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department of Courts in Auckland, Wellington or Christchurch.

Attachment A

Relief Sought shown as underline / strike-through, highlighted text (or to like effect)

Water quantity

OBJ TANK 13 Ground and surface water in the TANK Catchment is allocated, subject to limits, targets and flow regimes which provide for the values of each water body, in the following priority order:

- a) The reasonable domestic needs of people, livestock drinking and fire-fighting supply
- b) Existing and future demand for domestic supply including marae and papakāinga, and municipal uses as described in HPUDS (2017) or successive versions and/or any requirements prescribed under a NPS on Urban Development
- c) Primary production on versatile land
- d) Other primary production, food processing, industrial and commercial end uses
- e) Other non-commercial end uses.

Flow maintenance

POL TANK 36 To mitigate the stream depletion effects of groundwater takes in the Heretaunga Plains Groundwater Quantity Area the Council will:

- a) consult with tangata whenua and other relevant parties to investigate the environmental, technical, cultural, social and economic feasibility of options for stream flow maintenance and habitat enhancement schemes including water storage and release options and groundwater pumping and discharge options that:
 - i. maintain stream flows in lowland rivers above trigger levels where groundwater abstraction is depleting stream flows
 - ii. improve oxygen levels and reduce water temperatures
- b) determine the preferred solutions taking into account whether:
 - i. wide-scale aquatic ecosystem benefits are provided by maintaining stream flow across multiple streams
 - ii. multiple benefits can be met including for flood control and climate change resilience
 - iii. the solutions are efficient and cost effective
 - iv. scheme design elements to improve ecological health of affected water bodies have been incorporated
 - v. opportunities can be provided to improve public access to affected waterways
- c) develop and implement a funding mechanism that enables the Council to recover the costs of developing, constructing and operating stream flow maintenance and habitat enhancement schemes from permit holders, including where appropriate:
 - i. management responses that enable permit holders to manage local solutions
 - ii. develop any further plan change within an agreed timeframe if necessary to implement a funding solution
- d) With the exception of takes for municipal purposes, where a water conservation strategy will be undertaken, where schemes are operational, either:
 - i. require abstraction to cease when applicable stream flow maintenance trigger is reached or
 - ii. require permit holders to contribute to and participate in the scheme
- e) ensure that stream flow maintenance and habitat enhancement schemes are constructed and operating within ten years of the operative date of the Plan while adopting a priority regime according to the following criteria:
 - i. solutions that provide wide-scale benefit for maintaining stream flow across multiple streams
 - ii. solutions that provide flow maintenance for streams that are high priority for

management action because of low oxygen levels

- f) review as per POL TANK 39 if no schemes are found to be feasible.

Water Use and Allocation – Efficiency

POL TANK 44 When considering applications for resource consent, the Council will ensure water is allocated and used efficiently by:

- a) ensuring that the use of water is efficient through:
 - i. allocation of water for irrigation end-uses based on soil, climate and plant needs
 - ii. requiring the adoption of good practice water use technology and processes that minimise the amount of water lost from the soil profile
 - iii. the use of water meters
- b) using the IRRICALC water demand model or a suitable equivalent approved by Council that utilises crop type, soil type and climatic conditions to determine efficient water allocations for irrigation uses
- c) allocating water for irrigation on the basis of an 80% application efficiency, and 95% reliability of supply
- d) requiring all non-irrigation water takes (except as provided by POL TANK 47 and POL TANK 48 for municipal and papakāinga supplies) to show how water use efficiency of at least 80% is being met and is consistent with any applicable industry good management practice
- e) requiring new water takes and irrigation systems to be designed and installed in accordance with industry codes of practice and standards
- f) requiring irrigation and other water use systems to be maintained and operated to ensure on-going efficient water use in accordance with applicable industry codes of practice

POL TANK 45 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, the Council will take into account:

- a) changes to the nature, location, scale and intensity of effects on:
 - i. total water use
 - ii. specified minimum flows and levels or other water users' access to water
 - iii. the values of outstanding water bodies listed in Schedule 25
 - iv. the values of outstanding water bodies as listed in the objectives and policies of this Plan
 - v. 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
 - vi. water quality

and will consider declining applications:

- b) where the transfer is to another water quantity area unless:
 - i. new information provides more accurate specification of applicable 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
- c) to change/transfer water away from irrigation of the versatile land of the Heretaunga Plains

for primary production especially food production, except where a change of use and/or transfer is for:

- i. a flow enhancement or ecosystem improvement scheme, subject to clause (a) or
 - ii. the efficient delivery of municipal and community water supplies and to meet the communities' human health needs for water supply, including for marae and papakāinga, subject to clause (a)
- d) in over-allocated quantity areas, to transfer allocated but unused water
- e) for a change of use from frost protection to any other end use.

Water Allocation - Priority

- POL TANK 47** 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:
- a) allocate water for population and urban development projections according to estimates provided by the HPU DS (2017) to 2045 or successive versions and/or any requirements prescribed under a NPS on Urban Development.
 - b) calculate water demand according to existing and likely residential, non-residential, and non-residential (e.g. schools, hospitals, commercial and industrial) demand within the expected reticulation areas and:
 - i. require that water demand and supply management plans are developed and adopted and industry good management practice targets for water infrastructure management and water use efficiency including whether an Infrastructure Leakage Index of 4 or better can be achieved
 - 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
 - c) work collaboratively with Napier City and Hastings District Councils to:
 - i. develop an integrated planning approach that gives effect to the National Policy Statements within the limits of finite resources
 - ii. develop a good understanding of the present and future regional water demand and opportunities for meeting this
 - iii. identify communities at risk from low water reliability or quality and investigate reticulation options.

- POL TANK 48** The Council will consider applications to take and use water from the Heretaunga Plains groundwater quantity area for existing and future demand for domestic supply including marae and papakāinga, and municipal uses essential human health needs of the community or unforeseen non-commercial needs that, by itself or in combination with other water takes in the same water quantity area, causes the total allocation limit as specified in Schedule 31 to be exceeded. When assessing and application the Council will take into account:

- a) whether the volume and rate of take is reasonable for the use
- b) the extent to which demand can be met through other methods or sources of water and that all other options have been considered and exhausted
- c) the extent to which the water use meets social, environmental or cultural needs essential for the community
- d) the nature and scale of adverse effects, including but not limited to bore interference, stream depletion or effects on minimum flows and potential derogation of existing water takes
- e) any adverse effects on the significant values of connected wetlands, outstanding waterbodies in Schedule 25, and the values of connected waterbodies as expressed in OBJs TANK 7-11.

Over-Allocation

- POL TANK 50** The Council will phase out over-allocation by:
- a) preventing any new allocation of water (not including any reallocation in respect of permits issued before 2 May 2020, or high flow allocations)
 - b) for applications in respect of existing consents due for expiry or when reviewing consents, to:
 - i. allocate water according to Actual and Reasonable use (except as provided for by POLs

TANK 47 and 48 and 49) and take into account any water use required as part of a programmed or staged development specified within the existing water permit or associated resource consent, if:

1. the consent holder can demonstrate that existing investment is dependent on water use over and above Actual and Reasonable use
 2. the specified activity or development has not lapsed during the resource consent duration
 3. the activity or development is integral to the on-going operation of the activity or development for which the permit was issued
 4. where applicable, water demand is calculated for rootstock only where there is evidence of a contract for the supply of that rootstock existing as at 2 May 2020
- ii. impose conditions that require implementation of good management practice for efficiency of water use, including through altering the volume, rate or timing of the take, and providing information to verify efficiency of water use relative to good management practice standards
- c) provide for, within the duration of the consent, meeting water efficiency standards where hardship can be demonstrated
 - d) reducing the amount of water permitted to be taken without consent, including those provided for by Section 14 (3)(b) of the RMA, except for authorised uses existing before 2 May 2020
 - e) encouraging voluntary reductions, site to site transfers (subject to clause (f)) or promoting water augmentation/harvesting
 - f) prevent site to site transfers of allocated but unused water that does not meet the definition of Actual and Reasonable use
 - g) enabling and supporting permit holders to develop flexible approaches to management and use of allocatable water within a management zone including through catchment collectives, water user groups, consent or well sharing or global water permits
 - h) enabling and supporting the rostering of water use or reducing the rate of takes in order to avoid water use restrictions at minimum or trigger flows.

Rule	Activity	Status	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
TANK 8 Groundwater Take – Heretaunga Plains	Replacement of an existing Resource Consent to take and use water from the Heretaunga Plains Groundwater Quantity Area	Restricted Discretionary	<p>a) The activity does not comply with the conditions of Rule TANK 7</p> <p>b) An 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.</p> <p>Actual and Reasonable Re-allocation</p> <p>c) The quantity taken and used, other than provided for under d), is the Actual and Reasonable amount</p> <p>d) The quantity taken and used for municipal, community and papakāinga water supply is:</p> <ul style="list-style-type: none"> i) the quantity specified on the permit being replaced or ii) any lesser quantity applied for. 	<p>1. The extent to which the need for water has been demonstrated and is Actual and Reasonable provided that the quantities assessed or calculated may be amended after taking account of:</p> <ul style="list-style-type: none"> a. the completeness of the water permit and water meter data record b. the climate record for the same period as held by the Council (note: these records will be kept by the Council and publicly available) and whether that resulted in water use restrictions or bans being imposed c. effects of water sharing arrangements d. crop rotation/development phases. 	<p>Applications may be considered without notification and without the need to obtain the written approval of affected persons in accordance with section 94(1)(b) of the RMA.</p> <p>Applications may be notified if special circumstances exist in terms of section 95B(10) of the RMA or upon review of a consent.</p>

			<p>Stream Flow Maintenance Scheme</p> <p>e) The take is subject to a stream depletion calculation</p> <p>General Conditions</p> <p>f) A water meter is installed</p> <p>g) Back flow of water or contaminant entry into the bore shall be prevented.</p> <p>Advisory Note:</p> <p>Any application to change water use as specified under (c) (d) or (e) may trigger a consent requirement under Rules TANK 4 or 5.</p>	<p>2. Previous history of exercising the previous consent</p> <p>3. The quantity, rate, and timing of the take, including rates of take and any other requirements in relation to any minimum or trigger flow or level given in Schedule 30 and rates of take to limit drawdown effects on neighbouring bores</p> <p>4. Where the take is in a Source Protection Zone or source protection extent, the actual or potential effects of the rate of take and volume abstracted on the quality of source water for the water supply and any 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 including notification requirements to the Registered Drinking Water supplier</p> <p>5. For applications to take water for municipal, community and papakāinga water supply:</p> <p>a) provisions for demand reduction and asset 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</p> <p>b) rate and volumes of take limited to the projected demand for the urban area provided in the HPUDS 2017 <u>or successive versions and/or any requirements prescribed under a NPS on Urban Development</u></p> <p>c) water demand based on residential and non-residential use including for schools, rest homes, industrial demand within the planned</p>	
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				<p>reticulation areas</p> <p>d) any Source Protection Zone or extent (as specified in Schedule 35) and:</p> <p>i. any proposed changes to provisional protection areas</p> <p>ii. the impacts of any changes to restrictions on land or water use activities in the protection area</p> <p>6. Measures to achieve efficient water use or water conservation and avoid adverse water quality effects including the method of irrigation application necessary to achieve efficient use of the water and avoid adverse water effects through ponding and runoff and percolation to groundwater</p> <p>7. The effects of any water take and use for frost protection on the flows in connected surface water bodies</p> <p>8. For applications other than irrigation, municipal, community or papakāinga water supply or frost protection, measures to ensure that the take and use of water meets an efficiency of use of at least 80%</p> <p>9. Management of bores including means of backflow prevention and ensuring well security.</p>	
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				<p>10. Information to be supplied and monitoring requirements including timing and nature of water metering data reporting and the installation of telemetered recording and reporting</p> <p>11. The duration of the consent (Section 123 of the RMA) as provided for in Schedule 33 timing of reviews and purposes of reviews (Section 128 of the RMA)</p> <p>12. Lapsing of the consent (Section 125(1) of the RMA)</p> <p>13. Stream flow depletion amount in litres per second calculated using the Stream Depletion Calculator</p> <p>14. Review of permit and new conditions to be imposed in respect of contribution to a stream flow maintenance and habitat enhancement scheme, when applicable.</p>	
<p>TANK 9 Surface and groundwater water takes (abstraction at low flows)</p>	<p>Replacement of an existing Resource Consent to take and use water.</p>	<p>Restricted Discretionary</p>	<p>a) The take is not from the Heretaunga Plains Groundwater Quantity Areas</p> <p>b) The taking and use of water from surface or groundwater water bodies does not comply with conditions of Rules TANK 6, or TANK 7</p> <p>c) Where the take was previously subject to a condition restricting the take at flows that are higher than the applicable flow specified in Schedule 30, the higher flow will continue to apply. For all other takes, the flows specified in Schedule 30 apply</p> <p>d) An application is either for the continuation of a water take and use previously authorised in a</p>	<p>1. The extent to which the need for water has been demonstrated and is Actual and Reasonable provided that the quantities assessed or calculated may be amended after taking account of:</p> <ul style="list-style-type: none"> i) the completeness of the water permit and water meter data record ii) the climate record for the same period as held by the Council (note: these records will be kept by the Council and publicly available) and whether 	<p>Applications may be considered without notification and without the need to obtain the written approval of affected persons in accordance with section 94(1)(b) of the RMA. Applications may be notified if special circumstances exist in terms of section</p>

			<p>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</p> <p>Actual and Reasonable Re-allocation</p> <p>e) The quantity taken and used, other than provided for by f), is the Actual and Reasonable amount.</p> <p>f) The quantity taken and used for municipal, community and papakāinga water supply is the quantity specified on the permit being replaced or any lesser quantity applied for</p> <p>Surface Water Quantity Area</p> <p>g) Any take from groundwater in Zone 1 Groundwater authorised as at 2 May 2020 in any surface Water Quantity Area is subject to a stream depletion calculation</p> <p>General Conditions</p> <p>h) A water meter is installed</p> <p>i) Fish and eels are prevented from entering the reticulation system</p> <p>j) Back flow of water or contaminants into any bore shall be prevented.</p> <p>Advisory Note:</p> <p>Any application to change water use as specified under (c) (d) or (e) may trigger a consent requirement under Rules TANK 4 or 5.</p> <p>Means of Compliance for Condition (j)</p> <p>Installation of a screen or screens on the river intake that has a screen mesh size not greater than 3 millimetres and is constructed so that the intake velocity at the screen's outer surface is less than 0.3 metres per second and is maintained in good working order at all times.</p>	<p>that resulted in water use restrictions or bans being imposed</p> <p>iii) effects of water sharing arrangements</p> <p>iv) crop rotation/development phases</p> <p>2. Previous history of exercising the previous consent</p> <p>3. The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any relevant minimum flow or level or allocation limit given in Schedule 30</p> <p>4. Where the take is in a Source Protection Zone or source protection extent, the actual or potential effects of the rate of take and volume abstracted on the quality of source water for the water supply and any 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 including notification requirements to the Registered Drinking Water supplier</p> <p>5. For applications to take water for municipal, community and papakāinga water supply:</p> <p>i) provisions for demand reduction and asset 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</p> <p>ii) Rate and volumes of take limited to the projected demand for the</p>	<p>95B(10) of the RMA or upon review of a consent</p>
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				<p>urban area provided in the HPUDS 2017 or successive versions and/or any requirements prescribed under a NPS on Urban Development</p> <p>iii) water demand based on residential and non-residential use including for schools, rest homes, and industrial demand, within the planned reticulation areas</p> <p>6. The location of the point(s) of take</p> <p>7. The effects of any water take and use for frost fighting on the natural flow regime of the river</p> <p>8. Information to be supplied and monitoring requirements including timing and nature of water meter data reporting and the installation of telemetered recording and reporting</p> <p>9. For applications other than irrigation, municipal, community or papakāinga water supply or frost protection, evidence that the take and use of water meets an efficiency of use of at least 80%</p> <p>10. Measures to achieve efficient water use or water conservation and avoid adverse water quality effects including the method of irrigation application necessary to achieve efficient use of the water and avoid adverse water effects through ponding and runoff and percolation to groundwater</p> <p>11. Management of bores and other water take infrastructure including means of backflow prevention</p> <p>12. Measures to prevent fish from entering the reticulation system</p>	
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				<ol style="list-style-type: none">13. The duration of the consent (Section 123 of the RMA) as provided for in Schedule 33 timing of reviews and purposes of reviews (Section 128 of the RMA)14. Lapsing of the consent (Section 125(1) of the RMA)15. For takes from Zone 1 Groundwater in the Ngaruroro and Tūtaekurī Water Quantity Areas review of permit and new conditions to be imposed in respect of contribution to a Stream flow maintenance and habitat enhancement scheme, when applicable	
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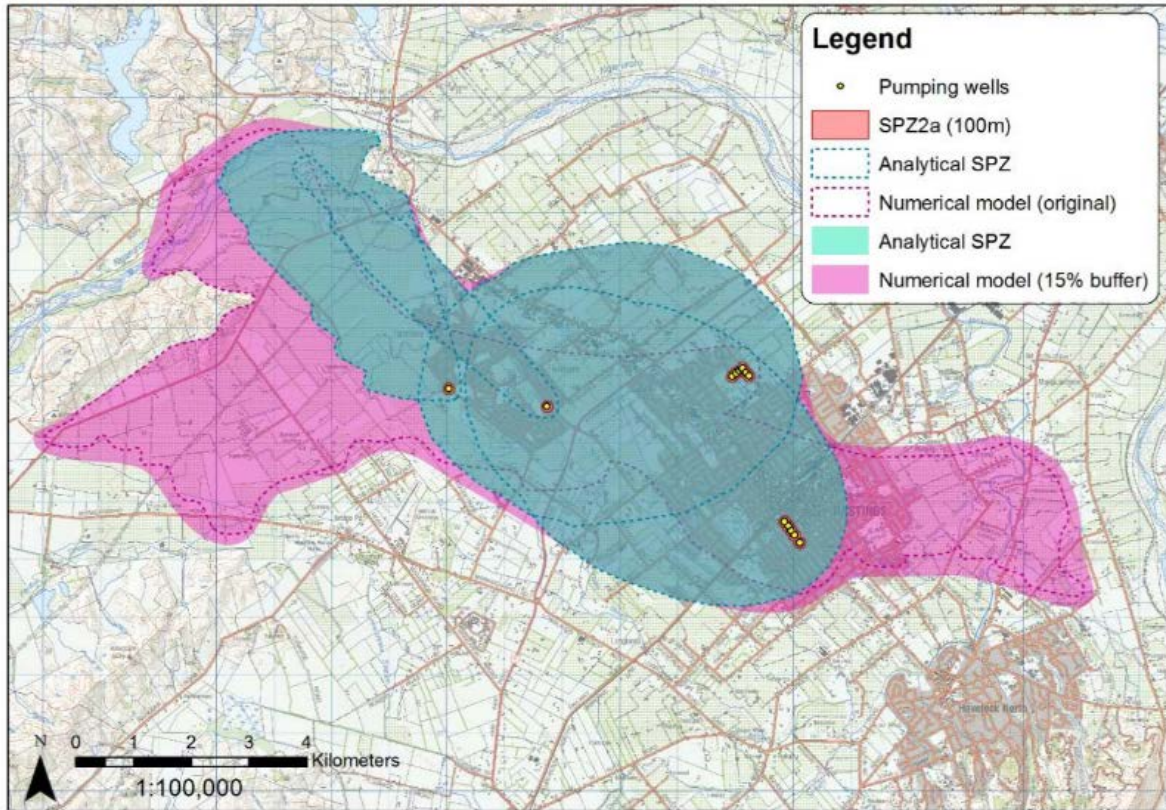
<p>TANK 11 Groundwater take</p>	<p>The take and use of groundwater</p>	<p>Non-complying</p>	<p>a) The activity does not comply with the conditions of Rule TANK 10</p> <p>b) The take and use is for:</p> <p>i. essential human health needs <u>existing and future demand for domestic supply including marae and papakāinga, and municipal uses;</u> or</p> <p>ii. an unforeseeable non-commercial need.</p>		
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Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<u>Rule 62A</u> <u>Transfer of permits to take and use water (fix up DM)</u>	<u>Permanent or temporary transfer of water in accordance with S136(2)(b)(i) of the RMA</u>	<u>Controlled</u>	<ul style="list-style-type: none"> a. <u>The transfer is the whole or any part of the holder's interest in the permit for taking and use of surface or groundwater:</u> <ul style="list-style-type: none"> i. <u>To another person on another site</u> ii. <u>To another site</u> b. <u>The transfer is not between ground and surface water point of take</u> c. <u>The permit is:</u> <ul style="list-style-type: none"> i. <u>within the same catchment to any point downstream (excluding downstream tributaries) of the location to which the permit applies</u> and ii. <u>the transfer is within the same Water Quantity Area</u> d. <u>The transfer of a groundwater take is to an existing bore for which pump tests are available and there is no increase in the nature and scale of drawdown effects on neighbouring bores or connected water bodies as a result of the transfer</u> e. <u>The transfer does not result in an increase in nitrogen loss exceeding the amounts as-specified in Table 2 in Schedule 28</u> f. <u>All parties to the transfer shall have metering and reporting at any applicable recording and reporting level</u> g. <u>In fully or over-allocated water quantity areas, the transfer shall only be of that part of the permit for which there is Actual and Reasonable use</u> h. <u>The purpose for the water use does not change except:</u> <ul style="list-style-type: none"> i. <u>that water takes for irrigation use may be transferred for irrigation of different crops subject to conditions (e) and (f)</u> ii. <u>for transfers that enable the operation of a flow enhancement scheme (ref POL TANK 36)</u> 	<ul style="list-style-type: none"> a. <u>Any applicable conditions on the permit being transferred and any water use permit at the location the water is to be transferred to</u> b. <u>The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any relevant minimum flow or level or allocation limit or drawdown effects, including in relation to any Source Protection Zone for a registered drinking water supply</u> c. <u>Compliance with any applicable minimum flows and levels including flow maintenance in any applicable stream.</u> 	

			<p>iii. <u>the transfer enables efficient delivery of water supply through a municipal or community water supply to meet the communities' human health needs.</u></p> <p><u>Advisory Notes</u></p> <ul style="list-style-type: none"> • <u>For the purpose of (i), the transfer of water from any municipal use to any other municipal use is not considered a change in use.</u> • <u>Section 136(5) of the RMA provides that when notification of the transfer has occurred, the permit, or that part of the permit transferred shall be deemed to be cancelled, and the permit or part transferred shall be deemed to be a new permit subject to the same conditions as the original permit.</u> <p><u>Note that Rules TANK 4, 5 or 19 may be triggered as a result of a transfer activity.</u></p>		
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Attachment B

FIGURE 7 PLAN SHOWING THE HDC PROPOSED "COMBINED SPZ" WHICH INCORPORATES BOTH THE NUMERICAL AND ANALYTICAL MODELLING APPROACHES



DECISION OF THE INDEPENDENT HEARING PANEL

PROPOSED PLAN CHANGE 9

Tūtaekurī, Ahuriri, Ngaruroro, Karamū Catchments

Decision Report of the Independent Hearing Panel appointed by the Hawke's Bay
Regional Council pursuant to section 30 of the Resource Management Act 1991

August 2022

Commissioners:

Antoine Coffin (Chair)

Dr Brent Cowie

Rauru Kirikiri

Dr Roger Maaka

Dr Greg Ryder

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Summary

- 1.1 The Hawke's Bay Regional Council appointed five independent commissioners (Antoine Coffin (Chair), Dr Brent Cowie, Rauru Kirikiri, Dr Roger Maaka and Dr Greg Ryder), with varying skill sets to hear and decide submissions on Proposed Plan Change 9 to the Regional Resource Management Plan. PPC9 covered what are known as the TANK catchments – Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) Rivers including the Heretaunga Plains aquifer.
- 1.2 PPC9 was notified on 2 May 2020 and received over 6,000 submission points from 240 parties. The initial hearing of submissions commenced 24 May 2021 and took nearly three weeks at three different venues until September 2021. The hearing panel received more than 2,000 pages of evidence. The Section 32 Evaluation Report (390 pages) and the Section 42A Report (305 pages) is supported by some 1,387 pages of information.
- 1.3 This is one of the most complex plan changes the respective panel members (the Panel) have considered. It contains some sophisticated, very complex and interrelated technical components on the management of surface water and groundwater quality and quantity. There are strong links between flows in rivers and streams, and water levels in the aquifer.
- 1.4 To illustrate this point the process to develop the plan change took 8 years. There have been robust conversations during that time with the establishment of a TANK Stakeholder Group, but often with no consensus on key matters. There are some very contentious areas where there are polarised views. Our decisions do not resolve all of these tensions; rather they reflect our collective best judgment about where the lines should be drawn.
- 1.5 In saying this the Panel could not have achieved any of this without the unflagging support of Regional Council officers, to whom we are extremely grateful. While we have certainly not accepted all their recommendations by any means, those recommendations greatly assisted in our improving and clarifying the Objectives, Policies, Rules and Schedules of PPC9.
- 1.6 The plan change proposed 23 new rules, plus substantive amendments to 23 rules in Chapter 6 of the RRMP. It encourages collaboration between water users and farm operators, such as through catchment collectives, industry programmes and freshwater farm plans. It proposed to reduce existing overallocation via an interim allocation limit and allocating water in the future based on previous records of maximum water use.
- 1.7 Iwi and hapū members sought a stronger regulatory regime to protect and enhance ecosystem health and incorporate Te Ao Māori values, principles and ways of doing things. Iwi and hapū submitters told us of their concerns for the degradation of the water bodies and their aspirations to restore and enhance the mauri of the rivers and streams and the aquifer. Environmental groups sought similar outcomes.
- 1.8 The industry's, municipal water suppliers, wine growers, horticulturalists, and farmers that rely on water, and the sector groups that represent them, sought amendments to the plan change that seek certainty that they can provide for existing and possible future increased demand, and generally encouraged the use of non-regulatory methods.
- 1.9 In the interregnum between PPC9 being notified and the hearings commencing, a new National Policy Statement for Freshwater Management came into effect on 3 September 2020.
- 1.10 The Panel has taken on board the Regional Council's statutory requirement to prepare a water plan for the entire region that will give effect to the NPS-FM 2020 by the end of December

2024. This will be known as the Kotahi Plan. It is not our role to give effect fully to the NPS-FM 2020, but we have endeavoured to incorporate the requirements of the NPS-FM 2020 to the extent that is consistent with submissions.

- 1.11 The Panel has provided long term water quality outcomes in Schedule 26, provided for minimum flows and limits on water allocation in Schedule 31, included an “interim allocation limit” for groundwater of 90 million cubic metres per annum, and decided that in the future water will be allocated on the basis of an actual and reasonable use test.
- 1.12 One of the difficulties we have faced is the nitrogen leaching loss model Overseer, the use of which was embedded in PPC9, was effectively taken out of use by the Government late in 2021. This has resulted in significant changes to PPC9, with much more focus on a “dual nutrient” management approach that considers both nitrogen and phosphorous leaching pathways.
- 1.13 The Panel is hopeful that the learnings from the collaborative process and the passion with which Iwi submissions were given at Mangaroa Marae and throughout the hearing process will inform the future partnership between tangata whenua and the Regional Council.
- 1.14 We have tried, to write our decision in language that will not be too daunting to most readers. In saying this PPC9 is very complex, and we must address all the very technical issues in the Plan Change. Our challenge of understanding and applying the science as professionals leads us to think that more work must be done on communicating sophisticated and technical science to the public, Iwi and resource users.
- 1.15 The Panel is confident that our decisions on PPC9 meet the Regional Council’s statutory obligations, have been through a thorough evaluative and hearing process, and provide a comprehensive policy framework for future decision making. We are also optimistic that much of what the Panel addressed via PPC9 can be carried forward to the Regional Council’s new NPS-FM 2020 compliant Kotahi Plan.

Abbreviation and Glossary of Terms Used in this Decision

Abbreviations as found in this decision	Meaning
the Act and the RMA	Resource Management Act 1991
ANZECC guidelines	Australian and New Zealand Environment and Conservation Council set of tools for assessing and managing ambient water quality in natural and semi-natural water resources
“CMA”	The coastal marine area of the region
DIN	Dissolved Inorganic Nitrogen
DOC	Department of Conservation
DRP	Dissolved Reactive Phosphorous
EDS	Environment Defence Society
EIC	Evidence in Chief
FRE3	A river flow statistic identifying the number of annual flow events for the river that are three times the median flow or greater
FW-FP	Freshwater Farm Plan
GAP	Good Agricultural Practice schemes
HDC	Hastings District Council
HBRC	Hawke’s Bay Regional Council
HFA	High Flow Allocation
HortNZ	Horticulture New Zealand
HPUDS	Heretaunga Plains Urban Development Strategy
Irricalc	This model calculates soil moisture, water use, and drainage for irrigation systems in New Zealand
JWS	Joint Witness Statement
LAWMS	The Hawke’s Bay Land and Water Management Strategy
LSR	Land Surface Recharge
m ³	Cubic metre(s)
Mm ³ /y	Million cubic metres per year
m ³ /d	Cubic meters per day
MfE	Ministry for the Environment
MTT	Maungaharuru Tangitū Trust
N	Nitrogen
NCC	Napier City Council
NES-DWS	Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007
NES-F	Resource Management (National Environmental Standards for Freshwater) Regulations 2020
NKII	Ngāti Kahungunu Iwi Incorporated
NOF	National Objectives Framework limits in the NPS-FM 2020
NPS	National Policy Statement
NPS-FM	National Policy Statement for Freshwater Management (with dates specified), for example NPS-FM 2020

Abbreviations as found in this decision	Meaning
NPS-UD	National Policy Statement for Urban Development
NZCPS	New Zealand Coastal Policy Statement 2010
NWCO	National Water Conservation Order
Overseer	A “tool” for estimating nitrogen losses from activities on the land
P	Phosphorus
Pink version of PPC9	The s42A Reporting Officers’ recommended updated version of PPC9 dated 30 July 2021
the plan change	Proposed Plan Change 9 to the RRMP
PPC7	Proposed Plan Change 7 to the Regional Resource Management Plan - Outstanding Water Bodies
PPC9 (Decision version)	Proposed Plan Change 9 to the Regional Resource Management Plan - Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments incorporating the Decision of the Panel
PPC9 (Notified version)	Proposed Plan Change 9 as notified.
PSGE	Post Settlement Governance Entity
RCEP	The Regional Coastal Environment Plan
the region	The area administered by the Hawke’s Bay Regional Council
the Regional Council	Hawke’s Bay Regional Council
Reporting Officer(s)	S42A Reporting Officer(s)
RFBPS	Royal Forest and Bird Protection Society
RMA	Resource Management Act 1991
RPC	The Regional Planning Committee
RPS	The Regional Policy Statement component of the Regional Resource Management Plan
RRMP	The Regional Resource Management Plan
s[#]	Section number of the RMA, for example s32 means section 32 of the RMA
S42A Addendum Report	Section 42A Addendum Report dated 19 May 2021
S42A Report	The Section 42A Report, dated 15 April 2021, prepared by the s42A Reporting Officers who are staff of HBRC
SOE	State of the Environment
SPZ	Source Protection Zone
TANK	Tūtaekurī, Ahuriri, Ngaruroro, and Karamū
TLAs	Territorial Local Authorities including Napier City Council and Hastings District Council
TToH	Te Taiwhenua o Heretaunga
Water Year	A period of 12 months ending 30 June from which water takes have been measured

Glossary of Māori terms used in this decision	Meaning
Ngā kōrero o te hunga kainga	The voices of the home people
Te rohe	The region of Hawke's Bay
Tikanga	Traditions
Maunga	Mountains
Kaihautu	Māori leader within an institution
Pūrākau	Stories
Pakiwaitara	Folklore
Hau kainga	Locals - people of that place
Rongoa	Medicine
Ngā kōrero	Oral presentations
Mauri	Life force
Mahinga kai	Food gathering places
Tuna	Eels
Ngā tuhinga kōrero	Written submissions
Ngā kōrero katoa	Everything that is being said

Chapter 1 – Introduction to PPC9

- 1.16 Proposed Plan Change 9 (PPC9) proposes to add new rules to the Regional Resource Management Plan (RRMP) to manage water quality and quantity for the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments, which includes the Heretaunga Plains groundwater aquifer.

Appointment of Hearing Panel and Delegations

- 1.17 The Regional Planning Committee of Hawkes Bay Regional Council delegated authority to the Chief Executive or his nominee to undertake all the necessary operational and logistical arrangements to establish the Panel.¹
- 1.18 The Hawke’s Bay Regional Council appointed five independent commissioners to hear and decide submissions on PPC9. They are Mr Rauru Kirikiri, Dr Brent Cowie, Dr Roger Maaka, Dr Greg Ryder and Mr Antoine Coffin (Chair) (collectively referred to in this decision as the Panel or Hearings Panel).

Notification, Hearings and s42A Reporting Officers’ Reports

- 1.19 PPC9 was publicly notified on 2 May 2020. The period for lodging submissions closed on 14 August 2020.
- 1.20 The Reporting Officers’ Section 42A Report and extensive supporting technical information was filed on 15 April 2021.
- 1.21 The s42A Addendum Report dated 19 May 2021 responded to the submitter’s evidence prior to the hearing.
- 1.22 The s42A Reporting Officers’ recommended updated version of PPC9 was provided to the Panel on 30 July 2021 this was termed the “pink version” of PPC9, which further responded to discussions and tabled evidence at the hearing.
- 1.23 The first day of the hearings was notified by Minute 1 of the Panel on 23 March 2021 to commence on Monday 24 May 2021.

Site Visit

- 1.24 A site visit was undertaken by the Panel on 25 June 2021. This involved a helicopter flight and a vehicle tour. The helicopter tour allowed the hearing panel to view the interior of the four catchments difficult to access by vehicle as well as covering a large area in short period of time.
- 1.25 The aerial tour over the four catchments included in particular:
- Te Whanganui ā Orotū (The Ahuriri Estuary) and its contributing catchments;
 - The Tūtaekurī catchment, including the Dartmoor valley, nearby hill country and Patoka area;
 - The headwaters of the Ngaruroro and Taruarau Rivers;

¹ Meeting of the Regional Planning Committee. 19 August 2020.

- The middle reaches of the Ngaruroro River and its surrounds, including Whanawhana, Matapiro Road, Fernhill and the Gimblett Gravels grape growing area;
- Lake Poukawa and its surrounds;
- The Karamū catchment and the Clive River; and
- The Waitangi Estuary.

1.26 The vehicle tour visited the Waitangi Estuary, some of the smaller tributaries of the Karamū River, Bridge Pā “triangle”, Roys Hill, Fernhill, Omahu, Waiohiki, Puketapu, and Tamatea.

Hearing Appearances

1.27 The hearings were held in-person at venues in Hawke’s Bay. These were:

- Monday 24 May – Wednesday 26 May 2021 at Mangaroa Marae, Bridge Pā
- Tuesday 8 June – Friday 11 June 2021 at Toitoe Centre, Hastings
- Monday 21 June –Wednesday 23 June 2021 at East Pier, Napier
- Monday 27 September 2021 at Hawkes Bay Regional Council, Napier.

1.28 A list of appearances is provided in Appendix 1. This appendix identifies the speakers and support people where known, the relevant submitter as an individual or organisation/group and their corresponding submission number.

1.29 The hearings were recorded by video and made publicly available via the HBRC website. The links to the video recordings are included in Appendix 1.

1.30 There were no transcripts of the proceedings.

1.31 We would like to acknowledge the generous assistance we received from tangata whenua representatives at the hearing venues. This assistance included the provision of karakia tīmatanga and karakia whakamutunga each day, blessing of our food and mihi whakatau for submitters and visitors. We especially would like to thank Mr Cordry Huata at Mangaroa Marae, Mr Marei Apatu of Te Taiwhenua o Heretaunga (TToH) and Mr Chad Tareha of Ngāti Pārau.

Conflicts of Interests

1.32 Conflicts of interest were considered by Hawke’s Bay Regional Council in the appointment of hearing commissioners.

1.33 The Hearings Panel did not receive any formal requests or submissions raising conflicts of interests. During the hearing Antoine Coffin informed the panel and submitters present that he had previously worked as a commissioner with one of the experts for the Winegrowers, Mr Stephen Daysh. There were no objections.

Procedural Matters and Late Submissions

1.34 Leading up to the commencement of the hearings, the Panel issued four minutes to address the programme of hearings, administrative and logistical issues as well as substantive matters. These minutes and others issued during the course of deliberations are available on the Regional Council’s website and Regional Council file.

- 1.35 In summary, these four minutes addressed the following matters:
- a) Minute 1 (dated 23 March 2021): This minute set out the names of the hearings panel, the hearing dates, the timetable for the Section 42A Report and submissions and preferences for formats. The minute notified submitters that contingency plans were being prepared for disruptions from Covid 19 alert levels and that draft hearing timetables will be sent out by 17 May 2021.
 - b) Minute 2 (dated 8 April 2021): This minute set out expectations for the hearing process including expert witnesses, lay submitters, legal submissions, and questions of clarification. Expert caucusing and conferencing were identified as having some potential to be called during the hearing process. The minute invited submitters to identify places of interests that they would like the hearings panel to visit as part of its site visit, to be provided by 7 May 2021.
 - c) Minute 3 (dated 7 May 2021): This minute set out the timetable for an extension of the deadline for expert evidence from Friday 7 May to Tuesday 11 May 2021, in response to requests of some major parties. A corresponding extension was provided to the Regional Council in its provision of expert evidence in response from Monday 17 May to Wednesday 19 May 2021.
 - d) Minute 4 (dated 19 May 2021): This minute provided more detail and clarifications regarding the pōwhiri at Mangaroa Marae, receipt of legal submissions, access to Zoom facilities, expert caucusing/conferencing, and site visits. The minute also set out a decision not to accept a late submission from S. A. Gardiner, received 7 May 2021. The submission closing date was 14 August 2020. The minute informed submitters that late expert evidence, after 11 May 2021 would not be accepted.
- 1.36 A further 6 minutes were issued during the proceedings. These are summarised below.
- 1.37 Minute 5 addressed requests from submitters to be able to provide response in evidence to the s42A Addendum Report, approach to late expert evidence and presenting at the hearings. Submitters were provided an opportunity to provide written comments on the s42A Addendum Report by Friday 4 June 2021 and time to present these comments in hearings. In regard to late evidence provided by Ngāti Kahungunu Iwi Incorporated (NKII), the panel sought written views from the Regional Council and submitters on whether the evidence should be received or not, by 2 June 2021.
- 1.38 The Hearings Panel received a memo from Hawkes Bay Regional Council dated 9 June 2021 regarding Appendix 11 to the Section 42A Report. The memo informed the Panel that there were 'errors and factually inaccurate information' contained in Appendix 11. This Appendix summarised hydrological information relevant to proposed Plan Change 9. The amendments to the summary were substantial, however, no changes or amendments to the underlying reports that Appendix 11 summarises were required and no associated changes were to be made to the Section 42A Report or Addendum Report. Minute 6 (dated 11 May 2021) set out the issues and included the memo with track changes. The minute invited submitters (whether they had attended the hearings or not) to make submissions (with conditions set out in the memo) on the changes. The closing date for those submissions was Friday 2 July 2021.
- 1.39 Minute 7 (dated 18 June 2021) confirmed the Hearings Panel view that the expert evidence of Ngaio Tiuka and Shade Smith on behalf of NKII was late. The minute also noted that three submissions had been received regarding the s42A Addendum Report (as per Minute 5).

- 1.40 In Minute 8 (dated 20 July 2021) the Hearings Panel recorded its reconsideration of its earlier procedural direction not to receive late evidence of NKII. This was done in light of the principles of natural justice that in this case required acceptance of the evidence and recognition of tikanga Māori. The hearing panel considered potential issues of prejudice for other parties. In this case, while the evidence was filed late according to previous direction, it was still filed in advance of the hearing commencing. During week 3 of the hearing Royal Forest and Bird Protection Society Incorporated submitted to the Panel a request to review the decision on the late evidence, and further set out in their legal submissions the reasons it should be accepted. These included that the NKII evidence complied with the requirements of s41B of the RMA, was not inadmissible, and therefore should be given fair and proper consideration. The evidence was heard by the Panel and placed on the Regional Council website. A large majority of the parties that responded to the Panel's minute regarding the approach taken to the evidence were in favour of the evidence being accepted on the basis that there was limited prejudice to other parties. The Panel reconsidered its earlier procedural direction and came to the view that it would receive (and weigh accordingly) the evidence filed by NKII in its decision on PPC9.
- 1.41 In Minute 9 (dated 27 July 2021) the Hearings Panel confirmed the receipt of written comments and expert evidence from several submitters regarding amendments made to Appendix 11. We confirmed that further hearing time would be provided on Monday 27 September 2021.
- 1.42 In Minute 10 (dated 20 September 2021) the Hearings Panel addressed some logistical and administrative matters for the hearing on 27 September 2021 as well as requesting further science information regarding the management of the groundwater resource and interim allocation limit.
- 1.43 Minute 11 (dated 30 June 2022) noted that an application to the Minister for the Environment under the First Schedule, Clause 10A of the RMA for an extension of timeframes for the release of decisions on the Proposed Plan Change 9 was made by Hawkes Bay Regional Council.
- 1.44 The application was made at the request of the Panel for an extension period of 4 months to the final decision to the 31 August 2022. The extension was necessary to complete the decision-making, and to ensure appropriate time for deliberations and the release of decisions.
- 1.45 The Hearings Panel noted that PPC9 was very complicated with integrated parts to other sections of the operative Regional Resource Management Plan and other recent Plan Changes. Due to the scale and complexity of the PPC9 there are a large number of complex submission points. The Hearings Panel has received more than 2,000 pages of evidence along with extensive legal submissions, and the sheer weight of evidence and submissions requires time consuming and laborious consideration. The Hearings Panel has also suffered from absences due to Covid 19, both in contracting Covid 19 and in periods of isolation.
- 1.46 A public notice was issued on the 2 July 2022 by Hawkes Bay Regional Council of the application and granted extension. Minute 12 confirmed that the hearing was closed on 22 August 2022.

Key Dates in the Process

Date	Description
14 Aug 2018	Draft presented to Regional Planning Committee
18 Mar 2020	Approved for notification by HBRC
2 May 2020	Notified
14 Aug 2020	Submissions closed
11 Nov 2020	Summary of submissions
9 Dec 2020	Further submissions closed
19 April 2021	Section 42A Report and supporting technical information published
24 May 2021	Hearing commenced
25 & 26 May, 8-11 June, 21-23 June, 27 Sep 2021	Hearing continued
25 June 2021	Commissioner site visit
30 July 2021	Pink version of PPC9 (s42A Reporting Officers' Recommended Version) received
22 August 2022	Hearing closed
31 August 2022	Decision

Background to PPC9

- 1.47 The plan change area covers the four catchments, Tūtaekurī, Ahuriri, Ngaruroro and Karamū that have complex interactions including flow losses and gains from surface water bodies and the Heretaunga Aquifer which is a deep sedimentary basin underlying the Heretaunga Plains. The Heretaunga Aquifer system includes the main aquifer and several connected peripheral valley aquifers. The Heretaunga Aquifer system is hydraulically interconnected with the surface water in sections of the catchments.
- 1.48 PPC9 sought to ensure integrated management of land and water resources in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) Catchments. PPC9 provides a catchment management approach to improve water quality and water quantity, and to manage values for the catchments.
- 1.49 PPC9 arose from the Hawke's Bay Land and Water Management Strategy (LAWMS) 2011 and Plan Change 5 to the RRMP which was made operative on 24 August 2019. Both provided policy direction for a catchment-based management approach.
- 1.50 LAWMS provided direction for the management of land and water in Hawke's Bay for improved economic and environmental outcomes. LAWMS has objectives and policies to meet sustainable land use and water use in the region. These policies include tailoring land and water use management to address pressures for each catchment and working with partner agencies and stakeholders on water and land management.
- 1.51 Plan Change 5 to the RRMP introduced Chapter 3.1A Integrated Land Use and Freshwater Management to the Regional Policy Statement (RPS) section of the RRMP (noting that the RRMP contains both the RPS and regional plan). Policies LW1 and LW2 in Chapter 3.1A state

that provisions need to be inserted into the regional plan relating to a catchment wide integrated management approach. A primary purpose of PPC9 was to give effect to policies LW1 and LW2 of the RPS as required by the s65(6) of the RMA. Chapter 3.1A states that the Greater Heretaunga and Ahuriri Catchment will be worked on as one catchment area so Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments formed PPC9.²

- 1.52 PPC9 does not propose to change the Regional Policy Statement or the Regional Coastal Environment Plan.³
- 1.53 PPC9 proposed to insert a new chapter, Chapter 5.10 Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments, into the RRMP. This chapter contains objectives and policies for the integrated management of land and water in the four catchments.
- 1.54 PPC9 proposed a new Section, 6.10: TANK Catchments, and specific rules in the Regional Rules Chapter of the RRMP. Section 6.10 proposes 23 rules that apply in the TANK Catchment that relate to the use of production land, take and use of water, and discharge of stormwater.
- 1.55 PPC9 also amends the remainder of the Regional Resource Management Plan by proposing to:
- a) Make consequential amendments to parts of Section 5 of the RRMP. These consequential amendments remove the TANK Catchment from the 5.4 Surface Water Quality, 5.5 Surface Water Quantity, 5.6 Groundwater Quality and 5.7 Groundwater Quantity provisions (in light of the specific management regime introduced in the TANK catchment through the TANK rules); and
 - b) Make consequential amendments to 23 existing rules in Chapter 6 of the RRMP. These amendments apply where the activity is carried out in the TANK Catchment. These 23 rules relate to bore drilling and bore sealing, feedlots and feedpads, vegetation clearance and soil disturbance activities, agricultural activities and other activities on production land – discharges to air/water/land and discharges to water.
- 1.56 PPC9 also adds three new RRMP rules to Chapter 6 of the RRMP that relate to drainage water (RRMP Rule 33A), and transfer of permits to take and use water (RRMP Rules 62a and 62b). Rule 33A applied only in the TANK Catchment. RRMP Rules 62a and 62b apply outside the TANK Catchment.
- 1.57 PPC9 proposed to insert 11 new schedules, Schedules 26 – 36, in the RRMP that support policy and rules. These schedules relate to:
- Schedules 26 and 27 were both titled Freshwater Quality Objectives
 - Schedule 28 - priority catchments
 - Schedule 29 – land use change
 - Schedule 30 - landowner collectives
 - Schedule 30 - industry programme and freshwater farm plan
 - Schedule 31 - flows, levels and allocation limits
 - Schedule 32 - high flow allocation
 - Schedule 33 - water permit expiry dates
 - Schedule 34 - urban site specific stormwater management plan
 - Schedule 35 - source protection for drinking water supplies

² Section 42A Report. paragraphs 26-30. pages 10-11

³ Section 42A Report. paragraphs 43 & 44. page 14

- Heretaunga Plains stream flow maintenance and habitat enhancement scheme.⁴

1.58 PPC9 proposed to add some 30 new terms or amend terms to Chapter 9 Glossary of the RRMP for:

- Actual and Reasonable
- Affected Stream
- Allocation limit for surface water
- Allocation limit for Groundwater
- Allocation limit for high flow takes
- Applicable stream flow maintenance scheme
- Aquifer testing
- Essential human health needs
- Farm Environment Plan
- Farming Enterprise
- Forestry Management Plan
- Fre³
- Hapū
- Heretaunga Plains Groundwater Model
- Indigenous vegetation
- Infrastructure Leakage Index
- Kaitiakitanga
- Ki uta ki tai
- Mahinga Kai
- Māori
- Marae
- Mātauranga Māori
- Mauri
- Papakāinga
- Pastoral land use
- Registered Drinking Water Supply (or Supplies)
- River
- Source Protection Zone (SPZ)
- Source Protection Extent
- Stream Depletion Calculator
- TANK Industry Programme or a TANK Catchment Collective
- Waka ama⁵

Engagement with Tangata Whenua and Community

1.59 The development of PPC9 was initiated in 2012 when the Regional Council formed the TANK Collaborative Stakeholder Group (the TANK Group) to represent tangata whenua and the wider community to look at the best way to manage the waterways of the TANK Catchments. PPC9 was developed using a community-based approach. More than 30 representatives of the community were in the TANK Group including tangata whenua and local representatives of interest and stakeholder groups, including environmental organisations, local councils and primary sector representatives.

⁴ Section 42A Report. paragraphs 45 & 46. page 14

⁵ Section 42A Report, Appendix 1 – Recommended Changes to Proposed Plan Change 9. 15 April 2021. Chapter 9. Pages 90-93

- 1.60 Five sub-groups of the main TANK Group were established in 2016 and 2017 to work on community engagement, stormwater, lakes and wetlands, economic assessment and water augmentation. This was to enable greater consideration of details in a timely manner which was not possible in the wider TANK forum. Each of the five working groups were formed with a brief which outlined the scope of the group, memberships and outputs expected from the groups. The working groups met a number of times, with some groups meeting more than 10 times. The groups did not have decision making duties, but they provided their findings and recommendations back to the wider TANK Group.
- 1.61 In 2018 the TANK Group agreed to provide the Joint Drinking Water Group with the mandate to look at the policies and rules in respect of source protection zones and drinking water safety.
- 1.62 Milestone reports and scientific papers were produced and shared with members during the collaborative process. These included but are not limited to:
- a) *Tangata Whenua Values to Attributes and Management Priorities for the Ngaruroro River*, Te Tira Wai Tuhi, October 2016
 - b) Hawke's Bay Regional Council, July 2016. *Ngaruroro, Tūtaekurī, Karamū and Ahuriri Estuary Catchments State and Trends of River Water Quality and Ecology Discussion Document for TANK Meeting 38 – Part 3 River Flow Management Regimes and Water Abstraction*, HBRC, 22 March 2018
 - c) Hawke's Bay Regional Council, August 2018. *Heretaunga Aquifer Groundwater Model Scenarios Report*
 - d) *Surface water quantity scenario modelling in the Tūtaekurī, Ngaruroro and Karamū catchments*, R Waldon, for Hawke's Bay Regional Council, August 2018
 - e) *TANK Social and Cultural Impact Assessment Report – Community Reference Group feedback on the draft TANK plan'*, Anthony Cole, Joella Brown and Rhonda Cole, August 2018
 - f) *Further Information on Non-Consensus Matters in TANK Plan Change – Managing Stream Depletion Effects by Groundwater Abstraction*, HBRC, 5 September 2018
 - g) HBRC Report to Regional Planning Committee 15 May 2019 meeting - Item 7 titled: *TANK Plan Change – Feedback and Recommendations following Pre-notification consultation'*.
- 1.63 Tangata whenua representatives also formed a separate group and met with Regional Council staff and advisors on a regular basis to consider issues and further discuss the available information in more detail.
- 1.64 Reports have been commissioned by the Regional Council for tangata whenua. These have helped inform PPC9. These reports included:
- Ngaruroro Values and Attributes August 2016
 - Tūtaekurī Awa, Values and Objectives Management Report
 - TANK Social and Cultural Impact Assessment Report
 - Mr Morry Black's three reports for Te Taiwhenua o Heretaunga on work undertaken over 10 meetings

- Ms Diana McDonald’s assessment for Mana Ahuriri on the values of Mana Ahuriri were reflected appropriately in PPC9
- Cultural Values alignment with the TANK draft plan report Ms Joella Brown.

