



## Meeting of the Regional Planning Committee

**Date:** Wednesday 15 May 2019  
**Time:** 1.00pm  
**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

### Agenda

ITEM	SUBJECT	PAGE
1.	Welcome/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Regional Planning Committee held on 17 April 2019	
4.	Follow-ups from Previous Regional Planning Committee Meetings	3
5.	Call for Items of Business Not on the Agenda	7
<b>Decision Items</b>		
6.	Outstanding Water Bodies Plan Change	9
7.	TANK Plan Change - Feedback and Recommendations Following Pre-notification Consultation	39
<b>Information or Performance Monitoring</b>		
8.	Resource Management Policy Project May 2019 Updates	103
9.	Statutory Advocacy May 2019 Update	109
10.	Discussion of Minor Items of Business Not on the Agenda	113

## Parking

There will be named parking spaces for Tangata Whenua Members in the HBRC car park – entry off Vautier Street.

### Regional Planning Committee Members

Name	Represents
Karauna Brown	Te Kopere o te Iwi Hineuru
Tania Hopmans	Maungaharuru-Tangitu Trust
Nicky Kirikiri	Te Toi Kura o Waikaremoana
Jenny Nelson-Smith	Heretaunga Tamatea Settlement Trust
Joinella Maihi-Carroll	Mana Ahuriri Trust
Apiata Tapine	Tātau Tātau o Te Wairoa
vacant	Ngati Tuwharetoa Hapu Forum
Peter Paku	Heretaunga Tamatea Settlement Trust
Toro Waaka	Ngati Pahauwera Development and Tiaki Trusts
Paul Bailey	Hawkes Bay Regional Council
Rick Barker	Hawkes Bay Regional Council
Peter Beaven	Hawkes Bay Regional Council
Tom Belford	Hawkes Bay Regional Council
Alan Dick	Hawkes Bay Regional Council
Rex Graham	Hawkes Bay Regional Council
Debbie Hewitt	Hawkes Bay Regional Council
Neil Kirton	Hawkes Bay Regional Council
Fenton Wilson	Hawkes Bay Regional Council

Total number of members = 16

### Quorum and Voting Entitlements Under the Current Terms of Reference

#### **Quorum (clause (i))**

The Quorum for the Regional Planning Committee is 75% of the members of the Committee

At the present time, the quorum is 12 members (physically present in the room).

#### **Voting Entitlement (clause (j))**

Best endeavours will be made to achieve decisions on a consensus basis, or failing consensus, the agreement of 80% of the Committee members present and voting will be required. Where voting is required all members of the Committee have full speaking rights and voting entitlements.

Number of Committee members present	Number required for 80% support
16	13
15	12
14	11
13	10

# **HAWKE'S BAY REGIONAL COUNCIL**

## **REGIONAL PLANNING COMMITTEE**

**Wednesday 15 May 2019**

### **Subject: FOLLOW-UPS FROM PREVIOUS REGIONAL PLANNING COMMITTEE MEETINGS**

**Item 4**

#### **Reason for Report**

1. On the list **attached** are items raised at Regional Planning Committee meetings that staff have followed up. All items indicate who is responsible for follow up, and a brief status comment. Once the items have been reported to the Committee they will be removed from the list.

#### **Decision Making Process**

2. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

#### **Recommendation**

That the Regional Planning Committee receives the report "Follow-up Items from Previous Meetings".

#### **Authored by:**

**Leeanne Hooper**  
**PRINCIPAL ADVISOR GOVERNANCE**

#### **Approved by:**

**James Palmer**  
**CHIEF EXECUTIVE**

#### **Attachment/s**

[!\[\]\(b64b40baaee5acddc1eab8538ba84754\_img.jpg\) 1](#) Follow-ups from Previous RPC meetings





## Follow-ups from Previous Regional Planning Committee Meetings

## Meeting held 17 April 2019

	Agenda Item	Action	Responsible	Status Comment
1	Tangata Whenua Remuneration Review	Tangata whenua members to be provided with an opportunity to engage with Strategic Pay about the draft review findings report	J Lawrence	<p>Noted. Since the meeting Strategic Pay have been advised it was agreed they will carry out the review. Final terms of reference now agreed with Co-Chairs and shared with Strategic Pay.</p> <p>The Co-Chairs have also agreed that I provide the following clarification with respect to the current remuneration arrangements following on from the query which Jenny Nelson Smith made at the RPC meeting. She said that it shows on her payslip that she is paid approx. \$32.50 per hour. This number is not the hourly rate, it is the number which is generated by our payroll system and can be ignored. That figure comes from dividing the \$12,000 annual salary for tangata whenua reps by 365 days (=32.88).</p> <p>However if you were to have 9 RPC meetings per year and 9 pre RPC meeting hui this equates to 18 meetings per year. To use an average of 8 hours per day for those meetings, this gives us the following calculation:</p> <p>9 RPC meetings + 9 TW hui = 18 meetings  18 meetings x 8 hours = 144 hours  \$12,000 annual salary divided by 144 hours = \$83.33 per hour</p>
2	HBRC 2019-20 Annual Plan Approach	summary of the Annual Plan budgets relevant to the RPC to be provided to members	J Lawrence	Once Annual Plan budgets have been confirmed by the Corporate & Strategic Committee on 5 June relevant budgets will be distributed to the RPC members
3	Overview of the Regional Three Waters Review	Request that Toni Goodlass and/or Troy Brockbank provide a report to tangata whenua around the engagement plan, specifically in relation to Māori cultural values and an update on the status of the National review under way	T Skerman	Advice requested of Toni & Troy

Meeting held 2 May 2018

	Agenda Item	Action	Responsible	Status Comment
4	Hawke's Bay Regional Planning Committee Terms of Reference for Adoption	This version as accepted by PSGEs - to be considered and discussed by the Co-Chairs and Deputy Co-Chairs prior to being brought back to RPC as 'recommended' by them for adoption	T Skerman & P Munro	July 2019 agenda item

**HAWKE'S BAY REGIONAL COUNCIL**

**REGIONAL PLANNING COMMITTEE**

**Wednesday 15 May 2019**

**Subject: CALL FOR ITEMS OF BUSINESS NOT ON THE AGENDA**

**Item 5**

**Reason for Report**

Hawke's Bay Regional Council standing order 9.13 allows:

*"A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion."*

**Recommendation**

That the Regional Planning Committee accepts the following "Minor Items of Business Not on the Agenda" for discussion as Item 10

Item	Topic	Raised by
1.		
2.		
3.		

**Leeanne Hooper**  
**PRINCIPAL ADVISOR GOVERNANCE**

**Joanne Lawrence**  
**GROUP MANAGER**  
**OFFICE OF THE CE & CHAIR**



# HAWKE'S BAY REGIONAL COUNCIL

## REGIONAL PLANNING COMMITTEE

Wednesday 15 May 2019

### Subject: OUTSTANDING WATER BODIES PLAN CHANGE

Item 6

#### Reason for Report

1. This item provides the means for the Regional Planning Committee (RPC) to make recommendations to the Hawke's Bay Regional Council (the Regional Council) with respect to:
  - 1.1. The content of the draft Outstanding Water Bodies (OWB) plan change
  - 1.2. The draft list of 'Outstanding Water Bodies' for inclusion in the draft OWB plan change
  - 1.3. Undertaking targeted pre-notification consultation on the proposal.
2. This report summarises the background, engagement process and options for the OWB Plan Change. The *Outstanding Water Bodies Plan Change: Selecting a List of Outstanding Water Bodies in Hawke's Bay* (OWB Main Report) has been separately circulated to committee members and summarises the key values for nominated water bodies to assist the Committee to select a robust, evidence-based list of outstanding water bodies. That report also addresses the Resource Management Act (RMA) requirements to consult with various parties prior to notification.

#### Background

3. The Regional Council intends to change its Regional Policy Statement (RPS) to include a list of the region's outstanding water bodies, together with a framework which prescribes a high level of protection for these water bodies in future plan making. This change is referred to as Plan Change 7 or the OWB plan change.
4. The identification of outstanding water bodies commenced in 2012, when Proposed Plan Change 5 was being developed and following the release of the first National Policy Statement on Freshwater Management 2011 (NPSFM) which introduced the requirement for regional councils to identify and protect outstanding water bodies. The OWB Main Report provides a summary of actions undertaken (pages 8-9), including participation in national research to better understand OWBs, known as the *CEF Outstanding Freshwater Body Project (2017)*, which collated useful information but was inconclusive with respect to the process to be used.
5. In 2017, based on recommendations from the RPC, the Regional Council made a number of key decisions about the scope and direction of the plan change, specifically:
  - 5.1. Endorsement of an approach that was co-designed with the tāngata whenua representatives of the RPC to identify OWBs in the Hawke's Bay region for the purposes of the NPSFM
  - 5.2. Agreement that to be outstanding, the water body must contain a cultural, spiritual, recreation, landscape or ecology value which is exceptional, or stands out from the rest
  - 5.3. Inclusion of coastal water bodies (i.e. estuaries) in the OWB Plan Change
  - 5.4. That the approach would be underpinned by existing information, with no new studies or investigations to be commissioned to further investigate a water body's 'outstandingness'.
6. In March 2018, a Recreation, Landscape and Ecology Values Table (including natural character and geology values) was presented to the RPC, summarising existing assessments on these values from published literature, for 62 water bodies across the Hawke's Bay region.

7. A Cultural Values Table was also presented, summarising a high-level review of over 70 documents associated with 118 water bodies across the region. An RPC tangata whenua representatives' hui was held in April 2018 from which candidate water bodies for cultural and spiritual values were identified.
8. The RPC then selected a list of 22 candidate OWB set out in Table 1 following.

<b>Table 1: Candidate list of outstanding waterbodies</b>	
<b>Cultural, recreation, landscape and ecology value sets (including natural character and geology)</b>	<b>Cultural value set only</b>
Heretaunga Aquifer	Karamu River
Lake Whakakī	Lake Waikareiti
Lake Whatumā	Lake Tūtira (including Aropaoanui River + Papakiri Stream)
Lake Waikaremoana	Lower Ngaruroro River (below Whanawhana)
Mangahauanga Stream	Makirikiri River
Ruakituri River	Porangahau River
Ruataniwha Aquifer	Tūtaekurī River
Taruarau River	Waipunga River
Te Whanganui a Orotū (Ahuriri Estuary)	
Tukituki River	
Upper Mohaka River	
Upper Ngaruroro River (above Whanawhana)	
Waipawa River	
Wairoa River	

9. Staff completed secondary assessments for each of the candidate water bodies to provide a clearer picture of the values associated with each water body. The secondary assessments have been shared with the region's 27 iwi authorities, key stakeholders, and city and district councils, who were invited to provide comments during mid-late 2018. The secondary assessments were also made available online for wider public comment.

### Overview of recent consultation

10. Staff met with territorial authorities, key stakeholders and several iwi authorities in September 2018. Feedback from some of these organisations highlighted a need to consider additional water bodies as OWBs and to broaden stakeholder involvement in the process.
11. The additional water bodies nominated by iwi authorities, key stakeholders and the public for consideration as OWBs are listed in Table 2 following.

<b>Table 2: Additional nominated OWB requested during feedback</b>	
Waihua River	Ngamatea East Swamp
Boundary Stream, including Shine Falls	Nuhaka River
Kaweka and Ruahine Ranges wetlands	Opoutama Swamp
Lake Rototuna and Lake Rotoroa (Kaweka Lakes)	Porangahau Estuary
Lake Poukawa and Pekapeka Swamp	Tarawera Hot Pools
Lake Whakaki - Te Paeroa Lagoon - Wairau Lagoon: interconnected wetland complex	Te Hoe River
Putere Lakes	Waitangi Estuary
Lower Mohaka River (below Willowflat)	Waikaretaheke River

Table 2: Additional nominated OWB requested during feedback	
Maungawhio Lagoon	Waiau River
Moreere Hot Springs	Lower Ngaruroro River

12. A local expert panel was contracted to assess the OWB candidate list, and the additional nominated water bodies in Table 2, and make recommendations to the RPC. The panel was formed from locally knowledgeable experts nominated by the city and district councils, iwi authorities and key stakeholder groups, including Ngāti Kahungunu Iwi Incorporated, Royal Forest & Bird Society, Fish & Game, Whitewater NZ, and Jetboating NZ. The Panel's report is included as Appendix 6 of the OWB Main Report.
13. Further opportunities to engage with iwi were created through hui across the region. Two sub-regional hui and one individual hui were held in March 2019 to seek feedback on the candidate list and request further nominations. Summary notes of these meetings are available at Appendix 5 of the OWB Main Report. A third sub-regional hui is being held at Waipukurau on Monday 13 May 2019.
14. A generic feedback form was also added to the Regional Council website to enable members of the general public to provide feedback on the candidate OWB list (Table 1). There were 5 responses to this form and a summary is provided in Appendix 5 to the OWB Main Report.

### Options for selection of the Draft OWB List

15. The OWB Main Report suggests possible options for identifying the list of OWBs to include in the Consultation Draft of Plan Change 7 (refer to pages 11 – 13). It also provides a summary of the key evidence available for selecting the OWBs.
16. Staff note that there is no right or wrong approach for identifying outstanding water bodies. Table 3 following sets out the two principal options for selecting OWBs for the recreation, landscape, geology, natural character and ecology value sets suggested by staff.

**Table 3: OWB selection options – recreation, landscape, geology, natural character and ecology value sets**

Options	Recreation, landscape, geology, natural character and ecology value sets
Option 1	Select those water bodies which feature one or more values that: <ul style="list-style-type: none"> <li>Clearly 'stand out' and are superior when compared to the other water bodies in Tables 1 and 2; and</li> <li>Are consistently identified as 'outstanding' in published literature.</li> </ul>
Option 2	Select those water bodies which feature one or more values that: <ul style="list-style-type: none"> <li>Clearly 'stand out' and are superior when compared to the water bodies in Tables 1 and 2; and/or</li> <li>Are of excellent quality, despite being similar to one or more water bodies in Tables 1 and 2; and</li> <li>Are identified as 'outstanding' in published literature.</li> </ul>

17. Table 4 provides an option for selecting OWBs for the cultural and spiritual value set. As noted in the Tāngata Whenua Considerations section of this report, all waterbodies are important for spiritual, physical and customary reasons.

Table 4: OWB selection option – cultural and spiritual value set

Options	Cultural and spiritual value set
Option 1	<p>Select water bodies which are clearly supported as featuring cultural or spiritual values which ‘stand out’ when compared to other water bodies in Tables 1 and 2, using:</p> <ul style="list-style-type: none"> <li>• The traditional knowledge of the RPC tāngata whenua representatives;</li> <li>• Information in HBRC Report 4978 <i>Summary of cultural values associated with water bodies in Hawke’s Bay</i>;</li> <li>• Feedback from iwi authorities;</li> <li>• Preliminary findings of the local expert panel.</li> </ul>

18. Staff note that the knowledge base for the cultural and spiritual value set is held by local marae and hapu. Staff have attempted to incorporate this information in HBRC Report 4978 *Summary of cultural values associated with water bodies in Hawke’s Bay*. That report (which has previously been presented to the Committee) identifies the key values associated with these water bodies as set out in a number of documents including: deeds of settlement, statutory acknowledgements, statements of association, Treaty settlements, customary usage reports and Waitangi Tribunal reports.
19. Notwithstanding, staff recognise that there are likely to be a number of gaps in HBRC Report 4978, where the knowledge is held with local marae and hapu, but not discussed in those documents which were reviewed to inform this report. As such, it is recommended that significant weight be given to feedback received from iwi authorities, marae and hapu.
20. In an attempt to gain additional information and fill any knowledge gaps, over the next four weeks the council’s Maori Partnership team will endeavour to contact those marae and hapu associated with the water bodies in Tables 1 and 2 to gain further information on their values. Information collected during this period will be reported back to the RPC in July, at which point the RPC can take this into account, and amend Plan Change 7, prior to notification (if necessary).
21. To ensure the list of outstanding water bodies is defensible, and to minimise the risk of litigation, staff recommend that the RPC selects only those water bodies which can be clearly supported as featuring outstanding value(s).

### Water Conservation Order application for the Ngaruroro and Clive Rivers

22. Staff note that in 2015, a quite separate process to the OWB plan change was initiated when a joint application for a Water Conservation Order for the Ngaruroro River was lodged with the Minister for the Environment by a number of parties. The application states the Ngaruroro River contains a number of nationally outstanding values, including cultural, spiritual, scientific, recreation, landscape, natural character and ecological values.
23. A Special Tribunal, appointed by the Minister for the Environment, is currently considering all evidence which has been presented in support of and opposition to the application and its claimed outstanding values, with a decision anticipated in late 2019.
24. Given the nature of conflicting evidence presented to the Special Tribunal regarding the values associated with the Ngaruroro River, staff have chosen not to directly discuss this material in the OWB Main Report.

### Draft Plan Change 7

25. The draft proposed Plan Change 7 to the Regional Resource Management Plan (RRMP) is attached. Key features of the draft include:
  - 25.1. **Changes to Chapter 3.1A** to better reflect the NPSFM provisions which require the protection of the significant values of OWBs. These changes include a **new policy, POL LW3A Decision Making Criteria – Outstanding Water Bodies**, which provides guidance for resource consent decision making, and a **new**



**Anticipated Environmental Result,** Significant values of outstanding water bodies are protected.

- 25.2. **A new objective and two new policies in Chapter 3.2** to ensure a consistent framework is in place to protect OWBs (such as estuaries) in coastal areas, in the same manner as for fresh water bodies.
- 25.3. **Two new definitions** in the Glossary (Chapter 9).
- 25.4. A **new Schedule 4** which lists the proposed OWBs within the Hawke's Bay region.
- 25.5. No changes to the rules of either the RRMP or the Regional Coastal Environment Plan (RCEP) as part of this plan change. Rules will be proposed as necessary through future plan changes, when catchment specific provisions are introduced (such as for the draft TANK plan change). It is anticipated that such rules would specify how the significant values are to be protected; if they are not already protected by provisions of existing plans and regulations.
- 26. The operative RPS methods identified in **POL LW4 Role of non-regulatory methods** do not require change as they already enable the Regional Council to provide information to implement the NPSFM.

### Strategic Fit

- 27. The OWB Plan Change is necessary to implement the NPSFM and give effect to RRMP POL LW1A: problem solving approach – Wetlands and outstanding water bodies. This policy states that, amongst other matters, the identification of outstanding freshwater bodies will be completed and an associated change to the RPS will be publicly notified prior to public notification of any further catchment-based plan changes. Consequently, it is necessary to publicly notify this proposed change before the TANK Plan Change 8.
- 28. The OWB Plan Change contributes towards achieving two of the Regional Council's four strategic outcomes: water quality, safety and certainty, and healthy and functioning biodiversity.

### Considerations of Tāngata Whenua

- 29. Tāngata whenua have special cultural, spiritual, historical and traditional associations with freshwater. For Māori, water is a taonga of paramount importance. The relationship between tāngata whenua and freshwater is based in whakapapa, which is the foundation for an inalienable relationship between Māori and freshwater that is recorded, celebrated and perpetuated across generations.
- 30. The approach to identifying OWB in the region has been co-designed with the tāngata whenua representatives of the RPC to ensure tāngata whenua values are addressed as part of a robust process to identify OWB.
- 31. All water bodies are important for spiritual, physical and customary reasons. The OWB plan change sets up a proposed policy framework for those water bodies having cultural and spiritual values that warrant protection in terms of the NPSFM 'outstanding' requirements, without diminishing the importance of other water bodies that are not labelled 'outstanding' or compromising the way in which these water bodies are managed in the RRMP and RCEP.
- 32. The Regional Council is required to consult with iwi authorities prior to a proposed OWB Plan Change, and must also indicate how issues that they have raised have been or are to be addressed.

### Financial and Resource Implications

- 33. The development of the OWB plan change is provided for within the existing budgets.
- 34. Subsequent changes to the regional plan parts (including rules) of the RRMP to protect the significant values of OWBs will be made as part of the catchment-based plan development programme, so should not require additional resourcing.

## Next Steps

35. Once the RPC has agreed on a draft list of OWBs, and is satisfied with the draft changes proposed to the RRMP, the Regional Council must undertake pre-notification consultation as required by Clause 3 of Schedule 1, RMA.
36. The Regional Council must consult with:
  - 36.1. The Minister for the Environment
  - 36.2. Other Ministers of the Crown who may be affected by the change
  - 36.3. Local authorities who may be so affected
  - 36.4. Tangata whenua of the area who may be affected through iwi authorities
  - 36.5. Any customary marine title group in the area.
37. The Regional Council may also consult with additional parties it considers relevant during preparation of the plan change.
38. Staff have prepared a list of agencies, local authorities, iwi authorities, for pre-notification consultation (attached) for consideration by the RPC.
39. Staff will consider all comments received and suggest any further changes to better achieve the purpose of this plan change to the RPC. Staff will also identify how matters raised by iwi authorities are addressed, and will present a final draft version of Plan Change 7 back to the RPC prior to notification.
40. The next stage will be to notify the proposed OWB plan change and call for submissions. There will be opportunity for further submissions on any submitter's request for change, and then a hearing will be arranged to enable those submitting to present their submissions before the hearing panel of accredited RMA hearing commissioners. These processes are summarised in Table 5 below.

**Table 5: Steps in Making the OWB Plan Change**

Step	Process	
1	Preparatory work	
2	Pre-notification consultation on draft plan change	← We are here
3	Notification of proposed plan change & receipt of submissions	
4	Hearing and decisions on submissions	
5	Address any appeal to Environment Court	
6	Make plan change operative	

41. The RPC should also consider making recommendations to the Regional Council on the composition of the OWB hearing panel prior to notification of the OWB Plan Change.

## Decision Making Process

42. The Regional Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 42.1. The decision does not significantly alter the service provision or affect a strategic asset.
  - 42.2. The use of the special consultative procedure is prescribed by legislation.
  - 42.3. The persons affected by this decision are all persons with an interest in the region's management of water resources under the RMA.

## Recommendations

1. That the Regional Planning Committee:
  - 1.1. Receives and notes the report SD 19-18 *Outstanding Water Bodies Plan Change*:

- Selecting a list of outstanding water bodies in Hawke's Bay* (separately circulated).
- 1.2. Receives and notes the report SD 19-19 *Outstanding Water Bodies in Hawke's Bay: Report of the Expert Panel* (April 2019) (separately circulated).
  - 1.3. Agrees on a draft list of Outstanding Water Bodies for inclusion in draft Plan Change 7. Note: Staff will provide further recommendations on the draft list of OWB at the RPC meeting.
  - 1.4. Agrees that the Draft Proposed Plan Change 7 (Attachment 1) should be released for pre-notification consultation.
  - 1.5. Requests staff identify a shortlist of suitably qualified and experienced Resource Management Act accredited Hearing Commissioners for consideration by the Committee.
2. The Regional Planning Committee recommends that Hawke's Bay Regional Council:
    - 2.1. Releases Draft Outstanding Water Bodies Plan Change 7 for pre-notification consultation with relevant Ministers of the Crown, local authorities, iwi authorities and stakeholders in accordance with Schedule 1 of the RMA.
    - 2.2. Provides for a period of four weeks for pre-notification consultation with those parties identified in 2.1 above.

**Authored by:**












**Dale Meredith**  
**SENIOR POLICY PLANNER**

**Belinda Harper**  
**SENIOR PLANNER**

**Approved by:**

**Tom Skerman**  
**GROUP MANAGER**  
**STRATEGIC PLANNING**

**Attachment/s**

<a href="#"></a> <b>1</b>	Draft Proposed Plan Change 7 - Outstanding Water Bodies	
<a href="#"></a> <b>2</b>	List of Agencies for Pre-notification Consultation	
<a href="#"></a> <b>3</b>	Outstanding Water Bodies Plan Change - Selecting a List of Outstanding Water Bodies in Hawke's Bay	Under Separate Cover
<a href="#"></a> <b>4</b>	OWB Main Report - Appendix 1 Frequently Asked Questions	Under Separate Cover
<a href="#"></a> <b>5</b>	OWB Main Report - Appendix 2 Project Approach OWB Plan Change	Under Separate Cover
<a href="#"></a> <b>6</b>	OWB Main Report - Appendix 3 Location Maps, OWB Main Report - Candidate OWB and Nominated OWB	Under Separate Cover
<a href="#"></a> <b>7</b>	OWB Main Report - Appendix 4 Candidate Outstanding Water Bodies Secondary Assessment Reports	Under Separate Cover
<a href="#"></a> <b>8</b>	OWB Main Report - Appendix 5 Engagement	Under Separate Cover
<a href="#"></a> <b>9</b>	OWB Main Report - Appendix 6 Report of the Expert Panel	Under Separate Cover
<a href="#"></a> <b>10</b>	OWB Main Report - Appendix 7 List of OWB, Selection Options 1 and 2	Under Separate Cover
<a href="#"></a> <b>11</b>	OWB Main Report - Appendix 8 Summary Tables	Under Separate Cover





## Proposed Plan Change 7 - Outstanding Water Bodies

### Hawke's Bay Regional Resource Management Plan

XXXX 2019

HBRC Report Number: SD 19-21

HBRC Publication Number: 5406

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Item 6

Attachment 1





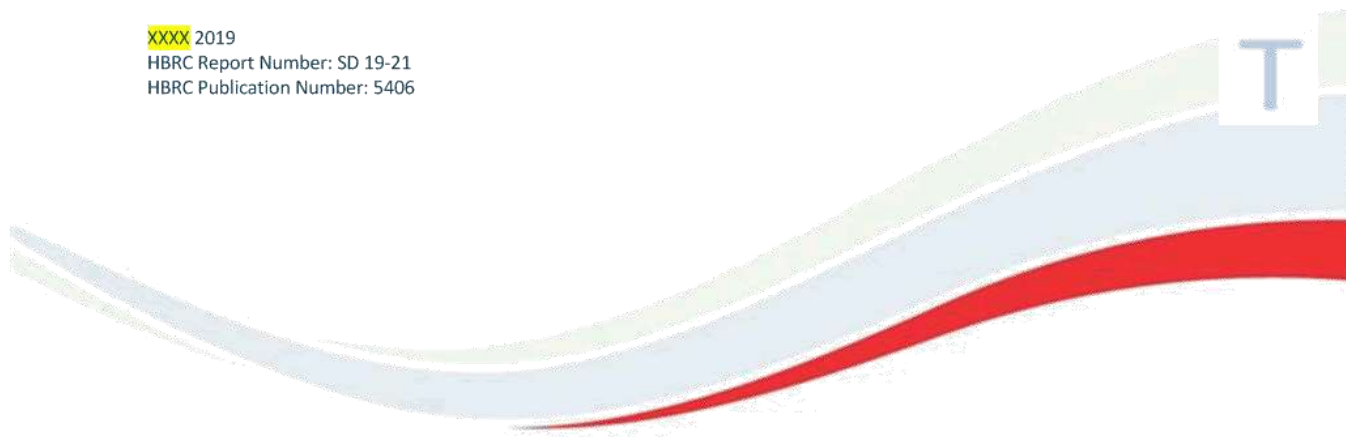
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## Proposed Plan Change 7 - Outstanding Water Bodies

### Hawke's Bay Regional Resource Management Plan

XXXX 2019  
 HBRC Report Number: SD 19-21  
 HBRC Publication Number: 5406



Date adopted by Council: XXXX  
 Date of public notification: XXXX  
 Date Council decisions issued: TBD  
 Operative date: TBD

**Resource Management Act 1991**

**Hawke's Bay Regional Resource Management Plan**  
Proposed Plan Change under section 73 of the Resource  
Management Act 1991

**INTRODUCTION**

The Hawke's Bay Regional Council has resolved to change the Regional Resource Management Plan and has prepared 'Proposed Plan Change 7.' This Proposed Plan Change introduces new provisions which relate to outstanding water bodies in the Regional Resource Management Plan. The new provisions identify a list of outstanding water bodies in Hawke's Bay and put in place a framework which ensures their protection for future generations. Plan Change 7 also consequentially amends several existing provisions within the Regional Resource Management Plan.

**BACKGROUND**

Our coastal and fresh waters are essential to New Zealand's economic, environmental, cultural and social well-being - highly valued for their cultural and recreational values. They underpin important parts of New Zealand's biodiversity and natural heritage.

Since the late 1970's, governments have been consulting with the public, undertaking research and investigations and introducing legislation to protect those lakes and rivers in New Zealand which have outstanding characteristics.

A number of New Zealand's lakes, rivers and coastal areas are iconic and well known globally for their natural beauty and unique values. Despite this, many of New Zealand's special water bodies not being recognised or protected in an appropriate manner.

The NPSFM has addressed this, by including special provisions which allow for exceptional water bodies to have special protection in regional policy statements and plans. It is these NPSFM provisions which have largely driven the need for Council's Plan Change 7 – Outstanding Water Bodies Plan Change. However Plan Change 7 is only one part of the Council's broader programme to implement the NPSFM and sustainably manage the region's land and water resources.

Plan Change 7 was co-designed with tāngata whenua representatives of the Regional Planning Committee. During the development phase of the plan change, over 90 documents were reviewed looking at cultural, spiritual, recreation, landscape, geology, natural character and ecology values associated with 130 water bodies in Hawke's Bay. This was done to build a clearer picture of their value and potential for being classified as outstanding.

It is important to note that protection of outstanding water bodies does not lessen the importance of, or value associated with other water bodies. The National Policy Statement for Freshwater Management (NPSFM) and the New Zealand Coastal Policy Statement set a national direction to assist regional councils to manage water bodies in a consistent, integrated and sustainable way.

**AMENDMENTS PROPOSED IN PLAN CHANGE 7**

The following references are made to the chapters/sections within the Regional Resource Management Plan. All amendments referred to can be seen in more detail in the attached document.

**Chapter 3.1A Integrated Land Use and Freshwater Management**

Chapter 3.1A is proposed to be changed to better reflect the NPSFM provisions which require the protection of the significant values of outstanding freshwater bodies. Specifically, RRMP Objective LW1, Policy LW1A and the Anticipated Environmental Results, and associated explanations in RRMP Chapter 3.1A are proposed to be amended.



The amended objectives and policies will ensure the correct framework is in place to protect outstanding water bodies through the catchment based planning processes that will further implement the NPSFM.

### **Chapter 3.2 The Sustainable Management of Coastal Resources**

Chapter 3.2 of the RRMP is proposed to be changed to align with new provisions relating to outstanding water bodies not within the coastal environment as set out in Chapter 3.1A.

Specifically, a new Objective 11 and Policy C1 is proposed to be inserted into Chapter 3.2 to ensure a consistent framework is in place to protect outstanding water bodies (such as estuaries) in coastal areas, in the same manner as outstanding freshwater bodies.

Further, new Objective 11 and Policy C1 assists in giving effect to Objectives 1 and 2 and Policies 13 and 15 of the NZ Coastal Policy Statement, which seek to protect significant natural ecosystems, sites of biological importance, natural features, natural character and landscape values, which are some of the many significant values which can be associated with water bodies in the coastal environment.

### **Chapter 9 (Glossary)**

New definitions are proposed to be added to the Regional Resource Management Plan's Glossary to provide clarification of key terms referred to in Plan Change 7.

### **Schedules**

A new schedule has been added to the Regional Resource Management Plan: Schedule 24 features a list of the region's outstanding water bodies, or parts thereof, and their respective outstanding value(s).

### **Regional Rules**

Chapter 6 of the RRMP, and Chapter 26 of the RCEP currently contain a number of regional rules that control activities occurring near/or in water bodies.

There are no new regional rules proposed to be inserted by Plan Change 7, but proposed policies will apply to activities that require a resource consent to be made under existing rules so that those consent applications will also need to consider the relevant values of outstanding water bodies.

