



Meeting of the Regional Planning Committee

Date: Wednesday 3 July 2019
Time: 10.00am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Attachments Excluded From Agenda

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7.	TANK Plan Change - Feedback and Recommendations Following Pre-notification Consultation	
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Draft V9.1 ~~8~~ TANK Plan Change

TANK PLAN CHANGE PC9 – DRAFT PLAN REVIEW

Editor: Mary-Anne Baker

Date: -3rd July 2019 ~~December 2018~~

Draft Version	Sent to	Issued	Comments incorporated
V3.0	TANK Members	27 February 2018	
V4.0	TANK members	31 May 2018	VC, TPG, HBRC Editing Meetings 38/39
V.5	TANK Members	27 th June	Meeting 40 TANK members including from TANK review versions 1 -3 Peer reviewer
V6	TANK Members Peer review (PlanWrite)	26 July 2018	TANK Members Stakeholder organisations Peer review
V7	TANK members Regional Planning Committee		TANK Members Stakeholder organisations Joint Working Group (Drinking Water)
V8	Regional Planning Committee	12 December	TANK Members Stakeholder organisations Joint Working Group (Drinking Water) Legal opinion

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V9	<u>Pre-notification draft sent to iwi authorities and Napier City and Hastings District Councils and ministers</u> <u>Also available to TANK stakeholders</u>	15 MAY	
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TANK Plan Change ('PC9')¹

to

Hawke's Bay Regional Resource Management Plan

GREATER HERETAUNGA and AHURIRI (TANK) CATCHMENTS

PREAMBLE

HBRC has prepared this Plan Change to establish the objectives for managing water quality and quantity for the Tūtaekurī, Ahuriri, Ngaruroro and Karamu catchments and to identify policies and methods needed to achieve the objectives.

This Plan Change provides a framework for decision making about resource consent applications in conjunction with existing provisions in the Regional Resource Management Plan (RRMP) in the TANK catchments. The Plan Change also introduces a range of new methods aimed at achieving the stated objectives for aquatic ecosystems that have been developed through the TANK plan change process. These new methods and management approaches reflect the collaborative nature of the process and build on the more integrated and community approach to managing freshwater.

The Plan Change introduces new provisions that are applicable to the TANK catchments. However, some activities that are carried out in the TANK catchments as well as across the region may be subject to future regional plan changes to allow for a consistent approach for activities with similar effects.

The Plan Change meets the requirements of the Resource Management Act (1991) (RMA) and also enables the progressive implementation of the National Policy Statement for Freshwater Management 2014 (Amended 2017) and gives effect to the Regional Policy Statement.

The process used by HBRC to prepare this Plan Change has been a community based collaborative approach dependent on considerable input by the TANK Group members. This has involved consensus decision making by local representatives of a variety of interest and stakeholder groups and the significant influence of tangata whenua to develop the recommendations leading to this Plan Change.

Tangata whenua have been involved in and contributed to the collaborative process in a way that has enabled better community decision making. This is because being part of the collaborative process has ensured the wider TANK group better understood and accounted for tangata whenua aspirations and values during this process. HBRC's Treaty obligations are also accounted for by not only ensuring Treaty parties were invited to be

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part of the TANK collaborative process, but also through the legal decision making framework provided by the Regional Planning Committee.

The process has meant that the freshwater management provisions take into account all of the values which people and communities hold for water bodies and their water, including the range and significance of culture and tikanga Māori, historic, economic, recreational and spiritual aspects that water has for people generally. It has also enabled an integrated and holistic approach to water body management incorporating the concept of Te Mana o te Wai that builds on the more fundamental requirements of the National Policy Statement for Freshwater Management and the Regional Policy Statement for limit setting and accounting for the measured state of the water body.

Managing freshwater resources is complex and many issues are interconnected. The current environment has been modified by both past and current activities, many of which cannot be easily changed without significant costs to people and communities. HBRC and the TANK Group recognised that there is no 'quick fix' to solve existing issues and that a range of responses are required.

WATER MANAGEMENT OVERVIEW

This Plan Change uses a values based approach to identifying objectives for water management in the TANK catchments. This approach, also reflected in the NPSFM2014, requires that the community identify the values for which the water is to be managed, adopt objectives in relation to those values and establish methods, including limits to ensure those objectives will be met.

The process requires that attributes applicable to each value are identified and that attribute states are defined. This produces several readily measured and monitored water quality and quantity parameters. Most of these already form the basis of HBRC's State of the Environment Monitoring programme. This plan change process has also identified gaps in the information databases that could be developed to better inform future decision making including those focussing specifically on Mātauranga Māori and local scale monitoring at a sub-catchment scale as part of a collective approach to meeting water quality objectives. The TANK Plan Change gives effect to the policies including the values and uses specified in Table 1 of the RPS (PC5) and has further incorporated Māori values for which all waterbodies in the TANK catchment area are to be managed. The RPS table has been supplemented by both a 'mountains to the sea' Ki Uta ki Tai approach, and by the more spiritual relationships and kaitiakitanga responsibilities of local tangata whenua encompassed in the Te Iho Matua to Te Aho Matua, Mana Atua *heavens to the earth* organisation of tangata whenua values. These values are described in the reports for the Ngaruroro, Tūtaekuri and Ahuriri catchments and which have informed the values identification and objective setting for this plan change.

TANK ISSUES

This section provides a brief overview of the issues being addressed in this plan change.

Issue 1: Valuing Water: He Wai he Taonga

Water, whether in a river or groundwater, has its own mana and intrinsic value. Maintaining mauri encompasses spiritual health of the water, of ecosystems, and of communities connected to and dependent on these elements, now and in the future.

Water is viewed as a taonga by Māori; a treasure where mauri and ecosystem health are protected and provided for. This is consistent with the requirements of the NPS for the protection of ecosystem health and the desire of the wider community to manage water sustainably for current and future generations.

The Plan also addresses the need to provide for the practical needs of the community for water of sufficient quality and quantity for the health and well-being of people as well as to meet their social and economic needs

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related to the abstraction of water. Instream and other values including flood and drainage values and those depending on abstraction are all recognised by this plan change.

Some existing land and water use practices can affect the mauri or ecosystem health. Some of the effects also arise from activities and events that occurred decades in the past, including through vegetation clearance, floods and flood protection, river diversions, wetland drainage and earthquakes. Changes to landscape, its waterbodies and vegetation have had enduring adverse effects on tangata whenua cultural practices and their role as kaitiaki.

The Plan focuses on the values for which water is to be managed by the setting of objectives, limits and other management measures. It also acknowledges the wider Māori perspectives of kawa, kaupapa and tikanga that support Māori values for water and its management and ensures the outcomes that are being sought are consistent with those cultural principles and approaches. The relationship between values for which water is to be managed and the Māori culture and traditions in relation to freshwater management are expressed in the Figure 2.

There are several at risk and threatened or endangered indigenous plant and animal species dependant on healthy aquatic ecosystems, including wetland and riparian margins. Freshwater ecosystem management for indigenous species includes protection of fish spawning habitat and provision for fish passage. These indigenous species contribute to the region's biodiversity and land use and freshwater provisions for their habitat, including water quality and quantity will complement the Hawkes Bay Biodiversity Strategy.

Issue 2: Mauri, Ecosystem Health and Contaminant Discharges

Water quality in some places does not uphold or protect mauri nor meet the needs of other cultural, tikanga Māori, recreational or ecosystem health values in freshwater bodies and estuaries at all times. Of particular concern is the protection of water quality for human health and drinking water, especially for community and municipal water supplies.

Water quality is affected by direct discharges of contaminants, including in urban stormwater, and also as a result of non – point source discharges arising from land use activities and cumulatively affecting water quality.

Adverse effects from point source discharges are being reduced through resource consenting processes.

Non-point source discharges, include loss of contaminants including nutrients from rural activities, soil loss from land disturbance activities and stream bank erosion. To date, there has been little regulatory management of non-point source discharges which cumulatively can contribute significant amounts of contaminants to waterbodies.

Land use changes can also result in an increase in the amount of contaminants entering water. New management systems are required to ensure water quality can be maintained or improved over time when these sorts of land use change occur.

In the lowland tributaries, water quality is also affected by excessive macrophyte growth and reduced flows which reduces oxygen levels, and high water temperatures during summer where waterbodies do not have adequate shading.

The impact of contaminant inputs into estuary ecosystems is also a significant issue as the Waitangi and Ahuriri estuaries both show declining trends for ecosystem health with consequential adverse effects on the values held for those aquatic ecosystems.

Issue 3: Mauri, Ecosystem Health, and Water Flows and Levels

Mauri and ecosystem health, as well as the range of community held values including instream and ecosystem values, rely on adequate water levels and flows to be maintained within water bodies.

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The community also values water for a range of other uses including domestic and municipal water supply, irrigation for a range of purposes including for food and fibre production and community gardens; mahi māra, food processing, stock watering and industrial and commercial purposes.

There is a need to establish flow management regimes and allocation limits to guide the abstraction of water so that appropriate levels of protection for mauri and ecosystem health are provided while acknowledging and providing for the practical needs of the community for water at reasonable reliability of supply.

For some water bodies, flooding and drainage management activities as well as abstractive uses of water have resulted in significant adverse effects on aquatic ecosystems and instream values in the Heretaunga Plains where surface water flows and water quality, especially in summer, are not sufficient to ensure ecosystem health.

Issue 4: Water Demand and Allocation, Efficient Use of Water

Once allocation limits are specified for abstraction of water from ground and surface water bodies, Council must also manage the allocation and re-allocation of the water available for abstraction in an equitable way between the wide range of water users.

Water allocation regimes should result in appropriate provision for permitted activities and allocation of the allocatable water for the range of existing and potential end uses in an equitable manner that meets the current and future needs of the community. The allocation of water needs to recognise the significant investment that has been made in land and infrastructure that water takes support; and the way these takes provide for the wellbeing of communities.

In some areas where over-allocation has occurred, the resulting management regime will have variable impacts on some landowners and water users, particularly where the introduction of limits mean that new water use is restricted and opportunities for land use change is also reduced.

Issue 5: Water Demand

In some parts of the TANK catchments there is insufficient fresh water to meet all the abstraction demands placed on the resource all of the time, including as a result of population growth, and there may be opportunities for more efficient use, conserving, harvesting, storing and augmenting supplies.

The effects of climate change may also impact on rainfall, water flows and water availability making these opportunities even more relevant.

Issue 6: Balancing Costs and Timeframes

The restoration and protection of water quality to meet the objectives for mauri, ecosystem health and water quality enables the people and communities to continue to provide for their social, economic and cultural and tikanga Māori wellbeing/hauora.

In some places in the TANK catchments a significant investment into mitigation measures may be required to meet those objectives. A staged approach to change the provides sufficient time to make changes and enables people and communities to undertake adaptive management to continue to provide for their social, economic and cultural and tikanga Māori wellbeing/ hauora in the short term.

Issue 7: Understanding TANK Freshwater Resources

There are information gaps throughout these TANK catchments, with some arising because of the values-based approach to water management and the wider, more holistic approach that has been taken in relation to environmental management. Some of this results from developing understanding about the complex inter-relationships within freshwater and land systems, both at a local sub-catchment scale and in relation to the wider freshwater - coastal water interface.

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In future, technology land and water practices and information availability are likely to change, both increasing understanding of 'state' and impacts and also improving management and mitigation responses. The scale of information collection is also likely to change as more focussed approaches to water management are used at a sub-catchment or marae scale.

Issue 8: Accounting for Predicted Climate Change

Climate is changing, which also has an impact on natural climate variability. The challenge which lies ahead is not knowing the extent to which climate variability will change further and how this may impact on water flows, levels and quality, or the precise timeframes within which these anticipated changes will occur.

HBRC is required to have particular regard to the effects of climate change when managing the use, development, and protection of natural and physical resources.

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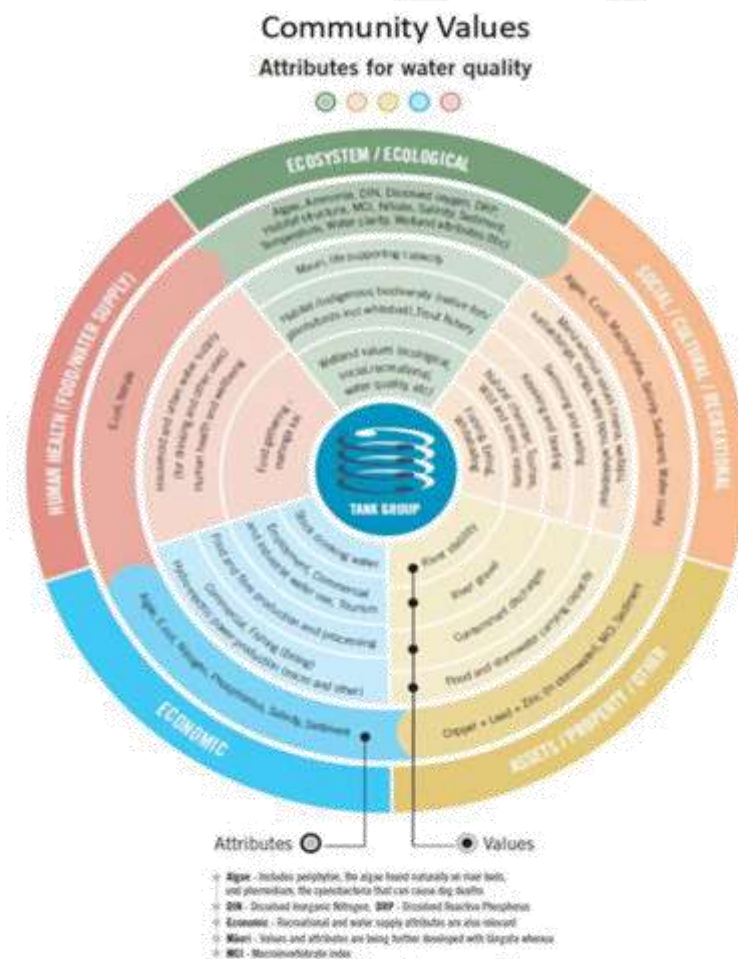
Introduction

Freshwater is essential to the region's economic, environmental, cultural and social well-being. The way in which these well-beings are provided for is informed by how the values for freshwater are understood and identified. Figure 1 provides an illustration of the wider community values for the TANK freshwater bodies expressed across the four well-being domains.