- 1.65 The TANK Group met more than 40 times over the course of six years and it had its last meeting on 26 July 2018. Further information on the TANK Group can be found in Section 4 of the s32 Evaluation Report.⁶
- 1.66 The draft plan change was presented to the Regional Planning Committee (RPC) on 14 August 2018. The RPC comprises both elected councillors and tangata whenua representatives of the Post Settlement Governance Entities (PSGEs). The TANK Group was not able to reach consensus on all matters in the draft plan change. The matters the TANK Group did not reach consensus on were high flow allocation limits, flow enhancement of lowland streams, minimum flows and allocation limits for Ngaruroro and Tūtaekurī Rivers. Some issues were not considered fully by the TANK Group, including protection of source water for community supply, stormwater management and land use change provisions. The RPC reviewed and considered these matters at meetings over the following 18 months.⁷
- 1.67 Iwi authorities were consulted on the draft plan change in January 2019 prior to PPC9 being notified. PPC9 was recommended for notification by the RPC on 18 March 2020. The Regional Council subsequently approved PPC9 for notification on 25 March and PPC9 was notified on 2 May 2020 and submissions closed on 14 August 2020. The Regional Council received 240 submissions that contained approximately 6,000 submission points. Further submissions were notified on 11 November 2020 and submissions closed on 9 December 2020. Twenty-four further submissions were received, all but one of the further submitters were primary submitters on PPC9.⁸
- 1.68 PPC9 is one part of the Regional Council’s programme to progressively implement the National Policy Statement for Freshwater Management (NPS-FM) and sustainably manage the region’s land and water resources. The plan change process was commenced in 2012, following the first NPS-FM in June 2011 and was notified after the NPS-FM 2014 (amended 2017) was in force. The NPS-FM 2020 came into force on 3 September 2020, three months after PPC9 was notified.⁹
- 1.69 The Regional Council has recently had a plan change hearing on Proposed Plan Change 7 – Outstanding Water Bodies (30 November to 3 December 2020). As notified (31 August 2019) Proposed Plan Change 7 proposed changes to the RPS to protect 38 Outstanding Water Bodies in the region. The hearing was held in December 2020 and the Independent Hearing Panel’s decisions on submissions were publicly notified on 26 June 2021. The decision found that 15 of those water bodies proposed clearly and unambiguously met one of more the assessment criteria and qualified as outstanding water bodies. The decision for PPC7 identified the following outstanding water bodies in the TANK catchments, these were the Taruarau, Ngaruroro above Whanawhana, the Te Whanganui ā Orotū (Ahuriri) Estuary and the Tūtaekurī upstream of the SH50 bridge.

⁶ Section 42A Report. Paragraphs 31-36. Pages 11-12.

⁷ Section 42A Report. Paragraph 38. Page 13

⁸ Section 42A Report. Paragraph 39. Page 13

⁹ Section 42A Report. Paragraph 40. Page 13

Relevant Statutory Provisions and Plans Considered

RMA 1991

- 1.70 Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified PPC9 since the s32 Evaluation Report was completed. We have accepted the s32 evaluation of the statutory provisions as they relate to Part 2 of the RMA.¹⁰
- 1.71 A s32AA further evaluation analysis is provided where we have substantially changed a provision notified in PPC9, otherwise we adopt the analysis in the s32 Evaluation Report.
- 1.72 Section 30 and ss63-70 of the RMA are relevant to plan changes to regional plans. This is discussed in some detail at Sections 3.2 and 3.3. of the s32 Evaluation Report and is not repeated here.
- 1.73 Proposed Plan Change 9 is specifically relevant to the following functions of regional councils set out under s30 for establishing objectives, policies and methods:
- a) Section 30(1)(a) - the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region
 - b) Section 30(1)(b) - the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance
 - c) Section 30(1)(ba) - the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in relation to housing and business land to meet the expected demands of the region
 - d) Section 30(1)(c) – the control of the use of land for the purpose of: soil conservation, the maintenance and enhancement of the quality of water in the waterbodies, the maintenance of the quantity of water in waterbodies, the maintenance and enhancement of ecosystems in waterbodies, and the avoidance or mitigation of natural hazards
 - e) Section 30(1)(e) - The control of the taking, use, damming and diversion of water, and the control of the quantity, level, and flow of water in any water body
 - f) Section 30(1)(f) - the control of the discharges of contaminants into or onto land or water and discharges of water into water
 - g) Section 30(1)(fa) - The establishment of rules in a regional plan to allocate the taking or use of water.
- 1.74 The relationship between these matters and the TANK catchments is set out in the s32 Evaluation Report, which is relied on by the Panel and not repeated here.¹¹

¹⁰ Section 32 Evaluation Report. pages 9-16

¹¹ Section 32 Evaluation Report. pages 9-16

Essential Freshwater Rules and Regulations 2020

1.75 On 5 August 2020, after PPC9 was notified, the Government introduced its Essential Freshwater package and gazetted four documents. These documents came into force on 3 September 2020.

- a) The National Policy Statement for Freshwater Management 2020.
- b) The Resource Management (National Environmental Standards for Freshwater) Regulations 2020.
- c) The Resource Management (Stock Exclusion) Regulations 2020.
- d) The Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020.

National Policy Statement for Freshwater Management (NPS-FM) 2014

1.76 PPC9 was prepared when the National Policy Statement for Freshwater Management (NPS-FM) 2014 (amended 2017) was in force. Since PPC9 was notified, the NPS-FM 2020 has been gazetted and it came into force on 3 September 2020.

1.77 We observe that while the three earlier iterations of the NPS-FM gazetted in 2011, 2014 and 2017 respectively, could be regarded as evolutionary, the NPS-FM 2020 takes an entirely fresh approach. This has made it difficult in places to give effect to the NPS-FM 2020 (to the extent the Panel is able to within the scope of submissions) when much of the content and context of the NPS-FM 2020 has been changed significantly.

National Policy Statement for Freshwater (NPS-FM) 2020

1.78 The NPS-FM sets out the objectives and policies for freshwater management under the RMA, which are required to be given effect to by regional policy statements, regional plans and where relevant district plans.

1.79 Clause 4.1 of the NPS-FM 2020 states that every local authority must give effect to the National Policy Statement as soon as reasonably practicable. PPC9 was notified before the NPS-FM 2020 was gazetted.

1.80 Case law establishes that the extent to which it is reasonably practicable for the provisions of PPC9 to give effect to the NPS-FM 2020 is confined by the scope within the submissions to make changes to PPC915. PPC9 does not need to (and cannot) give full effect to the NPS-FM 2020, as full effect cannot be given to the NPS-FM 2020 until the Regional Council has worked through the various implementation steps in Part 3 of the NPS-FM 2020. However, the Panel has attempted to give effect to the NPS-FM 2020 to the extent that it is able within the scope of submissions on PPC9, and based on the merits of the submissions themselves, recognising that remaining conflict between the NPS-FM 2020 and the RRMP will then fall to the Regional Council to resolve in other proceedings. Section 80A(4)(b) of the RMA states that where a freshwater planning instrument has the purpose of giving effect to the NPS-FM 2020, it has to be notified by 31 December 2024.¹² The Regional Council is presently working on this new plan, which is known as the “Kotahi Plan”.

1.81 One of the key changes between the NPS-FM 2014 (amended 2017) and the NPS-FM 2020 version is that Te Mana o te Wai has been further explained in the NPS-FM 2020. Section 1.3 of the NPS-FM 2020 states that Te Mana o te Wai is a concept that refers to the fundamental

¹² Section 42A Report. Paragraphs 54-61. Pages 15-16

importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. Te Mana o te Wai protects the mauri of the wai and is about restoring and preserving the balance between the water, the wider environment and the community. Te Mana o te Wai encompasses six principles:

- a) Mana whakahaere
- b) Kaitiakitanga
- c) Manaakitanga
- d) Governance
- e) Stewardship
- f) Care and respect.¹³

1.82 Clause 2.1 is the only Objective of the NPS-FM 2020, reflecting the hierarchy of obligations enshrined in Te Mana o te Wai. Te Mana o te Wai is further explained in Clause 1.3(5), which states that the hierarchy prioritises: first, the health and well-being of water bodies and freshwater ecosystems second, the health needs of people (such as drinking water) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.¹⁴

1.83 The Te Mana o te Wai Objective or hierarchy of obligations is supported by some 15 policies. Some of the key policies relevant to PPC9 are:

- a) NPS-FM Policy 1 - Freshwater is managed in a way that gives effect to Te Mana o te Wai.
- b) NPS-FM Policy 3 - Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.
- c) NPS-FM Policy 5 - Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.
- d) NPS-FM Policy 11 - Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.

1.84 Clause 3.2 of the NPS-FM 2020 requires the Regional Council to engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region. The Regional Council has not yet undertaken this engagement.

1.85 Other changes between the NPS-FM 2014 (2017 amendment) and the NPS-FM 2020 include development of long-term vision statements, the addition of two compulsory values, threatened species and mahinga kai, new attributes that provide for ecosystem health,

¹³ Section 42A Report. Paragraph 57, page 16.

¹⁴ Section 42A Report. Paragraph 58, page 16.

avoiding any further loss or degradation of wetlands, and tougher “bottom lines” for ammonia and nitrate toxicity attributes.¹⁵

- 1.86 A table showing how PPC9 aligns with the NPS-FM 2020 is shown in Appendix 6 of the Section 42A Report.

National Environmental Standards for Freshwater 2020

- 1.87 The National Environmental Standard for Freshwater (NES-F) regulates activities that pose a risk to the health of freshwater and freshwater ecosystems. Anyone carrying out activities that pose risks will need to comply with the standards. The standards are designed to:

- a) protect existing inland and coastal wetlands
- b) protect urban and rural streams from in-filling
- c) ensure connectivity of fish habitat (fish passage)
- d) set minimum requirements for feedlots and other stockholding areas
- e) improve poor practice intensive winter grazing of forage crops
- f) restrict further agricultural intensification until the end of 2024
- g) limit the discharge of synthetic nitrogen fertiliser to land, and require reporting of fertiliser use.

In many cases, people will need to apply for a resource consent from their regional council to continue carrying out regulated activities.¹⁶

- 1.88 In accordance with s43B of the RMA, a district rule, regional rule, or resource consent may be more stringent than these regulations.

- 1.89 However, a district rule, regional rule, or resource consent may be more lenient than any of regulations 70 to 74 (culverts, weirs, and passive flap gates) if the rule is made, or the resource consent is granted, for the purpose of preventing the passage of fish in order to protect particular fish species, their life stages, or their habitats.

Resource Management (Stock Exclusion) Regulations 2020

- 1.90 The regulations state that stock must be prevented from grazing within a natural wetland, or within three metres of any lake or river. The regulations do not apply to sheep.

- 1.91 The Reporting Officers in the Section 42A Report recommend deleting POL TANK 22, Rule TANK 3 and Rule TANK 4 from PPC9 because these provisions are covered by the Stock Exclusion Regulations 2020.¹⁷ In accordance with s44A of the RMA, the Panel is required to remove any duplication or conflict with a national environmental standard without using the process in Schedule 1.

¹⁵ Section 42A Report. Paragraph 60, page 16.

¹⁶ Section 42A Report. Paragraphs 62-63, pages 16-17

¹⁷ Section 42A Report. Paragraphs 64-65, page 17

Resource Management (Measurements and Reporting of Water Takes) Regulations 2020

1.92 These regulations have been amended to require all permit holders who hold consents for taking water (five litres per second or more) to record water use every 15 minutes and supply the data directly to regional councils.¹⁸

Other Relevant National Instruments

NPS Renewable Electricity Generation 2011

1.93 The National Policy Statement for Renewable Electricity Generation (NPS-REG) is relevant to the region and to the RRMP. The RPS provides for renewable electricity generation and particular catchments have been identified as having appropriate attributes and values for hydro electricity generation. These catchments are not within the TANK Catchments. However, POL TANK 56 of PPC9 does provide for renewable electricity generation to be considered in regard to water storage and augmentation schemes as follows:

The Council will also 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: ...

h) whether the proposal provides for renewable electricity generation.¹⁹

NZ Coastal Policy Statement 2010

1.94 The New Zealand Coastal Policy Statement (NZCPS) has relevance to PPC9 as each of the TANK Catchments flow into the coastal marine area through the Ahuriri and Waitangi Estuaries. OBJs TANK 7 and 10, and POLs TANK 18 and 19 of PPC9 seek to manage effects on the coastal environment in a manner that gives effect in part to the NZCPS Objectives 1, 3 and 6.²⁰ We note that the Hawkes Bay Coastal Environment Plan was notified in 2006, a decision issued in 2008, however was made operative in 2014. As such the HBRC does not have a coastal plan that gives effect to the NZCPS 2010.

NPS for Urban Development 2020

1.95 The National Policy Statement for Urban Development (NPS-UD) seeks to ensure that there are adequate opportunities for land to be developed to meet community, business and housing needs so cities are productive and well-functioning. HBRC, Napier City Council and Hastings District Council are jointly responsible for implementing the NPS-UD that was released in 2020.

1.96 Chapter 3.1: Managing the Built Environment of the RPS seeks to help to implement the NPS-UD. The Regional Council is looking to review that chapter to ensure it is compliant with the NPS-UD 2020. When looking at areas for development capacity, HBRC, Napier City Council and Hastings District Council will need to ensure they manage their natural and physical resources in an integrated way including encouraging the co-ordination and sequencing of regional or urban growth, and having objectives, policies and methods to promote positive effects and avoid, remedy, or mitigate adverse effects of urban development on the health and well-being of water bodies, freshwater ecosystems and receiving environments.

¹⁸ Section 42A Report. Paragraph 66, page 17

¹⁹ Section 42A Report. Paragraph 67, page 17

²⁰ Section 42A Report. Paragraph 69, page 17

National Environmental Standard for Sources of Human Drinking Water 2007

- 1.97 The National Environmental Standard for Sources of Human Drinking Water (NES-DWS) is relevant as the public reticulated drinking water supplies that service the greater Napier and Hastings urban areas are sourced from the Heretaunga Aquifer. The Panel understands that an updated NES is due later this year.
- 1.98 Source Protection Zones are identified in PPC9 to protect the source of Registered Drinking Water Supplies. PPC9 contains POLs TANK 6, 7, 8 and 9 and rules to protect drinking water from land use activities, water takes and discharges.²¹

National Environmental Standard for Plantation Forestry 2017

- 1.99 Regulation 6 of the Plantation Forestry NES sets out the circumstances when a rule in a plan may be more stringent than the regulations within the NES. This includes if a rule gives effect to an objective developed to give effect to the NPS-FM and if a rule manages any activity conducted within 1 kilometre upstream of an abstraction point of a drinking water supply for more than 25 people where the water take is from a water body.²²
- 1.100 To the extent to which PPC9 contains rules that are more stringent than the Plantation Forestry NES, these are rules which give effect to an objective developed to give effect to the NPS-FM or managing water within an abstraction point of drinking water supply as above.

National Water Conservation Orders

- 1.101 The Ngaruroro River has been considered for protection under a National Water Conservation Order (NWCO). The purpose of an NWCO is to recognise and protect the outstanding amenity or intrinsic values of water bodies. Regional policy statements, regional plans and district plans cannot be inconsistent with the provisions of a NWCO.²³
- 1.102 This process is being managed by the Environmental Protection Agency. A Special Tribunal has held a hearing and published its report on the 30 August 2019 which recommended that the NWCO be granted in part for the Ngaruroro River and its tributaries upstream of the Whanawhana cableway, and the NWCO application be declined for the Ngaruroro River and its tributaries downstream of the cableway. Several parties have made submissions to the Environment Court in relation to the Special Tribunal's report. The Environment Court started holding a hearing for this Order on 9 February 2020. The hearing was adjourned due to COVID-19 lockdowns and recommenced in June 2021, when the hearing was completed. The Environment Court has not yet issued its report, and the NWCO has not yet been made. As such, the obligation under s67(4) for PPC9 not to be inconsistent with the NWCO has not yet arisen.

Regional Policy Documents

The Hawke's Bay Regional Planning Committee Act 2015

- 1.103 The purpose of the Hawke's Bay Regional Planning Committee Act is to improve tangata whenua involvement in the development and review of documents prepared in accordance with the RMA for the Hawke's Bay region. The Act establishes the Hawke's Bay Regional Planning Committee (RPC) as a joint committee of the Hawke's Bay Regional Council.²⁴

²¹ Section 42A Report. Paragraphs 73-74, page 18

²² Section 42A Report. Paragraphs 76-77, page 18.

²³ RMA, ss 62(3), 67(4) and 75(4).

²⁴ Section 42A Report. Paragraphs 85, page 19

- 1.104 There are tangata whenua member representatives of Maungaharuru-Tangitū Hapū, Ngāti Pāhauwera, Tūhoe, Ngāti Tūwharetoa, Mana Ahuriri hapū, Ngāti Hineuru, hapū of Heretaunga and Tamatea, Wairoa iwi and hapū, and Ngāti Ruapani ki Waikaremoana.²⁵
- 1.105 The role of the RPC is to oversee the review and development of the Regional Policy Statement and regional plans for the Hawke’s Bay region, as required under the Resource Management Act 1991. The RPC has an equal number of Regional Councillors and Post Settlement Governance Entity representatives, and it is the co-governance group for the management of natural resources in Hawke’s Bay.²⁶

Hawke’s Bay Regional Policy Statement

- 1.106 The Hawke’s Bay Regional Resource Management Plan (RRMP) was made operative in August 2006 and it is a combined Regional Policy Statement (RPS) and regional plan.
- 1.107 As stated in Section 5 of this report, provisions in Chapter 3.1A: Integrated Land Use and Freshwater Management of the RPS state that provisions need to be inserted into the regional plan relating to a catchment wide integrated management approach. Chapter 3.1A includes objectives and policies that require catchment wide approaches for integrated management of land and freshwater amongst other things. Chapter 3.1A shows that the Greater Heretaunga/Ahuriri Catchment area is a catchment area. This catchment area is now known as TANK and it incorporates the Tūtaekurī River, Ngaruroro River and Karamū River Catchments, and the Ahuriri Estuary (Te Whanganui ā Orotū) and its catchment. PPC9 gives effect to policies LW1 and LW2 of the RPS as required by s65(6) of the RMA.
- 1.108 PPC9 sought to give effect to the RPS policies in Chapter 3.1A which acknowledge a range of values and uses including cultural values, uses and values associated with recreation, birds, stock and domestic water, and native fish. PPC9 has further incorporated Māori values for which all waterbodies in the TANK Catchment areas are to be managed.
- 1.109 PPC9 also sought to give effect to other objectives in the RPS including RRMP OBs 21, 22, 25, 27 and 27A. These objectives relate to groundwater quality in the Heretaunga Plains aquifer systems, the quantity and quality of water in wetlands, rivers and lakes and riparian vegetation.²⁷

Iwi Planning documents

- 1.110 Section 66(2A) of the RMA states:

When a regional council is preparing or changing a regional plan, it must deal with the following documents, if they are lodged with the council, in the manner specified, to the extent that their content has a bearing on the resource management issues of the region:

- a) the council must take into account any relevant planning document recognised by an iwi authority;*

²⁵ Sections 4 and 11 of Hawke’s Bay Regional Planning Committee Act 2015.

²⁶ Section 42A Report. Paragraphs 86, page 19

²⁷ Section 42A Report. Paragraphs 78-81, pages 18-19. See also section 3.7 of the s32 Evaluation Report

1.111 The following iwi planning documents have been identified as relevant to PPC9.

- Tūtaekurī Awa Management and Enhancement Plan, prepared by Ngā Hapū o Tūtaekurī – H Hawaikirangi, TK Hawaikirangi, C Ormsby, 2014.
- Ngāti Hori Freshwater Resources Management Plan – Operation Patiki, Kohupatiki Marae, 2012.
- Mana Ake Ngā Hapū o Heretaunga – An Expression of Kaitiakitanga, Te Taiwhenua o Heretaunga, 2015 Edition.
- Kahungunu ki Uta, Kahungunu ki Tai – Marine & Freshwater Fisheries Strategic Plan – Mai Paritu, tai atu ki Turakirae, Coastal Hapū Collective, Kahungunu Asset Holding Company Limited and Ngāti Kahungunu Iwi Incorporated, 2008.
- Ngaruroro Values and Attributes report, August 2016. Note that this report was lodged with the Hawke’s Bay Regional Council by Ngāti Kahungunu Iwi Incorporated as an Iwi Hapu Management Plan on the 2 July 2019 under a different title – ‘Tangata whenua values to attributes and management priorities for the Ngaruroro River’, 28 October 2019.

1.112 These hapū and iwi management plan documents have been reviewed and taken into account in the preparation of PPC9. In addition to those documents other documents specifically relevant to iwi and hapū values within the TANK catchments have been considered in the preparation of PPC9. These documents include:

- a) *Ngaruroro Values and Attributes Report 2016* (which has also been lodged 2019 as an Iwi Management Plan with the Regional Council);
- b) *Tūtaekurī Awa Values* report 2017;
- c) *Te Whanganui-a-Orotu (the Napier Inner Harbour) Traditional Use and Environmental Change, Customary Usage* report 1994; and
- d) *Ngati Kahungunu Kaitiakitanga Mo Nga Taonga Tuku Iho 1992*.²⁸

SECTION 32AA

Further Evaluation Report

1.113 Clause 10 gives directions on the local authority giving decisions on the provisions and matters raised in submissions, with reasons for accepting or rejecting submission points. Sub-clause 10(2) provides for the local authority’s decision on submissions to make necessary consequential alterations arising from the submissions and any other relevant matter arising from them. Sub-clause 10(4) requires that the local authority’s decision is to include a further evaluation in accordance with s32AA; and is to have particular regard to the further evaluation when making its decision.

1.114 Section 32 of the RMA prescribes requirements for preparing and publishing evaluation reports, including on an ‘amending proposal’ that would amend a plan or change.

- 1.115 In particular, as applicable to the plan changes in question, s32 directs that an evaluation report is to examine whether the provisions are the most appropriate ways to achieve the relevant objectives by identifying other reasonably practicable options for doing so, assessing the efficiency and effectiveness of the provisions, and summarising the reasons for deciding on the provisions. The report is to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposals.
- 1.116 In assessing the efficiency and effectiveness of provisions, the assessment has to identify and assess the anticipated benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for economic growth and employment anticipated to be provided or reduced; the assessment has also, if practicable, to quantify the benefits and costs; and if there is uncertainty or insufficient information about the subject-matter of the provisions, has to assess the risk of acting or not acting.
- 1.117 By s32AA, a further evaluation is required for any change proposed since the original report was completed. Such a further evaluation does not have to be published as a separate report if it is referred to in the decision-making record in sufficient detail to demonstrate that it was undertaken in compliance with that section.
- 1.118 In changing its RRMP, the Regional Council is to have prepared, and to have particular regard to, an evaluation report in accordance with s32 of the RMA. In preparing PPC9 the Regional Council complied with that requirement as is recorded in the s32 Evaluation Report. As per s32AA of the RMA, in considering and making its decisions on the amendments requested by submitters, a further evaluation is required for changes made or proposed since the s32 Evaluation Report was completed. Therefore, in the process of considering submissions and making recommendations the subject of this report, the Panel have made examinations and assessments as required by s32(3) of the RMA.

Evaluation Duties

- 1.119 In considering the amendments to the plan change requested in the submissions, and in formulating our decisions on them (whether they are addressed in the main body of this report or in Appendix 4) the Panel have, to the extent practicable, examined and assessed the criteria itemised in s32 as applicable. In doing so, the Panel have:
- a) considered the extent to which the plan change is the most appropriate way to achieve the purpose of the Act;
 - b) identified and assessed the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from implementation of the provisions, including economic growth and employment, quantifying the benefits and costs where practicable, and where there is uncertain or insufficient information, assessed risks of acting or not acting;
 - c) had regard to the Regional Council's duty to have the plan change give effect to relevant national policy statements (including the NPSFM 2020) and to the RPS, and to be consistent with or have regard to other prescribed instruments as identified in Chapter 1 of this report; and

- d) had regard to the Regional Council's duty to have the plan change comply with directions in national environmental standards, and to only impose a level of restriction greater than that imposed by a national environmental standard where there is justification for doing so.

- 1.120 In evaluating the evidence, we recognise that the evaluation directed is not confined to assessing the benefits and costs. The evaluation has to include the duties prescribed by the RMA and higher order instruments (including the fundamentally important concept of Te Mana o te Wai), duties that require constraints on farming activities, which may extend beyond what farmers have already adopted, whether voluntarily or to conform with PPC9.
- 1.121 Further, we find that the evaluation on benefits and costs cannot be made on economic grounds alone. Some benefits and costs of constraints on land use activities and some consequential social wellbeing may (with some generality) be quantified in money's worth. But it is not practicable, on the evidence presented, for the Panel to quantify in that way benefits and costs to environmental, and cultural wellbeing. So in those respects the Panel have made assessments that are broad and conceptual, rather than analytical and calculated.
- 1.122 One of the ways in which the economic costs of implementing proposed measures can be mitigated is by postponing conformity with targets and limits until fixed future dates. In some cases, setting dates like that is not an open judgement, but is required to be both ambitious and reasonable.
- 1.123 Those limitations limit the detail with which the Panel express the findings on the further evaluation, as indicated in the combination of the relevant contents of the main body of this report and of Appendix 4. These provide sufficient detail to record the Panels undertaking of the further evaluation. Many of the submission points on the plan change relate to particular provisions that have been addressed by topics throughout the decision.

Reasonably Practicable Options

- 1.124 In examining whether amendments to the plan change are the most appropriate ways to achieve the objectives of PPC9, the Panel have sought to identify other reasonable and practicable options where they have been specifically expressed in evidence. In doing that the Panel have confined its consideration to options presented in submissions or in the s42A Report, and to combinations or refinements of them. The Panel have refrained from inventing options, as that could result in unfairness to submitters.

Structure of the Decision

- 1.125 The decision is divided into 5 sections. The first of these (Chapter 1) is the Introduction to PPC9. This includes a summary, abbreviations and glossary of terms used throughout the decision, a summary of the background to PPC9, the procedural matters including the issuing of minutes and hearing milestones, the relevant legislation and statutory plans and documents, and details the s32AA procedures and requirements. Chapter 1 includes a section titled 'Nga Kōrero o te Hunga Kāinga', this provides detail on Te Rohe and Tikanga and summarises the important kōrero expressed by tāngata whenua at Mangaroa marae and other hearings venues.
- 1.126 The next part is a preliminary issues section (Chapter 2) which identifies the alternatives which have been considered and looks to address a number of generic issues to avoid repetition throughout the decision. These include the use of consistent terminology, repetitive and pro-forma submissions, NES-F, the Panel's view on the establishment of Freshwater Management

Units, nitrogen leaching models such as Overseer, tangata whenua and community consultation undertaken for the development of PPC9.

- 1.127 The third part of the decision (Chapters 3-14) provide discussion, findings and analysis of the submissions. There are three substantial chapters on Surface Water Quality and Land Management (Chapter 4), Management of the Heretaunga Plains Aquifer (Chapter 5) and Surface Water Quantity (Chapter 6). These form the bulk of the decision report. These sections are supplemented by decisions on source protection zones, wetland management, stormwater and a section on other objectives, policies and rules which were not contentious. The last section of this part is the Glossary (chapter 14) which introduces a number of new amended terms some of which are required to be consistent with the provisions of the RMA and national directions.
- 1.128 The fourth part of the decision (Chapter 15-16) includes the statutory considerations and overall decision.
- 1.129 The fifth part of the decision is the Appendices. These contain:
- a) Appendix 1 has a record of the appearances to each of the hearings and links to the video recordings.
 - b) Appendix 2 is a track change decision version of PPC9.
 - c) Appendix 3 is a clean decision version of PPC9.
 - d) Appendix 4 are two tables setting out the decisions on submission points by topic and submitter.
 - e) Appendix 5 is a numbering guide for the notified version and the decisions version of PPC9.
 - f) Appendix 6 shows the Planning Maps.

Grammar and Numbering

- 1.130 It should be noted that in creating a 'clean copy' of the plan change (Appendix 3), we have identified minor and inconsequential errors in grammar, consistency and layout that we have corrected.
- 1.131 The numbering of objectives, policies, rules and schedules used within this Decision Report is based on the numbering within PPC9 as notified, or the "pink version" where specifically referenced. A guide is provided in Appendix 5 which provides a cross reference to the new numbering in Plan Change 9 black decisions version.

Ngā Kōrero o te Hunga Kāinga

Te Rohe

1.132 Ngāti Kahungunu, tangata whenua in the greater Hawke's Bay area, is the third largest iwi in the country - 26,000 at the time of the 2013 census. Their rohe - from Paritu in the north to Turakirae in the south - is the second largest in land area for any iwi, surpassed, unsurprisingly, only by Ngāi Tahu. These two facts alone signify the importance of Ngāti Kahungunu to the dialogue arising from consideration of this plan change.

Tikanga

1.133 Proposed Plan Change 9 (PPC9) had long been anticipated by the many communities of the district including agricultural, and horticultural businesses, conservation and recreational groups, territorial authorities and the general public. However, for tangata whenua it has symbolic significance that is underscored by tradition that the RMA struggles to deal with adequately at times.

1.134 Ngāti Kahungunu have rangatiratanga in the rohe. This is not in dispute. Their whakapapa, their stories and waiata, their traditional practices, their values are paramount.

1.135 They have traditional obligations as kaitiaki to ensure the judicious management of natural resources, so that such resources are passed on to succeeding generations in as good, if not better, state than before. The four awa Tūtaekurī, Ahuriri, Ngaruroro and Karamū at issue here are prominent geographic features in the Ngāti Kahungunu rohe that come under this umbrella.

1.136 The obligations that tangata whenua have as kaitiaki of taonga like awa are binding. This is a fundamental principle on which tikanga is forged. To fail to live up to such responsibilities - or at the very least to attempt to live up to them - is tantamount to a serious dereliction of duty.

1.137 As we were reminded, the concept of kaitiakitanga is challenging in western resource management talk. On the one hand it is Māori lore that drives kaitiakitanga, while on the other, it is western law that determines RMA outcomes. Rarely do the two intersect harmoniously. Mr Ngaio Tiuka for NKII told us that kaitiakitanga was about supporting or 'nurturing' (Tiaki) the natural environment and that nowadays it was increasingly about 'saving and protecting' the environment through restoration and monitoring with less regard to the physical 'ka' benefits that the waterways use to provide.

1.138 And then there is whakapapa and spirituality. As Mr Mārei Apatu (Kaihautu of Te Taiwhenua o Heretaunga) put it:

"Ko au te awa, ko te awa ko au"

I am the river and the river is me. The river is a place of spiritual healing for us, we are in the veins of Tangaroa, we breathe, we smell the different parts of the river, we observe and we listen to everything that goes on there, he manu he rākau he hau. We live the river.

1.139 The Māori world view is encapsulated in this simple statement. Geographic features like awa have their own personality and should be treated as such, just as *maunga* and trees are, for example, in story telling and waiata. And there is legal precedence - in 2014 New Zealand became the first country in the world to grant legal personality to a natural feature, Te Urewera. In 2017, legal personality was also granted to Whanganui River. Later in 2017 the

Crown and Taranaki iwi signed a Record of Understanding to grant legal personality to Taranaki Maunga - which is expected to be introduced to Parliament next year.

Mangaroa Marae

- 1.140 From a tangata whenua perspective, launching the hearing at Mangaroa marae was significant. It signalled that the Regional Council acknowledged the key role that tangata whenua play in the rohe, and that the partnership obligations that each party had for the other were to be on public display throughout the hearing.
- 1.141 We acknowledge the attendance of the Chair, Chief Executive and senior executives and staff of the Regional Council at the pōwhiri at Mangaroa Marae; and the ongoing participation of staff throughout the hearing. We were also impressed at the regular attendance and participation of tangata whenua representatives at all the hearing venues.
- 1.142 This highlighted the importance of the unique relationship that tangata whenua have with the four awa, spanning many generations. The stories tangata whenua were to tell of their traditional associations with these awa resonated.
- 1.143 Launching the hearing on Mangaroa marae also afforded tangata whenua a pre-emptive platform to front foot their views on the plan change. While this is not unusual, in this case the ability of tangata whenua to have their say early in the hearing process was especially welcome. They were very passionate in their submissions on the marae, and in a manner best expressed through means of whaikōrero, pūrākau, pakiwaitara, waiata and suchlike. Marae oratory at its best can be very powerful, as we witnessed on Mangaroa marae.
- 1.144 In his opening comments kaumātua Cordry Huata identified water shortage as a major problem that has led to the drying up of river beds in and around Bridge Pā. He questions whether PPC9 will solve this problem. His faith in the Regional Council in this regard had waned, reflecting the views of others. He added that problems with domestic water supply had been long standing in the Bridge Pā vicinity, so kicking off the PPC9 hearing at Mangaroa Marae was timely.
- 1.145 Mr Mārei Apatu reinforced this by saying that he would not want his mokopuna to think that it was normal for there to be no water in some creeks; or that lots of weeds in rivers is normal. Like other tangata whenua submitters he urged the Regional Council to be more responsible in its duty of care to sustainably manage these taonga.
- 1.146 As we have mentioned elsewhere the Panel is grateful for the generosity of the hau kāinga in hosting us on their marae, and we acknowledge the clarity and passion of their presentations during the hearing.

Ngā Kōrero

- 1.147 From the outset, and in recognition of Ngāti Kahungunu's rangatiratanga leverage, the Panel recognised the need to faithfully reflect what was being said by tangata whenua throughout the hearing. It was imperative for the Panel to listen attentively to what tangata whenua experts and submitters had to say, and to hear and record these accurately- and keeping technical and other matters in perspective. Whilst it might not have been feasible to respond to many of the matters that were raised it was nonetheless important to highlight them, if only for the record and for future reference.
- 1.148 Generally, tangata whenua were ambivalent about PPC9. There were those who opposed the plan change entirely. Most opposed it but sought modifications. Few supported it.

- 1.149 For the most part tangata whenua participants in the hearing, that is, those who provided expert evidence or submitted on the day, had a common refrain: the awa were taonga, they had their own personalities, they were essential mahinga kai as well as key landmarks on iwi maps and they were inextricably entwined in local whakapapa, but they had come under strain through over allocation and misuse. They had served Māori communities well over the years, and could do so again if they were better managed, preferably with greater hapū involvement.
- 1.150 A significant number of tangata whenua submissions highlighted food gathering and water quality, that is the mauri of the water, as key concerns.
- 1.151 We were told that the awa were not just mahinga kai for species like inanga, smelt, flounder, kahawai, mullet and tuna, but they were also key traditional playgrounds (swimming and bathing) and sources of rongoa (medicines). Nowadays very little of this holds true in ways they once did. No longer are they the bountiful kai resource they were in bygone years. No longer are tangata whenua able to enjoy recreational pursuits in and on the four awa in quite the same way their forebears did. The significance of all this is that through decreased traditional use of the awa, a treasure trove of mātauranga Māori is lost - forever. Intergenerational knowledge transfer is crucial for the successful survival of tikanga, and this lies at the heart of tangata whenua views on the plan change.
- 1.152 Ngāti Hinemanu and Ngāi Te Upokoiri insisted that the mauri of the wai must be protected now and into the future, and that the way to achieve this is for the Regional Council to forge partnerships with relevant hapū accordingly. Their particular concern is naturally for their awa, Ngaruroro, for which they sought support to build capability and capacity at the hapū level to empower them to actively participate in the effort to restore the mauri of the waters of Ngaruroro. Like other tangata whenua submitters they advocate for repatriation of native flora and fauna as a necessary step in that direction.
- 1.153 Te Taiwhenua o Te Whanganui ā Orotū also seeks durable recognition of hapū as an integral participant in dealing with the issues that PPC9 highlights. Their position reflects general opposition to the plan change because, in their view, it is inconsistent with the RMA.
- 1.154 In summary, tangata whenua presenters' concerns could primarily be characterised in terms of the adverse effects on the four waterways that have negatively impacted iwi, hapū and whānau values and cultural relationships.
- 1.155 Hira Huata, in her comments at Mangaroa marae opined that the rohe was not traditionally wine country - but that is what it has become. The altered landscape in itself was a major challenge.
- 1.156 Those with commercial interests, mainly horticultural, understandably gave partial support to the plan change but challenged water storage and allocation provisions being proposed. As local horticulturalist Wī Huata argued, not being able to access water because of the constraints the present system, and the plan change imposed on individuals like himself, was unacceptable, and that it opened up yet again the debate over Māori ownership of water as a way through this. In his view guaranteed continued and ready access to water could only come about through such means.
- 1.157 Nevertheless, it was generally conceded that we cannot wind back the clock. Change was inevitable and the essential task now was to find ways to address the adversities that have led to the need for a plan change. We are hopeful that the learnings from the collaborative process and the passion with which tangata whenua submissions were delivered at Mangaroa

marae, and throughout the hearing, will inform a more prosperous future relationship between iwi and the Regional Council.

Ngā Tuhinga Kōrero

- 1.158 We received a substantial amount of evidence from Ngāti Kahungunu Iwi Incorporated and Te Taiwhenua o Heretaunga - and other individual submitters - on a number of issues both wide and profound. We comment on some of these in more detail, in other parts of our report.
- 1.159 Te Taiwhenua o Te Whanganui ā Orotū, for example, generally opposed the plan change saying that it was inconsistent with the RMA, but that if it was to go ahead argued that greater recognition of hapū needed to be taken into account in the future management of the awa. Other submitters supported this view.
- 1.160 We were struck by the investment of time and resources tangata whenua committed to preparing and attending, the hearings at Mangaroa Marae, and other venues, as participants and observers. The overriding importance of the health of the four awa and, and the relationship Ngāti Kahungunu hapū and whānau have with these taonga demands it, they would argue.
- 1.161 We have carefully considered the matters raised in submissions and evidence alongside the views of many other submitters.
- 1.162 We are humbled in our task to consider the weight and importance of 'ngā kōrero katoa'.

Chapter 5 - Management of the Heretaunga Plains Groundwater Aquifer

Introduction

- 5.1 In this section of our report we discuss the management of the quantity of water in the Heretaunga Plains aquifer. More specifically we discuss OBJ TANK 14, POL TANK 36 - 38, 52 and 42, along with several definitions in the glossary, most notably that of “actual and reasonable” groundwater use.
- 5.2 We discuss RULES TANK 7 - 12 in Chapter 9 of our report, as they cover both takes and use of water from surface and underground sources. In that section of our report we have added a new non-complying activity Rule 11A, which is restricted to water potentially taken for essential human health needs and for any such consent to be granted, must pass high policy thresholds.
- 5.3 It is common knowledge that the aquifer is over-allocated (or to put in another way, the consented take volumes that presently exist far exceed the likely sustainable use of the aquifer), but whether it is over-abstracted is much less clear.

Appendix 11

- 5.4 Before we discuss groundwater management in the broader sense, we need first to address Appendix 11, which was a report titled “Summary of Key Elements Pertaining to Water Quantity in Proposed Plan Change 9 – TANK’. It was written by two (then) HBRC staff, Dr Mona Wells and Ms Rosa Kirkham. The title of the Appendix does not really reflect its content, which was primarily a summary of what was known about groundwater quantity in the Heretaunga Plains aquifer.
- 5.5 During the second week of the hearing we received a memorandum from Dr Jeff Smith and Ms Ellen Robotham of the Council’s staff. It said that Appendix 11 had not received a “full technical review” and was “inadvertently lodged with the Section 42A Report with errors and factually inaccurate information.” It also said that one of the authors (Dr Wells) had since left the Council.
- 5.6 Dr Smith and Ms Robotham provided an updated version of Appendix 11 with over 100 changes from the original version. Most of the changes were strike outs. The main reasons given for this was that the technical expert had provided planning evidence that was beyond the principal author’s expertise, and that there was extensive reference to an overly simplistic “water budget” analysis. Additionally, they noted that irrigation water use between 2015 and 2019 was overestimated because of an inappropriate “adjustment factor” used by the authors.¹
- 5.7 Initially we were bemused why these changes were considered essential, but upon a full review we largely understood the rationale for them.
- 5.8 The Council staff provided a list of expert witnesses who had referenced Appendix 11 in their evidence in chief. They were: Dr Andrew Dark for Hawke’s Bay winegrowers, Mr Gerard Willis

¹ This was the only significant technical change in Appendix 11, with the average annual water use by irrigators during this period reduced from 50 Mm³/y to 35 Mm³/y, which is the correct figure.

for Lowe Corporation, Ms Gillian Holmes for HortNZ, Mr Morry Black for Te Taiwhenua o Heretaunga and Mr Ngaio Tiuka and Mr Shade Smith for Ngāti Kahungunu Iwi Incorporated (NKII).

- 5.9 In our Minute 6 dated 11 May 2021 we gave all submitters an opportunity to make further submissions on the amended Appendix 11. Mr Black, Mr Tiuka and Mr Smith took this opportunity, with NKII also providing legal submissions from Mr Enright.
- 5.10 The hearing was reconvened in the Council offices on Monday 27 September 2021 to hear this evidence (along with some questions the Panel had on groundwater management, which are discussed elsewhere in this chapter of our report). Much of the evidence received, particularly from Mr Black, was not directly relevant to the Appendix 11 amendments, and so was beyond the scope given in our Minute 6.
- 5.11 Among the points made directly on the amended Appendix 11 were:
- a) Whether it is ethical to change someone else’s memorandum (Mr Enright and Mr Black).
 - b) Council has distanced itself from independent expert advice and that arguably draws attention to some of that advice, particularly “use of regulatory hard lines to manage over allocation and over-abstraction through a sinking lid approach” (Mr Enright at Paragraph 9).
 - c) That references associated with the 1987 Brundtland report were appropriate for a technical expert to make (Mr Black).
 - d) The crossing out of the word “degraded” in relation to surface water bodies, and its replacement with “adverse effects” (Mr Black and Mr Tiuka, with the latter referring particularly to the Paritua Stream).
 - e) Deletion of the water budget model does not mean that groundwater is not being “mined” from the Heretaunga aquifer (Mr Black).
 - f) “Amendments made to Appendix 11 appear to enable, not avoid, further over-allocation within the TANK catchment; enable temporal degradation of aquifer storage and downplay uncertainties in estimates” (Mr Smith at his Paragraph 7).
 - g) Assertions that the average irrigation take in the years 2006 to 2014 was 39.4 ± 4.4 Mm³/y with a 95% confidence limit (Mr Smith).
 - h) The Heretaunga aquifer model does not include cultural input, and so cannot fully cater for cultural values. *“Assessment of cultural effects needs to holistically consider physical, spiritual, metaphysical, tangible and intangible effects together at place. The changes to Appendix 11 ignore this holistic consideration and diminish mātauranga Māori, local knowledge and experience and the obligations of tangata whenua to exercise kaitiakitanga in a way that is consistent with their tikanga”* (Mr Tiuka at his Paragraph 13).

Discussion and Findings on Appendix 11

- 5.12 We agree in part with Mr Black and Mr Enright that there are some ethical questions about Council staff revising a technical report prepared by other staff members. In saying that however, we find that much of what was deleted was either not directly relevant, and/or

clearly beyond the principal author Dr Well's technical expertise. She is not a planner, nor a freshwater ecologist, and much of what was struck from the report was not within her expertise.

- 5.13 We disagree with Mr Enright that the changes to Appendix 11 meant the Council was moving away from regulatory bottom lines to manage over abstraction and over allocation. Rather the opposite is the case – Council staff were “staunch” about the need for a strong regulatory approach to both these matters throughout their reports and evidence.
- 5.14 We consider that a general reference to surface water bodies in the TANK catchments being “degraded” is beyond Dr Wells' technical expertise, and we consider in most (but not all) instances “adverse effects” is more appropriate wording. While we agree with Mr Black that removal of the water budget does not mean groundwater is being “mined” from the aquifer, nor does it mean it is being “mined” either. We discuss this in much more detail under the heading of “the quantum of the interim allocation limit” later in this Chapter of our report.
- 5.15 We cannot understand the rationale for Mr Smith's paragraph 7, nor did we understand how he assessed average annual groundwater abstraction for irrigation from 2006 to 2014, given that few records of annual takes for irrigation existed during much of that period. Nor can we understand how the changes to Appendix 11 diminished “mātauranga Māori, local knowledge and experience and the obligations of tangata whenua to exercise kaitiakitanga in a way that is consistent with their tikanga”, as was asserted by Mr Tiuka.
- 5.16 In conclusion, we find that the retrospective changes made to Appendix 11 by Dr Smith and Ms Robotham improved the report, particularly by taking out statements that were often well beyond the authors' expertise. Quite why the extent of the changes made was considered essential is not very clear to us. Apart from one significant numerical correction, the substance of the report remained largely intact. As discussed above, the additional evidence provided on the changes to Appendix 11 did not corroborate that they were relevant to our overall decision making on PPC9.
- 5.17 For these reasons, when we further discuss material on Appendix 11 we are referring to the amended version.

The Aquifer

- 5.18 The Heretaunga Plains aquifer covers about 300 square kilometres (km²) and is approximately bounded by Napier (south of Napier Hill) in the north-east, Maraekakaho, Roy's Hill and Taradale in the west, and Bridge Pa, Pakipaki and Pukahu in the south. It consists of some 5-7 primary aquifers that formed in the last 250,000 years. The groundwater flow is predominantly from west to east.²
- 5.19 The aquifer provides water that sustains the intensively settled and farmed Heretaunga Plains. Groundwater is taken for uses including municipal supplies, such as those to Napier, Hastings and Havelock North, wet industry, such as food processing, and for intensive viticulture, horticulture and vegetable growing.

² See Figure 2.3 in the Executive Summary of the development of the Aquifer Groundwater Model.

- 5.20 The aquifer is primarily formed from river gravel deposits interlayered with silt and clay sediments. The more western parts of the aquifer to about Hastings are predominantly “unconfined”, whereas towards the coast the aquifer becomes progressively more confined. This is shown by the below Figure 2.2 taken from the 2018 groundwater summary report.

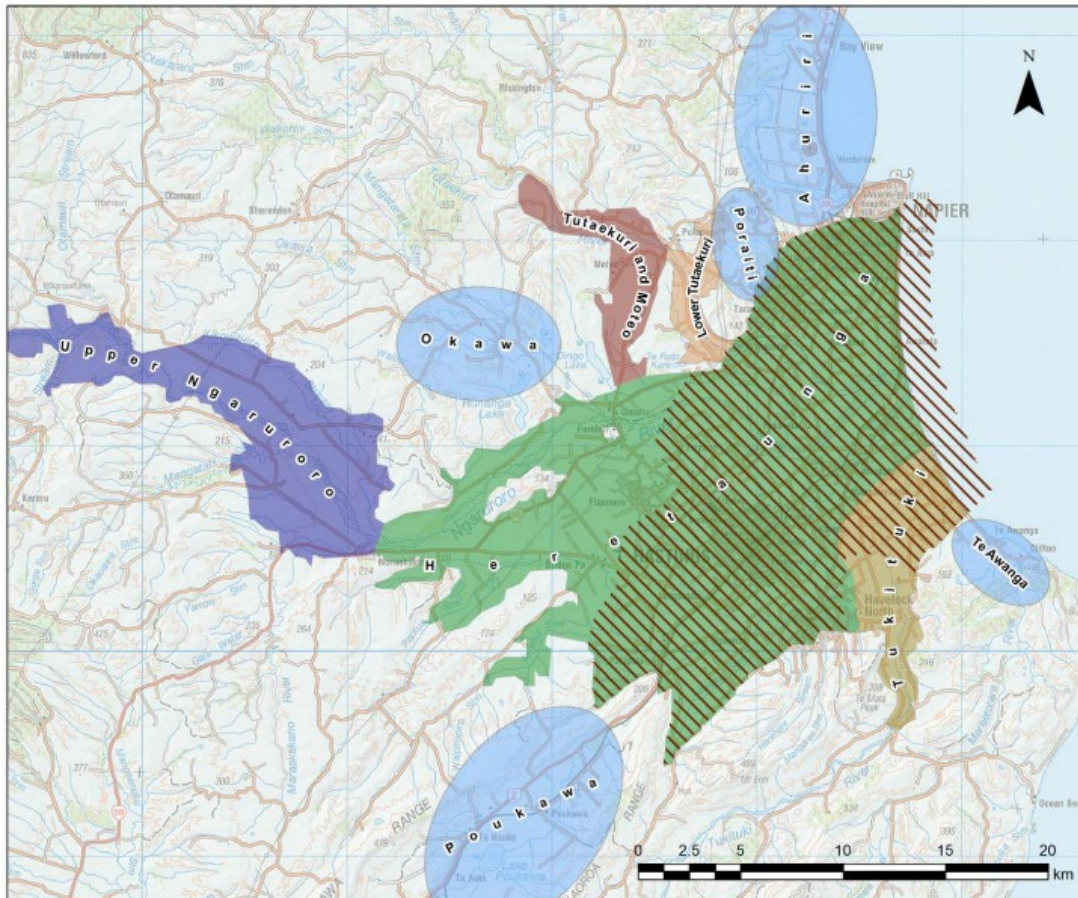


Figure 2-2: Heretaunga Aquifer System Confined area of the aquifer is shown with brown hatched lines. Aquifers that are not considered part of the Heretaunga Aquifer System are shown as blue ovals to indicate their approximate location and size.

- 5.21 In simple terms, an unconfined aquifer has no impermeable layers between the surface of the land and the water beneath it, whereas a confined aquifer has impermeable layers, typically horizontal “lenses” of silts and clays, between the land surface and the underlying groundwater. Of the approximately 300 km² area of the aquifer, an estimated 239 km², or about 80%, is totally or largely unconfined.
- 5.22 Unconfined aquifers can be recharged from either local rivers and streams, or excess rainfall and/or drainage water that permeates down to the groundwater. Water in unconfined aquifers needs to be pumped to the surface. Unconfined aquifers are susceptible to contamination from surface activities, such as nitrogenous fertilisers applied to the land and not taken up by plants, which can then leach down into groundwater (principally as nitrate).
- 5.23 Confined aquifers can only be recharged by losses to groundwater from surface streams, or upgradient unconfined groundwater. Typically, there are discrete confined aquifers at different depths, with impermeable layers between them. The water supply may be artesian, and if so does not need to be pumped. However, groundwater takes from confined aquifers can “interfere” with nearby takes because a cone of depression can form around the source

of the take. Activities on the surface of the land usually have little effect on water quality in confined aquifers.³

- 5.24 Another important concept in managing a complex aquifer system is what is known as transmissivity, which describes how rapidly water moves downgradient in an aquifer or sequence of aquifers. In an aquifer with high transmissivity, the water moves downgradient quite rapidly within gravel lenses in the aquifer. Much of Heretaunga Plains aquifer has relatively high transmissivity.
- 5.25 Compared with surface water, management of groundwater is very difficult. While surface water flows can be gauged and monitored continuously using relationships between flow and water level (rating curves), the volume of groundwater in an aquifer cannot be seen or “measured”. Groundwater levels⁴ can be monitored in bores, but this only provides information on the level of the groundwater in the immediate vicinity of the bore and tells us nothing about the levels in the wider area or indeed the volume of groundwater present. Reduced to its essence, groundwater management starts with “suck it and see”.
- 5.26 Fortuitously, on the Heretaunga Plains the thousands of bores that have been drilled collectively provide a very good composite picture of the aquifer, and how it has changed over time. It is now known for instance that there has been a gradual decline in water levels in some parts of aquifer, such as near Fernhill, over recent decades. How significant this is, and what it means for future management, is a matter of much debate, which we discuss particularly at paragraphs 5.195 – 5.213 below.
- 5.27 Early in the hearing we questioned whether the aquifer should be managed as an entire entity, as we considered it possible that different management regimes could be justified in different geographic parts of the Heretaunga Plains aquifer.
- 5.28 In response to this we received a memorandum from a former staff member, Mr P Radowski, who had been the Council’s principal groundwater scientist from March 2015 to February 2019⁵.

The Heretaunga Aquifer System consists of highly transmissive sand and gravel deposits. High hydraulic transmissivity means that the pumping impact can be transmitted many kilometres away from the pumping point.

Groundwater pumping (in particular irrigation takes) is distributed across the aquifer, making it difficult to delineate a boundary of any management zone based on pumping activity.

There is no evidence of hydraulic boundaries within the aquifer that can justify delineation of zones (with the possible exception of peripheral aquifers, e.g. on Ngaruroro River terraces upstream of Maraekakaho).

Hydrological data (surveyed river losses and spring gains, well surveys and water quality data) confirm that water is transported and mixed throughout the aquifer.

³ Contaminants can however enter confined groundwater via poorly designed or maintained bore heads – witness the contamination of Havelock North’s water supply leading to about 5,000 cases of gastroenteritis in the town.

⁴ Which are recorded as below ground level, or bgl for short.

⁵ At his Paragraphs 4.1 – 4.4

Based on this advice we accepted that the aquifer has to be managed as an entire entity.