### **FURTHER INFORMATION**

For further information about Proposed Plan Change 7, contact Hawke's Bay Regional Council on 06 835-9200, email: [OWB@hbrc.govt.nz](mailto:OWB@hbrc.govt.nz), or visit our website: [www.hbrc.govt.nz](http://www.hbrc.govt.nz) #OWB



## Proposed Plan Change 7 to the Hawke's Bay Regional Resource Management Plan - Outstanding Water Bodies

NOTE: In the following sections, new text is represented as underlined and text to be deleted is ~~struckout~~. Elsewhere, words of other provisions may appear but those are presented for context only and are not proposed to be amended by Plan Change 7.

### Amend Chapter 3.1A of HB Regional Resource Management Plan

## 3.1A Integrated Land Use and Freshwater Management

### ISSUES

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

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

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

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

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

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

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

### OBJECTIVES

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

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

1. protecting the significant values ~~quality~~ of outstanding ~~fresh~~water bodies listed in Schedule XXIV Hawke's Bay;
- 1A. protecting the significant values of wetlands;
2. the maintenance of the overall quality of freshwater within the Hawke's Bay region and the improvement of water quality in water bodies that have been degraded to the point that they are over-allocated;
- 2B. establishing where over-allocation exists, avoiding any further over-allocation of freshwater and phasing out existing over-allocation;
3. recognising that land uses, freshwater quality and surface water flows can impact on aquifer recharge and the coastal environment;

4. safeguarding the life-supporting capacity and ecosystem processes of fresh water, including indigenous species and their associated fresh water ecosystems;
5. recognising the regional value of fresh water for human and animal drinking purposes, and for municipal water supply;
6. recognising the significant regional and national value of fresh water use for production and processing of beverages, food and fibre;
7. recognising the potential national, regional and local benefits arising from the use of water for renewable electricity generation;
8. recognising the benefits of industry good practice to land and water management, including audited self-management programmes;
- 8A. recognising the role of afforestation in sustainable land use and improving water quality;
9. ensuring efficient allocation and use of water;
12. recognising and providing for river management and flood protection activities;
13. recognising and providing for the recreational and conservation values of fresh water bodies; and
14. promoting the preservation of the natural character of the coastal environment, and rivers, lakes and wetlands, and their protection from inappropriate subdivision, use and development.

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

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

**OBJ LW3 Tangata whenua values in management of land use and development and freshwater**

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

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

**Principal reasons and explanation**

Objectives LW1, LW2 and LW3 (and associated policies) assist HBRC to give effect to the National Policy Statement for Freshwater Management by setting out a broad overall framework (in parallel with other objectives in the RPS) for improving integrated management of the region's freshwater and land resources. These RPS provisions only partly implement the NPS for Freshwater Management. Regional plan policies and methods (including rules) also assist in giving effect to the NPS for Freshwater Management.

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

Objectives LW1, LW2 and LW3 are intended to outline the broad principles for policy-making and regional plan preparation to improve integrated decisions being made about the way the region's land and freshwater resources are used, developed or protected across the region's varying catchments and sub-catchments. [Objective LW1.1 is consistent with the NPSFM which expects the regional councils to protect the significant values of outstanding water bodies.](#)

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

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

## POLICIES

### POL LW1A Problem solving approach – Wetlands and outstanding freshwater bodies

1. To work collaboratively with iwi, territorial authorities, stakeholders and the regional community:
  - a) to identify outstanding freshwater bodies at a regional level and include provisions in the Regional Policy Statement to list those waterbodies and guide the protection of the outstanding qualities of those water bodies; and
  - b) to prepare a Regional Biodiversity Strategy and thereafter include provisions in the Regional Policy Statement and/or regional plans to (amongst other things) guide the protection of significant wetland habitat values identified by the Strategy.
  - c) In relation to Policy LW1A.1, the identification of outstanding freshwater bodies will be completed and an associated change to the Regional Policy Statement will be publicly notified prior to public notification of any further<sup>2</sup> catchment-based plan changes<sup>3</sup> prepared in accordance with Policy LW1.

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

1. Adopt an integrated management approach to fresh water and the effects of land use and development within each catchment area, that:
  - b) provides for *mātauranga a hapū* and local tikanga values and uses of the catchment;
  - c) provides for the inter-connected nature of natural resources within the catchment area, including the coastal environment;
  - cA) recognises and provides for the need to protect the integrity of aquifer recharge systems;
  - d) ~~gives effect to provisions relating to outstanding freshwater bodies arising from the implementation of Policy LW1A~~ protects the significant values of those outstanding water bodies listed in Schedule XXIV<sup>4</sup>;
  - dA) maintains, and where necessary enhances, the water quality of those outstanding ~~fresh~~water bodies identified ~~in Schedule XXIV the catchment~~, and where appropriate, protects the water quantity of those outstanding ~~fresh~~water bodies;
  - e) promotes collaboration and information sharing between relevant management agencies, iwi, landowners and other stakeholders;
  - f) takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water resources for future generations;

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

<sup>2</sup> Plan Change 6 for the Tukituki River catchment pre-dates this provision.

<sup>3</sup> Notwithstanding Policy LW1A.2, a catchment-based regional plan change for the Mohaka River catchment may proceed in the meantime. For the avoidance of doubt, issue-specific regional plan changes (for example, urban stormwater or natural hazards and oil and gas resources) may also proceed in the meantime.

<sup>4</sup> In the case of conflicts arising between outstanding and significant values, the outstanding value(s) will take priority over significant values of the same outstanding water body identified in Schedule XXIV.

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

2. When preparing regional plans:

- a) use the catchment-wide integrated management approach set out in POL LW1.1; and
  - b) identify the values for freshwater and their spatial extent within each catchment and for catchments identified in Policy LW2.1:
    - i) the values must include those identified in Table 1; and
    - ii) may include additional values; and
- ~~bA) recognise and provide for outstanding freshwater bodies and their values arising from the implementation of Policy LW1A; and~~
- ~~bA) in relation to any relevant outstanding waterbodies listed in Schedule XXIV:~~
- ~~i) identify the significant values of that outstanding waterbody and the spatial and/or temporal extent of those values as relevant;~~
  - ~~ii) establish how the significant values of outstanding water bodies listed in Schedule XXIV will be protected by regulatory methods or non-regulatory methods or both;<sup>5</sup>~~
  - ~~iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the significant values of an outstanding water body listed in Schedule XXIV.~~
- c) establish freshwater objectives for all freshwater bodies for the values identified in clause (b) and clause (bA) above; and
  - d) so as to achieve the freshwater objectives identified under clause (c), set:
    - i) groundwater and surface water quality limits and targets; and
    - ii) groundwater and surface water quantity allocation limits and targets and minimum flow regimes; and

<sup>5</sup> In the case of conflicts arising between outstanding and significant values, the outstanding value(s) will take priority over significant values of the same outstanding waterbody identified in Schedule XXIV.



- e) set out how the groundwater and surface water quality and quantity limits and targets will be implemented through regulatory or non-regulatory methods including specifying timeframes for meeting water quality and allocation targets.
3. When setting the objectives referred to in Policy LW1.2, ensure:
  - a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water are safeguarded; and
  - b) adverse effects on water quantity and water quality that diminish mauri are avoided, remedied or mitigated; and
  - c) the microbiological water quality in rivers and streams is safe for contact recreation where that has been identified as a value under Policy LW1.2 or Policy LW2 Table 1.<sup>6</sup>
4. When identifying methods and timeframes in regional plans to achieve limits and targets required by Policy LW1.2(e) have regard to:
  - a) allowing reasonable transition times and pathways to meet any new water quantity limits or new water quality limits included in regional plans. A reasonable transition time is informed by the environmental and socio-economic costs and benefits that will occur during that transition time, and should include recognition of the existing investment; and
  - b) promoting and enabling the adoption and monitoring of industry-defined and Council approved good land and water management practices.

#### Principal reasons and explanation

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

National values of freshwater have been listed in the NPSFM preamble and values have also been identified in the Hawke's Bay LAWMS. Those water bodies in the region with outstanding values have been listed in Schedule XXIV. The NPSFM provisions prescribe a high level of protection for those water bodies with outstanding values.

Policies LW1A, LW1.1 and LW1.2 inform future catchment-based plan changes, and the respective community discussions, from the outset which water bodies have outstanding values and directs the protection of their respective significant values. Policy LW1.2 ensures that the significant values of each outstanding water body are identified during the plan development phase, and that any future plan provisions protect the outstanding water bodies' significant values.

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

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

Subject to achieving Policy LW1.3:

1. Give priority to maintaining, or enhancing where appropriate, the primary values and uses of freshwater bodies shown in Table 1 for the following catchment areas<sup>7</sup> in accordance with Policy LW2.3:
  - a) Greater Heretaunga / Ahuriri Catchment Area;
  - b) Mohaka Catchment Area; and
  - c) Tukituki Catchment Area.
- 1A. Policy LW2.1 applies:
  - a) when preparing regional plans for the catchments specified in Policy LW2.1; and

<sup>6</sup> NOTE: Policy LW1.3(c) applies to any values and uses identified in Table 1 which refer to "amenity for contact recreation", "amenity for water-based recreation" or "recreational trout angling."

<sup>7</sup> A map illustrating the indicative location of these Catchment Areas is set out in Appendix 'A'.

- b) when considering resource consents for activities in the catchments specified in Policy LW2.1 when no catchment-based regional plan has been prepared for the relevant catchment.
2. In relation to catchments not specified in Policy LW2.1 above, the management approach set out in Policy LW1.1, Policy LW1.2, Policy LW1.3 and Policy LW1.4 will apply.
- 2A. In relation to values not specified in Table 1, the management approach set out in Policy LW1.1, Policy LW1.2, Policy LW1.3 and Policy LW1.4 will apply.
3. When managing the fresh water bodies listed in Policy LW2.1:
- a) recognises and provide for the primary values and uses identified in Table 1; and
- b) have particular regard to the secondary values and uses identified in Table 1.
4. evaluate and determine the appropriate balance between any conflicting values and uses within (not between) columns in Table 1, using an integrated catchment-based process in accordance with Policy LW1.1, Policy LW1.2, Policy LW1.3 and Policy LW1.4 or when considering resource consent applications where no catchment-based regional plan has been prepared.

TABLE 1:

Catchment Area	Primary Value(s) and Uses – in no priority order	Secondary Value(s) and Uses – in no priority order
Greater Heretaunga / Ahuriri Catchment Area	<ul style="list-style-type: none"> <li>any regionally significant native water bird populations and their habitats</li> <li>Cultural values and uses for: <ul style="list-style-type: none"> <li>mahinga kai</li> <li>nohoanga</li> <li>taonga raranga</li> <li>taonga rongoa</li> </ul> </li> <li>Fish passage</li> <li>Individual domestic needs and stock drinking needs<sup>8</sup></li> <li>Industrial &amp; commercial water supply</li> <li>Native fish habitat in the Ngaruroro River and Tutaekuri River catchments</li> <li>Recreational trout angling and trout habitat in: <ul style="list-style-type: none"> <li>the Mangaone River</li> <li>the Mangatutu Stream</li> <li>the Ngaruroro River and tributaries upstream of Whanawhana cableway</li> <li>the Ngaruroro River mainstem between the Whanawhana cableway and confluence with the Maraekakaho River</li> <li>the Tutaekuri River mainstem above the Mangaone River confluence</li> </ul> </li> <li>The high natural character values of the Ngaruroro River and its margins upstream of Whanawhana cableway, including Taruarau River</li> <li>The high natural character values of the Tutaekuri River and its margins above the confluence of, and including, the Mangatutu Stream</li> <li>Trout spawning habitat</li> </ul>	<ul style="list-style-type: none"> <li>Aggregate supply and extraction in Ngaruroro River downstream of the confluence with the Mangatahi Stream</li> <li>Amenity for contact recreation (including swimming) in lower Ngaruroro River, Tutaekuri River and Ahuriri Estuary</li> <li>any locally significant native water bird populations and their habitats</li> <li>Native fish habitat, notwithstanding native fish habitat as a primary value and use in the Tutaekuri River and Ngaruroro River catchments</li> <li>Recreational trout angling, where not identified as a primary value and use</li> <li>Trout habitat, where not identified as a primary value and use</li> </ul>

<sup>8</sup> In line with s14(3)(b)(ii) of the RMA, it is recognised that drinking water for stock is allowed, provided that it does not have an adverse effect on the environment.

Catchment Area	Primary Value(s) and Uses – in no priority order	Secondary Value(s) and Uses – in no priority order
	<ul style="list-style-type: none"> <li>Urban water supply for cities, townships and settlements and water supply for key social infrastructure facilities</li> <li>freshwater use for beverages, food and fibre production and processing and other land-based primary production</li> </ul>	
<b>Mohaka Catchment Area</b>	<ul style="list-style-type: none"> <li>Amenity for water-based recreation between State Highway 5 bridge and Willowflat</li> <li>any regionally significant native water bird populations and their habitats</li> <li>Cultural values and uses for:               <ul style="list-style-type: none"> <li>mahinga kai</li> <li>nohoanga</li> <li>taonga raranga</li> <li>taonga rongoa</li> </ul> </li> <li>Fish passage</li> <li>Individual domestic needs and stock drinking needs<sup>8</sup></li> <li>Long-fin eel habitat and passage</li> <li>Recreational trout angling and trout habitat in the Mohaka River and tributaries upstream of, and including, the Te Hoe River</li> <li>Scenic characteristics of Mokonui and Te Hoe gorges</li> <li>The high natural character values of the Mohaka River and its margins</li> <li>Trout spawning habitat</li> </ul>	<ul style="list-style-type: none"> <li>Aggregate supply and extraction in Mohaka River below railway viaduct</li> <li>any locally significant native water bird populations and their habitats</li> <li>Native fish habitat below Willowflat</li> <li>Recreational trout angling, where not identified as a primary value and use</li> <li>Trout habitat, where not identified as a primary value and use</li> <li>Water use associated with maintaining or enhancing land-based primary production</li> <li>Water use for renewable electricity generation in areas not restricted by the Water Conservation Order</li> </ul>
<b>Tukituki Catchment Area</b>	<ul style="list-style-type: none"> <li>any regionally significant native water bird populations and their habitats</li> <li>Cultural values and uses for:               <ul style="list-style-type: none"> <li>mahinga kai</li> <li>nohoanga</li> <li>taonga raranga</li> <li>taonga rongoa</li> </ul> </li> <li>Fish passage</li> <li>Individual domestic needs and stock drinking needs<sup>8</sup></li> <li>Industrial &amp; commercial water supply</li> <li>Native fish and trout habitat</li> <li>Recreational trout angling and trout habitat in:               <ul style="list-style-type: none"> <li>the Mangaonuku Stream</li> <li>the Tukipo River</li> <li>the Tukituki River mainstem downstream to Red Bridge</li> <li>the Waipawa River</li> </ul> </li> <li>The high natural character values of:               <ul style="list-style-type: none"> <li>the Tukituki River upstream of the end of Tukituki Road; and</li> <li>the Waipawa River above the confluence with the Makaroro River, including the Makaroro River</li> </ul> </li> <li>Trout spawning habitat</li> <li>Urban water supply for cities, townships and settlements and water supply for key social infrastructure facilities</li> </ul>	<ul style="list-style-type: none"> <li>Aggregate supply and extraction in lower Tukituki River</li> <li>Amenity for contact recreation (including swimming) in lower Tukituki River.</li> <li>any locally significant native water bird populations and their habitats</li> <li>Recreational trout angling, where not identified as a primary value and use</li> <li>Trout habitat, where not identified as a primary value and use</li> <li>Water use for renewable electricity generation in the Tukituki River (mainstem) and the Waipawa River above SH50 including the Mākaroro River.</li> </ul>

Catchment Area	Primary Value(s) and Uses – in no priority order	Secondary Value(s) and Uses – in no priority order
	<ul style="list-style-type: none"> <li>freshwater use for beverages, food and fibre production and processing and other land-based primary production</li> </ul>	

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

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

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

[Refer also:

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

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

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

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

Policy LW3 makes it clear that HBRC will manage the loss of contaminants (nitrogen, phosphorus and faecal indicator bacteria) from land use activities to groundwater and surface water in order to ensure that groundwater and surface water objectives and limits identified in specified catchment areas are achieved. Restrictions under section 15 of the RMA may also apply to land use activities. Phosphorus and nitrogen leaching and run-off will be managed by both regulatory and non-regulatory methods. This approach will be complemented by industries' implementation of good agricultural practices.

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



**POL LW3A Decision Making Criteria – Outstanding Water Bodies**

When considering a resource consent for an activity within the catchment of an outstanding water body identified in Schedule XXIV, in addition to the requirements of the relevant activity rule, the consent authority must have regard to:

- i. The need to protect the significant values, including outstanding values, of the outstanding water body;
- ii. Where it is not possible to avoid adverse effects on any value that is significant, avoid significant adverse effects on that value;
- iii. If there is conflict between an outstanding and a significant value of that water body, give priority to protection of the outstanding value;
- iv. Consider whether:
  - a. The activity is appropriate at that location;
  - b. Time limits, including seasonal or other limits, are necessary;
  - c. The activity will have any adverse effects on the significant values of the outstanding water body.
- v. Require regular:
  - a. Compliance monitoring of effects on all significant values of that water body;
  - b. Review of consent conditions to ensure protection of all significant values of that water body

**Principal reason and explanation**

Policy LW3A provides guidance to resource consent applicants and decision-makers when assessing activities which can potentially cause adverse effects on outstanding water bodies. In some cases the proposed activity may be inappropriate at that location or at certain times of the year. Those types of factors can be considered by the Consent Authority when assessing resource consent applications to ensure the outstanding water body's significant values are appropriately protected.

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

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

- a) **research, investigation and provision of information and services** – HBRC has in place a programme of research, monitoring and assessment of the state and trends of Hawke's Bay's natural resources. That programme will continue to be enhanced to assist HBRC implement the NPSFM and Hawke's Bay Land and Water Management Strategy;
- b) **advocacy, liaison and collaboration** – HBRC will promote a collaborative approach to the integrated management of land use and development and the region's freshwater resources;
- c) **land and water strategies** – the 2011 Hawke's Bay Land and Water Management Strategy contains a variety of policies and actions. A range of agencies and partnerships will be necessary to implement the actions and policies in the Strategy;
- e) **industry good practice** – HBRC will strongly encourage industry and/or catchment-based good practices for production land uses along with audited self management programmes as a key mechanism for achieving freshwater objectives at a catchment or sub-catchment level.

**Principal reasons and explanation**

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

**Anticipated Environmental Results**

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

Anticipated Environmental Results	Indicator(s)	Data Source(s)
1. Land and water management is tailored and prioritised to address the key values and pressures of each catchment	Freshwater objectives, targets and limits for catchments and/or groups of catchments are identified in regional plans for catchments Physical and biological parameters Social, cultural and economic indices	Regional plans and changes to regional plans HBRC's NPSFM Implementation Programme SOE monitoring and reporting Local authority records User surveys Catchment-specific monitoring programmes
2. Regional economic prosperity is enhanced	Regional GDP trends and unemployment trends for primary sector and associated manufacturing and processing	Statistics NZ Economic activity surveys Employment records by sector
3. Water is efficiently allocated	Level of allocation Catchment contaminant load modelling and monitoring Water use restriction timings and durations	SOE monitoring HBRC Consents records Compliance records Catchment-specific monitoring reports Water-supply management plans
4. Quality of fresh water in region overall is maintained or improved.	Catchment targets are met and limits in regional plans are not exceeded Catchment contaminant load modelling and monitoring	SOE monitoring Compliance records Catchment-specific monitoring reports
5. Water storage is developed to provide increased water availability and security for water users	Consents issued for water storage projects Improved security of supply of water for users in times and places of water scarcity	HBRC consent records Building consent authority records
6. Tikanga Maori and tangata whenua values are taken into account when managing freshwater	Cultural indices developed through cultural monitoring frameworks	Cultural health monitoring records
<u>7. Significant values of outstanding water bodies are protected</u>	<u>The significant values for each outstanding water body listed in Schedule XXIV are identified.</u> <u>The significant values for each outstanding water body listed in Schedule XXIV are protected using regulatory methods or non-regulatory methods, or both.</u>	<u>Regional plans and changes to regional plans</u> <u>HBRC's NPSFM Implementation Programme</u> <u>SOE monitoring and reporting</u> <u>Specific monitoring programmes</u>

## Amend Chapter 3.2 of HB Regional Resource Management Plan

### 3.2 The Sustainable Management of Coastal Resources

#### ISSUE

- 3.2.1 *Integrated management of the region's coastal resources across a wide range of natural and physical conditions, administrative responsibilities cultural considerations, and matters of social and economic well being.*

#### OBJECTIVES

- OBJ 4** Promotion of the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development.
- OBJ 5** The maintenance and where practicable and in the public interest, the enhancement of public access to and along the coast.
- OBJ 6** The management of coastal water quality to achieve appropriate standards, taking into account spatial variations in existing water quality, actual and potential public uses, and the sensitivity of the receiving environment.
- OBJ 7** The promotion of the protection of coastal characteristics of special significance to iwi, including waahi tapu, tauranga waka, taonga raranga, mahinga kai and mahinga mataitai.
- OBJ 8** The avoidance of further permanent development in areas prone to coastal erosion or inundation, taking into account the risk associated with global sea level rise and any protection afforded by natural coastal features.
- OBJ 9** Appropriate provision for economic development within the coastal environment, including the maintenance and enhancement of infrastructure, network utilities, industry and commerce, and aquaculture.
- OBJ 10** Enabling safe and efficient navigation.

**OBJ 11** Protection of the significant values of those outstanding water bodies within the Coastal Environment listed in Schedule XXIV.

#### Explanation and Reasons

- 3.2.2 The coastal environment includes the coastal marine area (the area from mean high water springs to the outer limits of the territorial sea) and the adjacent land that is affected by maritime influences, the air above it, and coastal water.
- 3.2.3 People and communities in the region are aware of, and have concerns about, the sustainable management of the coastline.
- 3.2.4 The environment of the coastline contributes to the characteristics which give Hawke's Bay its unique identity. This environment provides a social, recreational, cultural and economic resource for the regional community and for visitors. Public use and enjoyment of the coastline are, in turn, dependent on the protection and maintenance of its physical and biological diversity, health and well-being. Areas of wildlife habitat, marine and land-based vegetation, and geomorphological features also have value. These contribute to the distinctive natural identity of New Zealand in general, and the region in particular.
- 3.2.5 Among the significant features of the region's coastline are the spiritual and cultural significance of the sea to tangata whenua, the recreational amenities of coastal areas, and the importance of the coastal waters as a way of transporting goods.
- 3.2.6 Integrated management of the coast requires special effort as the regional council and the territorial authorities in the region jointly manage the coastal environment area landward of the "Coastal Marine Area". This is achieved through district and (as appropriate) regional plans. However, the "Coastal Marine Area" is primarily the responsibility of the Hawke's Bay Regional Council, which must prepare a Regional Coastal Plan. HBRC has combined its regional coastal plan with other regional planning provisions applicable to the coastal environment into the Regional Coastal Environment Plan. The coastal environment includes the coastal marine area and an area of land immediately adjacent to the coast. The Minister of Conservation also retains some specific responsibilities over the coastal marine area.
- 3.2.7 The New Zealand Coastal Policy Statement (NZCPS) provides principles for, and guidance to, regional and territorial authorities in managing coastal resources. The NZCPS links matters of national importance, as set out in the Act, with the objectives, policies, rules and other provisions of regional and district plans, including the Regional Coastal Environment Plan. The Regional Coastal Environment Plan thus contains a greater level of detail for areas and activities within the coastal environment than the broad regional policy framework for coastal resources included in the Regional Policy Statement.

3.2.8 The preservation of the natural character of the coastal environment is specified as a matter of national importance in the Act. The natural character of the coast embraces ecological, physical, spiritual, cultural, intrinsic and aesthetic values. While it is a matter of national importance to preserve those values, the Act does not preclude appropriate use and development, particularly where natural character has already been compromised.

3.2.8A Objective 11 aligns with provisions relating to outstanding water bodies that are not within the coastal environment, as set out in Chapter 3.1A of the RRMP. The NPSFM specifically provides for the integrated management of the effects of use and development of land and freshwater on coastal water.

3.2.8B Objective 11 assists in giving effect to Objectives 1 and 2 and Policies 13 and 15 of the NZ Coastal Policy Statement, which seek to protect significant natural ecosystems, sites of biological importance, natural features, natural character and landscape values, which are some of the many significant values which can be associated with water bodies in the coastal environment.

3.2.9 Public access to and along the coast is an important issue for the residents of Hawke's Bay. It is also a matter of national importance in the RMA. In planning for the use, development and protection of the natural and physical resources in the coast, public access as far as possible should be maintained. In certain circumstances it may be desirable to enhance public access to and along the coast.

3.2.10 Good water quality is important for the sustainable management of natural and physical resources in the coastal environment and is an issue of prime concern to the residents of Hawke's Bay. However, water quality may vary over time and in different areas. An appropriate management framework includes achieving standards through management of discharge including point and non-point source discharges from land and to sea.

3.2.11 Tangata whenua of Hawke's Bay have strong traditional and cultural relationships with the sea. The identification and protection of coastal characteristics of special significance to iwi recognises the special relationships that iwi have with coastal resources.

3.2.12 Avoiding permanent development in areas prone to coastal erosion or inundation and taking into account the risk associated with global sea level rise is necessary to achieve the purpose of the Act. This approach enables people to provide for their safety and recognises the reasonably foreseeable needs of future generations. It also gives a clear indication to resource users that development in these areas is inappropriate and indicates that local authorities are accountable for any development that does occur in these areas.

3.2.13 The provisions of the Act do not relate solely to the control of environmental effects. Providing for economic development in the coastal environment within the region is necessary to achieve the purpose of the Act because the Act requires the Council to promote the sustainable management of both natural and physical resources. Physical resources include land and structures and includes the structures in the region which add to the present and future economic well-being of the region. The responsibility for providing for the social, economic, cultural, health and safety needs of the community lies in part with the Regional Council. The economic well-being of the people and communities of the region requires the continuation of an economic infrastructure.

3.2.14 There are a number of existing surface water activities in Hawke's Bay ranging from passive recreation to recreational use of boats, yachts and pleasure craft, to commercial fishing and port related shipping. New activities may occupy coastal marine space and may have the potential to enhance or conflict with navigational needs. Promoting safe and efficient navigation is necessary to promote the purpose of the Act because it enables people and communities to provide for their social, cultural and economic well-being and for their health and safety.

## **POLICIES**

### **POL C1 Problem solving approach – outstanding water bodies**

1. When preparing regional plans, in relation to any relevant outstanding waterbodies listed in Schedule XXIV:

- i) identify the significant values of that outstanding waterbody and the spatial and/or temporal extent of those values as relevant;
- ii) establish how the significant values of outstanding water bodies listed in Schedule XXIV will be protected by regulatory methods or non-regulatory methods or both;<sup>9</sup>
- iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the significant values of an outstanding water body listed in Schedule XXIV.

<sup>9</sup> In the case of conflicts arising between outstanding and significant values, the outstanding value(s) will take priority over significant values of the same outstanding waterbody identified in Schedule XXIV.



**POL C2 Decision Making Criteria – Outstanding Water Bodies**

When considering a resource consent for an activity within the catchment of an outstanding water body identified in Schedule XXIV, in addition to the requirements of the relevant activity rule, the consent authority must have regard to:

- i. The need to protect the significant values, including outstanding values, of the outstanding water body;
- ii. Where it is not possible to avoid adverse effects on any value that is significant, avoid significant adverse effects on that value;
- iii. If there is conflict between an outstanding and a significant value of that water body, give priority to protection of the outstanding value;
- iv. Consider whether:
  - a. The activity is appropriate at that location;
  - b. Time limits, including seasonal or other limits, are necessary;
  - c. The activity will have any adverse effects on the significant values of the outstanding water body.
- v. Require regular:
  - d. Compliance monitoring of effects on all significant values of that water body;
  - e. Review of consent conditions to ensure protection of all significant values of that water body

**Principal reasons and explanation**

- 3.2.15 While there are only two policies in this plan, ~~There are no specific policies~~ relating to the coastal environment part of this Plan, although many of the other provisions within the Regional Policy Statement parts of this Plan ~~do apply~~ are also relevant to within the coastal environment. Specific regional plan provisions (including policies) for the coastal environment are contained within the Regional Coastal Environment Plan.
- 3.2.16 The Hawke's Bay Regional Coastal Environment Plan is a combined Plan, incorporating the regional coastal plan that HBRC is required to prepare. It sets out in some detail objectives, policies and methods including rules which are the basis for management of the coastal environment. Thus the Regional Policy Statement of this Plan does not repeat or elaborate on the above objectives, and the Regional Coastal Environment Plan should be referred to for further detail.
- 3.2.17 Under the Act, HBRC has shared responsibility with the territorial authorities for management of activities and effects of activities within the coastal environment.
- 3.2.18 Some aspects of those activities are the sole responsibility of district councils – particularly managing the effects of land uses, development and subdivision in terms of the Act and in ways which are not inconsistent with this Regional Policy Statement or regional plans. District Plans should also be referred to as these may set out specific objectives, policies, methods and rules for the landward side of the coastal environment.
- 3.2.18A Policy C1 aligns with provisions relating to outstanding water bodies that are not within the coastal environment (i.e. Policy LW1) as set out in Chapter 3.1A of the RRMP. This is consistent with the NPSEM which specifically provides for the integrated management of the effects of use and development of land and freshwater on coastal water. Policy C1 informs future catchment-based plan changes, and the respective community discussions, from the outset which water bodies have outstanding values and directs the protection of their respective significant values. Policy C1(b) ensures that the significant values of each outstanding water body are identified during the plan development phase, and that any future plan provisions protect the outstanding water bodies' significant values.
- 3.2.18B Policy C2 aligns with Policy LW3A of the RRMP albeit applicable to decision making for activities affecting outstanding water bodies located in the coastal environment. Both policies provide guidance to resource consent applicants and decision-makers when assessing activities which can potentially cause adverse effects on outstanding water bodies. In some cases the proposed activity may be inappropriate at that location or at certain times of the year. Those types of factors can be considered by the Consent Authority when assessing resource consent applications to ensure the outstanding water body's significant values are appropriately protected.

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

Amend Glossary by adding new definitions to read:

**Outstanding freshwater body** means those water bodies, or parts thereof, listed in Schedule XXIV that have one or more outstanding cultural, spiritual, recreation, landscape, geology, natural character or ecology values.

**Outstanding water body** means those water bodies, or parts thereof, listed in Schedule XXIV that have one or more outstanding cultural, spiritual, recreation, landscape, geology, natural character or ecology values. It includes an outstanding freshwater body.

And make any other consequential amendments to the Hawke's Bay Regional Resource Management Plan.

## Schedule XXIV: Outstanding Water Bodies

### Part 1 – Overview of types of outstanding values and their sub-parts

The following values have been identified as outstanding for the purposes of giving effect to the NPSFM Outstanding Water Bodies provisions. The key sub-values listed help describe the outstanding value, but are not all inclusive.

**Table 1: Outstanding values and sub values**

Outstanding Values	Key sub values <sup>10</sup>
<u>Cultural and spiritual</u>	<u>Wāhi Tapu, Wāhi taonga; Wai Tapu; Rohe boundary; Battle sites; Pa, kāinga; Tauranga waka; Mahinga kai, Pa tuna; and acknowledged in korero tuku iho, pepeha, whakatauki, or waiata.</u>
<u>Ecology</u>	<u>Native birds, native fish, native plants, aquatic macroinvertebrates</u>
<u>Landscape</u>	<u>Scenic, association, natural characteristics (includes hydrological, ecological and geological features)</u>
<u>Natural character</u>	<u>Natural characteristics (includes hydrological, ecological and geological features)</u>
<u>Recreation</u>	<u>Angling, fishing, kayaking, rafting, jet boating</u>
<u>Natural science values</u>	<u>Geology, science</u>

To be identified as 'Outstanding', the water body must feature at least one outstanding value. The water body may also feature other significant values which must be protected to give effect to the NPSFM. Information held by HBRC on the outstanding and significant values of Outstanding Water Bodies is available on the HBRC website, [www.hbrc.govt.nz](http://www.hbrc.govt.nz) under #OWB.