This Plan also recognises Te Mana o te Wai, which puts the mauri of the waterbody and its ability to provide for te hauora o te tangata (the health of the people), te hauora o te taiao (health of the environment) and te hauora o te wai (the health of the waterbody) to the forefront of freshwater management.

Water is viewed as a taonga by Māori; a treasure where mauri and ecosystem health are protected and provided for. Mauri is a spiritual value that is manifested by abundant and healthy water and aquatic resources, including plants and animals that depend on water.

Figure 1: Community Values and attributes for water management

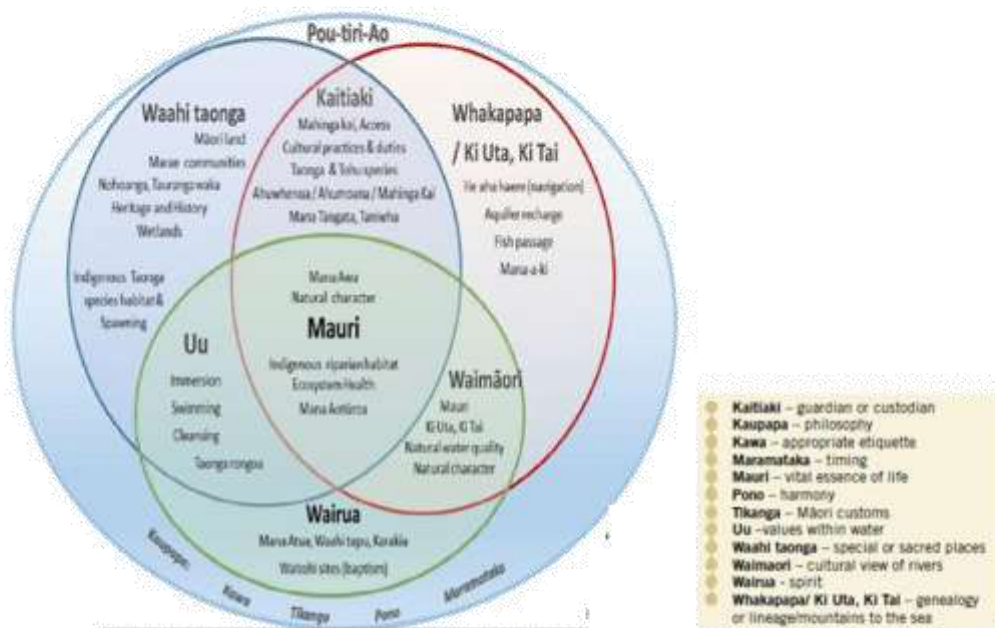


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Figure 2 shows the interrelated nature and cultural connections of the values held by Māori for water. These core values are underpinned by a philosophy of etiquette, customs, harmony and timing. Amend to delete Commercial, Fishing (eeling)

The two expressions of the values for freshwater complement and build on each other. They enable the directions of the National Policy Statement for Freshwater Management to be given effect to and ensure the Plan provides for all of the community's values.

Figure 2: Wāriu (value) groups and aspects for management



This articulation of community values has enabled decisions to be made about the use and management of waterbodies of the TANK catchments.

The Plan focuses on all the values for which water is to be managed by the setting of objectives, limits and other management measures that enable the needs of those values to be met. It also acknowledges the wider Māori perspectives of kawa, kaupapa and tikanga that support Māori values for water and its management and ensures the outcomes that are being sought are consistent with those cultural principles and approaches.

Key attributes that allow the state of the values to be assessed and monitored have been developed and objectives established for them. Attributes for both water quality and water quantity have been identified and the desired attribute state has been agreed. For some water bodies, the desired state meets the actual state, however, for others, the state is less than desired and the plan provides measures and introduces new rules that will enable the objectives to be met. This includes objectives for water quality attributes as well as limits and flows for managing quantity of water.

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TANK OBJECTIVES

General Objectives

Objective 1 (previously 15): The Council, tangata whenua and the urban and rural community work together in a way that recognises the kaitiaki and guardianship roles they each play in freshwater management and;

- a) recognise the importance of monitoring, resource investigations and the use of mātauranga Māori to inform decision making and limit setting for sustainable management
- b) ensure good land and water management practices are followed and where necessary, mitigation or restoration measures adopted
- c) support good decision making by resource users including rural and urban communities through marae and hapū initiatives, community or other catchment management programmes and monitoring initiatives, urban stormwater programmes, landowner collectives, farm management plans and industry good practice programmes.

Objective 2 (previously 1) When setting objectives, limits and targets;

- a) Te Mana o te Wai² and integrated mountains to the sea, ki uta ki tai principles are upheld;
- b) A continuous improvement approach to the use and development of natural resources and the protection of indigenous biodiversity is adopted and the collective management of freshwater is enabled;
- c) The kaitiakitanga role of tangata whenua and their whakapapa and cultural connection with water are recognised and provided for;
- d) The responsibilities of people and communities for sustainable resource use and development is recognised and supported; and
- e) The water body values listed in Table 1 (RPS) are provided for.

Climate change

Objective 3 (previously 16): The effects of climate change in respect of each of the following are taken into account in making decisions about land and water management within the TANK catchments;

- a) The effects on aquatic ecosystems, including indigenous biodiversity, freshwater bodies, water supply and human health, primary production and infrastructure from the predicted:
 - (i) increases in intensity and frequency of rainfall
 - (ii) effects of rainfall on erosion and sediment loss
 - (iii) increases in sea level, and the effects of salt water intrusion
 - (iv) increasing frequency of water shortages
 - (v) increasing variability in river flows
- b) The amount of information available and the scale and probability of adverse effects, particularly irreversible effects, as a consequence of acting or not acting
- c) The timeframes relevant to the activity
- d) Opportunities to improve community resilience for changes occurring as a result of (a)(i) to (iv).

² From Objective AA and Policy AA in NPSFM

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Water Quality General

Objective 4 (previously 2) Land and water use, contaminant discharge and nutrient loss activities are carried out so that the quality of the TANK freshwater bodies is maintained where objectives are currently being met, or is improved in degraded waterbodies so that they meet water quality attribute states in Schedule 1 by 2040 provided that:

- a) For any specific water body where the attribute state is found to be higher than that given in Schedule 1, the higher state is to be maintained and
- b) Maintenance of a state is at the measured state³.

Objective 5 (previously 3) Te Mana o te Wai, kaitiakitanga and the needs for the values set out in Schedule 1, particularly mauri and ecosystem health are achieved through collectively managing all of the specified attributes.

Objective 6 (4) The quality of the TANK freshwater bodies set out in Schedule 2 will be implemented through future plan changes.

Objective 7 (12): Land use is carried out in a manner that reduces contaminant loss including soil loss and consequential sedimentation in freshwater bodies, estuaries and coastal environment.

Objective 8 (11): Aquatic ecosystem health and mauri of water bodies in the TANK catchment is improved by appropriate management of riparian margins to:

- a) reduce effects of contaminant loss from land use activities;
- b) improve aquatic habitat and protect indigenous species including fish spawning habitat;
- c) reduce stream bank erosion;
- d) enhance natural character and amenity;
- e) improve indigenous biodiversity;
- f) reduce water temperature in summer;
- g) reduced nuisance macrophyte growth.

Objective 9 (17) Activities in Source Protection Zones or within a default ~~radius-zone~~ for Registered Drinking Water Supplies are managed to ensure that they do not cause water in these zones to become unsuitable for human consumption, and that risks to the supply of safe drinking water are appropriately managed

Catchment Objectives

Objective 10(5) In combination with meeting the water quality states specified in Schedule 1, the use and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater is carried out in the **Ahuriri** freshwater catchments so that the mauri, water quality and water quantity are maintained and enhanced where necessary to enable;

- a) Ahuriri estuary sediments to be healthy and not accumulate excessively;
- b) healthy ecosystems that contribute to the health of the estuary;
- c) healthy and diverse indigenous aquatic plant, fish and bird populations;

³ The state is as measured according to the method specified for each attribute. It does not allow for decline to a lower state within any band specified in the NPSFM:2014 (as amended 2017);

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- d) people and communities to safely meet their domestic water needs⁴;
- e) primary production water for community social and economic well-being;

and provide for;

- f) contribution to the healthy functioning of the Ahuriri estuary ecosystem and enable people to safely carry out a wide range of social, cultural and recreational activities including swimming and the collection of mahinga kai in the estuary.

Objective 11 (6): In combination with meeting the water quality states specified in Schedule 1, the use and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater is carried out in the **Ngaruroro River catchment** so that the mauri, water quality and water quantity are maintained in the mainstem above the Whanawhana Cableway and in the Taruarau River, and are improved in the tributaries and lower reaches where necessary to enable;

- a) healthy ecosystems;
- b) healthy and diverse indigenous aquatic plant, animal and bird populations especially whitebait, torrent fish, macroinvertebrate communities, bird habitat on braided river reaches and a healthy trout fishery;
- c) people to safely carry out a wide range of social, cultural and recreational activities especially swimming and cultural practices of Uu and boating, including jet-boating in the braided reaches of the Ngaruroro;
- d) protection of the natural character, instream values and hydrological functioning of the Ngaruroro mainstem and, Taruarau and Omahaki tributaries
- e) collection of mahinga kai to provide for social and cultural well-being;
- f) people and communities to safely meet their domestic water needs;
- g) primary production water needs and water required for associated processing and other urban activities to provide for community social and economic well-being;

and provide for;

- h) contribution to water flows and water quality in the connected Heretaunga Plains Aquifers;
- i) contribution to the healthy functioning of Waitangi Estuary ecosystem and to enable people to safely carry out a wide range of social, cultural and recreational activities and the collection of mahinga kai in the estuary.

Objective 12 (7) In combination with meeting the water quality states specified in Schedule 1, the use and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater is carried out in the **Tūtaekurī River catchment** so that the mauri, water quality and water quantity are maintained in the upper reaches of the mainstem and are improved in the tributaries and lower reaches where necessary to enable:

- a) healthy ecosystems;
- b) healthy and diverse indigenous aquatic and bird populations especially, whitebait, torrent fish, macroinvertebrate communities and a healthy trout fishery;

⁴ the objective is more general and not specifically targeting SPZs and municipal supplies at this level. People also expect to access water for domestic supply and the objective must be to protect groundwater in a more general sense. The SPZs are a more targeted tool/method that focuses on one aspect of water quality protection in relation to the risk to larger communities

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- c) people to safely carry out a wide range of social, cultural and recreational activities, especially swimming and cultural practices of Uu and boating;
- d) protection of the natural character, instream values and hydrological functioning of the Tūtaekurī mainstem and Mangatutu tributary
- e) collection of mahinga kai to provide for social and cultural well-being;
- f) people and communities to safely meet their domestic water needs;
- g) primary production water needs and water required for associated processing and other urban activities to provide for community social and economic well-being;

and provide for;

- h) contribution to the healthy functioning of Waitangi Estuary ecosystem and to enable people to safely carry out a wide range of social, cultural and recreational activities and the collection of mahinga kai in the estuary.

Objective 13 (8) In combination with meeting the water quality states specified in Schedule 1, the use and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater is carried out in the **Karamu and Clive Rivers** catchment so that the mauri, water quality and water quantity are improved to enable;

- a) healthy ecosystems;
- b) healthy and diverse indigenous aquatic and bird populations, especially black patiki, tuna and whitebait, and healthy macroinvertebrate communities;
- c) people to safely carry out a wide range of social, recreational, and cultural activities, including swimming and cultural practices of Uu and rowing and waka ama in the Clive/Karamu;
- d) collection of mahinga kai to provide for social and cultural well-being;
- e) people and communities to safely meet their domestic water needs;
- f) primary production water needs and water required for associated processing and other urban activities to provide for community social and economic well-being;

and provide for;

- g) contribution to the healthy functioning of the Waitangi Estuary ecosystem and to enable people to safely carry out a wide range of social, cultural and recreational activities and the collection of mahinga kai in the estuary.