Hydrology of the Aquifer

5.29 The management of the Heretaunga Plains aquifer is inextricably linked with the rivers and streams that either lose water to groundwater or which are fed from groundwater sourced springs. Such interrelationships are always complex; for instance, the volume of water lost to surface streams can be in part dependent on water levels in the aquifer. As part of the work programme for PPC9 the Regional Council undertook a systematic review of where rivers and streams lost or gained water from the aquifer, from which the following discussion is largely derived.⁶

5.30 This is summarised in the following Tables and portrayed by Figure 2.7 below from the 2018 groundwater summary.

Table 2-1: Main river losses to the Heretaunga Aquifer System.

	Estimated typical loss to aquifer (L/s)
Ngaruroro	4,400
Tukituki	800
Tutaekuri	780
Total	5,980

⁶ Heretaunga Aquifer Groundwater Model: Executive Summary of Development Report. HBRC Report RM18-16, May 2018

Table 2-2: Summer spring discharges in Heretaunga Plains.

Stream	Typical summer spring discharge (L/s)
Tutaekuri-Waimate	1831
Karamu	575
Waitio	566
Raupare	402
Irongate	168
Mangateretere	46
Karewarewa	25
Paritua	-100 (losing section)
Other streams	15
Total	3528

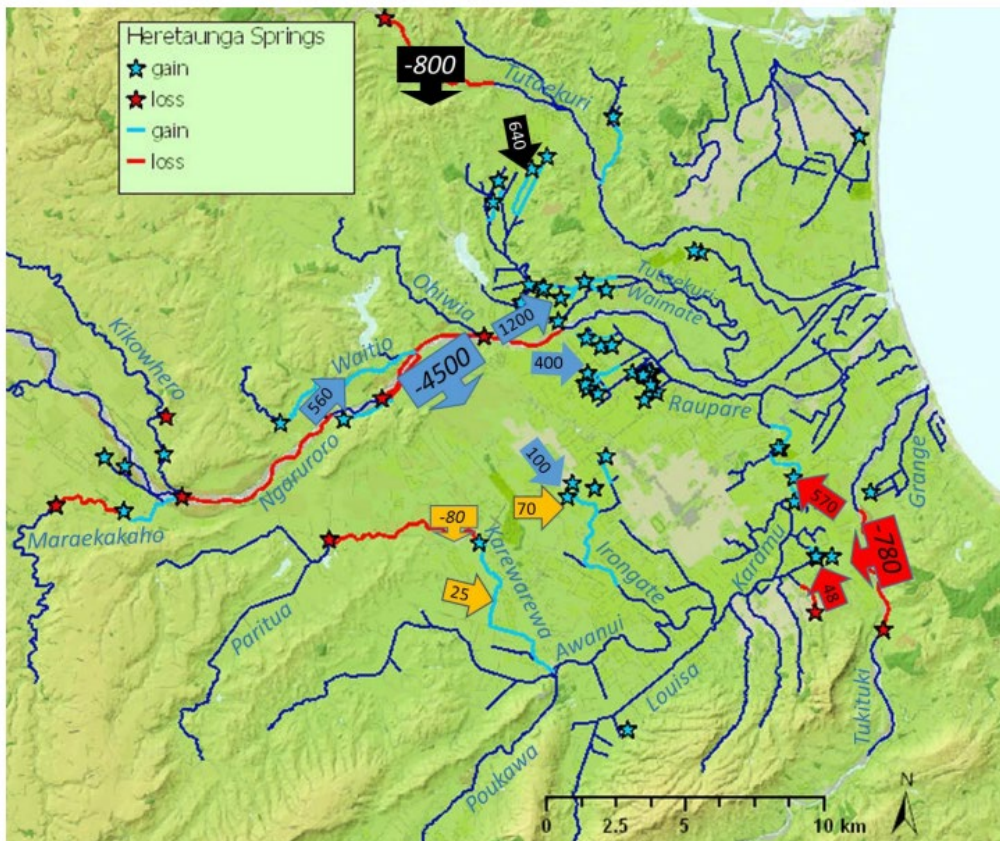


Figure 2-7: Heretaunga Plains hydrology and flows in L/s Red sections of waterways indicate losing reaches, while bright blue sections are gaining reaches.

- 5.31 By far the most significant surface source of water to the aquifer is the Ngaruroro River upstream of Fernhill, with an estimated average loss of 4,500 l/s to the aquifer. There are also minor losses from the Tūtaekurī River.
- 5.32 The other main source of water to the aquifer is what is known as land surface recharge (LSR), which occurs only over the unconfined aquifer. It varies seasonally, with most LSR occurring

during winter months, and annually, depending on how wet the year is. As part of the work carried out on the development of the groundwater model, Aqualinc estimated LSR to average 330mm per year for the period 2005 to 2015, which is equivalent to an average of 78.9 Mm³/y across the Heretaunga Plains. This means that on average losses from surface water bodies provide an estimated 71% of the water entering the aquifer, with LSR making up the other 29%.

- 5.33 In his evidence Mr Black, a witness for TToH, asserts that the “irrigation recharge” component of LSR is overestimated, and that the aquifer is being “mined”, but provided no substantive evidence to support these assertions.⁷
- 5.34 The proportion of aquifer recharge from surface flow losses and LSR will vary significantly from year to year, depending how wet the water year is. A wet water year (such as 2021/22) will result in proportionately more LSR, while a dry water year (e.g.2019/20) will result in less LSR.
- 5.35 Many watercourses on the Heretaunga Plains are fed by “springs” that discharge water from the aquifer to lowland surface water bodies. The management of flows in these lowland water bodies is discussed in Chapter 6 of our report.
- 5.36 This work enabled an overall groundwater budget to be developed (see Table 2.3 below from the Executive Summary Report):

Table 2-3: Groundwater budget for the Heretaunga Aquifer System.

	Type	Description	Mm ³ /year	L/s	
INFLOWS	River Recharge (to groundwater)	Total river recharge to groundwater (based on observed major river losses by HBRC) including:	188.6	5,980	71%
		Ngaruroro loss	138.8	4,400	
		Tukituki losing	24.6	780	
		Tutaekuri losing	25.2	800	
	Land Surface Recharge from rainfall	LSR calculated by Aqualinc for the unconfined area	78.5	2,489	29%
	TOTAL INFLOWS		267.1	8,469	
OUTFLOWS	Spring discharges	Measured summer discharges	111.0	3,520	42%
	Groundwater pumping	Some data, and estimated from demand modelling	78.1	2,475	29%
	Sea discharge	No observations	78.0	2,474	29%
	TOTAL OUTFLOW		267.1	8,469	

- 5.37 Note that this “water budget” suggests that the numbers therein are quite precise. They are not; most are estimates. For instance, it is not known whether an ocean discharge actually takes place, and if it does, what losses occur out to sea. As the Appendix 11 report in Paragraph 2.11 says “whether or not the aquifer is hydraulically connected to the sea is uncertain”. It goes on to say that gravel formations may extend far offshore, suggesting such a connection is possible, and that although navigational charts suggest the presence of submarine springs perhaps 30km offshore, recent investigations have not confirmed their presence, and it is not certain how they were identified originally. This indicates to us that the “sea discharge” in the water budget is not verified, and certainly not measured, and appears to be little more than a “budget balancing” figure.

⁷ EIC of Mr Maurice Black at his Paragraphs 271 -276.

Long Term Trends in Groundwater Levels

- 5.38 As previously noted, there is good evidence that in some parts of the aquifer, most notably around Fernhill, groundwater levels have been slowly declining. As Appendix 11 said:⁸

Long-term changes in groundwater levels may be difficult to detect as they may be masked by the natural variability in groundwater levels between seasons. Monitoring of groundwater levels in the Heretaunga Plains groundwater system shows that declines have occurred slowly over time. Persistent declines are mainly located in the area northwest of Hastings, notably in groundwater levels between Roy's Hill and Fernhill. Overall, Heretaunga Plains groundwater levels during summer have declined by an average of 5 centimetres per year between 1989 and 2018. While climatic influences may have played a part in the groundwater declines, abstraction from the aquifer system has increased substantially over this period.

- 5.39 It is important to note however that most of these long-term changes in groundwater levels are not statistically significant at present. This is not to say they will not be significant in the future. Average annual water use has increased in recent years (see the below table), and climate change could well result in lower average annual LSR in upcoming years. Perhaps one signal of significance is that the amplitude of the seasonal variation in groundwater levels has increased by about 0.3 – 0.7m over about the last 20 years.

Current Allocations of Groundwater

- 5.40 The current total allocations of groundwater from the Heretaunga Plains aquifer far exceed the proposed “interim allocation limit” of 90 million cubic metres per year. In response to our Minute 10 Council staff provided information on current allocations, which in summary said.

At the time writing the s32 report, total groundwater allocation was estimated to be between 140 and 180 Mm³/y. Council consent staff had re-run the calculation as of September 2021, but estimates vary due to differences in methods and accounting for double ups where water is shared between consents, and where there are multiple points of take.

- 5.41 The below summary table was also provided:

Use	Estimated Water Allocation (Mm ³ /y)	Comments
Public Water Supplies	40.3	Includes domestic supply, potable water, recreation and recreation facilities.
Industrial Uses	40.2	Includes industry, shingle washing, cooling water, vehicle washes and water bottling.
Irrigators	82.7	Includes water for irrigation, agriculture, filling stock water dams, and stockyards

⁸ On pp5.

Frost Protection	0.6	This use is not included in the proposed “interim allocation limit”
Environmental Uses	1.9	Includes augmentation/recharge of a stream and a wetland, and water for a trout hatchery
Total	165⁹	

5.42 It is clear from this table that presently the aquifer is very much overallocated. Policy 11 of the NPSFM 2020 requires that:

“Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided”.

5.43 This policy is a rewording of comparable “objectives” in the 2014 NPSFM and its 2017 “update”. In those iterations of the NPSFM Objective B3 was “to avoid any further over-allocation of fresh water and phase out existing over-allocation”, and Objective B4 was “to improve and maximise the efficient allocation and efficient use of water”. In our view the new wording restates what has been in place in the NPSFM since 2014, albeit in a more concise way.

Current Uses of Groundwater

5.44 Regardless of the fact that the Heretaunga Plains aquifer is over-allocated, much of that “paper allocation” is not used. The “actual and reasonable use” test is based on actual use, and its intention is to phase out current over-allocation.

5.45 Earlier estimates of annual current water use are given on page 7 of Appendix 11, which says that:

- a) As of 2015 about 22.5 Mm³/y are abstracted for public water supplies, and that this has stayed reasonably stable since 1980.¹⁰
- b) Industrial use has been about 13 Mm³/y since about 2000.

5.46 The information on irrigation abstraction was less certain. Part of the reason for this is that regulations requiring that water takes of over 100m³/day be metered and recorded (with those data provided to the Council) only date back to 2010, and it took some years before this was consistently enforced in the region.¹¹

⁹ In addition to this about 1.526 Mm³/y was estimated to be allocated to permitted activities in the TANK catchments, including domestic water supplies, stock water and dairy shed washdown water. This would be included in the “counting of the total volume allocated” (check).

¹⁰ Note however that this increased to about 30 Mm³/y from about 2016/17 onwards.

¹¹ Or indeed most other regions with large numbers of takes, particularly for irrigation. The main reason for this was the sheer logistics of providing calibrated data loggers and associated telemetry to very large numbers of water users throughout the country. For instance, the Canterbury region alone has over 8,000 consented water takes that the 2010 regulations required to be metered.

5.47 On pp7 Appendix 11 says:

A major review of metered pumping data for irrigation was undertaken in preparation for groundwater modelling efforts, from which numerous problems were encountered. Metered data is likely to underestimate the total abstraction for irrigation use due to metering requirements being relatively recently introduced.

Though there is large year-to-year variability in groundwater abstraction due to climate and other factors, in summer periods up to 50% of all groundwater abstraction from the Heretaunga Plains is estimated to be for irrigation. On average, approximately 35 Mm³/year was estimated to be abstracted for irrigation between the years 2006 and 2014.

5.48 More specific and updated information on was given in Mr Waldron’s EIC dated 19 May 2021. Total water use was estimated to be about 91.1 Mm³ in 2012/13 and 82.5 Mm³ in 2019/20. Total use was also estimated to have exceed 80 Mm³ in each of 2013/14 and 2014/15. This is portrayed in the below figure taken from Mr Waldron’s report¹².

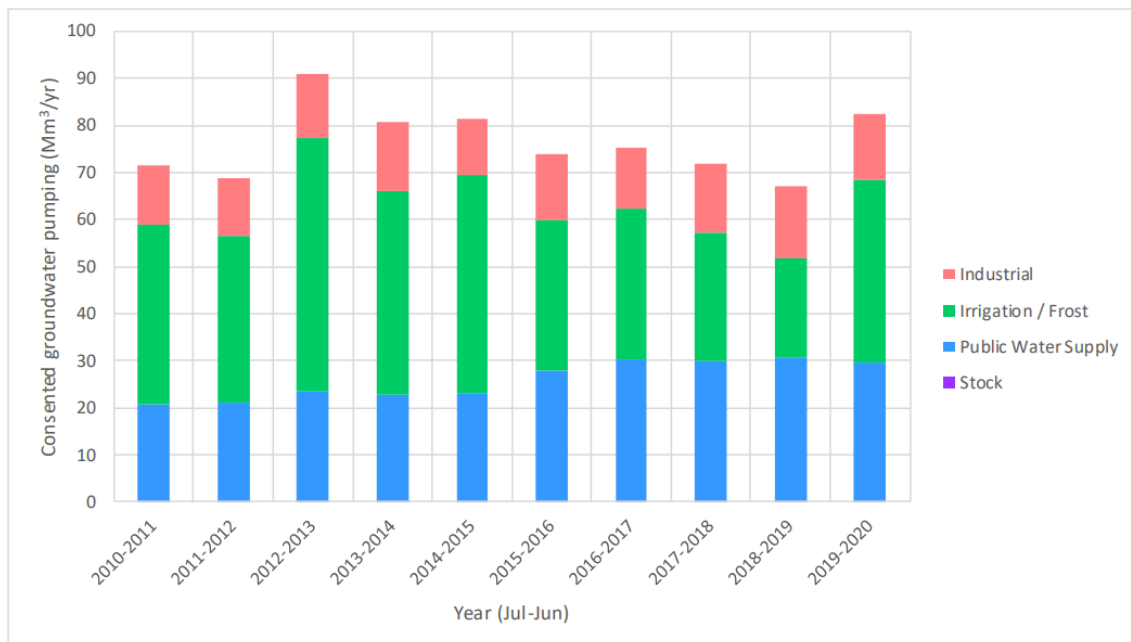


Figure 1. Estimated consented groundwater pumping from the Heretaunga Plains Aquifer, grouped by primary use.

5.49 There is a discrepancy between these data and Figure 12 in the Appendix 11 report for the 2019/20 water year. The latter shows water use in that year to be approaching 105 Mm³, with apparently all the difference being in the annual volume of water taken for irrigation.¹³

5.50 We asked the Council staff about this discrepancy and what is the “correct” annual volume of water taken in the 2019/20 water year. Their response was that Mr Waldron’s estimate of

¹² Statement of Reply RJ Waldron Appendix 10 HBRC

¹³ This discrepancy was picked up by several expert witnesses; for example Dr Dark at his Paragraph 85.

82.5 Mm³/y is the correct volume, and that Figure 12 in the Appendix 11 report shows an incorrect annual volume for the 2019/20 water year.¹⁴.

- 5.51 Included in these data are an estimated 1,526 Mm³/y used for permitted activities, including domestic water supplies, stock drinking water and dairy shed wash down. The officers noted that this represented less than 2% of the estimated 91 Mm³ of abstraction that is estimated occurred in 2012/13, with the main components of this being irrigation (52.32 Mm³), public water supply (23.51 Mm³) and industry (13.66 Mm³).
- 5.52 The greatest variability is the annual volume taken for irrigation. The volume taken for public water supplies has increased substantially in the last four years of record, and now averages about 30 Mm³/y. We asked the s42A Reporting Officers for some further information on this and they provided us with detailed information about the HDC municipal supply water takes. This showed that the main reasons for the increased take volumes: included growth and expansion of the community, providing reticulated water to communities such as Bridge Pa and Paki Paki, and operational changes to the Havelock North water supply in response to the 2016 contamination event. In combination these factors had led to an increase in the water taken by about 10% over three years, although it always remained under their total consented take volume of 15.25 Mm³/y.
- 5.53 One of the main accusations made at the hearings was that municipal suppliers were profligate users who were “wasting water” through inefficient and leaking distribution networks.
- 5.54 While there is an element of truth in these arguments, we do not consider it particularly useful to go down this track. We note for instance that Mr Chapman, the “three waters” manager for the HDC, acknowledged that about 20% of the water taken by the HDC was “non deliverable”, which is a euphemism for saying about 20% of the water taken leaks from pipes between the source of take and the point of supply.
- 5.55 It is far from simple however to remedy such losses. It can only be achieved by re-sleeving the network, digging up streets and replacing old or poorly performing water supply pipes, which is a very expensive and highly disruptive process. Within Hastings itself the main water supply bores are to the south-east of the central city, and presumably significant water supply infrastructure runs through the CBD, where works would be very disruptive. More recent developments will undoubtedly have much more modern and robust water supply networks, but the main water supply pipes through the CBD, and indeed to Havelock North, will likely follow main roads.
- 5.56 This is not to say that high levels of leakage from municipal networks are acceptable. They are not. Water not delivered is water wasted, and water is a scarce resource on the Heretaunga Plains. Our expectation is that the Regional Council will keep strong pressure on the TLA’s to improve the integrity and resilience of their water supply networks, as is required by POL TANK 50b.
- 5.57 In their response to our Minute 10 the s42A Reporting Officers pointed out that there is “very high confidence” in water use estimates from 2017 onwards as over 95% of takes were metered. They said there was also high confidence in groundwater take assessments for public water supplies and industrial uses in 2021/13, as these takes were metered, but that the

¹⁴ This was discussed in Section 3 of Mr Waldron’s statement of reply evidence dated 19 May 2021.

groundwater take volumes for irrigation were based on demand modelling, which was then confirmed by using the 60-70% of such takes that were metered.¹⁵

- 5.58 The Reporting Officers believed that the abstraction estimated for 2012-13 is approximately 10% greater than that estimated (more accurately, due to more takes being metered) during 2019-20. This meant that in their opinion, the abstraction calculated for 2012-13 might be overestimated by up to 10%, but that it is unlikely to be an underestimate. In other words, the actual abstraction in 2012/13 may have been between about 82 and 91.1 Mm³, whereas in 2019/20 it is more accurately calculated (based on more reliable data) at about 82 Mm³.¹⁶

Principal Issues to be Resolved

- 5.59 In this section of our report we take a somewhat different approach to what we have in other sections. This is because in order to set an overall framework for the discussion of objectives, policies and rules that provide direction for groundwater management in the TANK catchments, there are two generic issues that we discuss first. This is because those issues are so broadly intertwined into the overall management framework for groundwater management, resolving them early on enables a focus on the other important components of groundwater management in the TANK catchments.
- 5.60 The matters we discuss at this stage are the “interim allocation limit”, about which we draw no conclusions at this stage, and the definition of “actual and reasonable”¹⁷ which is included in the Glossary of PPC9, where we accept fully the S42A Reporting Officers recommended amendments in the “pink version” of PPC9 dated 30 July 2021.

The “interim allocation limit”

- 5.61 One of the most contentious provisions within PPC9 is what is known as the “interim allocation limit”. This refers to the annual maximum take of groundwater from the Heretaunga Plains aquifer. The Council’s Regional Planning Committee had decided, on advice from staff, that this should be set as 90 million cubic metres per annum (Mm³/y), and this “limit” was included in PPC9 via a reference in Policy 37(a).
- 5.62 In PPC9 the “interim allocation limit” was proposed to be put into force in two main ways:
- a) Over allocation is to be phased out by what is known as “the actual and reasonable” use test
 - b) In PPC9 Rule 12 prohibited the take and use of groundwater in excess of the 90 Mm³/y “interim allocation limit”. This prohibition reflected some sections of TNAK POL 36 and 37, which set the “interim allocation limit” and sought to avoid “further adverse effects”¹⁸ and “prevent any new allocations of groundwater”¹⁹.
- 5.63 The “interim allocation limit” of 90 Mm³/y is what the S42A Reporting Officers’ referred to as “essentially our best estimate of consented actual and reasonable use across the Heretaunga

¹⁵ Staff Response to Panel’s groundwater questions dated 24 September 2021 at pp 4&5.

¹⁶ Staff Response to Panel’s groundwater questions dated 24 September 2021 at pp5.

¹⁷ While the glossary definition is of “actual and reasonable”, we will refer to this as the actual and reasonable use test from now.

¹⁸ Policy 36 (f)

¹⁹ Policy 37 (c)

Plains, including consented and permitted takes.”²⁰ It goes on to say that the rationale for this is given in Appendix 11.

- 5.64 Similarly, the s42A Officers’ Report stated that “Setting an interim limit at the estimated actual and potential use helps achieve OBJ 16, 17 and 18, and aids in implementing a “sinking lid” approach by providing a point of reference for the POL 42 review.”²¹ We note that OBJ TANK 16 to 18 talk broadly about outcomes from implementing this regime, including avoiding future over-allocation and phasing out existing over-allocation (which is consistent with NPSFM Policy 11).
- 5.65 POL TANK 37 says the Council “will adopt” an “interim allocation limit” of 90 million m³/y based on the actual and reasonable use test, and “*manage the groundwater resource as an overallocated management unit and prevent any new allocations of groundwater*”. As discussed in paragraphs 5.41 – 5.43 above, the aquifer is clearly overallocated, but whether it is over-abstracted is much less certain.
- 5.66 POL TANK 42 says that after water has been re-allocated and consents reviewed the Council will commence a review of these provisions within 10 years. By this we understood that the “interim limit” is proposed to stay in place for up to 10 years, and, on the basis of PPC9, during that time no new uses of groundwater will be allowed for via the proposed prohibited activity in Rule 12.²²
- 5.67 In summary POL TANK 42 says that the Council will, *inter alia*, review the “interim allocation limit” within 10 years after water has been re-allocated and consents have been reviewed.
- 5.68 We discuss all this in much more detail in the remaining paragraphs of this chapter of our report.

The Definition of the Actual and Reasonable Use Test

- 5.69 The actual and reasonable use test was based on a complex definition of “actual and reasonable” in the glossary of PPC9. In PPC9 this definition comprised three elements, which were in summary:
- a) No more than the quantity in the current permit, or any less amount applied for, and the least of either:
 - b) The maximum annual amount as measured by accurate water meter data in the ten years preceding 1 August 2017 for groundwater takes from the Heretaunga Plains aquifer; or
 - c) For irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an application efficiency of 80% as specified by the IrriCalc water demand model²³ and with a 95% reliability of supply (again based on the 10 years preceding 1 August 2017).

²⁰ S42A report at Paragraph 1332

²¹ S42A Report at Paragraph 1333

²² Note that the advice to us changed in the latest iteration of PPC9 dated 30 July 2021, with some Policy exemptions suggested via Policies 37 and 52.

²³ This is a model developed by the groundwater consultancy Aqualinc.

- 5.70 Limb b), and to a lesser extent limb c) of this definition, caused a great deal of angst among submitters who take water for irrigation of fruit orchards, and/or vineyards and/or vegetable crops, and commercial and municipal uses of water. Their criticism was also expounded upon at length by several lawyers for submitters, and many expert and lay submitters for water users.
- 5.71 This extensive criticism largely focussed on two matters: in the original s42A Report dated 15 April 2021, the **average annual take** was proposed to be used to define “actual and reasonable”²⁴, and the definition originally referred to “the “10 years preceding 1 August 2017” clause, which many submitters asserted was flawed. This is because while it took account of the very dry 2012/13 water year, it did not provide for the even more dry 2019/2020 water year.²⁵ Many submitters inferred that their maximum annual water use was in the 2019/2020 water year.
- 5.72 In response to this the Council Reporting Officers recommended in their s42A Addendum Report (dated 19 May 2021) that the definition of “actual and reasonable” in clause b) would refer to the **maximum water use in the 10 years preceding 2 May 2020** (which was the date PPC9 was notified). A similar change was proposed in clause c). This definition includes both the 2012/13 and 2019/20 very dry water years, and this amended definition was widely supported by most expert witnesses representing a wide range of water users at the hearing.²⁶
- 5.73 In saying this it is important to recognise that Clause a) refers to the “least” of actual and reasonable as described in Clauses b) and c).
- 5.74 There was some criticism of the use of the default “IrriCalc” means of determining how much water should be available to an individual consent holder if previous water use has not been accurately measured.
- 5.75 The s42A Report asserted that IrriCalc tends to overestimate water use for irrigation.²⁷ We asked an independent irrigation expert, Dr Davoren, whether he considered this to be generally the case, and he believed it was. However Dr Dark, an expert witness for the Winegrowers, said that while this may be true in some instances he was confident that for free draining soils with a deeper water table, such as those typically used for viticulture, IrriCalc provides a “robust assessment of reasonable use”.²⁸ To overcome this he considered that site-specific information should be able to be used in any such assessment, and any existing water meter data should be able to be used. Similar wording was recommended to be included by the s42A Reporting Officers in the “pink version” of PPC9 dated 30 July 2021. We have reviewed that, and consider that their wording could be improved as follows:

²⁴ Despite PPC9 as notified referring to the “maximum annual take” during the 10 year period up to 1 August 2017.

²⁵ In her statement of reply evidence dated 19 May 2021 Dr Kozyniak said both these water years were in the driest 5% on record, that in both summers adverse events were declared by the Ministry for Primary Industries. Rainfall station data indicated that 2019/20 was a little drier than 2012/13.

²⁶ See for instance the evidence of Gillian Holmes for HortNZ at her Paragraphs 96 -105 and Mark St Clair for the Winegrowers at his Paragraphs 101 and 102.

²⁷ S42A Officers’ Report at Paragraph 2065.

²⁸ Summary evidence of Dr Andrew Dark at Paragraph 6. Much more detail was presented in his evidence. Although he works for Aqualinc, who developed Irricalc, we consider his overall assessment is fulsome and without apparent bias.

In applying the Irricalc model the Council will take into account any water meter data that is applicable and any site specific soil type or rainfall data not adequately addressed by Irricalc.

- 5.76 We believe that the amended definition of “actual and reasonable” proposed by the Reporting Officers in their addendum report of 19 May 2021, together with the added words in the “pink version” is a major improvement over the definition in their original s42A Report. Apart from the change shown above we have accepted their recommendations to amend this definition.
- 5.77 In saying this we observe that there were large numbers of submissions who sought that the words “actual and reasonable” should be replaced with just “reasonable”. That would be misleading as the definition is based partly on actual use, so all those submissions have been rejected.

Objectives and Policies

- 5.78 In this section of our report we discuss OBJ TANK 14, POL TANK 36 - 38 and 52, which are most directly relevant to the management of water quantity in the Heretaunga Plains aquifer. We also briefly discuss POL TANK 42.
- 5.79 Elsewhere we have discussed:
- a) OBJ TANK 16 and POL TANK 50 and 51, which in combination set out the priority in which water resources, including rivers, streams and the aquifer, will be managed at times when water supplies are constrained.
 - b) OBJ TANK 17 and 18, which cover the allocation and use of water, and providing for the health of the water and future generations (cross reference to Chapter 7 High Flow Allocation).

OBJ TANK 14

- 5.80 This sets out the Council’s overall approach to managing groundwater in the Heretaunga Plains aquifer, and the rivers and streams which lose water to and gain water from the aquifer. In summary as set out in PPC9 as recommended to us the objective says that the Council will maintain mauri, water quality, water quantity and groundwater levels in the groundwater connected to the Ngaruroro, Tūtaekurī and Karamū Rivers to:
- a) Enable people and communities to meet their domestic needs and provide safe and secure supplies for municipal needs.
 - b) Enable primary production, industrial and commercial water needs and water required for associated processing and urban activities to provide for social and economic well-being.
 - c) Provide for the maintenance of groundwater levels at an equilibrium that accounts for annual climate variations and prevents long term declines or saltwater intrusion; and the contribution to water flows and quality in connected surface water bodies.

Submissions and Evidence

- 5.81 There were a variety of submissions on OBJ TANK 14; some were in support, some were not relevant to this objective and others sought specific amendments of various kinds.
- 5.82 Ravensdown sought a specific amendment to sub clause b) that sought recognition of the water needs of “industrial and commercial users and water required for associated processing”. In response to this the s42A Reporting Officers recommended that the words “industrial and commercial users” be added there, as they similarly recommended in OBJ TANK 11-13 in response to similar submissions from Ravensdown.
- 5.83 In her evidence for Ravensdown Ms Taylor expressed dissatisfaction at the inclusion of only part of this phrase²⁹. We are not clear why exactly; common sense suggests to us that water used for food processing is an “industrial or commercial use”.
- 5.84 For these reasons we support OBJ TANK 14 with the amendments recommended to us by the Reporting Officers.

Heretaunga Plains Aquifer Management

- 5.85 In both PPC9, and in PPC9 with amendments recommended to us by the Reporting Officers, this heading along with POL TANK 36 to 38, and 42, set out the framework for managing the water resources of the Heretaunga Plains aquifer.
- 5.86 The policy framework was supported by Rules TANK 7-12 in PPC9. The six main rules, which cover the spectrum from a recommended permitted activity in Rule TANK 8 to a recommended prohibited activity in Rule 12, remain with the same numbers in PPC9 as recommended to us as in PPC9.
- 5.87 There were a wide range of submissions on the general topic of Heretaunga Plains aquifer management. They varied from supporting a ban on further allocation of new groundwater from the aquifer to seeking new water be provided, that municipal takes be excluded from these provisions to limiting takes to particular months, and reducing the total annual allocation limit from the aquifer to 70 Mm³.
- 5.88 No substantive evidence was led on this particular topic; rather the focus was on the subsequent policies and rules which cover almost all the submissions raised on the general topic of aquifer management.

POL TANK 36

- 5.89 The two key policies that cover the detail of how the Council proposes to manage the groundwater resources of the Heretaunga Plains aquifer are POL TANK 36 and 37. In simple terms POL TANK 36 sets out what the adverse effects of groundwater abstraction are, and then presents a “staged approach” to groundwater management. POL TANK 37 details how the over-allocation, and subsequent re-allocation of groundwater will be managed. More detail is also provided in POL TANK 38, 42 and 52.
- 5.90 It goes without saying that these are both highly contentious policies, not least because they embody a potential ban on granting new consents in both POL TANK 36 and 37, and set an

²⁹ EIC of Carmen Taylor at her Paragraphs 4.10 to 4.13.

“interim allocation limit” of 90 Mm³ per year in POL TANK 37, along with how the “actual and reasonable use test” will be applied.

- 5.91 POL TANK 36 says the Council recognises the actual and potential adverse effects of groundwater abstraction on the aquifer on five matters: groundwater levels, flows in connected surface water bodies, flows in the Ngaruroro River, groundwater quality via risks from sea water intrusion and tikanga and mātauranga Māori. It goes on to describe a staged approach to groundwater management which includes: not granting new consents to take and use groundwater, reducing existing levels of use, mitigating adverse effects of abstraction on flows in connected water bodies, gathering information about actual use and effects on stream depletion, monitoring the effectiveness of stream flow maintenance and enhancement schemes, and including review provisions to assess the effectiveness of these methods.
- 5.92 The s42A Reporting Officers recommended some amendments be made to POL TANK 36, but these largely tidy up the way the policy is expressed rather than make substantial changes. The most significant recommended amendment was to Clause f), which originally set out that adverse effects would be avoided by not allowing new water use; as recommended to us it now specifies that new consents to take and use groundwater will not be granted.
- 5.93 However as detailed in paragraph 5.2 above, we have decided to include a non-complying activity Rule 11A, a consequential amendment is necessary to Clause f).

Submissions and Evidence

- 5.94 There were over 50 submissions on POL TANK 36. Matters included in these submissions included:
- a) Many submitters requested that the use of “actual and reasonable” should read just “reasonable”.
 - b) A large number of submitters considered Policy 36(f) should read something like “avoiding further adverse effects by controlling net groundwater use within the “interim allocation limit” set out in POL TANK 37, and many of these submitters also sought that POL TANK 36(g) should read “encouraging water use efficiency” or similar words.
 - c) DOC, Ravensdown, NCC and Twyford water all sought specific amendments. Apart from NCC, aspects of their submissions have all been recommended to be accepted or accepted in part by the s42A Reporting Officers.
- 5.95 Mr Dooney, an expert witness for HortNZ, supported POL TANK 36, albeit with some minor changes suggested. Most of his suggested amendments have been recommended to be accepted by the s42A Reporting Officers, and we accept those recommendations.

POL TANK 37

- 5.96 This policy contains the critical detail about how the Council intends to manage the Heretaunga Plains aquifer. In summary, its five original clauses as notified in PPC9 said that in managing the allocation and use of the aquifer the Council will:
- a) Adopt an “interim allocation limit” of 90 Mm³/y based on the actual and reasonable use test.

- b) Avoid reallocation of any water if it becomes available with the “interim allocation limit” or within the limit of any connected water body until there has been a review of these limits.
- c) Manage the aquifer as an over-allocated management unit and prevent any new allocations of groundwater.
- d) When considering applications for existing consents due for expiry, or when reviewing consents:
 - i. allocate groundwater on an annual volume basis; and
 - ii. apply an assessment of the actual and reasonable use test (unless considering applications under Policy 50, which gives priority to domestic and municipal supplies).
 - iii. Mitigate stream depletion effects on lowland streams by providing for stream flow maintenance and habitat enhancement schemes.

5.97 In the “pink version” of PPC9 additional words were recommended to be added to Clause d)ii. These were based (somewhat loosely) on the evidence of Mr Drury, an expert witness for the two TLA’s, who argued that for consents currently “on hold” under (for instance) s124 of the Act, the consent authority is obliged to take account of the value of existing investment under s104(2A) of the Act when making decisions on such consents.³⁰

5.98 In essence these recommended additional words say that in addition to applying the actual and reasonable use test the Council will take into account any of water use as part of a programmed or staged development specified in the current resource consent if:

- a) the consent holder can demonstrate that existing investment is dependent on water use greater than the actual and reasonable use test; and
- b) any part of the activity or development has not lapsed in the duration of the existing consent; and
- c) the activity or development is integral to the ongoing operation for which the consent was granted; and
- d) water demand for rootstock is available only where there is evidence that a contract to supply that rootstock existed as at 20 May 2020.

Submissions and Evidence

5.99 There were over 300 submissions on POL TANK 37, which is more than for any other single part of PPC9. Almost all opposed the policy, or more accurately parts of the policy, in some way. The main points made by submitters opposing POL TANK 37 included amending the definition of, or references to, “actual and reasonable”, amending or deleting the “interim limit”, and enabling allocation of water that may become available within the “interim limit”.

5.100 In what follows we discuss the evidence of a selected number of parties, including commercial users of water for activities such as food processing, umbrella organisations such as HortNZ and the winegrowers, and other individual companies. While we make some brief comment

³⁰ EIC of Cameron Drury at Paragraphs 16-23.

after the evidence of selected examples of each of these groups, our overall discussion and findings regarding all the relevant matters is at paragraphs 5.168 – 5.179 below.

Commercial Users

- 5.101 We heard legal submissions and evidence from a number of commercial users. They included Heinz Watties and Lowe Corporation Limited.
- 5.102 **Heinz Watties** were represented by Counsel, Ms Lara Blomfield, Mr Bruce Mackay, who is their Agricultural Manager, and Dr Anthony Davoren, a consultant whose evidence is not relevant to this discussion as it related solely to a data blimp from the Tūtaekurī flow recorder site on the Puketapu Bridge).
- 5.103 The company has two major food processing plants located on the outskirts of Hastings. It is one of the larger employers in the region, paying about \$52 million in salaries and wages annually, and they contribute up to 20% of regional GDP, which amounts to about \$1.25 billion annually. It buys about \$20 million of local fruit and vegetables annually.³¹
- 5.104 Heinz Watties is the single largest private water user in the region. It has its own water supply bores with a total consented volume of 8,908,652 m³/y, and a maximum use over the relevant 10 year period up to 2019/20 of 4,587,376 m³/y in 2019. It is the latter volume that would be granted under an assessment just using the actual and reasonable use test. Average annual use over that 10 years was 3,908,652 m³/y.³²
- 5.105 Mr Mackay expressed concern that the maximum annual use over those 10 years will not be sufficient if there are greater volumes of fruit and vegetables to be processed in future years.
- 5.106 The other main concern expressed by Mr Mackay was that under PPC9 no consents could be granted for horticultural use on versatile land that has previously been used for other activities, notably pastoral farming. He said he was aware of “thousands of hectares of prime horticultural land” that currently under PPC9 has no prospect of getting a water take consent except via a water transfer, or seeking a high flow take for water storage. For this reason he supported the change to POL TANK 37(b) put forward by Mr Dooney, the planning expert for HortNZ. He also supported the proposed changes put forward by Mr Drury for the TLA’s to Policy 37(d)(ii).
- 5.107 Ms Bloomfield, counsel for Heinz Watties, said that if current trends for increased production for process crops continue, the company is likely to require more water than would be allocated under the actual and reasonable use test. She noted that while such consent could theoretically be granted under Rule TANK 11 as a discretionary activity, the policy direction in PPC9 would make that “difficult”. She also supported the amendment put forward in the evidence of Mr Drury to Policy 37(d)(ii).
- 5.108 **Lowe Corporation Limited** (LCL) were represented by counsel, Mr Trevor Robinson, the business’s owner, Mr Andrew (Graeme) Lowe, and Mr Gerrard Willis, an expert in planning.
- 5.109 LCL is a meat by-products business based in Hawke’s Bay that processes hides, skins and rendering material at plants throughout New Zealand. About 95% of its production is exported. In August 2020 the company employed 190 people and had an annual turnover of over \$100

³¹ Information sourced from the EIC of Bruce Mackay, Agriculture Manager at Heinz Watties

³² Ibid

million, but Mr Lowe said the workforce had reduced in response to challenging trading conditions brought about the Covid-19 pandemic.

- 5.110 LCL now operates two plants, one in Tomoana (the GHL plant) on the outskirts of Hastings, and one plant (that is jointly owned) at Whakatu (the TPP site). It also has a minority share in a meat rendering plant at Awatoto, and in 2019 “mothballed” another tannery at Pandora in Napier and moved that production to the GHL plant. The Awatoto site draws water from the Napier City Council supply and is not further discussed here.
- 5.111 Mr Lowe, who said process water was vital to LCL’s operations, described the resource consents to take and use water held by LCL. Consents exist to take up to 725,000 m³/y from two bores at the GHL site (which expire in May 2023), up to 978,000 m³/y for a well at the TPP site (which expires in May 2025) and up to 1,225,750 m³/y for “development land” at Whakatu (which also expires in May 2025).
- 5.112 The maximum annual takes for these three consents in the 10 years leading up to 2 May 2020 were 404,687, 514,812 and 201, 414 m³/y respectively. In other words, the actual and reasonable use test would reduce the total volume taken from these bores from 2,806,130 m³/y to 1,120,953 m³/y, which is a 61% reduction overall.
- 5.113 Mr Willis supported the phasing out of over-allocation of the Heretaunga Plains aquifer consistent with the NPSFM, but did not consider this was inconsistent with LCL being able to take and use water in quantities that exceed current use. He said that the NPSFM’s obligation to phase out over-allocation is at the water body scale, not to stop any existing user increasing their water take.
- 5.114 Mr Willis also asserted that industry supplied with water from municipal supply may be able to grow their water use, whereas industry supplied from its own bores cannot, is not justified in resource management terms. He also noted that under Clause 3.3 of the NPSUD the Council is required to provide development capacity to meet industrial demand.

Comment on Commercial Users

- 5.115 We think it is fair to characterise that many of the submissions on PPC9 from almost all categories of water users recognise that over-allocation of the aquifer needs to be phased out, but that they are a “special case” that should be (at least partly) exempt from such provisions.
- 5.116 LCL is a good example of this approach. In the relevant ten year period LCL has only used, as a maximum, about 40% of the water currently allocated to them in annual volumes on their resource consents. Similarly, Heinz Watties has used a maximum of just over 50% of the annual volumes water currently allocated to them. Both companies seek additional water over and above “actual and reasonable use” to provide for future growth.
- 5.117 Mr Willis told us that the NPSFM’s obligation to phase out over-allocation is at the water body scale, not to stop any existing user increasing their water take. This is contradictory – the only way over-allocation can be phased out is by overall reductions in consented water volumes where they are not presently being utilised. LCL is an example of its allocation being much greater than what they use.
- 5.118 Providing substantial exemptions from the “actual and reasonable” use test to many users would undermine the implementation of the NPSFM directive to phase out over-allocation. If one large user, or one group of users, are made exempt, the integrity of the Council’s proposed process to phase out over-allocation would be significantly eroded. A precedent would be set

that other users, or groups of users, should also get more water than justified through the actual and reasonable use test.

- 5.119 Having said this we believe that the proposed amendments to POL TANK 37(d)(ii) in the “pink version” of PPC9 should be accepted. It remains to be seen how much water and to whom these provisions will apply.

Large Commercial Growers

- 5.120 Under this heading we discuss the evidence from T&G Global Limited³³, Mr Apple NZ Limited, Johnny Appleseed and Delegat Limited.
- 5.121 T&G Global Limited (T&G) were represented by legal counsel, Ms Lara Blomfield, and their Operations Director, Mr Craig Betty.
- 5.122 Mr Betty outlined T&G’s operations in Hawke’s Bay. He said the company is NZ’s largest pipfruit business accounting for about 30% of the country’s exports. In Hawke’s Bay a wholly owned subsidiary³⁴ owns or leases over 740 ha of land for apple orchards, and owns two pack houses at Whakatu, with a value of \$90 million. It also employs about 200 permanent staff and 900 seasonal employees in the region.
- 5.123 T&G Global holds over 80 resource consents, all but one of which take groundwater and all but “a very small number” which use trickle irrigation. Mr Betty acknowledged that “historically T&G had been able to get consent to take a greater volume of water than was actually needed to water its orchards” but it no longer does that (and the Council does not allow it). However T&G sought specific amendments to the definition of “actual and reasonable” that would allow extra land to be irrigated from the water previously (over) allocated to a specific land block³⁵, and supported the proposed amendment to POL TANK 37(b) put forward by Mr Dooney (HortNZ) that would allow any water below the “interim allocation limit” that had not been allocated to specific users to be allocated to (inter alia) “essential municipal users or primary production purposes on versatile land”.³⁶
- 5.124 The company also invests in land development; according to Mr Betty this amounts to about 60ha of new apple orchards annually, at a cost of about \$12 million. It only buys or leases land that has existing consents associated with it, but it also sought changes that could allow water transfers between properties owned and leased by T&G, and in doing so (at least implicitly) continue to take water over and above “actual and reasonable”.
- 5.125 These points were further addressed by Ms Blomfield in her legal submissions. In particular, she sought changes to the definition of “actual and reasonable” use to allow water that has been allocated for a specific future activity, but not yet fully utilised, to be renewed³⁷. She also supported the proposed amendment to POL TANK 37(b) put forward by Mr Dooney representing HortNZ to allow some limited reallocation of water that becomes available within the “interim allocation limit”.
- 5.126 Mr Apple NZ Limited (Mr Apple) was represented by legal counsel James Gardner-Hopkins and Mr Richard Hill, their Chief Operating Officer. Mr Gardner-Hopkins said Mr Apple is a member

³³ T&G is better known as Turners and Growers

³⁴ Known as ENZAFruit NZ International Limited (ENZIL)

³⁵ Legal submissions of Lara Blomfield at Paragraph 19, quoting the EIC of Craig Betty at Paragraph 61

³⁶ EIC of Craig Betty at Paragraph 40

³⁷ Noting that the RMA does not provide for resource consents to be “renewed”; rather they are replaced.

of HortNZ, and supports their case, but that their focus would be on specific concerns of Mr Apple.

- 5.127 Mr Hill said that Mr Apple is Hawke’s Bay’s largest vertically integrated apple company and that it employs over 2,200 people during peak harvest and packing. It has over 50 separate orchard locations in what he called 15 sectors, with about 1,200 net planted hectares on the Heretaunga and Ruataniwha Plains. Each of the sectors vary in size from 60 hectares to over 120 hectares. The business is run as “one orchard”, by which Mr Hill meant that they make efficiency decisions (e.g. use of labour, water use) in the company as a whole.
- 5.128 Mr Hill said that Mr Apple “is generally in agreement with the big picture recommendations that have come out of the TANK process that have evolved into PPC9” but having said that he observed that “the devil is in the detail”.³⁸
- 5.129 Expanding upon this Mr Hill said that Mr Apple are gradually replacing existing apple orchards with smaller, more closely planted higher yielding trees. However, as these have a smaller, more shallow root ball the trees more easily drought stressed, and irrigation water needs to be applied more often. Some consents have been amalgamated to provide more flexible and efficient water use. Mr Hill made a particular plea that when irrigation volumes are restricted during a season this needs to be documented in advance, and restrictions should be imposed in stages, with “a base amount available to keep trees alive”.
- 5.130 Mr Gardner-Hopkins submitted that Policy 11 of the NPSFM 2020, which reads “Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided”, is “not as directive as others might suggest”. In support of this he particularly submitted that “there is no time-frame given for the phasing out of over-allocation” and that it does not need to be “solved” by 2024, and the “avoid directive” only take effect once over-allocation is phased out, with no immediate requirement to avoid over-allocation.³⁹ We discuss this further in paragraphs 5.224 and 5.225 below.
- 5.131 Mr Gardner-Hopkins supported the S42A Reporting Officer’s recommendation to change the basis for the actual and reasonable use test to the maximum over the 10y period specified, but that if a model is used instead, context specific factors need to be taken account of. Additionally, his client wishes to seek “global consents” for some sectors or groups of orchards, but he was not sure how this would fit within the individual consents definition of “actual and reasonable”, or if it was within the “transfer provisions” of PPC9. One way of providing clarity around this would be for worked examples to be provided, or alternatively, for joint or global consent applications that may not meet Rule TANK 11, he sought that Rule TANK 12 be a non-complying activity.
- 5.132 Johnny Appleseed was represented at the hearing by Paul Paynter, who provided a Power Point summary of their submission. The company holds about 70 titles covering 700ha of mostly apples, pears and stonefruit, and employs about 360FTE’s. Mr Paynter asserted that the Council’s understanding of the horticultural growers was “naïve” and that they had a limited understanding of the needs of the industry. He said that there was immense opportunity for improvement, and that must be industry led.

³⁸ EIC of Richard Hill at Paragraph 13.

³⁹ At his Paragraphs 20 and 21.

- 5.133 The company's submission points were the same as those from HortNZ, which we addressed comprehensively when discussing their evidence and submissions. We do not need to repeat that here.
- 5.134 Delekat Limited were represented at the hearing by Ms Blomfield. They had circulated expert evidence from Dr Balasubramaniam, the company's Grower Business Development Manager, but he had taken ill and no other company representative was available at short notice.
- 5.135 In Hawke's Bay Delekat has 677ha of vineyard planted in the region, and in total owns about 1000ha of land, with over 800ha in two blocks at Matapiro Road on the Crownthorpe Terraces⁴⁰, with the balance in the Gimblett Gravels. The company also owns a winery north of Hastings. Dr Balasubramaniam said that the current value of these assets is about \$230 million.
- 5.136 Delekat employs about 30 permanent staff and up to 300 contractors on a seasonal basis. The company holds consents for the separate vineyards, and another for the winery (along with some other land uses).
- 5.137 Ms Blomfield discussed proposed amendments put forward by the S42A Reporting Officers', and she supported many of these.
- 5.138 Delekat's main concerns were similar to other horticultural uses – and particularly the wine growers and orchardists – that the definition of "actual and reasonable" combined with POL TANK 36(f) potentially preclude the use of water presently consented for planned future development.

Discussion

- 5.139 As we support the proposed changes in the "pink version" of PPC9 to POL TANK 37(d)(ii) some of the criticisms made above will be overcome. This is because water takes presently consented, but not yet used, for planned future development may be able to be consented under this policy.
- 5.140 We do not support the proposed amendments put forward by Mr Dooney to POL TANK 37(b) for reasons we discuss in paragraphs 5.172 and 5.173 below.

Horticulture New Zealand (HortNZ)

- 5.141 Hort NZ represent growers of all kinds on the Heretaunga Plains, including vineyards, fruit growers and vegetable growers. We note that the winegrowers provided separate legal submissions and evidence, and we discuss this separately below.
- 5.142 Hort NZ were represented at the hearing by legal counsel, Ms Helen Atkins⁴¹, and six expert witnesses: Andrew Dooney (planning), Stuart Ford (economics and Overseer), Gillian Holmes (hydrology), Catherine Sturgeon (water quality), Damien Farelly (NZGAP) and Michelle Sands (corporate and grower statements). We deal with the legal submissions and evidence providing an overview of horticulture on the Heretaunga Plains, and those matters directly relevant to groundwater management here.
- 5.143 The importance of Hawke's Bay to fruit and vegetable production in New Zealand was outlined by Ms Sands in her EIC. There is an estimated 20,600ha of horticultural land in the region,

⁴⁰ One of these blocks is now part irrigated from up to 700,000 cubic metres of water that can be taken from the Ngaruroro River during winter high flows.

⁴¹ Who was supported by Ms Nicole Buxeda

which is 15% of the total such land in the country. Of this, 16,800ha is in the TANK catchments, and by area is made up of about 40% in vegetable growing, 35% in pipfruit and 25% in grapes.⁴²

- 5.144 The region accounts for about two-thirds of the country's apple and pear production, and it has the second largest crop of summer fruit (after Central Otago). It also produces over 30% of the country's process vegetables and is the region with the largest squash production. Two major food processing companies – Heinz Watties and McCain Foods - have fruit and vegetable processing plants in Hawke's Bay.
- 5.145 Ms Sands said that about \$761 million per annum was generated by the sector in 2017, which is just over 10% of the regional economy, and that in 2020 the industry employed about 6,700 people, albeit many of whom are seasonal workers. Additionally, Heinz Watties and McCains employed about 1,800 people in their food processing plants.
- 5.146 Earnings from horticulture are sensitive to irrigation restrictions. This was shown by Mr Ford in his Table 2, where although the scenarios presented are far more restrictive than proposed in PPC9, does show that in a very dry water year (2012/13), horticultural earnings on the Heretaunga Plains could suffer significantly.
- 5.147 Ms Sands summarised the overall position of HortNZ in her EIC as follows:⁴³ In most parts HortNZ supports PPC9. The staged approach within PPC9 is ambitious but achievable, and it is largely consistent with the process outlined in the NPSFM 2020 and with sustainable management as set out in Part 2 of the RMA.
- 5.148 The exception expressed in the words "in most parts" was outlined by Ms Atkins⁴⁴ as being that PPC9 (as then drafted via the Addendum Report) "does not make adequate provision for, nor give appropriate recognition to, the realities of water requirements for food supply needed to support a growing population".
- 5.149 Both Ms Atkins and Ms Sands opined that the growing of fruit and vegetables for domestic consumption enable the health needs of people, and so in their view, fit into Tier 2 of Objective 1 of the NPSFM⁴⁵. Ms Sands then further argued that this meant a provisional additional allowance should be made for extra water for growers. On the same basis Mr Dooney argued OBJ TANK 10-14 and 16 are "required" to be altered to include a reference to food production.⁴⁶
- 5.150 In their addendum report the Reporting Officers had opined that "some horticulture may fit inside Tier 2 of (Objective 1)" and that they were "not sure how the Council could determine how much water we could allocate to grow fruit and vegetables for domestic supply".⁴⁷

Discussion

- 5.151 We do not agree that the growing of fruit and vegetables for domestic supply clearly fits into Tier 2 of Objective 1.
- 5.152 Separately one of the Panel has had argued before him that wastewater treatment and disposal, and the generation of hydro-electric power also fit into Tier 2. The problem that all

⁴² Or perhaps more accurately 16,851ha. EIC of Stuart Ford at his Table 1.

⁴³ EIC of Michelle Sands at Paragraph 67, paraphrased.

⁴⁴ Legal submissions of Helen Atkins at Paragraph 4.