### Part 2 – Outstanding water bodies in Hawke's Bay and their outstanding value(s)

The following water bodies, or parts thereof, have been identified as having outstanding value(s)

ID #	Outstanding water body	Description	Outstanding value(s)

Table is left deliberately blank in this draft document. Table will be populated following recommendations yet to be made by the Regional Planning Committee.

<sup>10</sup> The outstanding values, include but are not limited to the sub-values set out in Table 1





## List of Agencies for Pre-notification Consultation on Draft OWB Plan Change 7

Please note the Regional Planning Committee may add further agencies to consult with, or choose not to consult with optional agencies.

Type	Agency
<b>Ministers of the Crown (Required)</b>	Ministry for the Environment
	Department of Conservation
	Ministry of Health
	Ministry for Business, Innovation & Employment (Energy & Resources)
	Ministry for Primary Industries (Agriculture, Forestry)
<b>Iwi authorities &amp; other entities requiring notice re RMA plan changes (Required)</b>	Mana Ahuriri Trust
	Ngāti Pārau Hapū Trust
	Maungaharuru-Tangitū Trust
	Tāmanuhiri Tutu Poroporo Trust
	Te Kōpere o te iwi o Ngāti Hineuru
	Ngāti Kahungunu Iwi Inc
	Wairoa Taiwhenua
	Te Taiwhenua o Te Whanganui-a-Orotū Inc
	Te Taiwhenua o Heretaunga (hapu)
	Te Taiwhenua o Tamatea (hapu)
	Heretaunga Tamatea Settlement Trust
	Te Runanga o Ngāti Manawa
	Ngāti Pāhauwera Development Trust
	Te Kotahitanga o Tūwharetoa
	Tūwharetoa Māori Trust Board
	Mokai Marae Reserve / Turopaki A Trust
	Te Runanga o Ngāti Whare
	Rangitāne Tū Mai Rā Trust
	Rangitāne o Manawatū Settlement Trust
	Taneuiarangi Manawatu Incorporated
	Rangitāne o Tāmaki nui a Rua
	Rangitāne o Wairarapa
	Rongowhakaata Iwi Trust
	Ngati Ruapani ki Waikaremoan (affiliated to Te Tatou Pounamu o Waikaremoana)
	Te Iwi o Rakaipaaka Inc
	Tatau tatau o te Wairoa Trust
	Te Rākatō Marae
	Tūhoe - Te Uru Taumatua
<b>Local authorities within or adjoining Hawke's Bay region (Required)</b>	Napier City Council
	Central Hawke's Bay District Council
	Hastings District Council
	Wairoa District Council
	Rangitikei District Council
	Taupo District Council
	Gisborne District Council

Type	Agency
	Horizons Regional Council
	Waikato Regional Council
	Bay of Plenty Regional Council
Stakeholders (Optional)	Hawke's Bay District Health Board (Public Health)
	Federated Farmers
	Fish and Game Council (Hawke's Bay)
	Royal Forest & Bird Protection Society Inc
	Horticulture NZ
	Genesis Energy
	Whitewater NZ
	Jet Boating NZ
	Tourism Hawke's Bay
Public (Optional)	Via website, press release

## HAWKE'S BAY REGIONAL COUNCIL

### REGIONAL PLANNING COMMITTEE

Wednesday 15 May 2019

Item 7

#### **Subject: TANK PLAN CHANGE - FEEDBACK AND RECOMMENDATIONS FOLLOWING PRE-NOTIFICATION CONSULTATION**

##### **Reason for Report**

1. This report summarises the advice received during the pre-notification consultation of Draft Plan Change 9 and seeks direction, based on the officers' assessments of the feedback received, in relation to recommended amendments to the Change prior to public notification as a proposed plan change.

##### **Background**

2. The Hawke's Bay Regional Council (the Council) intends to change its Regional Resource Management Plan for the management of the waterbodies in the Tūtaekurī, Ahuriri, Ngaruroro and Karamu catchments (TANK) in proposed Plan Change 9.
3. At the RPC meeting on the 12 December 2018 the Committee agreed that the draft TANK plan Change 9 (version 8) be recommended to Council for adoption as a draft for targeted consultation with relevant iwi authorities, territorial local authorities and relevant Ministers of the Crown. This pre-notification consultation was subsequently agreed at Council on 19 December 2018.
4. Letters and supporting reports/documentation were sent to those identified pre-notification parties on 1 February 2019, seeking feedback and comments to the Draft TANK plan change. Responses were to be received by the 15 March, however an extension was sought by HDC (and approved by RPC) to 29 March 2019.

##### **Feedback**

5. Advice and feedback has been received from:
  - 5.1. Te Taiwhenua o Heretaunga (TToH) received 10 April 2019
  - 5.2. Ngati Kahungunu Iwi Incorporated (NKII) received 5 April 2019
  - 5.3. Heretaunga Tamatea Settlement Trust (HTST) received 17 April 2019
  - 5.4. Mana Ahuriri Trust received 6 March 2019
  - 5.5. Hastings District Council (HDC) received 29 March 2019
  - 5.6. Napier City Council (NCC) received 29 March 2019
  - 5.7. Department of Conservation (DoC) received 18 April 2019, and
  - 5.8. Horticulture NZ (Hort NZ) received 29 March 2019.
6. It should be noted that no response was provided by the Minister for the Environment, however the Minister acknowledged receipt of the letter and documents. In addition to the Minister, no response was received from:
  - 6.1. Tuwharetoa Māori Trust Board
  - 6.2. Te Taiwhenua o Whanganui o Orotu
  - 6.3. Ngāti Parau Hapū Trust
  - 6.4. Maungaharuru Tangitu Trust
  - 6.5. Taupō District Council
  - 6.6. Rangitikei District Council.
7. The Council must have particular regard to any advice received on a draft proposed policy statement or plan from iwi authorities. This does not mean that the Plan Change must be amended as requested by the iwi authorities, but the RPC must at least

consider that feedback alongside the many other considerations. Feedback from other parties has also led to staff now recommending for amendments to further improve the draft.

8. Legal advice on some aspects of the Plan Change has also been received and there are recommendations for some amendments in relation to this advice.
9. Each of the feedback documents received has been summarised with a brief staff response or explanation provided for all feedback items. The feedback documents are provided in full as attachments 1-8, and the summaries for all of the feedback along with an assessment of the matters raised and recommendations provided in attachments 9-15.
10. It should be noted that as a matter of courtesy a copy of the summary of the NKII response, matters raised including the recommendations from staff was provided to NKII in advance of the RPC meeting. An invitation to meet with staff to further discuss matters which may still require further consideration was extended. At the time of writing this report no meeting had been scheduled.
11. Further amendments recommended by staff and explanations are either reported on in this report, for more substantive items, or collated and provided in Table 1 of this report for more editorial amendments, corrections or clarifications. All of the recommended amendments are presented as tracked changes in the attached draft Version 9 of the TANK Plan Change 9 (Attachment 16).
12. The significant issues raised in the feedback and described in more detail include:
  - 12.1. Ensuring values are properly provided for
  - 12.2. Managing stream depletion effects of groundwater takes
  - 12.3. Allocation limit for high flow abstraction and water for Māori development
  - 12.4. Urban development and freshwater
  - 12.5. Allocation Limits
  - 12.6. Integrated and long term solutions for managing stormwater
  - 12.7. The role of mana whenua in the TANK collaborative process.

## Assessments

### Section 1 - Ensuring Values are Provided for

#### Iwi advice

13. TToH, NKII and HTST consider the Plan does not clearly provide for Māori values. Mana Ahuriri conversely have supported the Plan stating that the 'in terms of iwi values we support that the plan has clearly articulated these provisions...'

#### Other feedback

14. The Department of Conservation seeks more explicit recognition of natural character including wild and scenic values and protection for the Ngaruroro mainstem. Additional recognition for indigenous biodiversity is sought.

#### Officers' Assessment

15. As noted in the advice from iwi, considerable Council resource and tāngata whenua effort was expended in gathering information about Māori values and how they were to be provided for in the plan change. The Ngaruroro Attributes and Values document and subsequent work by the Catalyst Group to understand what attribute states would provide for Māori values proved very helpful in drafting the Plan and establishing freshwater objectives. The table of attributes at the end of the Ngaruroro report aligned very well with the final selection of attributes that are now in Schedule 1 of the draft. The selection of attributes was necessarily governed by the availability of data and established guidelines or information to show how the attribute state provides for the value identified.

16. Attention was given specifically to other attributes that might better reflect Mātauranga Māori. This is reflected by the placeholder in Schedule 1. The input by Māori that is required to complete this work is further reflected by Policies 33 and 35. This same issue clouded development of the Tukituki Plan Change process and as part of implementation of that plan Council committed significant funds to enable iwi, local marae and hapū to develop the necessary information. It was to be hoped that the Tukituki work was sufficiently advanced to help inform the TANK plan change.
17. The values diagrams remain separate to reinforce a distinct Māori world view rather than attempting to develop a more integrated approach to how water values could be articulated. Nonetheless, the plan objectives refer to specific types of values including mauri and mahinga kai that are included in the Māori values diagram. Ecosystem targeted objectives and protections are understood to align with the Māori world view of Te Mana o te Wai, the concept of mauri and that the awa comes first - and that this also means fundamental protection of the ecosystem. It also enabled the Freshwater NPS to be given effect to in terms of the compulsory national standard for ecosystem health.
18. Insofar as the scope and purpose of the Plan Change allows, provision for Māori land and Māori communities have been incorporated within the Plan, specifically in relation to high flow water allocation (see section 4), addressing community water supply for papakāinga and marae and addressing concerns about the Paritua catchment.
19. Water uses relevant to human health and cultural practices, such as encompassed by the term Uu (values within water e.g. immersion, swimming, cleansing, tāonga rongoa), are also specifically recognised in Schedule 1. It is suggested that this can be made more explicit in Objectives 6 (c), 7(c) and 8(c) which refer to people safely carrying out a range of social cultural and recreational activities by including practices relevant to Uu.
20. Kaitiaki, as it is defined as an expression of stewardship or guardianship, is a term reflected throughout the plan. Clearly for Māori, kaitiaki may require additional responsibilities as defined by their culture, however TANK Group members also wished to acknowledge their own responsibilities for good stewardship as expressed by this concept. This shouldering of responsibility is to be celebrated as it illustrates the commitment of the TANK stakeholder members.
21. This plan change does not address structures in waterways and fish passage directly so, in as far as this aspect of whakapapa is concerned, provisions in the rest of the RRMP already cover this.
22. Natural character is not specifically mentioned anywhere in the Plan change although it was part of TANK discussions about water body values. Natural character also informs understanding about and provision for wai Māori. A wide range of site specific characteristics combine to provide a natural character including biophysical, ecological, geomorphological, geological aspects, natural movement of water, location, the presence of indigenous species, colour and clarity of the water.
23. Evidence presented to the Special Tribunal in its proceedings for the WCO application for the Ngaruroro River illustrate the significant natural character in some parts of the TANK catchments. The Department of Conservation feedback also mentions a need to specifically mention this. Other work is also being considered in relation to outstanding water bodies. It is plausible that some waterbodies in the TANK catchments will be considered outstanding. The draft plan will be reviewed in light of any decisions made by the RPC about outstanding water bodies and any necessary amendments to PC9 reported back to the committee before notification.
24. The protection of the Ngaruroro and Tūtaekurī River's significant natural character value and its habitat for indigenous birds is already provided for in the plan through restrictions on damming and Objectives 6(d) and 7(d). Both those clauses should refer also to natural character.
25. The values of wetlands are specifically identified and provided for. They are a key waahi taonga and the Plan change contains several objectives and policies targeted at

protecting existing wetlands and increasing wetland areas. The words 'waahi taonga' could be included in Objective 10 to make it even clearer that this Māori value is being provided for.

26. The values diagram also requires amendment to include natural character and deletion of reference to 'commercial' eeling.
27. Whilst some values or matters may not be explicitly mentioned in the Plan it should be noted that the RRMP's existing provisions in many instances already address the key issues which have been raised e.g. rules controlling drainage of natural wetlands. The TANK plan should be considered as an addition to the RRMP, not in isolation from it.

### **Suggested amendments**

28. Staff recommend that the objectives are amended as follows.
  - 28.1. Objectives 6 (c), 7(c) and 8(c) - Insert 'and cultural practices of Uu'
  - 28.2. Objectives 6 (d) and 7(d) - Insert 'natural character and' before instream values
  - 28.3. Objective 10 - Insert the words waahi taonga after wetland and lakes.

## **Section 2 - Managing Stream Depletion**

### **Iwi advice**

29. The mana whenua members of the TANK Group expressed concerns about the stream flow enhancement measure to address stream depletion during the TANK plan development and various alternative management options were explored. The TANK mana whenua member concerns are also reflected in advice from NKII, TTOH and HTST and iwi agencies again seek deletion of this management solution. Advice also requests that the allocation limit is not classified as interim.

### **TLA advice**

30. HDC seeks that the flow enhancement schemes for Karamū tributaries need to be developed prior to water permits being reviewed. HDC considers that better understanding of the off-setting benefits of stream flow enhancement may allow a higher volume of consented water without compromising outcomes sought and providing retention of existing consented allocations.
31. NCC expresses reservations about how such a scheme will be implemented and the implications of this requirement on their consented water takes.

### **Other feedback**

32. Hort NZ suggests that water users who are not consent holders should also contribute to such a scheme.
33. DOC consider that Objective 9 does not adequately recognise the importance of flow in the Heretaunga Aquifer to the Karamu Stream. They suggest a maximum water take at peak season and on-site storage provisions to complement Policy 36.
34. Legal advice has also been received in respect of the obligations and management of the scheme.

### **Current state**

35. HBRC's extensive science and modelling work has confirmed that the Heretaunga Plains aquifer is more connected and transmissive than previously thought. The cumulative effect of all groundwater abstraction contributes to reduced flows in connected surface streams and rivers. The Heretaunga Plains integrated ground and surface model was used to predict the effectiveness of a range of management options to manage this stream depletion effect. These options included:
  - 35.1. Restrictions or bans
  - 35.2. Reductions in allocations
  - 35.3. Stream flow enhancement.

36. The stream flow enhancement option was endorsed by the majority of the TANK Group as the preferred option, but did not receive support from mana whenua. Consequently, this was highlighted as one of the non-consensus matters that the RPC needed to consider further in its deliberations during late 2018.
37. This solution is especially targeted for review within 10 years of the Plan being operative and all water permits have been re-issued in line with plan requirements. It is clearly acknowledged that if environmental objectives for the aquatic ecosystems are not being met, alternative management responses may need to be developed.
38. The scheme is based on how the Twyford Group of irrigators maintain stream flows in order to avoid triggering a take ban. This group collectively work together to maintain stream flows by pumping groundwater (allocated to them) to adjacent streams and by reducing or rostering water takes to reduce the impact of their water abstraction on flows. There is no specific advice as to whether this scheme is supported or not, but it does operate successfully. It has provided local water users with better information about the effects of their water takes on stream flows and enables them to manage that more effectively.
39. Irrigators in the Tywford Group were previously judged to be affecting stream flows depending on their proximity to the stream and whether or not they abstract water from the confined or unconfined aquifer. However, the new model demonstrates all water users cumulatively impact on stream flows. It demonstrates that all groundwater takes have some stream depletion effects and that the effect is variable depending on location. The model also indicated that a take may potentially affect more than one river or stream.
40. New modelling tools have been developed that show the relative contribution to stream depletion for each point of take. It enables the stream depletion effect from each point of take to be calculated (in litres per second) for all of the streams affected by the abstraction.
41. There is still some feasibility and modelling work required to refine the scheme and management options for each affected stream and in relation to each consent holder.

### **Draft Plan Change proposal**

42. The Plan manages the cumulative stream depletion effects by:
  - 42.1. requiring that the stream depletion effect for each abstraction be offset by an equivalent discharge into an affected stream by the permit holder
  - 42.2. requiring stream augmentation if stream flows fall to a specified trigger flow
  - 42.3. requiring flow enhancement water to be part of the total allocated to the permit holder
  - 42.4. noting that stream flow enhancement may not be required every year
  - 42.5. enabling permit holders to collectively consider other measures to ensure stream flows do not fall below triggers. This might include more targeted management of abstraction points with a larger stream depletion effect, rostering water takes and reducing inessential water use during low flow periods
  - 42.6. enabling Council to support permit holders to work collectively; and
43. requiring the permit holder, if the contribution is not made, to cease take when the trigger flow is reached.

### **Officers' Assessment**

44. The Draft Plan Policy 38, as currently worded causes confusion regarding the role of Council in developing, constructing and operating stream flow enhancement schemes. The policy requires redrafting to more clearly indicate that it is an enabling provision. It provides an opportunity for flow enhancement as an alternative to a more stringent water take ban.



45. The current policy describes a lead role for Council and includes a requirement for consent holders to contribute to a scheme and enable Council to recover costs from permit holders for any development and operational costs. However, the policy is not intended to limit stake holders' ability to mitigate stream depletion effects by making them reliant on the Council to establish the scheme. Imposing a condition on a consent which requires a third party (i.e Council itself) to do something is ultra vires.
46. The consent holder alone, or with a third party (such as in the Twyford model), may establish a scheme themselves. Conditions on such a consent will impose responsibilities on the consent holders to be part of and contribute to such a scheme.
47. In some circumstances, it may be appropriate for a scheme to be administered by Council, provided costs were recovered from permit holders. However, it is not the intention in the drafting of Policy 38 that the Council be responsible for a consent holder's stream enhancement obligations, the application or management of any associated consents that will be necessary for such a scheme. Rather, the Council could provide support for the modelling and design for any stream flow enhancement scheme that is available to consent holder.
48. An applicant could seek to offset stream depletion effects by contributing to an enhancement scheme administered by either a third party or the Council. This would avoid the need for a particular charge to be set as the payment for the provision of the enhancement scheme would essentially be a commercial development.
49. There is uncertainty about the extent to which the actual and reasonable assessments will reduce water permit allocations and the effect on the interim allocation limit. The stream depletion effects of each take have yet to be calculated and accounted for in the scheme for each permit holder.
50. However, some advance modelling and working with permit holders will enable consent processing to be more stream-lined in relation to the opportunities the flow enhancement and the extent to which the stream depletion effect can be off-set.
51. No changes to the plan in respect of the timing of the schemes are recommended by staff, however, it is suggested that Council commence discussions soon with industry groups, water permit holders and iwi about the development of flow enhancement schemes and their management. Having this work done in advance of permit re-allocation processes provides more certainty and clarity for both the Council and applicants when permit applications are being processed and conditions applied.
52. The inclusion of iwi in the design of the stream enhancement schemes ensures the maximum benefit to stream flows at their upper reaches is considered, and design is not limited to meeting a flow trigger at the most downstream site.
53. Also required is further development of the Stream Depletion Calculator (SDC) including its public (on-line) availability to assist permit holders understanding of their stream depletion effects in advance of permit expiry. The speedy development of the SDC is also important so that water permit holders can gauge the effect of this plan change on their water take to inform any submissions that they may lodge on PC9.
54. Item 51 of the Implementation Plan refers briefly to the stream enhancement solution. It requires further refinement, timelines and specification of other stakeholder roles. This is being considered by staff.
55. There is a range of small scale water use that is permitted (and does not require a resource consent). The Council does not hold information on the location of each and every permitted water take, nor does it require such use to be metered. The individual impacts of such takes are minor, and while the cumulative total permitted take has been modelled, it is a relatively small proportion of the total. There are no requirements to impose stream flow enhancement requirements on permitted activities. The administrative and compliance costs for Council and water users of establishing such a requirement as a condition of permitted activities would outweigh any benefits.
56. The allocation limit applies as part of this Plan Change and calling it 'interim' is not necessary. It had been included to signal to water users that further reduction may be

necessary following assessment of the stream flow enhancement scheme and other measures to reduce allocations and improve efficiency. Policy 40 clearly sets out the review requirements and indicates that the allocation limit may require adjustment upon review of the Plan.

### Suggested amendments

57. **Delete** from Policy 33(e) the word “*interim*”

58. **Amend** Policy 38 as follows.

*The Council will remedy, or offset if remedying is not practicable, the stream depletion effects and effects on tikanga Māori of groundwater takes in the Heretaunga Plains Water Management Zone on the Karamu River and its tributaries by;*

a) Regulating water takes and enabling consent applicants to either

(i) develop or contribute to ~~developing~~ stream flow and habitat enhancement schemes that;

1. improve stream flows in lowland rivers where groundwater abstraction is depleting stream flows below trigger flows and;

2. improve oxygen levels and reduce water temperatures;

or

(ii) be subject to water take restrictions when flow triggers are reached and to;

b) support and contribute to ~~consult on~~ the design and management of the stream flow enhancement regime by permit holders either individually or collectively;

c) assess the contribution to stream depletion from groundwater takes; and

(i) require stream depletion to be off-set equitably by ~~impose costs equitably on consent holders based on the level of stream depletion~~ while providing for exceptions for the use of water for essential human health; and

(ii) work with permit holders to progressively develop and implement flow enhancement schemes as water permits are replaced or reviewed, including through the establishment and support of catchment collectives in the order consistent with water permit expiry dates;

(iii) allow site to site transfer of water to enable the operation of a flow enhancement scheme

d) ~~Regulate groundwater abstraction so that water use ceases when the minimum flow for the affected stream is reached if a permit holder does not contribute to an applicable low enhancement scheme~~ This condition (d) is deleted because it is already provided for in (a)

59. **Amend** TANK Rule 7(f) and (g) as follows.

#### Stream Flow Enhancement

*Either:*

f) The stream flow depletion (in l/sec) will be calculated using the Stream Depletion Calculator. \* ~~A and when a stream flow enhancement scheme for the affected stream contribution to stream flow enhancement will be calculated~~ for the affected stream according to the extent of total stream flow depletion and based on the allocated amount of water, and

g) The volume and rate of water able to be abstracted is reduced by an amount equivalent to the stream flow depletion calculated in (f) (as determined by the Stream Depletion Calculator\*) at any time the flows in the affected stream reduces below the minimum flows in Schedule 6

Or

h) The water take ceases when flows in the affected stream fall below specified trigger levels in Schedule 6

60. **Insert** into RRMP Rule 31 a new condition.

*(d) The discharge is not discharge of groundwater into surface water in the Heretaunga Plains Groundwater Management Unit.*

61. **Insert new rule-**

RULE	ACTIVITY	STATUS	MATTERS
<b>Stream Flow Enhancement</b>	Discharge of groundwater into surface water in the Heretaunga Plains Groundwater Management Unit	Restricted Discretionary	<ol style="list-style-type: none"> <li>1. Rate and timing of the discharge</li> <li>2. The quality of the groundwater and the quality of the receiving water</li> <li>3. Location of the discharge</li> <li>4. Riparian land management along the affected stream</li> <li>5. Information to be supplied and monitoring requirements including timing and nature of water quality monitoring.</li> <li>6. The duration of the consent (Section 123 of the Act) as provided for in Schedule timing of reviews and purposes of reviews (Section 128 of the Act).</li> <li>7. Lapsing of the consent (Section 125(1)).</li> </ol>

### Section 3 - High Flow Water Allocation Including for Māori Development

#### Iwi advice

62. Advice from TToH, HTST and NKII about the reservation of water for Māori well-being was negative, opposing the plan provisions (Objective 13, policies 56 and 57 and Schedule 7). Their advice noted in particular that while water rights for Māori were supported, the policy is “offensive” and “tokenistic” - and that the policy was not written or requested by Māori and iwi were not involved in its development. Advice from TTOH for its deletion is because it is probably ultra vires. By implication the advice from all of the iwi groups is to delete the objective, policies and accompanying rules.
63. Related to this issue is the allocation limit for high flow allocation. Iwi advice is that their high-flow allocation preferences have been over-ruled by potential economic considerations. They consider the allocation limit for the high flow allocation from the Ngaruroro River should be reduced from 8,000 to 5,000 litres per second and that abstraction should cease at a higher trigger of 24m<sup>3</sup>/sec rather than 20m<sup>3</sup>/sec.

#### DOC feedback

64. The Department of Conservation raises concerns about the lack of direction provided by policies 51 and 52 in relation to the phrase ‘avoid, remedy or mitigate’ and consider not enough guidance is provided.

#### Other feedback

65. Legal advice is that this solution for addressing historic inequity in relation to access to water by Māori can be successful, provided some amendments to ensure clarity about what activities are being provided for can be more clearly defined.

#### Officers’ Assessment

##### Intent and Opportunities

66. The intent of the TANK stakeholders in promoting this policy was to address historic inequities in looking forward to new allocation regimes. The TANK members had been particularly influenced by the reporting on the social and cultural impact assessment from Dr Cole and the current social, economic and cultural challenges faced by TANK Māori and local iwi and hapū.
67. The TANK stakeholders considered this high flow allocation was a way to address some of those issues. The objective and policy provide opportunities for both new environmental management solutions to be developed and social and economic needs

for water to be met and help to enable the relationship of Māori and their culture and traditions.

68. The amount of water being reserved to meet the objective of improved Māori well-being depends on the high flow allocation limit. If the limit remains as in the draft this represents an allocation of 1,600 litres per second at times of high flow for Māori well-being activities. While bearing in mind that this needs to be stored for later use or discharge, it represents a considerable amount of water and an opportunity for Māori organisations to work with any applicant wanting to develop a high flow storage solution. To help put the 1600 l/s in context, this flow roughly equates to the total Tutaekuri-Waimate stream flow that is often observed during typical summer low flow conditions and which is illustrated in figure 1. The amount of reserved water represents considerable potential environmental flow benefit, irrigation, or commercial/industrial potential.



**Figure 1 Tutaekuri-Waimate River at 1500l/sec**

69. This policy approach is a novel and innovative way to address some of the water allocation inequities suffered by Māori but there are some legal concerns about scope and implementation. However, it requires support of local Māori and iwi in order to make it work. Feedback was sought from iwi (via the letters sent during the pre-notification consultation), on how the policy could be improved to better describe the kinds of activities that this reserved water could be used and the types of Māori organisations who should be consulted when making decisions about applications to take this water.
70. No further input into how this policy could be improved was provided in the iwi feedback. In view of the strength of opposition to this provision by NKII in particular, the RPC may not wish to pursue this plan provision.
71. However, given the potential water quantities involved and the opportunity being provided for Māori to be directly involved with water storage initiatives, staff advice is that this policy could provide significant benefits to develop Māori well-being and should be retained and further developed to ensure it can be effectively implemented. This report is progressed on that basis.

### **Implementation**

72. Legal advice notes that there is case law in respect of providing allocation for specific Māori customary and cultural purposes. It also informs us that while neither plan provisions nor case law exists in relation to allocating for Māori economic and social well-being, and while neither of these things are specifically included as matters to be

afforded particular protection under the RMA, Council nonetheless has broad discretion to:

- 72.1. allocate water under Section 30
  - 72.2. provide for Māori interests and
  - 72.3. enable people and communities to provide for social, economic and cultural well-being.
73. However, some constraints and challenges still exist, as has been noted in earlier staff briefings. Council cannot allocate water for exclusive use by a particular person, group or class of people, including a body representing iwi. This is relevant also to how water permits issued directly to any Māori consent holder are managed; i.e. special consideration or priority cannot be made for Māori consent holders as sought by NKII.
74. An application should be able to be made by any person in a particular area or location irrespective of ownership or any relationship with an area.
75. It is also not permissible to use a plan to give preference or priority access of resources to tāngata whenua or other specified parties. The allocation is controlled by the status of the activity, not the status of the applicant. Legal advice considers the policy must be careful not to favour applicants who are Māori organisations or holders of land newly acquired by Treaty settlements. Requests for the reserved water to be allocated directly to Māori are therefore not able to be given legal effect to.
76. The policy and allocation rule must provide sufficient clarity and direction as to the specific activities that provide Māori well-being. The current provisions are not sufficiently clear as to the types of activities that provide for Māori well-being. "Providing for well-being" is more of an outcome than an activity for which water can be allocated.
77. The staff recommendation is to reword the policy to provide for more clarity about the activity rather than the applicant. The provision relating to Māori employment benefits is deleted as it is considered an ultra vires provision; a consent holder would be affected by changing circumstances and third parties (employees), beyond their control to be compliant. It is likely that such a condition is also outside employment laws.
78. In the absence of further suggestions about which Māori organisations should be consulted in relation to applications for this water, it is recommended that only Post Settlement Governance Entities be consulted.
79. Consideration of further specific activities which would improve Māori cultural, economic and social well-being would also help strengthen the policy.

### High Flow Allocation Limit

80. Iwi feedback suggests that the high flow allocation limit for the Ngaruroro River should be reduced, but aside from commenting that the amount appears to have been set in a way that over-rides instream values in providing for economic considerations, there is no further information as to why they hold this view.
81. The TANK Group took into account the role of high flows in contributing to the hydrological functioning of the river and its instream values in deciding on an allocation limit. They started with a presumption that the river functioning needed to be protected and used a statistical approach. They sought that the high flow frequency would not be changed by more than a maximum amount of 10% change.
82. The Group could not reach a consensus on whether the allocation should be a 4% or 6% change to the flood flow frequency. Both are significantly less than the conservative 10% change to flood flow frequency. No change is being recommended, although it is noted that this is an issue that may attract submissions and will enable further debate and evidence to be provided during the formal hearing phase.
83. Hort NZ considers further clarification is needed to guide high flow allocation from tributaries. Rewording is recommended to help address their concern. Full flow details

are not available for each tributary and must be calculated for each new application for high flow abstraction.

### Policy guidance

84. The policy requires an avoid, remedy, mitigate assessment to be taken when assessing consent applications and the effects of a proposal while also providing a limit to the amount of high flow water that might be abstracted. It is also supported by Policy 55 which provides a high level of protection to specified rivers with identified significant values.
85. This approach is considered to remain appropriate given that the particular circumstances of each application are not known. It is not possible to say in advance what options for managing adverse effects for any one proposal will be appropriate, and the circumstances under which decisions need to be made about whether effects are avoided, remedied or mitigated.
86. However, the policy does provide for bottom line protection through the allocation limit and the extent to which flood flows may be changed by abstraction. This bottom line ensures many effects listed in the policy will be avoided. There are also related policies that will also be relevant in making decisions such as those in relation to changes in water quality, meeting freshwater quality objectives, wetland protection and riparian management.

### Suggested amendments

87. **Amend Policy 56 as follows.**

*The Council will allocate 20% of the total water available at times of high flow in the Ngaruroro or Tūtaekurī River catchments for abstraction, storage and use for the following activities;*

- e) *The use of water for any activity, provided that includes a* direct (funding) The improvement of Māori economic well-being by to a *Post Settlement Governance Entity* Māori organisations contribution *at a financial rate that is equivalent to the amount of water allocated for Māori development* ~~as a result of the use of the stored water at a rate proportional to the amount of water being taken~~
- (i) ~~A direct increase in employment opportunities for Māori at a rate proportional to the amount of water being taken~~ *improvement of access to water for domestic use for marae and papakainga;*
- (ii) *contribution to environmental enhancement (that is in addition to any conditions imposed on the water storage proposal);*
- (iii) *the development of land returned to a PSGE through a Treaty Settlements or acquired through Treaty Settlement funding where there is insufficient water for full development of the land through existing water permits .*  
*And in making decisions on resource applications for this water the Council will;*
- (iv) *require information to be provided that demonstrates how these activities will be provided for;*
- (v) *have regard to the views of any affected PSGE Māori organisation arising from consultation about the application and any assessment of the potential to provide part, or all of the 20% high flow reservation to Māori development the activity*
- (vi) *have regard to any relevant provisions for the storage and use of high flow allocation water for Māori development in any joint iwi/hapu management plans relevant to the application (where more than one PSGE is affected, the iwi management plan must be jointly prepared).*



88. **Amend** Policy 56 as follows.