Objective 14 (9) In combination with meeting the water quality states specified in Schedule 1, the use and development of land, the discharge of contaminants and nutrients, and the taking and using of freshwater is carried out so that the mauri, water quality, water quantity and groundwater levels are maintained in the **Groundwater** connected to the Ngaruroro, Tūtaekurī- and Karamu rivers and their tributaries to enable;

- a) people and communities to safely meet their domestic water needs and to enable the provision of safe and secure supplies of water for municipal use;
- b) primary production water needs and water required for associated processing and other urban activities to provide for community social and economic well-being;

and provide for;

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- c) the maintenance of groundwater levels at an equilibrium that accounts for annual variation in climate and prevents long term decline or seawater intrusion;
- d) contribution to water flows and water quality in connected surface waterbodies.⁵

Objective 15 (10) In combination with meeting the water quality states specified in Schedule 1, the use and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater connected to the **Wetlands and lake waahi taonga** within the TANK catchments is managed so that mauri, water quality and flows, and levels are maintained and improved to enable;

- a) healthy and diverse indigenous fish, bird and plant populations in wetland areas and connected waterways;
- b) improved hydrological functioning in connected waterways;
- c) people to safely carry out a wide range of social and cultural activities;
- d) collection of mahinga kai to provide for social and cultural well-being;
- e) contribution to improved water quality in connected surface waters;

and to;

- f) increase the total wetland area by protecting and restoring 200ha hectares of existing wetland and reinstating or creating 100ha of additional wetland by 2040;

Water quantity

Objective 16 (13): 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 domestic supply including for marae and papakainga, and for municipal supply. Water is allocated for municipal and papakainga water use so that existing and future demand as described in HPUDS (2017) can be met within the specified limits to enable the community to provide for its economic, social and cultural well-being;
- 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
- and that the allocation and use of water results in;
- b)a) Water is allocated for municipal and papakainga 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;
- e)f) the development of Māori economic, cultural and social well-being is supported through the regulating the use and allocation of the water available at high flows for taking, storage and use for this activity
- d)g) Water being is available for abstraction at agreed reliability of supply standards;
- e)h) efficient Water use is efficient;
- f)i) allocation regimes that are flexible and responsive, allowing water users to make efficient use of this finite resource;

⁵ Includes waterbodies like springs

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Objective 17 (14): The current and foreseeable water needs of future generations and for mauri and ecosystem health are secured through;

- a) water conservation, water use efficiency, and innovations in technology and management;
- b) flexible water allocation and management regimes;
- c) water reticulation;
- d) aquifer recharge and flow enhancement
- e) Water harvesting and storage

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POLICIES

SURFACE WATER AND GROUNDWATER QUALITY MANAGEMENT

Priority Management Approach

1. The Council with landowners, local authorities, industry and community groups, mana whenua and other stakeholders will **regulate or** manage land use activities and surface and groundwater bodies so that water quality attributes are maintained at their current state or where required show an improving trend towards the water quality targets shown in Schedule 1 by prioritising;
 - a) water quality improvement in sub-catchments (as described in Schedule 3) where water quality is not meeting specified freshwater quality targets;
 - b) sediment management as a key contaminant pathway to also address phosphorus and bacteria losses
 - c) the significant environmental stressors of excessive sedimentation and macrophyte growth in lowland rivers and nutrient loads entering the Ahuriri and Waitangi estuaries;
 - d) the management of riparian margins
 - e) the management of urban stormwater networks and the reduction of contaminants in urban stormwater.
 - f) the protection of water quality for domestic and municipal water supply
2. In the **Clive/Karamu Rivers** and their tributaries, in addition to Policy 1 the Council will;
 - a) reduce water temperature and increase the level of dissolved oxygen by
 - (i) the establishment of riparian vegetation to shade the water and reduce macrophyte growth while accounting for flooding and drainage objectives
 - (ii) reducing excessive macrophyte growth by physical removal of aquatic plants in the short term
 - b) adopt flow management regimes to remedy or mitigate the effects of surface and ground water abstraction
 - c) reduce the amount of sediment and nutrients entering the freshwater from adjacent land
 - d) improve stormwater and drainage water quality and the ecosystem health of urban waterways and reduce contamination of stormwater associated with poor site management practices, spills and accidents in urban areas (refer also to Policies 26 -31) .
3. In **lakes and wetlands** in the TANK Catchments, in addition to Policy 1 the Council will;
 - a) work at a catchment scale with land owners in the wetland or lake catchment (refer to Policies 21 and 22) to;
 - (i) reduce sediment and nutrient inputs into the waterbody
 - (ii) improve water quality by increasing macrophyte plant growth in shallow lakes
 - (iii) improve ecosystem health and water quality by excluding stock and improving riparian management
 - (iv) meet water quality objectives in Schedule 1 for water bodies downstream of the lake or wetland
 - (v) support and assist landowners to protect, increase or restore existing wetlands or create new wetlands including for the management of urban stormwater.
4. In the **lower Ngaruroro and Tūtaekurī Rivers** and their tributaries, in addition to Policy 1 the Council will;
 - a) improve water clarity and reduce deposited sediment by reducing the amount of sediment being lost from land;
 - b) reduce risk of proliferation of algae by reducing nutrient losses from land, including by reducing phosphorous loss associated with sediment;

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- c) improve ecosystem health and water quality by excluding stock from surface water bodies and improving riparian management.
5. In the tributaries of the **Ahuriri Estuary**, in addition to Policy 1 the Council will work with mana whenua, landowners and the Napier City Council to:
- a) improve water clarity and reduce deposited sediment by reducing the amount of sediment being lost from land and river banks;
 - b) reduce risk of proliferation of algae by reducing nutrient losses from land, including through management of phosphorous loss associated with sediment;
 - c) improve stormwater and drainage water quality and the ecosystem health of urban waterways and reduce contamination of stormwater associated with poor site management practices, spills and accident in urban areas
 - d) carry out further investigations to understand the estuary hydrology, functioning and environmental stressors.
6. ~~For the~~ quality of groundwater of the Heretaunga Plains and surface waters used as source water for Registered Drinking ~~Water Supplies~~ will be protected, in addition to Policy 1 ~~by the Council will~~ ;
- ~~a) identifying a provisional source protection extent for small scale drinking water supplies or a provisional Source Protection Zone for large scale drinking water supplies around the source of any existing drinking water supply unless specific source protection extent or Source Protection Zone has been defined or is included as a condition in a permit to take water for a registered drinking water supply by methods defined in Schedule 11 define the spatial extent of Source Protection Zones for Registered Drinking Water Supplies by defined technical methods or~~
 - ~~b) Where a Source Protection Zone has not been defined, apply a specified default radius for a Registered Drinking Water Supply.~~
 - ~~c) a) regulating activities within Source Protection Zones that may actually or potentially affect the quality of the source water or present a risk to the supply of safe drinking water because of;~~
 - (i) direct or indirect discharge of a contaminant to the source water including by overland flow or percolation to groundwater;
 - (ii) an increased risk to the safety of the water supply as a result of a non-routine event ;
 - (iii) potentially impacting on the level or type of treatment required to maintain the safety of the water supply
 - (iv) shortening or quickening the connection between contaminants and the source water, including damage to a confining layer;.
 - (v) in the case of groundwater abstraction, the rate or volume of abstractions causing a change in groundwater flow direction or speed and/ or a change in hydrostatic pressure that is more than minor.
- 6a When considering applications to take water for a Registered Drinking Water Supply, the Council will;
- a) provide for the replacement or amendment of a source protection extent or Source Protection Zone which reflects the level of protection required for that supply, according to a method specified in Schedule 11;
 - b) provide for the amendment of a Source Protection Zone where new information changes the outputs from the method specified in Schedule 11
 - c) require applications to include an assessment of the Source Protection Zone required, taking into account the factors set out in Schedule 11;
 - d) have regard to:

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- (i) the extent to which the application reflects the factors and methodology in Schedule 11 when establishing the Source Protection Zone; and
- (ii) the impacts, including any costs and benefits, of any additional restrictions in the Source Protection Zone
- (iii) the level of consultation with land owners in the Source Protection Zone

7. The Council will, when considering applications to discharge contaminants or carry out land or water use activities within;

- a) the source protection extent specified default radius for Registered Drinking Water Supplies, take into account possible contamination pathways and risks to the quality of the source water for the water supply,
- b) A Source Protection Zone, avoid or mitigate risk of contamination from the activity of the source water for the water supply by taking into account criteria including but not limited to;
 - (i) the amount, concentration and type of contaminants likely to be present as a result of the activity or in any discharge;
 - (ii) the potential pathways for those contaminants, including any likely or potential preferred pathways;
 - (iii) the mobility and survival rates of any pathogens likely to be in the discharge or arising as a result of the activity;
 - (iv) any risks the proposed land use or discharge activity has either on its own or in combination with other existing activities, including as a result of non-routine events;
 - (v) ensuring the water supplier is aware of any effects of abstraction of a groundwater flow where abstraction has the potential to have more than a minor impact on flow direction or speed and/ or hydrostatic pressure.
 - (vi) the effectiveness of any mitigation measures to avoid or mitigate risk of contaminants entering the source water and the extent to which the effectiveness of the mitigation measure can be verified
 - (vii) notification, monitoring or reporting requirements to the Registered Drinking Water Supplier

8. The Council will work with the agencies which have roles and responsibilities for the provision of safe drinking water, including Napier City Council, Hastings District Council, Hawkes Bay District Health Board and Drinking Water Assessors and through multi-agency collaboration to;

- a) implement a multi-barrier approach to the delivery of safe drinking water for Registered Drinking Water Supplies, through the consideration of source protection measures, water treatment and supply distribution standards and;
- b) understand the nature and extent of the water resources used to supply communities, their connectivity with other waterbodies and their recharge sources,
- c) Understanding the nature of the relationship between water age and water quality, the use of water age as an attribute and implications for its management;
- d) understand risks to the quality of water used for Registered Drinking Water Supplies, including through consultation on any applicable resource applications in Source Protection Zones ~~SPZs~~ or default radius;
- e) maintain shared databases of activities, including information in consents for land and water use, that have the potential to adversely affect quality of water used for community supply;
- f) develop solutions that address risks to water quality including wastewater reticulation solutions in Source Protection Zones;

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- g) implement a multi-barrier approach to the delivery of safe drinking water for Registered Drinking Water Supplies, through the consideration of source protection measures, and water treatment and supply standards

Riparian Management

- 9. The Council will promote and support the establishment of riparian vegetation, including in conjunction with stock exclusion and setback regulations that;

- a) contributes to the health of aquatic ecosystems especially for indigenous species;
- b) provides shading to reduce macrophyte growth and water temperature especially in lowland tributaries of the Karamu River;
- c) reduces contamination of water from land use activities;
- d) reduces river bank erosion;
- e) improves local amenity;
- f) enhances recreational activities;
- g) improves fish spawning habitat;
- h) assist in weed control.

- 10. When making decisions about riparian land management in accordance with Policy 9, the Council will account for management objectives related to land drainage and flood control and where appropriate, support establishment of native plant species in riparian margins to contribute to improving the region's indigenous biodiversity, the collection of mahinga kai, taonga raranga and taonga rongoa and the mauri of the river.

- 11. The Council will support improvement of riparian management to meet the specified timeframes (Policy 25 to provide for the values in Policies 9 and 10 by;

- a) Working with industry groups and land owner collectives to identify where riparian management is to be improved;
- b) Providing information about appropriate riparian planting that assists in meeting the values;
- c) Regulating cultivation, stock access and indigenous vegetation clearance activities that have a significant adverse effect on functioning of riparian margins in relation to water quality and aquatic ecosystem health in adjacent waterbodies;
- d) Providing funding assistance for riparian vegetation improvements;
- and
- e) when making decisions on applications for resource consent to;
 - (i) take into account benefits arising to the values in Policy 9 as a result of the activity;
 - (ii) consider whether to waive the fees and charges required to process the application where;
 - 1. there is significant public benefit from the activity or the nature and scale of the activity results in significant ecosystem benefits; and
 - 2. the activity is not a requirement of any other resource consent.

Wetland Management

- 12. The Council will regulate activities in and adjacent to wetlands and will support and encourage the maintenance and improvement of wetland values, including their value for;

- a) biodiversity and as a habitat for indigenous flora and fauna species;
- b) recreation (where appropriate);
- c) cultural uses including for tikanga Maori and mahinga kai;
- d) their role in the hydrological cycle, including their effects on both high and low flows;

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- e) enhancement of water quality in connected waterbodies;
- f) fishery habitat.

13. ~~The Council will support and encourage the~~ restoration and extension of natural wetlands and the reinstatement or creation of additional wetlands ~~will be encouraged and supported by Council~~ to provide for or improve the values (a) – (f) in Policy 12 by working with mana whenua, industry and community groups, land owners and other stakeholders in alignment with the Regional Biodiversity Strategy to;

- a) Identify priority areas where wetland management and extent can be improved;
- b) Provide information to landowners about wetland values and their management;
- c) Provide funding assistance for wetland protection and for construction of new wetlands;
- d) Target resources where multiple objectives can be met;
- and
- e) when making decisions on applications for resource consent to;
 - (i) take into account benefits arising to the values in Policy 12 as a result of the activity;
 - (ii) consider whether to waive the fees and charges required to process the application where;
 - 1. there is significant public benefit from the activity or the nature and scale of the activity result in significant ecosystem benefits; and
 - 2. the activity is not a requirement of any other resource consent.

Phormidium Management

14. The Council will address the risks to human health and dogs from toxic phormidium by;

- a) Regular monitoring and reporting on the incidence of algae, including toxic phormidium and nutrient concentrations and ratios of nutrients in freshwater related to phormidium establishment;
- b) Adopting applicable national guidelines for the monitoring and management of toxic algae;
- c) Supporting national investigations into the incidence of toxic phormidium, the reasons for its establishment and measures to reduce the incidence;
- d) reducing nutrient and sediment inputs in accordance with Policies 15 and 16;
- e) maintain flushing flow
- f) ensuring the public has information about phormidium risk, including as a result the accumulation of toxic algal mats.