⁴⁵ See for instance the legal submissions of Helen Atkins at her Paragraphs 18 -34.

⁴⁶ EIC of Andrew Dooney at Paragraphs 32 and 33

⁴⁷ s42A addendum report at pp 15.

these assertions about Tier 2 have is that the Objective of the NPSFM 2020 is very ambiguous, referring only to the “health needs of people (such as drinking water)”. Quite what else fits into Tier 2 is unable to be determined from such a vague description. Given this, we find it more likely that activities such as the growing of vegetable for domestic supply fits more logically into Tier 3, which is “the ability of people and communities to provide for their social, economic and cultural well-being, now and in the future. This view was supported by Mr Conway in his legal submissions on behalf of the Council.

- 5.153 As we have set out in our discussion on commercial users at paragraphs 5.115 – 5.119 above many parties broadly supported POL TANK 37 but argued they were a “special case” that warranted additional water being granted over and above “actual and reasonable”. HortNZ were no exception for this, and apart from the significant amendments to POL TANK 37 d)(ii), we do not accept their plea for greater exemptions from the “actual and reasonable” use test.

*The Winegrowers*⁴⁸

- 5.154 The winegrowers were represented at the hearing by Ms Shannon Johnston of Cooper Rapley Law, and five expert witnesses.
- 5.155 The national significance of vineyard production in the Hawke’s Bay region was detailed particularly by Mr Fabian Yukich, who among other roles is a Director and Deputy Chair of NZ Winegrowers, and Chair of their environment committee. His family have been involved in winegrowing since the 1930’s and were the founding family of Montana Wines.
- 5.156 Mr Yukich said that wine is New Zealand’s 6th largest export commodity, with exports totalling \$1.92 billion in the year ending 30 June 2020, during which the Hawke’s Bay region produced 43,000 tonnes of grapes. The industry employs about 1,000 people in the region. A very large proportion of NZ’s production of red wine varieties, including merlot and syrah, are produced in Hawke’s Bay.
- 5.157 There are 100 wineries in Hawke’s Bay, with about 57 grape growers and 4,721ha of land utilised for grape growing. About 75% of this land is in the TANK catchments, with the main exceptions being on the Ruataniwha Plains and the lower Esk catchment. The region is the second largest wine growing area in the country after Marlborough.
- 5.158 Of the total land in vineyards about 3,577ha are irrigated, including all those in the economically important Gimblett Gravels and Bridge Pa triangle subregions.⁴⁹
- 5.159 Dr Edwin Massey, who is General Manager Sustainability at NZ Winegrowers, said that nationally almost 45 million cubic metres of water was used nationally by vineyards in 2019/20, with 98% of this for irrigation. Of this Hawke’s Bay used an estimated 5.32M m³, which equates to an average of about 149mm per annum of irrigation water being applied per unit area of vineyard.
- 5.160 Mr Yukich, Dr Massey and another expert witness, Ms Emma Taylor, emphasised the critical importance of irrigation to different stages of vineyard production, particularly on the light

⁴⁸ This embraces Hawke’s Bay Winegrowers Association Limited, Gimblett Gravels Winegrowers Association, Villa Maria Estate Limited and Pernod Ricard Winemakers New Zealand Limited. We refer to them collectively, as the witnesses did, as “the winegrowers”.

⁴⁹ EIC of Emma Taylor at Paragraph 21

alluvial, free draining soils that hold little water, but which are of very high value for vineyard production.⁵⁰

- 5.161 Ms Taylor also observed that many existing vineyard plantings will have to be replaced within the lifetime of PPC9, and that recent industry trends are for higher planting densities, which she asserted are more efficient. She said however that under PPC9 “there would not be enough water for existing vineyards to continue, let alone any development of higher density, and therefore more efficient, plantings”.⁵¹
- 5.162 The overall position of the winegrowers was summarised by Ms Johnston. She submitted that winegrowers are responsible water users, and that in many respects the water quantity objectives of PPC9 align with viticulture industry best practice. While this meant that the winegrowers are generally supportive of the overall intent of PPC9, particularly in regard to over-allocation in the TANK catchments, they seek amendments to better reflect that intent or improve its workability for viticulture in the region.⁵²
- 5.163 In particular Ms Johnston asserted that PPC9 applies a “sinking lid” approach to water allocation, at least as far as individual growers are concerned.⁵³ In her view this meant that “a vineyard’s water allocation can go down but will never return to a previous level.”⁵⁴ She opined that this locks existing viticultural activities to already low water use, and that this would “significantly restrict intensification of existing operations”. In saying this Ms Johnston acknowledged that Rule TANK 11 is intended to preserve some flexibility by enabling individual applications that exceed the actual and reasonable use test to be assessed as discretionary activities. In her view however, any such application would face difficult s104 tests when assessed within directive objectives and policies which require over-allocation to be avoided and phased out over time.⁵⁵

Discussion

- 5.164 The assertion that PPC9 includes a “sinking lid” provision, which counsel for the winegrowers Ms Johnston asserted means a vineyard’s water allocation can go down under the actual and reasonable use test but will never return to a previous level. This will indeed be the case if the particular vineyard was previously allocated more water than necessary under the “actual and reasonable” use test.⁵⁶ It also applies to other water users, bar perhaps the TLA’s.
- 5.165 We accept that there is an associated issue that as winegrowing industry practice is changing to more intensive plantings, more water will actually be needed per unit area to support these plantings, and PPC9 makes no provision for this. The changes to POL TANK37 (d)(ii) in the “pink version” of PPC9 do not cover this situation; rather it is explicitly not allowed under earlier sections of POL TANK 37.
- 5.166 What is not stated in the Winegrower’s evidence is that the vineyards are often owned by larger companies that can transfer water from one site to another (within some significant location related constraints – see POL TANK 48). If for instance a crop is removed, there will

⁵⁰ Particular examples include the Gimblett Gravels and Bridge Pa Triangle growing areas.

⁵¹ EIC of Emma Taylor at Paragraph 50

⁵² Legal submissions of Shannon Johnston at Paragraphs 4 and 5.

⁵³ We make this distinction because the use of the terminology “sinking lid” is more commonly used to refer to staged reductions in an overall allocation limit, in this case the 90 Mm³ per annum. This is not the intention of PPC9.

⁵⁴ At her Paragraph 34

⁵⁵ At her Paragraph 37

⁵⁶ As supported for instance in the EIC of Andrew Dooney at his Paragraph 122

be a gap between that and new plantings. If those plantings are to be more intensive, some of the existing infrastructure will have to be replaced (such as fencing wires). Our suspicion is that there would be at least a year between the old stock being removed and the new stock being planted, in which case water could be transferred to another user.

5.167 While we think the winegrowers have a case, providing exceptions in their circumstances makes it difficult to maintain any sort of equity for all users. To put it another way, if one particular exemption is made to the overall allocation framework in PPC9 for commercial growers of any type, this potentially opens the door to many other exemptions. We are not prepared to let that happen.

Overall Discussion of the Summarised Evidence

5.168 All the submitter's evidence discussed above agrees that the aquifer is overallocated and that this must be phased out; all broadly support the amended "actual and reasonable" use test (but in some instances have reservations about the Irricalc alternative model), and most argue that they are a "special case" that should be treated preferentially under PPC9, and so given some extra water over and above the "actual and reasonable" use test.

5.169 This raises a number of fundamental issues.

5.170 The first issue is whether water presently consented for proposed development, but not yet used, should be able to have those existing consents replaced. This a major issue for many of the grower group and/or umbrella organisations. In response to this, the Reporting Officers recommended amendments to POL TANK 37d(ii)⁵⁷ in the "pink version" dated 30 July 2021. Note that these are conjunctive, and quite restrictive. They do, none the less, go part of the way to meeting the concerns expressed by much of the evidence summarised above that the previously recommended framework would mean no development planned in May 2020 could go ahead under the "actual and reasonable" definition framework alone. We support these changes, with the words "where applicable" added to the start of the clause referring to rootstock survival to improve the way the policy is expressed.

5.171 The second is whether POL TANK 37(b) should be redrafted to allow (rather than avoid) any reallocation of water within the groundwater allocation limit, or within the limit of any connected (surface) water body, rather than wait for a review of the relevant allocation limits. Accompanying changes are sought to POL TANK 38 to allow "new entrants" (rather than just existing consent holders) to apply for consents for re-allocated groundwater.

5.172 This amendment was put forward by Mr Dooney, an expert planning witness for HortNZ.⁵⁸ It was not supported by the Reporting Officers, but as outlined above, was supported by a number of other expert witnesses and counsel at the hearing. It would replace the words in POL TANK 37(b) as follows:

- a) The current words read "*avoid reallocation 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*".
- b) Mr Dooney's suggested words would read "*restrict the reallocation of any water that might become available within the interim groundwater allocation limit or within the*

⁵⁷ Note the same changes are made in Policy 52(b)(i).

⁵⁸ EIC of Andrew Dooney at his Paragraph 129.

limit of any connected water body to essential municipal uses or primary production on versatile land, or for use in stream flow or enhancement schemes.

- 5.173 Although this suggestion has merit, it favours one sector – primary production – over others such as food processing. The removal of the words “or primary production on versatile land”, would effectively focus the policy on municipal uses – which are given priority allocation in any case, and stream enhancement schemes, which we consider should have similar priority.
- 5.174 A third issue – raised particularly by the Winegrowers – is the impact of Zone 1 restrictions on the viability of vineyards within this zone. In essence groundwater in Zone 1 is considered to have strong hydraulic connections to surface water, so any groundwater take in this zone is proposed to be treated as a surface water take, and so is subject to minimum flow restrictions, particularly in the Ngaruroro catchment.
- 5.175 In paragraph 6.5 of Chapter 6 of our report we say:

Under the “pink version” of PC9, the Zone 1 groundwater boundaries can be found in the Schedule 31 Maps A, C and E ⁵⁹. They essentially cover a thin ribbon of land on either side of the lower Ngaruroro River (downstream of about Poporangi Stream), the lower Maraekakaho River and Tūtaekurī River downstream of the Mangaone River confluence. Groundwater takes in Zone 1 are to be managed as if they are direct surface water takes on the assumption that their close proximity to surface waters means that likely to be hydrologically connected to them. Land use in Zone 1 is primarily intensive (e.g., cropping, vineyards and orchards). In response to an information request from the panel, Mr Shannon Johnston, Counsel for the Wine Growers, providing information on the number of vineyards, the total vineyard area and the number of vineyard bores within Zone 1⁶⁰. That information indicated there was approximately 2,363 ha of vineyards in Zone 1 land (the majority in the Ngaruroro catchment) drawing water from 68 bores. There is a total of 219 bores in Zone 1 across all land uses.

- 5.176 Our understanding is that restrictions on surface water takes from the Ngaruroro are quite common, so these takes could face significantly more restrictions than they currently do.
- 5.177 Chapter 6 of our report discusses minimum flows in rivers and streams within the TANK catchments. The current minimum flow for the Ngaruroro River at Fernhill is 2,400 litres per second, and we have found no good reason to change that. This will be the flow where the bores in Zone 1 have to stop taking water, just as if they were surface water takes (which effectively they are).
- 5.178 We recognise that this is a significant change for growers who hold consents to take or use water in Zone 1. The s32 report evaluated the consequences of this change, including costs and benefits. We agree with that evaluation.
- 5.179 We also observe that the Objective of the NPSFM 2020 gives priority to the “health and well-being of water bodies and freshwater ecosystems” over all human use values. The minimum flow on the Ngaruroro River has been established to protect instream values, and it is not

⁵⁹ The Council’s own submission sought a correction to the planning maps so that Zone 1 groundwater areas that are connected to the Ngaruroro River are removed from Schedule 31E and inserted onto Schedule 31C. This change improves clarity and consistency.

⁶⁰ Wine Growers’ response to the panel’s request for further information, 2 July 2021.

acceptable that those be eroded downstream of the minimum flow setting point at Fernhill by takes of water that will affect surface water flows.

Overall Findings on POL TANK 37

- 5.180 We have already discussed the definition of “actual and reasonable” in paragraphs 5.69 - 5.77 above, where we outlined our reasons for agreeing with the Reporting Officers’ latest recommendations as to how this definition is worded. We do not need to repeat any of that here.
- 5.181 The first key component of POL TANK 37 is the proposed ““interim allocation limit””, which we now discuss in detail.
- 5.182 The ““interim allocation limit”” of 90 Mm³/y is the Council’s “best estimate of consented actual and reasonable use across the Heretaunga Plains, including consented and permitted takes.”⁶¹
- 5.183 There are three main issues with this estimate: first, will it reflect actual and reasonable use once this is determined fully, second, is it strictly a “limit”, and third, is it the “right number”.
- 5.184 We have already discussed whether it will reflect “actual and reasonable” use once this is determined in paragraphs 5.57 and 5.58 above, where we concluded that the likely answer to this is that it likely will.

Is it a Limit?

- 5.185 We do not believe the way the “interim allocation limit” has been established is necessarily consistent with the definition of a limit in the NPSFM 2020, which is:
- a) Limit means either a limit on resource use, or a take limit
 - b) Limit on resource use means the maximum amount of a resource use that is permissible while still achieving a relevant target attribute state.
- 5.186 As target attribute states all relate to water quality, and not water quantity, so the “interim allocation limit” is a take limit by definition. To be so, the Council would have to specify clearly that no more than 90 Mm³/y will be allocated during any one water year for the life of PPC9. The Council does this by defining the terms “allocation limit for surface water” and “allocation limit for groundwater” in the glossary. The latter says that this is “the maximum quantity that is able to be allocated in water permits”...“and is the sum of the of maximum water permit allocations for the groundwater zone”, which is a definition we support This is primarily given effect to in POL TANK 37(a) which refers to the 90 Mm³/y. Critically however that “interim limit” is based on and driven by the “actual and reasonable” use test, which is specified in POL TANK 37(d) (which was recommended to have significant amendments to provide for development in train in the “pink version” of PPC9 dated 30 July 2021.
- 5.187 The annual quantum of groundwater that will eventually be allocated via the “actual and reasonable” use test is not known at this time. As already noted, Ms Robotham had opined that in 2012/13 the actual annual volume of water used could be up to 10% less than 90 Mm³/y. Given that annual volumes used by many irrigators during that year were not recorded and so had to be estimated, such uncertainty is to be expected.
- 5.188 Additionally, given the furore that arose from the initial recommended exclusion of the 2019/20 water year from assessing the maximum annual volume used through the actual and

⁶¹ S42A Officers’ Report at Paragraph 1332

reasonable use test, our inkling is that many irrigators used more water in 2019/20 than they did in 2012/13. Alternatively, in some (or perhaps many) instances, it may well be that the volume of water taken in 2019/20 was much more accurately measured.

- 5.189 The key point here is that no one knows with certainty how much water will be allocated to irrigators via the “actual and reasonable” use test. It seems very likely that the total allocation will be less than 90 Mm³/y, but it could be slightly more.
- 5.190 Our understanding of the way the “interim allocation limit” would be imposed via PPC9 is that, regardless of whether the actual annual volume allocated via the actual and reasonable use test is (say) 87 Mm³/y or 90 Mm³/y Rule TANK 12 would prohibit the allocation of any more groundwater from the Heretaunga Plains aquifer. The proposed prohibition would also apply if the annual volume allocated eventually exceeds the 90 Mm³/y “interim allocation limit”.
- 5.191 Additionally, no policy settings change if the “actual and reasonable” use test, in conjunction with POL TANK 37, allocates either less or more than the 90 Mm³/y “interim allocation limit”.
- 5.192 In our view this means that the ““interim allocation limit”” is not strictly a limit at all. It is not for instance like setting a minimum flow for a river, below which no more water can be taken apart for essential uses such as domestic and municipal supply. This fits with the NPSFM definition of a take limit.
- 5.193 We have chosen however to use the phrase “interim allocation limit” in PPC9. We punctuate the phrase with parentheses because it is not strictly a limit as defined in the NPSFM 2020. As we have acknowledged previously however, it is very difficult to set a “limit” that can be defended strongly in a large and complex aquifer.
- 5.194 In his expert evidence for the TLA’s Mr Drury suggested it would be more appropriate to refer to the “limit” as a “target”.⁶² However we think that understates what the Council is trying to achieve. While it is not strictly a “limit” in the legal sense, we cannot think of a better word, so throughout the text of this decision, but not in PPC9 itself as modified by our decisions we have used the words “interim allocation limit” throughout.

The Quantum of the “interim allocation limit”

- 5.195 The ““interim allocation limit”” is not strictly based on any firm scientific assessment of how much water can be taken “sustainably” each year from the aquifer. Rather it is based on what the Reporting Officers referred to as “essentially our best estimate of consented actual and reasonable use across the Heretaunga Plains, including consented and permitted takes.”
- 5.196 To use the vernacular, this puts the cart before the horse. It essentially says that “the Council will grant the consents to existing consent holders using the criteria listed in POL TANK 37, which includes the “actual and reasonable” use test, and then figure out if the 90 Mm³/y is right or not”. In the meantime, the Council had proposed that no new groundwater would be allocated until the “interim allocation limit” is reviewed, which under POL TANK 42 would be within 10 years, as Rule TANK 12 would prohibit new takes of groundwater.
- 5.197 In an ideal world, how much water could be taken sustainably from the aquifer each water year would be determined first, and then water would be allocated up to, but not beyond, that limit.

⁶² EIC of Cameron Drury at his Paragraph 46

- 5.198 As already noted however, it is very difficult to assess how much groundwater can be taken sustainably each year from a large aquifer. Groundwater use is very seasonal, with the greatest volumes used over the summer months when irrigation demand peaks, and similarly municipal demand is highest (such as for watering of gardens), as are some commercial activities, such as food processing. For this reason, groundwater levels in bores on the Heretaunga Plains vary by about 1.5 – 3 metres each water year.
- 5.199 Groundwater recharge can also be highly variable year by year. In some years, such as the 2021/22 water year which was extremely wet, recharge via both rivers and streams and LSR would be well above average, whereas irrigation demand would be much below average. However in dry years the opposite applies – recharge will be below average, LSR will be much lower and irrigation demand will be well above average.
- 5.200 One of the ways that the Council attempted to determine how much water could be taken sustainably from the aquifer was to develop a model.
- 5.201 The groundwater model of the aquifer is both complex and multi-dimensional. It was calibrated using over 800 parameters, including aquifer properties, river bed conductances, land surface recharge and irrigation demand multipliers, coastal boundary conductances and drain bed conductances. In all, nearly 50,000 hours was spent running the model using a wide range of different inputs. Despite this, some uncertainties remain with the model (as they do with all groundwater models).
- 5.202 One main finding from the model is summarised in Appendix 11 as follows:
- A dry climate scenario was run to repeat conditions from the dry year 2012–2013 every year for the next 100 years. Results indicate that groundwater levels and river flows remain at low levels, but there is not a long term declining trend, provided the groundwater pumping continues at the rates applied in 2012–2013 (90 Mm³/year) across the Heretaunga Plains groundwater system, which is about 20% higher than average pumping between 2005–2015 (76 Mm³/year).*
- 5.203 Within the acknowledged limitations of the model, this suggests that the 90 Mm³/y “interim allocation limit” is quite conservative. If it is about the maximum volume of groundwater able to be taken in each water year, it will not be taken every year, as in some generally more wet water years water demand will be significantly less than this.
- 5.204 There was general support for the ““interim allocation limit”” being set at 90 Mm³/y, albeit alongside a modified definition of “actual and reasonable” as discussed at paragraphs 5.69 – 5.77 above.
- 5.205 The main party advocating for a lower “interim allocation limit” was NKII, who sought a total allocation limit of 70 Mm³/y from the Heretaunga Plains aquifer. This was apparently based on a very conservative approach to the water budget model (see paragraph 5.36 above) that assessed annual groundwater pumping at 78.1 Mm³/y. It was also based on Mr Tiuka’s assertion that “actual and reasonable” should be assessed on the basis of the lowest annual use of water during the 10 year period, which is a little under 70 Mm³/y.⁶³
- 5.206 The water budget information cited by Mr Tiuka is now outdated. Actual estimates of annual water use are available, and these are shown in the table extracted from Mr Waldron’s evidence at paragraph 5.48 above. It shows that actual water use exceeded 80 Mm³/y in four

⁶³ EIC of Ngaio Tuika at his Paragraphs 90-102

of the ten years of record. This is due primarily to annual water demand for irrigation being highly variable.

- 5.207 In relation to the lowest annual use recorded being the basis of an actual and reasonable use test, we agree with Ms Johnston, counsel for the Winegrowers, that no technical evidence or analysis was provided in support of this proposed reduction in the “interim allocation limit”.⁶⁴
- 5.208 We asked Ms Wilson, NKII’s planning expert witness, how she would envisage the proposed 70 Mm³/y being implemented given that it would most severely affect growers of horticultural, viticultural and vegetable crops. Her response was somewhat dismissive of these concerns, and she suggested this was an issue that the Council would just have to grapple with.
- 5.209 While we accept that an allocation limit of 70 Mm³/y would very likely improve spring flows in some groundwater fed streams on the Heretaunga Plains, we cannot accept that this could only be achieved through severe and arbitrary reductions in water volumes available for irrigation in dry water years. Looking for instance at the worst case water year of 2012/13, the total estimated water use for irrigation was over 52 Mm³/y, and to achieve a 70 Mm³/y allocation limit this would need to cut by over 20 Mm³/y, which represents a nearly 40% reduction in take on average to each irrigator who takes water from the aquifer.
- 5.210 Much evidence was provided that in dry years this would have disastrous consequences for many water users on the Heretaunga Plains, with widespread crop, orchard and viticultural failures, leading to major economic losses for growers and downstream processors.
- 5.211 We believe that irrigators need sufficient groundwater to be allocated to them to carry them through dry or very dry water years in an economically sustainable way. In saying this we note that collaborative approaches to water use – notably the Twyford Water group – can maximise the efficient use of water by a co-operative approach that is effectively “enforced” within the user group. Further, temporary water transfers and the like, particularly when crops are removed to be replaced, are an option available to many companies and grower groups.⁶⁵
- 5.212 Based just on the modelling, the “interim allocation limit” could be regarded as conservative. However, based on actual groundwater levels, which have been slowly declining in some parts of the aquifer, the interim limit could be regarded as a little generous. It seems to us to strike about the right balance.
- 5.213 For these reasons the submissions of parties seeking a reduction in the “interim allocation limit” to 70 Mm³/y have been rejected. We have decided that the “interim allocation limit” will be set in PPC9 as 90 Mm³/y, via POL TANK 37(a).

POL TANK 52

- 5.214 We have chosen to include POL TANK 52 in this chapter of our report because although it covers over-allocation of groundwater and surface water in the TANK catchments, most of the existing over-allocation is from the Heretaunga Plains aquifer. Additionally, the recommended amendments to Clause d(iii) of POL TANK 37 in the “pink version” of PPC9, that would enable developments in train to potentially be allocated water over and above the “actual and reasonable,” use test, have also been recommended to be included in POL TANK 52 as Clause

⁶⁴ Legal Submissions of Shannon Johnston at her Paragraph 54

⁶⁵ As provided for by TANK Policy 48.

b(iii) . We support the addition of this text in POL TANK 37, and for the reasons discussed there we also support their inclusion in POL TANK 52. We do not discuss this matter further here.

- 5.215 To give some context to this discussion we noted at paragraph 5.2 of this Chapter of our report that we have added a new non-complying activity Rule 11A, which is restricted to water potentially taken for essential human health needs and for any such consent to be granted, must pass high policy thresholds. A minor consequential change is necessary to POL TANK 52 to reflect our decision to provide an additional Rule TANK 11A as a non-complying activity.
- 5.216 POL TANK 52 in part implements OBJ TANK 18, which is discussed in Chapter 7 of our report on high flow allocation.
- 5.217 POL TANK 52 was included in PPC9. It set out how the Council would phase out over-allocation and listed eight ways in which this would occur. They included:
- a) preventing new allocation of water;
 - b) allocating water via the “actual and reasonable” use test;
 - c) imposing conditions on consents that required good management practice, and that water was used efficiently;
 - d) reducing the amount of water that could be taken without consent (apart from uses occurring before 2 May 2020);
 - e) encouraging site to site transfers of water, but not of allocated but unused water;
 - f) enabling flexible use of water such as through catchment collectives, water user groups or global water permits; and
 - g) supporting the rostering of water use or reducing rates of take to avoid water use restrictions at minimum or trigger flows.
- 5.218 The s42A Reporting Officers recommended a number of amendments to the policy, the most significant of which are those identical to which we have agreed to in POL TANK 37. That aside, only relatively minor changes are recommended by the Reporting Officers to POL TANK 52; we would describe these as improving the language and clarity of the policy rather than making any fundamental changes to what was notified in PPC9.

Submissions and Evidence

- 5.219 There were over 100 submission points on POL TANK 52. They included enabling takes at high flows for storage and release, changing the meaning of “actual and reasonable”, enabling allocation of surface water above “actual and reasonable”, and enabling the transfer of allocated but unused water.
- 5.220 In his expert evidence on behalf of Lowe Corporation, Mr Willis sought changes to POL TANK 52 b(ii).⁶⁶ The s42A Reporting Officers recommended that these changes, that refer to matters such as good management practice and good management standards, largely be accepted, and like Mr Willis, we support their recommendations.

⁶⁶ EIC of Gerrard Willis at his Paragraph 110.

- 5.221 In the Appendix to her expert evidence Ms Wilson sought that the clause that referred to the “actual and reasonable use” test in POL TANK 52 be deleted. No supporting evidence was presented to support this change. We consider that the “actual and reasonable” use test is fundamental to phasing out over-allocation, and we cannot understand why she sought to have this removed from POL TANK 52.
- 5.222 Mr Dooney, an expert witness for HortNZ supported the Reporting Officers recommended amendments to POL TANK 52 in response to his client’s submissions.

Discussion and Findings

- 5.223 POL TANK 52 gives effect in part to Policy 11 of the NPSFM 2020, which is “that freshwater is allocated and used efficiently, all existing over-allocation is phased out and future over-allocation is avoided”.
- 5.224 In his legal submissions on behalf of Mr Apple, Mr Gardner-Hopkins submitted that⁶⁷:

There is no time frame given for the phasing out of over-allocation. While the NPSFM is required to be given effect to by 2024, that does not mean that any over-allocation must be “solved” by 2024. The timing of any measures must be proportionate, taking into account all relevant considerations including economic well-being under s5 of the RMA, as well as efficiency under s7(b). (c) Importantly, the avoid directive only takes operative effect once any over-allocation is phased out. There is no immediate requirement to “avoid” over-allocation.

- 5.225 We do not agree. The direction to avoid any further over-allocation and phase out existing over-allocation has been in the NPSFM as Objective B2 since 2014. It is not a new requirement, and the Council is obliged to give effect to this provision for the last eight years. There is no justification for the Council not to give immediate effect to the requirement to avoid over-allocation.
- 5.226 In response to submissions the s42A Reporting Officers recommended that the words “or high flow allocations” be added to Clause (a) of POL TANK 52. As this is a necessary addition to provide consistency with the high flow allocation provisions in PPC9, we support their recommendation.
- 5.227 The Reporting Officers recommended that submissions that sought to change the meaning of “actual and reasonable”, enable allocation of surface water above “actual and reasonable”, and enable the transfer of allocated but unused water be rejected. We support their recommendations; accepting any of these submission points would be inconsistent with our other decisions on PPC9.

⁶⁷ At his Paragraph 20.9

POL TANK 38

5.228 This is a relatively short policy that states the Council will restrict the re-allocation of groundwater to holders of permits to take and use water from the aquifer as at 2 May 2020, and will review permits or allocate water according to PPC9 policies and rules either upon expiry of the consent, or by reviewing permits within 10 years of the operative date of PPC9.

Submissions and Evidence

5.229 There were 86 submissions on POL TANK 38. The great majority of them opposed the policy, and either sought that water can be re-allocated to any applicant, rather than just existing permit holders as of 2 May 2020, or that (in effect) Mr Dooney’s proposed amendment to POL TANK 37(b) be included in PPC9. We have already discussed our reasons for not accepting the full text of Mr Dooney’s recommended amendment to POL TANK 37(b) in paragraphs 5.171 – 5.173 above.

Discussion

5.230 The Reporting Officers have recommended some minor changes to POL TANK 38, and we support those recommendations

5.231 We were initially concerned that the Council envisages that the “interim” limit could stay in place for up to 10 years via POL TANK 42. However given the very large number of consents presently “on hold” under the provisions of s124 of the RMA, along with the large numbers expiring over the next five years or so, we support this provision in POL TANK 42. We discuss this in Chapter 2, paragraph 2.4 (g).

POL TANK 42

5.232 This policy commits the Council to review the “appropriateness” of the “interim allocation limit”, and to develop a plan change to ensure any over-allocation is phased out within 10 years of PPC9 becoming operative. This would occur after water has been allocated and consents reviewed in accordance with POL TANK 36-38 and will (in summary) determine:

- a) The amount of water allocated in relation to the “interim limit”.
- b) The annual volume of groundwater recorded to be used over each of those 10 years.
- c) Whether there are changes in the relationship between groundwater abstraction, river flows and groundwater levels.
- d) In relation to the adverse effects listed in POL TANK 36 determine the effects of groundwater takes on stream flows, and the effectiveness of any stream flow maintenance and habitat enhancement work.

Submissions and Evidence

5.233 There were 11 submissions on POL TANK 42 and another four on groundwater management review as a generic heading. No substantive evidence was led on POL TANK 42.

Finding

5.234 The Reporting Officers have recommended that two submissions from Pernod Ricard Winemakers be accepted, and we support these as they clarify the intention of the policy.

Chapter 6 – Surface Water Quantity

Introduction

- 6.1 This section of our report deals with the objectives, policies, rules and schedules that relate to surface water minimum flows in the TANK catchments and includes comments on:
- a) OBJ TANK 10, 11, 12, 13, 14 and 15 which sit under the heading ‘Catchment Objectives.
 - b) OBJ TANK 16, 17 and 18 which sit under the heading ‘Water Quantity’.
 - c) POL TANK 36 which acknowledges the potential adverse effects of groundwater abstraction (including effects on surface flows) and sets out mitigation measures.
 - d) POL TANK 39.
 - e) Policies which sit under the heading ‘Surface Water Low Flow Management’. These include policies TANK 43 (Flow Management Regimes: Tūtaekurī, Ahuriri, Ngaruroro and Karamū) and TANK 44 (Paritua and Karewarewa Streams).
 - f) POL TANK 45 (general water allocation).
 - g) POL TANK 48 and 49 (water use change/transfer and permit duration).
 - h) POL TANK 51 (water allocation – Priority).
 - i) Rules TANK 7, 8, 9, 10, 11 and 12 which relate to the taking of groundwater and surface water. These rules are addressed in more detail in our Chapter 9 “General Water Quality Management” on Rules for Taking and Using Surface and Ground Water.
 - j) Schedule 31, which comprises a table of minimum flows for rivers, streams and groundwater, trigger flows for flow maintenance and allocation limits for surface waters and Zone 1 groundwater.
- 6.2 POL TANK 53 (frost protection, temporary and non-consumptive water takes) is dealt with under a separate heading. Rules TANK 7, 8, 9, 10, 11 and 12 are also dealt with under a separate heading but are referred to in this section.
- 6.3 The crux of minimum flows under PPC9 is Schedule 31 (Flows, Levels and Allocation Limits). This is where the policies and rules lead us to after determining whether an existing or proposed water take is subject to a minimum flow (or trigger flow) and an allocation limit. Schedule 31 tables:
- i. what rivers are subject to specific minimum flows,
 - ii. what those minimum flows are (i.e., the hard numbers in litres per second or L/sec),
 - iii. the location of the minimum flow monitoring site (called the ‘Flow management site’),
 - iv. Flow maintenance triggers, and

v. the Allocation Limit for specific rivers and groundwater.

- 6.4 We note here that under Schedule 31, the minimum flow is the flow at which relevant surface water and Zone 1 groundwater takes must cease when, either, there is no appropriate stream flow maintenance scheme in place, or, when a water user does not participate in a stream flow maintenance scheme. Also, the flow maintenance trigger is the flow which stream flow maintenance schemes must maintain for participating water users to continue taking water.
- 6.5 Under the “pink version” of PPC9, the Zone 1 groundwater boundaries can be found in the Schedule 31 Maps A, C and E¹. They essentially cover a thin ribbon of land on either side of the lower Ngaruroro River (downstream of about Poporangi Stream), the lower Maraekakaho River and Tūtaekurī River downstream of the Mangaone River confluence. Groundwater takes in Zone 1 are to be managed as if they are direct surface water takes on the assumption that their close proximity to surface waters means that likely to be hydrologically connected to them. Land use in Zone 1 is primarily intensive (e.g., cropping, vineyards and orchards). In response to an information request from the panel, Mr Shannon Johnston, Counsel for the Wine Growers, providing information on the number of vineyards, the total vineyard area and the number of vineyard bores within Zone 1². That information indicated there was approximately 2,363 ha of vineyards in Zone 1 land (the majority in the Ngaruroro catchment) drawing water from 68 bores. There are 73 groundwater take consents in the Tūtaekurī Zone 1 area. Of those, 55 are already classed as stream depleting takes. There are 221 groundwater consents in the Ngaruroro and Heretaunga Plains Zone 1. Of these, 118 are already considered stream depleting, and 103 are not current considered stream depleting.
- 6.6 Schedule 31 lists minimum flows for the Karamū/Clive, Ngaruroro and Tūtaekurī catchments only. While the Ahuriri catchment is included in the schedule, there are no specified minimum flows or flow maintenance trigger flows. We understand that the rationale behind this is that an allocation limit (an instantaneous low flow) will be set as a part of the upcoming Kotahi plan review. In the meantime, the allocation limit is the existing use.

Objectives

- 6.7 Turning our attention back to the Objectives, OBJ TANK 10 through to 15 are specific to each of the four TANK catchments (10 to 13), groundwater (14) and wetlands and lake waahi taonga (15). As noted elsewhere (in Chapter 4 Surface Water Quality & Land Management), although there are no specific references in OBJ TANK 10 to 13 to minimum flows, they set out in general terms the desired environmental outcomes for each catchment and refer to both water quality, groundwater levels and surface flows, the latter which we address in this section. They state desired environmental outcomes, or more correctly, what outcomes are to be ‘enabled’, through meeting the objective. Many of the ‘outcomes’ listed under each of these objectives are probably affected, or influenced, in some way by allocation and minimum flow limits.
- 6.8 OBJ TANK 16 through to 18 address water allocation more directly, with OBJ TANK 16 specifically referring to priorities for water allocation subject to limits, targets and flow regimes which provide for the values of each water body. OBJ TANK 16 is discussed more thoroughly in Chapter 8 on Priority Allocation, and we make no further comment on it here.

¹ The Council’s own submission sought a correction to the planning maps so that Zone 1 groundwater areas that are connected to the Ngaruroro River are removed from Schedule 31E and inserted onto Schedule 31C. This change improves clarity and consistency.

² Wine Growers’ response to the panel’s request for further information, 2 July 2021.

- 6.9 OBJ TANK 17 is not specifically related to limits, targets or flow regimes, but describes the outcomes of allocation and water use. OBJ TANK 18 refers to securing the current and foreseeable water needs for mauri and ecosystem health and of future generations and for mauri and ecosystem health through, among other measures, aquifer recharge and flow enhancement. OBJ TANK 17 and 18 are discussed in more detail in Chapter 7 on High Flow Allocation and Schedule 32.

Policies

- 6.10 Policies relating to minimum flows are found under 5.10.6 (Policies: Heretaunga Plains Groundwater Levels and Allocation Limits) and under 5.10.7 (Policies: Surface water low flow management) and in particular POL TANK 43 and 44.

POL TANK 36

- 6.11 POL TANK 36 states that Council recognises the effects of groundwater abstraction on flows in connected surface waterbodies and flows in the Ngaruroro River, and signals that it will adopt a staged approach to groundwater management including monitoring the effectiveness of stream flow maintenance and habitat enhancement schemes. Although not specifically referring to minimum flows, this policy refers to monitoring the effectiveness of 'stream flow maintenance schemes'. The minimum flows in Schedule 31 apply when there is no appropriate stream flow maintenance scheme, or when a water user does not participate in a stream flow maintenance scheme. POL TANK 36 is a part of PPC9's sinking lid approach to reducing over-allocation. It is given effect to through Rules TANK 7 to 18.
- 6.12 Only minor changes are recommended by the Reporting Officers to this policy and none of the changes the substance of the policy as notified in PPC9.

POL TANK 37

- 6.13 POL TANK 37 states that Council will mitigate stream depletion effects on lowland streams by providing for stream flow maintenance and habitat enhancement schemes. We note that stream flow enhancement using groundwater is not supported by mana whenua as the preferred option for managing the adverse effects of stream depletion due to groundwater extraction³.

POL TANK 39

- 6.14 POL TANK 39 as notified in PPC9 requires that all takes either cease abstraction when an applicable minimum flow (trigger flow) is reached, or that consent holders must develop or contribute to flow maintenance scheme and habitat enhancement schemes. The policy also required Council to 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. It also required Council to 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.
- 6.15 Over 50 submission points were received about POL TANK 39. Submission points included deleting the policy altogether, seeking Council to have a larger leadership role in developing

³ Ngaio Tiuka EIC, for NKII, para 115, page 42, and Maurice Black EIC, for TToH, para 313, page 65.

Stream Flow Enhancement schemes, providing for a Water Conservation Strategy approach for municipal takes, clarifying whether the policy provisions apply to the Ngaruroro River and Zone 1, amendments for clarity and simplicity and clarifying the extent to which these provisions relate to domestic takes.

- 6.16 The Council's own submission sought that this policy be deleted and replaced, due to significant implementation challenges, including (but not limited to):
- a) Only one scheme currently exists, so the majority of users would be subject to potentially bans with no feasible opportunity to mitigate their effects until schemes were implemented.
 - b) Feasibility investigations have not yet been undertaken, so some users may never be feasibly able to offset their stream depletion effects.
 - c) Not all streams are suited to the same types of solutions.
 - d) A comprehensive solution is likely to be required at the Water Quantity Area scale, which would require centralised leadership and cost recovery.
 - e) The policy as notified does not provide a pathway for prioritising highly effective or beneficial schemes.
 - f) The policy as notified provide little guidance or support for individual and small scale permit holders to work collectively.
- 6.17 The amended POL TANK 39 recommended to us by the s42A Reporting Officers at the conclusion of the hearing was a complete re-write, and essentially a change in emphasis. The policy now seeks to mitigate the stream depletion effects due to groundwater takes in the Heretaunga Plains Groundwater Quantity Area through consultation, investigation and funding and implementation initiatives. Where stream flow maintenance and habitat enhancement schemes are operational, the revised policy requires either abstraction to cease when an applicable stream flow maintenance trigger is reached, or permit holders to contribute to and participate in the scheme.
- 6.18 A number of submitters had common themes around applying flow maintenance requirement only to suitable lowland streams, to remove the presumption that the mainstem of the Ngaruroro River should be augmented in whole or in part, and to require Council to take a central role in establishment of flow maintenance schemes in an equitable manner over a reasonable timeframe. There were 28 submission points that were identical and supported in principle jointly funded collective stream flow maintenance schemes on suitable lowland streams, facilitated by the Council.
- 6.19 Ms Lara Blomfield, Counsel for Limestone Properties, said that Limestone supported the new POL TANK 39 as it now says that HBRC will investigate options (including funding) for stream flow enhancement in consultation with stakeholders (including presumably Limestone) and look to implement the preferred options within 10 years⁴. The changes to the policy proposed by the Reporting Officers were also supported by Lowe Corporation⁵ and T&G Global Limited⁶ and others. Mr Gerard Willis, planning witness for Lowe Corporation, considered that the

⁴ Ms Lara Blomfield, paragraph 21, Legal Submissions of Counsel for Limestone Properties Limited.

⁵ Mr Trevor Robinson, paragraph 101, Legal Submissions for Lowe Corporation Limited.

⁶ Mt Craig Betty, EIC, paragraph 42.

changes to POL TANK 39 recommended by the Reporting Officers are likely to be both more efficient and more effective than the policy as notified⁷.

- 6.20 Ms Grey Wilson stated that NKII was opposed to the use of flow maintenance schemes as a mitigation measure to address over abstraction within the Heretaunga Plains aquifer and recharge areas and considered the deletion of POL TANK 39 as proposed, and the amended version proposed by Regional Council in its submission, was appropriate given NKII's position⁸.
- 6.21 Mr Mark Clews, the Principal Advisor, District Development, at the Hastings District Council, sought an amendment to POL TANK 39 to provide for a Water Conservation Strategy approach for municipal takes rather than a requirement to cease⁹.

Finding and s32AA Analysis

- 6.22 We accept the substantially revised POL TANK 39 as presented to us by the Reporting Officers at the conclusion of the hearing. The revised policy gained general approval from a wide range of submitters. The revisions provide a marked improvement to the notified version and we find the recommended changes make the rule more efficiently and effectively achieve the objectives of PPC9, and in doing so meets the requirements of s32AA of the RMA.

POL TANK 40

- 6.23 POL TANK 40 relates to what Council will have regard to when assessing applications for a stream flow maintenance and habitat enhancement scheme. It includes matters relating to maintaining and enhancing stream habitat and water quality (particularly dissolved oxygen), and involvement of mana whenua. POL TANK 40 is aimed at lowland streams where ecosystem health and water quality are important issues. The notified version of the policy included a Clause e) that read:

e) and will;

- (i) allow site to site transfer of water 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.*

- 6.24 The Reporting Officers in the s42A addendum report recommended deleting POL TANK 40(e) and its sub-clauses as a consequential amendment to recommended changes to POL TANK 39. The Reporting Officers also noted that many of the matters covered by 40(e) were covered by the proposed amendments to POL TANK 39(a) and (b) or POL TANK 49.
- 6.25 Forest and Bird sought the POL TANK 40 be deleted in its entirety on the grounds that stream flow maintenance schemes are an inappropriate way to deal with over-allocation¹⁰. Similarly,

⁷ Gerard Willis, EIC for Lowe Corporation Ltd, paragraph 117.

⁸ Grey Wilson, EIC for NKII, paragraph 85.

⁹ Mark Clews, EIC for Hastings District Council and Napier City Council, paragraph 114(b).

¹⁰ Submitter 210, Royal Forest and Bird Protection Society of New Zealand (Forest & Bird).

the Department of Conservation's submission sought all references to stream flow maintenance be deleted from PPC9¹¹.

- 6.26 The Section 32 evaluation report notes that the stream flow enhancement option was endorsed by the majority of the TANK Group as the preferred option for managing the adverse effects of stream depletion from groundwater extraction but did not receive support from mana whenua¹².

Finding and s32AA Analysis

- 6.27 PPC9's use of stream flow maintenance and habitat enhancement schemes as a means for dealing with over-allocation attracted a reasonable level of criticism from a wide range of submitters. However, we have accepted that they remain in PPC9 as they form part of the toolbox for addressing over-allocation and improving the health of lowland streams in particular. We accept the Reporting Officers recommendation to remove clause 40(e) given the changes to POL TANK 39 and Clauses g) and h) of POL TANK 49.
- 6.28 We consider these recommended changes make the policy more efficient and effective, and improves the clarity of the plan, and in doing so meets the requirements of s32AA of the RMA.

POL TANK 41

- 6.29 POL TANK 41 as notified specifically seeks to 'remedy' the stream depletion effects of groundwater takes on the Ngaruroro River. The policy requires the Council to do this in consultation with mana whenua, land and water users, and the wider community. Clause a) of the policy relates to investigation of a water storage and release scheme to 'off-set' the cumulative stream depletion effect of groundwater takes, and, if feasible Clause b) relates to developing options of funding, construction and operation through rates. A key driver behind this policy is that stream flow maintenance schemes that rely on groundwater pumping are not feasible for the Ngaruroro River given the high level of pumping that would be required¹³.
- 6.30 Mr Andrew Dooney, planning witness for HortNZ, recommended that the phrase 'The Council will remedy...' be amended to read 'The Council will further consider the option of remedying...' on the grounds that the amendment does not unnecessarily commit the TANK community to a scheme that may not be, on balance, in the best interests of the community¹⁴.
- 6.31 The term 'remedy' was subsequently amended to 'mitigate' by the Reporting Officers in response to submissions pointing out that remedying the effects of stream depletion through this policy would be a huge undertaking¹⁵ and also because the term mitigate also aligns with its use in POL TANK 36 and 37.
- 6.32 Submissions from Forest and Bird and the Department of Conservation sought this policy be deleted for similar reasons identified above for POL TANK 40.
- 6.33 Federated Farmers sought that this policy be retained as worded¹⁶.

¹¹ Submitter 123, Department of Conservation.

¹² 32A report, page 59.

¹³ Section 32 Report, page 278.

¹⁴ Andrew Dooney, EIC for Horticulture New Zealand, page 30.

¹⁵ Submitter 99, Twyford Water.

¹⁶ Submitter 195, Federated Farmers of New Zealand.

Finding

- 6.34 Changes proposed to POL TANK 41 by the Reporting Officers are relatively minor and we accept them as they improve the clarity of the policy and its alignment with other policies. We agree that changing the intent of the policy from remedying to mitigating stream depletion effects is appropriate.

POL TANK 42

- 6.35 POL TANK 42 recognises the iterative process of plan making, contextualises the role of PPC9 in addressing over-allocation, and identifies the kind of information that will be required to make decisions for subsequent Regional Plan review.
- 6.36 We have addressed POL TANK 42 in Chapter 5 Management of the Heretaunga Plains Aquifer. We have accepted the Reporting Officers recommended changes and accepted, the two submissions from Pernod Ricard Winemakers, as they clarify the intention of the policy, but not any of the others.

POL TANK 43

- 6.37 POL TANK 43 sets out how the effects of surface and ground water abstraction in Zone 1 on river flows and levels will be managed through minimum flow, water levels and allocation limits. As stated in the s42A Report, this approach aligns with POL TANK 36 and 37, and effectively removes the ability to consent any new ground or surface water takes at low flows in catchments that are fully or over-allocated, with the aim of avoiding future over-allocation in accordance with the NPS-FM 2020. As such, it can be considered to be a corner-stone policy of PPC9.
- 6.38 As notified, POL TANK 43 included separate sub-section clauses for the four TANK catchments.
- 6.39 Council's own submission on POL TANK 43 recommended that reference to the allocation limit being for consumptive water use at times of low flow be included to provide clarity for when the allocation limit applies, that it only applies to consumptive water use, and does not include water take and discharge activities that are non-consumptive (e.g., as provided for in revised POL TANK 53 that includes non-consumptive uses).
- 6.40 There were a number of submissions that addressed this policy in relation to the proposed minimum flows for these surface waters and we address these in more detail below under our discussion about Schedule 31. Some submitters believed the adverse effects of the current allocation minimum flow had not been demonstrated and so did not warrant raising the minimum flow (e.g., Bostock¹⁷). Forest and Bird sought that the policy be amended such that flows will be managed to the minimum flows in Schedule 31.
- 6.41 The PPC9 "pink version" of POL TANK 43 recommended to us by the Reporting Officers at the end of the hearing was substantially simplified relative to the s42A Addendum Report version. The separate sub-section clauses for the four TANK catchments were removed and wording was added to make specific reference to Schedule 31, which was not referred to in the notified version. This amendment was sought by Forest and Bird¹⁸ and Ms Wilson in her evidence noted that NKII seek that minimum low flows are established for all water bodies to which POL TANK

¹⁷ Submitter 47, Bostock New Zealand Ltd.

¹⁸ Submitter 210, Royal Forest and Bird Protection Society, submission point 210.64.

43 applies and also require takes to cease at low flows¹⁹. Additional wording was added to the policy to clarify that aspects of POL TANK 45 and 53 (frost protection, and now, temporary and non-consumptive takes) were exempt from the requirements of Schedule 31. The amended policy still provides a link between low flow management and objectives for aquatic ecosystem health, mauri, tikanga Māori values and other instream values.

- 6.42 Te Taiwhenua o Heretaunga²⁰ submission sought to add a new POL 43A and include reference in it to reducing abstraction amounts and abstraction rates from the Ngaruroro River mainstem and from connected groundwaters in Zones 1 and 2, from the Tūtaekurī River mainstem and tributaries, and from the Karamū River mainstem and tributaries to achieve limits and targets. They also sought to increase minimum flows in the Ngaruroro River at Fernhill to ‘enhance the life-supporting capacity of freshwater and groundwater and increase instream habitat provision for torrentfish and trout’.

Finding and s32AA Analysis

- 6.43 We accept the Reporting Officer’s recommended changes to POL TANK 43 as presented to us at the end of hearing. The wording in the policy as notified was highly repetitive and could be more efficiently and effectively achieved by including a reference to Schedule 31. In accordance with that comment, the recommended amendments greatly simplify the policy and improve its clarity, particularly its linking to Schedule 31. These amendments meet the requirements of s32AA of the RMA. We do not see a new Policy 43A as being necessary. We comment on Schedule 31 separately below.

POL TANK 44

- 6.44 POL TANK 44 is specific to the Paritua and Karewarewa streams (and their tributaries) and acknowledges the contribution of flows from these streams to the flows in the Awanui Stream, Karamū River and the Heretaunga Plains Groundwater Quantity Area. These streams are subject to seasonal drying. The policy indicates that Council will work with water permit holders, landowners and tangata whenua to undertake a series of initiatives to better understand the Heretaunga Plains Aquifer and improve management of flow regimes and improve the health of these streams. The policy also provides for water to be diverted from the Ngaruroro for the enhancement of flows in the Paritua Stream.
- 6.45 No submitters sought that this policy be deleted, but several sought some changes to the wording. Some expressed concern about the potential economic effects of reducing allocation from the Paritua Stream and some wanted the flows in the Karewarewa Stream to be revisited, but did not seek specific relief. Federated Farmers’ submission sought the policy be retained as notified.
- 6.46 In their closing to the hearing, Reporting Officers’ considered that an appropriate change to POL TANK 44(d) would be to include consideration of storage options²¹.
- 6.47 Ngaio Tiuka, in evidence on behalf of NKII, considered POL TANK 44 had more to do with meetings to talk about the issues rather than actually regulating water use for the stream and the aquifers restoration of mauri, mana and well-being²². Ms Grey Wilson considered that the policy was not precautionary and effectively enabled the status quo to continue and provides

¹⁹ Grey Wilson, EIC, paragraph 88.

²⁰ Submitter 132, Te Taiwhenua o Heretaunga.

²¹ HBRC’s Closing statement 22 June 2021, paragraph 36.

²² EIC, Ngaio Tiuka on behalf of NKII, Paragraph 42.

little to no certainty that actual water use will be reduced²³.

- 6.48 The Council's groundwater scientist, Mr Pawel Rakowski, provided a supplementary brief of evidence at the end of the hearing in which he provide some information about the hydrogeology of the Paritua and Karewarewa streams and the effects of abstraction on surface flows. He stated at paragraph 4.6 of his evidence²⁴:

“As discussed in my previous supplementary evidence (4 June 2021), there is uncertainty with the conceptual setting of the groundwater models in the Paritua Stream area. Therefore it is not known whether continuous flow would be restored in the Paritua Stream at Bridge Pa following a 20% reduction of groundwater abstraction throughout the Heretaunga Plains. I understand that further work (i.e. as prescribed in Policy 44 of PPC9) is underway to resolve this modelling issue, ...”

- 6.49 The Reporting Officers recommended some relatively minor amendments to the policy at the conclusion of the hearing.

Finding

- 6.50 We accept the changes to POL TANK 44 provided by the Reporting Officers at the end of the hearing. They are relatively minor but improve the clarity of the policy and consistency with wording used in PPC9. We note that economic effects have been considered in the development of PPC9. We accept the supplementary evidence of Mr Rakowski relating to uncertainty with the relationships between surface flows, groundwater and groundwater abstraction in these streams, and see POL TANK 44 as having an important role in better understanding those relationships, as well as providing a pathway for improving surface water ecosystems.