*When making decisions about resource consent applications to take high flow water, the Council will take into account the following matters:*

- f) whether water allocated for development of Māori well-being is still available for allocation;*
- g) whether there is any other application to take and use the high flow allocation for development of Māori well-being relevant to the application.*
- h) 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;*
- i) 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;*
- j) whether there has been consultation on the potential to include taking and using all or part of the water allocated for Māori development into the application;*
- k) whether it is the view of the applicant that a joint or integrated approach for the provision of the reserved high flow water to Māori development is not appropriate or feasible, and the reasons why this is the case.*

89. **Amend** column (D) in Schedule 7 as follows.

~~Proportionally in comparison to flow contributions to the main stem. This is included as~~  
The high flow allocation from the tributary is proportional to its contribution to the mainstem. It is part of the total allocation for the mainstem high flow allocation.

## **Section 4 - Urban Development and Priority Water Management**

### **Iwi advice**

90. Advice from iwi generally notes the importance of water (available for abstraction) for essential human needs and community uses such as for marae and urban development. There is concern that the allocation policy does not sufficiently recognise a hierarchy for water allocation. TToH specifically has concerns about the changes to the permitted activity levels of water use.

### **TLA advice**

91. The Napier and Hastings Councils support priority for community and human health supply. They also note the link between urban land development and the National Policy Statement Urban Development Capacity (NPS-UDC) for this and the importance of primary production to the economic, social and cultural well-being of the two territorial areas.
92. The councils also note concern about the ordering and apparent priority of Policy 1 which sets out priorities for action.
93. Napier and Hastings Councils both stress that the HPUDS is secondary to the Urban Development Capacity National Policy Statement (NPS-UDC) and point out that in order to deliver on NPS-UDC, there must be adequate water supply and that this would prevail over any water needs contained within the HPUDS. The two councils consider the statutory responsibility to provide for sufficient development capacity applies to the associated allocation of water to support those land uses.
94. The Councils note that plan review cycle (10 years) is not aligned with either the HPUDS (2045 timeframe and based on 5 yearly revisions) or NPS-UDC.
95. NCC and HDC seek the deletion of references to the 2017 HPUDS which ties them to 2017 calculations for urban growth and water demand projections. They seek removal of this reference to allow flexibility to accommodate changing water demands as a result of urban development, driven by requirements of the NPS-UDC.

## Other feedback

96. Hort NZ notes the importance of primary production to the economic, social and cultural well-being of the community and the dependence of this on the availability of water at a reasonable security of supply.

## Officers' assessment

### Priority allocation of available water

97. Iwi and local council advice is that there needs to be better recognition of the human health and community needs for water. At present Objective 13 is somewhat vague about a priority regime, although policies specifically reserve water for municipal and community water use (Policies 46, 47, 48,). See below for further recommendations that also reinforce this priority approach. Use of water to irrigate land for primary production is also recognised with specific priority in relation to site to site transfer.
98. NKII expressed concern about Policy 46 and how re-allocation of water was to be managed. Two options for managing water that is returned to Council (such as through lapsed or unused consents) have been identified by staff, either:
- 98.1. Option 1- Water is re-allocated for irrigation of versatile land, or
- 98.2. Option 2 - Water is not re-allocated until the plan is reviewed.
99. The status of water allocation for versatile land could be reconsidered in light of the TLA obligations and RPS requirements for the protection of such land. A priority allocation recognises the value already given to the protection of such land and the interdependence between its productive capacity and water availability. Note too that the government is contemplating new national policy direction for the management of these scarce and highly valued resources.
100. However, given the degree of over-allocation across most water bodies, the possibility that substantial water will become available for re-allocation is quite small within the term of this plan. Furthermore, by then there may be new RMA allocation tools developed, new criteria for allocation could be developed or water remains allocated first in time.
101. It is suggested that Option 2 is the more conservative approach. It is recommended that Policy 46 is amended accordingly, and to remove the reference to the potential amendments to the RMA.

### Urban water allocation and management

102. The tensions between the various national policy statements (for water, urban development and under development for versatile land) and legislative requirements under both the RMA and the LGA are acknowledged.
103. The Plan refers to the HPUDS strategy as it is the public expression for the strategic planning of urban development in the TANK catchments. HPUDS shows where development is anticipated and how it will be provided for. Expected water demand in the TANK draft plan is tied to the HPUDS to provide both certainty and clarity for the community generally, and the local authorities in particular, about the limits of natural resources that may constrain future urban development.
104. Council plans under the RMA are reviewable at any time at the Council's discretion and resourcing, although reviews are required every 10 years. This provides opportunity to assess the alignment between the limits set and the available water. It allows for new assessments of growth to then inform Plan rules, including where re-allocation decisions to provide for urban growth are needed at the expense of other existing water investments. The first review of these TANK Plan change provisions also provides for an assessment of the effectiveness of stream enhancement strategies and whether they can provide for additional allocation.
105. The implication that more water can continue to be made available for urban development does not account for the fact that all available water is already fully

allocated, nor does it provide the community with any certainty as to how limits will be met and how the resource needs of new development will be met.

106. New allocations to urban uses within a fully allocated water management unit will either come at the expense of other users or will need to be met by other water sources such as by augmentation. Within the current urban water supply networks, there is also scope to meet future demand by improving efficiency of water use and efficiency of the water reticulation network.
107. To provide more water beyond the limits set is not a sustainable solution. The functions and duties under sections 30 and 31 of the RMA are subject to Part 2 requirements for sustainable development, including in relation to water, as well as finite resources such as versatile land. PC9 clearly establishes limits for water abstraction (albeit tempered with some uncertainties). Any development, whether for irrigation, commercial use or urban development must be within those limits.
108. In this setting, to allow more water for urban use means another use has to be reduced. A wider community discussion about the costs and benefits and equity of that, as well as the other options that might exist is necessary before providing that solution.
109. HDC and NCC seek that the water allocation regime does not result in urban water takes becoming non-complying, however, while current and some future development is provided for, any new urban development that exceeds limits should be considered non-complying as it means the environmental limits for this development are being exceeded.

#### **Other solutions**

110. There are a number of management solutions to address water demand shortfalls that can be considered. These include:
  - 110.1. water use efficiency by users of council supplied water
  - 110.2. efficiencies within a council reticulation network
  - 110.3. supply and demand management initiatives (pricing, water meters, pressure management etc.)
  - 110.4. water storage, and
  - 110.5. site to site transfers of water permits.
111. Other ways of meeting water demand can be explored by TLAs where limits are being reached. Both councils are addressing network management issues and developing opportunities for savings within their networks. While there is clearly room for better management in the short term, other strategies such as water metering and storage should also eventually feature in future discussions with the community about reductions in water use to allow for further urban growth.
112. Water storage is also an obvious solution – but consideration of water storage solutions by TLAs and their rate-paying communities would not occur without the pressure inherent in this limit context.
113. A further solution that is not specifically provided for is transfer of water from other water users to community/municipal water supply. See in particular Policy 44 (d), (e) and (f). An opportunity to relax the transfer restrictions of takes for any other use to municipal supply would be consistent with the priority regime. It would enable a TLA to consider transferring irrigation, commercial or industrial permits to municipal use such as when land is rezoned for urban development and these permits become available. These transactions would allow for willing transfer, rather than a rule requiring a more general re-allocation of water to municipal supply. They would still be subject to discretionary oversight to ensure adverse effects remain the same or similar.
114. HBRC should also continue to support collaborative investigations between itself and HDC and NCC to understand water supply and demand constraints and opportunities,

particularly in the preparation of urban growth strategies such as HPUDS and any other developments considered necessary to give effect to the NPS-UDC.

115. An amendment to the consent duration has been made to reflect concerns by the TLAs in relation to their urban planning under HPUDS and the NPS-UDC. It reflects their priority water use, but makes it clear that new water use is to remain within the identified limits, including the urban development limits within HPUDS for the 2015-2045 planning period.
116. The municipal water allocation provisions include water for both residential and non-residential use including schools and rest homes, parks and reserves and commercial and industrial areas. Reservation for future municipal use however, excludes water for industrial supply at rates higher than 15m<sup>3</sup>/day. This provides a check on new larger scale wet industries which might be expected to otherwise assess their own options for water availability in a water short area. It ensures existing urban supplies are not placed under additional pressure from economic developments, which have access to non-ratepayer funding and that might be located elsewhere.
117. It is also suggested that provisions for water transfers to municipal supplies also exclude transfer to large scale industrial takes within a municipal network.

### Permitted quantities

118. There was concern from TToH about the impact of the Plan restricting existing and future individual household takes. The Plan has reduced the permitted quantity for new takes, including for individual household takes. Existing household and other permitted takes can continue.
119. The previous permitted limit was a relatively generous (20m<sup>3</sup> per day) and enabled a range of takes in addition to household use not otherwise manage by a water permit. New household takes are still provided for, but the permitted amount now better reflects a reasonable level of domestic (and other) water use to 5m<sup>3</sup> per day. The change reflects the overall concern about the amount of water currently being abstracted from TANK waterbodies and the fact that the water resources are either fully or over -allocated.

### Suggested amendments

120. **Amend Objective 13 as follows.**

*Subject to limits, targets and flow regimes established to meet the needs of the values for the water body, water quantity allocation management and processes ensure water allocation in the following priority order*

- a) *Water is available for the essential needs of people;*
- b) *~~There is equitable allocation of the water between competing end uses including priority allocation and reservation~~ of water for community supply including for marae and papakāinga, and for municipal supply so that existing and future demand as described in HPUDS (2017) can be met within the specified limits*
- c) *~~And allocation for primary production especially on versatile soils,~~*
- d) *~~And for~~ other primary production, food processing, industrial and commercial end uses;*
- e) *other non-commercial end uses*

*~~water is allocated for municipal and papakāinga water use so that existing and future demand as described in HPUDS (2017) can be met within limits to enable the community to provide for its economic, social and cultural well-being~~*

*and that;*

- a) *The development of Māori economic, cultural and social well-being is supported through regulating the use and allocation of the water available at high flows for taking, storage and use for this activity*
- b) *Water is available for abstraction at agreed reliability of supply standards;*

- c) *Water use is efficient;*
- d) *Allocation regimes are flexible and responsive, allowing water users to make efficient use of this finite resource*

121. **Amend** Policy 1 by replacing 'prioritising' at the end of the first paragraph with:

*"...focussing on all of the following"*

122. **Insert** new clause at the end of Policy 44.

*(h) enabling the transfer of a point of take and change of water use to municipal or community water supplies, including for marae and papakainga, from any other use for the efficient delivery of water supplies and to meet the communities' human health needs for water supply provided the transfer does not include any industrial take above 15m<sup>3</sup>/day and adverse effects on existing water users can be avoided, remedied or mitigated.*

123. **Insert** into Policy 45.

*'will impose a consent duration for municipal water supply consistent with the most recent HPUDS and will impose consent review requirements that align with the expiry of all other consents in the applicable management unit'*

124. **Amend** Policy 46 as follows.

*The Council will recognise reasonably foreseeable needs for municipal, papakainga and community water supply for human health and community well-being (excluding any provision for industrial uses that take or are supplied with water from a municipal water supply at rates more than 15m<sup>3</sup>/day) as priority uses for water available for allocation within allocation limits and,*

- a) *will reserve any water that becomes available for allocation or re-allocation for those uses;*
- b) *if no application is made or no reasonably foreseeable needs identified for this water use within 5 years of it becoming available, Council will not re-allocate any of the available water until such time as alternative allocation mechanisms are provided through the RMA there has been a review of the allocation limits within this plan.*

125. **Delete** clause (b) (iii) from Policy 47.

126. **Insert** new clause (c) to Policy 47

*'work with Napier City and Hastings District Councils to;*

- (i) *develop an integrated planning approach through HPUDS that gives effect to National Policy Statements within the limits of scarce resources*
- (ii) *develop a good understanding of the present and future regional water demand and opportunities for meeting this.*

127. **Insert** into Rule 62a a new clause (h)(iii);

*the transfer enables efficient delivery of water supply to meet the communities' human health needs.*

## Section 5 - Allocation Limits

### Iwi advice

128. The iwi advice includes a number of general observations about water allocation with specific comments by TToH and HTST for the Ngaruroro River minimum flow to be increased to 2,800l/sec. There is no specific advice about the allocation limits for surface water.

## Other feedback

129. Hort NZ expresses concern about the nature of the security of supply (referred to in Policy 41) and the allocation limits established for the Ngaruroro River. It requests clarification about the effect of the new allocation limit for the Ngaruroro River.

## Officers' assessment

130. Options for managing both flow triggers and allocation limits were extensively modelled and this range of options were debated at length. River ecology and flows are affected by both the allocation limit and the minimum flow. The minimum flow restricts takes beyond a certain trigger (it may continue to fall naturally if the drought continues) and the amount of water abstracted has an impact on how quickly a minimum flow trigger might be reached.
131. There was a very high level of scrutiny given to minimum flow as if it were the only metric of river ecological health. Other advice showed that the allocation limit as a percentage of mean annual river flow was also a relevant metric to consider. While the minimum flow was not increased, the Plan proposes that the allocation limit is decreased. The new allocation of 1300l/sec from the Ngaruroro River is a significant decrease from 1581 l/sec.
132. For water users, it is important that when water is allocated, it is available at a reasonable security of supply so as to enable economic investment. This security is dictated by two management levers. One is the amount allocated for the specific end use. For example, irrigators are not allocated all the water they need, but enough to meet demand nine out of ten years. It enables more people to get access to water than if full demand were met all the time. This also reflects the way in which irrigation systems and infrastructure is designed and operated.
133. In addition, security of supply is also dictated by the combination of minimum flow and allocation limit. The larger the allocation the quicker the limit in any given river is reached during times when river flows are decreasing. The higher a minimum flow the more often a trigger for restriction is reached.
134. As Hort NZ points out, security of supply is an important consideration for water users when they are making investment decisions – particularly where water allocation regimes may mean water is not available all the time. There is data available about the security of supply for water users, but there is no common or widely used metric (it could be in relation to number of continuous days on ban or frequency of restrictions in an irrigation season). Suitable security of supply information has not yet been collated for inclusion within this report. Information about security of supply will be collated for each waterbody and made available to water permit applicants. This information will be provided to the committee for consideration prior to notification.
135. Re-allocation via resource consents of water from the Ngaruroro River will be in accordance with Policy 49 which seeks to manage over-allocation. It means that existing users are particularly scrutinised as to actual and reasonable water use. The evidence from the modelling for the Heretaunga Plains in relation to water meter data shows that there is considerable opportunity to reduce allocation and use with better measurement and more efficient management of the available water.

## Suggested amendments

136. None at present. Further information is to be provided to the RPC regarding the security of supply for consideration prior to notification.

## Section 6 – Stormwater

### TLA advice

137. The Napier and Hastings Council's generally support the stormwater policies and rules.
138. They support the requirement to update and align territorial frameworks for stormwater management where practicable, however, they seek clarity regarding TANK Policy timeframes to ensure they are coordinated and consistent.



139. They would also like amendments made to clarify the intent of the Policies and ensure there is no 'blurring of lines' between Regional Council and territorial authority roles and responsibilities.
140. Both Councils have concerns regarding the suitability and applicability of the Risk Matrix in Schedule 10 for TLAs, and would like to see this further refined to be more consistent with other tools that are already in use and currently being developed, including existing Codes of Practice, District Plan review/development and Stormwater Bylaws etc.
141. Further meetings have been requested by NCC and HDC to discuss this further.

#### **Officers' assessment**

142. The timeframes within the policies refer to integrated management, amendments of plans, standards, codes of practice and bylaws, development of site plans, public advice, and reducing effects. The different timeframes and deadlines were put into policies in accordance with a decision making matrix for determining if an activity was low, medium or high risk. However, it is recognised that the policy requires redrafting to provide a more logical sequence of actions over time and to more clearly align the dates with other TANK policies and councils' plan reviews.
143. It was acknowledged that the Risk Matrix tool in Schedule 10 needed some further refining to better assess the risk of stormwater contamination associated with activities. Napier City Council indicated that they also have an assessment tool which both council's considered more appropriate and applicable to their territorial functions.
144. Staff from each of the councils met on the 30 April to further discuss the suitability of the Matrix, and also to determine whether there were any 'loopholes' within the rules as currently proposed. It was agreed a further meeting would be scheduled to test the robustness of the rules using case studies. It was also agreed that a legal review would be required, particularly of the rules.
145. Staff agree that the current stormwater policies need to be redrafted to ensure the obligations of each council are clearly articulated. Some amendments have been made to the stormwater policies of the plan but further amendments may be required following further assessment of the rule robustness by staff and legal review.

## Suggested amendments

146. **Amend** Policy 26 and delete policy 27.

### New Urban Infrastructure

26. Napier City Council and Hastings District Council will reduce or mitigate the effects of stormwater quality and quantity on aquatic ecosystems and community well-being arising from existing and new urban development (including infill development) and its associated infrastructure, will be progressively reduced or mitigated by local authorities on or before 1 January 2025, by:

- a) adopting an integrated catchment management approach to the collection and discharge of stormwater before 1 January 2025
- b) requiring stormwater to be discharged into a reticulated stormwater network where such a network is available or will be made available as part of the development;
- c) requiring increased retention or detention of stormwater, while not creating flood hazards;
- d) taking into account site specific constraints such as in areas with high groundwater;
- e) taking into account the collaborative approach of HBRC, Napier City and Hastings District councils in managing urban growth on the Heretaunga Plains as it relates to stormwater management; and
- f) taking into account the effects of climate change when providing for new and upgrading existing infrastructure;
- a) —
- b)g) adopting, where practicable, a good practice approach to stormwater management including adoption of Low Impact Design for stormwater systems
- e)h) amending district plans, standards, codes of practice and bylaws by 1 January 2025 to specify design standards for stormwater reticulation and discharge facilities through consent conditions, that will achieve the freshwater objectives set out in this plan
- d)i) developing and making available to the public by 1 January 2023 advice about good stormwater management options (including through HBRC's Waterways Guidelines)
- e)j) encouraging, through education and public awareness programmes, greater uptake and installation of measures that reduce risk of stormwater contamination.

147. **Amend** Policy 28 as follows.

### Source Control

28. HBRC, Napier City Council and Hastings District Council as the appropriate consenting authority will reduce sources of stormwater contamination by will, from 1 January 2023, be reduced, by local authorities;

- a) Specifying requirements for the design and installation of stormwater control facilities on sites where there is a high risk of freshwater contamination arising from either the direct discharge of stormwater to freshwater, the discharge of stormwater to land where it might enter freshwater or the discharge to a stormwater or drainage network;
- b) Requiring the implementation of good site management practices on all sites where there is a risk of stormwater contamination arising from the use or storage of of contaminants; any of the contaminants listed in Schedule 10;
- c) Controlling, and if necessary avoiding, activities that will result in water quality standards not being able to be met.

148. **Amend** Policy 29 date to 1 January 2025.

149. **Amend** Policy 30 date to 1 January 2025 and **Insert** footnote to clarify ANZECC Guidelines.

150. **Amend** RRMP existing Rule 43 "Diversion and Discharge of stormwater" (Controlled activity) to read:

Activity - Diversion and discharge of stormwater except as provided by Rule 42 and Stormwater 1"

151. **Amend** existing RRMP Rule 52 to read:

'Discharges that do not comply with rules 9-14, 16, 31-51 and Stormwater 1-4'

152. Include the Advisory note to follow Stormwater Rules 1-4 as follows.

1. *Non-compliance with rules – if the rules in this section cannot be complied with, then the activity is a discretionary activity under RRMP Rule 52.*

## **Section 7 - Role of Mana Whenua in the TANK Collaborative Process**

### **Iwi advice**

153. The iwi feedback showed a high level of unhappiness, in particular from NKII, TToH and HTST with the process and, as a result, with the final outcomes and plan content.

### **Officers' assessment**

154. The Council adopted a plan review process in 2012 to develop new objectives and limits for waterbodies in the TANK catchments. They adopted a collaborative model whereby plan provisions would be developed jointly by a wide range and extensive number of parties with an interest in water management.
155. The Council was following a new national lead provided by the government and national stakeholder groups demonstrated by the Land and Water Forum, as well as building on the success of their own process which followed a similar model for the region's Land and Water Management Strategy which was completed in 2011.
156. At the same time, new in-house decision making structures and processes were being set up as a result of Treaty Settlement initiatives. It was (and arguably still is) a time where there is lack of clarity from Central Government and within legislation with regards to the roles, responsibilities and expectation of Māori as Treaty Partners within the planning process and in decision making.
157. The range of requirements and opportunities provided by Treaty settlements and under various Acts (LGA, RMA and the councils own RPC Act in particular) and the Freshwater National Policy Statements has created uncertainty about how the TANK process was to properly account for Māori, their culture and traditions with their ancestral lands and water, both in terms of how decisions were made and how the consensus decision making was supposed to work.
158. Nevertheless, all parties entered into the challenge posed by the TANK plan change process and nearly all stayed with it for the entire programme. A great deal of time and resources by both the Council and the individual contributors was invested into the work. The discussions and debate were at times robust, but always illustrated the comprehensive, mature and committed approach to the TANK Group's work and its significance.
159. Note: During the time since the TANK project was initiated the NPSFM has been amended twice and amendments have also been made to the RMA (passed in 2017).

### **Representation**

160. The mana whenua members raised concerns at various times throughout the process including in relation to:
  - 160.1. who was sitting around the table with a voice for Māori, and
  - 160.2. how those people were selected
  - 160.3. the status of the mana whenua members compared to other parties
  - 160.4. the resourcing challenges relating to the time and financial commitments that were necessary, and
  - 160.5. the level of understanding and capability of the mana whenua to contribute to discussions and solutions.
161. The Council adapted the process to accommodate many of the concerns. Some were outside the scope and functions of the Council and therefore could not be resolved, especially the representation and mandate of mana whenua. While the Group was set up with the best of intentions at that time, iwi and mana whenua were not themselves organised in ways which enabled optimal representation for Māori in this sort of

collaborative process to be determined. Other changes including funding and additional resourcing were provided to assist meeting some of these challenges.

162. There has also been some misalignment in relation to the expectations about how Māori values should be provided for in a resource management plan. While the freshwater NPS establishes a process for the community identification of values, including Māori values, neither the NPS nor the RMA gives precedence to the protection of Māori values when setting objectives and limits – provided, of course, that plan safeguards life-supporting capacity and recognises Te Mana o te Wai. The NPSFM does not define Te Mana o te Wai per se but it states that Te Mana o te Wai is the integrated and holistic well-being of a freshwater body.

## AA. Te Mana o te Wai

### Objective AA1

To consider and recognise Te Mana o te Wai in the management of fresh water.

#### Policy AA1

By every regional council making or changing regional policy statements and plans to consider and recognise Te Mana o te Wai, noting that:

- a) te Mana o te Wai recognises the connection between water and the broader environment – Te Hauora o te Taiao (the health of the environment), Te Hauora o te Wai (the health of the waterbody) and Te Hauora o te Tangata (the health of the people); and
- b) values identified through engagement and discussion with the community, including tangata whenua, must inform the setting of freshwater objectives and limits.

163. Many of the TANK members will be similarly frustrated that their specially held values or methods for addressing issues were not incorporated within the Plan. This is the nature of consensus, and as a result of the debate and discussions, there has been a great deal of change resulting from the TANK conversations about responsible resource management. There is nothing within the plan change content that can be amended in response to the design of the process which was utilised.

### The paradigm

164. There has been a call within the feedback from iwi, for a paradigm shift in the way water resources are managed. The apparent lack of extensive new regulation is cited as not having achieved the required shift.
165. However, the TANK process has actually demonstrated a very significant shift in the way responsibility for water outcomes has been assumed by TANK members and their stakeholder organisations and landowners in the TANK catchments.
166. The focus on management of water to meet community held values has enabled the conversation to be more about solutions and reflects the willingness by various stakeholders to assume greater responsibility and develop innovative collaborative solutions. It is demonstrated as much by how the three councils (Napier, Hastings and HBRC) have to date worked together through the stormwater management challenges (some of which is still a work in progress), as it is by primary producers in meeting the challenges of managing diffuse discharges of contaminants.
167. Agreement about the desired states for water quality was one of the most momentous outcomes of this process and its significance should not be underestimated. Other plan change processes both in Hawke's Bay and elsewhere have resulted in seemingly endless Environment Court debate about the most suitable water quality state. The draft TANK plan change again illustrates a considerable paradigm shift with a focus on priorities and solutions rather than technical debates about a single attribute state.
168. It is increasingly acknowledged that, while some limits may still be required (especially for nitrogen loss), the TANK Group supported a focus on supported a focus on solutions to meet community expectations and objectives for water. There was a

strong desire by farmers in particular to be the drivers of innovation and solutions at a farm scale. A paradigm shift has occurred in land and resource users recognising they have a collective responsibility for meeting water quality objectives that are affected by complex catchment processes and cumulative effects of a range of always changing activities.

169. Further is the recognition that resource users need to be accountable for the effects of their practices on land and water quality and that there must be transparency in how efforts to achieve water objectives will be undertaken and monitored. Landowner and Council responsibilities for this are clearly articulated in the Plan and the accompanying Implementation Plan. The Plan is not without regulation. New rules as drafted will hold landowners accountable to better and more transparent resource management.
170. The ongoing efforts into making sure landowners and councils have the tools they need and the information necessary to make good decisions will be a challenge for the Council to ensure the success of this Plan.

### **Consensus**

171. There a number of items where complete consensus was not reached by the TANK Group. These decisions were referred back to the Regional Planning Committee as decision makers. These non-consensus items will no doubt feature in submissions and will be further debated. Some of those matters are listed in the iwi feedback. Impacts of decisions about those non-consensus issues on resource users and the economic and social well-being require that such decisions are made with all the available information being taken into account.

### **Suggested amendments**

172. All parties to the TANK Group, including staff would conclude that the collaborative process has had significant merits in terms of building relationships, sharing information and values, providing opportunities to develop wider community understanding of complex science and social and cultural issues and develop innovative solutions.
173. However, nothing is lost in conceding (with the benefit of hindsight) that the process was far too drawn out and ultimately time consuming and placed a heavy burden on those involved. Council staff are taking these learnings into account in the development of future freshwater catchment plan changes, particularly in relation to our engagement with iwi as the Crown's Treaty Partner.

## **Section 8 - Summary of Remaining Issues**

174. Some of the feedback contains quite detailed suggestions for amendments to the draft plan. Minor changes for editorial and clarity improvement are not reported on separately but are included as tracked changes in the attached Version 9 of Draft Plan Change 9.
175. Substantive feedback and advice is summarised in the preceding sections. The remaining associated recommendations for amendment are summarised in the Table below. The recommendations listed are also shown as tracked changes in the attached Version 9 of Draft Plan Change 9.
176. Where no change is recommended in response to the feedback, please refer to the summary sheets for each organisation for the assessment and explanation.

Table 1

Plan Ref	Party	Concern	Assessment	Suggested Amendments
Objectives	NKII	The order does not reflect importance. Objective 15 should be first	No priority was intended. A different ordering according to type of objective may be helpful	Rearrange order of objectives as follows; General objectives concerning processes and relationships General objectives water quality Catchment or specific objectives Objectives for water quantity
Objective 13 (now 16)	NKII, HTST, NCC, HDC, Hort NZ	The objective should provide for priority allocations	The plan already provides for some priority end uses	Amend to provide explicit priority order. (see section 5 above for details)
Objectives	NKII, HTST and TToH	Māori values not sufficiently recognised	Additional reference to specific Māori values can be made to better reflect interconnected values and objectives.	As in section 2 of this paper. Delete reference to commercial eeling in Figure 1. Natural character protections explicit
Objective 1 and biodiversity	DoC	'Protection' of natural resources should be included. More emphasis on protecting biodiversity sought	Protection of natural resources has a very wide scope. It would be more appropriate to refer to indigenous biodiversity to be consistent with the Plan protection for wetlands, riparian margins and indigenous species. Note that this is not a plan for terrestrial biodiversity.	Amend Objective 1 to refer to protection of indigenous biodiversity (section 2).
Policy 1	HDC, NCC	Concern about apparent priority order for actions	No priority order was intended – this policy provided a short list of the more essential or priority actions that were identified as necessary to meet water objectives.	Amend wording to show no priority is intended.
Policy 3	DoC	Establishing macrophytes to improve lake condition requires lake condition to be improved first.	Agree, clause needs re-wording.	Amend clause 3 (i) of Policy 3.
Policy 5 and others	HDC, NKII	Both seek that the regulatory or non-regulatory directions in the policies be more clearly articulated.	Re-ordering the plan content will assist in distinguishing policy content and direction.	Re-order policies to assist interpretation and distinguish between regulatory and non-regulatory approaches. Clarify roles and responsibilities within policies (Policy 5)
Policy 6 (and where term used)	HDC, NCC	A default protection zone may not be a circle to reflect g/w travel as indicated by Heretaunga Plains g/w model.	Amend default radius to refer to default area instead.	Amend all instances of 'default radius' to 'default area'.



Plan Ref	Party	Concern	Assessment	Suggested Amendments
Policy 7	HDC	It was not intended that extensive monitoring be required by water permit applicants, but that the water supply authorities were aware of water abstractions and the potential impact on their supplies	Agree that it is information about water abstraction risks that is more relevant.	Amend policy 7(v) to; (v) ensuring the water supplier is aware of any abstraction of groundwater where abstraction has the potential to impact on direction or speed and/or hydrostatic pressure.
Policy 8	HDC NCC	Clarify the need to share information across agencies.	Agree information sharing is important.	Amend Policy 8 to clarify information to be shared.
Policies 26 – 32 Stormwater	NCC HDC	A number of concerns need to be addressed and clarification provided.	The stormwater policies have been amended to provide clarity with regards to roles and timeframes	See amendments within this report.
Policy 33	NKII	Policy should not lump Mātauranga Māori and landowners together	Mātauranga integral to Māori culture. Landowners have individual responsibilities for good stewardship which includes awareness about their impacts on water. Other amendments to better articulate policy direction.	Amend policy 33 to mention mātauranga Māori separately and clarify policy intent.
Policy 34	NKII	Concerned about resource commitment imposed by this policy	This policy is a key and fundamental policy for accountability, transparency and ensuring the stakeholder commitments made in the TANK process are followed through. Reference to tangata whenua was initially included at their request. Attendance by them is not considered obligatory. The kaitiaki responsibilities can be discharged through the oversight role provided by the reporting to Council requirement that is included within the policy.	Delete reference to mana whenua.
Policy 36 and 49 and TANK 7 and 8	HDC NCC  NKII TToH HTST	Concern where water has been allocated but not yet used as part of major development requiring infrastructure development over time.  Concerns about allocation limit	The Council should take into account the practical and economic realities of constructing and completing a major development including fluctuations in market demand and the need to raise finance. It should be a tightly controlled discretion so that new water use is not given a loophole opportunity Delete reference to interim – it is a limit for the duration of the Plan	Amend Policy 36, 49 and TANK 7, 8 to allow this consideration.
Policy 38 and TANK 7	As in section 3 above			
Policy 41	HDC/NCC Hort NZ	The security of supply standards that apply for each of the rivers as a result of the allocation limit and the minimum flow need to be specified within the plan	Agreed that information about this is important for applicants for water so that they know the limits of the resource they have been allocated and can make investment decisions accordingly.	The data has yet to be collated for each of the rivers but will be made available to water permit applicants.