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MANAGING ADVERSE EFFECTS FROM LAND USE ON WATER QUALITY (Diffuse Discharges);

Adaptive Approach to Nutrient and Contaminant Management

15. The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 1 with landowners, industry groups, and other stakeholders and will implement the following measures;
- a) establish programmes and processes through Farm Environment Plans, Catchment Collectives and Industry Programmes to ensure land managers;
 - (i) adopt industry good practice;
 - (ii) identify critical source areas of contaminants at both property and catchment scale;
 - (iii) adopt effective measures to mitigate or reduce contaminant loss;
 - (iv) prepare nutrient management plans in catchment not meeting targets for dissolved nitrogen.
16. The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 1 by;
- a) Gathering information to determine sustainable developing-nutrient loads and limits
 - a)b) Developing nutrient limits and for a nutrient allocation regime if the management framework in Policy 15 is not leading to improved attribute states by the time this plan is reviewed;
 - b)c) regulating land use change where there is a significant increased-risk of increased nitrogen loss;
 - c)d) gathering and assessing information about environmental state and trends and the impact of land use activities on these;
 - d)e) working with industry groups, landowners and other stakeholders to undertake research and investigation into;
 - (i) nutrient pathways, concentrations and loads in rivers and coastal receiving environments;
 - (ii) nutrient uptake and loss pathways at a property scale;
 - (iii) measures to reduce nutrient losses at a property as well as catchment scale including those delivered through industry programmes
17. In catchments that do not meet objectives for dissolved nutrients specified in Schedule 1, the Council will ensure landowners, landowner collectives and industry groups have nutrient management plans according to the priority order in Schedule 3.

Sediment Management

18. The Council will reduce adverse effects on freshwater and coastal aquatic ecosystems from eroded sediment, and from the phosphorus associated with this, by prioritising the following mitigation measures;
- a) regulating cultivation, stock access and vegetation clearance activities ;
 - b) targeting priority areas and activities for sediment loss management where there is high sediment loss risk and working with land managers to identify and manage critical source areas of contaminants at both property and catchment scale;
 - c) informing land managers where land is vulnerable to erosion, using tools such as SedNet and LUC; and providing information about measures that reduce soil loss;
 - d) recognising the benefits provided by tree planting and retirement of land for erosion control as well as for mitigating climate change effects and improving indigenous biodiversity by;
 - (i) targeting resources where multiple objectives can be met;
 - (ii) and supporting landowners to retire land, establish forests where appropriate, and plant trees on land with high actual or potential erosion risk;
 - e) Supporting and encouraging improved riparian management across all TANK catchments.

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Land Use Change and Nutrient Losses

19. The Council will remedy or mitigate the potential impact of diffuse discharge of nitrogen on freshwater quality objectives by regulating land and water use changes that modelling indicates are likely to result in increased nitrogen loss (modelled on an annual, whole of property or whole of farm enterprise basis) and in making decisions on resource consent applications, the Council will take into account;
- a) Whether freshwater quality objectives or targets are being met in the catchment where the activity is to be undertaken;
 - b) Where any relevant TANK Industry Programme or Catchment Collective is in place the extent to which the changed land use activity is consistent with the Industry Programme or Collective outcomes, mitigation measures and timeframes;
 - c) Any mitigation measures required, and timeframes by which they are to be implemented that are necessary to ensure the actual or potential contaminant loss occurring from the property, in combination with other contamination losses in the catchment will be consistent with meeting freshwater quality objectives, including performance in relation to industry good practice, efficient use of nutrients and minimisation of nutrient losses;
- and will
- d) avoid land use change that will result in increased nitrogen loss that contributes to water quality objectives and targets in Schedule 1 for dissolved nitrogen not being met.

Stock Exclusion

20. The Council will regulate the exclusion of cattle, deer and pigs from rivers, lakes and wetlands, and when considering an application for resource consent or when making decisions about stock exclusion in Industry or Catchment Collective Plans or when making decisions about Farm Environment Plan requirements to take into account the following matters;
- a) assessment of sources, scale and significance of adverse effects of sediment, phosphorus, nitrogen and bacterial inputs to the water body that could effectively or efficiently be reduced by stock exclusion, bridging or culverting;
 - b) identifying whether there are alternative measures to meet water quality outcomes and improve ecosystem health, including by managing bank erosion or reducing sediment losses to water in contributing areas, altering land uses, or providing reticulated water for stock;
 - c) whether stock exclusion is practicable in the circumstances including in relation to;
 - (i) total costs of stock exclusion measures compared to expected water quality benefit assessed in (a) and other possible adverse effects including stock welfare;
 - (ii) technical or practical challenges of any works required for stock exclusion to be effective;
 - (iii) potential costs and benefits provided by alternative measures compared to stock exclusion.

Industry Programmes and Catchment Management

21. The Council will support the establishment and operation of Industry Programmes and Catchment Collectives and;
- a) ensure any relevant information or expertise for making sustainable land management decisions is available to land managers
 - b) support local investigation and water monitoring programmes where information gaps exist
 - c) support development and use of catchment scale models that assist in identification and management of critical source areas
 - d) support catchment and farm scale decision making to meet freshwater objectives and encourage local solutions and innovative and flexible responses to water quality issues

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- e) work with water permit holders to encourage and support establishment of catchment collectives that address both freshwater quality objectives and stream flow management through environmental management programmes as specified in Schedule 5 and within the timeframes specified in Schedule 3.
22. The Council will continue to work with landowners, industry groups and other stakeholders to manage land and water use activities so that they meet objectives for freshwater/aquatic ecosystems by;
- a) further supporting the development of **Industry Programmes** that contribute to meeting applicable freshwater objectives by;
 - (i) identifying practices that contribute to meeting applicable freshwater objectives;
 - (ii) specifying timeframes for completion or adoption of measures to mitigate contaminant losses;
 - (iii) ensuring individual performance under an Industry Programme is monitored;
 - (iv) providing annual reports to the Council on progressive implementation of measures identified in Industry Programmes established under Schedule 5 and progress towards meeting applicable objectives for water quality;
 - (v) promoting adoption of good industry practice;
 - (vi) ensuring that Industry Programmes are consistent with the requirements of Schedule 5;
 - b) supporting landowners to establish **Catchment Collectives** to develop and implement environmental management plans that contribute to meeting applicable freshwater objectives by;
 - (i) identifying and adopting measures at a property scale and collectively with other land managers that reduce contaminant losses or remedy or mitigate the effects of land use on freshwater objectives;
 - (ii) specifying timeframes for completion or adoption of measures to mitigate contaminant losses;
 - (iii) ensuring individual performance under a catchment collective is monitored;
 - (iv) providing annual reports to the Council on progressive implementation of measures identified in landowner collectives established under Schedule 5 and progress towards meeting applicable objectives for water quality;
 - (v) promoting adoption of good agricultural practice;
 - (vi) ensuring programmes prepared by a collective is consistent with the requirements of Schedule 5;
 - c) Approving any Landowner Collective or Industry Programme developed under Schedule 5;
 - d) Auditing Landowner Collective or Industry Programmes prepared and approved under Schedule 5 including auditing of member properties.
23. Where a landowner is not part of an Industry Programme or Catchment Collective, the Council will require development and implementation of a **Farm Environment Plan**.

Management and compliance.

24. Where individuals are members of a **Catchment Collective** or **Industry Programme** but do not undertake their activity in accordance with the approved plan prepared in accordance with Schedule 5, or do not follow the agreed terms of membership the Council will;
- a) provide a conflict resolution service;
 - b) where an individual is no longer, or is deemed through conflict resolution processes not to be, a member the Council will;
 - (i) require the development of a farm plan for that property within 6 months or;

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- (ii) require an application for a land use consent to be made; and
- c) take appropriate enforcement action.

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Timeframes; Water and Ecosystem Quality

25. The Council will develop an implementation plan for this Plan Change with industry groups, landowners, water permit holders, tangata whenua, and other stakeholders to ensure that the land owners and lease holders -are engaged in industry or landowner collective programmes or have prepared farm environmental plans within the timeframes in Schedule 3 and to ensure reporting (as specified in Schedule 5) on the milestones in Table 1 below;

Table 1: Milestones and Timeframes

Action	Activity	Milestone	Output to be reported on
Stock and Riparian Land Management			
1; Stock exclusion and riparian planting	Stock excluded from rivers in flat and rolling hill country	Stock excluded by 2023	Km of stream with stock exclusion
	Riparian margins planted		Km of riparian margins planted
2; Stock exclusion and sediment mitigation	Stock access and sediment mitigation in hill country managed through environmental programme or farm plan	According to priority set out in Schedule 3	Soil erosion and critical source area mitigation measures and timeframes for implementation
3; Riparian management	Shading and planting in Karamu catchment and Heretaunga plains	200km of waterway subject to planting programmes	200km Km of river in Karamu catchment with riparian planting for shade
Wetlands			
4; wetland management and improvement	Protection and restoration of existing wetlands,	100ha in 5 years and 200ha in ten years from operative date	Hectares of protected and restored wetland
	Reinstatement or creation of additional wetland	100 ha reinstated or additional wetland	Hectares of new wetland
Nutrient Management			
5; Nutrient management	Nutrient management plans	According to priority set out in Schedule 3	Number of properties subject to nutrient plan

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STORMWATER MANAGEMENT -

New Urban Infrastructure

26. ~~The adverse~~ effects of stormwater quality and quantity on aquatic ecosystems and community well-being arising from ~~existing and~~ new urban development (including infill development) ~~industrial and trade premises and its associated infrastructure, will be progressively reduced or mitigated by local authorities~~ will be reduced or mitigated no later than 1 January 2025, by:

- a) ~~Local Authorities~~ 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 exacerbating flood hazards;~~
- d) ~~taking into account site specific constraints including areas with high groundwater, source protection zones, and/or an outstanding water body ;~~
- e) ~~taking into account the collaborative approach of HBRC, Napier City and Hastings District councils in managing urban growth on the Heretaunga Plains as it relates to stormwater management;~~
- f) ~~taking into account the effects of climate change when providing for new and upgrading existing infrastructure;~~
 - a) ~~—~~
 - b) ~~g) adopting, where practicable, a good practice approach to stormwater management including adoption of Low Impact Design for stormwater systems~~
 - c) ~~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 Guidelinesguidelines)~~
 - e) ~~j) encouraging, through education and public awareness programmes, greater uptake and installation of measures that reduce risk of stormwater contamination;~~
 - k) ~~requiring, no later than 1 January 2025, the preparation and implementation of a site management plan and good site management practices on industrial and trade premises with a high risk of stormwater contamination and those in the high priority areas:~~
 - (i) ~~of the Ahuriri catchment;~~
 - (ii) ~~of the Karamu River and its tributaries;~~
 - (iii) ~~of land over the unconfined aquifer and~~
 - (iv) ~~within identified drinking water Source Protection Zones.~~
 - e) ~~l)~~

27. When making decisions about new urban development (including infill development) and associated infrastructure at a site and network scale for stormwater and drainage reticulation, roading networks and public space, HBRC, and the Napier City and Hastings District Councils will, from 1 January 2020, reduce or remedy the effects of stormwater quality and quantity on aquatic ecosystems and community well-being by;

- a) ~~specifying design standards to achieve freshwater objectives through consent conditions;~~

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- 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;

Source Control

28. Sources of stormwater contamination and contaminated stormwater will be reduced 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.

Dealing with the Legacy

29. Aquatic ecosystem health improvements and reduced stormwater contamination will be achieved through requiring, by 1 January 2020 the preparation and implementation of a site management plan and good site management practices on existing and new industrial and commercial sites with a high risk of stormwater contamination and those in the high priority areas of the Ahuriri catchment; the Karamu River and its tributaries; land over the unconfined aquifer and drinking water Source Protection Zones.

30.29. Aquatic ecosystem health improvements and community wellbeing and reduced stormwater contamination will be achieved by HBRC working with the Napier City and Hastings District Councils requiring discharges from stormwater networks to meet:

- a) water quality objectives (where they are degraded by stormwater) and the identification of measures that ensure stormwater discharges will achieve at least:

- (i) the 80th percentile level of species protection in receiving waters by 1 January 2025 and
- (ii) the 95th percentile level⁶ of species protection by 31 December 2040.

and

- a)b) requiring stormwater network discharges to meet except as in (a) above, the management objectives in Schedule 1 for freshwater and estuary health through resource consent conditions that require, including requirements in a way that recognises affordability for ratepayers;

⁶ ANZECC Guidelines 2018 (Australia and New Zealand Guidelines for Fresh and Marine Water Quality)

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- (i) ~~Application to apply of~~ the Stream Ecological Valuation methodology;
- (ii) ~~Installation of to install~~ treatment devices within the drainage network ~~where appropriate;~~
- (iii) ~~Stream for stream~~ planting/re-alignment for aquatic ecosystem enhancement;
- (iv) ~~Wetland for wetland~~ creation, ~~water sensitive design~~ and other opportunities for increasing stormwater infiltration where appropriate;
- (iv)(v) ~~Recognise existing and planned investments in stormwater infrastructure.~~

and

~~31. requiring stormwater discharges to meet water quality objectives (where they are degraded by stormwater) and the identification of measures that ensure stormwater discharges will achieve at least the 80th percentile level of species protection in receiving waters by 31 December 2023 and the 95th percentile level of species protection by 31 December 2040.~~

Consistency and Collaboration; Integration of city, district and regional council rules and processes.