POL TANK 45

- 6.51 POL TANK 45 requires Council, when assessing applications to take water, to 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 mean annual low flow (MALF²⁵) for that tributary unless otherwise specified in Schedule 31. The policy excludes stored water from Schedule 31 allocation limits. It requires water metering for all consented takes but telemetry only for those larger than 5 litres per second. The policy enables groundwater Zone 1 takes to participate in stream flow maintenance schemes instead of ceasing takes at low flows.
- 6.52 The notified version of POL TANK 45 allowed for an exception to telemetry where there are technical limitations to its installation. It was pointed out in the Department of Conservation's submission²⁶ that the Measurement and Reporting of Water Takes Regulations 2020 do not allow metering exceptions and this exception was removed in the amended version of the plan.
- 6.53 The Reporting Officers recommended an amendment to Clause 45d(i) relating to participation in stream flow maintenance schemes, clarifying that contributions to an applicable lowland

²³ EIC, Greg Wilson on behalf of paragraphs 87-90.

²⁴ Pawel Rakowski, supplementary statement of evidence for HBRC, paragraph 4.6.

²⁵ The mean annual low flow (MALF) of a river is defined in the Glossary of the RRMP as the average of the annual low flows occurring over 7 consecutive days for the years where river flow records are available for a river.

²⁶ Submitter 123, Department of Conservation.

stream enhancement scheme were required once such a scheme was operational.

- 6.54 Submissions seeking that POL TANK 45 be amended to be consistent with RRMP POL TT11²⁷ were opposed by the Reporting Officers on the grounds that stream depleting impacts of groundwater takes in the Heretaunga Plains are quite different in nature to those in the Tukituki Catchment, therefore a different management and mitigation regime is required²⁸.

Finding and s32AA Analysis

- 6.55 We accept the changes to POL TANK 45 provided by the Reporting Officers at the end of the hearing. They align with amendments made to Policy TANK 39 and meet the requirements of s32AA of the RMA.

POL TANK 48

- 6.56 POL TANK 48 outlines matters Council will take into account when considering applications to change a water use, or to transfer a point of take. These include specified minimum flows and levels or other water users' access to water. The s42A Report notes that the ability to change the use of a water take and/or transfer a point of take is important to enable stream flow enhancement schemes, flexible management regimes and efficient water use. The policy has a number of matters to be considered that relate to the plan objectives, particularly OBJ TANK 16, 17 and 18. The policy as notified also identified seven particular circumstances in which an application would be declined.
- 6.57 There were six submissions on the water use change/transfer policy. Most were from TToH which sought a restrictive approach to decision making on water use change or transfer, such as from surface water to groundwater and vice versa.
- 6.58 There were a large number of submissions with pro-forma type statements seeking that transfers of water permits that have been exercised are enabled. The Reporting Officers interpreted this to mean that the submitters seek that whole existing allocations should not be subject to the Actual and Reasonable assessment under PPC9 and that they should be transferable²⁹. The Reporting Officers considered that to allow transfers of water that is allocated but not used would not align with NPS-FM 2020 requirements to avoid and phase-out over-allocation. We agree and have accepted their amendments as they make the policy more efficient and effective, and so meet the requirements of s32AA of the RMA.
- 6.59 Other submissions, such as those from RFBPS and DOC sought a very conservative approach for declining applications by introducing a prohibitive regime for over-allocated catchments and prioritising human health and drinking water over irrigation and other uses³⁰. Other submissions sought criteria or circumstances in which transfers could occur where there may be more efficient use, a higher priority use (such as human health) or for water quality reasons.
- 6.60 In response to the submissions the s42A Reporting Officers recommended that POL TANK 48 be comprehensively redrafted into two parts. The first part included those matters which the Regional Council would take into account when considering a change in water use or transfer a point of take to another take. These included total water use, minimum flows and access for other water users, water body values in Schedule 25, water use patterns including seasonal

²⁷ E.g., Submitter 3, Limestone Properties Limited.

²⁸ S42A report, paragraph 1554.

²⁹ S42A report, paragraph 1593.

³⁰ Department of Conservation sub point 123.83 and Royal Forest and Bird sub point 210.69

variations, and water quality. The second part was a list of matters that the Regional Council would consider when assessing applications, and more particularly when they might decline applications. These included such things as transfers to other water management areas unless new information was provided and there are new beneficial effects, changes of water use from primary production except where the use is a flow enhancement or ecosystem improvements, a more efficient delivery of water services, and a change from frost protection to any other end use.

Discussion, Findings and s32AA Analysis

- 6.61 We support separating POL TANK 48 into two parts, firstly those matters to be taken into account and secondly those matters which inform the declining of applications. The recommended changes of staff assist the clarity and readability of this policy.
- 6.62 We have agreed with the Reporting Officers' recommendations in the s42A Report, and the amendments made to the text of POL TANK 48 with further refinements including grammatical changes, numbering and links to schedules.
- 6.63 We consider these amendments make the policy more efficient and effective, and so meet the requirements of s32AA of the RMA

POL TANK 51

- 6.64 POL TANK 51, as discussed more fully in the section on Priority Allocation, establishes the priority order for water uses at time where the Council considers there is a serious temporary shortage of water in its region or any part of its region under Section 329 of the RMA. This includes when rivers have fallen below minimum flows. The policy notes that takes not subject to any restrictions are firefighting uses and non-consumptive uses.

POL TANK 53

- 6.65 Finally, POL TANK 53 establishes consent considerations for applications to take and use water for frost protection, temporary and non-consumptive water takes, and effectively establishes the exceptions for activities not covered by POL TANK 43. The s42A Report notes that taking water for frost protection occurs infrequently, and generally on the fringes of the irrigation season (in spring or autumn) when flows are above the minimum flow, and for a limited time, although the instantaneous rate of take can be quite high. Applicable minimum flows during November to April are specifically identified in this policy.

Rules

- 6.66 Rules TANK 7 (surface water) and 8 (groundwater) are permitted take rules. They enable any permitted take existing as at 2 May 2020 to continue, subject to other consent conditions, or else limits the volume of water able to be taken. These permitted take rules are not subject to the minimum flows in Schedule 31.
- 6.67 Rules TANK 9 (groundwater takes from the Heretaunga Plains Groundwater Quantity Area) and 10 (surface and groundwater takes at low flows)) make takes of surface or groundwater that cannot meet the conditions of Rules TANK 7 and 8 Restricted Discretionary activities. Rule TANK 10 as notified had the following condition:

“Where the take was previously subject to a condition restricting the take at flows that are higher than the applicable flow specified in Schedule 31, the higher flow will continue to

apply.”.

6.68 This was modified in the “pink version” of PPC9 as follows:

“Where the take was previously subject to a condition restricting the take at flows that are higher than the applicable flow specified in Schedule 31, the higher flow will continue to apply. For all other takes, the flows specified in Schedule 31 apply”.

6.69 Rule TANK 11 provides a consenting pathway for takes that do not meet the conditions of either Rules TANK 9 or TANK 10 (replacement for existing groundwater or surface water takes), or Rules TANK 7 or TANK 8 (new groundwater or surface water takes that will not cause over-allocation as set out in Schedule 31). These applications would be considered as Discretionary activities.

6.70 As noted at the beginning of this section, these rules are discussed in more detail in our Chapter 9 General Water Quantity Management on Rules for Taking and Using Surface and Ground Water.

Hydrology and Minimum Flows in the TANK Catchments

General

6.71 Flows in surface waters of the Heretaunga Plains are affected by a range of factors including rainfall patterns, seasonal climate, river morphology, natural losses into the ground, spring flow sourced from groundwater, and abstraction (both surface and groundwater abstractions).

6.72 The Tūtaekurī and Ngaruroro are large rivers draining large catchments with headwaters in the ranges. As they flow across the Heretaunga Plains, they are characterised by gravel beds over low gradient land, forming wide braided channels. The lower Ngaruroro is a losing reach, recharging the Heretaunga Plains groundwater system, which in turn feeds and sustains many of the springs in the surrounding area through summer. Downstream of Fernhill, the Ngaruroro flows predominantly in a single channel under low flow conditions.

6.73 Braiding in the Tūtaekurī River is greatest in the middle reaches, but downstream of the Mangaone River confluence, the river flows mostly in a single channel. The Tūtaekurī River has a losing reach between Hakowia and Silverford and, similar to the Ngaruroro River, the loss appears to be to an unconfined portion of groundwater. This Tūtaekurī River loss is a potential source of water to nearby springs and spring-fed streams, notably the nearby Tūtaekurī-Waimate Stream.

6.74 The Karamū Stream and Ahuriri Estuary catchments are smaller, both draining mainly lowland country, with stream beds often comprised of fine gravels or sandy/silty substrate. The Karamū Stream is thought to gain water from groundwater inflows, probably derived from losses from the Tukituki or Ngaruroro rivers. However, some tributaries of the Karamū Stream lose water and in the case of the Karewarewa Stream, the upper section can become dry at times. We heard that the sources of flow and causes of flow loss for the Paritua/Karewarewa Stream are not well understood, as we note in the section on groundwater and as described in the supplementary evidence of Mr Rakowski noted above.

6.75 Te Whanganui ā Orotū (the Ahuriri Estuary) is fed by a number of small streams. The freshwater inflows to the estuary are minimal compared to other estuaries in the Hawkes Bay region.

Key issue: Stream depletion

6.76 The major source of recharge to the Heretaunga Plains groundwater is through loss of water from rivers. Over 70% of the total recharge to groundwater in the Heretaunga Plains occurs through rivers losing water to groundwater, most of which is from the Ngaruroro River, with the remainder from the Tukituki and Tūtaekurī rivers. The other main source of water to the aquifer is land surface recharge (LSR), which occurs only over the unconfined aquifer. We discuss LSR in our section on groundwater.

6.77 A reduction in stream flow (due to lack of rainfall, surface water or groundwater abstractions) can have significant adverse effects on aquatic ecosystem health. Stream flow reductions can result from groundwater abstraction (stream depletion) when the groundwater is hydraulically connected to a stream or river. The s32A Report for PPC9 summarises the findings of a report³¹ on the Heretaunga Plains groundwater model, developed by the HBRC and others using groundwater software called MODFLOW-2005. The model showed that groundwater and surface water are highly connected across the Heretaunga Plains, with nearly all groundwater takes connected in varying degrees to surface water systems. The ss32A Report quoted from the report:

“Increases in groundwater pumping in the past, in particular irrigation pumping, have resulted in declines in groundwater levels and substantial reductions of flows in rivers and streams, especially during summer. Such declines are an expected response of the groundwater system to the additional pumping.

However, there are signs that the aquifer is reaching a new equilibrium and further substantial reductions in river flows will not continue, provided that the pumping abstractions do not increase further. Further increases in groundwater abstraction would result in further decline in groundwater levels and reduction in stream flows.”

6.78 The s32A Report noted that the stream depletion effect of groundwater takes on the Ngaruroro River is more challenging to address. This is because restrictions on groundwater use when river flows are low were predicted by the model to be ineffective in improving flows in time, and there would be a long delay before river flows would be affected by a restriction. This was similar to the finding for lowland streams and tributaries of the Karamū. It was determined that a very substantial reduction in the total allocation limit would be required to make a difference in the Ngaruroro River flow. Water storage and subsequent release were considered necessary to address this issue in the long term, and this approach is carried forward into POL TANK 41 with commitment to investigating a storage and release option.

Minimum Flow Setting and Schedule 31

6.79 The TANK Group identified a number of factors (critical values) that are affected by, or are sensitive to, low flows. For both the Ngaruroro and the Tūtaekurī, a range of instream values were identified;

- a) tikanga Māori values including those for cultural practices.
- b) habitat for native fish and birds.
- c) recreational activities including trout fishing, swimming and boating.
- d) trout habitat.

³¹ Heretaunga Aquifer Groundwater Model – Scenarios Report’ August 2018. Prepared by Pawl Rakowski.

- 6.80 Instream effects due to low flows can include potential reductions in habitat for species associated with flowing water, including fish, benthic invertebrates (an important food source for fish) and riverine birds. These flora and fauna associated with rivers can have differing flow requirements, that is, a flow that suits one species does not necessarily suit another. Therefore, typically, a compromise is required in adopting a minimum flow that may not protect all species with a degree of conservatism but provides a reasonable degree of protection to the most valued species. However, this concept does not necessarily provide an adequate level of protection for out-of-stream users, but we address this elsewhere.
- 6.81 Relationships between flow and available habitat can be determined through a combination of field surveys, an understanding of habitat preferences for various species, and modelling, to develop predictive relationships for showing how the amount of habitat changes with flow, for individual species or life stages. This approach was used extensively for informing the TANK Stakeholder Group, with the Council undertaking instream habitat modelling for the Tūtaekurī and Ngaruroro mainstems and previously for some tributaries. Various flow and allocation scenarios were explored by the TANK Stakeholder Group, as shown in tables 47 and 48 of the S32 report.
- 6.82 Minimum flow setting for instream habitat is often approached by assessing habitat retention relative to a reference low flow, such as the mean annual low flow (or MALF). MALF is commonly used as it is an important hydrological parameter for long-lived fish and other river species with annual reproduction cycles, and can act as a bottleneck on instream habitat, thus affecting the living space of fish and other instream fauna. The usefulness of this relationship for management purposes is described in the Council's 2012 report³² on the Tūtaekurī River instream flow assessment:

*"The mean annual low flow describes the magnitude of the expected low flow event for any given year, giving water resource managers a benchmark from which to make management decisions. This relationship between MALF and fish habitat is often recognised in flow management. It has become common practice to interpret WUA³³ curves in conjunction with the MALF. Where the optimum WUA for a given species is greater than the MALF, then it follows that MALF is a potential limiting factor for that species' habitat. Managers can attempt to mitigate the effect of water takes that constrain habitat by restricting the drawdown of rivers below MALF to maintain a percentage of WUA (habitat) available at the MALF."*³⁴

- 6.83 The PPC9 process assumed that the naturalised MALF³⁵ represents idealised habitat, i.e., naturalised MALF is 100% habitat protection³⁶.
- 6.84 For the Ngaruroro River, the highest flow requirement species determined through the habitat modelling approach described above is for the native torrentfish, which is a small fish that

³² TutaekuriRiver Instream Flow Assessment May 2012 ISSN 1179 8513 EMT11/03 HBRC plan No.4262 (P12)
³³ WUA is short for weighted usable area which is a dimensionless parameter that provides an indication of the relative quantity and quality of available habitat at a given flow.

³⁴ HBRC 2018e. Addendum to fish habitat modelling for the Ngaruroro and Tutaekuri rivers, Resource Management Group Technical Report, HBRC Report No. 4990 – RM 18-09, Hawke's Bay Regional Council, Napier, New Zealand.

³⁵ Flow naturalisation involves adding all the various water abstractions that might affect the flow in a river back to the flow actually recorded. This produces an estimate of what the flow regime would have been, particularly the low flows, had the various consents for abstraction not been granted or exercised. The naturalised MALF is the 7-day mean annual low flow calculated using the naturalised flow series.

³⁶ Appendix 11 - Technical memo on water quantity.

favours fast flowing riffle habitat. The rationale used was that if habitat for torrentfish is provided for, then other less flow-demanding species would also be protected to a high level.

- 6.85 Under the RRMP, and also proposed under PPC9 in Schedule 31, the minimum flow of 2,400 L/s provides an estimated 44% habitat protection level for torrentfish. Information provided by the Council at TANK Stakeholder Group meetings, and relayed to us at the hearing, indicated that even an increase in the existing minimum flow of 2,400 L/sec to 3,600 L/sec only resulted in an improvement in habitat protection from 44% to 70% for torrentfish. Clearly, this is lower than 100 % habitat protection, and a flow of 4,400 L/s was estimated to be required to provide a habitat protection level of 90%. Conversely, modelling indicated that progressively increasing the cease-take trigger flow (i.e., minimum flow) for abstractors above 2,400 L/sec resulted in progressively larger effects on restriction, thus reducing the reliability of supply for water users. Further, analysis of the flow regime under a naturalised flow regime indicated that the flow of the Ngaruroro River would fall below the cease-take trigger flow even with no surface water and groundwater takes.
- 6.86 We note that the advice given to the Council and TANK Stakeholder Group by the Cawthron Institute was that minimum flows need to be considered in association with the allocation limit, and that abstractions over 30% of MALF can be considered to have a high degree of flow alteration (on average across all rivers), while allocations of less than 30 % of MALF are increasingly considered more conservative in terms of impact on the river. This general guideline was used by the TANK Stakeholder Group in evaluating flow regimes in the TANK catchments, particularly the Ngaruroro and Tūtaekurī catchments, and explicitly captured in POL TANK 45.
- 6.87 Returning to the Ngaruroro River, the existing minimum flow (cease-take trigger flow) of 2,400 L/sec was retained in PPC9 (Schedule 31), but the allocation limit was reduced from 1,536 L/sec to 1,300 L/sec, which is about 27% of the naturalised MALF, and so in keeping with the advice provided by the Cawthron institute to the TANK Group.
- 6.88 A farmer, Mr Alexander Macphee, submitted that raising the minimum flow of the Maraekakaho River was not subject to consultation or that any reason was given, and that it should be restored to the original level (presumably that under the existing RRMP).
- 6.89 Schedule 31 has a proposed minimum flow for the Maraekakaho River (a small tributary of the Ngaruroro River), of 109 L/sec and an allocation limit of 36 L/sec. Investigations by the Council into minimum flows in this river concluded a minimum flow of 109 L/sec would not have significant effect on the river's ecological health. The recommended figure of 109 L/s is 90% of MALF³⁷.
- 6.90 We note that the Council report referenced in the previous paragraph (6.89) noted: "As a result of the 2009 consents renewal process for the Ngaruroro Catchment, the consent hearing panel granted the applications in the Maraekakaho SMZ subject to a low flow of 90% of MALF over the hydrological year (i.e. a minimum flow of 120 L/s) for the following reasons:
- a) this would provide a safer default minimum flow to protect the in-stream environment

³⁷ Christie, R. 2010. Maraekakaho Stream Minimum Flow Scientific Evidence. Resource Management Group Environmental Science Section, Hawkes Bay Regional Council.

b) changing from a weekly to monthly volume of take would also achieve a 7% reduction in volume which would address matters in Policy 39(c) of the RRMP.”

- 6.91 For the Tūtaekurī-Waimate Stream (another small tributary of the Ngaruroro River), PPC9 proposes to retain the existing RRMP minimum flow of 1,200 L/sec in Schedule 31 and an allocation limit of 607 L/sec.
- 6.92 For the Tūtaekurī River, the highest instream flow requirement was determined to be for adult trout. The existing RRMP minimum flow is 2,000 L/sec, which provides for 65 % habitat protection. A 90% habitat protection level corresponds to a flow of 3,300 L/sec. Modelling predicted that water restrictions would not occur until flows exceeded 2,500 L/sec. Under the notified PPC9, the Schedule 31 cease-take trigger flow proposed for the Tūtaekurī River was 2,500 L/sec, which remained unchanged in the pink version, and an allocation limit of 1,140 L/sec, which is just under 30 % of the naturalised MALF.
- 6.93 Some TANK Stakeholder Group members identified a need for more explicit direction for managing abstraction from the two largest tributaries of the Tūtaekurī; the Mangaone Stream and the Mangatutu River. These tributaries do not have minimum flows under the RRMP. Both of these rivers are proposed to be subject to a prohibition on damming because of their instream values for high natural character (Mangatutu) and their contribution to the wider trout fishery. The proposed minimum flows for these tributaries in Schedule 31 are tied to the flow at the main flow monitoring point, which is the Tūtaekurī River at Puketapu, that is, takes from these two tributaries have to cease when the flow in the Tūtaekurī at Puketapu falls below a particular flow. Proposed allocation limits for these tributaries are still low compared to the MALF (7.8% of MALF for Mangaone Stream and 13.4% of MALF for Mangatutu River)³⁸.
- 6.94 Flow thresholds to protect fish in lowland streams in the TANK catchments (specifically the Karamū catchment) centred around information on relationships between flow and effects on invertebrate community health, dissolved oxygen saturation and water velocity. Relationships were developed between these instream variables and flow for a range of tributaries (Raupare, Irongate, Karamū, Karewarewa, Mangateretere, Louisa, Awanui).

³⁸ TANK Meeting 42; 26 July 2018.

6.95 A comparison of RRMP and TANK Provisions relating to minimum flows and allocation limits was presented in Table 45 of the s32 Report and is reproduced below:

River	RRMP minimum flow (L/ sec)	RRMP allocation limit (L/ sec)	Actual Existing Allocation (L/ sec) ³⁹	Recommended TANK minimum flow (L/ sec)	Recommended TANK allocation limit (L/ sec)
Ahuriri catchment surface water	N/A	N/A	N/A	N/A	Existing use only
Awanui	35	0	78	120	Not to exceed a cumulative total of 30 for all of these Karamu catchment freshwater bodies.
Kaweawera/ Paritua	75	0	24	120	
Ongaru	5	0	18	120	
Irongate	100	0	0	100	
Louisa Stream	30	0	25	30	
Te Waikaha Stream	25	0	19	25	
Mangaterere Stream	100	0	0 ⁴⁰	100	
Karamū Stream	1,100	29.8	122	1,100	
Raupare Stream	300	138.6	172	300	70
Lake Poukawa surface water	NA	NA	36 (from Poukawa Stream)	NA	Existing Use only
Maraekakaho River	100	9	40	109	36
Tūtaekurī Waimate	1,200	607	720	1,200	607
Ngaruroro River	2,400	1,581	3,969 ⁴¹	2,400	1,300
Mangatutu Stream	N/A	N/A	NA	3,800	120
Mangaone River	N/A	N/A	NA	2,500	140
Tūtaekurī River	2000	1,536	720	2,500	1,140
Heretaunga plains Groundwater	N/A	N/A	Estimated to be 140 – 180 Mm ³ per year	N/A	Existing Use Only (estimated at up to 90 Mm ³ per year)

6.96 While many of the rivers and streams in the above have identical minimum flows under RRMP and PPC9, the allocation limits under PPC9 are generally lower and sometimes much lower than the actual existing allocation and reflects the sinking lid approach to allocation under PPC9.

6.97 We note here that the allocation limits in Schedule 31 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. This clarification is specified in the PPC9 “pink version” of Schedule 31, and high flow allocation is addressed in Schedule 32. We discuss high flow allocation in the next section of

³⁹ Does not include connected groundwater takes.

⁴⁰ There is existing allocation of 200 L/sec to connected groundwater.

⁴¹ For the Ngaruroro the existing allocation figure includes connected ‘Zone 1’ groundwater takes as the proposed Schedule 6 allocation includes Zone 1 groundwater with the Ngaruroro allocation.

this decision.

Submissions and Evidence on Schedule 31

6.98 There were over 100 submission points about Schedule 31. Many of these sought to increase, maintain or decrease minimum flows for specific rivers, change allocation limits and change the definition of Actual and Reasonable. The majority of submissions focused on the definition of Actual and Reasonable, which is discussed in Chapters 9 and 13 of our decision.

6.99 The Council's own submission recommended amendments to clarify when the limits and triggers detailed in Schedule 31 apply. Council sought an amendment to the Glossary definitions of allocation limits (limit for surface water and limit for high flow takes), where allocation limit may apply to takes during low flow periods from October to April or apply to takes during high flows. The s42A Report noted that, for the Tūtaekurī and Ngaruroro surface water quantity areas, Schedule 31 limits are most relevant during the months November-April when flows are typically lower due to less rain fall, although the minimum flows apply all year round. We note that POL TANK 53 (Frost protection, temporary and non-consumptive water takes) states:

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;

a) from groundwater in the Heretaunga Plains Water Management Unit on;

(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;

(i) instantaneous flow in the surface water body;

(ii) fish spawning and existing water users;

(iii) applicable minimum flows during November to April;

(iv) water quality as a result of any associated application of the water onto the ground where it might enter water;

By;

c) taking into account any stream depletion effects of groundwater takes;

d) imposing limits in relation to minimum flows or groundwater levels;

e) requiring water metering, monitoring and reporting use of water for frost protection.

6.100 The only reference in PPC9 to the timing of when minimum flows apply is POL TANK 53. Clarification around when minimum flows and allocation limits apply were not included in the final "pink version" of Schedule 31, but we think that they should be in PPC9 and have included them accordingly.

6.101 A number of submitters⁴² sought minimum flows be applied to surface waters of the Ahuriri

⁴² e.g., Department of Conservation, Forest & Bird, Maungaharuru-Tangitū Trust.

catchment, however the Reporting Officers indicated little is known about actual use in that catchment⁴³ and so it was proposed in PPC9 that all water takes in this catchment are limited to existing “Actual and Reasonable” use⁴⁴. We agree with this approach given the lack of existing quantifiable information currently available for this catchment.

- 6.102 A number of submissions sought to increase the minimum flow in the Ngaruroro River to provide greater habitat protection for torrentfish, but provided no evidence to demonstrate that this species is adversely affected by the existing minimum flow. Council scientists at one TANK Stakeholder Group meeting indicated that the Ngaruroro River had relatively high densities of torrentfish under the existing flow regime⁴⁵. We also observe that providing for torrentfish habitat will also ensure ample habitat is available for other species, including mahinga kai such as tuna (eels).
- 6.103 In his statement of reply evidence for HBRC (Appendix 8 of the s42A addendum report), Mr Daniel Fake addressed matters relating to the adoption of minimum flows in Schedule 31 and also issues on this raised by submitters. In particular, he addressed concerns expressed by Mr Marei Apatu and Mr Maurice Black (on behalf of Te Taiwhenua O Heretaunga) around the proposed Ngaruroro River minimum flow, and its associated predicted habitat protection level of 44% for torrentfish. Mr Black had sought that the Ngaruroro River minimum flow is set at or amended in a staged manner to 4,200 L/sec to achieve 90% habitat provision for trout⁴⁶. Mr Apatu stated in his evidence that "*Torrentfish MALF recommends 4,700 L/s to provide 100% survival and protection*" and sought a minimum flow of 3,700 L/sec for the Ngaruroro River⁴⁷.
- 6.104 Mr Fake noted that increasing the minimum flow would not provide a significant increase in habitat protection for torrentfish⁴⁸. Mr Waldron, in his statement of reply evidence for HBRC (Appendix 10 of the s42A Addendum Report), discussed the effect of minimum flows on the MALF and Q95 low flow statistics, and demonstrated that raising the minimum flow would provide only small improvements to low flows, but increase the number of days on ban for irrigators⁴⁹.
- 6.105 The s42A Reporting Officers concluded that the benefits to habitat protection of higher minimum flow are minimal, but the costs could be significant and that increasing the Ngaruroro River minimum flow is not an efficient method of achieving the objectives of PPC9. We agree with this conclusion.
- 6.106 Two submissions⁵⁰ sought that the allocation limit for the Ngaruroro River should remain at 1,581 L/sec and not be lowered to 1,300 L/sec as a part of the plan’s strategy to deal with over-allocation. We do not consider that these requests are consistent with the overall intent of PPC9 of reducing over-allocation and improving surface water ecosystem health.
- 6.107 Some submitters also opposed raising the minimum flow of the Tūtaekurī River, but again did not provide evidence justifying the reasons for their opposition. HortNZ’s original submission opposed the proposed increase to the Tūtaekurī River minimum flow due to the potential for this to impact growers’ water use in the future. However, HortNZ’s hydrology expert, Ms

43 Page 282, Section 32 Evaluation Report - TANK Catchments Plan Change to RRMP.

44 Para 1502, s42A report.

45 TANK Collaborative Stakeholder Group: Meeting Thirty-Four Record.

46 Maurice Black, EIC on behalf of Te Taiwhenua o Heretaunga, paragraphs 202-204.

47 Marei Apatu, EIC on behalf of Te Taiwhenua o Heretaunga, paragraph k.

48 Daniel Fake, reply evidence on behalf of HBRC, paragraphs 4.8-4.9.

49 Daniel Fake, reply evidence on behalf of HBRC, paragraphs 4.4-4.6.

50 118 Hugo Beamish; 241 Penny & John Reynolds.

Gillian Holmes, stated that she had reviewed the recorded flows in the Tūtaekurī River at Puketapu and the results of the HBRC SOURCE modelling scenarios, and found no modelled restrictions as a result of the 2,500 L/sec minimum flow, and consequently she agreed with the proposed increase in the minimum flow of the Tūtaekurī River under PPC9⁵¹.

- 6.108 The Department of Conservation’s original submission considered there was an inconsistent approach in Schedule 31 to protecting indigenous fish and aquatic life between the Tūtaekurī and Ngaruroro rivers. While we understand the point made this is a complex issue and ‘a one size fits all’ approach is not necessarily appropriate.

Discussion, Findings and s32AA Analysis

- 6.109 There was limited debate and discussion at the hearing around the actual minimum flow values in Schedule 31. The actual values (for both minimum flows and allocation limits) in Schedule 31 did not vary from those in the notified version of PPC9 for many surface waters. Tangata whenua were most vocal in seeking higher minimum flows for some streams and rivers, but provided limited evidence in support, although we do acknowledge their concerns surrounding flows in surface waters of the Karamū catchment in particular.
- 6.110 Those that sought reductions in minimum flows were abstractors, but again they provided no substantive evidence to support their position other than to express concern on the ability to secure water when demand increased over the peak of the irrigation season.
- 6.111 It seems to us that the processes for deriving the minimum flows in Schedule 31 were thoroughly discussed and dissected through the TANK Stakeholder Group process, and that Council provided a significant amount of technical resource to assist stakeholders in understanding flow requirements for instream values such as fish, invertebrates, plants, riverine birds and maintaining water quality. Ultimately, however, consensus was not reached on this issue, perhaps not surprisingly given the competing demands of abstraction for commercial and municipal purposes versus those for cultural and surface water ecosystem health.
- 6.112 A number of objectives and policies in PPC9 are drafted to improve stream ecosystem health through a series of immediate and longer-term directions and initiatives. The minimum flows in Schedule 31 (i.e., the introduction of ‘hard’ numbers or limits) for some surface waters can be regarded as an immediate direction, as can the ‘hard’ allocation limits. Applying existing use as an allocation limit (via the “Actual and Reasonable” test) for other catchments/sub-catchments can be regarded as a longer-term initiative where existing information is insufficient to recommend defined minimum flows and allocation limits. We regard this as a compromise between providing the certainty of well-defined limits and providing time to gather more information on the likes of actual use and surface water hydrology, and interactions between groundwater levels and surface water flows for some areas within the TANK catchments. In particular, we accept that there still exist some information gaps around actual use and flows in the Ahuriri and Karamū catchments, and that more time is required to investigate these systems until greater certainty is reached around appropriate minimum flows and allocation limits. These information gathering requirements are provided for in the PPC9 policies.
- 6.113 We also accept that PPC9 provides for other factors other than ‘hard’ minimum flow limits to come into play to improve surface water ecosystem health. These include managing allocation limits to protect existing investment (discussed briefly above and in detail under our section

⁵¹ Para 60, EIC, Gillian Holmes for HortNZ.

on groundwater, particularly POL TANK 37 and 52), stream flow maintenance schemes and stream habitat enhancement schemes, and high flow allocation. We have not discussed stream flow maintenance schemes and stream habitat enhancement schemes to any great degree in this section, but consider these provide another tool in the toolbox for enabling stream ecosystem enhancement. Currently, such measures appear confined to two situations (Twyford where groundwater is pumped into the Raupare Stream and Bridge Pa where impounded water from the Maraekakaho and Ngaruroro rivers is released occasionally into the Paritua Stream). We acknowledge that tāngata whenua oppose the use of groundwater to segment surface water flows, and it may not be a viable long-term solution, however it appears to provide some benefits to local stream ecosystem health, and so we recommend that provisions in PPC9 to enable these initiatives be retained.

- 6.114 We consider the recommended changes make Schedule 31 clearer and more efficient and effective, and so meet the requirements of s32AA of the RMA

Chapter 8 - Priorities for Water Allocation

Introduction

8.1 In this section of our report we discuss how PPC9 proposes to deal with priorities for water allocation, particularly at times of water scarcity during dry conditions. In doing so we discuss OBJ TANK 16, POLs TANK 50 and 51, as these collectively establish priorities for allocating water. There are no associated rules, and no terms used in the Glossary are relevant to this assessment.

OBJ TANK 16

8.2 This objective sets out the priority order for allocating ground and surface water in the TANK catchments. In summary, as recommended to the Panel by the section 42A Reporting Officers, it says that subject to limits, targets and flow regimes which provide for the values of each water body, water will be allocated according to the following priorities:

- a) The reasonable domestic needs of people, livestock drinking and fire-fighting supply.
- b) Existing and future demand for domestic supply, including marae and papakāinga, and municipal uses as set out in the HPUDS (2017).
- c) Primary production on versatile soils.
- d) Other primary production, food processing, industrial and commercial use.
- e) Other non-commercial end users.

8.3 More detail about how water will be allocated during water shortages is provided for in POL TANK 51, which we discuss at Paragraphs 8.31-8.38 following. As the policy provides significantly more detail, many submitters, and their evidence when provided, focussed more on POL TANK 51 than they did on OBJ TANK 16.

8.4 A number of changes to OBJ TANK Objective 16 have been recommended to us for consideration. We would describe most of these as improving the way the objective is expressed, particularly in the stem clause. One key change is in Clause a), which now specifies that the highest priority includes the reasonable domestic needs of people, together with livestock drinking and firefighting supply.

Submissions and Evidence

8.5 There were a large number of submissions on OBJ TANK 16. Most of them were identical, and sought that Clause c) should specify primary production on “versatile and viticultural soils”, and that Clause e) should specify that “water bottling” is a non-commercial user.

8.6 A number of submitters, including Federated Farmers and Fire and Emergency NZ sought changes to Clause a), which as noted above, have been recommended to us by the section 42A Reporting Officers.

8.7 Ms Sweeney, in her expert evidence on behalf of the TLAs, asserted that “amending Objective 16(b) to include reference to subsequent versions of HPUDS is consistent with the priority order of Te Mana o te Wai and is consistent with the NPS-FM”. She did not explain how she came to this conclusion.

- 8.8 On behalf of Lowe Corporation both Mr Willis, their expert planner, and Mr Robinson, their counsel, were opposed to OBJ TANK 16 as expressed in PPC9. This opposition was based on their perception that industries which source water from reticulated municipal supplies have an unjustified priority advantage over industries that source water from their own bores (which is what Lowe Corporation do).
- 8.9 Their reasoning, as asserted by Mr Willis, being that “some industry, should in effect be accorded a fourth priority (under Te Mana o Te Wai) by virtue of being self-supplied by water”¹. He also opined that in his opinion “there is nothing in the national policy framework that necessitates or justifies the differentiated approach PPC9 proposes for industrial water users”.²

Discussion and Findings

- 8.10 We do not support HDC’s submission, as that would mean all updates of the HPUDS would be allocated water as a priority. We also note that POL TANK 50 says that the Regional Council will allocate water for urban development projections according to the 2017 HPUDS until 2045, and we discuss this matter further in paragraphs 8.18 – 8.19.
- 8.11 We do not support water bottling being considered a non-commercial use of water; as bottled water products are sold and therefore this is a commercial enterprise.
- 8.12 We do not consider that priority needs to be provided for “versatile and viticultural soils” as sought by many submitters. This is because the definition of “versatile land” in the RRMP already includes viticultural soils³, and the recommended replacement of “soils” by “land” resolves this matter.⁴
- 8.13 We accept that the Lowe Corporation appear to have a valid point about industry serviced by municipal supplies receiving more reliable water. However, we consider such concerns are addressed specifically in POL TANK 50(b) which requires water demand for industry/commercial activities within areas serviced by municipal supplies being subject to strong demand management, council asset management plans and by-laws.
- 8.14 Regarding Mr Willis’s assertion about Te Mana o Te Wai, we much prefer the Reporting Officers’ interpretation as expressed in the s42A Report, where they explain that the priority order set out in OBJ TANK 16 is in accord with the NPS-FM 2020, as it prioritises the health needs of people (Clauses a) and b)) followed by uses which allow people and communities to provide for their social, economic and cultural well-being (Clauses c) to e)).⁵
- 8.15 For these reasons we support the priority order set out in OBJ TANK 16, and the recommended amendments put forward by the s42A Reporting Officers, particularly those to the stem of the clause and to Clauses a) and b).

POL TANK 50

- 8.16 POL TANK 50 sets out how the Regional Council will, in ensuring the water needs for future community growth are met, make decisions on resource consent applications for papakāinga

¹ EIC of Gerard Willis at his Paragraph 55.

² EIC of Gerard Willis at his Paragraph 65.

³ S42A Report at Paragraph 1277.

⁴ This change is also supported by the Winegrowers – EIC of Mark St Clair at his Paragraph 57.

⁵ S42A Report at Paragraph 1273.

and municipal water supplies. Three means of doing so are listed: allocating water for current urban growth projections through to 2045; calculating demand within expected water reticulation areas and requiring planning, good practice and leak management amongst other things; and finally collaborating with the NCC and HDC on future planning and water demand, and investigating reticulation options in communities with low water reliability.

- 8.17 In doing so, the policy “puts the flesh” on elements of OBJ TANK 16, by detailing how water will be allocated to municipal supplies.
- 8.18 The stem of the clause says “that the HBRC will ensure the water needs of future community growth are met within water limits.” These provisions appear to be somewhat contradictory, as they state water needs will be met but within water limits, which we presume refers to the 90 million m³/y “interim allocation limit”. Clause 50(a) goes on to say that water for population and urban development projections will be allocated until 2045 on the basis of the HPUDS 2017.
- 8.19 Only minor changes are recommended by the s42A Reporting Officers; none change the substance of POL TANK 50 as notified in PPC9.

Submissions and Evidence

- 8.20 There were no submissions that totally opposed POL TANK 50, but some submitters sought amendments. More specifically both HDC and NCC sought that updates of the HPUDS be accounted for in the policy, Lowe Corporation sought that they be afforded the same priority as municipal suppliers as a “regionally significant industry”, and Federated Farmers wanted Clause a) removed.
- 8.21 In his evidence on behalf of Lowe Corporation Mr Willis sought amendments to POL TANK 50 to specifically recognise and provide for “regionally significant industry”, along with some criteria for deciding how water would be allocated, together with a proposed definition of what a regionally significant industry is.⁶
- 8.22 Reasons he gave for this included that in his opinion “it is not consistent with HPUDS direction to support greenfield development in preference to intensification on existing self-supplied sites” and that it is not consistent with Objective LW1 of the RPS which includes a policy to ensure efficient allocation and use of water”. He also asserted that it was inefficient to take water from an existing established industrial user and make it available for some future currently unspecified industrial user.⁷
- 8.23 To give some context, in Paragraphs 5.111 – 5.119 we have decided that Lowe Corporation’s existing allocation of water is much in excess of what is “actual and reasonable”. Water is not being “taken” from Lowe Corporation, but their existing allocation is nearly three times what they actually use. Our expectation is that their future consents will reduce their total water allocation by a significant amount under the “actual and reasonable use” test.
- 8.24 The TLAs however are a different matter. Legal counsel and several witnesses expressed a range of concerns about only providing existing annual volumes of water to be taken by the two TLAs. They included:

⁶ EIC of Gerard Willis as his Paragraphs 84 and 85.

⁷ EIC of Gerard Willis as his Paragraph 83.

- a) There may be insufficient water available for the councils to meet their future obligations under the provisions of the National Policy Statement for Urban Development 2020 (NPS-UD). This requires TLAs to have enough land live zoned for expected demand within the next 3 years, either zoned or proposed to be zoned for expected demand within the next 3-10 years and identified in a Future Development Strategy for demand in the 10–30-year period. It includes land for both business and housing. Ms Davidson, counsel for the TLAs, said it was implicit in the NPS-UD that any such development needed to be serviced, including water supply, and that there might be enough water for future development, but that was not at all certain.⁸
- b) Ms Davidson also disagreed with the Regional Council’s contention that consented volumes are sufficient for growth in the short term. In her view no evidence had been provided to support this assertion, and that this did not meet the Regional Council’s obligations under the NPS-UD.⁹
- c) She cited case law in the High Court that had stated that “there is no basis on which to prefer or give priority to the provisions of one National Policy Statement over another....much less to treat one as “trumping the other”¹⁰
- d) In Ms Davidson’s assessment it is possible for PPC9 to give effect to both NPS-UD Policy 2 and NPS-FM Policy 11 by amending the prohibited activity status of Rule TANK 12 to non-complying and/or providing for increased allocations for municipal use as a discretionary activity.

8.25 The TLAs sought that Clause 50(a) should also refer to future updates of the HPUDS. The reasons for this were given in Mr Clew’s evidence, where he explained why in his opinion the population projections in the 2017 HPUDS were already outdated.¹¹ In summary, over the period 2017 to 2045 the 2017 HPUDS projected population growth of 16,485 whereas the Statistics NZ medium growth projection is presently 31,506, which is a difference of just over 15,000 people.

Discussion and Findings

8.26 We do not accept the position of the Lowe Corporation on POL TANK 50, and so we have not included the words “regionally significant industry” within the policy.

8.27 We do not support giving equal priority to self-supplied industries and municipal water supplies. This would not be consistent with Objective 1 of the NPS-FM 2020.

8.28 The TLAs however are a different proposition. If we take a reasonably conservative water use as being 180l/d per person per day that 15,000 population growth “difference” equates to an annual demand of 985,500 m³/y, whereas the annual volume of water needed to supply 31,500 additional people is over 2 million m³/y. Even the present 2017 HPUDS estimated population growth of 16,485 to 2045 requires about an additional 1.083 million m³/y to be provided to the TLAs for future growth.

⁸ Legal submissions of Asher Davidson at her Paragraph 12 in particular.

⁹ Legal submissions of Asher Davidson at her Paragraph 14.

¹⁰ Legal submissions of Asher Davidson at her Paragraph 19.

¹¹ EIC of Mark Clews in the table at his Paragraph 96.

- 8.29 We do not support any change that referred to any update of the HPUDS, as that could be over a 10- or 15-year period and could involve allocating water well over the “interim allocation limit”.
- 8.30 However, as we discuss in detail under the section headed “Take and Use Rules” we have decided to provide a non-complying activity pathway Rule TANK 11A for resource consents that seek to provide more water for essential human health needs and papakāinga housing. Our reason for this is that in POL TANK 50 the Regional Council says that in making decisions about consent application for municipal and papakāinga supply, the Regional Council will ensure the water needs of future community growth are met within water limits. This policy intention, which we support, cannot be met without a consenting pathway to do so, and that does not presently exist within PPC9 as any such application would be a prohibited activity under Rule TANK 12.

POL TANK 51

- 8.31 POL TANK 51 sets out when making water shortage directions under s329 of the RMA, which occurs when rivers fall below minimum flows and takes have ceased or been reduced the Regional Council will establish an emergency water management group (with a broad range of participants) to make decisions about water allocation in an established priority order which is water for:
- a) The maintenance of public health.
 - b) As necessary for animal welfare.
 - c) As necessary for community well-being and health.
 - d) What is essential for rootstock survival.
 - e) Water used seasonally for primary production or processing.
 - f) Uses of water which are essential for business continuity not covered by Clause e).
- 8.32 The policy goes on to say that there will not be restrictions for firefighting uses or non-consumptive uses of water, and that non-essential uses will not be provided for, such as for private swimming pools and car washing.
- 8.33 We note that water rationing during very dry summer and/or autumn conditions in Hawke’s Bay are addressed through consent conditions. Section 329 notices which could be used in future where there is a serious temporary shortage of water as a result of rivers falling towards or below their specified minimum flows as set out in Schedule 31 of PPC9. Because of this, there was strong interest in POL TANK 51 and how it is set out.

Submissions and Evidence

- 8.34 There were 81 submissions on POL TANK 51, most of which fell into three main groups:
- a) A large number of submitters wanted the representation on the emergency water management group broadened to include affected primary sector groups or primary sector representatives.
 - b) A large number of horticulturalists who sought a specific amendment allowing up to 20 m³/d for rootstock survival.

- c) Other parties who made more specific submissions, including for instance not providing for horticultural crops, or providing more reliable water during restrictions for industries that supply primary production.

8.35 In his expert evidence on behalf of HortNZ, Mr Dooney supported POL ¹², particularly its provision for water being used for rootstock survival. This was on the provision that Rule TANK 8, which is a permitted activity rule for groundwater takes¹³. The changes they sought to Rule TANK have been recommended to be made by the section 42A Reporting Officers. Ms Holmes, another expert witness for HortNZ also supported these changes.

8.36 In his evidence on behalf of HortNZ Mr Ford implied that it is more straightforward to “ship” water to ¹⁴ move them to a reliable source of water than it is to provide water for rootstock survival as “neither of these options is available to them”. This is implausible – it would be much easier to “ship” water to lowland properties used for horticulture than, for instance, provide additional water to water troughs on a hill country farm.

Discussion and Findings

8.37 Many organisations sought that they be represented on the emergency water management group that will be established under POL TANK 51. The s42A Reporting Officers have recommended that only Fire and Emergency NZ, along with iwi authorities, be included on this group. We agree with this recommendation, as if the group gets too large it will be cumbersome and so somewhat defeat the purpose of having such a group.

8.38 We support the s42A Reporting Officers’ other recommended amendments POL TANK 51, some of which are based on Ravensdown’s submission (135.48). These amendments improve the clarity of the policy.

¹² As outlined in Paragraph 1848 of the s42A Report

¹³ EIC of Andrew Dooney at his Paragraphs 157-163.

¹⁴ EIC of Stuart Ford at his Paragraph 57

Chapter 9 - General Water Quantity Management

Rules for Taking and Using Surface and Ground Water

- 9.1 There were seven rules in PPC9 that controlled how groundwater and/or surface water would be allocated in relation to the Objectives and Policies that set the overall framework for water allocation. Those rules remain, albeit with many recommended amendments, in the “pink version” of PPC9. The rules are:
- a) Rule TANK 7, which is a permitted activity rule for surface water takes.
 - b) Rule TANK 8, which similarly is a permitted activity rule but for groundwater takes.
 - c) Rule TANK 9, which is a restricted discretionary activity rule for groundwater takes.
 - d) Rule TANK 10, which is a discretionary activity rule for both surface water and groundwater takes.
 - e) Rule TANK 11, which is a restricted discretionary activity rule for low flow surface water allocations, or groundwater.
 - f) Rule TANK 12, which is a prohibited activity rule for both surface water and groundwater takes.
 - g) Rule TANK 13, which is a discretionary activity rule for the taking and use of surface water at times of high flow (or to put it another way, “water harvesting”)
- 9.2 In this section of our report we deal with Rules TANK 7-12 inclusive. Rule TANK 13, which deals exclusively with high flow surface water takes, is dealt with in the section on surface flows.
- 9.3 Although Rule TANK 7 applies to surface water flows only, its proposed conditions, standards and terms are very similar to those in Rule TANK 8; accordingly, we deal with both of them here.
- 9.4 RULES TANK 7 is a permitted activity rule for surface water takes; Rule TANK 8 is a permitted activity rule for small takes of groundwater.
- 9.5 The s42A Reporting Officers have recommended some substantial revisions to Rules TANK 7 and 8 versus what was notified in PPC9. These revisions do not substantially change the content of the two rules, but do improve the way they are expressed. We will outline these rules, and the others discussed below, as recommended to be amended by the s42A Reporting Officers.
- 9.6 There are some restrictions on the catchments where Rules TANK 7 and 8 apply, and so where resource consents will be required for any new takes of water after 2 May 2020. For the surface water takes five catchments were listed in PPC9, and these remain, with the proposed addition of the Paritua and Karewarewa catchments. This was in response to a submission made by Mr Marei Apatu on behalf of TToH, and given that surface flows in these catchments are clearly depleted, is one we support. There is only one water short catchment listed in Rule TANK 8, and that has not been changed.

9.7 In summary, in PPC9 as recommended to be amended by the s42A Reporting Officers, Rules TANK 7 and 8 propose to make the following activities permitted:

- a) Any take first commencing after 2 May 2020 is not from specified water bodies (as discussed above, six of these are listed for surface water takes but only those near Lake Poukawa are specified for groundwater takes).
- b) The take shall not exceed 5 m³/day per property except:
 - i. Lawful takes existing as at 2 May 2020 may continue to take up to 20 m³/day.
 - ii. New takes to reasonable domestic needs can take up to 15 m³ over any seven day period per dwelling house on the property.
 - iii. Lawful takes for stock water drinking that existed on 2 May 2020 can continue.
 - iv. Takes that occur for less than 28 days in any 90 day period, provided the total volume taken per property is not more than 200 m³ in any 7 day period.
 - v. For groundwater takes alone (Rule TANK 8) the taking of water for non-consumptive uses including aquifer testing is not limited to 20 m³/day, and the rate of take shall not exceed 10 l/s, except for aquifer testing.¹

9.8 There are some significant changes here from what was in PPC9 as notified. In particular, lawful takes for up to 20 m³/d per property per day that existed when PPC9 was notified on 20 May 2020 are recommended to be permitted for all takes, not just for stockwater, and lawful takes for stockwater that existed on that date are also recommended to be permitted in PPC9

9.9 Some of these recommended changes to Rule TANK 7 were supported by Federated Farmers, on whose behalf Ms Rhea Dasent said:

“we want stock water enabled to reflect its extremely high importance as a farming value. We support the s42A Report’s recommendation to clarify that stock drinking and s14(3)(b) uses are excluded from the 5 and 20 (m³/d) volume limits.”²

9.10 We support these recommended changes for the reasons outlined by the Officers in Paragraphs 1843 – 1846 of the s42A Report.

9.11 Some general conditions apply to one or both of surface water and groundwater takes. For instance, for all such permitted takes there is a requirement that the activity shall not cause changes in the flows or levels in any wetland, and the take shall not prevent any other existing lawful take to be able to continue. Surface takes are required to install a screen, with specified performance standards, to prevent any fish entering the reticulation system, and (a recommended added requirement) that the rate of take shall not exceed 10% of the instantaneous flow at any point. Groundwater takes must prevent any backflow of water or contaminants into the bore.

¹ This is for what is known as pump tests, which are short term (generally a few hours) and undertaken to find out how much water a new bore might provide, and what its potential effects on neighbouring bores might be. It is not practical to restrict such takes.

² Evidence of Rhea Desant at her Paragraph 12.

Submissions and Evidence

- 9.12 There were over 100 submission points on Rules TANK 7 and 8. Among the main points made were: not limiting takes under RMA s14(3)(b) and (e) for domestic use and stock water supply and/or not limiting domestic or stock drinking water, increasing the permitted takes, making the permitted takes depending on the size of the property and allowing takes of up to 20m³/d for survival of horticultural tree crops.
- 9.13 The oil companies sought that Rule TANK 8 be amended to provide for temporary construction dewatering activities for takes of up to 40l/s for up to 10 consecutive days.
- 9.14 The evidence we received focussed on three main matters: first, that stock water for domestic supply should not be limited as s14(3) of the RMA provides for these as a right; second, that the 20m³/d for (particularly) stock water supply was too little; and third, that having water available for horticultural root stock survival was critical for tree crops such as apples. Examples of this evidence included:
- a) Mr Richard Ridell on behalf of Olig Limited (Submitter 17) said he was concerned about the permitted activity threshold for stock water supply. He told us that he would need about up to a maximum of 55 m³/d from the Mangatahi Stream for his 860ha farm at Maraekakaho. This would be to supply up to 400 steers, 400 ewes and 150 bulls. He said he knew of other farmers with similar stock water demands.
 - b) Mr Alexander Macphee (Submitter 116) was also concerned that under permitted activity Rule TANK 7, for stock water 20 m³/d is not enough, and that on a hot summer's day could be using 70 m³/d for stock water on his 700 ha property at Maraekakaho. He said he had springs on his property, and that he would like to be able to use a litre or two per second for his stock.
 - c) Mr Matthew Truebridge (Submitter 85), who farms in the upper Dartmoor Valley noted that in Taupo there are no restrictions on stock water supplies, and implied this same approach should apply to the TANK catchments.