Plan Ref	Party	Concern	Assessment	Suggested Amendments
	NKII, TToH, HTST	NKII strongly oppose the use of offsets for the effects of takes in Zone 1 to be implemented in another.	New water management units may change how some groundwater takes are classified. This policy provided for alternative stream depletion options for Zone 1 takes that were previously groundwater takes. Ngaruroro Zone 1 takes only have a water storage scheme option for mitigation and this could be specifically provided for rather than an arbitrary contribution to some other stream enhancement.	Delete reference to lowland stream enhancement where a lowland stream is not being affected.
Policy 41	HBRC	Clarity about recording and reporting on small takes required.	There are national water meter regulations for all water takes above 5l/sec that specify the need for water meters and define technical standards. They do not specify that telemetry is required to record and report data and there are no regulations for takes less than 5l/sec. The use of telemetry is increasingly required by Council particularly where the take is significant, where real time management of water is necessary (such as in meeting minimum flow restrictions). Telemetry takes advantage of technology that reduces workload and automates data management and reporting but is not always available at remote sites. An amendment is recommended in order to provide better direction and clarity around expectations for water meters.	Amend policy 41 (l) to read; l) requiring water meters to be installed for all water takes authorised by a water permit and water use to be recorded and reported via telemetry in zones that are fully or over-allocated provided that telemetry will not normally be required where the consented rate of take is less than 5 L/sec or where there are technical limitations to its installation.
Policy 42	HDC, NCC	Policy refers to allocation limits calculated with known security of supply, but this is not provided.	Agree that clarity around security of supply important – especially to assist resource users understanding about limits and constraints of water permits.	Information needs to be collated for each of the relevant water bodies as the combination of minimum flow and allocation limit will mean different security of supply standards for different water bodies. Detail still to come.
Policy 44, 45, 46, 47 TANK 7-10 RRMP 62	As above in section 5			
Policy 47	HDC and NCC	Concerned about appropriateness of ILI requirement	Wording to be adjusted to reflect concerns about prescriptive in relation to the direction for good industry practice	Amend TANK 7 Matter 6 and Policy 47

Plan Ref	Party	Concern	Assessment	Suggested Amendments
Policy 48	HDC, Hort NZ TToH	Concerns about clarity of water shortage directions and emergency water.	Agree that more clarity and direction required. Don't agree that separate allocation required for tree irrigation despite impact on trees in severe drought. Allocation of water not on the basis that water will always be available. See comments in relation to including security of supply. Impact of drought on tree survival should be in relation to water users investment into alternative supplies and management responses like shared water permits not continuing water take. Change to policy allows council to make decisions about continuing water use beyond specified flows for identified activities if necessary.	Policy rewritten to show it applies when drought continues and plan provisions and minimum flows are exceeded.
Policy 49	NKII, HTST, TTOH	Policy difficult to follow	Agree policy is lengthy and complex.	Delete unnecessary text.
	NCC/HDC	As in section 5 above		
Policy 50	Hort NZ	Pointed out that volumes not able to be predicted as frost occurs randomly from year to year with differing frequency.	Agreed direction need clarification.	Delete reference to volume and duration.
Policies 51, 52,	DoC	As in section 4 above		
Policy 56 and 57 and TANK 11 and 12 and schedule 7	NKII, TTOH, HTST Hort NZ	As in section 4 above		
TANK 4 and Schedule 4	Hort NZ	Provided additional nitrogen loss and definitional information	Agree new information necessary.	Amended to complete and provide clarity.
TANK 6	Hort NZ	Some landowners may have more than one point of take to access water for animals for example.	May increase compliance/enforcement effort if compliance necessary. May result in more bores being drilled.	Amend to delete reference to one point of take for surface takes.
TANK 7 and 8	Hort NZ	Concerned that alternative water management models not provided for.	Agree rules need to allow for collective management to enable more efficient water use.	Amend to allow collective applications.
		Concerned that land use rule incorporated in water take rule.	Agree that makes the rule unnecessarily complex. Link to land use change rule a better way of tracking land use changes as a result of water use change.	Amend to manage land use change separately
RRMP 7	DoC	Include reference to lakes and wetlands	Agree that protection of indigenous riparian vegetation should include lakes/wetlands.	Amend RRMP 7 for TANK PC9 to include lakes and wetlands

Plan Ref	Party	Concern	Assessment	Suggested Amendments
TANK 7 and 8	HDC	Suggest improvements to wording and seeks that municipal takes do not default to non-complying status.	Municipal supplies can be discretionary where they don't otherwise meet TANK 5-8, but it is important that they remain constrained by the allocation limit as a discretionary activity. A non-complying application can be considered in light of the applicable policies where necessary.	Minor amendment made partially as sought.
TANK 10 - 13	Hort NZ	Clarifications sought.		Amendments agreed as necessary for ease of interpretation and clarity.
RRMP 32	Hort NZ DoC	Suggestions for assisting application and interpretation Include reference to temperature	Reasonable mixing is a relevant consideration. Temperature is being managed through better riparian land management.	Amend to refer to reasonable mixing.
TANK 62a	Hort NZ, HDC	Transfers	Unreasonable limitation on transfers to sites where not consent is held. Rule already requires existing bore.	Amend to reduce restriction.
Stormwater 1 -3	NCC/HDC	As above in section 7		tbc
Schedule 1	NKII, TTOH, HTST DoC	Concern about lack of timeframes. Concern about context for both Schedules 1 and 2	Cross reference to objectives and timeframe needed. Preamble about quality objectives meeting needs of values needed in Schedule 1	Correct references to upper Tūtaekurī Include in Schedule 1 similar reference as in Schedule 2 about the water quality states specified enabling environmental, cultural and social needs for water quality to be met when they are achieved. Include statement that Schedule 1 is a first step with objectives being attained by 2040 and that the longer term and more integrated (fresh/coastal water) approach to managing water resources is reflected in Schedule 2
	HBRC	Concern that temperature limits not robust given existing information	The temperature objectives have been changed to better reflect reference site data and the Hawkes Bay summer weather temperatures	Amend temperature attributes.
Schedule 4	Hort NZ	Provide additional clarity around land use change. Provides for baseline land use as arable/vegetable rotation area can expand and contract for year to year because many crops have several years before they can be repeated in the same location.	Amendments necessary for completeness.	Amendments made for completeness. N loss rates for vegetable growing still to come.

Plan Ref	Party	Concern	Assessment	Suggested Amendments
Schedule 5	Hort NZ	A number of suggestions to aid clarity and interpretation have been made	These suggestions generally aid readability and clarity and are included in the attached draft. Agree that Section A 2(x) should be part of the plan, not the governance management.	A number of amendments have been made to the Schedule. It still contains the original requirements and obligations but the layout and ordering is now more structured and easier to follow.
General	Hort NZ	Concern about new allocation limit and effects on existing users	New limits for the Ngaruroro will mean it will be managed as an over-allocated resource and according to Policy 49. The joint effects of allocation limit and minimum flow affects security of supply which is known and can be specified for clarity and enable water users to understand effects of water allocation policy on investment decisions.	Information about security of supply statistics to be available to water permit applicants.
Glossary	HBRC	Some terms are still to be defined, particularly those relating to protection of source water for drinking water supplies.	Tbc	tbc

### Strategic Fit

177. The TANK Plan Change is necessary to enable the Council to give effect to the Freshwater National Policy Statement. It enables the Council to establish objectives for freshwater management and set resource limits.
178. The Plan Change is consistent with all four of the focus areas of the Council's Strategic Plan.

### Considerations of Tangata Whenua

179. Tāngata whenua have special cultural, spiritual, historical and traditional associations with freshwater. For Māori, water is a taonga of paramount importance.
180. Mana whenua and iwi have been involved throughout this TANK Plan Change process with the TANK Group itself and through this pre-notification consultation. This consultation report provides particular attention to issues raised by tāngata whenua and the Council must have particular regard to this advice.

### Financial and Resource Implications

181. The development of this plan Change is provided for within the existing budget. The costs and benefits of the measures include in the Plan Change have been assessed in the accompanying Section 32 report.
182. Note that the final Section 32 report will be completed once the council has made its final decisions.

### Decision Making Process

183. Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
- 183.1. The decision does not significantly alter the service provision or affect a strategic asset.
- 183.2. The use of the special consultative procedure is prescribed by legislation.

183.3. The persons affected by this decision are all persons with an interest in the region's management of water resources under the RMA

## Recommendations

1. That the Regional Planning Committee:
  - 1.1. Receives and considers the "*TANK Plan Change - Feedback and Recommendations Following Pre-notification Consultation*" staff report.
  - 1.2. Receives the feedback and advice from iwi and stakeholders on the pre-notification draft (v8) of Plan Change 9.
  - 1.3. Agrees to the suggested amendments to the draft Plan Change 9 (v9) as provided and as shown by tracked changes in Attachment 16.
  - 1.4. Requests staff identify a shortlist of suitably qualified and experienced RMA-accredited Hearing Commissioners for consideration by the Regional Planning Committee.
  - 1.5. Notes that further advice about the management of stormwater and minor amendments in relation to definitions will be prepared for recommendation at the 3 July 2019 Regional Planning Committee meeting.
2. The Regional Planning Committee recommends that Hawke's Bay Regional Council:
  - 2.1. Accepts the amendments to draft Plan Change 9 (v9) as agreed by the 15 May 2019 Regional Planning Committee meeting.

### Authored by:

















**Mary-Anne Baker**  
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**Ceri Edmonds**  
**MANAGER POLICY AND PLANNING**

### Approved by:

**Tom Skerman**  
**GROUP MANAGER**  
**STRATEGIC PLANNING**

## Attachment/s

<a href="#"></a> 1	Te Taiwhenua o Heretaunga feedback	Under Separate Cover
<a href="#"></a> 2	Ngati Kahungunu Iwi Incorporated feedback	Under Separate Cover
<a href="#"></a> 3	Heretaunga Tamatea Settlement Trust feedback	Under Separate Cover
<a href="#"></a> 4	Mana Ahuriri Trust feedback	
<a href="#"></a> 5	Hastings District Council feedback	Under Separate Cover
<a href="#"></a> 6	Napier City Council feedback	Under Separate Cover
<a href="#"></a> 7	Department of Conservation Feedback	Under Separate Cover
<a href="#"></a> 8	HortNZ Feedback	Under Separate Cover
<a href="#"></a> 9	Summary table of TToH responses	
<a href="#"></a> 10	Summary table of NKII responses	
<a href="#"></a> 11	Summary table of HTST responses	
<a href="#"></a> 12	Summary table of HDC responses	
<a href="#"></a> 13	Summary table of NCC responses	
<a href="#"></a> 14	Summary table of DoC responses	
<a href="#"></a> 15	Summary table of NortNZ responses	
<a href="#"></a> 16	TANK Plan Change -PC9- Draft Version 9	Under Separate Cover





6 March 2019

To: Ceri Edmonds  
Senior Planner  
Strategic Planning Group  
Hawkes Bay Regional Council

From: Piri Prentice (Chairman)  
Mana Ahuriri Trust (PSGE)  
170a Waghorne Street,  
Ahuriri 4144

Tena koe Ceri,

**RE: Proposed TANK Plan Change letter dated 31 January 2019.**

You have asked us to provide feedback on the above. Here are our responses;

Firstly, the Cultural Values for Mana Ahuriri in relation to the Ahuriri Estuary have already been provided to the HBRC as part of sharing information during the development of the plan change. We are aware that some of these values as you have stated have been used to also throughout the development of the plan by staff which we support.

In terms of Iwi values we support that the plan has clearly articulated these provisions in the supporting documents we have received, but it will come down to how these are applied and valued by everyone.

We also support that the Maori terms have been properly defined and used throughout the plan.

We support the policy for water allocation for Maori wellbeing with the appropriate detail. A model that prioritises a best practice approach to determining where and how that water allocation is to be apportioned. (i.e) 1<sup>st</sup> Priority - Domestic useage – human life and wellbeing of which would include Marae as being a priority category for consideration of this water allocation. For Maori everybody holds equal responsibility to ensure they have taken into account the health and wellbeing of Maori and their taonga.

Lastly there is a note about Maori Kaitiakitanga for us, this is about fulfilling our obligations to Rangi and Papa that should drop out of the Maori values and methodology models that have been used for the development of the TANK Plan Change.

If you have any queries please do not hesitate to contact us.

Regards

Attachment 4

Item 7

TANK draft plan – Summary of feedback, staff response and recommendations (April 2019)  
Te Taiwhenua o Heretaunga

Para	Theme	Summary of Comment from TToH	HBRC Staff Response	Recommendation
1-3	Introduction	General agreement that the key issues relate to water quantity, water quality and land use. The plan repackages the status quo, with a pathway for further research. Plan does not address the issues, risks further water quality decline and dewatering of the landscape.	No response required as these items are addressed in following sections.	For information.
4-5	Water Quantity and Quality Obj 13, pol 48,	Plan promotes support for current allocation volumes which is already having adverse effects No priority setting for essential services e.g. municipal or domestic supply Restricts household takes at risk to health and safety Plan supports further exploitation of groundwater resource to supplement surface water, managed aquifer recharge and further research to augment groundwater from surface water Plan allows increasing use by 5% to enable emergency supply for commercial enterprise	Objective 13 sets out an allocation regime, but doesn't clearly indicate any sort of priority. Priority is provided in the plan through polices such as <ul style="list-style-type: none"><li>Pol 46 and 47 for the provisions of reasonably foreseeable needs of communities</li><li>Pol 36 and 42 which provide for re-allocation to existing permit holders (as per section 24.)</li><li>Water shortage directions under pol 48 for end uses in a priority order (subject to amendment in relation to emergency water use)</li><li>Permitted activity allocations</li><li>High flow allocation for Māori development</li></ul> Permitted activity permitted allocation at level reflecting reasonable use by a household and for animals. Stream enhancement scheme provides water for flow enhancement from within the allocation not as an extra allowance. Policies are unclear as to 'emergency water'. 5% is not being provided for emergency use – see also response to HDC under policy 48.	Reword objective 13 to show a priority allocation regime that is already reflected in policies Adjust policy 48 to better refer to how limits must be complied with Clarify 'emergency water as per HDC recommendation Refer to RPC report
6	Source protection	Link between over allocation of groundwater and risk to human health (new water entering the aquifer) ignored	Issue has not been ignored and management of groundwater quality for human health is included in objectives, policies and rules that seek to identify risks and adopt measure to address them, including extensive changes to rules for risk activities. G/w allocation limit and new rules to address impacts on flow/water quality also included.	No changes but see RPC report
7	Tangata values	Tāngata whenua values diluted in overall balancing regime. Objectives support economic incentives and risk attainment of sustainable management and loss of environmental integrity	Objectives and policies establish targets for quality and abstraction limits that account for all identified values at agreed levels of protection (in terms of both impacts on instream values and economic and social values).	Refer RPC report and NKII feedback for recommended changes
8	Minimum flows	Minimum flows proposed have been ignored Ngaruroro minimum flow should be increased to 2800	Flow suggestions were not ignored. Other options for managing both flow triggers and allocation limits were extensively modelled and considered. A range of considerations were accounted for in the final package of measures. The impact of changes to the minimum flow were intensively debated. The allocation limit is being reduced and this will have a bigger impact on the river flow than increasing the minimum flow	No change But see RPC report
9	High flow allocations	High flow allocation preferences ignored, over-ruled by potential economic considerations Cost of research into dams being placed on rate payers, should be user pays	Alternative allocation preferences were not ignored and were subject of much debate to balance instream needs and other water supply opportunities – which become increasingly important as other limits are reached. Costs of any high flow storage and take applications are a cost to the applicant not the ratepayer.	See RPC report
10	Water quality management	Decline in water quality in Karamu not addressed – Nitrogen concentrations, load limits, algae and loss of habitat ignored  Riparian planting promoted but little shading to address high temperature effects	Very complex science, technical and practical difficulties in creating meaningful and defensible nitrogen loss regulations at a property scale. Extensive science and discussion on this point. TANK agreed to focus on outcomes and identifying and adopting mitigation measures and gathering more data as better approach. Sandy H is working with Agfirst to understand role of tiles and mole drains in response to the new understanding about N loss and N pathways. New matters in water take rules link water use and changes in N loss. We don't know yet who to target. Need more data about current levels of loss and what "reasonable " looks like for range of land use activities in the Plains. Indicators are provided by SPASMO model and we need to work with industry to get this information more widely disseminated and understood - A key part of implementation is to gather better data, which is part of farm and collective plan requirements. Shading a key mitigation and ecosystem improvement method.	No change
11	Aquifer recharge	Enabling managed aquifer recharge runs counter to RPS	MAR not referred to in RPS. Not sure about nature of this concern. PC9 only considers MAR as a possible management measure to improve current state of Paritua. No MAR will occur without further analysis or consents.	No change
12	TANK annual review Policy 34	Hui/meetings promoted but no commitment for funding	All TANK stakeholders agreed that for accountability and transparency purposes and in acknowledgement of their responsibility for improving resource management, they would meet regularly to report on their progress and plan implementation commitments.	Delete reference to mana whenua.

TANK draft plan – Summary of feedback, staff response and recommendations (April 2019)  
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			This reflects their stewardship responsibility and no ratepayer funding was sought or will be provided (apart from the Council providing the administrative and management support). If necessary, reference to involvement by mana whenua representatives can be deleted.	
14	Paritua	Minimum flow in Paritua at Raukawa Rd 100 l/s	Stephen Swabey presented the scope of monitoring to align with the plan to Treaty Partner Working Group in October 2018. This indicated that a new monitoring site for water levels would be introduced at Raukawa Road.  There is an investigation underway on flow mitigation options for the Paritua. For this Council has undertaken detailed groundwater/surface water investigations over the last 12 months. In terms of ongoing monitoring, there is a site at Paritua waterwheel. There is no minimum flow for Raukawa Rd, as it is a drying reach.	No change
15	Flow enhancement	Augmentation of Paritua from Ngaruroro River of 100 l/s	The allocation in Schedule 7 already requires that there is 400l/sec of the allocation to be discharged to the Paritua when flow in the Ngaruroro above 5000l/s. The augmentation flow decreases to 200l/sec when the Ngaruoro flow reaches 2400l/sec to protect the Ngaruroro River	No change
16	Allocation limit	Reduction in consents for irrigation from Heretaunga Aquifer of 5% volume upon consent renewal  A total limit of groundwater allocation from the Heretaunga Aquifer of 100 million cubic metres inclusive of municipal and domestic supply	TTOH suggestion of an allocation limit of 100M <sup>3</sup> /year is a higher limit than being proposed. Decreasing allocations by 5% of this total (5Mm <sup>3</sup> /year) still results in a higher allocation than the proposed allocation based on the actual and reasonable use of 90Mm <sup>3</sup> /year.	No change, but delete the word interim in relation to the limit
17	Water allocation	Restriction of irrigation takes to designated irrigation season from 1 Nov – 30 April	This is already provided for in plan as the way in which IRRICALC works to model water demand.	No change
18	Consent duration	Consent duration (irrigation) no longer than 10 years	The Plan provides for a 15 year term. It provides certainty for permit holders, but limited duration to enable management of the resource to respond to changes and new information. The costs of consent can be significant and the consent duration should provide for efficiency and certainty. An option is to consider a shorter term (10years) for the next permit expiry date that reflects the uncertainty and the commitment to review the plan within ten years of the operative date. This is likely to be an issue included in submissions.	No change
19	High flow allocation/reservation	Total high flow takes from Ngaruroro of 5,000 l/s at or above 24 m3 p/s rethink of Māori land use quantity in Schedule 7 as it is ultra vires	High flow allocation limit decided as described above. Māori allocation regime not ultra vires if appropriate activities can be defined. This needs better and more considered input from Māori community.	No change Refer to RPC report
20	Water quality	A limit of 0.444 mg/l DIN for Ngaruroro below Fernhill Bridge, Karamu river below Crosses Rd and Tutaekuri below Puketapu Bridge	This is a worse water quality standard than is provided for in PC9 (the Plan aims for a DIN of <0.15mg/l). This provides for ecosystem health at a high level of protection and contributes to ensuring the load of N from these rivers does not adversely impact on the estuary receiving environment.	No change
22	Management units	The spatial definition of sub-catchments as FMU's with consequential amendments to the objective policies and rules	This was extensively discussed and the current freshwater management delineations reflect both a catchment based approach and a detailed ecosystem based approach to management (rules) and monitoring that also provides granularity for communities and marae with a local interest in water.	No change
23	Values	Greater recognition of tāngata whenua values and associated attributes within the policies and rules and reflection of these in FMU's	The objectives acknowledge these values and the policies provide the directions for how they might be achieved. An important part of the Plan is schedule 1 in relation to quality – and it contains a placeholder for additional attributes that reflect Māori values. This work relies on input by Māori. Objective 1 reflects the way in which water management is addressed and the framework for decision making. Objective 3 was inserted at the request of the MWG and reflects the more integrated approach to how specific attributes are to be considered. Objectives 5-9 list specific values and reference them in the context of mauri. They are specific enough that subsequent attributes and states and flows/allocation limits can be decided upon and methods to achieve them can be developed.	See RPC report



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Para	Theme	Summary of Comment from NKII	HBRC Staff Response	Recommendation
1-5	Introduction and purpose of response	Identification of the issues raised within the document. <ul style="list-style-type: none"> <li>Use of non-regulatory methods</li> <li>Plan development process</li> <li>Equal partnership model &amp; improved outcomes for tāngata whenua</li> </ul>	No response required as these items are addressed in following sections.	For information.
6-9	Hawke's Bay Management Background	Use of non-regulatory methods and promotion of science in support of commercial interests promoted. Environment Court ruling for PC5 quoted.	The non-regulatory approach is discussed in following sections. In reference to RPS Objective 21, plans need to give effect to the RPS (as a whole) and not cherry-pick a select few provisions.	For information.
10-14	Comments regarding TANK Process	<ul style="list-style-type: none"> <li>Does not fulfil requirements of S6(e) of the RMA</li> <li>The views and values of tāngata whenua should not be placed on par with resource users</li> <li>Preamble suggests tāngata whenua accept the process</li> <li>Concern that others have been elected to speak for tāngata whenua which is offensive</li> <li>NKII promoted LAWF recommendations and best practice, which have not been incorporated</li> </ul>	HBRC made several changes throughout the process to address these concerns. (more resourcing, additional meetings, funding research). There is a difference regarding process that was followed to draft PC9 relative to PC9's actual content. Further analysis of the objectives in relation to the values diagram and the provisions of the plan is being undertaken. Some additional references to uu and waahi taonga in respect of wetlands, and attention to natural character can be made to ensure proper links between values in the objectives and policies.	Historic issues that can't be dealt with in recommendations on draft plan change. Further amendments discussed in RPC report
15-19	As above	<ul style="list-style-type: none"> <li>Level of support from TANK stakeholders regarding the plan direction unclear, no context provided</li> <li>Tāngata whenua continually pressured to change position</li> <li>Achieving consensus became a driver to push compromise.</li> <li>Provisions relating to Māori needs and values were included without request or agreement from tāngata whenua</li> </ul>	All parties will have similar and contrasting views. With both the content of the plan and the frustrations of a collaborative process. The Plan reflects a large component of the give and take conversations. This reflects the nature of a collaborative process and the need to accommodate multiple values in the best way. See above also. PC9 is drafted in context of existing RPS/RRMP content and also higher order NPS's and NES's.	Refer RPC report
20-22	As above	Water use and land use the foundation for setting PC9 <ul style="list-style-type: none"> <li>Majority of time spent looking at issues and concerns relating to industry and economics</li> <li>Reduction of water takes included then removed</li> <li>Water is a tāonga lacked appropriate recognition, tokenistic/misleading</li> <li>Implies all resource users are kaitiaki, kaitiaki is for tāngata whenua</li> </ul>	Reductions in water takes are included for some surface water bodies. Significant reductions in allocations with new efficiency and security of supply calculations. Imposing a limit and more stringent allocation calculations for g/w in particular including annual take limit will also reduce use and security of supply for water users. The Plan is attempting to use te reo (which is official NZ language) appropriately. It is the impact of water and land use that has created the issues that the Plan Change seeks to manage so there needs to be direct consideration of how they are better managed and what that means for communities. People and communities are part of the 'environment.'	See further detailed response below
23-25 (note numbers 26-29 are missing)	As above	Plan will not result in better outcomes <ul style="list-style-type: none"> <li>Schedule 2 not formally part of the plan - identified as a key way in which cultural and social needs will be met</li> <li>No policy specifically relating to Waitangi Estuary</li> <li>Front loading the process does not remove the load</li> </ul>	Plan is a freshwater plan not an estuary management plan but seeks to ensure management of freshwater systems to ensure estuary values can also be met. Health of Waitangi Estuary is a key objective as well as Policy 1(c).  Values and objectives will also be met by meeting the states outlined in Schedule 1 as the first stage and freshwater objectives of this plan. Reaching even better water quality will require additional effort/costs that are not able to be calculated <sup>1</sup> . The research and state of estuary values indicated that the load of nutrients to the estuary was too high, however, there was insufficient science to say how much the load had to reduce by in order for the estuary to be healthy. Priority focus is therefore on streams contributing high loads to focus on reducing nitrogen until better science is available. The need for better information about property scale N loss is a key element to the farm plan requirements. Collaboration does involve a greater degree of time and commitment from the participants – hence greater 'front-loading' than has historically been the case in past consultation processes. The front-	Include in Schedule 1 similar reference as in Schedule 2 (i.e that the water quality states specified in the schedule will enable environmental, cultural and social needs for water quality to be met when they are achieved). Include statement that Schedule 1 is a first step with objectives being attained by 2040 and that the longer term and more integrated (fresh/coastal water) approach to managing water resources is reflected in Schedule 2.

<sup>1</sup> This aspect will be a key element of deciding on "appropriate land use" with respect to Nitrogen losses. Once we know more clearly what the sustainable nutrient load to the estuary is we can better calculate the amount by which N loss has to reduce and the extent to which this might require land use change.

## TANK draft plan – Summary of feedback, staff response and recommendations (April 2019)

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			loading also helped to build shared understanding and relationships that will provide a stronger basis for implementation.	
31-40	Management Approach and Structure of the proposed plan change	Objectives weak in setting out co-management of resources and providing for needs of tāngata whenua. <ul style="list-style-type: none"> <li>Lack of paradigm shift in terms of how resource users interact with the environment</li> <li>Not aligned with National Policy direction (less regulation)</li> <li>Difficult to trace how tāngata whenua values have framed the management of freshwater</li> <li>Economic values permeate throughout – Māori practices of commerce not factored into the economic assessment</li> <li>Positioning of objective 15 (kaitiaki and guardianship role) 'relegated' to the end is inappropriate</li> <li>Appropriate that greater reflection of costs and responsibility are imposed on the resource 'exploiter'</li> </ul>	Plan illustrates significant paradigm shift in how land owners acknowledge their cumulative contribution to the poor state of some rivers and the need to be more focussed, accountable and transparent in how they achieve that. That said, PC9 is not an entire plan review so not every plan provision is being re-written. National policy direction is not for more regulation – but the setting of targets and implementation of methods (either or both regulatory or non-regulatory) to ensure objectives will be met. No priority order was intended in the position of the objectives. None are identified as more or less important as any of the others. Objective 15 recognises that all parties have a role to play in making good decisions and that good information and a collaborative approach to finding solutions is necessary for success. PC9 is not the place for a broader conversation about the merits and suitability of a 'co-management' regime for natural resources between HBRC and tāngata whenua. That involves LGA considerations as well as RMA matters.	Reorder so that objective 15 is objective 1. Refer to RPC report
41-46	Messaging regarding scarcity of resources and deferral of decisions/planning to a later, undefined date	PC9 appears to be business as usual, no need to significantly change behaviours, how view and use resources and water. <ul style="list-style-type: none"> <li>water allocation - lack of messaging true state of play</li> <li>Issue 4 &amp; 5 – no strong message that water needs need to be reduced</li> <li>Tāngata whenua sought reduction in water takes as an effective management option, not included</li> <li>Reliance on traditional economic impact assessments providing justification for not regulating</li> <li>Position of insufficient information to enable more stringent regulation</li> <li>Deferment of the most pressing decision making matters (schedule 2)</li> </ul>	There are significant changes that will impact heavily on existing land and water use. New water allocation policy ensures a reduction in allocation and, more critically, an end to new water being allocated. Current use is modelled only as there is uncertainty about how much this really is, and whether further reductions are necessary after this review. Reductions in use were modelled but found to be extremely costly in relation to how many water users would be affected and the level of benefit to be gained by the reduction. Decisions had to be made in the face of incomplete information. High levels of protection for water values are provided in Schedule 1 as the first step to better environmental management.	No change. See also response for para 22-25
47-53	Stream flow enhancement Provisions of aspects of PC9 which are of particular concern to NKII in terms of the management approach underlying them	<ul style="list-style-type: none"> <li>Policy 38 Remove policy (flow enhancement)</li> <li>Reliance on 'enhancement' schemes rather than increased regulation (clawback)</li> <li>Winners have been chosen – allows for continued irrigation</li> <li>Policy misleading does not enhance flows – serves to maintain flows artificially adversely affecting upstream networks, enables continued groundwater extraction and recedes stream habitat and ecosystems, reducing flow and number of springs</li> <li>Diminishes Māuri</li> <li>Uninhibited groundwater extraction effects of which are unknown e.g. surface water reversing back into the aquifer</li> <li>Request a comprehensive stocktake of springs conducted by tāngata whenua</li> </ul>	This was always an item of contention. Other management options were modelled including reductions in allocation. PC9 enables flow enhancement in principle, but it does not automatically approve a specific flow enhancement scheme. Design and details of any such scheme will be tested in future decision-making (e.g. water permit applications).	No change to intent. However, implementation challenges in relation to how it is currently worded require some amendments to the policy itself, including making sure it is an obligation on water users not the Council. See RPC report The design of the flow enhancement is intended to include mana whenua.
54-55	As above	Schedule 1 and 2 <ul style="list-style-type: none"> <li>Plan does not stipulate a date for which Sch.2. will be included</li> <li>Mātauranga Māori attributes to be included in Sch.1.</li> <li>Mātauranga Māori monitoring needs to be part of routine consent and SOE monitoring – stronger than Policy 33</li> <li>Policy 33 should not combine tāngata whenua and landowners together</li> </ul>	Objective 2 provides the timeframe for meeting Schedule 1. Provision for addition of Mātauranga Māori attributes is provided for in Schedule 1. It is awaiting development of the necessary attributes and supporting evidence for their use and any defined states. Similar work is underway for Mātauranga Māori attributes in the Tukituki catchment. There is no guidance or clarity as to what Mātauranga monitoring entails, either at a state of the environment scale or at a resource consent scale. Resource consent conditions about monitoring need to be guided by plan provisions that clearly provide for, and explain the role and function of, monitoring by consent holders.	Cross reference schedule 1 with objective 2 Amend Policy 33 to avoid confusing Mātauranga Māori as being a form of citizen science.