~~32.30.~~ To achieve the freshwater quality objectives in this Plan, HBRC, with the Napier City and Hastings District Councils will, ~~by no later than 1 January 2023~~2025, implement similar ~~stormwater~~ performance standards including through ~~the adoption of g:~~

- ~~a) consistent best practice~~ engineering standards,
- ~~a)b)Consistent~~ plan rules and bylaws;
- ~~b)c)shared information and~~ approaches to education and advocacy;
- ~~e)d)shared information and~~ processes for monitoring and auditing individual site management on sites at high risk of stormwater contamination;
- ~~d)e)consistent levels of service for stormwater management and infrastructure design;~~
- ~~e)f) an integrated stormwater catchment management approach;~~
- and through
- ~~f)g) undertaking a programme of mapping the stormwater networks and recording their capacity.~~
- ~~g)h)aligning resource consent processes and having joint hearings to achieve integrated management of proposals for urban activities development proposals~~ particularly in respect of stormwater, water supply and wastewater provisions and implementation of the HPUDS

Ahuriri Catchment

- ~~— The Council will support the wider community commitment to the Ahuriri Estuary Integrated Catchment Management Plan (ICMP) including from Mana Ahuriri, Napier City Council, Department of Conservation by:~~
- ~~— improving adopting measures to improve the quality of freshwater entering the Ahuriri Estuary through the measures included in this plan~~
- ~~h) — and to carrying out investigations to help better understand processes and functions occurring within the estuary and its connected freshwater bodies.~~

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MONITORING and REVIEW

~~33.31.~~ The Council will recognise and support ~~hapū and landowner involvement in local scale monitoring and~~ monitoring according to mātauranga Māori ~~and will recognise and support local scale monitoring~~ to assess ecosystem health ~~and mauri and including~~ water quality in relation to identified values and its contribution to:

- a) understanding local ecosystem health ~~and land and water use impacts on it, mahinga kai and mauri especially water quality,~~
 - b) enabling kaitiaki and resource ~~users' managers'~~ responsibilities for sustainable freshwater management to be met
 - c) assessing effectiveness of mitigation measures adopted to meet freshwater objectives
 - d) understanding state and trends of local water quality
 - e) adding to the regional knowledge about environmental state and trends
- by;
- f) developing protocols and procedures for monitoring appropriate to the purpose of the monitoring
 - g) providing assistance and advice
 - h) supporting the provision of monitoring materials
 - i) collating and reporting on data as appropriate.

~~34.32.~~ Council will meet regularly with representatives from TANK stakeholder groups ~~and mana whenua representatives to;~~

- a) Review and report on the TANK implementation plan,
- b) Identify issues arising and develop measures to enable their resolution

~~35.33.~~ The Council will monitor ~~and report on~~ the effectiveness of the TANK water quality management policies and rules and to assist in making decisions about reviewing or changing this management framework, the Council will:

- a) Continue to monitor instream water quality and review and report on the progress towards and achievement of the water quality objectives in Schedule 1 and according to Objectives 2 and 3 in its regular State of the Environment monitoring;
- b) Monitor and report on the state of riparian land and wetlands, and carry out regular ecosystem habitat assessments, including native fish monitoring and through the application of mātauranga Māori tools and approaches when they are developed;
- c) Monitor the progress towards the milestones listed in Policy 25, according to timeframes specified in Schedule 3 and collate and report annually on information about;
 - (i) the nature and extent of the mitigation measures being adopted to meet water quality and/or quantity outcomes through Catchment Collectives, Industry Programmes and Farm Plans;
 - (ii) the establishment of Catchment Collectives and assess progress in implementing the measures specified in their environment plans;
 - (iii) the preparation of Farm Environment Plans and assess progress in implementing the measures specified in that plan;
- d) Work with Industry Groups to collate information annually on the functioning and success of any Industry Programme in implementing measures specified in the Industry Programme;
- e) Along with the Napier City Council and Hastings District Council, report annually on progress towards the improvement of the stormwater network, including reporting on the preparation of Site Management Plans for activities at risk of contaminating stormwater in urban areas;

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- f) commence a review of these provisions within ten years of <operative date> in accordance with section 79 of the RMA.

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MINIMUM FLOW REGIMES, GROUNDWATER LEVELS AND ALLOCATION LIMITS;

Heretaunga Plains Freshwater Quantity Management

~~36.34.~~ The Council recognises the actual and potential adverse effects of groundwater abstraction in the Heretaunga Plains Water Management Zone on;

- a) groundwater levels and aquifer depletion;
- b) flows in connected surface waterbodies;
- c) flows of the Ngaruroro River;
- d) groundwater quality through risks of sea water intrusion and water abstraction;

and will carry out the following management steps to avoid further adverse effects;

- e) adopt an ~~interim~~ groundwater allocation limit of 90 Mm³ per year;
- f) restrict any new allocations of groundwater;
- g) allow site to site transfers of allocated water provided they do not result in an increase in water use above the use covered by clause (h);
- h) for applications in respect of existing consents due for expiry, or when reviewing consents, to allocate water on the basis of actual and reasonable use that reflects the existing land and water use investment authorised up to August 2017 (except as provided by Policy 47 and will;
 - (i) allocate groundwater for the annual or seasonal water demand;
 - (ii) when establishing the volume allocated to each consent, take into account water meter information to determine actual and reasonable use, existing infrastructure investment, water sharing arrangements and crop rotation/development phases and the effects of previous water bans on actual water use;
 - (iii) allocate water for irrigation based on a reliability standard that meets demand 95% of the time;
 - (iv) require water meters to be installed for all water takes authorised by a water permit provided that telemetry will not normally be required where a take has a consented rate of take of less than 5 L/sec.
- ~~(iv)(v) take into account practical and economic realities of constructing and completing existing major developments over time, including in relation to market fluctuations and the timing and availability of finance for staged developments~~

~~37.35.~~ The Council will re-allocate water to holders of permits to take and use water in the Heretaunga Water Management Zone issued before the <plan notification date> according to the new plan policies and rules either;

- a) upon expiry of the consent; or
- b) in accordance with a review of all applicable permits within ten years of <the operative date>;

whichever is the sooner.

Flow enhancement

~~38.36.~~ The Council will remedy, or offset if remedying is not practicable, the stream depletion effects and effects on tikanga ~~and matauranga~~ 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 ~~in~~ stream flow and habitat enhancement schemes that;
 - 1. improve stream flows in lowland rivers where groundwater abstraction is depleting stream flows and;

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2. improve oxygen levels and reduce water temperatures;

Or

(ii) Be subject to water take restrictions when an applicable flow trigger is reached

and to;

- b) ~~supporting consult on~~ the design and management of the stream flow enhancement regime ~~especially in working with permit holders collectively;~~
- c) assessing 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 flow enhancement scheme;~~

~~39.37.~~ The Council will ~~remedy~~ the stream depletion effects of groundwater takes in the Heretaunga Plains on the Ngaruroro River, in consultation with mana whenua, land and water users and the wider community through;

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

Groundwater management review

~~40.38.~~ After water has been re-allocated and consents reviewed in accordance with Policies 36 and 37, the Council will commence a review of these provisions within ten years of <operative date> in accordance with Section 79 of the RMA and will determine;

- a) the amount of water allocated in relation to the interim allocation limit;
- b) the total annual metered groundwater use for the HPWMZ during the ten years prior to the time of review;
- c) if any changes in the relationship between groundwater abstraction and the flows of rivers and groundwater levels have occurred;
- d) the degree of success of any stream flow enhancement schemes in relation to specified objectives for water quality and minimum flows;

And will;

- e) assess the effects of the groundwater takes on the freshwater objectives;
- f) assess the effectiveness of improved riparian management and wetland creation in meeting freshwater objectives;
- g) review the appropriateness of the allocation limit in relation to the freshwater objectives;
- h) develop a plan change to ensure any over-allocation is phased out.

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SURFACE WATER LOW FLOW MANAGEMENT

Flow Management Regimes

41-39. The Council will manage river flows and lake or wetland water levels affected by surface water abstraction activities including groundwater abstraction in Zone 1 during low flow periods so that they meet objectives for aquatic ecosystem health, mauri, tikanga Māori values, and other instream values by;

For the **Ngaruroro River;**

- a) maintaining the existing minimum flows for the Ngaruroro River and its tributaries
- b) reducing the effects of abstraction from the mainstem and connected groundwater in Zone 1 by reducing the allocation limit for the Ngaruroro River
- c) establishing allocation limits for the river, connected groundwater in Zone 1 and tributaries to account for the cumulative effects of all abstraction and provide water for abstraction at a reasonable security of supply ⁷
- d) establishing a limit for groundwater abstraction in the upper Ngaruroro catchment based on existing actual and reasonable use until more information about the nature and extent of that resource is available...

For the **Tūtaekurī River;**

- e) increasing the minimum flow for the Tūtaekurī River and the Managone tributary and maintaining the minimum flow for the Managtutu tributary.
- f) reducing the effects of abstraction from the mainstem and connected groundwater in Zone 1 by reducing the allocation limit for the Tūtaekurī River
- g) establishing allocation limits for the river, connected groundwater in Zone 1 and tributaries to account for the cumulative effects of all abstraction and provide water for abstraction at a reasonable security of supply
- h) establishing a limit for groundwater abstraction in the upper Tūtaekurī catchment based on existing actual and reasonable use until more information about the nature and extent of that resource is available

For the **Karamu River;**

- i) maintaining existing flow management regimes for the Karamu River and its tributaries and contributing lakes and wetlands affected by groundwater abstraction and surface water abstractions.
- j) establishing allocation limits for the river and tributaries to account for the cumulative effects of all abstraction and provide water for abstraction at a reasonable security of supply

For the **Ahuriri Catchment Freshwater Streams;**

- k) establishing limits for ground and surface water abstraction based on existing actual and reasonable use until more information about the nature and extent of that resource is available

For all water abstraction

- l) providing that the abstraction of water that has been taken and stored at times of high flow and released for subsequent use is not subject to allocation limits.

⁷ The security of supply for each water body needs to be collated and included within the plan (schedule 6)

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~~m)~~ 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 5l/sec or where there are technical limitations to its installation.

~~— telemetry will not normally be required where the consented rate of take is less than 5 l/sec and~~

~~(i) — water meter readings will be required to be made at least weekly and reported monthly~~

~~n)~~ ensuring water allocation from tributaries is accounted for within the total allocation limit for the relevant zone and that the total abstraction from any tributary does not exceed 30% of the MALF for that tributary unless otherwise specified in Schedule 6.

~~m)o)~~ offsetting the stream depletion effects of any groundwater takes in- Zone 1, that were not previously considered stream depleting, by managing them as if they were in the Heretaunga Plains Water Management Zone; and

(i) requiring contributions to an applicable lowland stream enhancement programmes at a rate equivalent to the stream depletion effect consistent with Policy 38;

or

(ii) requiring the water take to cease when the minimum flow for the affected river is reached if a permit holder does not contribute under clause (i) to an applicable lowland stream enhancement;

and

(iii) allowing providing for further technical assessments to determine the extent of stream depletion effect.

GENERAL WATER ALLOCATION POLICIES

Water Use and Allocation – Efficiency

42.40. The Council will ensure efficient management of the allocation of water available for abstraction by:

- a) ensuring allocation limits and allocations of water for abstraction are calculated with known security of supply;
 - b) ensuring water is allocated to meet actual and reasonable requirements
 - c) encouraging and supporting flexible management of water by permit holders so that the allocatable water can be used efficiently and within permissible-specified limits.
- on-going data collection and monitoring of water resources and water use to better understand patterns of water availability and water use and further develop efficient and effective water management provisions;

43.41. When considering applications for resource consent, the Council will ensure water is allocated and used efficiently by:

- a) ensuring that the technical means of using water are physically efficient through:
 - (i) allocation of water for irrigation end-uses based on soil, climate and crop needs;
 - (ii) Requiring the adoption of good practice water use technology and processes that minimise the amount of water wasted; and
 - (iii) the use of water meters;
- b) Using the IRRICALC water demand model if available for the land use being applied for (or otherwise by a suitable equivalent approved by Council) to determine efficient water allocations for irrigation uses.

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- c) Allocating water for irrigation on the basis of a minimum water application efficiency standard of 80%.
- d) Requiring all non-irrigation water takes (except as provided by Policy 47 for municipal and papakainga supplies) to show how water use efficiency of at least 80% is being met and is consistent with any applicable industry good practice.
- e) Requiring new water takes and irrigation systems to be designed and installed in accordance with industry codes of practice and standards.
- f) Requiring irrigation and other water use systems to be maintained and operated to ensure on-going efficient water use in accordance with any applicable industry codes of practice.

Water Use Change/Transfer

44.42. When considering any application to change the water use specified by a water permit, or to transfer a point of take to another point of take, to consider;

- a) declining applications where the transfer is to another water management zone unless;
 - (i) new information provides more accurate specification of applicable zone boundaries;
 - (ii) where the lowland tributaries of the Karamu River are over-allocated, whether the transfer of water take from surface to groundwater provides a net beneficial effect on surface water flows;
- b) effects on specified minimum flows and levels or other water users' access to water resulting from any changes to the rates or volume of take;
- c) any alteration to the nature, scale and location of adverse effects on the water body values listed in Table 1 (RPS) and in the objectives of this Plan;
- d) effects of the alteration to the patterns of water use over time, including changes from seasonal use to water use occurring throughout the year or changes from season to season;
- e) except where a change of use and/or transfer is for the purpose of a flow enhancement or ecosystem improvement scheme, declining applications to transfer water away from irrigation end uses in order to protect water availability for the irrigation of the versatile land of the Heretaunga Plains for primary production especially the production of food;
- f) in Water Quality Management Units that are over-allocated, ensuring that transfers do not result in increased water use and to prevent the transfer of allocated but unused water;
- g) declining applications for a change of use from frost protection to any other end use.
- g)h)enabling the transfer of a point of take and change of water use to municipal water supplies-; including for marae and papakainga, (not including transfer to industrial uses above 15m³/day) from any other use for the efficient delivery of water supplies and to meet the communities' human health needs for water supply, provided adverse effects on existing water users can be avoided remedied or mitigated.