Discussion and Findings

- 9.15 In relation to the evidence provided by both Mr Riddell and Mr Macphee, the Maraekakaho Stream is a relatively small stream sourced from a catchment in low foothills, and so it potentially affected by the cumulative effects of small takes during low flow conditions. We further note that no new takes from the Maraekakaho Stream will be permitted under Rule TANK 7, and so would have to seek consent as a discretionary activity under Rule TANK 11. As this is a water short catchment, we support these restrictions on new takes here and in other small catchments in Rule TANK 7.
- 9.16 We acknowledge that it is difficult to draft rules for permitted takes of water. Limits have to be imposed on how much water can be taken instantaneously and/or over a fixed period of time and for what purposes, and sometimes over what area, and these limits can seem quite arbitrary. However, to make the rules workable "lines in the sand" have to be drawn to provide certainty and clarity for both resource users and the Regional Council, as the regulatory authority. While there are always apparent exceptions that should be provided for, there is generally little dispute that permitted activity takes are necessary to reduce costs and unnecessary bureaucracy, it is where those "lines in the sand" are drawn that is commonly the main issue for many resource users.

- 9.17 All this means there is no such thing as a “perfect”, or indeed anywhere close to perfect, permitted activity rule for the taking of water. Anomalies will always exist. For example rules will often talk about properties or households, but the rules will remain the same regardless if the property is 30ha, 300ha or 3,000ha, and if the household has 1-2 people dwelling there, or a very large family or family groups. Limits could be drawn around such descriptions, but then the permitted activity rules would become very complex, with potentially dozens of conditions for different situations. Our view is that the rules must be relatively simple and easy to understand, otherwise their whole purpose is undermined by being much too complex.
- 9.18 We consider that the proposed permitted takes, as outlined particularly in Condition (b) of both Rules TANK 7 and 8 get the balance between the volumes that are permitted to be taken, and what volumes require consent, are “about right”, by which we mean they are neither too restrictive or too liberal.
- 9.19 We do not consider that temporary construction water takes of up to 40l/s should be permitted as of right, as sought by the oil companies. It is possible that such takes will interfere with nearby bores, and an assessment of whether such effects could occur needs to be undertaken on a case by case basis.
- 9.20 In relation to s14(3)(b) rights to take water, this says that water can be taken or used for an individual’s reasonable domestic needs, or the reasonable needs of (a person’s) animals for drinking water. Both these however are subject to the caveat that **“the taking or use does not, or is not likely to, have an adverse effect on the environment”** (emphasis added).
- 9.21 In water short times in a generally dry part of the region, we cannot be at all confident that unrestricted permitted takes will not have adverse effects on flows in smaller streams in the TANK catchments. For this reason, we do not accept that domestic and stock water takes should not be subject to reasonable restrictions.
- 9.22 We note an exemption is proposed from Rule TANK 7 for take or use of water for emergency or training purposes, as provided or by s14(3)(e) of the RMA. We support this amendment.
- 9.23 We also support the proposed restriction on permitted takes from surface water to less than 10% of the instantaneous flow at the point of take. This should reduce the potential for cumulative effects of permitted takes on small streams.

Section 32AA Analysis

- 9.24 We consider that with the amendments proposed by the s42A Reporting Officers, Rules TANK 7 and 8 are both efficient, by reducing the need for resource consents for minor takes of water, and effective, in that they define more precisely and somewhat more liberally what takes are permitted and in what circumstances than in PPC9 as notified.

Rules TANK 9 and 10

- 9.25 As these two rules are also similar, we discuss them together.
- 9.26 Rule TANK 9 is a restricted discretionary activity for replacement³ of an existing resource consent to take and use water from the Heretaunga Plains groundwater aquifer. It does not apply to applications for new resource consents.

³ Often wrongly referred to as “renewal” of an existing consent. The RMA allows expiring consents to be replaced, but there is no entitlement to “renew” a consent.

- 9.27 The description of the activity is recommended to be changed as a result of submissions, and we support the proposed amendments there as they are more accurate. The application can be either for the continuation of a one or more consents held by a particular person or entity, or can be for a joint or global application that replaces existing permits.
- 9.28 The remainder of the conditions/standards/terms for such groundwater takes have been much simplified in response to submissions. Condition c) now refers (quite correctly) to takes for a potentially wide range of activities rather than irrigation alone, and these will be granted using the “actual and reasonable” use test. Condition (d) says that the quantity taken for municipal, community and papakāinga housing cannot be more than the quantity being replaced. Condition (e) is recommended to be deleted as what it says is now more succinctly expressed in Conditions (c) and (d). Condition (e) is vastly simplified and just refers to undertaking a stream depletion calculation, rather than prescribing at length exactly what that involves.
- 9.29 The matters for control/discretion are largely as notified in PPC9 but with some amendments, particularly to allow consents to be reviewed with new conditions to provide for stream enhancement projects. A new condition providing for non-notification, or limited notification in some circumstances, is recommended to be added under the notification heading, which we support.
- 9.30 Rule TANK 10, which is also a restricted discretionary activity, applies to surface water takes in the TANK catchments. This is achieved somewhat indirectly by prescribing that the take is not from groundwater, except from where a groundwater take is in “Zone 1” which is an area adjacent to the Ngaruroro River near Fernhill where groundwater is hydraulically connected to the surface waters of the river. In simple terms this means that groundwater takes from this zone can affect (deplete) surface flows in the river. In this instance a “stream depletion calculation” must be made.⁴
- 9.31 Many of the same amendments recommended in Rule TANK 9 are made for Rule TANK 10. For example, the changes to Conditions (c) and (d) described for Rule TANK 9 are also recommended to be included in Rule TANK 10, albeit to Conditions (e) and (f) in Rule TANK 10. As we said in relation to Rule TANK 9, we support these recommended changes, and so have included them in Rule TANK 10.
- 9.32 Rule TANK 10 also requires that fish be excluded from the reticulation system, which is the same requirement of for the permitted activity Rule TANK 7 for water takes.

Submissions and Evidence

- 9.33 Many submitters sought changes to Rules TANK 9 and 10. Most of these sought that the definition of “actual and reasonable” should be changed to just reasonable. As we have said repeatedly in our report these submissions have all been rejected.
- 9.34 There were some more thoughtful submissions from parties including Federated Farmers, Ravensdown, the Regional Council, Waterforce and TToH (although many of the latter’s submission points were not directly relevant to the water take and use rules in PPC9, but rather other provisions in the notified plan change). There was some support for the provisions as notified in PPC9, but all these submissions sought particular amendments to Rules TANK 9 and 10.

⁴ More significantly, groundwater takes in Zone 1 become restricted when flows in the Ngaruroro at Fernhill fall below the Schedule 31 minimum flow of 2,400 l/s.

Discussion, Findings and s32AA Analysis

- 9.35 We support the s42A Reporting Officers' recommended changes to Rules TANK 9 and 10. These simplify the rules, take out redundant wording and clarify other wording and make non/limited notification possible in both rules. We consider these recommended changes make the two rules more efficient and effective, and so meet they meet the requirements of s32AA of the RMA.

Rule TANK 11

- 9.36 This rule allows water takes and associated uses from either surface water or groundwater in the TANK catchments that existed before 2 May 2020, but do not comply with the conditions of any of Rules TANK 7-10, to seek consent as a discretionary activity.
- 9.37 Changes are recommended to Rule TANK 11, most particularly to specify that four activities are not subject to Schedule 31 limits: these are for frost protection, takes of water from or dependent on release from a water storage impoundment or aquifer recharge scheme, non-consumptive takes and temporary water takes (such as for construction dewatering).

Discussion and Findings

- 9.38 Rule TANK 11 is what is known as a "default rule", which means that if an activity does not meet any other relevant rules (in this case Rules TANK 7-10) it is treated as discretionary activity. Such a rule is an essential part of a "rule cascade", and we support its inclusion in PPC9.
- 9.39 We also support the recommended specification of what activities are not subject to Schedule 31 minimum flow requirements, which clarifies and improves the rule. This now includes frost-fighting, the reasons for which are discussed under the heading "POL TANK 53" below.

Rule TANK 12

- 9.40 This is a prohibited activity rule, which as presently drafted applies to any new take and use of groundwater. It would apply regardless of what "actual and reasonable" turns out to be. It will take several years to work that out given that large numbers of present consents have expired, and so are continuing under s124 of the RMA. These will all need to now be processed and decisions made under the provisions of PPC9.

Should Provision for a Non-Complying Activity Rule be Made?

- 9.41 POL TANK 50 states in part that "in making decisions about resource consent applications for municipal and papakāinga water supply the Regional Council will **ensure** the water needs of future community growth are met within water limits" (emphasis added). The policy then under Condition (b) lists comprehensive efficiency standards that the TLAs will have to meet with their existing water takes and associated uses.
- 9.42 However, in PPC9 as notified, and in PPC9 as recommended to be amended by the s42A Reporting Officers, there is no consenting pathway available for any further water to be provided to communities. This was highlighted in Ms Davidson's legal submissions made on behalf of the NCC and HDC, which we included in the discussion of POL TANK 50 in Chapter 8 of our report.
- 9.43 We had asked the s42A Reporting Officers for the potential wording of a non-complying activity rule that would enable some water to be provided to users such as the TLAs. That was

provided to us as Appendix 2 to a memorandum dated 4 August 2021 from Ms Robotham, who was (at that time) a Planner with the Regional Council.

- 9.44 Ms Robotham did not support the provision of a non-complying activity rule, stating that “my recommendation remains that prohibited activity status (and the objectives and policies without the amendments shown in Appendix 2) is the most appropriate approach” (at her Paragraph 2). She also cited some recent case law that offered some support to a prohibited activity rule, but which also as an exception made provision for new public water supply applications exceeding the limits as non-complying activities (her paragraphs 7 and 13).
- 9.45 Given that the Regional Council has committed itself to “**ensuring** future water needs are met” for municipal and papakāinga water supplies, we consider it essential that a consenting pathway be provided to enable this provision. Under Rule TANK 12 this pathway does not exist, as any such application would be a prohibited activity.
- 9.46 As discussed by Ms Sweeney in her evidence⁵ there are two alternatives for providing such a consenting pathway. One would be to list municipal supplies as an “exemption” in Rule TANK 11 b(ii); which would mean any such application would be treated as a discretionary activity and not subject to the “interim allocation limit”, and the other is to provide for such applications via a non-complying activity.
- 9.47 We understand Ms Sweeney’s evidence to favour the “exemption provision” in Rule TANK 11b(ii)⁶ but we strongly oppose that approach for two reasons. First, the exemptions provided are for short term activities such as frost protection and temporary water takes, non-consumptive uses and takes from water impoundments. Second, we do not consider any additional water for municipal supplies should be treated as a discretionary activity which is not subject to the “interim allocation limit”.
- 9.48 For these reasons we have made any such activity non-complying and so subject to the s104D RMA tests. We doubt any such application will have effects that are “no more than minor”, and so they would have to pass the “not contrary to the objectives and policies of the relevant plan” test, which in this case would be PPC9.
- 9.49 We are adamant that this latter test should set high policy thresholds for any new takes of water under Rule TANK 11A. Some of those thresholds already exist in PPC9 in POL TANK 50b), but we have added a new POL TANK 50A which adds further significant threshold tests before any non-complying activity could be granted for municipal and papakāinga water supplies. It reads:

POL TANK 50A

The Council will consider applications to take and use water from the Heretaunga Plains Groundwater Quantity Area for essential human health needs for the community or unforeseen non-commercial needs that, by itself or in combination with other water takes in the same water quantity area, causes the total allocation limit as specified in Schedule 31 to be exceeded.

When assessing the application the Council will take into account:

⁵ At her Paragraphs 19 – 37.

⁶ At her Paragraph 30.

- a) *whether the volume and rate of take is reasonable for the use*
- b) *the extent to which demand can be met through other methods or sources of water and that all other options have been considered and exhausted*
- c) *the extent to which the water use meets social, environmental or cultural needs essential for the community*
- d) *the nature and scale of adverse effects, including but not limited to bore interference, stream depletion, effects on minimum flows and potential derogation of existing water takes*
- e) *any adverse effects on the significant values of connected wetlands, outstanding waterbodies in Schedule 25, and the values of connected waterbodies as expressed in OBJ TANK 10-14.*

9.50 Consequential amendments are necessary to POLs TANK 36, 37, 43 and 52 but only to exempt or include POL TANK 50A as part of their considerations.

S32AA Analysis

9.51 The addition of a possible consenting non-complying activity pathway for essential human health needs for the community meets the Regional Council's stated obligation to ensure water is potentially available for such uses. The new Rule TANK 11A is much more efficient than having no such rule in place, as it provides at least a gateway for new applications to take and use water for very specified activities. However, the policy hurdles that any such applications will have to pass through are deliberately set very high, as such applications should be a last resort if all other options to provide water, including efficiencies in water supply and reticulation, are exhausted. Accordingly, we do not believe this new rule opens the door to new applications to take and use water, but it does at least ensure the door is not slammed shut.

9.52 We see the benefits of adding this rule would be greater than the potential costs of not providing a possible consenting pathway.

Rules for Stream Flow Maintenance and Habitat Enhancement Schemes

9.53 Rule TANK 18 as notified relates to both the transfer of water permits and the discharge of groundwater into surface water in the Heretaunga Plains Water Management unit (renamed Water Quantity Area) which are necessary for implementing Stream Flow Maintenance and habitat Maintenance Schemes. Stream Flow Maintenance And Habitat Enhancement Schemes form a part of notified POL TANK 39. Rule TANK 18 as notified is a discretionary activity that has conditions requiring the transfer and discharge of water to be managed according to the applicable requirements of Schedule 36.

9.54 Schedule 36 (Heretaunga Plains Stream Flow Maintenance And Habitat Enhancement Scheme) as notified provides direction for establishing Water User Collectives with applicable permits, to manage stream flow depletion for streams affected by stream depletion.

9.55 Significant recommended amendments by the Reporting Officers to POL TANK 39 (discussed in paragraphs 6.14 - 6.12), which we have accepted, required consequential deletion of Schedule 36. The Reporting officers stated that a principal reason for recommending to delete this schedule was that, in order to fully consult in good faith, iwi, relevant parties and Council

should establish the scheme plan and operational requirements together and on the needs of the relevant stream or water quantity area that the scheme services⁷.

9.56 The Reporting Officers noted that transfers are already managed by RRMP Rules 60-62b, therefore the inclusion of “transfer” within the activity description of Rule TANK 18 was an unnecessary duplication, and that potential adverse effects which require management are those relating to the discharge only, such as:

- a) Changes to water quality caused by the discharge
- b) Changes to water quality caused by land use change enabled by the discharge
- c) Flooding risk.⁸

9.57 A large number of multiple identical submissions sought amendments to Rule TANK 18 to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and to remove the presumption that the mainstem of the Ngaruroro River will be augmented⁹.

9.58 Forest and Bird sought that the rule and associated framework for stream flow compensation schemes be deleted throughout the plan. Federated Farmers sought that Rule TANK 18 be retained as notified.

9.59 Twyford Water’s submission questioned the activity status of the rule and sought that its status be amended to Restricted Discretionary¹⁰. Their concern was that, as a Discretionary Activity, the rule did not incentivise joining a Stream Flow Maintenance and Habitat Enhancement Scheme. They suggested a Restricted Discretionary status provided a higher level of comfort for an applicant, and also, through identification of matters of discretion, provided a clearer guidance about what information needed to be provided in a consent application.

9.60 The Reporting Officers acknowledged that allocation and transfer of the groundwater to be discharged is already subject to Rules TANK 9, 10, 11, 13 and 15. They considered that making Rule TANK 18 a Restricted Discretionary activity status would encourage investigation and implementation of “innovative, flexible water management regimes and flow enhancement by providing greater security to applicants”, and that this helps implement OBJ TANK 18.

9.61 In the final version of the plan presented to us at the conclusion of the hearing, the Reporting Officers recommended changing the activity status Rule TANK 18 to Restricted Discretionary with the following matters for control or discretion:

- a) Location, quantity, rate, duration and timing of discharge.
- b) Flood mitigation measures.
- c) Compliance monitoring including monitoring for water quality.

⁷ S42A, paragraph 1485.

⁸ S42A, paragraph 1995.

⁹ e.g., submitters 23 (Pattullo's Nurseries Ltd.), 37 (Dartmoor Estate Ltd.), 71 (Bellingham Orchard Ltd.).

¹⁰ Submission point 99.27 (Twyford Water).

- d) Measures or methods required for meeting the receiving water quality targets in Schedule 26.
- e) The duration of the consent having regard to POL TANK 49.
- f) Lapsing of the consent.
- g) Review of consent conditions.

9.62 As a consequence of recommending that Rule TANK 18 be amended to having Restricted Discretionary status, the Reporting Officers further recommended that a new Rule TANK 18a with a Discretionary Activity status be established for activities which do not meet the conditions of Rule TANK 18.

9.63 Mr Dooney, a planning witness for HortNZ, supported the Reporting Officer's recommended changes to Rule TANK 18 and new Rule TANK 18a¹¹.

Discussion, Findings and S32AA Analysis

9.64 The purpose of Rule TANK 18 was to allow existing allocations to be transferred to provide the water required for stream flow mitigation. We do not think that the removal of the 'transfer' part of the rule as recommended by the Reporting Officers is appropriate, as new Rule 66a in the RRMP relates to the transfer of actual and reasonable water between existing points of take, whereas transfers of water scheme flow maintenance is outside of that. Consequently, we have decided that the term transfer be retained in the rule activity.

9.65 We also consider that the matters for discretion put forward by the Reporting Officers do not adequately cover the management of such a mitigation scheme either. Rather, they should refer to parts of POL TANK 39, and as such we have made the following amendments to the matters for discretion:

- a) Location, quantity, rate, duration and timing of discharge, especially in relation to the maintenance of trigger flows in Schedule 31.
- b) The extent to which the activity is consistent with the requirements of POL TANK 39 and 40.
- c) Benefits to stream flows and aquatic ecosystems including across multiple streams as a result of the discharge.
- d) Benefits of the activity for flood control, climate change resilience and public access.
- e) Management of the stream flow scheme.
- f) Compliance monitoring including monitoring for water quality.
- g) Measures or methods required for meeting the receiving water quality targets in Schedule 26, especially dissolved oxygen levels.
- h) The duration of the consent.

¹¹ Andrew Dooney, EIC, paragraph 145. HortNZ.

- i) Lapsing of the consent.
- j) Review of consent conditions.

9.66 We support the officers' recommended other changes to TANK Rule 18 and 18a. These provide for a restricted discretionary consenting pathway in Rule TANK 18 along with greater clarity around the intent of that rule and its relationships with the relevant Schedule and policy of PPC9. We consider these recommended changes make the rules more efficient and effective, and so meet they meet the requirements of s32AA of the RMA.

Water Allocation - Permit Duration POL TANK 49

9.67 POL TANK 49 deals with the durations of permits granted in the TANK catchments by the Regional Council. This included setting common catchment expiry dates, as was set out in Schedule 33. The policy as notified in PPC9 lists the potential effects to be taken into account when reviewing effects of cumulative water use: these include the Regional Council's knowledge of water bodies, any over-allocation of water, patterns of water use, new technology, climate change effects, flow enhancement schemes and riparian improvement.

9.68 The policy sought to provide certainty for consents in a Water Management Unit by granting terms of 15 years including subsequent reviews, and consent durations of up to 30 years for municipal supply consistent with the HPUDS. It also provided for the possibility of extending these periods by up to three years if a consent is granted in the three years before a common catchment expiry date (as listed in Schedule 33, which is discussed in Chapter 13 of our report).

9.69 Section 8.2.4 of the RRMP says that the Council will grant consents for 20 to 35 years unless certain exceptions apply. The exception most relevant to PPC9 is the need to align consent expiry dates to consider cumulative effects through common consent replacements.

9.70 Over 20 submissions were received on POL TANK 49. Seven submission points supported the 15 year consent duration. Three submissions sought longer durations, three submissions sought shorter durations.

9.71 In their discussions on permit duration most of the TANK Group supported a 15 or 20 year consent duration. The s42A Reporting Officers consider that a 15 year consent duration provides a balance between certainty for water users who may need to invest in infrastructure to utilise their consent, and flexibility for changes to respond to environmental needs.

9.72 Hastings District Council submitted that municipal supply consent duration should be up to 30 years, to align with required infrastructure and planning decisions under the NPS-UD. Heinz – Watties also submitted that significant investment needs to be considered and a term of up to 35 years is appropriate. Similarly, Twyford Water sought a longer-term consent duration for water storage taken during high flows.

9.73 The s42A Reporting Officers consider that notifying all of the common consents in a water quantity area is likely to trigger RMA s95 requirements for public notification due to the cumulative effects of those consents being more than minor. There are over 1,500 consents to take groundwater across the TANK Catchments. Publicly notifying all of these consents could cause PPC9 provisions, particularly the definition and application of the "actual and reasonable use" test, to be litigated through individual consents resulting in unnecessary processing delays and cost. A more efficient and effective process would be to consider PPC9 provisions once, through the plan making process. They recommended amendments to Rules

TANK 9 and TANK 10 in accordance with RMA ss95A(5)(a), 95A(9), 95B(6)(a) and 95B(10) to clarify when public notification is not required.

Discussion and findings

9.74 Setting permit durations will always be rather contentious, as larger users often assert that the value of their investment justifies a longer consent duration than for smaller users. In the TANK catchments however, there appears to us to be little justification for such an approach to be embedded in the policy framework, as larger users need to be dealt with at the same time the other permits in the water management unit are considered.

9.75 We support the recommendations of the Reporting Officers to amend POL TANK 49. In particular we are comfortable with the amendments to the consent duration being “up to 30 years’ for municipal supply”. We are particularly mindful of the investment and planning inputs required to support the application and reporting on consents.

Policy 53 - Frost Protection

Introduction

9.76 POL TANK 53 outlines what Council will consider when assessing new consent applications to take and use water to help avoid the effects of frost on sensitive crops - commonly known as frost protection (or frost fighting). Water can be abstracted from either groundwater or surface water depending on availability. In PPC9 the policy was worded as follows:

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;

- a) from groundwater in the Heretaunga Plains Water Management Unit on;
 - (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;
 - (i) instantaneous flow in the surface water body;*
 - (ii) fish spawning and existing water users;*
 - (iii) applicable minimum flows during November to April;*
 - (iv) water quality as a result of any associated application of the water onto the ground where it might enter water;**

By;

- c) taking into account any stream depletion effects of groundwater takes;*
- d) imposing limits in relation to minimum flows or groundwater levels;*
- e) requiring water metering, monitoring and reporting use of water for frost protection.*

9.77 The Reporting Officers note that this practice occurs infrequently, on the fringes of the irrigation season (i.e., spring or autumn), when flows are above the cease take triggers (i.e., the minimum flow). The takes occur for a limited time, and as such the total volume used may

not exceed permitted take volumes under Rules TANK 7 and 8, however the instantaneous rate of take can be quite high¹².

- 9.78 Under PPC9, existing frost protection takes can be applied for as a Restricted Discretionary activity under Rules TANK 9 and 10, and new frost protection takes can be applied for as a Discretionary activity under Rule TANK 11.
- 9.79 Under PPC9, Rule TANK 11 Condition b)(ii), the total amount taken of surface or groundwater, 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 frost protection (or to takes of water associated with and dependant on release of water from a water storage impoundment).
- 9.80 We note that, under the Glossary definition of 'Allocation limit for Groundwater', water taken for frost protection is excluded from the allocation limits.
- 9.81 The TANK Group Meeting 41 noted a NIWA study that indicated that, at least for the foreseeable future, frost risk remains for the TANK catchments and frost protection is an on-going management requirement¹³. There was also considerable spatial variability in the location and severity of frost risk across the Heretaunga Plains and TANK catchments, and in some areas the risk of light or moderate frost extends right to the end of October, with a very low probability of light frosts in the first week of November. Notes from meeting indicated that severe frosts destroyed around 70% of the Hawke's Bay summer fruit in 2003 and 50% in 2007, both occurring in early November, while vineyard production was almost wiped out in 2001, again during early November.
- 9.82 The s42A Reporting Officers considered that the adverse effects arising from frost protection takes are generally minor and relate to:
- a) The impact on the flow of a stream (through a stream depletion effect). This is generally brief given the short duration of the take.
 - b) The timing of the take. Reductions in flow at times when spawning fish may be sensitive to lower flows (spawning sites could be dewatered).
 - c) The cumulative impact on groundwater levels. The volume of frost protection takes are generally minor given the short duration of a take and its relative infrequency but may have adverse effects on neighbouring bores and have stream depletion effects.
- 9.83 TANK Meeting 41 noted that the Heretaunga Plains water model accounted for frost protection water within the total water abstractions modelled, and while the instantaneous rate of water take in litres per second could be quite high, it only occurs for very limited periods (hours at most) and infrequently during spring (1 – 1.25 frosts per week in limited areas as the long-term median for September). This meant that the total volume of the frost water take is almost insignificant compared to the total irrigation and municipal takes. Council staff's information on current allocations, provided to us in response to our Minute 10, noted that of

¹² S42A report, Paragraphs 1688-1689.

¹³ TANK Meeting 41, Covering report: TANK Draft Plan Change, Section 4 Frost Protection.

the approximate 165 Mm³/y of water presently allocated, only approximately 0.6 million cubic metres of this is for frost protection.

- 9.84 Other measures used for frost protection include frost fans, helicopters and frost protection structures.

Submissions and evidence

- 9.85 There were seven submission points relating to POL TANK 53. The Department of Conservation's submission stated that water used for frost protection should always be within allocation limits and minimum flows¹⁴, while the Royal Forest and Bird Protection Society's submission sought the policy be removed on the grounds that water taken for frost protection should be treated like all other uses¹⁵.
- 9.86 The submission by Delegat Limited noted that, given the potentially over-allocated nature of the Heretaunga Plains Groundwater Unit, it would be beneficial if applicants for frost protection water were required to firstly investigate and discount the feasibility of alternative non-water reliant options such as frost fans¹⁶. Delegat sought an amendment to the policy that requires applicants for frost protection water to firstly investigate and discount alternative non-water reliant options such as frost fans.
- 9.87 Mr Bevan Davidson¹⁷, an orchardist from the Havelock North area, told us at the hearing that he did not need frost protection very often and the need was quite variable. He said his operation also has a new windmill and frost protection using water was mainly around the edges.
- 9.88 In response to questions from the panel, Ms Emma Taylor¹⁸, an independent vinicultural consultant who gave evidence on behalf of the Wine Growers, told us that a lot more water is required for frost protection relative to irrigation (the rate at which it is applied), however the amount required in terms of total volume is decreasing in Hawkes Bay as people are turning towards wind for frost protection. She told us that there are two types of frost; one formed by ground cooling and hot air rising (radiated frosts), creating an inversion layer. With inversion layers, wind machines can help push warmer air down to the vineyard. However, there are areas in Hawkes Bay where inversion layers do not occur and wind transports cold air mass into an area. In such situations, water is needed for frost protection. The spray forms a protective ice around the buds preventing temperatures within from dropping below 1°C¹⁹.
- 9.89 Mr St. Clair, a planning witness on behalf of the Wine Growers, noted that the drafting of POL TANK 11 as amended by the section 42A Hearing Report did not align with POL TANK 53, and he suggested some amendments to the wording to deal with this²⁰. He identified that POL TANK 53 as notified ensures that minimum flows are considered as necessary while Rule TANK 11 as notified specifies that Schedule 31 allocation limits are not relevant to takes for specific uses.

¹⁴ Submitter 123.90, Department of Conservation.

¹⁵ Submitter 210, Royal Forest and Bird Protection Society.

¹⁶ Submitter 8, Delegat Limited.

¹⁷ Submitter 73, Bevan Davidson.

¹⁸ Evidence in Chief Emma Talyor on behalf of the Wine Growers.

¹⁹ TANK Meeting 41 Covering report; TANK Draft Plan Change.

²⁰ Evidence in Chief Mark St. Clair on behalf of the Wine Growers (Hawke's Bay Winegrowers Association Ltd; Gimblett Gravels Winegrowers Association; Villa Maria Estate Ltd; Pernod Ricard Winemakers New Zealand Ltd).

- 9.90 Submissions²¹ on behalf of several oil companies sought POL TANK 53 be expanded to include temporary construction dewatering, on the grounds that there is potential for the proposed provisions to prohibit temporary construction dewatering activities. Evidence by planning witness Mr Peter Brown in support of those submissions recommended broadening POL TANK 53 to frost protection and non-consumptive takes given the similarities in terms of effects²². The Reporting Officers subsequently recommended that the wording of POL TANK 53 title and sub-heading be amended to read:

Frost Protection, temporary, and non-consumptive water takes

POL TANK 53 When considering applications to take water for frost protection, temporary, and non-consumptive water takes, the Council will avoid, remedy or mitigate actual and potential effects of the take on its own or in combination with other water takes; ...

- 9.91 Mr Brown also noted that PPC9 has no definition for non-consumptive use in its Glossary, but does have a definition for consumptive use, to which he recommended some amendments.

Discussion and Findings

- 9.92 We do not support POL TANK 53 being broadened to include temporary construction dewatering activities. These have quite different potential effects to those generated by taking water for frost protection. In saying this we note that both frost fighting and temporary construction water takes are both exempt from Schedule 31 limits under the provisions of RULE TANK 11 b)(ii).
- 9.93 We find that frost protection is a vital component in ensuring successful fruit and grape development and economic viability in Hawkes Bay. There is a reliance on access to water for frost protection through the application of sprayed water to coat the fruit in ice and effectively seal it from further reductions in temperature below zero. While there are alternatives (e.g., helicopters and windmills), these can be costlier and are not always effective under certain frost conditions.
- 9.94 POL TANK 53 provides users with a pathway for accessing water for frost protection while providing a number of conditions that must be considered in relation to protecting the environment, particularly surface waters, from adverse effects. Taking water for frost protection use occurs over very short periods of time and the volume taken is very minor with respect to the total water allocation in the TANK catchments.
- 9.95 Frosts occur outside of the warmer months of the year when surface water flows are at their lowest so any effects on low flows are mostly minimised. However, we heard that taking water for frost protection (either from a surface water or from groundwater), although occurring for short periods of time, can occur at a high rate and can potentially affect flows in local streams either directly or indirectly through connected groundwater. Therefore, we consider taking water under POL TANK 53 should comply with the minimum flow limits specified in Schedule 31, but not with the allocation limits in that Schedule. With that in mind, we accept the recommended changes to POL TANK 53 and Rule TANK 11 in the final “pink version” of PPC9 presented to us by the Reporting Officers’ at the conclusion of the hearing. Recommended changes to Rule TANK 11 in the s42 Addendum report “pink version” which clarify conditions are also accepted. These conditions now read:

a) The activity does not comply with the conditions of Rules TANK 8 or TANK 9

²¹ Submitter 203. Oil Companies (Z Energy Ltd, BP Oil Ltd, Mobil Oil NZ Ltd).

²² Evidence in Chief Philip Brown, Paragraph 418.

where relevant.

b) *Either*

(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*

(ii) *Or:*

(iii) *The total amount taken, either by itself or in combination with other authorised takes in the same water quantity area does not cause the total allocation limit in the relevant quantity area as specified in Schedule 31 to be exceeded except this clause does not apply to takes for:*

- i. frost protection*
- ii. takes of water from or dependant on release of water from a water storage impoundment, or managed aquifer recharge scheme*
- iii. water takes that are non-consumptive.*
- iv. temporary water takes*

9.96 We also agree that under POL TANK 53 applicants seeking water for frost protection should be required to demonstrate that non-water reliant alternatives have been investigated and provide evidence as to why they are not appropriate.

9.97 We also are satisfied that the proposed broadening of POL TANK 53 to include temporary and non-consumptive water takes will not create additional adverse effects on surface water environments or other water users given the matters required for consideration.

9.98 We have decided that POL TANK 53 be worded as follows:

Frost Protection, temporary, and non-consumptive water takes

POL TANK 53

When considering applications to take water for frost protection, temporary, and non-consumptive water takes, the Council will avoid, remedy or mitigate actual and potential effects of the take on its own or in combination with other water takes:

a) *from groundwater in the Heretaunga Plains Groundwater Quantity Area on:*

- 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:*

- i. instantaneous flow ins the surface water body*
- ii. fish spawning and existing water users*
- iii. applicable minimum flows during November to April*
- iv. water quality as a result of any associated application of the water onto the ground where it might enter water*

By:

- c) requiring applicants to demonstrate non-water reliant alternatives have been investigated and provide evidence as to why they are not appropriate*
- d) taking into account any stream depletion effects of groundwater takes*
- e) imposing limits in relation to minimum flows or groundwater levels*
- f) requiring water metering, monitoring and reporting use of water for frost protection, and other activities if necessary.*

Chapter 10 - Source Protection Zones

Introduction

- 10.1 Source Protection Zones (SPZs) were initially established under the National Environmental Standard for Sources of Human Drinking Water (the NES-DWS) in 2007. At that stage they applied only to communities with populations of 500 or more people for at least 60 days a year, so such communities already have provisional SPZs for their community water supplies.
- 10.2 Following the serious contamination of the Havelock North water supply in 2016¹, a new water regulator Taumata Arowai has been established, with a focus on better management of all sources of drinking water. A Water Services Bill is before Parliament at the time of writing this report.
- 10.3 Both the NCC and HDC take and use groundwater for municipal supplies in Napier, Hastings and Havelock North, respectively. Other communities within the boundaries of the TANK catchments also use ground water or surface water to supply their community drinking water supplies.
- 10.4 Our main focus in this discussion is the “size and shape” of the SPZ around the bores used by the HDC to supply water to Hastings and Havelock North, and other nearby areas, as this was the only significant point of contention between the Regional Council and the two local authorities.
- 10.5 In PPC9 OBJ TANK 9 directly addressed SPZs. In PPC9 it is now recommended by the s42A Reporting Officers to read:

*Activities in source protection areas for Registered Water Drinking Supplies do not cause source water in these areas to become unsuitable for human consumption, and that the risks of supply to safe drinking water are appropriately managed*²

- 10.6 Similarly, POLs TANK 6 - 10 in PPC9 addressed the protection of source water for Registered Drinking Water Supplies. Importantly POL TANK 6 says the quality of water for both groundwater and surface water source supplies will be protected (emphasis added).
- 10.7 These policies are given effect to in Schedule 35 of PPC9 which:
- a) In Table 3 defines how SPZs will be determined in communities of different sizes; and³
 - b) In Figure 1 provides a method for calculating the area of an SPZ for a registered drinking water supply; and
 - c) In Table 4 lists the provisional protection extent for groundwater bores of different depths that supply water to communities; and

¹ Noting that this was due to contaminants entering the water supply from an unprotected well head, rather than from contamination of the sources of supply.

² This is the wording now recommended to us in the “pink version” of PPC9 dated 30 July 2021.

³ Additionally, RRMP Rule 31, which allows the discharge of drainage water as a permitted activity, becomes a restricted discretionary or discretionary activity under Rules TANK 18 and 18a throughout the TANK catchments.

- d) Maps the proposed SPZs for Hastings and Napier on Planning Maps 1 and 2 attached to that Schedule.
- 10.8 Source zone protection is to be achieved by proposed amendments in PPC9 to existing rules covering discharges in the RRMP. Specifically, two rules are proposed to be changed as follows:
- a) The discharge of animal effluent would become a discretionary activity in an SPZ under RRMP Rule 15 (at present they are controlled activities under RRMP Rule 14). Note that RRMP Rule 15 already covers other sensitive catchments, including the headwaters of some rivers and the catchments of several lakes.
 - b) Discharges from on-site wastewater systems, which are currently permitted under RRMP Rule 37, become discretionary activities in SPZs under RRMP Rule 52.
- 10.9 Permitted activities are provided for as of right, with no resource consent required. Resource consent applications for controlled activities must be granted, subject to what are known as conditions/standards/terms and matters for control/discretion⁴, and are usually processed as non-notified applications. Restricted discretionary activities may be granted or declined, and may be (but are not usually) publicly notified. This means that there are additional costs and uncertainties for resource users who discharge to land or potentially to groundwater within SPZs that do not exist outside these zones.

OBJ TANK 9

- 10.10 This objective sets out the outcome expected from SPZs within the TANK catchments to ensure that activities in these zones do not cause source water to become unsuitable for human consumption.
- 10.11 In response to evidence at the hearing the s42A Reporting Officers have recommended some amendments to the wording of the objective, including some additional wording in the “pink version” of PPC9 in response to a submission from Pernod Ricard Winegrowers.
- 10.12 Eight submissions were received on OBJ TANK 9, all of which either supported the objective or sought some amendments to improve, but not significantly change, its wording. The TLAs supported the objective, and the amended objective by Ms Sweeney in her evidence on their behalf.⁵

Finding

- 10.13 We support OBJ TANK 9 as recommended to be amended by the s42A Reporting Officers. It is an improvement over the notified objective in PPC9 as it now expressed more clearly as an outcome statement.

⁴ These also apply to restricted discretionary activities.

⁵ EIC of Annette Sweeney at her Paragraph 50.

Protection of Source Water

- 10.14 There were 28 submissions on this topic, which covers POLs TANK 6-9 collectively. Most sought that the policies and associated rules be amended to take out any implied regulatory approach, and instead that the risks be addressed via farm plans, Catchment Collectives and Industry Programmes. Other submitters, most notably the two TLAs, NKII and TToH, sought much more specific changes, such as adding more areas to the SPZs or taking a more strictly regulatory approach.
- 10.15 Under the NES-DSW the Council is obliged to protect the sources of drinking water for communities. This cannot be achieved through a voluntary, non-regulatory approach as sought by many submitters. All such submissions are rejected for this reason.

POL TANK 6

- 10.16 This policy specifies that the quality of the groundwater in the Heretaunga Plains aquifer, and surface water used for Registered Drinking Water Supplies will be protected by the Council using two specific methods.
- a) Identifying source protection extents for small scale drinking water supplies, and SPZs for large water scale supplies using the methods outlined in Schedule 35.
 - b) Regulating activities within SPZs that could affect, or present a risk, to the supply of safe drinking water. Five reasons are outlined for doing so.
- 10.17 The s42A Reporting Officers recommended only minor amendments to POL TANK 6 from what was notified in PPC9.

Submissions and Evidence

- 10.18 There were nine submissions on POL TANK 6, most of which either supported the policy or sought minor amendments.
- 10.19 Each of HortNZ and Federated Farmers sought amendments that we might describe as protecting the interests of their sector groups, specifically seeking options to relocate sources of supply and recognising “lawfully established land uses” within SPZs. On behalf of HortNZ Mr Dooney did not pursue this particular change in his evidence.⁶ Both these submission points are rejected.

Finding

- 10.20 We support POL TANK 6 with the minor amendments recommended by the s42A Reporting Officers.

POL TANK 7

- 10.21 This policy sets out the matters that the Council will consider when considering applications to take water for a Registered Drinking Water Supply.
- 10.22 In the “pink version” of PPC9 the s42A Reporting Officers recommended some amendments to the wording of the policy. These do not change the context of the policy, but certainly improve its wording.

⁶ Although he did suggest the proposed amendment could be included in POL TANK 9.

10.23 Only five submissions were received on POL TANK 7; those from HortNZ and Federated Farmers were identical to those they made on POL TANK 6. These submissions are rejected for the same reasons outlined in the discussion of that policy. We support POL TANK 7 as recommended to be amended by the s42A Reporting Officers.

POL TANK 8

10.24 This policy sets out the matters that the Council will consider when considering applications for activities within the source protection extent for Registered Water Supplies, and in much more detail, the criteria for considering such applications in SPZs.

10.25 Some amendments are recommended by the s42A Reporting Officers, all of which are based on the submissions of the HDC, along with several other parties. We consider these amendments improve the wording, and add a relevant clause, to POL TANK 8.

10.26 Five submissions were received on POL TANK 8. Those of HortNZ and Federated Farmers made similar or identical submissions to those made on POL TANK 6 and 7, and these are rejected for the same reasons outlined in our discussion of POL TANK 6.

10.27 We support POL TANK 8 as recommended to be amended by the s42A Reporting Officers.

POL TANK 9

10.28 This policy describes how the Council will work co-operatively with other agencies with roles and responsibilities for the provision of safe drinking water. There were only six submissions on the policy, three of which sought that Clause g) in PPC9 be deleted because it largely repeated Clause a).

10.29 That is the only change recommended to the policy, apart from the stem of the clause being updated to reflect more recent role changes in the management of drinking water supplies.

10.30 We support POL TANK 9 as recommended to be amended by the s42A Reporting Officers.

Source Protection Zone Maps

10.31 As already discussed, the s42A Reporting Officers recommended a number of amendments to PPC9 after submissions from the HDC and NCC. With one exception these were generally supported by the TLAs and the Hawkes Bay Drinking Water Governance Committee.

10.32 The one main matter of contention between the TLAs and the Council is the “size and shape” of the SPZ mapped around HDC’s water supply bores. Two of these bores are located near Flaxmere, three in a bore field near Frimley to the north-east of the hospital, three on East Street, just to the south-east of the central city, and one at Brookvale, which supplies only Havelock North.

10.33 Our understanding is that there are two methods to determine the “size and shape” of SPZs. These are known as the analytical and numerical methods. The HBRC, particularly via its expert witness Mr Pawel Rakowski, believed that the numerical method (the Heretaunga Plains numerical model) was superior to the analytical method, which is a simpler model that he

asserted had “multiple limitations”.⁷ He went on to explain that analytical methods produce more conservative SPZs due to higher uncertainties.

- 10.34 The HDC considered the SPZ for the Hastings water supply wells should be determined by combining the results of the numerical and analytical methods. No expert evidence was led to support this approach; rather they referred to this as a “conservative and precautionary approach”⁸ and inferred that Mr Rakowski is not qualified to say that the merging of analytical and numerical models is “unnecessarily conservative”.⁹ The conservative approach to mapping the HDC water source SPZ was also supported by Mr Chapman, their “3 Waters Manager”.¹⁰
- 10.35 We observe that Mr Rakowski is an experienced and qualified groundwater modeller. We prefer his evidence, and his stated strong preference for the use of the numerical model to determine the size and shape of the SPZ upgradient of the HDC water supply bores. Basing the SPZ on a combination of models is in our view unduly conservative.

S32AA Analysis

- 10.36 In essence the arguments put forward by the HDC are based on a “precautionary” approach to defining a SPZ for the HDC water supply bores. We understand the basis for that, given the Havelock North water gastroenteritis outbreak caused by contaminated drinking water, although we observe that was very largely due to very poor well head protection at the Brookvale bore, rather than any upgradient contamination of the groundwater supply. That does not in our view justify a very cautious approach to defining the SPZ for the HDC bores.
- 10.37 We disagree with Ms Sweeney’s assertion that that the change of activity status from permitted or controlled to restricted discretionary or discretionary is “not a significant cost burden on the person undertaking the activity”.¹¹ Nor do we accept Mr Chapman’s similar assertion that extending the zone would not “impose any significant implications on landowners” residing in these areas.¹² That is not our experience; it is substantially more onerous to seek restricted discretionary activities than it is for controlled activities, and permitted activities are allowed as of right.
- 10.38 Rather we adopt the analysis in the s32 Evaluation Report, which does not need further evaluation under s32AA, and which reads:

*“Use of both models at the same time is overly cautious, would impose a higher consenting burden on landowners and would not be defensible given the more technically robust approach provided by the Heretaunga Plains numerical model”.*¹³

Rules in the RRMP for Source Protection

- 10.39 As part of PPC9 a number of rules in the RRMP were specifically amended to exclude SPZs from the activities listed, or to make other similar amendments. This means that the listed activities will face more stringent consenting requirements in SPZs. Examples of these rules include those for Bore Drilling (RRMP Rule 1), Feedlots and Feedpads (RRMP Rule 5), Use of compost,

⁷ Statement of Reply Evidence of Pawel Rakowski for HBRC at Paragraph 3.2
⁸ Evidence of Mr Brett Chapman dated 21 June 2020 at Paragraph 18
⁹ Legal submissions of Asher Davidson for the HDC and NCC at her Paragraph 47
¹⁰ EIC of Brett Chapman at his Paragraphs 46 and 47
¹¹ At Paragraph 13 of Ms Annette Sweeney’s evidence tabled on 21 June 2021
¹² EIC of Brett Chapman at his Paragraph 48.
¹³ Section 32 Evaluation Report – TANK Catchments Plan Change to RRMP, pg. 302

biosolids and other soil conditioners (RRMP Rule 13), Discharge of animal effluent (RRMP Rule 14), and new (on-site) sewage systems (RRMP Rule 37).

10.40 The main submissions on these rules were from Mr Renouf, who sought a number of extra changes to these rules, but these are out of the scope of PPC9.

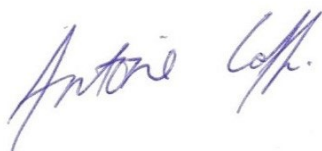
10.41 We consider that these proposed changes to the RRMP are necessary to provide additional protection to SPZs and we support them.

Chapter 16 - Overall Decision

16.1 Based on the Panel's consideration of all the material before it, including the section 42A reports, submissions, further submissions, evidence presented at the hearings and following consideration of the requirements of section 32AA and other relevant statutory matters, and for the reasons set out in this decision report:

- a) PPC9 is accepted as notified, and as further amended prior to, during and subsequent to the hearings, as set out in Appendices 2 and 3.
- b) All submissions on PPC9 be accepted, accepted in part or rejected to the extent that they correspond with that conclusion and the matters the Panel has set out in the preceding report sections (and as summarised in Appendix 4).
- c) Pursuant to clause 10 of the First Schedule of the Resource Management Act 1991, the Panel gives notice of its decision on submissions to PPC9.