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56-58	As above	<p>Water and land use (general comments)</p> <ul style="list-style-type: none"> <li>Bottling should be prohibited, no benefit to local community</li> <li>Policy 19 lacks any requirement to consider the appropriateness of different land uses (current land use is inappropriate)</li> <li>Emphasis on efficiency doesn't align with sustainability objectives nor the rights of tāngata whenua e.g. loss of domestic groundwater Bridge Pa. Issues remain unaddressed</li> </ul>	<p>Water bottling was an item of some debate at the TANK table. Volumes of water currently consented for water bottling relative to other consented uses is proportionately very small. There was no evidence to suggest they need to be considered as a lower class of water take compared to other commercial water users, except perhaps at times of drought where seasonally water dependant use has a higher priority. The management of plastic waste is not something a freshwater plan is designed to do and requires action under the Waste Management Act and probably numerous other agencies.</p> <p>This water use provides employment and contributes to economic and social well-being the same as other water uses. Local people buy and consume bottled water for their own health and well-being. There are currently no suitable criteria that enable inappropriate land uses to be identified.</p> <p>Policy 19 is aimed at preventing land use change that will increase risk of contaminant losses to water. There is a new requirement for gathering data about N use and the establishment of load limits for N loss to the estuary will help establish better measures to reduce or better manage 'leaky' land use activities.</p> <p>New water efficiency standards are specified which will manage inappropriate water use and result in lower water use levels.</p>	No changes
59	As above	<p>Policy 58</p> <ul style="list-style-type: none"> <li>Policy lacks clear direction</li> <li>Minimum flow site for Paritua should be captured at Raukawa Road</li> </ul>	<p>Dr Stephen Swabey presented the scope of monitoring to align with the plan to the Treaty Partner Working Group in October 2018. This indicated that a new monitoring site for water levels would be introduced at Raukawa Road.</p> <p>There is an investigation underway on flow mitigation options for the Paritua. For this Council has undertaken detailed groundwater/surface water investigations over the last 12 months. In terms of ongoing monitoring, there is a site at Paritua waterwheel. There is no minimum flow for Raukawa Rd, as it is a drying reach.</p> <p>This policy reflects the need for more information and modelling to better understand the types of management responses which are likely to be successful in improving ecosystem health for this part of the catchment. The policy provides a clear set of management actions that the council has committed to following. Some of this work is already underway as a result of this plan preparation, but will be ongoing.</p>	No changes
60-61	As above	<p>Policy 36 - Plan is unclear why there is an interim groundwater allocation limit, should be based on what is reasonably available as opposed to demand for use.</p>	<p>A review of any plan is always an action open to the Council at any time. It needn't be specifically provided for as the RMA anticipates that plans are reviewed every 10 years in any case. However, 'interim' was intended to link to Policy 40 that articulates the information gaps that need to be addressed as part of understanding the relationship between water use and stream enhancement and that 90Mm<sup>3</sup> might not be the appropriate limit.</p> <p>The use of "interim" is somewhat redundant as 90Mm<sup>3</sup> is acting as a 'limit' in any case.</p>	Delete the word "interim" from Policy 36(e). Retain allocation limit of 90Mm <sup>3</sup> /year
62-65	Use of the proposed plan change to address specific, existing, location based resource issues and as a basis for TANK catchment-wide policy	<p>Policy 38</p> <ul style="list-style-type: none"> <li>supports uninhibited irrigation (not explicit in saying so)</li> <li>'stream enhancement' is a misleading term</li> <li>spreading costs amongst permit holders in the area cannot be equitable</li> <li>appropriateness of enhancement schemes is not supported by sufficient information – cost should be borne by those who benefit from the scheme not ratepayers</li> </ul> <p>Policy 38 - states council will undertake the 'flow enhancement' measures – it is unacceptable for council to undertake activities which are for the particular benefit of a few resource users for commercial purposes</p>	<p>This policy guides the mitigation commitments to manage the stream depletion. It does not allow uninhibited irrigation as that is now limited under Policy 36.</p> <p>Stream enhancement is provided by maintaining flows and by better riparian management.</p> <p>Uncertain what is meant by spreading costs being inequitable?</p> <p>Ratepayers are not expected to pay for the scheme. It is a cost imposed on irrigators. In any event, HBRC's funding decisions are subject to LGA – not RMA.</p> <p>The policy does not clearly show that the costs are to be borne by permit holders and not Council. The policy requires amending to ensure this.</p>	Amend Policy 38 to make it clear that the costs and responsibility for the mitigation lie with permit holders, not the Council or ratepayers.
66-68	Wording and technical issues resulting in an inability to understand the intent of provisions and/or in ineffective policy	<p>Policy 39 - should include pro-active and tangible remediation activities</p> <p>Policy 5 - the use of 'the council will consider ways to remedy' – council should manage the effects of activities so as to improve the māuri and health of the estuary</p>	<p>There are no specific ban days, but the new allocation of groundwater is based on a 9 in ten year security of supply which means that in some years, permit holders will "run out" of water. It amounts to a much higher level of control than previously existed.</p> <p>This results from the seasonal irrigation allocation rather than a weekly or monthly rate which is not limited by volume.</p> <p>Policy 39 sets out a proactive and tangible programme of work to address the stream depletion effects on the Ngaruroro.</p>	Re-word policies to show more clearly how council will achieve the implementation of the policies. Policy 5 for example should link to the implementation plan and the various regulatory and other measures for that result in the actions under (a) – (d) being carried out.



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			The policies collectively will enable the objectives to be met – the objectives relate to the values identified for the water bodies. Some policies are particularly targeted at either action or place (such as Policy 5 or 58 or a specific problem such as the wetland, phormidium or riparian land policies). Other policies are more implementation directions to show how and by whom objectives will be achieved	
69-70		Policy 34 - Onus placed on third parties/community through ongoing meetings which is inappropriate. This is more suited to a resource consent process.	<p>This policy is a key and fundamental policy for ensuring the stakeholder commitments made in the TANK process are followed through.</p> <p>The stakeholders themselves saw that accountability and transparency were important and that this was a means of providing that.</p> <p>Reference to tāngata whenua was included at their request. Attendance by them was not considered obligatory although it was intended to reflect the responsibilities of the Māori kaitiaki role, The kaitiaki role responsibilities can be discharged through the oversight provided by the reporting to Council requirement that is included within the policy</p> <p>Details of meeting timing, frequency etc. are all details that are better suited for implementation phase works and PC9 does not need to prescribe such details.</p>	Delete reference to mana whenua.
71		Policy 55 - read more as a rule and is unnecessary by the inclusion of Rule TANK 14.	The policy provides the implementation mechanism for meeting objectives – it is needed to support the creation of the rule. There is a progression from objective to policy and method.	No change
72	NKII notes that the following additional examples of wording and phrasing issues	Policy 2(a)(ii) - may result in the removal of watercress. Need to manage waterbodies as mahinga kai	This illustrates a conflict between objectives that needs to be managed on a site by site basis. A key environmental stressor is the excessive macrophytes growth causing oxygen and temperature issues. It needs to be controlled in order to maintain ecosystem health – but is specifically a short term solution. The new riparian management design will ensure a better balance between macrophytes growth and ecosystem health	No change
73		Policy 41(n)(i) – and cross reference to policy 38. NKII strongly oppose the use of offsets for the effects of takes in Zone 1 to be implemented in another	<p>The policy addresses g/w takes that were not previously considered the same as a surface take (but new modelling shows that they are likely to be.) Some Zone 1 takes affect Ngaruroro flows (others affect lowland streams). The Ngaruroro Zone 1 takes have no stream enhancement provision – so were being required to contribute to the lowland stream programme – or be cut off when minimum flows were reached.</p> <p>The options are either to delete the lowland stream enhancement requirement or require contribution to the Ngaruroro solution being developed under Policy 39. The lowland stream enhancement requirement is a more immediate mitigation requirement as Policy 39 will take some time to develop. However, Policy 39 is more applicable in terms of cause and effect and potentially more defensible as a solution for some Zone 1 takes.</p>	Delete reference to lowland stream enhancement where a lowland stream is not being affected.
74		Policy 46 – Lacks clarity what is meant by ‘until such time as alternative allocation mechanisms are provided through the RMA’.	This policy is referencing work that is to be undertaken at a national level for Essential Freshwater; fair allocation. It is likely that this will take some time. In the interim it is suggested that the policy be amended to ensure council does not re-allocate any water that becomes available for re-allocation unless it is needed to meet urban demand.	Amend Policy 46 to delete the last phrase
75		Policy 49 – is confusing in terms of managing over allocation. It is prefaced with exceptions from Policy 36 which refers to ‘reasonable and actual use’. Over-allocation isn’t a priority above providing avenues for grand-parenting. Cross referencing makes the policy confusing also.	It is a complex policy – we should consider ways of making it easier to follow	Improve readability
76-77		Policy 56 - Support allocation of water right to Māori. Current wording is offensive. This policy was not requested, written nor involved tāngata whenua input. Advice from tāngata whenua was ignored. Stipulating what the water can be used for is unacceptable from a moral and cultural perspective.	<p>The policy and associated allocation provisions were suggested by TANK Group to reflect their concerns about historic injustices. A community acknowledgement of the need to allocate future water resources more equitably.</p> <p>This policy provides an opportunity for improved Māori outcomes –especially since allocation for Māori is supported.</p> <p>Several requests to help phrase the policy and clarify what activities would deliver the outcomes sought have been made both to the tāngata whenua group and to the RPC itself. Further input was specifically sought from Iwi Authorities during the pre-notification consultation with regards to this policy.</p> <p>Unsure what “ignored advice” is being referred to.</p> <p>Legal advice has been sought which confirm the approach is viable although some amendments are being made to ensure it can be legally applied.</p>	Amendments being made to ensure policy is legal. Input is still required from Māori organisations to help define terms and activities and ensure it is not “offensive or inappropriate”. Refer to RPC report
78-89	Suggested solutions and ways to address some of the issues highlighted	<ul style="list-style-type: none"> <li>Re-order the objectives</li> <li>Remove presumption that all consent holders will be able to renew their water take permits</li> </ul>	The objectives are not in priority order. They were ordered as per the list of issues. We can consider re-ordering objectives in light of the suggestions made, but in any event all objectives are equally applicable.	Consider re-ordering objectives as suggested. Include priority order within Objective 13 in relation to priority allocation consistent with intent of TANK Group.

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	<ul style="list-style-type: none"><li>• Permits held by tāngata whenua are to be explicitly prioritised</li><li>• Where objectives/policies relate to all TANK catchments don't repeat for each (area-wide provision)</li><li>• Increase the level of regulation in regard to nutrient loss</li><li>• Provide consideration for appropriateness of activity in terms of water use and nutrient loss</li><li>• Identify Mātauranga Māori attributes and provide for monitoring in resource consent decisions and SOE monitoring</li><li>• Include Schedule 2 in the notified version</li><li>• High flow allocation to tāngata whenua should not stipulate the use</li><li>• Remove figure 2 unless expressly provided for in objectives and policy</li><li>• Undertake legal vetting</li><li>• Discuss matters with NKII</li></ul>	<p>Section 124 (RMA) already provides a presumption in favour of existing permit holders. The plan would need to define criteria by which existing permit holders are no longer acceptable. Note that the list of restricted discretionary conditions and the matters to be considered now set a higher bar than previously applied to replacement permit applications.</p> <p>Cannot see resource management reason for prioritising permits held by Māori. Applicants should be bound by same standards and conditions as any other permit holder. Suspect that this would also be ultra vires and may perhaps contravene Bill of Human Rights.</p> <p>Tangata whenua previously sought that objectives be written to apply to each area – not as general area wide objectives. Not sure what is being sought here as we are getting conflicting requests. Will leave it as is.</p> <p>Very complex science, technical and practical difficulties in creating meaningful and defensible nitrogen loss regulations at a property scale. Extensive science and discussion on this point. TANK Group agreed to focus on outcomes and identifying and adopting mitigation measures and gathering more data as better approach. Sandy H is working with AgFirst to understand role of tile and mole drains in response to the new understanding about N loss and N pathways.</p> <p>New matters in rules to take water link water use and changes in N loss. We don't know yet who to target. Need more data about current levels of loss and what "reasonable " looks like for range of land use activities in the Plains. Indicators are provided by SPASMO model and we need to work with industry to get this information more widely disseminated and understood. A key part of implementation is to gather better data – which is part of farm and collective plan requirements.</p> <p>See comments above in relation to Mātauranga Māori. There is currently no clarity or transparency about what this entails, the costs and burdens it may impose either on the community generally or consent holders in particular. The council is awaiting better/any /some input from mana whenua – the schedule has a placeholder and Policies 33 and 35 accommodates this work. More information is still required in respect of what Mātauranga Māori monitoring is and how it adds to understanding about how water bodies are to be managed for identified (Māori) values.</p> <p>Schedule 2 is a second stage of plan development and would need further attention to the attribute states themselves, costs and methods required to get to the water quality indicated. In particular, the availability of data in respect of the estuary state is very poor and the attribute states vulnerable to challenge. The aspiration and long term nature of the challenges facing us are acknowledged and provided for, but this construction avoids lengthy delays and contest about actual details.</p> <p>1,600l/sec from the Ngaruroro is sufficient to make a considerable difference either in terms of ecosystem enhancements or in terms of water use opportunities – it should hardly be seen as "tokenistic." By law, we cannot allocate to a person or organisation – we can only allocate for activities. If there is no wider Māori support for the concept the RPC may decide to delete the policy as it will depend on their positive involvement to make it work.</p>	<p>Review wording and layout of policies to provide clarity.</p> <p>Implementation plan to be clarified about the environmental monitoring changes occurring as a result of the issues identified in this plan - especially including in relation to estuary health, nutrient loads and estuary attribute states</p> <p>Refer to RPC report</p>
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Para	Theme	Summary of Comment from HTST	HBRC Staff Response	Recommendation
1-11	Introduction	<ul style="list-style-type: none"> <li>Introduction to settlement organisation.</li> <li>Summary of connection to rohe and disenfranchisement through resource management practices and policies.</li> <li>Agreement with NKII's tangata whenua values.</li> </ul>	N/A	
12-15	Upholding, maintaining and monitoring effects for tangata whenua values	The plan change provides minimal assurance that tangata whenua values will be upheld, maintained or monitored. The overall approach is flawed because there is no emphasis on managing and monitoring the effects of activities once regulations are in place. There is no evidence demonstrating or realising tangata whenua values, which is particularly concerning given the time volunteered to be a part of the process.	Objectives and policies establish targets for quality and abstraction limits that account for all identified values at agreed levels of protection. (in terms of both impacts on instream values and economic and social values.) Also see below regarding TW values  Managing and monitoring?	No changes
15-16	Water quality and quantity	Water quality and quantity are the 2 critical issues. TANK maintains the status quo. TANK has no priorities for essential services (municiple, marae, housing supply, future papakāinga development). Rather, it restricts households and supports ongoing exploitation of groundwater for commercial and agricultural economic gain and interest.	Objective 13 sets out an allocation regime, but doesn't clearly indicate any sort of priority. However, priority is provided through implementation polices such as <ul style="list-style-type: none"> <li>Pol 46 and 47 for the provisions of reasonably foreseeable needs of communities</li> <li>Pol 36 and 42 which provide for re-allocation to existing permit holders (as per section 24.)</li> <li>Water shortage directions under pol 48 for end uses in a priority order (subject to amendment in relation to emergency water use)</li> <li>Permitted activity allocations</li> <li>High flow allocation for Māori development</li> </ul> Permitted activity permitted allocation at level reflecting reasonable use by a household and for animals.	Reword objective 13 to show a priority allocation regime that is already reflected in policies and rules Adjust wording in policy 48 to better refer to how limits must be complied with.
17		Link between over allocation of groundwater and risk to human health ignored.	Issue has not been ignored and management of groundwater quality for human health is included in objectives and policies that seek to identify risks and adopt measure to address them, including extensive changes to rules for risk activities. G/w allocation limit and new rules to address impacts on flow/water quality also included.	No changes
18-19	Tangata whenua values	Tangata whenua values mentioned often in introductory chapter but have no influence in objectives, policies and rules. <ul style="list-style-type: none"> <li>Does not fulfil requirements of S6(e) of the RMA</li> <li>The views and values of tāngata whenua should not be placed on par with resource users</li> </ul>	HBRC made several changes throughout the process to address these concerns. (more resourcing, additional meetings, funding research....). There is a difference regarding process that was followed to draft PC9 relative to PC9's actual content. Further analysis of the objectives in relation to the values diagram and the provisions of the plan is being undertaken. Some additional references to uu and waahi taonga in respect of wetlands, and attention to natural character can be made to ensure proper links between values objectives and policies	Historic issues that can't be dealt with in recommendations on draft plan change.
20	Recommendations and suggested recommendations (see next page)	<ul style="list-style-type: none"> <li>NKII further engage with HBRC</li> <li>NKII be engaged to address issues and discuss suggestions in paras 78-89 of NKII submission</li> </ul>		

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		Minimum Flow Ngaruroro at Fernhill Bridge 2,800 l/s	Other options for managing both flow triggers and allocation limits were extensively modelled and considered. A range of considerations were accounted for in the final package of measures.	
		Minimum flow in Paritua at Raukawa Rd 100 l/s	Stephen Swabey presented the scope of monitoring to align with the plan to Treaty Partner Working Group in October 2018. This indicated that a new monitoring site for water levels would be introduced at Raukawa Road.  There is an investigation underway on flow mitigation options for the Paritua. For this Council has undertaken detailed groundwater/surface water investigations over the last 12 months. In terms of ongoing monitoring, there is a site at Paritua waterwheel. There is no minimum flow for Raukawa Rd, as it is a drying reach	
		Augmentation of Paritua from Ngaruroro River of 100 l/s	The allocation schedule 7 already requires that there is 400l/sec of the allocation to be discharged to the Paritua when flow in the Ngaruroro above 5000l/s.. The augmentation flow decreases to 200l/sec when the Ngaruoro flow reaches 2400l/sec to protect the Ngaruroro river.	
		Reduction in consents for irrigation from Heretaunga Aquifer of 5% volume upon consent renewal	TTOH also suggest an allocation limit of 100M <sup>3</sup> /year which is a higher limit than being proposed. Decreasing allocations by 5% of this total (5Mm <sup>3</sup> /year) still results in a higher allocation than the proposed allocation based on the actual and reasonable use of 90Mm <sup>3</sup> /	
		Consent duration (irrigation) no longer than 10 years	The Plan provides for a 15 year term. It provides certainty for permit holders, but limited duration to enable management of the resource to respond to changes and new information.  The costs of consent can be significant and the consent duration should provide for efficiency and certainty.  An option is to consider a shorter term (10years) for the next permit expiry date that reflects the uncertainty and the commitment to review the plan within ten years of the operative date.	Consider have a two stage expiry date framework so that the next permit duration is 10 years and the following is 15 years.
		Total high flow takes from Ngaruroro of 5,000 l/s at or above 24 m <sup>3</sup> p/s A rethink of Māori land use quantity in Schedule 7 as it is ultra vires	High flow allocation limit decided as described above.  Māori allocation regime not ultra vires if appropriate activities can be defined. This need better and more considered input from Māori community.	
		A limit of 0.444 mg/l DIN for Ngaruroro below Fernhill Bridge, Karamu river below Crosses Rd and Tutaekuri below Puketapu Bridge	This is a worse water quality standard than is provided for in PC9 (the Plan aims for a DIN of <0.15mg/l). This provides for ecosystem health at a high level of protection and contributes to ensuring the load of N from these rivers does not adversely impact on the estuary receiving environment.	
		A total limit of groundwater allocation from the Heretaunga Aquifer of 100 million cubic metres inclusive of municipal and domestic supply	As above in row 16.	
		The spatial definition of sub-catchments as FMU's with consequential amendments to the objective policies and rules	This was extensively discussed and the current freshwater management delineations reflect a detailed ecosystem based approach to management (rules) and monitoring that also provides granularity for communities and marae with a local interest in water.	
		Greater recognition of tāngata whenua values and associated attributes within the policies and rules and reflection of these in FMU's	The objectives acknowledge these values and the policies provide the directions for how they might be achieved. An important part of the Plan is schedule 1 in relation to quality – and it contains a	



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			<p>placeholder for additional attributes that reflect Māori values. This work relies on input by Māori.</p> <p>Objective 1 reflects the way in which water management is addressed and the framework for decision making.</p> <p>Objective 3 was inserted at the request of the MWG and reflects the more integrated approach to how specific attributes are to be considered.</p> <p>Objectives 5-9 list specific values and reference them in the context of mauri. They are specific enough that subsequent attributes and states and flows/allocation limits can be decided upon and methods to achieve them can be developed.</p>	
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Item 7

Attachment 11





TANK DRAFT PLAN – SUMMARY OF FEEDBACK, STAFF RESPONSE AND RECOMMENDATIONS (APRIL 2019)

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Para	Theme	Summary of Comment from HDC	HBRC Staff Response	Recommendation
2- 3	Co-ordination with and support for Napier City feedback	Support NCC comments relating to <ul style="list-style-type: none"><li>• HPUDS</li><li>• Policy 6</li><li>• Policy 28</li><li>• TANK 7 matter 6, and</li><li>• Flow enhancement scheme.</li></ul>	See NCC submission in respect of these matters.	
5-9	HDC interests and involvement in TANK	Active participation by staff still subject to wider Councillor input and approval. Input guided by HDC functions and responsibilities for managing urban and wider economic development, management and provision of services, especially water and stormwater, as consent holder and in relation to working efficiently and effectively with NCC and HBRC.	Important context for considering the feedback provided by HDC.	
10 – 14	Planning context for HDC	Importance of land and water use to social and economic well-being of HDC. Relevance and value of scarcity of versatile soil resources including relationship with district plan provisions to provide for and protect them. Relevance and value of scarcity of industrial lands resources including relationship with district plan provisions to provide for and protect them.	As above.	
15- 16	Drinking water	HDC role in and significance of drinking water management.	As above.	
17- 27	Economic development	The importance of primary production to the economic and social well-being of the district, its reliance on water and the current investment into the support and development of new industrial land is outlined.	As above.	
28-29	Consents	The HDC as service producer for some of the TANK communities hold a range of consents for water supply, stormwater management and various other activities that will be impacted by the TANK Plan Change.	As above.	
30	Proactive and collaborative	The HDC signals a commitment to positive working relationships with NCC and HBRC.	As above. Evidenced by positive contribution to TANK process and solutions focussed approach to feedback on draft Plan Change 9.	
31 – 36	Water strategy	Acknowledges business as usual is not a good solution. The HDC is adopting a longer term (50year) and more strategic approach to managing scarce water resources that is within limits and recognises the need for better management of scarce resources Supports PC9 but has concerns about some aspects that need amending if they are to enable challenges of growth within the limits of the water resource.	As above.	
37	Clarity	Suggests the Plan be re-ordered to provide better clarity and consistent interpretation. Clarify where council role is regulatory and where non-regulatory methods are adopted.	Agree.	Amendments to improve readability, clarity and aid in interpretation
37	Summary	Context provided for further feedback on <ul style="list-style-type: none"><li>• Source Protection</li><li>• Stormwater</li><li>• Water allocation</li></ul>		
Table: Stormwater				
Policy 26	Stormwater - urban	Support the intent of the Policy. Suggests policy should apply to both new and existing urban development. Wants clarity around different authority’s responsibilities.  Timeframes stipulated need to provide a logical sequence of actions over time and be consistent and coordinated with other TANK policies. Wants to remove directive to amend District Plan as this is more appropriate in a RPS, and remove deadline date.	Agree that Policy should apply to existing and new development. Agree that Policy could be amended to be clearer about roles & responsibilities Agree that timeframes need to be amended to be consistent and coordinated with other TANK policies. Partly agree. Policy to be amended to provide a single date of 1 January 2025 for alignment with TANK.	Amendments to include existing urban development and to clarify intent of Policy and roles and responsibilities.  Dates to be aligned with other Stormwater and TANK Policies.  Amend Policy 26 to incorporate some of the clauses from Policy 27 (delete Policy 27)

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Policy 27	Stormwater - Urban	Recommends deleting Policy 27 as matters are covered elsewhere in policy or are prescriptive and not appropriate for Policy.	Clauses in Policy 27 have been incorporated in Policy 26. Policy 27 can therefore be deleted.	Delete policy 27.
Policy 28	Stormwater - Source Control	Policy is consistent with HDC approach. Suggests removing timeframe as Policy stands alone without it.	Agree that timeframe is not needed for this Policy.	Delete timeframe for Policy 28.
Policy 29	Stormwater - Legacy	Wants clarification about how implementation will be achieved for sites subject to this policy but not subject to rule framework. Timeframe needs amending to enable a logical sequence of actions and to be consistent and coordinated with other TANK policies.	Agree rules need amending to better implement this Policy.  Agree that timeframes need to be amended to be consistent and coordinated with other TANK policies.	Amend Stormwater Rules to clarify how Policy 29 will be implemented.
Policy 30	Stormwater - Legacy	Timeframe to achieve 95 <sup>th</sup> percentile limit is supported. Clarify that percentile species protection is as per ANZECC guidelines. Clarify wording to ensure mitigation measures are where appropriate / required to mitigate effects. Amend timeframe to enable a logical sequence of actions that lead to outcomes.	Agree - Clarify reference to ANZECC Guidelines  Agree that suggested amendments would provide clarity for Policy. Agree timeframes need to be amended to be consistent and coordinated with other TANK policies.	Insert footnote into Policy 30 to reference ANZECC Guidelines. Amend date to 1 January 2025.
Policy 31	Stormwater - Collaboration	Support this approach however timeframe is not achievable.  Include an approach which provides for HDC input in to the decision making process for resource consents either through a direction for consultation or that they be considered an affected party.	Agree timeframes for stormwater policies need to be amended to be consistent and coordinated with other TANK policies.	Amend dates in Policy to 1 January 2025.
Rules Stormwater 1		Rule terminology not used in District Plan. Request that rule confirms distance requirement to reticulated network and ensure that it does not create pressure for Council to extend the network in an ad hoc manner.	Agree that rule should use consistent plan terminology. Agree that distance from property boundary should be defined.	Review rule
Stormwater 2		Rule is supported. No change required.		No change required.
Stormwater 3		Ensure rule confirms distance requirement to public reticulation and does not create pressure for Council to extend the network in an ad hoc manner. Include an approach which provides for HDC input in to the decision making process for resource consents so that land use risk and location in relation to the receiving environment risk can be fully considered, either through a direction for consultation or that they be considered an affected party. Schedule 10 amendments need to be understood as to how high, medium and low risks are defined. 6 hour limit on ponding is unclear as to rationale, effects being managed and rainfall event to which it relates.	Agree that distance from property boundary should be defined.  Agree to meet with NCC and HDC to further discuss the suitability of the matrix in Schedule 10, and consider how this might be refined to be acceptable.	Review rule
Stormwater 4		Include an approach which provides for HDC input in to the decision making process for resource consents so that land use risk and location in relation to the receiving environment risk can be fully considered, either through a direction for consultation or that they be considered an affected party. Confirm rule framework for medium risk activities.	Agree that there needs to be clearer rule framework.	Review rule
Drinking water protection				
Objective 17	Drinking water protection	Support this objective and note that HDC is working with JWG to ensure SPZs will be provided for HDC supplies	Awaiting outputs from JWG and modelling work by HDC to complete delineation of SPZs	Awaiting further details on SPZs
Policy 6	Drinking water protection	Support policy. Note that modelling indicates default zones may not be circular in Heretaunga Plains. Include TLAs in delineation of SPZs	Agreed Any mapping of source protection zones will of necessity need to include the TLAs in their definition.	Delete reference to radius in definition of default zone wherever relevant.
Policy 7	Drinking water protection	Policy would benefit by clarifying that applicant are not necessarily expected to carry out modelling but rather to ensure water supplier aware of application and that council takes this into account	Agree that the type expectation for permit applicants should be clarified so that unnecessary costs not imposed	Amend policy 7 to clarify expectations for consent applicants
Policy 8	Drinking water protection	Consider additional 'information sharing' direction especially in light of amendment suggested for Policy 7	Agreed this would be useful and ensure integration of management responses	Amend Policy 8 to reflect information sharing

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Rules	Drinking water protection	Ensure rules for managing activities in SPZs are as per the JWG to ensure compliance with Regulation 10 of the NES for Human Drinking Water	Agreed	Rules are as per JWG recommendations
Water allocation				
Policy 36 (and 49 and TANK 7/8)	Existing water use commitments	Some industrial and commercial water permits have not been given full effect to as their investment strategies required construction and infrastructure development to occur over time	Agreed. The Council should take into account the practical and economic realities of constructing and completing a major development including fluctuations in market demand and the need to raise finance. It should be a tightly controlled discretion so that new water use is not provided a loophole opportunity	Amend policy 36(h) and Policy 49 (see below) and associated rules (TANK 7 and 8) to adjust the actual and reasonable test for some water permit applicants
Policy 38	Flow enhancement and water allocation limits	HDC considers; Such investigations need to occur ahead of the review or replacement of water permits. The outcome of off-setting may allow a higher volume of consented water than the interim 90Mm3 allocation, without compromising the outcomes sought by the interim allocation, thus providing for resource use/retention of existing consented allocations (full or partial). This is presumably the purpose of the project. This potential eventuality should be clearer.	The 90Mm <sup>3</sup> is an allocation limit based on the cumulative total of all Heretaunga Plains water takes. The limit is to prevent further adverse effects on surface water resources. The modelling shows the flow enhancement to offset the stream depletion effect is likely to be successful in maintain flows in streams. Modelling also indicates between 3 and 6% of the total allocation (based on modelled use on 2012-2013) can be sustainably abstracted and discharged to surface water bodies without increasing the adverse stream depletion effects. The Plan does not currently contemplate that the stream depletion effect can be offset to a greater degree if there were increases in allocations. Any increases in allocation alongside any increases in stream flow enhancements should be considered as part of a plan review that considered the success of the scheme, the pattern of water use provided by the re-allocation of current permits and an assessment as to whether more water could be sustainably abstracted. The suggestion that the stream depletion/flow enhancement schemes can be designed in advance of permit expiry so that opportunities for additional water take/augmentation can be identified is not possible within the timing and scale of the permit renewal challenges and the need for permit holders to be part of the design of the scheme.	No change is recommended.
Policy 39	Flow enhancement and Ngaruroro stream depletion	Suggests that a scheme may result in higher levels of protection for the river and that it may mean further abstraction above the 90Mm <sup>3</sup> is possible	Agreed that the possibility of further allocations alongside a bigger mitigation scheme has not been provided for but might be an outcome of the scheme design for this storage and release management response. Likely that changes to this effect will be met with opposition from those who consider the adverse surface water effects caused by stream depletion, and the impacts on groundwater levels at the margins of the Heretaunga Plains to be already too significant. It would be difficult to indicate where new water could be abstracted given cumulative impacts across all lowland stream and the Ngaruroro, even with addition storage/release water. Similar challenges as identified for suggested changes to policy 38 exist.	No changes recommended. Suggest any new opportunities to take water as a result of the two stream flow enhancement schemes be considered at the time of Plan review.
Policy 42	Security of supply	Policy 42 refers to known security of supply standards but not what they are for the different rivers. Suggests also that flexible management approaches may result in additional water being available for abstraction, so that ‘within permissible limits’ should be deleted.	Agree that security of supply standards resulting as the combination of minimum flow and allocation limit decisions for each management area should be included in Plan somewhere – this information is critical for water users making water use investment decisions.	Include the security of supply standards resulting from the allocation decisions in plan somewhere.