Water Allocation - Permit Duration

45.43. When making decisions about applications for resource consent to take and use water, the Council will set common expiry dates for water permits to take water in each water management zone, that enables consistent and efficient management of the resource and will set durations that provide a periodic opportunity to review effects of the cumulative water use and to take into account potential effects of changes in:

- a) knowledge about the water bodies
- b) over-allocation of water
- c) patterns of water use
- d) development of new technology
- e) climate change effects

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- f) efficacy of flow enhancement schemes and any riparian margin upgrades by the cumulative consented water takes within the water management zone and the Council I
- a) will impose consent durations of 15 years according to specified water management unit expiry dates. Future dates for expiry or review of consents within that catchment are every 15 years thereafter.
- b) may grant ~~Consents~~ granted within three years prior to the relevant common catchment expiry date ~~may be granted~~ with a duration to align with the second common expiry date, except where the application is subject to section 8.2.4 of the RRMP).
- a)c) will impose a consent duration for municipal supply consistent with the most recent HPUDS and will impose consent review requirements that align with the expiry of all other consents in the applicable management unit.

Water Allocation - Priority

46.44. 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 15m3/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 there has been a review of the allocation limits within this plan. such time as alternative allocation mechanisms are provided through the RMA

47.45. In making decisions about resource consent applications for municipal and papakāinga water supply the Council will ensure the water needs of future community growth are met within water limits and;

- a) allocate water for population and urban development projections for the area according to estimates provided by the HPUDS (2017) to 2045
- b) calculate water demand according to existing and likely residential, non-residential (schools, hospitals, commercial and industrial) demand within the expected reticulation areas and
- (i) require that water demand and supply management plans are developed and adopted and industry good practice targets for water infrastructure management and water use efficiency including whether meeting an Infrastructure Leakage Index of 4 or better can be achieved ~~are met~~.
- (ii) seek that the potential effects of annual water volumes are reflected in level of water supply service and reliability of supply objectives in asset management plans and bylaws for water supply.
- ~~(iii) identify communities at risk from water reliability or quality and investigate reticulation options with relevant TLAs, and to allow for transfer of water between community and municipal supplies to enable efficient delivery of water supplies~~
- c) work collaboratively with Napier City and Hastings District Councils to;
- (i) develop an integrated planning approach thorough HPUDS that gives effect to the National Policy Statements within the limits of finite resources
- (ii) develop a good understanding of the present and future regional water demand and opportunities for meeting this.

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48.46. When making water shortage directions under Section 329 occurring when rivers have fallen below minimum flows and water use has decreased or ceased according to permit conditions, the Council will establish and consult with an emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi and MPI, to make decisions about providing for water uses in the following priority order;

- a) water for the maintenance of public health;
- b) water necessary for the maintenance of animal welfare
- c) water essential for community well-being and health.
- d) Water essential for survival of horticultural tree crops emergency water for surface water users in the Ngaruroro and Tūtaekuri Rivers
- e) uses where water is subject to seasonal demand for primary production
- f) uses for which water is essential for the continued operation of a business, except where water is subject to seasonal demand for primary production or processing

The following uses will not be authorised under a water shortage direction:

- g) use of water uses not associated with the continued operation of a business or community well-being;
- h) non-essential amenity uses such as private swimming pools and car washing

Takes not subject to any restrictions are:

- i) firefighting uses;
- j) non-consumptive uses;

Over-Allocation

49.47. Except as provided by Policy 36 The Council will phase out over-allocation when establishing limits for permitted water takes or when making decisions on resource consent applications or when reviewing consents where water has been allocated in excess of the specified allocation limits the Council will phase out over-allocation by;

- a) Preventing any new allocation of water (not including any reallocation in respect of permits issued before <date of notification> and those covered by policy 44);
- b) For applications in respect of existing consents due for expiry or when reviewing consents, to;
 - (i) allocate water according to demonstrated actual and reasonable need and history of use within the 10 years prior to <the date of notification> (except as provided for by Policy 47)
 - (ii) impose conditions that require efficiency gains to be made, including through altering the volume, rate or timing of the take and requesting information to verify efficiency of water use relative to industry good practice standards;
 - (iii) take into account practical and economic realities of constructing and completing major developments over time, including in relation to market fluctuations and the timing and availability of finance for staged developments.
- c) provide for, within the duration of the consent, meeting water efficiency standards and +staged reductions in water take and application of minimum flow requirements where hardship can be demonstrated;
- d) reducing the amount of water permitted to be taken without consent, including those provided for by s14 (3)(b) of the RMA, except for authorised uses existing before <date of notification>;
- e) encouraging voluntary reductions, site to site transfers (subject to clause (f)) or promoting water augmentation/harvesting;

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- ~~f) ensuring site to site transfers will only be consented where the water use is demonstrated by accurate water or land use records~~
- ~~f)g) Prevent site to site transfers of allocated but unused water;~~
- ~~g)h) enabling and supporting permit holders to develop flexible approaches to management and use of allocatable water within a management zone including through catchment collectives, water user groups, consent sharing or global water permits;~~
- ~~h)i) enabling and supporting the rostering of water use or reducing the rate of takes in order to avoid restrictions at minimum or trigger flows;~~

Frost Protection

~~50.48. When considering applications for resource consent to take water for frost protection, the Council will avoid, remedy or mitigate actual and potential effects of the take on its own or in combination with other water takes;~~

- ~~a) from groundwater in the HPWMZ, the Council will avoid, remedy or mitigate actual and potential effects of the take on its own or in combination with other water takes on;~~
 - ~~(i) neighbouring bores and existing water users;~~
 - ~~(ii) connected surface water bodies;~~
 - ~~(iii) water quality as a result of any associated application of the water onto the ground where it might enter water;~~
- ~~b) from surface water, the Council will avoid remedy or mitigate actual and potential effects of the take on its own or in combination with other takes on;~~
 - ~~(i) instantaneous flow in the surface water body;~~
 - ~~(ii) fish spawning and existing water users;~~
 - ~~(iii) applicable minimum flows during November and April.~~
 - ~~(iv) water quality as a result of any associated application of the water onto the ground where it might enter water~~

By;

- ~~c) taking into account any stream depletion effects of groundwater takes~~
- ~~d) imposing limits in relation to minimum flows or groundwater levels on the total amount able to be abstracted, the maximum rates of take and the duration of any take~~
- e) requiring water metering, monitoring and reporting use of water for frost protection

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HIGH FLOW ALLOCATION REGIME

Adverse Effects - Water Damming

51-49. When assessing applications to dam water and to take water from the dam impoundment, the Council will avoid, remedy or mitigate adverse effects of;

- a) potential changes to water quality arising from subsequent changes to land use activities that may occur as a result of water being allocated for take and use from the dam and whether relevant freshwater quality objectives can be met;
- b) the dam and any associated lake or reservoir, and any effects of the volume, velocity, frequency, and duration of flow releases from the dam, either by itself or cumulatively with other storage structures or dams, on;
 - (i) the uses and values for any water body identified in the objectives RPS Table 1;
 - (ii) water levels and flows in connected water bodies, including lakes and wetlands
 - (iii) water quality, including effects on temperature and management of periphyton in connected water bodies;
 - (iv) river ecology and aquatic ecosystems, including passage of fish and eels, indigenous species habitat and riparian habitat, including in relation to the storage impoundment;
 - (v) groundwater recharge;
 - (vi) downstream land, property and infrastructure at risk from failure of the proposed dam;
 - (vii) other water users;
 - (viii) downstream river bed stability, including through sediment transfer and management of vegetation in river beds
- c) whether there are practicable alternatives

And, except as prohibited by Policy 55, will limit the amount of flow alteration so that the damming of surface water either on its own or in combination with other dams or water storage in a catchment does not cumulatively adversely affect the frequency of flows above three times the median flow by more than a minor amount 6.3% (in the Ngaruroro River) and 777% in the Tūtaekuri River and provided that any dam in combination with other dams or high flow takes shall not cause changes to the river flow regime that are inconsistent with text to specified flow triggers.

Adverse Effects - Water Take and Storage

52-50. When assessing applications to take water for off-stream storage or to take water from the impoundment the Council will avoid remedy or mitigate adverse effects of;

- a) potential changes to water quality arising from subsequent changes to land use activities as a result of water being allocated for take and use from the impoundment and whether relevant freshwater quality objectives can be met;
- b) the magnitude, frequency, duration and timing of water takes either by itself or cumulatively with other storage structures or dams, on;
 - (i) the uses and values for any water body identified in the objectives RPS Table 1;
 - (ii) water levels and flows in connected water bodies, including lakes and wetlands
 - (iii) water quality, including effects on temperature and management of periphyton in connected water bodies;
 - (iv) river ecology and aquatic ecosystems, including passage of fish and eels, indigenous species habitat and riparian habitat, including in relation to the storage impoundment;
 - (v) groundwater recharge;
 - (vi) downstream land, property and infrastructure at risk from failure of the proposed storage structure;

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(vii) other water users;

and will limit the amount of flow alteration so that the taking of surface water does not cumulatively adversely affect the frequency of flows above three times the median flow by more than a minor amount in the Ngaruroro and Tūtaekurī Rivers by more than 6.3% and 6.2% respectively and provided that;

(viii) the high flow take ceases when the river is at or below the median flow;

(ix) such high flow takes do not cumulatively exceed the specified allocation limits;

(x) any takes to storage existing as at <date of notification> will continue to be provided for within new allocation limits and subject to existing flow triggers.

Benefits of Water Storage and Augmentation

~~53.51.~~ The Council will recognise beneficial effects of water storage and augmentation schemes, including water reticulation in the TANK catchments and out-of-stream storage, and when considering applications for resource consent will take into account the nature and scale of the following criteria;

- a) benefits for aquatic organisms and other values listed in RPS Table 1 or in relation to the objectives of this plan in affected water bodies
- b) whether water availability is improved or the level to which the security of supply for water users is enhanced
- c) whether the proposal provides for the productive potential of un-irrigated land or addresses the adverse effects of water allocation limits on land and water users, especially in relation to primary production on versatile land
- d) whether the proposal provides benefits to downstream water bodies at times of low flows provided through releases from storage or the dam.
- e) the nature and scale of potential ecosystem benefits provided by the design and management of the water storage structure, its margins and any associated wetlands.
- f) benefits for other water users including recreational and cultural uses and any public health benefits.
- g) other community benefits including improving community resilience to climate change
- h) whether the proposal provides for renewable electricity generation

~~54.52.~~ The Council will carry out further investigation to understand the present and potential future regional water demand and supply including for abstractive water uses and environmental enhancement and in relation to climate change. It will consider water storage options according to the criteria in Policy 53 in consultation with local authorities, tangata whenua, industry groups, resource users and the wider community when making decisions about water augmentation proposals in its Annual and Long Term Plans.

~~55.53.~~ The Council will protect the instream water values and uses identified in the objectives RPS Table 1 for the Ngaruroro and Tūtaekurī Rivers and the tributaries, Taruarau, Omahaki, Mangatutu and Mangaone Rivers by prohibiting the construction of dams on the mainstem of those rivers.

~~56.54.~~ *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;*

- ~~a) The improvement of Māori economic well-being by;~~
- a) contribution to environmental enhancement (that is in addition to any conditions imposed on the water storage proposal);

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- ~~b) direct (funding) contribution to Māori organisations 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;~~
- ~~b) improvement of access to water for domestic use for marae and papakainga;~~
- ~~c) The use of water for any activity, provided that it includes direct contribution (funding) The improvement of Māori economic well-being by to a fund managed by the Council and which will be used to provide for development of Māori wellbeing at a rate that is equivalent to the amount of the allocated water being taken and stored.~~
- ~~(i) contribution to environmental enhancement (that is in addition to any conditions imposed on the water storage proposal);~~
- ~~d) c) 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;

- (i) require information to be provided that demonstrates how these activity~~ies~~ will ~~be provided~~ for ~~Māori economic, cultural or social well-being~~;
- (ii) have regard to the views of ~~any affected PSGE or iwi authority Māori organisations~~ arising from consultation about the application and any assessment of the potential to provide part, or all of the 20% high flow ~~allocation/reservation - the activity for Māori development~~
- (iii) 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, iwi/hapu is affected, the iwi management plan must be jointly prepared by the affected iwi/hapu).~~

~~57-55.~~ When making decisions about resource consent applications to take high flow water, the Council will take into account the following matters:

- a) whether water allocated for development of Māori well-being is still available for allocation;
- b) whether there is any other application to take and use the high flow allocation for development of Māori well-being relevant to the application.
- c) the scale of the application and whether cost effective or practicable options for taking and using the high flow allocation for Māori development can be incorporated into the application;
- d) the location of the application and whether cost effective or practicable options for including taking and using water for Māori development can be developed as part of the application;
- e) 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;
- f) whether it is the view of the applicant that a joint or integrated approach for the provision of the high flow water allocated to Māori development is not appropriate or feasible, and the reasons why this is the case.

SPECIFIC POLICIES

Paritua/Karewarewa Streams

~~58-56.~~ The Council will recognise the connectivity between ground and surface water abstraction on the flows in the Paritua/Karewarewa Streams and their tributaries, acknowledge the contribution of flows from these

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streams to the flows in the Awanui Stream, Karamu River and the Heretaunga Plains Aquifer, and their importance to local marae and work with water permit holders, landowners and tangata whenua to;

- a) further refine the Heretaunga Plains Aquifer Model to improve model outputs for this catchment;
- b) investigate opportunities for wetland creation to improve hydrological functioning and water quality in the river, especially during low flows;
- c) improve riparian management to provide shade, reduce macrophyte growth, increased dissolved oxygen levels and decrease water temperature;
- d) carry out resource investigations to understand natural stream flow regimes and feasible options for remediation including;
 - (i) managed aquifer recharge;
 - (ii) flow enhancement from groundwater;
 - (iii) streambed modification to reduce losses to groundwater in highly conductive reaches;
- e) enable and support water permit holders and landowners to collectively manage the maintenance of specified flows in the Paritua/Karewarewa Streams;
- f) provide for water to be diverted from the Ngaruroro for the enhancement of flows in the Paritua Stream.