DATED THIS 31ST DAY OF AUGUST 2022



Antoine Coffin

Independent Commissioner (Chair)



Dr Brent Cowie

Independent Commissioner



Dr Greg Ryder

Independent Commissioner



Rauru Kirikiri

Independent Commissioner



Dr Roger Maaka

Independent Commissioner

Attachment D

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34	Jonathan Hamlet	Craggy Range Vineyards Limited	PO Box 8749, Havelock North, Hastings, New Zealand	jonathan.hamlet@craggyrange.com
35	Colin Campbell		118 Waihau Road, RD6, Napier, New Zealand, 4186	colin.campbell117@gmail.com
36	Karen Morrish	Mr Apple New Zealand Ltd	2 Station Road, Whakatu, Hawke's Bay, New Zealand, 4172	Karen.Morrish@mrapple.com
37	Greg Evans	Dartmoor Estate Ltd	643 Dartmoor Road, DR6, Napier, New Zealand, 4183	greg@grochem.com
38	Roger Brownlie		PO Box 41, Bay View, Napier, New Zealand, 4149	the.orchard@xtra.co.nz
39	Bridget Wilton	MbandSons	387 Ngatarawa Road, Hastings, Hawke's Bay, New Zealand	MBandSons76@gmail.com
40	Jeremy White	J and S White Contracting Ltd	1262 Waihau Rd, RD 6, Napier, New Zealand	sharron.jwhite@xtra.co.nz
41	Jonathan Milmine	Milmine Holdings Limited	1904 Maraekakaho Road, RD1, Hastings, New Zealand, 4171	johnny@primelimes.co.nz
43	CA & GW Wilson	Meiros Orchard Ltd	380 Dartmoor Road, Puketapu, RD6, Napier, New Zealand, 4186	meiros@xtra.co.nz
44	Brian Fulford	Omahuri Orchards (2019) Ltd.	1447 Southland Road, Hastings, Hawke's Bay, New Zealand	omahuri@xtra.co.nz
47	John Bostock	John Bostock & Eddie Crasborn	, New Zealand	johnb@bostock.nz
48	Paul Ham	Alpha Domus	1829 Maraekakaho Road, RD1, Hastings, New Zealand, 4171	paul@alphadomus.co.nz
49	John Parsons		PO Box 8558, Havelock North, Hastings, New Zealand	john.parsons@xtra.co.nz
53	Chris Howell	CD & CM Howell Partnership	1950 Maraekakaho Road, RD1, Hastings, New Zealand, 4171	
54	Mark Apatu	Apatu Farms Ltd	2370 Omahu Road, Twyford, Hastings, New Zealand	mark@apatugroup.com
58	Peter Wilson	Hawkes Bay Fish and Game Council	22 Burness Road, Jervoisstown, Napier, New Zealand, 4112	hawkesbay@fishandgame.org.nz
59	Ronald McFetridge	WaterForce Limited	2068 Pakowhai Road, Napier, New Zealand	rmcfetridge@waterforce.co.nz
61	Greg Simpson		252 Napier Road, RD10, Hastings, New Zealand	gpsorchard@xtra.co.nz
62	Jonty Moffett		1723 Korokipo Road, RD3, Napier, New Zealand	jonty@moffetts.co.nz
63	Steph Rotarangi	Napier City Council	Private Bag 6010, Hawkes Bay Mail Centre, Napier, New Zealand, 41	chiefexecutive@napier.govt.nz
66	Anthony Davoren	Ngaruroro Irrigation Society Incorporated	, New Zealand	tony@swims.co.nz
68	Geoffrey Smith	Vine Nursery New Zealand and Waikahu Vineyard	1884 Maraekakaho Road, RD1, Hastings, New Zealand, 4171	geoff@vinenursery.co.nz
69	Jos Dames	Dames Limited	229 Havelock Road, Akina, Hastings, New Zealand, 4122	jos@dames.co.nz
71	Carl Knapp	Bellingham Orchard Ltd.	45 Longlands Road West, RD5, Hastings, New Zealand, 4175	ctmjknapp@gmail.com
72	Justin Addis	Armada Orchard Ltd	598 Te Aute Road, Havelock North, Hastings, New Zealand	orchard@armadale.co.nz
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74	Kevin Bayley	Bayley Produce Ltd	58 Jarvis Road, RD5, Hastings, New Zealand	kkbayley@xtra.co.nz
75	Andria Monin	Stonecroft Wines Limited	121 Mere Road, RD5, Hastings, New Zealand, 4175	wine@stonecroft.co.nz
76	Larry Morgan	Te Mata Estate Winery Ltd	PO Box 8335, Havelock North, Hastings, New Zealand, 4157	larry@temata.co.nz
77	David & Sheryl Mackie		56 Franklin Road, Waiohiki, Napier, New Zealand	cedarwood@xtra.co.nz
78	Ben & Georgia Humphrey		PO Box 8087, Havelock North, Hastings, New Zealand, 4157	benjameshumphrey@gmail.com
79	Richard Pentreath		1088 Links Road, RD3, Napier, New Zealand	richard.pentreath@gmail.com
81	Tony Smith	Babich Wines	211 Leo St, Akina, Hastings, New Zealand, 4122	tonysmith@babichwines.co.nz
82	Trevor Robinson	Lowe Corporation Limited	PO Box 8334, Havelock North, New Zealand	trob@trobinson.co.nz
84	Grant Edmonds	Redmetal Vineyards Ltd	2006 Maraekakaho Road, RD 1, Hastings, New Zealand	info@redmetal.co.nz
86	Peter Scott		749 Whakapirau Road, RD4, Hastings, New Zealand, 4174	omapereholdings@gmail.com
87	Peter Scott	Kereru Road Vineyard	749 Whakapirau Road, RD4, Hastings, New Zealand	kereruroadvineyard@gmail.com
88	Tracey Chadderton	Constellation Brands NZ Limited (CBNZ)	6/46 Maki Street, Westgate, Auckland, New Zealand, 0814	tracey.chadderton@cbrands.com
91	Johnny Milmine	Berry Farms NZ	211 Karamu Road, Hastings, New Zealand, 4122	johnny@berrymfarmsnz.co.nz
92	Sally Gallagher	Apollo Foods Limited	PO Box 7018, Taradale, Napier, New Zealand, 4141	sally@theapplepress.co.nz
95	Johnny Milmine	Prime Limes	1904 Maraekakaho Road, RD1, Hastings, New Zealand, 4171	johnny@primelimes.co.nz
96	Mike Davis	Davis Orchards Ltd	61 Parkhill Road, Haumoana RD10, Hastings, New Zealand	michael.davis@xtra.co.nz
97	Lesley Wilson	DN & LR Wilson Ltd	, New Zealand	lesley@miltonvilla.nz
99	Jerf van Beek	Twyford Water	265 Twyford Road, Twyford, Hastings, New Zealand, 4175	Jerfvanbeek@gmail.com
102	Ritchie Garnham	Booster Wine Group	2016 Maraekakaho Road, RD1, Hastings, New Zealand	ritchie.garnham@boosterwinegroup.nz
103	Ian Quinn	Two Terraces Vineyard	450 Kereru Road, Maraekakaho, New Zealand	ian@twoterraces.nz
104	John Loughlin	Rockit Global Limited	PO Box 8560, Havelock North, Hastings, New Zealand	admin@rockitapple.com
105	Scott Lawson		302 Ngatarawa Road, RD5, Hastings, New Zealand, 4175	scott@truearth.co.nz
107	Christopher Harrison	Beach House Wines Ltd	93 Mere Road, Fernhill, Hastings, New Zealand	chris@beachhouse.co.nz
110	Edward Whyte	Whyte & Co	PO Box 8, Clive, New Zealand	whyte.co2004@gmail.com
117	Alison Johnston	Silver Fern Farms Limited	PO Box 30, Ashburton, New Zealand, 7740	alison.johnstone@silverfernfarms.co.nz
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120	Ngahiwi Tomoana	Ngati Kahungunu Iwi Incorporated	PO Box 2406, Hastings, New Zealand, 4153	tank@kahungunu.iwi.nz
122	Richard Pentreath	Ngai Tukairangi Trust	PO Box 7348, Taradale, New Zealand, 4141	richard@ngaituk.co.nz
123	Jenny Nelson-Smith	Department of Conservation	59 Marine Parade, Napier South, Napier, New Zealand, 4110	jnsmith@doc.govt.nz
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165	Caleb Dennis	Aotearoa New Zealand Fine Wine Estates LP	PO Box 2817, Havelock North, Hastings, New Zealand, 4157	bureau@aonzfinewine.com
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194	Ezekiel Hudspith	Pernod Ricard Winemakers New Zealand Limited	Private Bag 92030, Auckland, New Zealand, 1142	ezeziel.hudspith@dentons.com
195	Rhea Dasent	Federated Farmers of New Zealand	105 Queen St, Palmerston North, New Zealand, 6140	rdasent@fedfarm.org.nz
196	Julian Odering	Oderings Nurseries	PO Box 33-124, Christchurch, New Zealand, 8244	julian@oderings.co.nz
199	Peter Robertson	Brookfields Vineyards/Ohiti Estate	PO Box 7174, Taradale, Napier, New Zealand, 4183	brookfields.vineyards@xtra.co.nz

201	Joella Brown	Heretaunga Tamatea Settlement Trust	PO Box 2192, Stortford Lodge, Hastings, New Zealand, 4156	Joella.brown@heretaungatamatea.iwl.nz
203	Mark Laurenson	The Oil Companies (Z Energy Limited, BP Oil Limited, Mobil Oil NZ Limited)	, New Zealand	markl@4sight.co.nz
204	Juliet Gray	Peter Lyons Trust (Lyons Vineyard)	124 Margaret Ave, Havelock North, Hastings, New Zealand	juliet@arorangiholdings.nz
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208	Emma Taylor	Villa Maria Estate Limited	PO Box 43046, Mangere, Auckland, New Zealand	Emmataylor.viti@gmail.com
210	Tom Kay	Royal Forest and Bird Protection Society of New Zealand (Forest & Bird)	PO Box 631, Wellington, New Zealand, 6140	j.miller@forestandbird.org.nz
211	Brian McLay		82 Carrick Road, RD5, Hastings, New Zealand, 4172	b.mclay@airnet.net.nz
213	Peter Scott	The Wine Portfolio	PO Box 67, Katikati, New Zealand, 3129	peters@wineportfolio.co.nz
214	Scott Lawson	Hawkes Bay Vegetable Growers Association	302 Ngatarawa Road, RD5, Hastings, New Zealand, 4175	scott@trueearth.co.nz
215	Peter Dooney	Dooney Partnership	48 The Loop, Napier, New Zealand	p.dooney123@gmail.com
217	Paul Paynter	Johnny Appleseed Holdings Ltd	548 St Georges Rd Soth, RD2, Hastings, New Zealand, 4172	Paul.Paynter@yummyfruit.co.nz
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219	Michael & Julie Russell		129 Rosser Road, RD4, Hastings, New Zealand	mrussell@airnet.net.nz
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221	WT Scott		32 Richard Rod, RD2, Hastings, New Zealand	roz-billy@xtra.co.nz
222	Owen Jerry Hāpuku		13 Sefton Street, Havelock North, Hastings, New Zealand, 4130	whanau@k08c064.kohanga.ac.nz
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238	Emma Taylor	Gimblett Gravels Winegrowers Association	PO Box 7075, Taradale, Napier, New Zealand	emmataylor.viti@gmail.com

Attachment E

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
Nigelb@hdc.govt

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: <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; and will adopt a staged approach to groundwater management that includes: <ul style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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'.	The policy is supported subject to amending subclause (b) adding the words in bold italics as follows: “(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.	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.	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 taking 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>

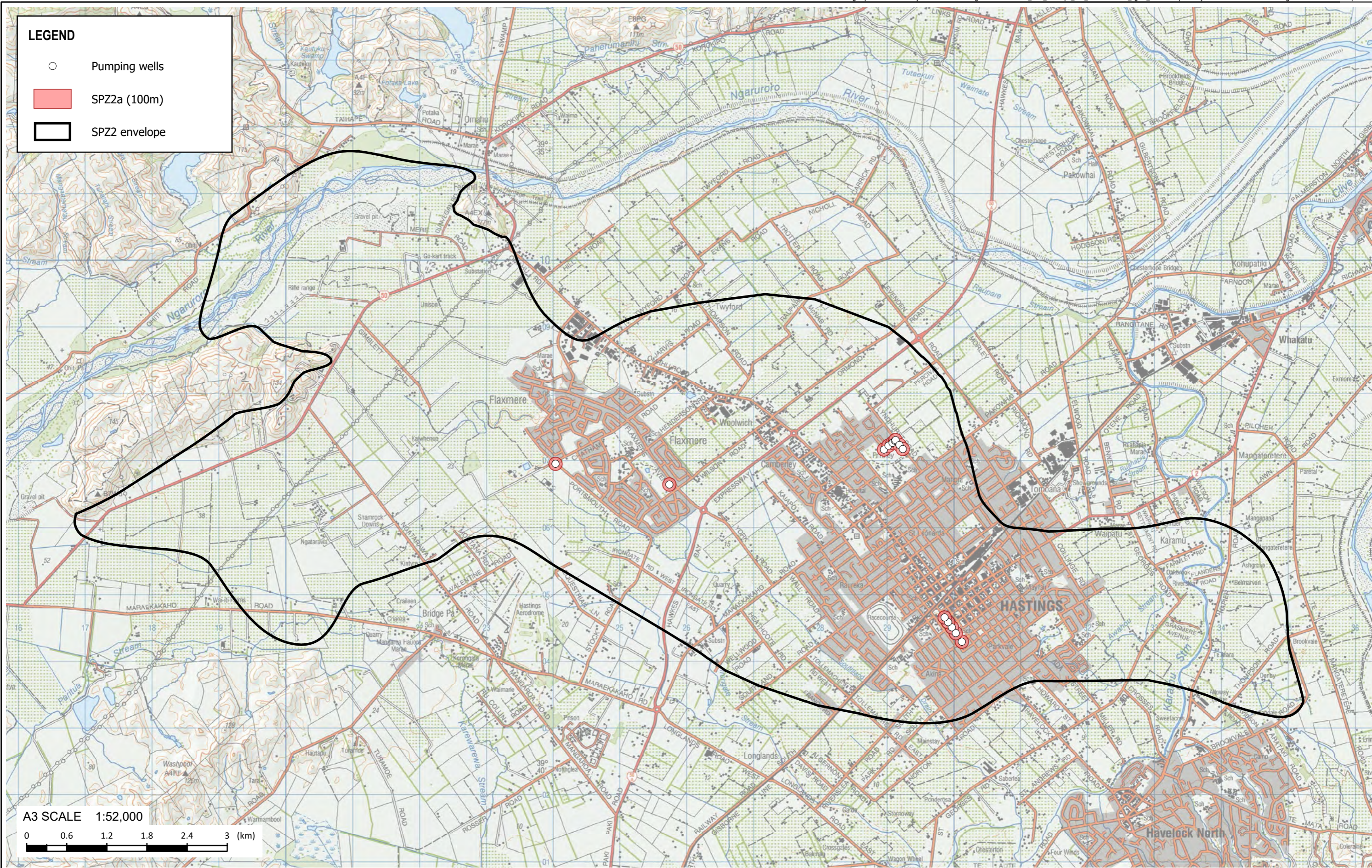
	<p>supplies serving more than 501 persons, only the Napier Urban and Hasting urban have spatial extent defined in the notified TANK Plan Change, with the intent being that others will be defined as consents are renewed.</p>	<p>areas. Schedule 35 should be amended to enable source protection areas to 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

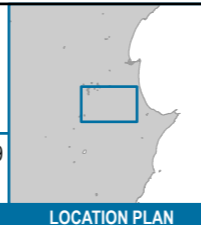
			<p>watercourse or designated secondary flow path.</p> <p>a)vi)(v) cause to occur or continue to the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water</p> <p>(vi)(vi) Cause to occur or continue to the exceedance of water quality targets for discharge 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"> - “Source control: methods of good site management <i>including contingency measures in event of a spill or hazardous event.</i>”



NOTES:

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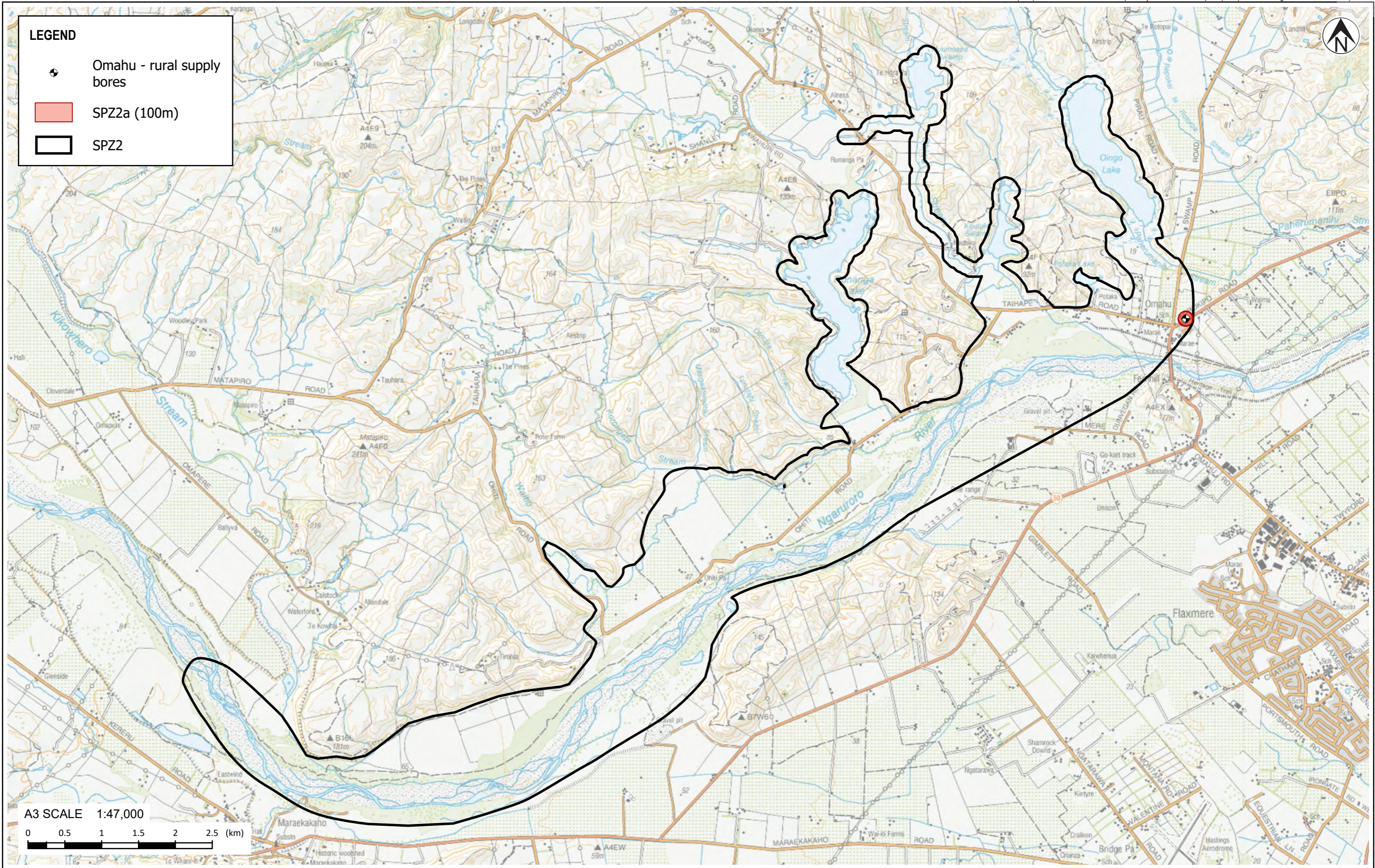


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DRAWN	TAF0	AUG.20	
CHECKED	CRSS	AUG.20	
APPROVED	DATE		




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PROJECT	SOURCE PROTECTION ZONES		
TITLE	SPZ2A AND SPZ2 BOUNDARY DELINEATION		
SCALE (A3)	1:52,000	FIG No.	FIGURE 1.
REV	0		



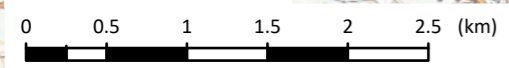
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LEGEND

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

A3 SCALE 1:47,000



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

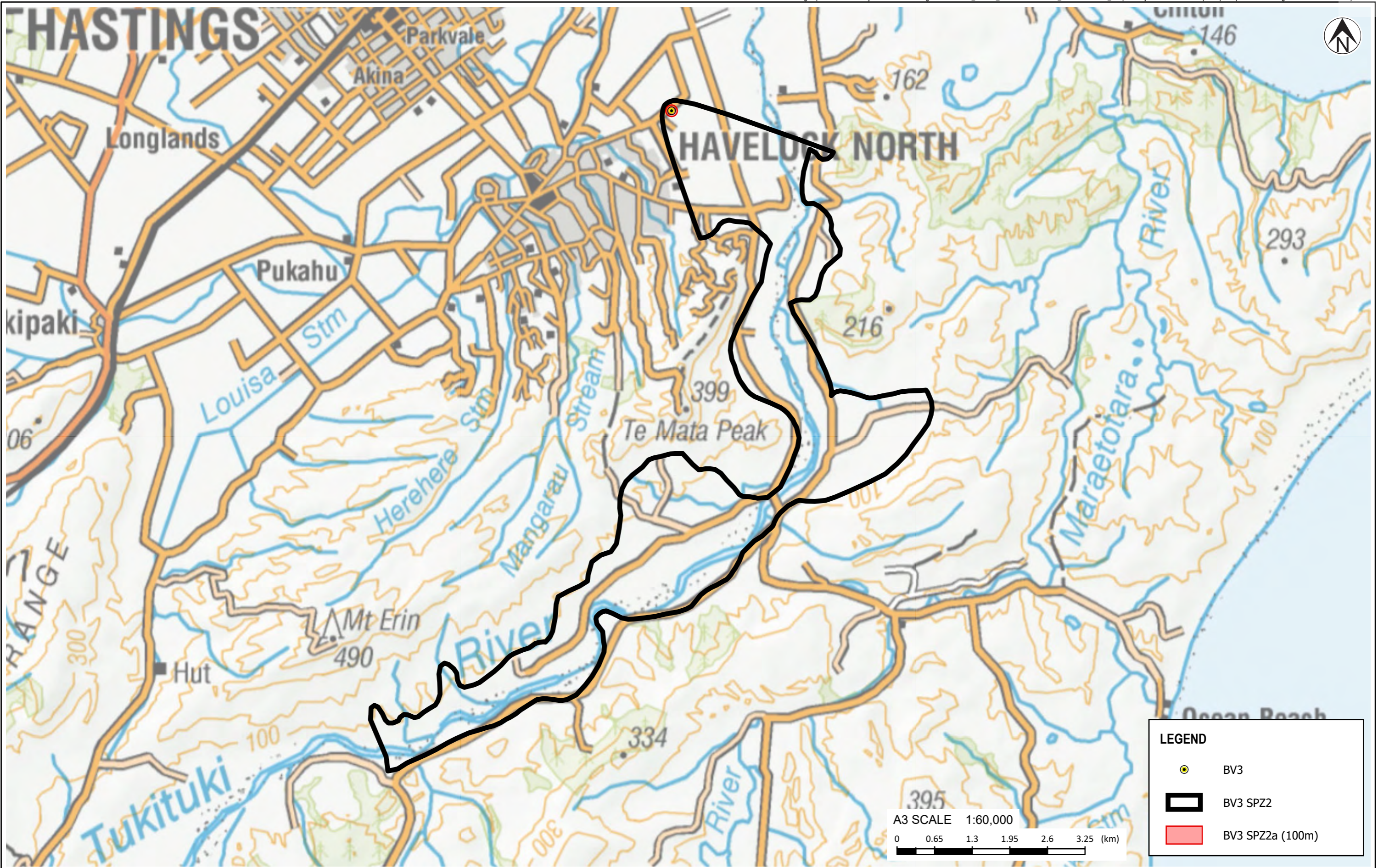
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DRAWN	TAFO AUG.20
CHECKED	CRSS AUG.20
APPROVED	DATE

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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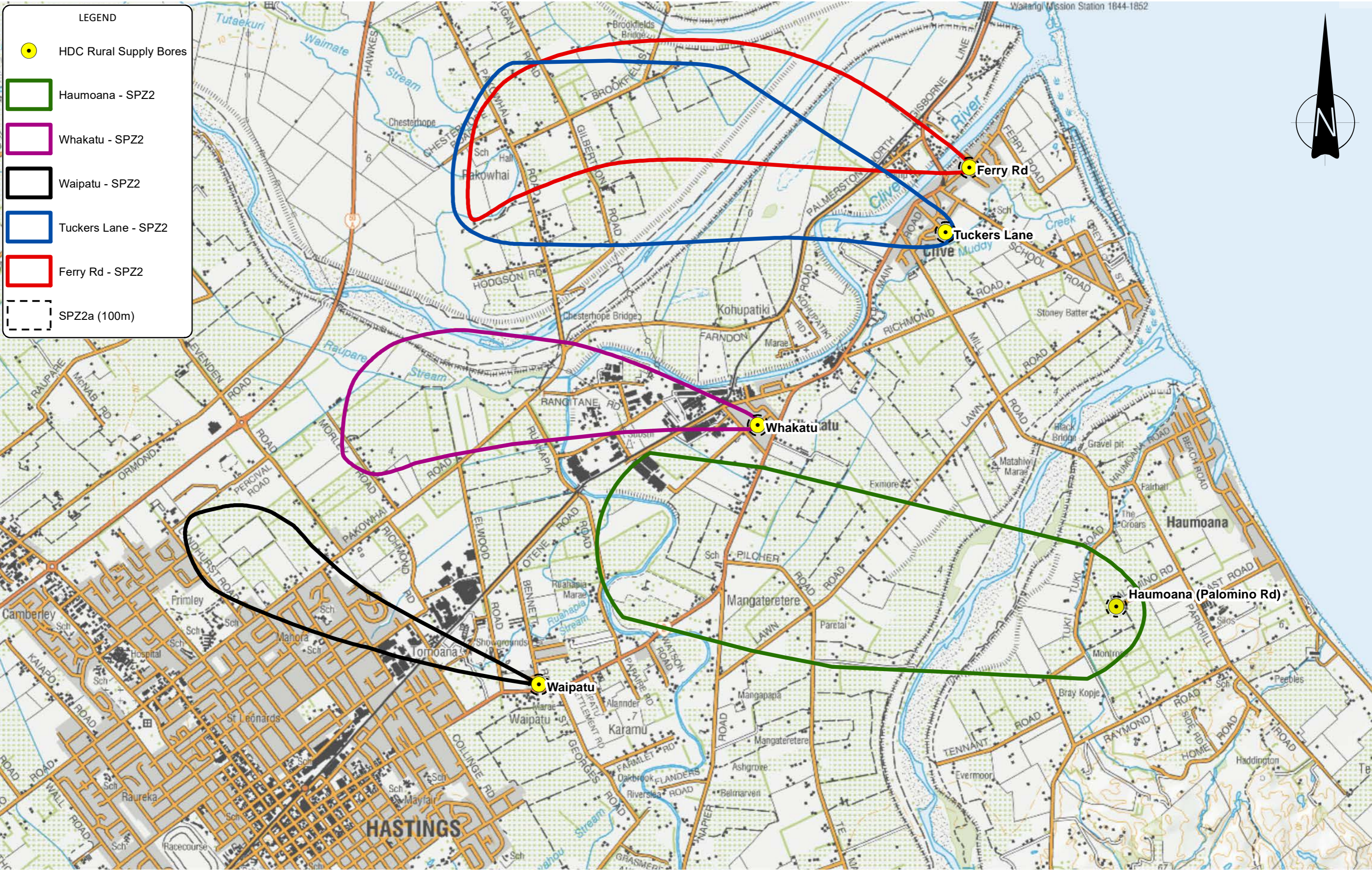
LOCATION PLAN

PROJECT No.	1013118		
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DRAWN	TAFO	AUG.20	
CHECKED	CRSS	AUG.20	

APPROVED DATE

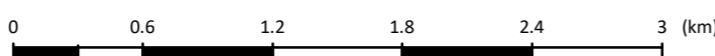
CLIENT	HASTINGS DISTRICT COUNCIL		
PROJECT	BROOKVALE RD (BV3) SOURCE PROTECTION ZONE		
TITLE	SP22 BOUNDARY		

SCALE (A3) 1:60,000 FIG No. FIGURE 2. REV 0



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Notes:
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CHECKED	TIR	Oct.19
APPROVED	CRSS	Aug.20
ARCFILE	HDC Rural Supplies.mxd	
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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**

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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: M. 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.

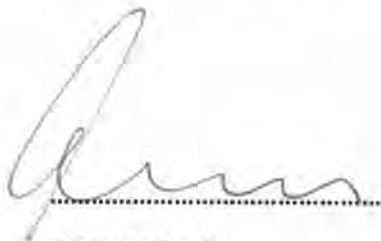
The current landowners, supported by the rest of the Waipatu community, maintain that although not against progress, there are other factors that need considering in order to determine whether that progress is at the expense of fundamental cultural practices in this case land and water tenure or at the 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	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>
14			
Wetland and Lake Management	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>
15			
Phormidium Management	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>” <u>(g) 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>
16			
5.10.3	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>
Managing Adverse Effects From Land Use on Water Quality (Diffuse)			

<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> achieveing 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 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 consistence 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: "for transfers that enable the operation of a flow enhancement scheme (ref Policy 38)"</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>Retain all attributes.</p> <p>Clarify what is meant by ‘reference state’ for water temperature and introduce a maximum.</p>
Attributes measured		<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>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>
Schedule 26 Freshwater Quality Objectives Water clarity and turbidity	Support in part	<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>
Schedule 26 Freshwater Quality Objectives Deposited sediment (%)	Support with amendment	<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>
Schedule 26 Freshwater Quality Objectives	Support with amendment	<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> 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></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

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Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
Adrian Mannering Irrigation Services	218.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	218.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	218.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	218.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	218.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	218.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

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Alec Duncan Fire and Emergency New Zealand	13.8	OBJ TANK 16	Support	Amend provision substantially in the manner requested by the submitter	Water security for emergency purposes is essential for the health and safety of people and communities.
	12.2	OBJ TANK 10	Support	Amend provision substantially in the manner requested by the submitter	Meeting domestic water needs is not sufficient on its own to ensure to health and wellbeing of people and communities.
	12.3	OBJ TANK 11	Support	Amend provision substantially in the manner requested by the submitter	Arguably g) provides for what is being sought, but the amendment sought will add clarity.
	12.5	OBJ TANK 13	Support	Amend provision substantially in the manner requested by the submitter	Arguably g) provides for what is being sought, but the amendment sought will add clarity.
	12.6	OBJ TANK 14	Support	Amend provision substantially in the manner requested by the submitter	Arguably g) provides for what is being sought, but the amendment sought will add clarity.
	12.7	OBJ TANK 16	Support	Amend provision substantially in the manner requested by the submitter	The relief sought is line with the Hastings District Council submission on Policy 50 b)
Alison Johnston Silver Fern Farms Limited	117.2	6.10.2 Water	Support	Amend provision substantially in the manner requested by the submitter	Prohibited Activity Status is inappropriate given the staged approach to setting allocation limits and the imprecise nature of the resource, limited consent duration and potential to remedy effects. Hastings District Council supports the stepped approach in PC9 for groundwater takes, from restricted discretionary under TANK 9, to discretionary under TANK 11, to non-complying (as sought in Hastings District Council's original submission) under TANK 12 where standards and terms cannot be satisfied, as this puts in place a high threshold for the grant of consent where the activity's consistency with objectives and policies, and its adverse effects on the environment, are required to be closely scrutinised.
	117.3	OBJ TANK 16	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The relief sought would place a commercial operation on a par with community use, which is inappropriate.

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Allen Kittow Tremaine Farms Ltd	185.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	185.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	185.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	185.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	185.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	185.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

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Andrea and Phil Cranswick Meridiem Trust	15.1	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	15.15	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below <u>underline/strikeou</u>)	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
Andria Monin Stonecroft Wines Limited	75.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	75.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below <u>underline/strikeou</u>)	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	75.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
Anna Wilkes Ravensdown Limited	135.13	OBJ TANK 14	Support	Amend provision substantially in the manner requested by the submitter	Arguably "other urban activities" provides for what is being sought, but the amendment sought will add clarity.

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	135.34	POL TANK 29	Oppose	Do not amend the Plan as requested by the submitter	Hastings District Council supports the requirement for source control of stormwater contamination stated in Policy 29. This policy provides the basis for requiring source control, site management plans, and the control of activities which may impact on water quality standards being met and is necessary to support the proposed rules on these matters.
	135.35	POL TANK 30	Oppose	Do not amend the Plan as requested by the submitter	Hastings District Council supports the intent of policy 30 which is to provide a timeframe for improvements where water quality is degraded by stormwater quality. It seeks to ensure that the water quality standards and timeframes that are applied are appropriate for assessing the effects of the stormwater discharges and receiving environment, which is not necessarily the case with the Schedule 26 and 27 Objectives. Hastings District Council seeks the retention of the policy as notified subject to amendments sought in its submission (No 207).
	135.39	POL TANK 36	Support in part	Amend provision as requested by Hastings District Council in its submission.	The submission is in line with the submission of Hastings District Council in that it seeks the ability for the Plan to consider of future opportunities in certain circumstances (refer relief sought by Hastings District Council in regard to Policy 37 regarding these suggested circumstances)
	135.4	POL TANK 37	Support in part	Amend provision as requested by Hastings District Council in its submission.	The submission is in line with the submission of Hastings District Council in that it seeks the ability for the Plan to consider of future opportunities in certain circumstances (refer relief sought by Hastings District Council in regard to Policy 37 regarding these suggested circumstances)
	135.49	POL TANK 52	Support in part	Amend provision as requested by Hastings District Council in its submission.	The submission is inline with the submission of Hastings District Council in that it seeks the ability for the Plan to consider of future opportunities in certain circumstances (refer Hastings District Council submission on Policy 37).
	135.56	6.10.3 Stormwater	Support	Amend provision substantially in the manner requested by the submitter	Matters of control should relate to the discharge. Sites which store, use or transfer hazardous substances and have appropriate controls in place to prevent entry into the stormwater system should not be a reason for the activity not being considered as a controlled activity.
	135.66	Schedule 34: Urban Site Specific Stormwater Management Plan	Support	Amend provision substantially in the manner requested by the submitter	Relief sought is consistent with Hastings District Council's submission in that the word urban is unnecessary and potentially confusing.

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Bernadette Hamlin	16.6	Flow Management Regimes; Tutaekuri, Ahuriri, Ngaruroro and Karamu	Oppose in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the minimum flow levels being set such that the costs and adverse effects are outweighed by the benefits of the required level. Hastings District Council currently considers the levels identified in PC9 reflect an appropriate balance and provide appropriately for indigenous fish habitat at low flows at this point in time.
Bernie Kelly Hawke's Bay Canoe Club	31.4	6.10.2 Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The relief sought is unnecessarily limiting. Damming of minor tributaries may provide benefits with less than minor effects with only intermittent flow interruptions
Bevan Davidson	73.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	73.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	73.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	73.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

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	73.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	73.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Brian Fulford Omahuri Orchards (2019) Ltd.	44.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	44.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	44.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	44.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

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	44.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	44.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Brian McLay	211.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	211.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	211.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	211.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

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	211.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	211.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Bridget Margerison Brownrigg Agriculture Group Ltd	124.22	OBJ TANK 17	Support	Amend provision substantially in the manner requested by the submitter	While PC9 provides for a Maori high flow reservation, the unreserved portion potentially contributes to the wider Hawke's Bay community's wellbeing as well.
Bridget Wilton MbandSons	39.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	39.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
Bruce Mackay Heinz Wattie's Limited	193.22	5.10.6 Policies: Heretaunga Plains Groundwater Levels and Allocation Limits	Support	Amend provision substantially in the manner requested by the submitter	The High Flow allocation regime needs to provide flexibility to harvest the maximum volume within prudent environmental limits in order to support the existing and future social and economic wellbeing of the community.

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	193.4	POL TANK 37	Support in part	Amend provision as requested by Hastings District Council in its submission.	Submission is in line with the relief sought in Hastings District Councils submission in relation to the 90Mm3 limit being a target and b) amended as requested in Hastings District Councils submission on Policy 37.
	193.6	POL TANK 39	Oppose	Do not amend the plan in the manner requested by the submitter(s)	People and communities should not be treated in the same manner as other abstractors where a commercial return is derived from the use of the resource, and should not be required to fund augmentation schemes as sought in the submission. Similarly municipal takes should not be subject to ban - rather a water conservation strategy should be in place to reduce volumes of take during periods of low flow. This is in line with the priority of use order. It is this approach as opposed to contributing funds to other approaches that municipal takes should invest in as the means of managing effects
	193.9	POL TANK 52	Support	Amend provision substantially in the manner requested by the submitter	This is an important matter that requires clarification
Bruce Nimon	20.1	POL TANK 39	Support in part	Amend provisions relating to flow maintenance in the manner requested by the he submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	20.15	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeou	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	20.17	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeou	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports the intent of the submission that transfer of groundwater takes within the same water management unit should be controlled subject to effects on neighbouring bores and connected waterbodies being less than minor.

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CA & GW Wilson Meiros Orchard Ltd	43.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	43.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	43.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	43.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	43.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	43.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat Enhancement Scheme	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

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Caleb Dennis Aotearoa New Zealand Fine Wine Estates LP	165.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	165.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below <u>underline/strikeou</u>)	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	165.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
Carl Knapp Bellingham Orchard Ltd.	71.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	71.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	71.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

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	71.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	71.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat Enhancement Scheme	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Ceri Edmonds Hawke's Bay Regional Council	129.2	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	129.24	6.10.3 Stormwater	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports removing the information requirements for the Integrated Catchment Management Plan from the Rule provision to definition section which states the expected contents of the ICMP
	129.25	6.10.3 Stormwater	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports the clarification of the matters of control as sought.
Charlotte Drury Horticulture New Zealand	180.2	Water quantity	Support	Amend the plan in the manner requested by the submitter(s)	Maintaining and potentially improving community social and economic wellbeing while sustaining environmental flows, is likely to require augmentation through storage of high flows and/or flow mitigation in addition to more efficient use by all sectors.

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	180.2	POL TANK 1	Support in Part	Amend provision substantially in the manner requested by the submitter, but add as g)	Agree that irrigation and processing water quality is important for commercial food and fibre production, but this should be a lower priority than domestic and municipal water supply, given legal obligations around drinking water supplies.
	180.23	POL TANK 6	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Assessment of options to relocate existing drinking water supplies is not appropriate given the priority afforded to provision of water for community water supplies, and the significant costs and disruption to the community associated with relocation of existing, often long standing supplies. Drinking water suppliers will be required to assess risks to their source waters under the Water Services Bill (if enacted) and this information will be available to inform implementation of this policy.
	180.24	POL TANK 7	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Vulnerability and suitability of a source water will be assessed by the water supplier under the provisions of the Water Services Bill (once enacted). Matters sought to be amended are addressed via clause (d)
	180.25	POL TANK 8	Support	Amend the provision to ensure that existing activities which do not pose a risk to human drinking water sources are addressed	The Hastings District Council supports intent to ensure that consideration of consent applications for existing activities which are not expanding in scope or presenting increased risks to source water supplies takes into account the established nature of the activity in decision making."
	180.39	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	180.41	POL TANK 39	Support in part	Amend provision substantially in the manner requested by the submitter	Emphasises the need to be working towards such schemes in a logical sequence so that their implementation can be considered as part of the Plan review in 10 years (refer relief sought in relation to Policy 41 in Hastings District Councils submission)
	180.47	POL TANK 52	Support	Amend provision substantially in the manner requested by the submitter	This is an important matter that requires clarification
	180.52	POL TANK 60	Support	Amend provision substantially in the manner requested by the submitter	Clarification is needed given matters specified as written would apply to all high flow takes.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	180.6	6.10.2 Water	Support	Amend provision substantially in the manner requested by the submitter	Prohibited Activity Status is inappropriate given the staged approach to setting allocation limits and the imprecise nature of the resource, limited consent duration and potential to remedy effects. Hastings District Council supports the stepped approach in PC9 for groundwater takes, from restricted discretionary under TANK 9, to discretionary under TANK 11, to non-complying (as sought in Hastings District Council's original submission) under TANK 12 where standards and terms cannot be satisfied, as this puts in place a high threshold for the grant of consent where the activity's consistency with objectives and policies, and its adverse effects on the environment, are required to be closely scrutinised.
	180.63	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeou	Support in part	Amend provision substantially in the manner requested by the submitter	Hastings District Council agrees that the provision should be time related.
Chris Howell CD & CM Howell Partnership	53.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	53.2	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The potential effects on people and communities need to be assessed, however a range of water conservation and efficiency measures continue to be investigated and implemented where the benefits for the environment are in proportion to costs involved and ability of the community (including vulnerable groups) to pay.
	53.22	POL TANK 50	Support	Amend provision substantially in the manner requested by the submitter	This is currently the case and is required as a matter for further consideration in TANK Rules 9 and 10
	53.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.

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Christopher Harrison Beach House Wines Ltd	107.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	107.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeou	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	107.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
Colin Campbell	35.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	35.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	35.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	35.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	35.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	35.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Cordelia Woodhouse Environmental Defence Society Inc	198.3	Catchment Objectives	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the intent of the submission to maintain water quantity however Hastings District Council considers there may be alternative ways of achieving that objective which do not necessarily involve a limit on each river and stream. The relief sought is not specific enough for potential effects on people and communities to be assessed imposing a limit may have unintended costs not outweighed by benefits for the catchment as a whole.
	198.5	Water quantity	Support in Part	Do not amend the plan in the manner requested by the submitter(s)	Support the intent of the submission, subject to the actual levels set being appropriate to balance all relevant interests, including cultural, community and economic interests.
	198.8	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Effects may be neutral where water management units are well connected
	198.7	OBJ TANK 11	Oppose in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the minimum flow levels being set such that the costs and adverse effects are outweighed by the benefits of the required level. Hastings District Council currently considers the levels identified in PC9 reflect an appropriate balance and provide appropriately for indigenous fish habitat at low flows at this point in time.

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Daniel Soltau	5.1	POL TANK 36	Support in part	Amend provision as requested by Hastings District Council in its submission.	The submission is inline with the submission of Hastings District Council in that it seeks the ability for the Plan to consider of future opportunities where certain criteria are met to prevent further over allocation.
David Renouf	10.1	POL TANK 2	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Discharges from roads and street surfaces are a separate issue from sedimentation and nutrients deriving from land use and better considered under stormwater management in the Clive and Karamu catchments.
	10.15	6.10.3 Stormwater	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The rule as notified with the amendment as sought in Hastings District Council submission No. 207 are sufficient to achieve the outcomes sought.
	10.16	6.10.3 Stormwater	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The rule as notified with the amendment as sought in Hastings District Council submission No. 207 are sufficient to achieve the outcomes sought.
	10.17	6.10.3 Stormwater	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The rule as notified with the amendment as sought in Hastings District Council submission No. 207 are sufficient to achieve the outcomes sought.
	10.18	5.10.4 Policies: Stormwater Management	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies clauses 72A(1) (a) and (b) sufficiently address the matters to be considered by the consent authority.
	10.19	5.10.4 Policies: Stormwater Management	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies clauses 72A(1) (a) and (b) sufficiently address the matters to be considered by the consent authority.
	10.22	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Source Protection conjunctive zones are not required to be mapped to correlate with unconfined aquifer maps.
	10.4	POL TANK 28	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Retain Policy 28 as notified subject to the amends's sought in Hastings District Council submission (submission 207)

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	10.5	POL TANK 30	Oppose	Do not amend the Plan as requested by the submitter	Hastings District Council supports the intent of policy 30 which is to provide a timeframe for improvements where water quality is degraded by stormwater quality. It seeks to ensure that the water quality standards and timeframes that are applied are appropriate for assessing the effects of the stormwater discharges and receiving environment, which is not necessarily the case with the Schedule 26 and 27 Objectives. Hastings District Council seeks the retention of the policy as notified subject to amendments sought in its submission (No 207).
David & Sheryl Mackie	77.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	77.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	77.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	77.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	77.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

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	77.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Deane Caughey Indevin Group Ltd	94.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	94.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
Dr Nicholas Jones Hawke's Bay District Health Board (HBDHB)	233.1	POL TANK 1	Support	Amend provision substantially in the manner requested by the submitter	The quality of community supply source water is as important as municipal and domestic supplies.
	233.1	Protection of Source Water	Support	Amend the Plan as per the submitters request	Hastings District agrees that the input for the JWG Drinking Water should be noted in the background as it demonstrates the multi-agency collaborative approach taken to developing the source protection provisions as per Policy 9 of Plan Change 9.
	233.11	POL TANK 6	Support	Amend the Plan as per the submitters request	Amendment to include all registered water supplies is consistent with the approach of the Water Services Bill and consistent with providing safe water to all communities.
	233.14	5.10.4 Policies: Stormwater Management	support	Amend the plan as requested	Solid contaminant and debris discharge into stormwater systems is an appropriate means of source control
	233.16	POL TANK 28	Support	Amend generally as per the submitter's request	The Hastings District Council agrees that solid contaminant and debris discharge into stormwater systems is an appropriate means of source control
	233.17	POL TANK 28	Support	Amend generally as per the submitter's request	The Hastings District Council agrees that source control is appropriate and effective means of avoiding contaminants in discharge.

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	233.18	POL TANK 30	Support	Amend the plan as per the submitters request	The Hastings District Council agrees that source control is appropriate and effective means of avoiding contaminants in discharge.
	233.18	POL TANK 30	Support	Amend the plan generally as sought by the submitter	The Hastings District Council agrees that source control is appropriate and effective means of avoiding contaminants in discharge.
	233.2	5.10 Introduction	Support	Amend provision substantially in the manner requested by the submitter	The Hastings District Council supports the inclusion of protection of drinking water sources as an Issue specifically identified in Plan Change 9. Outcomes of the Havelock North Board of Inquiry and proposed introduction of s104G of the RMA via the Water Services Bill (if enacted) demonstrate the importance of source water protection.
	233.2	6.10.3 Stormwater	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council agrees that the management of solid contaminants and debris is an important and critical source control measure
	233.21	6.10.3 Stormwater	Oppose	Do not amend as requested by submitted	Hastings District Council supports the intent of the submission and agrees that solid contaminants and debris should be kept out of stormwater systems where possible, however, this is not always possible particularly in high flow situations and it would be inappropriate for this to be a manner by which an urban stormwater system was unable to be considered as a controlled activity.
	233.21	6.10.3 Stormwater	Oppose	Do not amend as requested by submitter	Hastings District Council supports the intent of the submission, but notes that it is not possible for the stormwater discharges to not include any solid contaminants or debris. The inclusion of this in the conditions / standards and terms would mean that local authority stormwater discharges would fall to be considered as Discretionary Activities. Hastings District Council would support the management of debris and solid contaminants as a matter of control under the Integrated Catchment Management Plan.
	233.22	6.10.3 Stormwater	Oppose	Do not amend as requested by submitter	Hastings District Council supports the intent of the submission but consider this is more appropriate as a matter of control, rather than as a condition / standard / term
	233.23	Section B: Catchment Collective Requirements	Support	Amend provision substantially in the manner requested by the submitter.	Measures to prevent contamination are considered appropriate, as this is more able to be achieved and incorporated into the plan requirements and actions.

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	233.24	Section B: Catchment Collective Requirements	Support	Amend provision substantially in the manner requested by the submitter.	Plans and programmes should assess the effectiveness of measures to prevent drinking water source contamination.
	233.3	5.10 Introduction	Support	Amend provision substantially in the manner requested by the submitter	The Hastings District Council supports the inclusion of addition of cyanobacteria, the quantity of water and the presence of pathogens and other chemical contaminants, and waiora in to the human health attributes stated in Figure 1. Inclusion of these parameters demonstrates the need to take a multi-parameter and multi-barrier approach to the protection of source water for drinking water.
	233.5	OBJ TANK 3	Support	Amend provision substantially in the manner requested by the submitter	The relief sought recognises a relevant potential impact on communities from climate change
	233.7	OBJ TANK 6	Support	Amend provision substantially in the manner requested by the submitter	It is appropriate for the safety of the public for this objective to apply to extents as well as zones and to recognise existing treatment
	233.8	OBJ TANK 16	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The relief sought is unnecessary as the list is already subject to limits targets and flow regimes to meet the needs and values of the water body.
Edward Whyte Whyte & Co	110.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	110.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.

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	110.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	110.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	110.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	110.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Emma Taylor Gimblett Gravels Winegrowers Association	238.11	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	238.14	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below <u>underline/strikeou</u>	Support	Amend generally as requested by submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources

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	238.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
	208.11	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	208.14	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below <u>underline/strikeou</u>)	Support	Amend generally as requested by submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	208.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
Ezekiel Hudspith Pernod Ricard Winemakers New Zealand Limited	194.44	POL TANK 36	Support	Amend provision substantially in the manner requested by the submitter	The relief sought represents an important point of clarification and is consent with Hastings District's submission
	194.48	POL TANK 37	Support in part	Amend provision as requested by Hastings District Council in its submission.	The submission is in line with the submission of Hastings District Council in that it seeks the ability for the Plan to consider of future opportunities in certain circumstances (refer relief sought by Hastings District Council in regard to Policy 37 regarding these suggested circumstances)
	194.72	POL TANK 52	Support	Amend provision substantially in the manner requested by the submitter	This is an important matter that requires clarification

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	194.77	POL TANK 60	Support	Amend provision substantially in the manner requested by the submitter	Clarification is needed given matters specified as written would apply to all high flow takes.
	194.93	6.10.2 Water	Support	Amend provision substantially in the manner requested by the submitter	Prohibited Activity Status is inappropriate given the staged approach to setting allocation limits and the imprecise nature of the resource, limited consent duration and potential to remedy effects. Hastings District Council supports the stepped approach in PC9 for groundwater takes, from restricted discretionary under TANK 9, to discretionary under TANK 11, to non-complying (as sought in Hastings District Council's original submission) under TANK 12 where standards and terms cannot be satisfied, as this puts in place a high threshold for the grant of consent where the activity's consistency with objectives and policies, and its adverse effects on the environment, are required to be closely scrutinised.
Gavin Yort Limestone Properties Limited	3.14	OBJ TANK 17	Support	Amend provision substantially in the manner requested by the submitter	While PC9 provides for a Maori high flow reservation, the unreserved portion potentially contributes to the wider Hawke's Bay community's wellbeing as well.
	3.19	POL TANK 48	Support	Amend provision substantially in the manner requested by the submitter	It would be illogical to prevent a transfer from one use (primary production) to another higher priority use (needs or people and communities) recognised by the other policies of the Plan Change
Geoffrey Smith Vine Nursery New Zealand and Waikahu Vineyard	68.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	68.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below <u>underline/strikeou</u>)	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	68.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.

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Glenn Riddell Glenmore Orchard	42.1	POL TANK 39	Oppose	Do not amend the plan in the manner requested by the submitter(s)	People and communities should not be treated in the same manner as other abstractors where a commercial return is derived from the use of the resource, and should not be required to fund augmentation schemes as sought in the submission. Similarly municipal takes should not be subject to ban - rather a water conservation strategy should be in place to reduce volumes of take during periods of low flow. This is in line with the priority of use order. It is this approach as opposed to contributing funds to other approaches that municipal takes should invest in as the means of managing effects
	42.11	POL TANK 41	Oppose	Do not amend the plan in the manner requested by the submitter(s)	People and communities should not be treated in the same manner as other abstractors where a commercial return is derived from the use of the resource, and should not be required to fund augmentation schemes as sought in the submission. Similarly municipal takes should not be subject to ban - rather a water conservation strategy should be in place to reduce volumes of take during periods of low flow. This is in line with the priority of use order. It is this approach as opposed to contributing funds to other approaches that municipal takes should invest in as the means of managing effects
Grant Edmonds Redmetal Vineyards Ltd	84.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	84.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below <u>underline/strikeou</u>	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	84.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
Greg Evans Dartmoor Estate Ltd	37.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	37.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	37.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	37.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	37.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	37.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
Greg Simpson	61.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	61.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	61.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	61.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	61.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	61.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
Hamish Clark Saint Clair Family Estate Ltd	28.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	28.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below <u>underline/strikeou</u>)	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	28.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
Jacqui Cormack Constellation Brands NZ Limited (CBNZ)	88.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	88.17	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below <u>underline/strikeou</u>)	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	88.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.

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James Lyver Maungaharuru-Tangitū Trust	126.14	POL TANK 1	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Scrutiny of stormwater management as sought in d) implies inefficient and/or unnecessary administrative oversight. The Plan requires actual improvement and the policy should reflect that.
	126.23	POL TANK 30	Oppose	Do not amend the Plan as requested by the submitter	Hastings District Council supports the intent of policy 30 which is to provide a timeframe for improvements where water quality is degraded by stormwater quality. It seeks to ensure that the water quality standards and timeframes that are applied are appropriate for assessing the effects of the stormwater discharges and receiving environment, which is not necessarily the case with the Schedule 26 and 27 Objectives. Hastings District Council seeks the retention of the policy as notified subject to amendments sought in its submission (No 207).
Jenny Nelson-Smith Department of Conservation	123.106	6.10.2 Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Maintaining and potentially improving community social and economic wellbeing while sustaining environmental flows, is likely to require augmentation through storage of high flows in addition to more efficient use by all sectors. Deletion of the provisions will either result in slow environmental gains or major economic impacts across the wider community.
	123.111	6.10.2 Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Prohibited Activity Status is inappropriate given the staged approach to setting allocation limits and the imprecise nature of the resource, limited consent duration and potential to remedy effects. Hastings District Council supports the stepped approach in PC9 for groundwater takes, from restricted discretionary under TANK 9, to discretionary under TANK 11, to non-complying (as sought in Hastings District Council's original submission) under TANK 12 where standards and terms cannot be satisfied, as this puts in place a high threshold for the grant of consent where the activity's consistency with objectives and policies, and its adverse effects on the environment, are required to be closely scrutinised.
	123.115	6.10.3 Stormwater	Oppose	Do not amend the plan in the manner requested by the submitter	Hastings District Council accepts the need to protect inanga spawning habitats, however an exclusion condition is considered unnecessary.
	123.152	Schedule 31: Flows, Levels and Allocation Limits	Support in Part	Do not amend the plan in the manner requested by the submitter(s)	Support the intent of the submission, subject to the actual levels set being appropriate to balance all relevant interests, including cultural, community and economic interests.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	123.153	Schedule 31: Flows, Levels and Allocation Limits	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain, but could be significant.
	123.154	Schedule 32: High Flow Allocation	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The measures listed may have a significant impact on storage volumes able to be achieved relative to degree of environmental protection they anticipate. The High Flow allocation regime needs to provide flexibility to harvest the maximum volume within prudent environmental limits in order to support the existing and future social and economic wellbeing of the community.
	123.155	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Reducing stream flow depletion to achieve meaningful environmental gains would likely have major implications for the social and economic wellbeing of the community out of proportion to the environmental benefits that would likely be achieved. Environmental flow augmentation should at least be investigated first.
	123.163	Chapter 9 Glossary of Terms Used	Support in part	Amend provision substantially in the manner requested by the submitter, but delete "quantity"	The submission raises an important point of clarification, but it should not refer to quantity as this is unknown and naturally variable, particularly with respect to the Heretaunga Plains Aquifer
	123.2	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	It is not practical to separate essential human health needs and other water use from the municipal supply, but TAs do operate water conservation and efficiency programmes during and beyond low flows.
	123.3	Water quantity	Support in Part	Do not amend the plan in the manner requested by the submitter(s)	Support the intent of the submission, subject to the actual levels set being appropriate to balance all relevant interests, including cultural, community and economic interests.
	123.37	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The relief sought fails to appreciate the value of water quantity to people and communities for their health and economic, social and cultural wellbeing. Objectives as written should be retained and added to if considered necessary.
	123.4	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain and fails to account for the option of augmentation to maintain minimum flows.

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	123.5	OBJ TANK 11	Oppose in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the minimum flow levels being set such that the costs and adverse effects are outweighed by the benefits of the required level. Hastings District Council currently considers the levels identified in PC9 reflect an appropriate balance and provide appropriately for indigenous fish habitat at low flows at this point in time.
	123.62	POL TANK 28	Support	Amend the plan generally as requested but retain "where practicable" clause	Infrastructure providers need to be able to ensure services fit the site specific requirements and this is provided via the "where practicable clause" . Hastings District Council agrees that critical habitats should be taken into account and that source control is the most efficient means of reducing contaminants in the discharge.
	123.63	POL TANK 29	Oppose	Do not amend the Plan as requested by the submitter	Hastings District Council supports the policy intent and agrees with the need for source control. The submitters intent is supported but Hastings District Council does not consider it necessary to include this level of specificity in the policy, and the matters sought are included in policy clause 29(a)
	123.65	POL TANK 31	Support	Amend the plan generally as sought by the submitter	The Hastings District Council supports amendment to the policy to clarify that stormwater management is required to support maintaining the objectives and targets
	123.7	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Effects may be neutral where water management units are well connected
	123.7	Heretaunga Plains Aquifer Management	Oppose	Do not amend the plan in the manner requested by the submitter(s)	A generic approach to the management of the Heretaunga Plains Aquifer is inappropriate in the context of both the resource and the TANK process leading to Plan Change 9.
	123.74	POL TANK 39	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Reducing stream flow depletion to achieve meaningful environmental gains would likely have major implications for the social and economic wellbeing of the community out of proportion to the environmental benefits that would likely be achieved. The environmental flow mitigation measures included in PC9 should be investigated first.
	123.75	POL TANK 40	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Reducing stream flow depletion to meaningful environmental gains would likely have major implications for the social and economic wellbeing of the community out of proportion to the environmental benefits that would likely be achieved. The environmental flow mitigation measures included in PC9 should be investigated first.

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	123.76	POL TANK 41	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Reducing stream flow depletion to meaningful environmental gains would likely have major implications for the social and economic wellbeing of the community out of proportion to the environmental benefits that would likely be achieved. The environmental flow mitigation measures included in PC9 should be investigated first.
	123.77	POL TANK 42	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Plan is working in a staged way towards better understanding this matter while at the same introducing initial tools to reduce water use. Setting an arbitrary phase out date does not reflect the need to undertake a review and implement reductions in a way that balances environmental gains with effects on the wider environment and community
	123.83	POL TANK 48	Support in part, oppose in part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the view that the needs of people and communities for water supply for drinking and domestic use should be prioritised above water used for irrigation. The Hastings District Council does not support the other amendments sought as the Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain,
	123.91	POL TANK 54	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The relief sought is unnecessarily limiting. Damming of minor tributaries may provide benefits with less than minor effects. Proposals should be robustly tested through the resource consent process.
	123.93	POL TANK 56	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The policy is necessary to provide for stored water replenished through winter flows to offset the effects of abstraction as appropriate to support community economic wellbeing and potentially to provide for growth and development. It is good practice to take into account positive effects as well as adverse effects in assessing applications.
Jerf	99.1	Water quantity	Support	Amend provision substantially in the manner requested by the submitter	Maintaining and potentially improving community social and economic wellbeing while sustaining environmental flows, is likely to require augmentation through storage of high flows in addition to more efficient use by all sectors.
	99.103	POL TANK 1	Support in part	Amend provision substantially in the manner requested by the submitter, but add as g)	Agree that irrigation and processing water quality is important for commercial food and fibre production, but this should be a lower priority than domestic and municipal water supply, given legal obligations around drinking water supplies.