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			The decision making in respect of available water must be within the limits set – both the cumulative total allocation, any individual permit and any combination of permits	
Policy 43	Efficiency of water use	Clause (d) requires non irrigation water users to demonstrate how they will meet the 80% efficiency of use standard.	An exception to the efficiency standard is made for municipal supplies which are subject to policy 47. All other water use must be efficient and meet an acceptable efficiency of use. This policy makes it clear that all water users are expected to use scarce resources with care (in clause (a)) and that in addition the standard of care must meet a specified minimum in (d) – it provides clarity for both the decision makers as well as the water users.	No change
Policy 44 (RRMP 62a)	Transfer restrictions	Concerned that the policy especially in clause (e) and (f) prevents movement of water within and between municipal supplies.	The transfer restriction at (f) is not intended to apply to transfers within and between municipal supplies as they are afforded special management in Policy - the total municipal allocation (used and not used) is protected by that policy An exception in clause (f) will make that link clearer. Clause (iii) from Policy 47 should be moved to policy 44 as it provides specifically for transfers between municipal supply takes. The policy as currently worded would prevent a TLA from transferring a permit issued for another use to municipal supply. When a TLA is approaching the limit specified in current consents and there are no alternative efficient supply options available a transfer from another permit may be a reasonable solution to meet future municipal demand. Such a transfer might be made more likely and desirable with changes to land use zones. Any such application would need to assess any effects of the change of use and point of take on other users.	Move Clause (iii) from policy 47 to this policy. Ensure links between the 2 policies is clear. Provide for transfers to municipal supply as possible exception in some circumstances, such as where there has been a land use zoning change. Amend TANK 62a Refer to RPC report
Policy 45	Consent durations	Requests that municipal supplies be excluded from this policy to better preserve ability to consider longer durations and legal responsibilities of Councils to provide this service.	Good point made about legal obligations. HBRC also has legal obligations to manage the water resource. However, the municipal supply does have significant health and well-being impacts on communities and the demand is long term and foreseeable. If consent term is to be longer, the consent itself should have strong review conditions that align it to review at the same time other consents in the same zone are being re-applied for. Further the policy anticipates municipal supplies will continue to grow within existing permit allocations.	Consent duration could be extended to align with HPUDS planning strategy so that there is clarity around the water obligations and limits within which the TLA must operate. Review clauses that ensure the consent can be reviewed at the same time all other consents in the zone are being re-applied for to ensure consistency and updating in light of new information.
Policy 46 Also refer Objective 13	Priority allocation	The policy reserves water that might become available for re-allocation to community supplies. HDC suggests that versatile land irrigation also be provided for under this policy.	The allocation priority in PC9 does establish human health and community water use as highest priority. However, objective 13, does not distinguish between irrigation of versatile soils and any other commercial or industrial use. Policy 48 does afford higher protection during droughts for seasonal water uses (but not specifically irrigation uses). It is recommended that the status of water allocation for versatile soils be reconsidered in light of the TLA obligations and RPS requirements for the protection of such land. A priority allocation recognises the value already given to the protection of such land and the interdependence between its productive capacity and water availability. Note too that the government is contemplating national policy direction for the management of these scarce and highly valued resources.	Refer also to feedback from NKII (para 78-89) and TTOH feedback at para 4-5.  Amend objective 13 to provide better direction about priority water use.  Consider options for policy 46 and the priority order for re-allocation Delete last clause Review emergency water clause in policy 48

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			<p>If the policy is amended accordingly, there is no need for clause (ii).</p> <p>Two options are available – either any water for re-allocation that is not needed for urban supply is either;</p> <p>Re-allocated to irrigation of versatile land</p> <p>Not re-allocated and kept until the plan is reviewed and re-allocation policies developed at that time.</p>	
Policy 47	Municipal supply management	<p>Provision for HDC to apply for more water if new HPUDS show increased water need.</p> <p>They also suggest a specific reference to ILI 4 is unnecessary and that reference to good practice targets for water management is sufficient</p>	<p>HDC is understandably concerned about the impact of the limits being set in this plan upon their ability to continue to supply urban water. They are also giving effect to the National Policy Statement for Urban Development.</p> <p>However, their suggestion that a supplementary allocation could be made to meet urban demand is not supported. The NPSUDC does not take precedence over the Freshwater NPS although use of scarce resources is subject to RMA sustainable use directions.</p> <p>The plan acknowledges some uncertainties about the ideal allocation limit and the successfulness of the flow enhancement measure still unknown (and not supported by iwi groups).</p> <p>Nonetheless a limit to the sustainable abstraction of water now exists and while some provision is made for existing growth, any new demand must be met from within existing limits, new technologies and measures to reduce existing levels of use and new sources.</p> <p>The community and water users need certainty about resource limits – it enables better investment decisions and understanding about how water use impacts on instream water values. Any changes to limits should be agreed by community planning processes as they have significant impacts on a range of community values.</p> <p>Decisions about urban growth will need to account for the limited nature of water resources (and limited versatile soils as well).</p>	<p>Clause (iii) to be moved as suggested for policy 44. A ‘supplementary allocation limit’ is not supported.</p> <p>Refer to NCC submission in respect of Infrastructure Leakage Index.</p>
Policy 48		<p>Further clarification as to what is meant by “emergency water” is also sought</p>	<p>Agreed this is required.</p> <p>At this point in the drought, either a flow trigger for complete restriction in water takes applies, or groundwater permit holders have exhausted the total amount they have been allocated.</p> <p>All sharing arrangements can no longer supply necessary water to any water user in collective management.</p> <p>The Plan does not allow for additional allocations to any water user beyond these amounts. Limits are reached.</p> <p>The emergency direction<sup>1</sup> provisions allow council to make decisions as to what end users can continue to take water beyond these limits.</p>	<p>Amend policy 48 to clarify what is meant by “emergency water”</p> <p>Clarify process for making such directions.</p>

<sup>1</sup> Section 329 states: Where a regional council considers that at any time there is a serious temporary shortage of water in its region or any part of its region, the regional council may issue a direction for either or both of the following:

(a) that the taking, use, damming, or diversion of water:

(b)that the discharge of any contaminant into water,—

is to be apportioned, restricted, or suspended to the extent and in the manner set out in the direction.

(2) A direction may relate to any specified water, to water in any specified area, or to water in any specified water body.

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			<p>It may provide better certainty to users if a specified amount (for say tree survival) was calculated and provided for in the plan. Such a provision implies the specified minimum flow or permit allocation limit is not the limit, as a further water take is still provided for.</p> <p>Investment is made into commercial water initiatives should acknowledge the water supply cannot be guaranteed at all times and that in some years there may not be enough water. Water is allocated on a 9 in ten year basis and on the basis of a known return period for the minimum flows. Additional water to fill any security of supply gap should be a cost to the water user, and not the environment.</p> <p>In some droughts however, the impact of a complete water use ban on human social and economic welfare may be too significant and the Council in consultation with the community may decide to allow for some water uses when limits are otherwise reached. In order that the decisions are made under the section 329 powers, it is suggested that the council consult with stakeholders when making such directions.</p>	
Policy 49	Reducing over-allocation	<p>Concern expressed about situations where water permit applications were made on the basis of increasing infrastructure and water use over time (especially for large commercial or industrial proposals). The new timeframes and water use restrictions based on historic use undermine those sometimes significant investments.</p> <p>Seeks provision for supplementary allocation – see policy 47.</p>	<p>Agreed some inequity and injustice may result with application of the historic use restrictions may occur.</p> <p>See comments under policy 36 above as they are also relevant. Clause f is contained with direction under policy 44.</p> <p>See policy 47 for comments on supplementary allocations.</p>	<p>Amend as provided for by policy 36 above.</p> <p>Delete clause (f) and cross ref policy 44.</p>
Policy 51	Dams and taking water form dams	<p>Too much complexity entailed in requiring a water harvesting initiative to also account for water quality impacts as a result of land use change provided for by the water harvesting.</p>	<p>Agree that it makes a water harvesting initiative responsible for addressing land use change effects on quality when the plan's water quality controls should manage that.</p> <p>However, the plan has not set load limits for things like nitrogen which is a key concern as a result of land use change. Without such a limit, new land uses are not able to be directly controlled in terms of cumulative effects on water quality.</p> <p>Including water quality modelling as a result of land use change arising from water storage opportunities ensures these cumulative effects can still be managed.</p>	No change recommended.
Policy 52	Water harvesting	<p>As above in relation to water quality.</p> <p>Make clause (b) applicable only where (viii) not complied with.</p>	<p>The limits established under clause (viii) are high level limits to the amount to be taken in relation to specified high flows and median flows. The impact of a water harvesting proposal will vary according to location and the range of values there.</p> <p>Interconnectivity for any proposal also needs to be considered.</p>	No change recommended.
TANK 7	Re-application for consent to take g/w Heretaunga Plains	<p>Reference to sec 124 unnecessary given activity description.</p>	<p>Agree the activity description provides sufficient guidance as to what applications are subject to this rule. Removal of clause (b) also remove uncertainty about status of permits granted as a result of this plan.</p>	<p>Remove clause (b).</p> <p>Amend TANK 7 (e) as for Pol 36 and 49.</p> <p>Correct reference to schedules.</p>
TANK 8	Re-application for consent to take water	<p>As above.</p>	<p>As above.</p>	<p>Remove clause (b).</p> <p>Amend TANK 8 (f) as for Pol 36 and 49.</p> <p>Correct reference to schedules.</p>
TANK 9	Water takes	<p>Include municipal takes so that status for municipal takes does not become non-complying.</p>	<p>Not agreed –priority status of water for human health provided by existing use and allocation protections. Future urban growth beyond this limit is not provided for in this plan. If urban growth needs more water it should be non-complying as the increase goes beyond the limits set and should be carefully considered in light of the policies set to protect the environment.</p>	<p>No change to this provision – but other suggestions for transfer opportunities made.</p>

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TANK 10	Water takes (non-complying)	Correction to rules references needed.	Agreed.	Correct cross references.
TANK 12	Water damming	Consider re arranging rule activity description to include condition column.	Agreed clarity around activity and standards that apply could be provided.	Reorder rule content for clarity.
TANK 13	Water harvesting	As above.	As above.	As above.
RRMP 62a	Site to site transfers	<p>Suggests exception to condition (d) to allow assessment to confirm no change in drawdown where there is no existing pump statistic</p> <p>Delete condition (e) regarding Nitrogen loss</p> <p>Delete condition (h) as it is highly inequitable</p> <p>Amend condition (i) to support use on versatile soil.</p>	<p>Condition (d) could be amended where sufficient information exists to confirm no changes in effects.</p> <p>In respect of N loss see also comments from Hort NZ. This condition links to concerns about land use intensification and the potential for increases in N loss to occur without sufficient regulation. New land use rules have been introduced to address this impact, but within irrigated land uses, there is potential for land use change that is not otherwise captured by the land use rules. It is recommended that this water use rule still contain this condition, but the activity be expanded to include a discharge activity control.</p> <p>Condition (h) along with condition (d) was included to ensure a transfer did not occur to a new location where there was no previous water take and where a water transfer may cause a new adverse drawdown or stream depletion effect. A requirement for a consent to already be in place meant that there would be a water meter record that would establish the extent of the transfer effects. As noted by HDC, this may result in inequity or reduce opportunity for transfers where a consent is not currently held where there is not adverse effect.</p> <p>The transfer activity is controlled under these strict conditions to reduce the chance of new adverse effects from being created – but still provide flexibility. Such an application cannot be declined if conditions are met – although conditions of consent may be included to manage adverse effects.</p>	<p>Amend clause (d) to allow for other means of ensuring adverse effects are not changed in nature or scale.</p> <p>Delete condition (h), but amendments are made to strengthen condition (d) to ensure no new adverse effect is created.</p>
TANK 62b	Site to site transfers	Confirm status – not as non-complying as this would reduce options for global management of water.	Agreed.	Insert status of rule as discretionary.





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Para	Theme	Summary of Comment from NCC	HBRC Staff Response	Recommendation
1-6	Introduction	<p>Considered comments from HDC, express full support for HDC submission.</p> <p>Highlight collaborative initiatives:</p> <ul style="list-style-type: none"> <li>• Matariki REDS</li> <li>• HPUDS</li> <li>• JWG Drinking Water Safety</li> <li>• Regional Land Strategy - recently commissioned (by NCC &amp; HDC) with considerations for TANK outcomes</li> <li>• Inter-generational Water Strategy (HDC) – aims to respond to the challenge of a growing economy within water resource limits in TANK</li> </ul>	<p>See HDC submission.</p> <p>Important context for considering the feedback provided by NCC</p>	
7-8		<p>Questions whether the TANK plan change “may work in practice should the Three Waters Review determine a new operating model for managing water allocations and stormwater i.e. are they robust enough to apply to an operating model substantially different to the existing”</p>	<p>Important context for considering the feedback provided by NCC</p>	
9-11	General	<p>Support for the TANK collaborative approach taken by HBRC. Supports overall direction but has some key concerns in respect of issues relevant to NCC and its functions and duties. Generally supports comments made by HDC (although where inconsistent, this feedback prevails over HDCs in respect of NCC concerns).</p>	<p>Important context for considering the feedback provided by NCC</p>	
12-20	Water allocation – Specific comments	<p>Objective 13 Policy 47 and TANK 7 and 8</p> <ul style="list-style-type: none"> <li>• Supports priority for community and human health supply</li> <li>• Stresses the HPUDS is secondary to the Urban Development Capacity National Policy Statement (NPS UDC)</li> <li>• Points out that in order to deliver on NPS UDC, there must be adequate water supply and that this would prevail over any water needs contained within the HPUDS</li> <li>• Considers the statutory responsibility to provide for sufficient development capacity applies to the associated allocation of water to support those land uses.</li> <li>• Concerns that plan review cycle (10 years) not aligned with either the HPUDS (2045 and based on 5 yearly revisions) or NPS UDC.</li> </ul>	<p>The NCC and HDC solution is to delete reference to the 2017 HPUDS which ties the two TLAs to urban growth and water demand projections to a 2017 calculation. They consider this will allow changing water demands as a result of urban development (driven by requirements of the NPS UDC) to be accommodated.</p> <p>The pressures between the various policy statements and legislative requirements under the RMA and the LGA is acknowledged. However, the proposal to allow water demand for urban growth to continue to be provided for is not a sustainable solution, nor does it provide the community with any certainty as to how limits will be met.</p> <p>The functions and duties under sections 30 and 31 are subject to Part 2 requirements for sustainable development, including in relation to water as well as finite resources such as versatile land. PC9 clearly establishes limits for water abstraction (albeit tempered with some uncertainties). Any development, whether for irrigation, commercial use or urban development must be within those limits.</p> <p>There are alternative management solutions to address water demand shortfalls that can be considered within the plan. The Plan refers to the HPUDS strategy as it is a public acknowledgement for the need to plan urban development. Expected water demand is tied to that to provide both certainty and clarity. The fact that the Plan is reviewable every 10 years provides opportunities to assess the alignment between the limits set and the available water. It allows for new assessments of growth to then inform plan limits and rules, and an assessment of the effectiveness of stream enhancement strategies and whether that can provide for additional allocation.</p> <p>The implication that water can continue to be made available for urban development does not account for the fact that all available water is already fully allocated and that to allow water for urban use means another use has to be reduced. A wider community discussion about the merits and equity of that is necessary before providing that solution.</p> <p>Other sources of water can be explored by TLAs where limits are being reached. Both Councils are addressing network management and savings to be made within their networks. While there is clearly room for better management in the short term, other</p>	<p>Amend policy 44 (cross reference to objective 13 and policy 47) so that water transfer to municipal supply can be more readily made.</p> <p>Insert new clause to reflect collaborative and integrated approach to NPS UDC and HPUDS development in policy 47.</p>

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Para	Theme	Summary of Comment from NCC	HBRC Staff Response	Recommendation
			<p>strategies such as water metering should also eventually feature in future discussions with the community about reductions in water use to allow for growth.</p> <p>Water storage is an obvious solution – but consideration of water storage solutions by TLAs and their rate-paying communities would not occur without the pressure inherent in a limit management context.</p> <p>A further solution that is not specifically provided for is transfer of water from other water users to municipal or community end uses. At present the plan does not readily allow for transfer between end use. See in particular 44 (d) (e) and (f). An opportunity to relax the transfer restrictions of takes for any other use to municipal supply would be consistent with the priority regime. It would enable a TLA to consider transferring irrigation, commercial or industrial permits to municipal use where land is rezoned for urban development and such permits are available. These transactions would allow for willing transfer, rather than a rule requiring a more general re-allocation of water to municipal supply. They would still be subject to discretionary oversight to ensure adverse effects remain same or similar</p> <p>The council should continue to support collaborative investigations between HDC, NCC and HBRC to understand water supply and demand constraints and opportunities, particularly in the preparation of urban growth strategies such as HPUDS and any other developments considered necessary to give effect to the NPS UDC.</p>	
21-22	Source Protection Zones	Policy 6 Support policy. Note that modelling indicates default zones may not be circular in Heretaunga Plains. Include TLAs in delineation of SPZs	Agreed	Delete reference to radius in definition of default zone wherever relevant. Need to include TLAs in delineation of SPZs
<b>Stormwater</b>				
23-26	Stormwater Provisions – General Comments	Supports the requirement to update and align the territorial frameworks for stormwater management where practicable. Timeframes stipulated need to be consistent and coordinated across TANK policies and as a minimum align with already initiated and/or scheduled reviews	Important context for considering the feedback provided by NCC in following sections.	
27-31	Stormwater provisions – specific comments	<p>Policy 26(c) Policy 31 New Urban Infrastructure</p> <p>Proposed policy requires amending district plans, standards, codes of practice and bylaws by 1 January 2025.</p> <p>NCC are currently undertaking a review of District Plan, Engineering Code of Practice and Stormwater Bylaws aligning with HDC and TANK plan – however consider it would be inefficient and costly to undertake further plan changes than that already scheduled to meet RRMP timeframes.</p> <p>District Plan review timeline is aiming for a proposed plan at the end of 2020. Alignment of Regulatory Framework should be 1 January 2025.</p> <p>Amend the dates in Policy 31 to align with Policy 26.</p>	<p>Agree that Policy should apply to existing and new development.</p> <p><i>Agree that Policy could be amended to be clearer about roles &amp; responsibilities</i></p> <p>Agree that timeframes need to be amended to be consistent and coordinated with other TANK policies.</p> <p>Partly agree. Policy to be amended to provide a single date of 1 January 2025 for alignment with TANK.</p>	<p>Amendments to include existing urban development and to clarify intent of Policy and roles and responsibilities.</p> <p>Dates to be aligned with other Stormwater and TANK Policies.</p> <p>Amend Policy 26 to incorporate some of the clauses from Policy 27 (delete Policy 27)</p>
32-36	RRMP Provisions	<p>RRMP rule 42 and RRMP rule 43</p> <p>Request clarification that the RRMP rules 42 and 43 will be included in the TANK stormwater rules i.e. a permitted activity rule and then a controlled activity rule, if not complied with becomes discretionary activity. Carry over the advisory note from RRMP</p> <p>Clarification sought regarding status of rules where a permitted activity condition cannot be complied with (restricted discretionary, discretionary or controlled?)</p>	Agreed.	<p>Amend RRMP existing Rule 43 “Diversion and Discharge of stormwater’ (Controlled activity) to read: Activity - Diversion and discharge of stormwater except as provided by Rule 42 and Stormwater 1”</p> <p>Amend existing RRMP Rule 52 to read: ‘Discharges that do not comply with rules 9-14, 16, 31-51 and Stormwater 1-4’</p>

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Para	Theme	Summary of Comment from NCC	HBRC Staff Response	Recommendation
				Include the Advisory note to follow Stormwater Rules 1-4 as follows: <b>1.</b> Non-compliance with rules – if the rules in this section cannot be complied with, then the activity is a discretionary activity under RRMP Rule 52.
37	TANK Provisions	New Urban Infrastructure Policy 27  Support the intent of the Policy. Suggests policy should apply to both new and existing urban development.  <ul style="list-style-type: none"> <li>HDC wants clarity around different authority's responsibilities.</li> <li>HDC wants the timeframe amended to provide a logical sequence of actions over time.</li> <li>HDC wants to remove directive to amend District Plan as this is more appropriate in a RPS, and remove deadline date.</li> </ul>	Clauses in Policy 27 have been incorporated in Policy 26. Policy 27 can therefore be deleted.	Delete policy 27.
38-44		New Urban Infrastructure Policy 28  Unclear why this policy is targeted at local authorities, the activities are covered by the rules. There seems to be blurring of control from Regional Plans and District Plans.  28 b) refers to contaminants listed in Schedule 10. This is an assessment of risk associated with activity.  Schedule 10 matrix is too simplistic for sites housing a range of activities and outdoor storage of a variety of potential contaminant sources. NCC have refined their risk assessment. Would like to work with HBRC to further refine the proposed matrix leading up to notification.	28 b) Agree that the matrix in Schedule 10 does not list contaminants it is a tool to assess the risk of stormwater contamination associated with activities  Amend the policy so responsibilities are clear.	Amend Policy as per RPC report
45		Dealing with the Legacy Policy 29 Agree with HDC on comments relating to timeframes. Policy 29 states 1 January 2020 and the implementation plan refers to within 18 months of notification for the template and programme to be completed. <ul style="list-style-type: none"> <li>HDC - wants clarification about how implementation will be achieved for sites subject to this policy but not subject to rule framework.</li> <li>HDC - Timeframe needs amending to enable a logical sequence of actions.</li> </ul>	Agree there is misalignment with the date in policy 29 and the implementation plan	Amend to 1 January 2025 in Plan and Implementation Plan.
46		Dealing with the legacy Policy 30 Supports HDC recommendations Supports the words that dealing with the legacy issues will need to recognise 'affordability for the ratepayer'. <ul style="list-style-type: none"> <li>HDC - Timeframe to achieve 95<sup>th</sup> percentile limit is supported. Clarify that percentile species protection is as per ANZECC guidelines.</li> <li>HDC – clarify wording to ensure that mitigation measures are where appropriate/required to mitigate effects.</li> <li>HDC - Amend timeframe to enable a logical sequence of actions that lead to outcomes.</li> </ul>	Agree - Retain wording 'affordability for the ratepayer'.  Agree - Clarify reference to ANZECC Guidelines  Agree – align timeframes	Insert footnote into Policy 30 to reference ANZECC Guidelines.  Amend dates – change 31 December 2023 to 1 January 2025
47		Dealing with the Legacy Policy 31 Additional requirement to update District Plans. Given the reviews being undertaken by NCC it would be inefficient and costly to undertake further plan changes than that already	The NCC District Plan is to be notified in 2020. Suggest that 1 January 2023 would be sufficient time for the Plan to align with the TANK plan	Amend to 1 January 2025.

Attachment 13

Item 7

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Para	Theme	Summary of Comment from NCC	HBRC Staff Response	Recommendation
		scheduled in order to meet the timeframes of the RRMP.		
See above Water Allocation				
48	Contributions to flow enhancement scheme	Policy 38 (refer also to Pol 41(n)and TANK 7 and 8  Concerns expressed about implementation and administration	Agreed policy needs to be redrafted to ensure obligations clearly articulated and that consent applicants not dependant on council. Also acknowledge need to develop Stream Depletion Calculator so that permit applicants can determine the effect of the provision on their water take. The completion of the stream depletion calculator and its public on-line availability is expected by the middle of the year (2019).	Policy will be amended to provide clarity about obligations and the Stream Depletion Calculator is also being completed so that assessments can be made by water permit holders about implication of policy.
49	TANK Rule 7 & 8	Policy 47 and TANK 7 and 8  Concerns that this is too prescriptive and seek amendment	Agree that infrastructure management subject to range of constraints resulting from legacy issues. Targets for better management provide certainty for the community that adequate attention is being paid to infrastructure management and clear understanding of circumstances where specified targets cannot be met are required.	Amend policy and condition as sought



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Para	Theme	Summary of Comment from HTST	HBRC Staff Response	Recommendation
1-2	Introduction	Supports Schedule 1 Freshwater Quality Objectives / targets Matters of concern to be discussed in other paras		
3-11	RMA	<p>Draft plan is contrary to parts of Part 2 and where consistent, fails to give effect to the NPSFM and RPS</p> <ul style="list-style-type: none"><li>• Policies 51 and 52 (and Table 1 of PC5) use “avoid, remedy and mitigate” but do not provide direction when a resource should be protected and when effects should be avoided</li><li>• These plan provisions don’t require adverse effects on potentially outstanding natural landscape and feature characteristics, and significant indigenous vegetation</li><li>• Fails to identify values and preserve areas of high and outstanding natural character, natural landscapes and features, and wild and scenic values (particularly of braided rivers and the Ngaruroro)</li><li>• Fails to preserve and enhance areas of indigenous vegetation (particularly around lakes)</li></ul> <p>Specific ammendments:</p> <ul style="list-style-type: none"><li>• Objective 6 to include natural character and outstanding natural landscape and features value, incl. wild and scenic values.</li><li>• Policy guidance identifying inappropriate land use and developments in outstanding areas</li><li>• Rule TANK 14 to prohibit the construction of dams or damming in Upper Ngaruroro as defined in the WCO as well as the Taruarau and Omahaki</li><li>• Schedule 2 is superfluous and should be deleted as Schedule 1 includes the attributes from Sched 2.</li><li>• Amend objective 1 “...a continuous improvement approach to the <b>protection</b>, use and development of natural resources”</li><li>• Amend policy 18 by prioritising loss of sediment caused by clearance of indigenous vegetation</li><li>• Amend rules 7 and 8 to make clearance of indigenous vegetation a discretionary activity (to allow Council functions under s30(1)(c) and (ga).</li></ul>	<p>The Council’s OWB Plan Change work identifies outstanding waterbodies, including for outstanding natural character, landscape and georgraphic values. The Council will ensure TANK aligns with the OWB Plan Change in due course. The outcome of the WCO application for the Ngaruroro and Clive Rivers is still uncertain</p> <p>Damming is already being prevented along the entire mainstem of bothte h Ngaruroro and Tūtaekuri.</p> <p>.</p> <p>While DoC is concerned about terrestrial biodiversity, recognition of the need to protect existng indigenous species sought in addition to the ‘use and development’ is linked to the objectives and policies for wetland and riparian margins. The wetland objective in particular seeks increases in wetland areas as well as protection of existing. The protection of terrestrial biodiversity is a wider issue not covered inthis freshwater plan. The link to the biodiversity strategy is noted. However protection of all natural resources has a much wider scope than a direction to protection ingigenous biodiversity. The recommendation provides a more targeted solution</p> <p>Clearance of indigenous vegetation is managed under Policy 11. The existing RRMP Rule 7 is being ammended in PC9: “(f) In the TANK catchments, there is no clearance of indigenous vegetation within 10m of any rivers...” It would be consistent to amend this to include wetlands and lakes.</p> <p>Rule 8 is already restricted discretionary.</p>	<p>Include natural character in Objective 11(d) (previously 6) and 7.</p> <p>Other outstanding values are being identified through the separate OWB plan Change process. Once this is complete a reviewof the TANK plan will be required in order to ensure water bodies values are apporpriately protected.</p> <p>Include ‘protection of indigenous biodiversity’ in objective 1</p> <p>Amend RRMP Rule 7 in repsect of the TANK Plan Change to refer also to wetlands and lakes</p>
12-15	Ahuriri catchment management	<p>Most significant esturine wetland in Hawke’s Bay.</p> <p>Seeks further provisions to halt the degradation of the estuary’s values caused by water quality, then improve quality (to discuss further with HBRC see Appendix 1).</p> <p>Seeks including estuary attributes in schedule 1</p> <p>Seeks additional dates for meeting staged water quality improvements.</p> <ul style="list-style-type: none"><li>• Include the freshwater objectives in Table 1, Schedule 2 in schedule 1, which has a regulatory function</li><li>• Amend policy 5, rules 32 and 33, Table 1 from schedule 2 to include a medium 10 year and 20 year time frame for staged water quality improvement. Must include management of e.coli</li></ul> <p>Questions raised for further discussion about 95% level of toxicant protection, nitrate limit and monitoring estuary for <i>Zostera</i> and <i>Ruppia</i> as a healthy ecosystem attribute and measure anoxia and related extent of macroalgal beds</p>	<p>Schedule 2 is non-regulatory because of the uncertainties surrounding the attributes and attribute states suitable for these estuaries. The schedule serves as a guide for ensuring appropriate monitoring and data collection to help determine limits and objectives in a way that allows the costs of mitigation and other measures necessary to meeting them to be calculated. The schedule raises awareness and expectations for management of the estuaries without engaging in a debate about the content of the schedule and diverting attention and resources from what actually need to be done.</p> <p>Further timeframes in addition to the overall objective to meeting water quality objectives by 2040 are not recommended. The plan instead focuses on measures that are known to result in improved ecosystem health and water quality. Timeframes are included for their completion rather than on a water qulaityoutcome. This is because the rate at which these measures will change water qulaity are not known with any precision and are difficult to model. Some mitigations (especially for managing soil loss from erosion and</p>	<p>No changes recommended</p>

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			riparian shading ) can take years to establish and become effective. Stock exclusion is known to have a faster impact on e. coli levels. While there is demand by DoC, (and also within iwi feedback) for certainty that change is being made to the water quality state, any further focus on additional dates is likely to be fraught with scientific uncertainty and concerns by resource users about unsustainable economic costs in the short term. It is considered a better use of resources to focus on the actions needed to improve water quality and ensure they are carried out in a timely manner. Staff happy to discuss remaining questions if necessary. Some aspects likely to be part of Plan implementation rather than the plan change itself.	
16-20	Sensitive water bodies - Wetlands and lakes	<ul style="list-style-type: none"> <li>Generally support objective 10. Further emphasis on protecting hydrological function - <i>“improved hydrological functioning of <b>wetlands, lakes and their associated wetlands and</b> in connected waterways”</i>.</li> <li>Policy 3 – provision recognising importance of clear, low nutrient water entering lakes.</li> <li>Recognises planning framework isn’t supported in Schedule 1 and the difficulty given the degraded nature of sensitive waterbodies – may be able to assist.</li> <li>Framework (obj 11, pol 3, rules 7 and 8 and Schedule 8 (note reference to schedule in rules 7 and 8 is “X”) is inadequate to manage land use intensification and further water quality degradation. Recommend a schedule identifying tributaries as priority for riparian protection.</li> <li>Curious about implementation of policy 3 as other attempts to restore aquatic macrophyte plant communities has failed.</li> </ul>	<p>Objective 15 (previously 10) is already focussed on wetlands and lakes so it is unnecessary to reiterate that in (b). The Policy 3 provision suggestion is superfluous given 3(a)(i) “reduce sediment and nutrient inputs into the waterbody”.</p> <p>Priority areas for attention are already specified and will result in high resourcing requirements. The protection and extension of wetlands is a key objective and policy focus already.</p> <p>Amendment to policy 3(i) required. Direct re-establishment of macrophytes has been unsuccessful in other areas. The macrophytes stabilise the lake system and hence improve water quality once they are established. But they cannot improve the water quality in a highly degraded lake unless something else changes as well so that they can become established.</p>	<p>Include ‘protection of indigenous biodiversity’ in objective 1</p> <p>Amend RRMP Rule 7 in respect of the TANK Plan Change to refer also to wetlands and lakes</p> <p>Amend Policy 3(i) to read “improve conditions in the lakes to encourage aquatic macrophyte communities to recover</p>
21	Spring fed creeks	<p>Heretaunga aquifer is overallocated which effects the Karamu Stream’s ability to meet NPSFM bottom lines. Suggestions for amendments include protection of Karamu noted in obj 9.</p> <p>Seeks max rate of take for irrigation.</p> <p>Concerned about nature of mechanical weed control in interim</p> <p>Seeks that quantity in spring fed creeks enhanced – objective 9 does not adequately recognise importance of flow from Heretaunga aquifer to Karamu stream. Consider max water take at peak season to complement policy 36.</p> <p>Physical removal of aquatic macrophyte growth (policy 2) has significant adverse effects (removes good communities, removal of fish and their habitat, penetration of stream bed and loss of water to aquifer), which may outweigh benefits.</p> <p>Consider on-site storage to complement policy 36</p> <p>Aim for higher attribute state for dissolved oxygen for lowland waterbodies</p>	<p>Oxygen bottom lines in NPS refer to below discharges although there is work underway to amend the NPS to address oxygen more widely. Low oxygen is recognised as key issue.</p> <p>The new allocation regime reduces total allocations to existing use and sets annual limit for irrigators based on 9 in ten year security. This imposes maximum take volumes each season. Modelling has been done to measure effect of reductions in takes during summer and were found to have delayed and variable effects across the plains.</p> <p>Do not agree specific mention needed in obj 9 for Karamu. All springs/rivers require protection and are linked through transmissive aquifer</p> <p>Agree way in which weed control undertaken in Karamu and its tributaries is important. Suggest this is an implementation issue and will discuss further with asset management</p> <p>First step addressed by this plan is ensuring allocation of water is accurate and properly reflects existing use. Current allocation is nearly twice that actually needed.</p> <p>Next step is to assess whether further reductions in allocations required to meet environmental outcomes. That’s when resource users will assess other water sources including storage.</p>	<p>Plan implementation action 4.28 to include reference to DoC</p>
22	Phosphorus in solution	Has council considered loss of phosphorus to water through soil solution (more phosphorus than required for plant growth), and its significance? Could HBRC use an Olsen P soil limits to manage it?	Yes it was considered. In meeting the new drainage water quality conditions, land owners will need to explore a range of mitigation measures including good management of nutrient inputs.	
23	Stock exclusion	Sheep are currently not managed in draft plan. Has Council carried out any faecal source tracking to see if sheep are a contributor?	It is not intended that stock exclusion include sheep. However, in the Plains, a key focus is on riparian shading. This will result in sheep being excluded to protect plantings.	