METHODS OF IMPLEMENTATION

The methods of implementation (not rules) are contained in the accompanying Implementation Plan and address methods of implementation and measures to be carried out not just by HBRC, but also by the stakeholder, and mana whenua groups who were part of developing this plan.

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RULES

Production Land

RULE	ACTIVITY	STATUS	CONDITIONS/STANDARDS/TERMS	MATTERS
TANK1 Production Land Use	The use of production land on farm properties or farming enterprises in the TANK catchments that are greater than 10 hectares pursuant to s9(2) RMA and associated non-point source discharges pursuant to Section 15 (RMA)	Permitted	<p>a) The property or farming enterprise land area has less than 75% plantation forest cover.</p> <p>b), Either;</p> <p>1. The owner or manager of the property or enterprise is either a member of a TANK Industry Programme or a member of a TANK Catchment Collective within the timeframes specified in Schedule 3 and accordance with the requirements of Schedule 5.</p> <p>Or;</p> <p>2. The property or enterprise owner or manager of the property shall prepare a Farm Environment Plan in accordance with the requirements of Schedule 5 and within the timeframes specified in Schedule 3; The Farm Environment Plan is being implemented and;</p> <p>1. the Council shall be provided with the Farm Environment Plan upon request</p> <p>2. information about the implementation of the mitigation measures identified for the property shall be supplied to the Council on request</p> <p>Stock Exclusion:</p> <p>(c) The entry into or over the bed of any river lake or wetland by cattle, deer and pigs is a permitted activity provided that;</p> <p>(i) stock are at a stocking rate less than 18su/ha in the paddock adjacent to the river the stock have access to <u>and</u></p> <p>(ii) The slope over 60% or more of the paddock is greater than 15 degrees.</p>	

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			<p>(d) Rivers that are crossed by formed stock races are bridged or culverted by 31 May 2023.</p> <p>(e) The entry into or over the bed of any river, lake or wetland by cattle, deer and pigs not permitted by condition (c) is a permitted activity until 31 May 2023.</p> <p>(f) Conditions (d) to (e) apply only to rivers with an active formed channel.</p>	
TANK2 Production Land Use	The use of production land on farm properties or farming enterprises that are greater than 10 hectares in the TANK catchments pursuant to s9(2) RMA and associated non-point source discharges pursuant to Section 15 (RMA)	Controlled	<p>The activity does not meet condition (b) of Rule TANK1.</p>	<p>1. The freshwater water quality limits-objectives and targets in Schedule 1 for the catchment where the activity is being undertaken and any measures required to reduce the actual or potential contaminant loss occurring from the property, taking into account their costs and likely effectiveness and including performance in relation to industry good practice and requirements for;</p> <ul style="list-style-type: none"> a) Efficient use of nutrients and minimisation of nutrient losses, b) Wetland management c) Riparian management d) Management of farm wastes e) Management of stock including in relation to water ways and contaminant losses to ground and surface water f) Measures required to maintain or improve the physical and biological condition of soils so as to reduce risks of erosion, movement of soil into waterways, and damage to soil structure g) Measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply <p>2. Nature and scale of actual and potential contamination loss from the property in relation to the objectives specified in Schedule 1</p> <p>3. Timeframes for any alternative mitigation measures</p> <p>4. Duration of consent</p> <p>5. Lapsing of consent</p> <p>6. Review of consent conditions;</p> <p>7. The collection, recording, monitoring and provision of information concerning the exercising of the consent</p>

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				Non Notification provision to be inserted with this rule
TANK 3 Stock Access	Stock Access to rivers lakes and wetlands	Restricted Discretionary	The activity does not meet any one of the conditions (c) – (f) of Rule TANK 1	<ol style="list-style-type: none"> 1. An assessment of sources, scale and significance of adverse effects of sediment, phosphorus, nitrogen and bacterial inputs to the waterbody that could be effectively or efficiently reduced by stock exclusion, bridging or culverting 2. Alternative measures to meet water quality outcomes and improve ecosystem health, including by managing bank erosion or reducing sediment losses to water in contributing areas, altering land uses, or providing reticulated water for stock; 3. Whether stock exclusion is practicable in the circumstances including in relation to; <ol style="list-style-type: none"> a) total costs of stock exclusion measures compared to expected water quality benefit as assessed in relation to matter 1 and other possible adverse effects including stock welfare b) technical or practical challenges of any works required for stock exclusion to be effective c) potential costs and benefits provided by alternative measures compared to stock exclusion 4. Measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply 5. Timeframes for any alternative mitigation measures 6. Duration of consent 7. Lapsing of consent 8. Review of consent conditions; 9. The collection, recording, monitoring and provision of information concerning the exercising of the consent
TANK 4 Production Land Use	The changing of a use of production land on farm properties or	Controlled	<ol style="list-style-type: none"> a) Any change to the production land use activity commencing after <date of notification> is over more than 10% of the property or farming enterprise area. b) The production land is subject to a Catchment Collective Programme meeting the requirements of 	<ol style="list-style-type: none"> 1. Modelling using Overseer, or alternative model approved by Council to demonstrate the change in land use activity will be consistent with the requirements of Policy 19 2. The measures being undertaken by the TANK Landowner Collective in undertaking measures to meet water quality objectives, including how the effect of the new land use activity on

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	<p>farming enterprises that are greater than 10 hectares in the TANK catchments pursuant to s9(2) RMA resulting in an increase in annual N loss and associated non-point source discharges pursuant to Section 15 (RMA)</p>		<p>Schedule 5B by a TANK Catchment Collective which meets the requirements of Schedule 5A.</p> <p>c) The Council may require information to be provided about production land use changes (note that the schedule 5 requires collectives to record land use changes)</p>	<p>contributing to the water quality objectives is being collectively addressed including by;</p> <ol style="list-style-type: none"> Efficient use of nutrients and minimisation of nutrient losses, Wetland management Riparian management Management of farm wastes Management of stock including in relation to waterways and contaminant losses to ground and surface water Measures required to maintain or improve the physical and biological condition of soils so as to reduce risks of erosion, movement of soil into waterways, and damage to soil structure Measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply <ol style="list-style-type: none"> Timeframes for any alternative mitigation measures Duration of consent Lapsing of consent Review of consent conditions The collection, recording, monitoring and provision of information including Overseer or alternative model files, <p>Non Notification provision to be inserted with this rule</p>
TANK 4a Production Land Use	<p>The changing of a use of production land on farm properties or farming enterprises that are greater than 10 hectares in the TANK catchments pursuant to s9(2) RMA</p>	Restricted Discretionary	<p>a) The production land use activity does not meet the conditions of TANK 4a</p> <p>b) Any change to a production land use activity over more than 10ha???-% of the property or enterprise area commencing after <date of notification> that results in the annual nitrogen loss increasing by more than the applicable amount shown in Table 2 in Schedule 4..</p>	<ol style="list-style-type: none"> Modelling using Overseer, or alternative model approved by Council to demonstrate the change in land use activity will be consistent with the requirements of Policy 19 Whether water quality limits and targets in Schedule 1 are being met in the catchment where the new activity is to be undertaken. The extent to which the land use change will affect the ability to meet water quality objectives Any measures required to reduce the actual or potential contaminant loss occurring from the property, taking into account their costs and likely effectiveness and including performance in relation to industry good practice and requirements for;

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	resulting in an increase in annual N loss and associated non-point source discharges pursuant to Section 15 (RMA)			<ul style="list-style-type: none"> a) Efficient use of nutrients and minimisation of nutrient losses, b) Wetland management c) Riparian management d) Management of farm wastes e) Management of stock including in relation to waterways and contaminant losses to ground and surface water f) Measures required to maintain or improve the physical and biological condition of soils so as to reduce risks of erosion, movement of soil into waterways, and damage to soil structure g) Measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply <ul style="list-style-type: none"> 5. Timeframes for any alternative mitigation measures 6. Duration of consent 7. Lapsing of consent 8. Review of consent conditions 9. The collection, recording, monitoring and provision of information including Overseer or alternative model files,
Amend existing rule 7	Indigenous vegetation clearance	Permitted	<p>An RRMP amendment to Rule 7 to include an exception for land disturbance activities in the TANK catchments.</p> <p>f. In the TANK catchments, there is no clearance of indigenous vegetation within 10m of any rivers (ref maps/zones) except</p> <ul style="list-style-type: none"> (i) where the activity is subject to a management plan prepared as part of the NESPF requirements (ii) where the clearance is part of improvements to riparian management for water quality/biodiversity purposes as specified in the relevant Farm Environment or Catchment Collective Plan (iii) where the clearance it is associated with construction of crossings or installation of reticulated or network service. 	

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Amend existing rule 7	Cultivation – steep land	Permitted	An RRMP amendment to rule 7 to include an exception for soil disturbance activities in the TANK catchments; g. In the TANK catchments there is no cultivation of land (ref maps/zones) over 20° except; (i) where the activity is subject to a management plan prepared as part of the NESPF requirements (ii) where it is less than 10% of the paddock area.	
Amend existing rule 7	Cultivation - Setbacks	Permitted	An RRMP amendment to rule 7 to include an exception for soil disturbance activities in the TANK catchments; h. In the TANK catchments, there is no cultivation of land (ref maps/zones) that results in exposure of bare soil within; (i) 5 m of any river, modified watercourse or drain <u>or lake or wetland</u> where the land is flat to gently rolling (0-7°) (ii) 10 m of any river, modified watercourse or drain <u>or lake or wetland</u> where the land is moderately rolling (>7 – 20°) (iii) 15 m of any river, modified watercourse or drain <u>or lake or wetland</u> where the land is over 20° except (iv) except where the activity is subject to a management plan prepared as part of the NESPF requirements (v) where cultivation is part of improvements to riparian management for water quality/biodiversity purposes as specified in the relevant Farm Environment or Catchment Collective Plan (vi) where the cultivation is in relation to activities permitted by Rule 70.	

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Note for Rule 7: The conditions in rule 7 need not apply if the property is part of an industry programme or landowner collective and the activity is described in the relevant property (farm) plan along with a description of the measures that are adopted to mitigate the risk of sediment loss to water to a similar standard.

Water – Take and Use

RULE	ACTIVITY	STATUS	CONDITIONS/STANDARDS/TERMS	MATTERS
TANK 5 Surface Water	The take and use of surface water in the TANK water Management Zones including under Section14(3)(b) of the RMA	Permitted	<p>a) Except as provided by condition (b), the take is not from any of the following rivers or their tributaries, or Water Management Zones;</p> <p>Maraekakaho Stream Ahuriri Water Management Zone Awanui Stream and its tributaries Lake Poukawa Water Management Zone Louisa Stream</p> <p>b) The take does not exceed 5 cubic metres per day per point of take per any one property except;</p> <p>(i) Takes existing as at <date of notification> which may continue to take up to 20 cubic metres per property per day and existing takes to meet the existing needs of animals for drinking water.</p> <p>(iii) Takes occurring for a period of less than 28 days within any 90 day period, the total volume taken on any property shall not exceed 200 cubic metre per 7 day period.</p> <p>c) The taking of water does not cause any stream or river flow to cease.</p> <p>d) Fish, including and eels shall be prevented from entering the reticulation system <i>A Means of Compliance for Condition d)</i> <i>Installation of a screen or screens on the river intake that has a screen mesh size not greater than 3 millimetres and is constructed so that the intake velocity at the screen's</i></p>	

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			<p>outer surface is less than 0.3 metres per second and is maintained in good working order at all times.</p> <p>e) The activity shall not cause changes to the flows or levels of water in any connected wetland.</p> <p>f) The take shall not prevent from taking water any other lawfully established efficient groundwater take, or any lawfully established surface water take, which existed prior to commencement of the take .</p>	
TANK 6 Groundwater takes....	The take and use of groundwater in the TANK Water Management Zones including under Section14(3)(b) of the RMA	Permitted	<p>a) Except as provided by condition (b)(i) for existing activities, the take is not from the Lake Poukawa Freshwater Management Sub-unit (Quantity) .</p> <p>b) There is only one point of take per property and the take does not exceed 5 cubic metres per day except;</p> <p>(i) Permitted takes existing as at <date of notification> which may continue to take up to 20 cubic metres per property per day and to meet the reasonable needs of animals for drinking water.</p> <p>(ii) Takes occurring for a period of less than 28 days within any 90 day period, the total volume taken on any property shall not exceed 200 cubic metre per 7 day period.</p> <p>(iii) The taking of water for aquifer testing is not restricted</p> <p>c) The rate of take shall not exceed 10 l/s other than aquifer testing for which the rate of take is not restricted.</p> <p>d) The take shall not prevent from taking water, any other lawfully established efficient groundwater take, or any lawfully established surface water take, which existed prior to commencement of the take.</p>	