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	99.105	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	In relation to b) any water that may become available within the interim ground water limit or target should be made available for priority use ahead of primary production, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	99.106	POL TANK 41	Oppose	Do not amend the plan in the manner requested by the submitter(s)	People and communities should not be treated in the same manner as other abstractors where a commercial return is derived from the use of the resource, and should not be required to fund augmentation schemes as sought in the submission. Similarly municipal takes should not be subject to ban - rather a water conservation strategy should be in place to reduce volumes of take during periods of low flow. This is in line with the priority of use order. It is this approach as opposed to contributing funds to other approaches that municipal takes should invest in as the means of managing effects
	99.12	POL TANK 36	Support in part	Amend provision substantially in the manner requested by the submitter	The relief sought represents an important point of clarification with respect to takes supported from storage at high flows.
	99.13	POL TANK 37	Support in part	Amend provisions as requested by Hastings District Council in its submission.	Submission is in line with the relief sought in Hastings District Councils submission in relation to the 90Mm3 limit being a target and the ability to consider future opportunities under certain circumstances. However any water that may become available within the interim ground water limit or target should be made available for priority use ahead of primary production, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	99.15	POL TANK 39	Support in part	Amend provision substantially in the manner requested by the submitter	The relief sought represents an important point of clarification. A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits, however individual and other non-council approaches should not be ruled out.

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	99.19	POL TANK 52	Support	Amend provision substantially in the manner requested by the submitter	This is an important matter that requires clarification
	99.22	POL TANK 60	Support	Amend provision substantially in the manner requested by the submitter	Clarification is needed given matters specified as written would apply to all high flow takes.
	99.6	POL TANK 1	Support in part	Amend provision substantially in the manner requested by the submitter, but add as g)	Agree that irrigation and processing water quality is important for commercial food and fibre production, but this should be a lower priority than domestic and municipal water supply, given legal obligations around drinking water supplies.
	99.68	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	99.69	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the
	99.72	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	99.73	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	99.74	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

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	99.75	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
John Loughlin Rockit Global Limited	104.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	104.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	104.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	104.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	104.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	104.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
John Parsons	49.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the
	49.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the
	49.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	49.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	49.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	49.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

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Johnny Milmine Berry Farms NZ	91.41	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	91.42	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	91.45	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	91.46	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	91.47	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	91.48	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	95.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	95.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	95.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	95.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	95.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	95.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
Jonathan Hamlet Craggy Range Vineyards Limited	34.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	34.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	34.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
Jonathan Milmine Milmine Holdings Limited	41.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	41.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
Jonty Moffett	62.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	62.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	62.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	62.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	62.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	62.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Jos Dames Dames Limited	69.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	69.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	69.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	69.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	69.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	69.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Julian Odering Oderings Nurseries	196.43	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	196.44	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	196.47	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	196.48	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	196.49	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	196.5	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Juliet Gray Peter Lyons Trust (Lyons Vineyard)	204.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	204.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeou	Support	Amend generally as requested by submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	204.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
Justin Addis Armadales Orchard Ltd	72.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	72.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	72.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	72.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	72.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	72.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Karen Morrish Mr Apple New Zealand Ltd	36.4	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	The relief sought is consistent with Hastings District Council's submission in so far as an Interim Target, rather than an Interim Limit is sought.
Keith Marshall Napier City Council	63.52	POL TANK 50	Support	Amend provision substantially in the manner requested by the submitter	It is important to take into account the reasonably anticipated growth needs of communities which are required to be facilitated and planned for under the National Policy Statement on Urban Development when allocating water resources.
	63.55	POL TANK 48	Support	Amend provision substantially in the manner requested by the submitter	The relief sought recognises an important part of the value chain arising from the combination of the unique soil and water resources of the Heretuanaga Plains
	63.56	Water Use Change/Transfer	Support	Amend provision substantially in the manner requested by the submitter	Recognises an important part of the value chain arising from the combination of the unique soil and water resources of the Heretuanaga Plains
	63.57	5.10.6 Policies: Heretaunga Plains Groundwater Levels and Allocation Limits	Support	Amend provision substantially in the manner requested by the submitter	The proposed provisions are unclear. A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	63.58	5.10.6 Policies: Heretaunga Plains Groundwater Levels and Allocation Limits	Support	Amend provision substantially in the manner requested by the submitter	People and communities should not be treated in the same manner as other abstractors where a commercial return is derived from the use of the resource, and should not be required to fund augmentation schemes as sought in the submission. Similarly municipal takes should not be subject to ban - rather a water conservation strategy should be in place to reduce volumes of take during periods of low flow. This is in line with the priority of use order. It is this approach as opposed to contributing funds to other approaches that municipal takes should invest in as the means of managing effects
Kent Griffiths	32.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	32.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	32.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	32.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	32.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	32.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Kerry Sixtus Pattullo's Nurseries Limited	23.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	23.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	23.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	23.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	23.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	23.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Larry Morgan Te Mata Estate Winery Ltd	76.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	76.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below)	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	76.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
Lesley Wilson DN & LR Wilson Ltd	97.43	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	97.44	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	97.47	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	97.48	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	97.49	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	97.5	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	97.83	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The potential effects on people and communities need to be assessed, however a range of water conservation and efficiency measures continue to be investigated and implemented where the benefits for the environment are in proportion to costs involved and ability of the community (including vulnerable groups) to pay.

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	97.87	POL TANK 1	Support in part	Amend provision substantially in the manner requested by the submitter, but add as g)	Agree that irrigation and processing water quality is important for commercial food and fibre production, but this should be a lower priority than domestic and municipal water supply, given legal obligations around drinking water supplies.
Levi Walford Matahiwi Marae	232.2	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The relief is not specific enough for potential effects on people and communities to be assessed.
	232.5	OBJ TANK 15	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The relief is not specific enough for potential effects on people and communities to be assessed.
	232.6	5.10.7 Policies: Surface Water Low Flow Management	Oppose in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the minimum flow levels being set such that the costs and adverse effects are outweighed by the benefits of the required level. Hastings District Council currently considers the levels identified in PC9 reflect an appropriate balance and provide appropriately for indigenous fish habitat at low flows at this point in time.
Liz Lambert Hawke's Bay Drinking Water Governance Joint Committee	119.1	POL TANK 9	Support	Amend the plan as per the submitters request	Hastings District Council agrees that agency names should be removed given changes to roles and responsibilities indicated under the upcoming water reform.
	119.2	Proposed TANK Plan Change 9	Support	Amend provision substantially in the manner requested by the submitter	Support the retention and noting of RPS objective for no degradation of groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer. The objectives and policies included in Plan Change 9 for the protection of sources of human drinking water is consistent with the RPS objective.
Liz Munroe Heretaunga Tamatea Settlement Trust	201.29	OBJ TANK 16	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The relief sought is unnecessary as the list is already subject to limits targets and flow regimes to meet the needs and values of the water body.
	201.39	Heretaunga Plains Aquifer Management	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council acknowledges the desirability of limiting groundwater allocation, however in terms of setting the level of allocation, Hastings District Council generally supports the approach in PC9, as sought to be amended by Hastings District Council's submission, of setting an interim target allocation and setting a final limit over time taking into account a range of factors.

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	201.4	5.10 Introduction	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council considers economic impact on peoples and communities is a relevant resource management consideration.
	201.41	POL TANK 42	Oppose	Do not amend the plan in the manner requested by the submitter(s)	A informed decision on what constitutes over allocation involves a choice based on science and values. This policy provides for a review of the interim allocation limit based on both as well potential community impacts and is an important part of the staged approach taken in Plan Change 9.
	201.42	POL TANK 43	Oppose in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the minimum flow levels being set such that the costs and adverse effects are outweighed by the benefits of the required level. Hastings District Council currently considers the levels identified in PC9 reflect an appropriate balance and provide appropriately for indigenous fish habitat at low flows at this point in time.
	201.49	Schedule 31: Flows, Levels and Allocation Limits	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain, but could be significant.
	201.5	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support in part	Do not amend the plan in the manner requested by the submitter(s), but amend so that Schemes can be developed by the regional council in a progressive manner over a reasonable timeframe, rather than relying on consent applicants to	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Marei Apatu Te Taiwhenua o Heretaunga	132.117	OBJ TANK 11	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The measures listed may have a significant impact on storage volumes able to be achieved relative to degree of environmental protection they anticipate. The High Flow allocation regime needs to provide flexibility to harvest the maximum volume within prudent environmental limits in order to support the existing and future social and economic wellbeing of the community. Greater discussion and evidence is required to clarify the effects of the relief sought, given the role storage will need to play in sustaining community economic wellbeing while achieving environmental outcomes of reducing abstraction.
	132.118	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain

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	132.121	Water Use and Allocation – Efficiency	Support	Amend provision substantially in the manner requested by the submitter	Aligns with Hastings District Council's submission that existing bores whether efficient or not should not be adversely affected
	132.122	6.10.3 Stormwater	Oppose	Do not amend as per the submitters request	Controlled Activity status is appropriate for urban infrastructure which councils are obligated to provide under other statute.
	132.123	6.10.3 Stormwater	Oppose	Do not amend as per the submitters request	Discharges from roadside drains and similar that are managed by a local authority should be considered under TANK 21 (Controlled activity for discharges of stormwater from a local authority managed network)
	132.125	POL TANK 37	Support in Part	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council's understanding is that it has not been established that the Heretaunga Plains Aquifer is being mined. The potential effects on the social and economic wellbeing of the community of an arbitrary cap on abstraction are potentially very significant. A staged approach as proposed in PC9 is preferred and a more pragmatic way to achieve balanced environmental outcomes over time.
	132.128	Heretaunga Plains Aquifer Management	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain
	132.13	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Maintaining and potentially improving community social and economic wellbeing while sustaining environmental flows, is likely to require augmentation through storage of high flows and/or flow mitigation in addition to more efficient use by all sectors. Deletion of the provisions will either result in slow environmental gains or major social and economic impacts across the wider community.
	132.133	Protection of Source Water	Support	Amend the Source Protection Zones Maps to those supplied with the Hastings district Council's submission.	The maps supplied with the Hastings District Council prepared by Tonkin and Taylor Limited represent the most recent technical advice incorporating peer review comments

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	132.135	Chapter 9 Glossary of Terms Used	Support in part	Amend provision substantially in the manner requested by the submitter, but account for climate variability	If a definition of mining is needed the concept of annual recharge not equating to or exceeding annual abstraction is considered appropriate, however this any need to be determined on an average basis over a number of years to account for climatic variability. In addition the rate of recharge in this context does not seem to add anything.
	132.144	Schedule 31: Flows, Levels and Allocation Limits	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain, but could be significant.
	132.146	Schedule 31: Flows, Levels and Allocation Limits	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain, but could be significant.
	132.151	Flow maintenance	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Reducing stream flow depletion to achieve meaningful environmental gains would likely have major implications for the social and economic wellbeing of the community out of proportion to the environmental benefits that would likely be achieved. The environmental flow mitigation measures included in PC9 should be investigated first.
	132.152	5.10.6 Policies: Heretaunga Plains Groundwater Levels and Allocation Limits	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Reducing stream flow depletion to meaningful environmental gains would likely have major implications for the social and economic wellbeing of the community out of proportion to the environmental benefits that would likely be achieved. The environmental flow mitigation measures included in PC9 should be investigated first.
	132.16	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council opposes proportional claw backs of all existing consents, noting that this does not necessarily achieve the objective, nor does it necessarily reflect the comparative efficiency of the use of the water or the importance of the water to community, social or cultural outcomes etc.

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	132.16	Water Take and Use	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports TANK Rules 9, 10, 11 and Schedule 33 as notified with the changes sought in Hastings District Council's primary submission. The specific amendments sought in submission point 132.16 reflect changes sought by the submitter to objectives and policies, and are opposed for the same reasons given in Hastings District Council's further submissions on those aspects of relief. In general, the costs of the changes sought, in terms of their effects on community and economic wellbeing may not outweigh the environmental benefits.
	132.165	Flow Management Regimes; Tutaekuri, Ahuriri, Ngaruroro and Karamu	Oppose in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the minimum flow levels being set such that the costs and adverse effects are outweighed by the benefits of the required level. Hastings District Council currently considers the levels identified in PC9 reflect an appropriate balance and provide appropriately for indigenous fish habitat at low flows at this point in time.
	132.166	General Water Allocation Policies	Oppose in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the minimum flow levels being set such that the costs and adverse effects are outweighed by the benefits of the required level. Hastings District Council currently considers the levels identified in PC9 reflect an appropriate balance and provide appropriately for indigenous fish habitat at low flows at this point in time.
	132.17	5.10.6 Policies: Heretaunga Plains Groundwater Levels and Allocation Limits	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain.
	132.173	Flow Management Regimes; Tutaekuri, Ahuriri, Ngaruroro and Karamu	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The relief is not specific enough for potential effects on people and communities to be assessed.
	132.177	POL TANK 50	Oppose	Do not amend the plan in the manner requested by the submitter(s)	While the sentiment is understood, the intent is provided for in the words "within limits" and in other provisions. The Council is concerned that the higher order intent will dilute the specific focus of the policy as written.

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	132.18	Flow Management Regimes; Tutaekuri, Ahuriri, Ngaruroro and Karamu	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The potential effects on the social and economic wellbeing of the community are uncertain relative to the environmental benefits, but could be substantial.
	132.183	POL TANK 37	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council acknowledges the desirability of limiting groundwater allocation, however in terms of setting the level of allocation, Hastings District Council generally supports the approach in PC9, as sought to be amended by Hastings District Council's submission, of setting an interim target allocation and setting a final limit over time taking into account a range of factors.
	132.192	POL TANK 30	Oppose	Do not amend the Plan as requested by the submitter	Further clarity as to how the 90th and 95th percentiles would be applied to consent conditions is required from HBRC regarding this submission point, otherwise Hastings District Council seeks the retention of the policy as notified subject to amendments sought in its submission (No 207).
	132.195	SCHEDULES	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain, but could be significant.
	132.37	5.10.6 Policies: Heretaunga Plains Groundwater Levels and Allocation Limits	Support	Amend TANK POL 36 as required to reflect the relief sought.	Hastings District Council supports the outcome sought by the submission, namely to protect against mining of the aquifer, and to ensure further adverse effects do not occur for connected water bodies. These, or similar outcomes are contained in TANK POL 36. If amendments are considered necessary however, it would be Hastings District Council's preference to amend TANK POL 36 rather than replicate Policy 77. This avoids duplication and potential for internal inconsistency.

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	132.4	Flow Management Regimes; Tutaekuri, Ahuriri, Ngaruroro and Karamu	Oppose in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the minimum flow levels being set such that the costs and adverse effects are outweighed by the benefits of the required level. Hastings District Council currently considers the levels identified in PC9 reflect an appropriate balance and provide appropriately for indigenous fish habitat at low flows at this point in time.
	132.41	Flow Management Regimes; Tutaekuri, Ahuriri, Ngaruroro and Karamu	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The potential effects on the social and economic wellbeing of the community are uncertain relative to the environmental benefits, but could be substantial.
	132.44	5.10.7 Policies: Surface Water Low Flow Management	Oppose in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the minimum flow levels being set such that the costs and adverse effects are outweighed by the benefits of the required level. Hastings District Council currently considers the levels identified in PC9 reflect an appropriate balance and provide appropriately for indigenous fish habitat at low flows at this point in time.
	132.45	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The relief is not specific enough for potential effects on people and communities to be assessed.
	132.52	Water Take and Use	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Prohibited Activity Status is inappropriate given the staged approach to setting allocation limits and the imprecise nature of the resource, limited consent duration and potential to remedy effects. Hastings District Council supports the stepped approach in PC9 for groundwater takes, from restricted discretionary under TANK 9, to discretionary under TANK 11, to non-complying (as sought in Hastings District Council's original submission) under TANK 12 where standards and terms cannot be satisfied, as this puts in place a high threshold for the grant of consent where the activity's consistency with objectives and policies, and its adverse effects on the environment, are required to be closely scrutinised.
	132.53	Heretaunga Plains Aquifer Management	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council acknowledges the desirability of limiting groundwater allocation, however in terms of setting the level of allocation, Hastings District Council generally supports the approach in PC9, as sought to be amended by Hastings District Council's submission, of setting an interim target allocation and setting a final limit over time taking into account a range of factors.

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	132.59	Water Use Change/Transfer	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The effects sought to be avoided by the amendment sought in this submission are unclear to the Hastings District Council.
	132.62	Water Take and Use	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Prohibited Activity Status is inappropriate given the staged approach to setting allocation limits and the imprecise nature of the resource, limited consent duration and potential to remedy effects. Hastings District Council supports the stepped approach in PC9 for groundwater takes, from restricted discretionary under TANK 9, to discretionary under TANK 11, to non-complying (as sought in Hastings District Council's original submission) under TANK 12 where standards and terms cannot be satisfied, as this puts in place a high threshold for the grant of consent where the activity's consistency with objectives and policies, and its adverse effects on the environment, are required to be closely scrutinised.
	132.67	Water Take and Use	Support	Amend provision substantially in the manner requested by the submitter	Aligns with Hastings District submission that existing bores whether efficient or not should not be adversely effected or mitigation offered
	132.75	Water Use Change/Transfer	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The effects sought to be avoided by the amendment sought in this submission are unclear to the Hastings District Council.
	132.76	Water Use Change/Transfer	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The effects sought to be avoided by the amendment sought in this submission are unclear to the Hastings District Council.
	132.77	Water Use Change/Transfer	Support	Amend provision substantially in the manner requested by the submitter	The relief sought is consistent with the objective of no degradation in OBJ21 of the RRMP.
	132.9	5.6 Groundwater Quality	Support	Amend provision substantially in the manner requested by the submitter.	No degradation of the Heretaunga Aquifer and suitability for drinking and irrigation is essential for the health and overall wellbeing of the community, including economic wellbeing.

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	132.9	Schedule 31: Flows, Levels and Allocation Limits	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain, but could be significant.
Marei Apatu	138.2	OBJ TANK 13	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is unsure of the environmental benefits of increasing the minimum flow by 10% relative to economic impacts.
	138.4	5.10.4 Policies: Stormwater Management	Oppose	Do not amend as requested	Discharge consents should include sufficient mitigation and conditions to ensure effects on cultural values are no more than minor. Application of a levy is not considered necessary.
Mark Apatu Apatu Farms Ltd	54.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	54.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	54.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	54.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	54.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	54.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Mark Cairns MD Cairns & AR Wright Partnership	18.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	18.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	18.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
Mark Laurenson The Oil Companies (Z	203.13	Urban Infrastructure	Support	Amend clause k as requested	Hastings District Council supports amendment of the policy to clarify that MfE guideline compliant petroleum industry sites are not high risk.

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Energy Limited, BP Oil Limited, Mobil Oil NZ Limited)	203.14	Source Control	Support	Amend generally as per the submitter's request	Hastings District Council supports the intent of the submitter's request, subject to wording changes to remove specificity of the actions to be taken (i.e., "to lobby central government").
	203.24	Water Take and Use	Support	Amend provision substantially in the manner requested by the submitter	Prohibited Activity Status is inappropriate given the staged approach to setting allocation limits and the imprecise nature of the resource, limited consent duration and potential to remedy effects. Hastings District Council supports the stepped approach in PC9 for groundwater takes, from restricted discretionary under TANK 9, to discretionary under TANK 11, to non-complying (as sought in Hastings District Council's original submission) under TANK 12 where standards and terms cannot be satisfied, as this puts in place a high threshold for the grant of consent where the activity's consistency with objectives and policies, and its adverse effects on the environment, are required to be closely scrutinised.
	203.25	6.10.3 Stormwater	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council agrees that it is the impervious area used for high risk activities that is the relevant criteria.
	203.26	6.10.3 Stormwater	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports the intent of providing a Restricted Discretionary pathway for activities not complying with TANK19.
Matt Edwards	11.9	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The potential effects on people and communities need to be assessed, however a range of water conservation and efficiency measures continue to be investigated and implemented where the benefits for the environment are in proportion to costs involved and the ability of the community (including vulnerable groups) to pay.
Michael & Julie Russell	219.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.

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	219.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	219.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	219.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	219.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	219.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Mike Davis Davis Orchards Ltd	96.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.

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	96.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	96.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	96.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	96.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	96.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Ngahiwi Tomoana	120.133	5.10.8 Policies: High Flow Allocation	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Offline storage at high flow is a well tested and reliable way to offset reducing summer ground water and surface water abstraction to meet environmental objectives while maintaining community economic wellbeing. The Plan should recognise this and enable it where appropriate. Proposals should be robustly tested through the resource consent process.

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	120.134	5.10.8 Policies: High Flow Allocation	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council is unclear what outcome is sought by including allocation to storage in allocation limits and minimum flows. It opposes the relief sought subject to seeing any detailed wording and rationale.
	120.135	5.10.8 Policies: High Flow Allocation	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council considers the relief sought and its implications are uncertain and support the approach of naming rivers for which damming is prohibited and assessing proposals on other rivers on their merits according to the criteria set out in the Plan Change. The Plan already proposes Prohibited Activity Status on the major rivers.
	120.138	5.10.4 Policies: Stormwater Management	Support	Ensure clarity as to plan provisions	Hastings District Council supports the principle and intent of the stormwater management policies and agrees that these need to be written in a way which ensures clarity for all plan users.
	120.175	SCHEDULES	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain, but could be significant.
	120.176	Schedule 31: Flows, Levels and Allocation Limits	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain, but could be significant.
	120.32	Water quantity	Support in Part Opposenin Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council acknowledges and supports Te Mana o Te Wai being given full and proper effect and the restoration and protection of the Mauri and cultural values of waterbodies in the TANK catchments. However it opposes proportional claw backs of all existing consents, noting that this does not necessarily achieve the objective, nor does it necessarily reflect the comparative efficiency of the use of the water or the importance of the water to community, social or cultural outcomes etc.
	120.36	Catchment Objectives	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the intent of the submission to maintain water quantity however Hastings District Council considers there may be alternative ways of achieving that objective which do not necessarily involve a limit on each river and stream. The relief sought is not specific enough for potential effects on people and communities to be assessed imposing a limit may have unintended costs not outweighed by benefits for the catchment as a whole.

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	120.41	OBJ TANK 14	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council acknowledges the desirability of limiting groundwater allocation, however in terms of setting the level of allocation, Hastings District Council generally supports the approach in PC9, as sought to be amended by Hastings District Council's submission, of setting an interim target allocation and setting a final limit over time taking into account a range of factors.
	120.46	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The potential effects on the social and economic wellbeing of the community relative to the environmental benefits sought to be achieved are unclear to the Hastings District Council.
	120.47	Catchment Objectives	Support in Part	Do not amend the plan in the manner requested by the submitter(s)	PC9 anticipates that allocation limits will be set for the Karamu and Ahuriri catchments, and subject to understanding the level of those limits, the intent of the submission is supported. Until then the Plan should remain as notified.
	120.5	Flow Management Regimes; Tutaekuri, Ahuriri, Ngaruroro and Karamu	Oppose in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the minimum flow levels being set such that the costs and adverse effects are outweighed by the benefits of the required level. Hastings District Council currently considers the levels identified in PC9 reflect an appropriate balance and provide appropriately for indigenous fish habitat at low flows at this point in time.
	120.52	Water Use Change/Transfer	Support in Part Oppose in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council agrees that generally, the transfer of water permits into over-allocated water management catchments, or between catchments, is inappropriate and should be declined. However it considers these outcomes are appropriately reflected in POL TANK 48 as notified. Because Hastings District Council supports the current wording, it opposes the relief sought, but it may be able to support the relief subject to seeing the amended wording.
	120.53	5.10.8 Policies: High Flow Allocation	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council considers the relief sought and its implications are uncertain and support the approach of naming rivers for which damming is prohibited and assessing proposals on other rivers on their merits according to the criteria set out in the Plan Change.

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	120.54	Flow maintenance	Oppose in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council considers aquifer recharge and flow maintenance policies and schemes have the potential to achieve meaningful benefits, and therefore supports their retention. The environmental flow mitigation measures included in PC9 should be investigated further and Hastings District Council would support amendments to PC9 to better address the submitter's concerns about such schemes.
	120.55	Water quantity	Support in Part	Do not amend the plan in the manner requested by the submitter(s)	Support the intent of the submission, subject to the actual levels set being appropriate to balance all relevant interests, including cultural, community and economic interests.
	120.57	Water quantity	Support in Part	Do not amend the plan in the manner requested by the submitter(s)	Support the intent of the submission, subject to the actual levels set being appropriate to balance all relevant interests, including cultural, community and economic interests.
	120.59	5.10.2 Policies: Surface Water and Groundwater Quality Management	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the minimum flow levels being set such that the costs and adverse effects are outweighed by the benefits of the required level. Hastings District Council currently considers the levels identified in PC9 may reflect an appropriate balance at this stage.
	120.6	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council acknowledges the desirability of limiting groundwater allocation, however in terms of setting the level of allocation, Hastings District Council generally supports the approach in PC9, as sought to be amended by Hastings District Council's submission, of setting an interim target allocation and setting a final limit over time taking into account a range of factors.
	120.6	6.10.2 Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council considers the stepped approach in PC9 for groundwater takes, from restricted discretionary under TANK 9, to discretionary under TANK 11, to non-complying (as sought in Hastings District Council's original submission) under TANK 12 is appropriate. Discretionary status for activities not complying with TANK 9 appropriately impales the PC9 objectives and policies, and ensures all adverse effects will be considered. Prohibited activity status is not supported.
	120.62	Proposed TANK Plan Change 9	Support	Amend provision substantially in the manner requested by the submitter	Aligns with Hastings District submission that existing bores whether efficient or not should not be adversely affected or mitigation offered

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	120.68	Water quantity	Support in Part	Do not amend the plan in the manner requested by the submitter(s)	Support the intent of the submission, subject to the actual levels set being appropriate to balance all relevant interests, including cultural, community and economic interests.
	120.7	Water quantity	Neutral	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council's understanding is that there is no current 'mining' of groundwater within the Aquifer, so the relief is not required if that is the case.
	120.74	Water Take and Use	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Prohibited Activity Status is inappropriate given the staged approach to setting allocation limits and the imprecise nature of the resource, limited consent duration and potential to remedy effects. Hastings District Council supports the stepped approach in PC9 for groundwater takes, from restricted discretionary under TANK 9, to discretionary under TANK 11, to non-complying (as sought in Hastings District Council's original submission) under TANK 12 where standards and terms cannot be satisfied, as this puts in place a high threshold for the grant of consent where the activity's consistency with objectives and policies, and its adverse effects on the environment, are required to be closely scrutinised.
	120.75	Flow maintenance	Oppose in Part Support in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council considers stream flow maintenance and enhancement policies and schemes, and the ability to transfer permits, are important elements of the overall outcome sought for the TANK catchments and should be retained. There may be amendments to the provisions around these to better address the submitter's concerns. Subject to seeing the specific wording proposed, Hastings District Council supports Farm Environment Plans being required to address the effects of stream depletion and riparian habitat enhancement.
	120.8	Water quantity	Support in Part Oppose in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the inclusion of provisions in PC9 that will result in the reduction of abstraction and allocation of surface waters over time, but opposes the numerical limits suggested, pending the staged process for setting allocation limits proposed in PC9.
Owen Jerry Hāpuku	222.5	Water Take and Use	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Non-complying activity status is too high a bar for the scale of what might be proposed in any one case judging by the Twyford example. Restricted Discretionary status allows for environmental effects to be properly assessed and mitigated as required, or if necessary declined if they cannot be adequately mitigated.

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Patricia D Nuku	115.4	OBJ TANK 14	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The relief is not specific enough for potential effects on people and communities to be assessed.
	115.5	OBJ TANK 11	Oppose in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the minimum flow levels being set such that the costs and adverse effects are outweighed by the benefits of the required level. Hastings District Council currently considers the levels identified in PC9 reflect an appropriate balance and provide appropriately for indigenous fish habitat at low flows at this point in time.
	115.8	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council opposes proportional claw backs of all existing consents, noting that this does not necessarily achieve the objective, nor does it necessarily reflect the comparative efficiency of the use of the water or the importance of the water to community, social or cultural outcomes etc.
Paul Ham Alpha Domus	48.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	48.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below)	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	48.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
Paul Paynter Johnny Appleseed Holdings Ltd	217.41	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	217.42	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	217.45	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	217.46	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	217.47	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	217.48	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

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Peter Dooney Dooney Partnership	215.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	215.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	215.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	215.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	215.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	215.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

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Peter Hyslop Strathallan Trust	143.11	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Peter Matich Federated Farmers of New Zealand	195.102	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout)	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	195.104	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout)	Oppose	Do not amend the plan as requested	It is appropriate that information to confirm compliance is provided to the consent authority. Hastings District Council supports retention of the provision as notified and subject to it's original submission.
	195.105	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout)	Oppose	Do not amend the plan as requested	Hastings District Council supports retention of the provision as notified, this being the method provided for ensuring contaminants do not enter groundwater. In the alternative the provision could be amended to require, for existing feedlots, that evidence is provided as to compliance with clause (a).
	195.107	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout)	Oppose	Do not amend the plan as requested	It is appropriate that information is provided to confirm Permitted Activity status. Hastings District Council supports retention of the provision as notified.
	195.115	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout)	Oppose	Do not amend the plan as requested	The existing RRRMP rule requires consent for new sewage systems over unconfined aquifer areas and the SPZ provision as notified gives the same regulatory approach to SPZ areas as to unconfined aquifers. Hastings District Council supports retention of the provision as notified.

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	195.149	Schedule 35: Source Protection for Drinking Water Supplies	Oppose	Do not amend the plan as requested	The Schedule and other provisions relating to SPZ are sufficient to account for matters lists. Hastings District Council seeks to retain the Schedule as notified subject to amendments as sought in Hastings District Council submission.
	195.34	POL TANK 6	Oppose	Retain policy as notified with amendment sought by Hastings District Council in submission 207	Neither support nor oppose. Hastings District submit that the policy should be retained as notified subject to amendment in its original submission. Intent of amendment sought by submitter is unclear and the Hastings District Council submission (207) on this point is preferred.
	195.35	POL TANK 7	Support in Part Oppose In Part	Do not amend the plan in the manner requested by the submitter(s)	Amendment to clause 7(d)(iii) to include consultation with existing water permit holders and discharge consent holders (noting that these will often, but not always, be the same as land owners) is supported. The intent of clause d(iv) is unclear but appears to be relating to the suitability of the abstraction point as a source of human drinking water. This is a matter for consideration by the water supplier under the water regulations (Water Services Act) once enacted. Consideration of impacts of the proposed Source Protection Zone on existing uses are adequately covered under d(i) to (iii). The amendment sought to d)(iv) therefore is opposed.
	195.36	POL TANK 8	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Amendment sought to policy 8 is not necessary and appears to be seeking expansion of applicability of policy 8 to consideration of adequacy of Farm Plans.
	195.53	POL TANK 29	Oppose	Do not amend the Plan as requested by the submitter	Source control is required on all stormwater discharges, not just those into public networks.
	195.64	POL TANK 42	Oppose	Do not amend the plan in the manner requested by the submitter(s)	This timeframe is too short, particularly given the need to understand the influence of different initiatives as part of undertaking such a review.
	195.71	POL TANK 50	Oppose	Do not amend the plan in the manner requested by the submitter(s)	It is important to take into account the reasonably anticipated growth needs of communities which are required to be facilitated and planned for under the National Policy Statement on Urban Development when allocating water resources.

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	195.87	Water Take and Use	Oppose	Do not amend the plan in the manner requested by the submitter(s)	It is important to take into account the reasonably anticipated growth needs of communities which are required to be facilitated and planned for under the National Policy Statement on Urban Development when allocating water resources.
	195.88	Water Take and Use	Oppose	Do not amend the plan in the manner requested by the submitter(s)	It is important to take into account the reasonably anticipated growth needs of communities which are required to be facilitated and planned for under the National Statement on Urban Development when allocating water resources.
	195.9	Water Take and Use	Support	Amend provision substantially in the manner requested by the submitter	Prohibited Activity Status is inappropriate given the staged approach to setting allocation limits and the imprecise nature of the resource, limited consent duration and potential to remedy effects. Hastings District Council supports the stepped approach in PC9 for groundwater takes, from restricted discretionary under TANK 9, to discretionary under TANK 11, to non-complying (as sought in Hastings District Council's original submission) under TANK 12 where standards and terms cannot be satisfied, as this puts in place a high threshold for the grant of consent where the activity's consistency with objectives and policies, and its adverse effects on the environment, are required to be closely scrutinised.
Peter Robertson Brookfields Vineyards/Ohiti Estate	199.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	199.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below <u>underline/strikeou</u>)	Support	Amend generally as requested by submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	199.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.

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Peter Scott Kereru Road Vineyard	87.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	87.17	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below <u>underline/strikeou</u>	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	87.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
Peter Scott The Wine Portfolio	213.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	213.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
	86.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.

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	86.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	86.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	86.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	86.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	86.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Peter Wilson Hawkes Bay Fish and Game Council	58.23	Heretaunga Plains Aquifer Management	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council acknowledges the desirability of limiting groundwater allocation, however in terms of setting the level of allocation, Hastings District Council generally supports the approach in PC9, as sought to be amended by Hastings District Council's submission, of setting an interim target allocation and setting a final limit over time taking into account a range of factors.

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	58.25	POL TANK 42	Oppose	Do not amend the plan in the manner requested by the submitter(s)	A informed decision on what constitutes over allocation involves a choice based on science and values. This policy provides for a review of the interim allocation limit based on both as well potential community impacts and is an important part of the staged approach taken in Plan Change 9.
	58.32	6.10.2 Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The relief sought is unnecessarily limiting. Damming of rivers and streams may provide benefits with less than minor effects with only intermittent flow interruptions
	58.4	OBJ TANK 2	Oppose	Do not amend the plan in the manner requested by the submitter(s)	It is inappropriate to elevate introduced recreational fishery above other community values in an objective focussed on intrinsic natural values and the relationship of people and communities to those values,
	58.5	OBJ TANK 3	Oppose	Do not amend the plan in the manner requested by the submitter(s)	It is inappropriate to consider the climate change impacts on recreational fishery values alongside indigenous biodiversity and the essential health and economic wellbeing needs of people and communities.
	58.8	OBJ TANK 10	Oppose	Do not amend the plan in the manner requested by the submitter(s)	It is inappropriate to consider recreational fishery values in the Ahuriri Catchment alongside indigenous flora and fauna value. Recreational values are provide for in f)
Rebecca Blunden T&G Global Limited and ENZIL	192.2	Priority Management Approach	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Supporting the existing and future growth community including for housing and business is required by the National Policy Statement on Urban Development and available water must be prioritised for these needs over individual commercial growth aspirations.
	192.3	OBJ TANK 17	Support	Amend provision substantially in the manner requested by the submitter	While PC9 provides for a Maori high flow reservation, the unreserved portion potentially contributes to the wider Hawke's Bay community's wellbeing as well.
	192.7	POL TANK 36	Support in part	Amend provision as requested by Hastings District Council in its submission.	The submission is in line with the submission of Hastings District Council in that it seeks the ability for the Plan to consider the reallocation of consented but un-used water for uncompleted investments (refer relief sought by Hastings District Council in regard to Policy 37 regarding these suggested circumstances)

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Rengasamy Balasubramaniam Delekat Limited	8.3	OBJ TANK 17	Support	Amend provision substantially in the manner requested by the submitter	While PC9 provides for a Maori high flow reservation, the unreserved portion potentially contributes to the wider Hawke's Bay community's wellbeing as well.
	8.31	POL TANK 36	Support in part	Amend provision as requested by Hastings District Council in its submission.	The submission is in line with the submission of Hastings District Council in that it seeks the ability for the Plan to consider the reallocation of consented but un-used water for uncompleted investments (refer relief sought by Hastings District Council in regard to Policy 37 regarding these suggested circumstances)
	8.35	POL TANK 37	Support in part	Amend provision substantially in the manner requested by the submitter	The Plan should not outright prevent 'non-Council' initiated solutions
	8.36	POL TANK 39	Support in part	Amend provision substantially in the manner requested by the submitter	The Plan should not outright prevent 'non-Council' initiated solutions
	8.4	POL TANK 39	Support in part	Amend provision substantially in the manner requested by the submitter	Emphasises the need to be working towards such schemes so that their implementation can be considered as part of the Plan review in 10 years (refer relief sought in relation to Policy 41 in Hastings District Councils submission)
Richard Penreath Ngai Tukairangi Trust	122.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	122.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.

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	122.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	122.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	122.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Richard Penreath	79.42	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	79.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	79.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.

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	79.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	79.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	79.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	79.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Ritchie Garnham Booster Wine Group	102.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	102.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	102.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
Robin Back Dunvegan Estate	26.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	26.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below)	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	26.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
Roger Brownlie	38.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	38.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	38.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	38.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	38.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	38.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Ryan Fraser	14.16	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below <u>underline/strikeou</u>)	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	14.8	POL TANK 39	Support in part	Amend provisions relating to flow maintenance in the manner requested by the he submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Scott Lawson Hawkes Bay Vegetable Growers Association	214.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	214.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	214.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	214.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	214.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	214.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Scott Lawson	105.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	105.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	105.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	105.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	105.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	105.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Steve Gillum Gillum Springfield Trust	220.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	220.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	220.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	220.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	220.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	220.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Stewart Horn Berrilea Orchards Ltd, Waitohi Trust and SP&GC Horn	186.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	186.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	186.46	POL TANK 37	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	186.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	186.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	186.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Tania Eden Te Taiwhenua o Te Whanganui a Orotu	127.22	6.10.3 Stormwater	Oppose	Do not amend the plan in the manner requested by the submitter	Hastings District Council supports the intent of Plan Change 9 which is to provide a timeframe for improvements where water quality is degraded by stormwater quality. It seeks to ensure that the water quality standards and timeframes that are applied are appropriate for assessing the effects of the stormwater discharges and receiving environment, which is not necessarily the case with the Schedule 26 and 27 Objectives. Hastings District Council seeks the retention of the rules as notified.

Attachment F - Further Submission

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	127.6	Catchment Objectives	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council acknowledges the desirability of limiting groundwater allocation, however in terms of setting the level of allocation, Hastings District Council generally supports the approach in PC9, as sought to be amended by Hastings District Council's submission, of setting an interim target allocation and setting a final limit over time taking into account a range of factors.
	127.8	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council acknowledges the desirability of limiting groundwater allocation, however in terms of setting the level of allocation, Hastings District Council generally supports the approach in PC9, as sought to be amended by Hastings District Council's submission, of setting an interim target allocation and setting a final limit over time taking into account a range of factors.
Te Kaha Hawaikirangi	240.13	6.10.3 Stormwater	Oppose	do not amend as requested by submitter	The consent authority should not be constrained in determining term. Stormwater consents issued under TANK21 being for publicly owned infrastructure should be able to be issued for longer durations
	240.8	Water quantity	Support in Part Oppose in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the inclusion of provisions in PC9 that will result in the reduction of abstraction and allocation of surface waters over time, but opposes the numerical limits suggested, pending the staged process for setting allocation limits proposed in PC9.
Tom Belford Peter Beaven & Tom Belford	46.12	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	While the sentiment is supported the potential effects on people and communities of different measures need to be assessed, however a range of water conservation and efficiency measures continue to be investigated and implemented where the benefits for the environment are in proportion to costs involved and ability of the community (including vulnerable groups) to pay.
	46.13	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	While the sentiment is supported the potential effects on people and communities of different measures need to be assessed, however a range of water conservation and efficiency measures continue to be investigated and implemented where the benefits for the environment are in proportion to costs involved and ability of the community (including vulnerable groups) to pay.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
Tom Kay Royal Forest and Bird Protection Society of New Zealand (Forest & Bird)	210.102	6.10.3 Stormwater	Oppose	Do not amend as requested by submitter	Controlled Activity status is appropriate for urban infrastructure which councils are obligated to provide under other statute.
	210.103	6.10.3 Stormwater	Oppose	Do not amend as requested by submitter	Hastings District Council supports the intent of Plan Change 9 which is to provide a timeframe for improvements where water quality is degraded by stormwater quality. It seeks to ensure that the water quality standards and timeframes that are applied are appropriate for assessing the effects of the stormwater discharges and receiving environment, which is not necessarily the case with the Schedule 26 and 27 Objectives. Hastings District Council seeks the retention of the rules as notified.
	210.107	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout)	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Reducing stream flow depletion to achieve meaningful environmental gains would likely have major implications for the economic and social wellbeing of the community out of proportion to the environmental benefits that would likely be achieved. Environmental flow augmentation should at least be investigated first and transfers enabled to facilitate schemes that produce benefits for the environment while maintaining community economic wellbeing.
	210.13	5.10.7 Policies: Surface Water Low Flow Management	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Reducing stream flow depletion to meaningful environmental gains would likely have major implications for the social and economic wellbeing of the community out of proportion to the environmental benefits that would likely be achieved. The environmental flow mitigation measures included in PC9 should be investigated first.
	210.142	Schedule 31: Flows, Levels and Allocation Limits	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain, but could be significant.
	210.144	Schedule 31: Flows, Levels and Allocation Limits	Support in Part	Do not amend the plan in the manner requested by the submitter(s)	Support the intent of the submission, subject to the actual levels set being appropriate to balance all relevant interests, including cultural, community and economic interests.
	210.147	Schedule 32: High Flow Allocation	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The measures listed may have a significant impact on storage volumes able to be achieved relative to degree of environmental protection they anticipate. The High Flow allocation regime needs to provide flexibility to harvest the maximum volume within prudent environmental limits in order to support the existing and future social and economic wellbeing of the community.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	210.148	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Reducing stream flow depletion to achieve meaningful environmental gains would likely have major implications for the social and economic wellbeing of the community out of proportion to the environmental benefits that would likely be achieved. Environmental flow augmentation should at least be investigated first.
	210.16	5.10.7 Policies: Surface Water Low Flow Management	Oppose in Part	Do not amend the plan in the manner requested by the submitter(s)	Hastings District Council supports the minimum flow levels being set such that the costs and adverse effects are outweighed by the benefits of the required level. Hastings District Council currently considers the levels identified in PC9 reflect an appropriate balance and provide appropriately for indigenous fish habitat at low flows at this point in time.
	210.3	5.10.1 TANK Objectives	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The replacement objectives sought do not provide recognition of the needs of people and communities to provide for their wider economic social and cultural (other than Maori) wellbeing.
	210.49	Urban Infrastructure	Oppose	Do not amend the plan in the manner requested by the submitter(s)	It is unclear what amendment the submitter is seeking. Policy 28 on Urban Infrastructure details a suite of requirements which will ensure best practice infrastructure for urban areas and that effects of that infrastructure on the environment are mitigated.
	210.51	POL TANK 30	Oppose	Do not amend the Plan as requested by the submitter	Hastings District Council supports the intent of policy 30 which is to provide a timeframe for improvements where water quality is degraded by stormwater quality. It seeks to ensure that the water quality standards and timeframes that are applied are appropriate for assessing the effects of the stormwater discharges and receiving environment, which is not necessarily the case with the Schedule 26 and 27 Objectives. Hastings District Council seeks the retention of the policy as notified subject to amendments sought in its submission (No 207).
	210.52	POL TANK 31	Support	Amend in part	The Hastings District Council supports amending the policy to clarify that the policy will assist in achieve the freshwater quality objectives. Retain clause g) as notified
	210.57	Heretaunga Plains Aquifer Management	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The relief sought would potentially have major implications for the social and economic wellbeing of the community out of proportion to the environmental benefits that would likely be achieved. The environmental flow mitigation measures included in PC9 should be investigated first.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	210.6	POL TANK 39	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Reducing stream flow depletion to achieve meaningful environmental gains would likely have major implications for the social and economic wellbeing of the community out of proportion to the environmental benefits that would likely be achieved. The environmental flow mitigation measures included in PC9 should be investigated first.
	210.61	POL TANK 40	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Reducing stream flow depletion to meaningful environmental gains would likely have major implications for the social and economic wellbeing of the community out of proportion to the environmental benefits that would likely be achieved. The environmental flow mitigation measures included in PC9 should be investigated first.
	210.62	POL TANK 41	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Reducing stream flow depletion to meaningful environmental gains would likely have major implications for the social and economic wellbeing of the community out of proportion to the environmental benefits that would likely be achieved. The environmental flow mitigation measures included in PC9 should be investigated first.
	210.63	POL TANK 42	Oppose	Do not amend the plan in the manner requested by the submitter(s)	A informed decision on what constitutes over allocation involves a choice based on science and values. This policy provides for a review of the interim allocation limit. Policy 52 deals with over-allocation
	210.64	POL TANK 43	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The potential effects on the economic and social wellbeing of the community are uncertain relative to the environmental benefits if the amendments to schedule 31 are accepted.
	210.69	POL TANK 48	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain,
	210.75	POL TANK 54	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The relief sought is unnecessarily limiting. Damming of minor tributaries may provide benefits with less than minor effects. Proposals should be robustly tested through the resource consent process.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	210.77	POL TANK 56	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The policy is necessary to provide for stored water replenished through winter flows to offset the effects of abstraction as appropriate to support community economic wellbeing and potentially to provide for growth and development. It is good practice to take into account positive effects as well as adverse effects in assessing applications.
	210.88	Water Take and Use	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain.
	210.9	Water Take and Use	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain.
	210.91	Water Take and Use	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain.
	210.92	Water Take and Use	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain.
	210.94	Water Take and Use	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The Hastings District Council is concerned that the potential effects on the social and economic wellbeing of the community relative to the environmental benefits that might be achieved are unclear and uncertain.
	210.95	Damming and Storage	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Non-complying activity status is too high a bar for the scale of what might be proposed in any one case. Discretionary status allows for public notification and for environmental effects to be properly assessed and mitigated as required, or if necessary declined if they cannot be adequately mitigated.
	210.97	Damming and Storage	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Prohibited Activity Status is too high a bar usually reserved for activities with almost certain adverse effects that cannot be remedied or unacceptable risk. Non-complying activity status is a high bar requiring no more than minor effects including cumulative effects.

Original Submitter First Name	Original Submission Point Number	Plan Section	Hastings District Council Position on Original Submission	Decision Sought by Hastings District Council	Reason for Decision Requested
	210.98	Damming and Storage	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The relief sought is unnecessarily limiting. Damming of minor tributaries may provide benefits with less than minor effects with only intermittent flow interruptions
	210.99	Flow Maintenance	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Reducing stream flow depletion to achieve meaningful environmental gains would likely have major implications for the social and economic wellbeing of the community out of proportion to the environmental benefits that would likely be achieved. The environmental flow mitigation measures included in PC9 should be investigated first.
Tony Smith Babich Wines	81.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	81.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeou	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	81.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
Trevor Robinson Lowe Corporation Limited	82.13	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.

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	82.14	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	82.3	POL TANK 50	Support in part	Amend provision substantially in the manner requested by the submitter, but recognising a lower priority in relation to municipal and community uses.	The alternative is supported from the perspective of the economic wellbeing of the community, but future demand must be a lower priority to Municipal and other community use and an equal or even lower priority to primary production from the Heretaunga Plains soil resource.
Waiariki Davis Waipatu Marae	206.4	5.10.6 Policies: Heretaunga Plains Groundwater Levels and Allocation Limits	Oppose	Do not amend the plan in the manner requested by the submitter(s)	While improvement is sought restoration will likely have potentially significant effects on the social and economic wellbeing of the community that are uncertain relative to the environmental benefits.
	206.5	5.10.6 Policies: Heretaunga Plains Groundwater Levels and Allocation Limits	Oppose	Do not amend the plan in the manner requested by the submitter(s)	While improvement may be desirable, restoration will likely have potentially significant effects on the social and economic wellbeing of the community that are uncertain relative to the environmental benefits.
	209.2	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	While improvement is sought restoration will likely have potentially significant effects on the social and economic wellbeing of the community that are uncertain relative to the environmental benefits.
	209.3	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	While improvement may be desirable, restoration will likely have potentially significant effects on the social and economic wellbeing of the community that are uncertain relative to the environmental benefits.
	209.4	Water quantity	Oppose	Do not amend the plan in the manner requested by the submitter(s)	The relief is not specific enough for potential effects on people and communities to be assessed.

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Willem Kupa Patoka Trust	134.5	POL TANK 37	Support in part	Amend provisions as requested by Hastings District Council in its submission.	Submission is in line with the relief sought in Hastings District Councils submission in relation to the 90Mm3 limit being a target
Wim	179.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	179.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeou	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	179.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
WT Scott	221.42	POL TANK 37	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.

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	221.43	POL TANK 38	Support in Part	Amend provision substantially in the manner requested by the submitter but reflect the needs of higher priority uses and the interim nature of allocations as described in the reasons for the decision requested by Hastings District Council.	Any water that may become available within the interim ground water limit or target should be made available for priority use, including stream flow maintenance and enhancement (environmental), reserved for the reasonable future community needs, a provisioning allowance for industrial processing needs with any residual water for primary production being made available on an interim basis until the review of the allocation limit envisaged by policy 42 has been undertaken.
	221.47	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	221.48	Flow Maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	221.49	Schedule 36: Heretaunga Plains Stream Flow Maintenance And Habitat	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
Xan Harding Hawke's Bay Winegrowers' Association Inc.	29.1	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
	29.19	Heretaunga Plains Aquifer Management	Support	Amend provision substantially in the manner requested by the submitter	The relief sought represents an important point of clarification as to the intent of the interim limit (or target) as a staged approach and is consistent with Hastings District's submission.

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	29.21	Heretaunga Plains Aquifer Management	Support	Amend provision substantially in the manner requested by the submitter	The relief sought represents an important point of clarification and is consistent with Hastings District's submission.
	29.22	Heretaunga Plains Aquifer Management	Support	Amend provision substantially in the manner requested by the submitter	The relief sought represents an important point of clarification and is consistent with Hastings District's submission.
	29.24	Heretaunga Plains Aquifer Management	Support	Amend provision substantially in the manner requested by the submitter	The relief sought represents an important point of clarification and is consistent with Hastings District's submission.
	29.25	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	29.26	Flow maintenance	Support	Amend provision substantially in the manner requested by the submitter	The relief sought represents a necessary clarification of the intent of the augmentation.
	29.34	Over-Allocation	Support	Amend provision substantially in the manner requested by the submitter	This is an important matter that requires clarification
	29.39	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.
	29.42	OBJ TANK 11	Support	Amend provision substantially in the manner requested by the submitter	The relief sought recognises an important alternative source for water augmentation may be available

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	25.12	POL TANK 39	Support	Amend provision substantially in the manner requested by the submitter	A coordinated response to the wider community values at stake from both an environmental and economic perspective dictates a coordinated public approach. A private sector investment model is unlikely to produce a comprehensive plan that reflects the interconnected nature of the resource or reflect the wider community values and benefits.
	25.18	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below <u>underline/strikeou</u>)	Support	Amend provision substantially in the manner requested by the submitter	Hastings District Council supports amendment of the Plan as intended, to enable replacement bores to be constructed in SPZs where existing bores are of poor condition and are to be decommissioned in a manner such that the overall activity reduces risk to human drinking water sources
	25.7	Protection of Source Water	Oppose	Do not amend the plan in the manner requested by the submitter(s)	Policies 6, 7 and 9 and the requirement to assess actual or potential effects of activities in SPZs is appropriate for resource consent considerations. Farm Environment Plans, Catchment Collectives and Industry Programmes relate to Permitted Activity rules and separate consideration is required under TANK rules for activities requiring consent and / or undertaken without such plans.