TANK draft plan – Summary of feedback, staff response and recommendations (April 2019)  
Department of Conservation

			Bacteria was not a significant issue across the TANK water bodies generally (was localised issue).	
	Minor changes	<ul style="list-style-type: none"><li>• Rule TANK 5 – eels are fish</li><li>• Rule 33A – drainage water should not exceed the freshwater quality objective/target of a max temp pf 22 or 23 depending on location</li><li>• Schedule 1 – water quality attribute should read Lower Ngaruroro and Lower Tūtaekurī.</li></ul>	The new rules for drainage water are primarily focused on managing nutrient loss through the soil profile from drainage. The improvement of water temperature is primarily through the focus on riparian shading, not directly managing the drainage water.	Amend TANK 5 (including eels) Correct schedule 1 references to Tūtaekurī



TANK DRAFT PLAN – SUMMARY OF FEEDBACK, STAFF RESPONSE AND RECOMMENDATIONS (APRIL 2019)  
HORTICULTURE NZ

Horticulture NZ provided comments in relation to specific Plan content as track changes. Some suggestions were editorial and are not included in this table. Requests for changes that are substantive and have an impact on the plan direction are summarised here.

Para	Theme	Summary of Comment from Hort NZ	HBRC Staff Response	Recommendation
Objective 4	Schedule 2	Consider this inappropriate for inclusion in a statutory document	Agree that this is unconventional.  See also feedback from TTOH and NKII on this issue.  However, it also ensures that a wider and longer term perspective is taken to the management of water resources and that this Plan Change is the first stage of a longer programme. It specifically acknowledges through schedule 2 that there is a connection between freshwater inputs and estuary state that is not well understood or provided for.  It is included so that the community including mana whenua, has some assurance that water management is being considered with a wider and more integrated perspective. It should be seen therefore as an opportunity to reduce the potential debate about the most appropriate attribute state number in schedule 1, when so little is known about appropriate loads and limits to protect the estuary and allow the plan to start making an actual improvement in water quality trends.	No change
Objective 13	Allocation priority	See also comments from TTOH, NKII and the TLAs. Seeks clarification. Also seeks reference to resource consenting regimes being flexible so as to allow more efficient use of the allocatable water	Agree this objective can be made clearer in relation to priority water use. Allocation regimes should include how consents are managed but can see benefit of specifically referring to how water is used by consent holders	Amends as recommended for HDC Policy 46 and Obj 13
Policies generally	Clarity	Similar comments to NKII in relation to clarity of responsibility and delivery of policy. Including regulatory and non-regulatory differences	Agree amendments for clarity required	As for NKII 66-68
Policy 19 TANK 4	Land Use change	Seeks that policy refer to managing increases in all contaminants – not just nitrogen	Agree that land use change should not result in increasing losses of any contaminants. However, there are very limited tools and information that assist in managing this effect. Fundamental to managing change is understanding of a baseline from which change is assessed and managed. Tools even to manage changes N loss are limited and baseline information still needs to be gathered. Activities and location specific risks resulting in losses can be better identified in farm plans and the emphasis on this is growing, not just in the TANK catchments, but at a wider scale.  See also response under TANK 4	
Policy 36	Adverse effects of g/w abstraction	Seeks deletion of ‘adverse’ and recognition that g/w abstraction results in benefits. Notes requirements under section 104 to have consideration for value of investment by consent holder. Also relevant to issues raised by HDC	The need to provide for abstraction has been identified in objectives including recognising the need to establish limits. The listed adverse environmental effects of abstraction are those being managed by this policy Agree that change necessary in relation to existing investment	Amend as for HDC
Policy 48, 41	Emergency water for rootstock survival	Seek provision for root stock survival water for permanent tree crops, and that this should be considered without a need to increase any minimum flows (as it is currently packaged up). Concern about social and economic consequences if trees die or yields are impacted	Discussion as for TTOH and HDC for policy 48	Amend as for HDC
Policy 41	Water allocation	Seeks clarity about impact of policy on permit holders of surface water in Ngaruroro and Tūtaekurī as a result of the changes. Clarify terminology (e.g.l/sec as instantaneous or other measure) Also suggests water meters be required for all abstractions	A new reduced allocation limit is specified for the Ngaruroro. Water permit holders will however, be subject to an actual and reasonable assessment under policy 49 as current allocations exceed the new allocation limit and the Zone can be considered ‘over-allocated’ Further reductions in this plan change are not specified. The level of over-allocation will change following expiry and re-allocation of existing permits. The permit holders are not solely responsible for meeting the new allocation limits as the Council will also adopt measures such as reducing permitted allocations, restricting	Provide plan interpretation and implementation guidance

**TANK DRAFT PLAN – SUMMARY OF FEEDBACK, STAFF RESPONSE AND RECOMMENDATIONS (APRIL 2019)**  
**HORTICULTURE NZ**

Para	Theme	Summary of Comment from Hort NZ	HBRC Staff Response	Recommendation
			<p>site to site transfers of unused water and encouraging voluntary reductions and promoting water storage solutions.</p> <p>For the Tūtaekuri, no impact is expected other than ensuring water is allocated according to the reasonable need. This is because this zone is currently not fully allocated and the reduction in allocation is of water not currently allocated.</p> <p>There is a balance to be struck between the costs of a water meter and subsequent management of the data and the benefits of this information and effect it has on water users. The permitted water take limit reflects where this balance has been struck.</p>	
Policy 45	Consent duration	Consider some flexibility to allow slightly longer or short durations depending on circumstances	Agree – amend to allow about 15 years as specified in schedule	Amend to adjust flexibility as reflected in schedule 8
Policy 46	Re-allocation	Concern about overall priorities and how policy to be implemented.	See assessment for this policy in HDC	Amend as for HDC
Policy 50	Frost protection	Queries usefulness of trying to impose total volume or duration restrictions as it is difficult to predict when and how long frosts occur. Suggests it is sufficient to link takes to trigger flow	Agree	Amend
TANK 4 Ref also Policy 19	Land use change	<p>Suggest some amendments to assist in interpretation and clarity, including what is meant by change and the need to account for crop rotations for vegetable growers.</p> <p>Also suggests scope of rule could be wider as suggested for Policy 19.</p> <p>Supports trigger land area rather than percentage in rule 4a, seeks trigger to be % of collective area to enable collective management.</p> <p>Suggests condition c) unnecessary given possible conditions of consent</p> <p>Description of activity need not refer to Nitrogen loss</p>	<p>Agree worth considering a wider scope – the land use change trigger as provided in the rule does allow a wider perspective.</p> <p>Ensure consistency between rule description and conditions – not as focused on N loss as trigger</p> <p>It is not feasible to make the land use change trigger in TANK 4 based on a collective. There is no clear applicant in that case and difficulties with compliance and responsibility difficult to ascertain.</p>	<p>Consider further</p> <p>Agree (c) not necessary.</p> <p>No changes regarding applicant (being property owner not collective)</p> <p>Agree delete reference to n loss inactivity description</p>
TANK 5 and 6	Permitted volume	<p>Lack of clarity about current wording in relation to ‘per point of take’ – we assume that this condition is intending to limit permitted takes to 5m3 per property per day?</p> <p>We suggest that the inclusion of per point of take unnecessarily confuses the rule, and potentially creates the opportunity for people to argue that they could take up to 5m3 at multiple points of take on their property, which we don’t believe is the intent of the rule</p>	Agree that clarity is required for both rules. Consider compliance challenges if more than one point of take.	Amend as suggested
TANK 7 and 8	Water take	<p>Rules don’t allow for “global” water permits.</p> <p>“Actual and reasonable” use should be matter of discretion</p> <p>Matter 2 relating to land use and nitrogen loss is queried as to whether it is ultra vires in a water take rule.</p> <p>Stream depletion calculator</p>	<p>Amendment needed to allow for permit holder to re-apply for water under alternative permit regimes that allow for more efficient use of the allocatable water.</p> <p>The importance of actual and reasonable as a condition of the restricted discretionary activity is important as it makes clear the amount of water to be taken under this rule. The term ‘actual and reasonable’ is defined. It provides certainty for decision makers as to the extent of water take to be considered under this rule. The condition might be amended to account for the discretion allowed for in matter 1 for clarity. If the amount being sought is not the actual and reasonable as defined, the activity becomes a discretionary activity.</p> <p>The discretionary matter regarding annual nitrogen loss links land use intensification with use of water for irrigation. Not all irrigation leads to increases in nitrogen loss and the nitrogen loss is a consequence of land use change as much as it results from changes to water use. Refer to Rule TANK 4 and 4A. The rules have a wide application and would also cover horticultural land use changes.</p> <p>Refer to assessment about SDC for NCC at Policy 38 and NKII at 62-68</p>	<p>Amend to allow a more flexible permit management regime.</p> <p>No changes regarding actual and reasonable except to refer to matter 1.</p> <p>Delete matter 2 in relation to N loss. A process step will need to be followed by Council officers when a consent to change water use is received to ensure the land use rules are also complied with.</p> <p>Stream depletion calculator development and public online release for mid-2019</p>
TANK 11	Take at high flow	The discharge of water into water is already addressed by other rules	Agreed. RRMP rule 31 allows the discharge of water into water	Amend to delete reference to the discharge
RRMP Rule 32 and 33a	Drainage water	Should be consistent with other discharge rules (and RMA) to allow for reasonable mixing.	<p>Agree. This ensures consistent management of discharges.</p> <p>There is limited actual information about the nature of discharges from tile and mole</p>	<p>Amend to include reference to reasonable mixing.</p> <p>Insert reference to rule 52 if conditions cannot be</p>

**TANK DRAFT PLAN – SUMMARY OF FEEDBACK, STAFF RESPONSE AND RECOMMENDATIONS (APRIL 2019)**  
**HORTICULTURE NZ**

Para	Theme	Summary of Comment from Hort NZ	HBRC Staff Response	Recommendation
		<p>Hort NZ also questions:” Does HBRC hold any information about the nature of the existing drainage networks that are in place, and therefore how many existing systems may end up requiring consents? What is the quality of these discharges – what sampling has been required under existing consents and what does that indicate about these discharges? What is the justification for the 10 ha threshold? Without having a better understanding of the issue that HBRC is trying to address here, we must note some concerns about the rule, as it is potentially horticultural growers who will be most affected by it. However, the sharing of the information that HBRC holds which indicates that this is a particular issue, will enable us to consider this further, and provide further feedback and suggestions about possible improvements to the rule”</p> <p>Justification for the 10 ha threshold for permitted activity is being questioned</p>	<p>drains. The state of the receiving rivers and streams is however, poor.</p> <p>New freshwater water quality objectives are now imposed for lowland streams which will require a reduction in contaminant losses from land – either as diffuse sources of contamination or through point sources such as drains. Information from a series of water quality samples during 2017 showed high concentrations of some contaminants. The uncertainties about where and how these discharges affect water quality, and uncertainty about how the effects on receiving water quality can be reduced have led to a 10 year lead in time for compliance. Note that work is already underway between the council, landowners and agricultural consultants to help find solutions.</p> <p>The rule defaults to discretionary rule 52 if conditions cannot be complied with.</p> <p>The 10 ha threshold was intended to distinguish between large and small scale pumped drainage systems and the possible significance of such systems. However, the rule applies to existing systems only. If water quality meets the required state, then existing systems should continue to be allowed to continue. IT does pose potential monitoring and compliance challenges for council to locate and monitor these drains and their effects, however there is a link between this rule and the farm plan requirements for locating and managing risks, and drains are specifically listed.</p>	<p>complied with.</p> <p>Delete reference to 10ha for rule 33a</p>
RRMP 62a	Site to site transfer	<p>Seek deletion of condition (h) regarding transfer to other consent holder.</p> <p>Hort NZ also seeks that the purpose of the water be allowed to change</p>	<p>See assessment for HDC at 62a and for NCC at obj 13</p> <p>The Council needs to continue to have discretionary oversight into water use changes. This is particularly where a pattern of water use from seasonal to annual might occur, or where a pattern of water use may result in different effects at a different location. Changes in water use are not likely to comply with the ensuring the nature and scale of the effects remain the same or less.</p>	<p>As for HDC for deleting condition (h)</p> <p>No amendment to (i) (except for policy amendments in relation to NCC submission)</p>
Schedule 4	Land use change	<p>Refer to set land area not %; . “For example, a 300 ha S&amp;B farm could covert 29ha to arable vegetable cropping at 16 kg/ha (Ford 2106) that would be an additional 464 kg, potentially discharging before needing consent. Conversely a 15 ha orchard would only be allowed to increase by 1.4 Ha or 18.3 kg, before needing a consent. We suggest it would be fairer to have a simple 10 ha threshold for all, and then relate directly to Table 2’</p> <p>Further advice and details for vegetable growing rotations is provided</p>	<p>Some detail is still required in respect of baseline losses from vegetable rotations from Hort NZ.</p>	<p>Amend to clarify and provide definitions.</p> <p>Default loss information for vegetable growing still to come.</p>
Schedule 5	Farm Plans and collectives	<p>A number of suggestions have been made to improve and simplify the schedule. Ensure land ownership across and within catchments is provided for.</p> <p>Suggestions to improve clarity also made.</p> <p>Observes that the Council holds a lot of information that will help landowners understand issues and risks including for source protection drinking water zones, state and assessment of riparian land - and appropriate planting for meeting multiple objectives, soil data, erosion information etc.</p> <p>Suggests format and nature of information recording needs to be defined by council</p>	<p>Agree re-ordering will be helpful. Agree that section A 2(x) should be part of the plan, not the governance/management</p> <p>Agree that success of landowners will depend in part on support by Council to ensure they have the right information.</p> <p>Agree some more guidance about information requirements is necessary.</p> <p>Don’t agree the detail of the environmental outcomes section should be extensively edited as it provides the overall context and support for the properties included.</p> <p>Consider implementation support as key part of Plan Change</p>	<p>A number of amendments have been made to the schedule. They still contain the basic requirements and obligations but the layout and ordering is now more structured and easier to follow.</p>





# HAWKE'S BAY REGIONAL COUNCIL

## REGIONAL PLANNING COMMITTEE

Wednesday 15 May 2019

### Subject: RESOURCE MANAGEMENT POLICY PROJECT MAY 2019 UPDATES

Item 8

#### Reason for Report

1. This report provides an outline and update of the Council's various resource management projects currently underway (i.e. the regular update reporting presented to every second meeting of the Regional Planning Committee).

#### Resource management policy project update

2. The projects covered in this report are those involving reviews and/or changes under the Resource Management Act to one or more of the following planning documents:
  - 2.1. the Hawke's Bay Regional Resource Management Plan (RRMP)
  - 2.2. the Hawke's Bay Regional Policy Statement (RPS) which is incorporated into the RRMP
  - 2.3. the Hawke's Bay Regional Coastal Environment Plan (RCEP).
3. From time to time, separate reports additional to this one may be presented to the Committee for fuller updates on specific plan change projects.
4. Similar periodical reporting is also presented to the Council as part of the quarterly reporting and end of year Annual Plan reporting requirements.

#### Decision Making Process

5. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

#### Recommendation

That the Regional Planning Committee receives and notes the ***"Resource Management Policy Project May 2019 Updates"*** staff report.

#### Authored by:

Ceri Edmonds  
MANAGER POLICY AND PLANNING

#### Approved by:

Tom Skerman  
GROUP MANAGER STRATEGIC  
PLANNING

#### Attachment/s

[1](#) May 2019 RMA Projects Update



**Status Report on HBRC Resource Management Plan Change Preparation & Review Projects  
(as at 9 May 2019)**

Project	Narrative update	Next intended reporting to RPC												
<a href="#">'PC5' Integrated land &amp; freshwater management</a>	<p>Publicly notified. Decisions on submissions partly subject to appeal.</p> <p>Part of the last remaining appeal (by Fish and Game) relating to wetlands in the RRMP and Plan Change 5 is almost settled. Environment Court hearing was held 11-12 September 2017. In October 2018, the Court issued an interim decision and directed HBRC to prepare revised maps and re-word provisions for the Court's approval. As at 5 February, Court's approval of submitted documents was still pending. In 2019, it is likely the RPC will be presented with a final version of PC5 to consider recommending to Council to make it 'operative.'</p> <p><b>Staff have followed up with the Court for an update May 2019. No further updates are available.</b></p>	July 2019, otherwise earlier if Court issues approved documents sooner.												
<a href="#">'PC7' Outstanding waterbodies plan change</a>	<p>Under preparation. Not yet notified.</p> <p>As reported to RPC meeting in December, some of the feedback from targeted stakeholder discussions indicated a likely risk of legal challenge being encountered on the basis of content, methodology and overall process as had been determined by the RPC in 2018.</p> <p>In particular, Forest and Bird's National Office had called into question the robustness of the RPC's agreed approach.</p> <p>In response, the PC7 project team initiated an extra feature to the project, being the formation of a small panel of experts who would convene for two workshops. Panellists were Andrew Curtis, Bernie Kelly, John Cheyne, Morry Black and Tom Winlove. The Panel met in February 2019 to assess 42 candidate water bodies that had been identified by the RPC and stakeholders. The panel are finalising their recommendations to HBRC staff on which water bodies in Hawke's Bay should be classified as 'Outstanding Water Bodies', together with their reasoning.</p> <p>Hui-a-iwi have been and are due to be held with iwi authorities across the region. Confirmed details so far are:</p> <table border="1"> <tr> <td>Napier</td><td>4 March</td><td>Pukemokimoki Marae</td></tr> <tr> <td>Maungaharuru-Tangitu Trust</td><td>18 March</td><td>HBRC office</td></tr> <tr> <td>Wairoa</td><td>18 March</td><td>Wairoa War Memorial Hall</td></tr> <tr> <td>Te Taiwhenua o Tamatea</td><td>13 May</td><td>Taiwhenua o Tamatea</td></tr> </table> <p>Further update reporting on feedback from the expert panel and any further targeted consultation with groups is being presented to the RPC's meeting on 15 May.</p>	Napier	4 March	Pukemokimoki Marae	Maungaharuru-Tangitu Trust	18 March	HBRC office	Wairoa	18 March	Wairoa War Memorial Hall	Te Taiwhenua o Tamatea	13 May	Taiwhenua o Tamatea	May 2019
Napier	4 March	Pukemokimoki Marae												
Maungaharuru-Tangitu Trust	18 March	HBRC office												
Wairoa	18 March	Wairoa War Memorial Hall												
Te Taiwhenua o Tamatea	13 May	Taiwhenua o Tamatea												
<a href="#">'PC8' Mohaka Catchment plan change</a>	<p>Under preparation. Not yet notified.</p> <p>Preliminary project re-design is underway with Ngati Pāhauwera, iwi and Māori Trusts. Initial engagement has indicated that there is support for the development of a Mana Enhancing Agreement between Council and iwi. This is currently being prepared.</p> <p>Contact with the Taharua catchment landowners is also being re-established.</p> <p>The intention is to re-engage the wider community and progress this plan change from later this year, following notification of the OWB and TANK plan changes.</p>	July 2019												

Project	Narrative update	Next intended reporting to RPC
<a href="#">'PC9' Greater Heretaunga/ Ahuriri catchment area plan change (a.k.a. TANK project)</a>	<p>Under preparation. Not yet notified.</p> <p>At meeting on 12 December 2018, the RPC agreed that Draft PC9 version 8 be adopted as a draft for targeted consultation with relevant iwi authorities, territorial local authorities and relevant Ministers of the Crown. The RPC also agreed that this pre-notification consultation phase would commence in early 2019 and run for a period of six weeks.</p> <p>Draft PC9 version 8 is available for public viewing on HBRC's website. Work is underway to contact parties for the targeted consultation phase which will involve project staff meeting with various targeted groups through February and early March.</p> <p>RPC agreed (meeting 20 February) to an extension of time to allow for the pre-notification parties to respond to the draft Plan to the 29 March 2019.</p> <p>To date feedback has been received from:</p> <ul style="list-style-type: none"> <li>• NKII</li> <li>• Mana Ahuriri</li> <li>• HTST</li> <li>• TToH</li> <li>• Napier City Council</li> <li>• Hastings District Council,</li> <li>• DoC, and</li> <li>• HortNZ</li> </ul> <p>Staff have summarised the responses received, provided comment in response to the feedback and suggested recommendations. This will be reported back to the RPC on the 15 May 2019.</p>	May 2019
Ngaruroro and Clive Rivers Water Conservation Order	<p>Stage 2 of the hearing commenced on 26 February 2019. 8 March 2019 was the final sitting day of the hearing although the hearing will remain adjourned to allow for comprehensive closing submissions from the Applicant. The full written <a href="#">closing submissions</a> and <a href="#">Version 5 of the draft Order</a> were provided to the Environmental Protection Agency on 29 March 2019.</p>	Staff will provide an update as and when new information becomes available.
<a href="#">Statutory Acknowledgements of Treaty settlements</a>	<p>No further Treaty settlement legislation relating to parts of the Hawke's Bay region has been passed into law since the previous update (21 September 2018).</p> <p><i>Refer to Pātaka online mapping tool for further information (<a href="#">website link</a>) about current Statutory Acknowledgements in Hawke's Bay region that have been passed in various Treaty settlement statutes.</i></p>	4 April 2018

Project	Narrative update	Next intended reporting to RPC
Responsiveness to 'National Direction' (i.e. legislation incl NPSs, national Regulations, national standards, etc).	<p><b>RMA Amendments</b> – Minister has announced an intention to amend the RMA in two phases. The first phase will focus on rolling-back some of the amendments passed in 2017. A Bill is being drafted, but yet to be referred to a Select Committee and opened for public submissions. The second phase is not so well developed, but it will address some broader issues about the overall resource management system. Details and scope of the Phase 2 reforms are not yet available.</p> <p><b>NPSFM Amendments</b> - Minister has announced a package of proposals ('branded as Essential Freshwater') to make further amendments to the NPSFM, although details or specifics are not yet clear. More on this will be revealed in 2019.</p> <p><b>Review of NES on Air Quality</b> – New Environment Minister is determining next steps. Likely a proposal for a revised NESAQ will be released for public feedback ~April/May 2019.</p> <p><b>Review of NES for Human Drinking Water Sources</b> – New Environment Minister is determining next steps, partly informed by 'Three-waters' review workstream. More on this will be revealed in 2019.</p> <p><b>Preparation of RMA National Planning Standards</b> – Officials at MFE are refining proposals for national planning standards that will prescribe the form, function and style of RPSs, regional plans and district plans. The first set of National Planning Standards are due to come into effect in May 2019. Details from the Government on the revised Planning Standards will emerge in April 2019. The Standards will mean the RRMP (RPS) and RCEP will need to be amended to 'fit' the new template style prescribed by the National Planning Standards.</p> <p><b>NES for Plantation Forestry</b> – NES has been finalised and came into effect from 1 May 2018. 'Plan alignment' amendments to RRMP and RCEP are being drafted now that capacity of planning team members can accommodate this. Likely that plan alignment amendments will be re-published in early 2019 and revised RRMP and RCEP will be uploaded on HBRC's website.</p> <p><b>NPS on Urban Development Capacity</b> – in effect Dec 2016. This influences HBRC's role in ongoing implementation of the Heretaunga Plains Urban Development Strategy ('HPUDS') and also the RPS. NPSUDC has implications for all TLAs, irrespective of projected rates of residential and business land growth demands.</p> <p>Staff in the HBRC policy &amp; Planning team continue to maintain active exchanges with officials within the various relevant government ministries who are leading the above workstreams and a variety of related workstreams not featured above.</p>	July 2019, or earlier if specific national direction proposals emerge that warrant RPC input and/or briefing.





# HAWKE'S BAY REGIONAL COUNCIL

## REGIONAL PLANNING COMMITTEE

Wednesday 15 May 2019

### SUBJECT: STATUTORY ADVOCACY MAY 2019 UPDATE

Item 9

#### Reason for Report

1. To report on proposals forwarded to the Regional Council and assessed by staff acting under delegated authority as part of the Council's Statutory Advocacy project since 9 April 2019.
2. The Statutory Advocacy project (Project 196) centres on resource management-related proposals upon which the Regional Council has an opportunity to make comments or to lodge a submission. These include, but are not limited to:
  - 2.1. resource consent applications publicly notified by a territorial authority,
  - 2.2. district plan reviews or district plan changes released by a territorial authority,
  - 2.3. private plan change requests publicly notified by a territorial authority,
  - 2.4. notices of requirements for designations in district plans,
  - 2.5. non-statutory strategies, structure plans, registrations, etc prepared by territorial authorities, government ministries or other agencies involved in resource management.
3. In all cases, the Regional Council is **not** the decision-maker, applicant nor proponent. In the Statutory Advocacy project, the Regional Council is purely an agency with an opportunity to make comments or lodge submissions on others' proposals. The Council's position in relation to such proposals is informed by the Council's own Plans, Policies and Strategies, plus its land ownership or asset management interests.
4. The summary outlines those proposals that the Council's Statutory Advocacy project is currently actively engaged in. This period's update report excludes the numerous Marine and Coastal Area Act proceedings little has changed since the previous update.

#### Decision Making Process

5. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

#### Recommendation

That the Regional Planning Committee receives and notes the **Statutory Advocacy May 2019 Update** staff report.

#### Authored by:

Erin O'Callaghan  
POLICY PLANNER

#### Approved by:

Ceri Edmonds  
MANAGER POLICY AND PLANNING

#### Attachment/s

[!\[\]\(3342c215b2a8b663596a81468d5dc314\_img.jpg\) 1](#) May 2019 Statutory Advocacy Update



## Statutory Advocacy Update (as at 9 May 2019)

Received	TLA	Activity	Applicant/ Agency	Status	Current Situation
Nov 2018	NCC	<b>Napier City District Plan Review</b>  Review of District Plan has been initiated. Preliminary phase of review underway with notification of proposed reviewed plan in 2020/21.	Napier City Council	Draft review discussion document released- public feedback closed	<b>Previously...</b>  Napier City Council have publicly launched a review of their district plan. Public feedback was invited on the key themes about future planning needs and opportunities for Napier City. NCC are working through the public feedback it received to influence further drafting. HBRC's roles and activities will have interests in at least the following matters of the district plan review process: transport, natural hazards, water quantity, water quality, coastal environment, urban growth management, infrastructure planning, stormwater and wastewater management, biodiversity and open spaces.  There will be further opportunities during NCC's District Plan Review process for HBRC to provide feedback and influence content.
9 Dec 2017	n/a	<b>HB Fish and Game Council's Draft Sports Fish and Game Management Plan</b>  A draft management plan under the Conservation Act to eventually replace the current 2005 Sports Fish and Game Management Plan for the HBFG region.	HB Fish and Game Council	Notified, Submissions closed.  Hearing pending	<b>Previously...</b>  Submission lodged. A copy of HBRC's submission can be found at <a href="#">HBRC Submissions</a> .
13 July 2016	HDC	<b>Howard Street Rezoning Variation 3</b>  Variation to rezone 21.2 hectares of land from its current Plains zone to General Residential zone in between Howard Street and Havelock Road.	Hastings District Council	HDC Decisions issued  Subject to appeal, mediation ongoing	<b>Previously...</b>  <ul style="list-style-type: none"> <li>Following Environment Court-assisted mediation and discussions between engineering experts, parties have indicated resolution is achievable regarding land for stormwater management. Final documentation is being drafted by HDC for Court's approval.</li> <li>Parties to the appeal have been discussing recently completed stormwater engineering investigations and geotechnical assessments and how the District Plan rezoning appeal might now be resolved. HDC issued its decisions on 25<sup>th</sup> March 2017.</li> </ul>

Received	TLA	Activity	Applicant/ Agency	Status	Current Situation
24 July 2017	n/a	<b>Application for Water Conservation Order (WCO)</b> Application for a WCO for the Ngaruroro River & Clive River	<b>Applicants</b> NZ Fish & Game Council; HB Fish & Game Council; Whitewater NZ; Jet Boating NZ; Operation Patiki Ngāti Hori ki Kohupatiki Marae; Royal Forest & Bird Protection Society	<b>Notified, Submission period closed.</b>  <b>Special Tribunal completed Stages 1 &amp; 2 hearing</b>	<ul style="list-style-type: none"> <li>Stage 2 hearing has now been completed. Stage 2 of the hearing focussed on the lower Ngaruroro River and Clive River whereas Stage 1 had earlier focussed on the upper catchment (above Whanawhana).</li> <li>The Co-applicants filed a written <a href="#">closing statement</a> on 29 March 2019.</li> <li>The Tribunal is yet to announce any further timetabling or milestone events prior to it preparing a report and recommendations on the application.</li> </ul>
18 Jan 2016	WDC	<b>Resource Consent Application</b> Consent is sought to clear 248 hectares of Manuka and Kanuka on Part Umumanfo 2 Block on Kopuawhara Road, Mahia.	<b>Applicant</b> R & L Thompson  <b>Agent</b> Insight Gisborne Ltd	<b>Limited Notified</b>  <b>WDC hearing pending</b>	<p><b>Previously...</b></p> <ul style="list-style-type: none"> <li>HBRC has opposed the application based on concerns relating to the loss and degradation of soil (erosion) and water quality. A copy of the submission can be found at <a href="#">HBRC Submissions</a>.</li> <li>HBRC staff and applicants have held discussions about potential alternative clearance proposals.</li> </ul>
8 Nov 2013	HDC	<b>Proposed Hastings District Plan</b> Review of the Hastings District Plan in its entirety. Includes the harmonisation of district wide provisions between the Napier District Plan with the Hastings District Plan where relevant.	<b>Hastings District Council</b>	<b>Notified</b>  <b>HDC decisions issued, subject to appeals</b>	<p><b>Previously...</b></p> <ul style="list-style-type: none"> <li>Over 40 separate appeals were lodged against HDC's decisions by other groups and individuals. HBRC joined as a section 274 interested party to proceedings on eleven (11) of those appeals. All but one of those appeals has been resolved. That last one will be awaiting the appellant to prepare a draft 'structure plan' for their development area in Havelock North.</li> <li>HDC issued its decisions on 12 September 2015. Council staff reviewed the decisions and were satisfied that HBRC's submission has been appropriately reflected so did not need to lodge an appeal itself.</li> </ul>

NOTE: The following matters appearing on previous Statutory Advocacy activity updates have been removed from this edition. The following matters have reached a conclusion and there is no further 'statutory advocacy' role for HB Regional Council.

- Hastings District Council's District Plan Variation 5 regarding inner city living
- Hastings District Council's District Plan Variation 6 regarding heritage provisions for 'Vidal House.'

**HAWKE'S BAY REGIONAL COUNCIL**

**REGIONAL PLANNING COMMITTEE**

**Wednesday 15 May 2019**

**Subject: DISCUSSION OF MINOR ITEMS OF BUSINESS NOT ON THE AGENDA**

**Item 10**

**Reason for Report**

1. This document has been prepared to assist Committee Members to note the Minor Items of Business Not on the Agenda to be discussed as determined earlier in Agenda Item 5.

<b>Item</b>	<b>Topic</b>	<b>Raised by</b>
1.		
2.		
3.		
4.		
5.		