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			<p>e) The take shall not cause changes to the flows or levels of water in any connected wetland.</p> <p>f) Backflow of water or contaminants into the bore shall be prevented</p>	
<p>TANK 7 Re-application for water permits – groundwater in HPWMZ</p>	<p>Application to continue to take water in respect of applications subject to section 124 (Heretaunga Plains Water Management Unit)</p>	<p>Restricted Discretionary</p>	<p>a) The taking and use of water from the Heretaunga Plains Water Management Unit (Quantity) does not comply with the conditions of rules TANK 6.</p> <p><u>b) An application is either for the continuation of a previously authorised water take or is a joint or global application that replaces existing water permits previously held separately or individually.</u></p> <p><u>b) The application is for the continuation of a water take and use authorised in a water permit that was issued before <proposed plan date> and that is due for renewal and section 124 applies.</u></p> <p>Actual and Reasonable Re-allocation*</p> <p>c) <u>Except as provided by matter 1,</u> The amount taken and used for irrigation is the actual and reasonable amount</p> <p>d) the amount taken and used for municipal, community and papakāinga water supply is:</p> <ul style="list-style-type: none"> (i) the quantity specified on the permit being renewed; or (ii) any lesser rate applied for <p>e) <u>Except as provided by matter 2 and o</u>Other than as provided in (c) or (d) the amount taken and used is the least of:</p> <ul style="list-style-type: none"> (iii) the quantity specified on the permit due for renewal or (iv) any lesser rate applied for 	<p>The Council will impose conditions in respect of the following matters;</p> <ol style="list-style-type: none"> 1. The extent to which the need for water has been demonstrated and is actual and reasonable* provided that The quantities assessed or calculated may be amended after taking account of; <ul style="list-style-type: none"> a. the completeness of the water permit and water meter data record; b. the climate record for the same period as held by the Council (note: these records will be kept by the Council and publically available) and whether that resulted in water use restrictions or bans being imposed; c. effects of water sharing arrangements d. crop rotation/development phases 2. <u>The extent to which the application is affected by practical and economic realities of constructing and completing major developments over time, including in relation to market fluctuations and the timing and availability of finance for staged developments</u> <u>2.3. The use of the land and any changes to the land use as a result of the use of the water so that annual nitrogen losses do not exceed the limits imposed by Table 2 in Schedule 4.</u> <u>3.4. Previous history of exercising the previous consent and whether the applicant has been served with an enforcement order or has been subject to abatement action by the Council</u> <u>4.5. The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any minimum flow or level given in Schedule 64 and rates of take to limit drawdown effects on neighbouring bores.</u> <u>5.6. Where the take is in a Source Protection Zone, the actual or potential effects of the rate of take and volume abstracted on</u>

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		<p>(v) the maximum annual water use in any one year within the 10 years preceding 1 August 2017 (including as demonstrated by accurate water meter records)</p> <p>Stream Flow Enhancement</p> <p>f) The stream flow depletion (in l/sec) will be calculated using the <u>Stream Depletion Calculator*</u> and when a stream flow enhancement scheme for the affected stream* is in place a contribution to stream flow enhancement will be calculated according to the extent of total stream flow depletion -and based on the allocated amount of water; and</p> <p>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 <i>affected stream</i> reduces below the minimum flows in schedule 46 or <u>The water take ceases when the flow in the affected stream fall below the specified trigger level in Schedule 6</u></p> <p>h) Any take authorised under clause (d) is not subject to conditions (f) and (g) in respect of that part of the total allocated amount used for essential human health.</p> <p>General Conditions</p> <p>i) A water meter is installed</p> <p>j) Back flow of water or contaminant entry into the bore shall be prevented</p> <p><u>Advisory Note:</u> <u>Any application to change water use as specified under (c) (d) or (e) may trigger a consent requirement under rule TANK 4 or 4a</u></p>	<p>the quality of source water for the water supply and any measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply irrespective of any treatment including notification requirements to the Registered Drinking Water supplier</p> <p>6-7. For applications to take water for municipal, community and papakāinga water supply;</p> <p>a. provisions for demand reduction and asset management over time so that water use is at reasonable and justifiable levels including <u>whether meeting an Infrastructure Leakage Index of 4 or better will be achieved.</u></p> <p>b. Rate and volumes of take limited to the projected demand for the urban area provided in the HPUDS 2017.</p> <p>c. water demand based on residential and non-residential use including for schools, rest homes, hospitals commercial and industrial demand within the planned reticulation areas</p> <p>7-8. The effects of any water take and use for frost protection on the flows in connected surface water bodies.</p> <p>8-9. For applications other than irrigation, municipal, community or papakāinga water supply or frost protection, measures to ensure that the take and use of water meets an efficiency of use of at least 80%</p> <p>9-10. Measures to achieve efficient water use or water conservation and avoid adverse water quality effects including the method of irrigation application necessary to achieve efficient use of the water and avoid adverse water effects through ponding and runoff and percolation to groundwater.</p> <p>10-11. Management of bores including means of backflow prevention and ensuring well security.</p> <p>11-12. Information to be supplied and monitoring requirements including timing and nature of water metering data reporting and the installation of telemetered recording and reporting</p>
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				<p>12.13. The duration of the consent (Section 123 of the Act) as provided for in Schedule 86 timing of reviews and purposes of reviews (Section 128 of the Act).</p> <p>13.14. Lapsing of the consent (Section 125(1)).</p> <p>14.15. Contribution to services or works for the enhancement of river flows associated with groundwater abstraction and stream depletion in the HPWMZ) be provided in respect of the performance of conditions and administration charges (Section 108 of the Act).</p> <p><i>Note: the amount to be contributed to the stream flow enhancement as required by conditions (f) and (g) will be determined by council in consultation with water permit holders and will be included in the schedule of fees and charges and reviewed annually.</i></p> <p><i>There is still some analysis required to ensure this approach is both robust and legal.</i></p>
TANK 8 Surface and groundwater water takes (abstraction at low flows)	Application to continue to take and use water in respect of permits subject to section 124	Restricted Discretionary	<p>a) The take is not from the Heretaunga Plains Freshwater Management Unit (quantity)</p> <p>b) The taking and use of water from surface or groundwater water bodies does not comply with conditions of TANK 5, TANK 6.</p> <p>c) The application is for the continuation of a water take and use authorised in a water permit that was issued before <proposed plan date> and that is due for renewal and section 124 applies except;</p> <p>(i) where the consent being renewed includes any condition restricting takes at flows that are higher than the applicable flow specified in Schedule 64</p> <p>d) An application is either for the continuation of a previously authorised water take or is a joint or global application that replaces existing water permits previously held separately or individually</p> <p>Actual and Reasonable* Re-allocation</p> <p>e) Except as provided by matter 1, tThe amount taken and used for irrigation is the actual and reasonable amount</p>	<p>The Council will restrict its discretion to the following matters;</p> <ol style="list-style-type: none"> 1. The extent to which the need for water has been demonstrated and is actual and reasonable provided that the quantities assessed or calculated may be amended after taking account of; <ol style="list-style-type: none"> a. the completeness of the water permit and water meter data record; b. the climate record for the same period as held by the Council (note: these records will be kept by the Council and publically available) and whether that resulted in water use restrictions or bans being imposed; c. effects of water sharing arrangements d. crop rotation/development phases 2. The extent to which the application is affected by practical and economic realities of constructing and completing major developments over time, including in relation to market fluctuations and the timing and availability of finance for staged developments 2. The use of the land and any changes to the land use as a result of the use of the water so that annual nitrogen losses do not exceed the limits imposed by Table 2 in Schedule 4.

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		<p>f) The amount taken and used for municipal, community and papakāinga water supply is:</p> <ul style="list-style-type: none"> (i) the quantity specified on the permit being renewed; or (ii) any lesser rate applied for <p>g) Except as provided by matter 2 and 6 Other than as provided in (c) or (d) the amount taken and used is the least of:</p> <ul style="list-style-type: none"> (i) the quantity specified on the permit due for renewal or (ii) any lesser rate applied for (iii) the maximum annual water use in any one year within the 10 years preceding <date of notification> (including as demonstrated by accurate water meter records) <p>Surface Water Management (quantity)</p> <p>h) Any take from groundwater in Zone 1 authorised as at <date of notification> in any surface Water Management Unit (quantity) is subject to either;</p> <ul style="list-style-type: none"> (i) a restriction in water flow when the applicable minimum flow is reached in the relevant zone (as shown in schedule ??) <p>Or</p> <ul style="list-style-type: none"> (ii) the take complies with conditions (eg) and (fg) of rule TANK 7 <p>General Conditions</p> <ul style="list-style-type: none"> i) A water meter is installed i) Fish and eels are prevented from entering the reticulation system <p>A Means of Compliance for Condition i)</p>	<p>3. Previous history of exercising the previous consent and whether the applicant has been served with an enforcement order or has been subject to abatement action by the Council</p> <p>4. The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any relevant minimum flow or level or allocation limit given in Schedule 64</p> <p>5. Where the take is in a Source Protection Zone, the actual or potential effects of the rate of take and volume abstracted on the quality of source water for the water supply and any measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply irrespective of any treatment including notification requirements to the Registered Drinking Water supplier</p> <p>6. For applications to take water for municipal, community and papakāinga water supply;</p> <ul style="list-style-type: none"> a. provisions for demand reduction and asset management over time so that water use is at reasonable and justifiable levels including <u>whether meeting an Infrastructure Leakage Index of 4 or better will be achieved.</u> b. Rate and volumes of take limited to the projected demand for the urban area provided in the HPUDS 2017. c. water demand based on residential and non-residential use including for schools, rest homes, hospitals commercial and industrial demand within the planned reticulation areas <p>7. The location of the point(s) of take</p> <p>8. The effects of any water take and use for frost fighting on the natural flow regime of the river.</p> <p>9. Information to be supplied and monitoring requirements including timing and nature of water meter data reporting and the installation of telemetered recording and reporting.</p> <p>10. For applications other than irrigation, municipal, community or papakāinga water supply or frost protection, evidence that</p>
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			<p>Installation of a screen or screens on the river intake that has a screen mesh size not greater than 3 millimetres and is constructed so that the intake velocity at the screen's outer surface is less than 0.3 metres per second and is maintained in good working order at all times.</p> <p><u>i) Back flow of water or contaminants into any bore shall be prevented</u></p> <p><u>Advisory Note:</u> <u>Any application to change water use as specified under (c), (d) or (e) may trigger a consent requirement under rule TANK 4 or 4a</u></p>	<p>the take and use of water meets an efficiency of use of at least 80%</p> <p>11. Measures to achieve efficient water use or water conservation and avoid adverse water quality effects including the method of irrigation application necessary to achieve efficient use of the water and avoid adverse water effects through ponding and runoff and percolation to groundwater.</p> <p>12. Management of bores and other water take infrastructure including means of backflow prevention.</p> <p>13. The duration of the consent (Section 123 of the Act) as provided for in Schedule 8- timing of reviews and purposes of reviews (Section 128 of the Act).</p> <p>14. Lapsing of the consent (Section 125(1)).</p> <p>15. For takes from Zone 1 in the Ngaruroro and Tūtaekuri Management Zones Contribution to services or works for the enhancement of river flows associated with groundwater abstraction and stream depletion in relation to takes subject to condition (e)) provided in respect of the performance of conditions and administration charges (Section 108 of the Act).</p> <p><i>Note: the amount to be contributed to the streamflow enhancement as required by conditions (e)(iv) and (j) will be determined by council in consultation with water permit holders and will be included in the schedule of fees and charges and reviewed annually.</i></p>
TANK 9 Groundwater and Surface water takes (low Flow)	The take and use of surface (low flow allocations) or groundwater	Discretionary	<p><u>a) The take and use does not comply with the conditions of TANK 7 and TANK 8</u></p> <p><u>b) The take is not for frost protection and</u></p> <p><u>c) The total amount taken, either by itself or in combination with other authorised takes in the same water management unit does not exceed the total allocation limit in the relevant management unit as specified in Schedule 6 except this clause does not apply to takes:</u></p> <p><u>(i) for frost protection</u></p> <p><u>(ii) for stream flow enhancement</u></p>	<p><u>Note that this rule allows for applications for stream flow enhancement water. The discharge of that water is managed by RRMP Rule 31, which is amended as part of this Plan Change</u></p>

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			<p>(iii) takes of water associated with the release of water from a water storage impoundment</p> <p>a) 4 except</p> <p>d) where the application is for the continuation of a water take and use authorised in a water permit that was issued before <proposed plan date> and that is due for renewal and section 124 applies and where the consent being renewed includes any condition restricting takes at flows that are higher than the applicable flow specified in Schedule 4</p> <p>e) </p>	
TANK 10 Taking water	The take and use of surface or groundwater	Non-complying	a) the activity does not comply with the conditions 5-b) of TANK 9	
TANK 10b	Moved to RRMP rules below.		(i) 	
TANK 11 Taking water – high flows	The taking and use of surface water at times of high flow for storage and the discharge of water into in an storage impoundment	Discretionary	<p>a) The take to storage on its own or in combination with other authorised takes, is still available for allocation within the limits specified in both columns (D) and (E) of Schedule 7</p> <p>b) The take to storage does not breach the applicable minimum flow as shown for the relevant river in Schedule 7</p> <p>c) The activity. Except as provided in Schedule 7 the take to storage either on its own or in combination with other activities takes to storage or damming in the same catchment does not cause the flow regime of the river to be altered by more than the amount specified in schedule 7 for that river.</p>	<p>Notes; 1. The construction of dams greater than 4 metres in height and holding more than 20,000 m3 will also need a Building Consent. Dams smaller than this are exempt from the Building Act provisions. For rules relating to the construction and maintenance of dams, refer to section 28.2 (Dams and Weirs) in Part IV (Rivers and Lakes).</p>
TANK 12 Damming	Damming of surface waters and discharge from dams	Discretionary	Except as prohibited by Rule TANK 14, and in schedule 7 the activity damming and discharge from the dam either on its own or in combination with other dam or discharge activities takes to storage or damming in the same water	

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	<u>except as prohibited by TANK 14</u>		management zone does not cause the flow regime of the river to be altered by more than <u>the amount specified in Schedule 77% of the FRE₂ for that river</u>	
TANK 13 Take and use from storage	Take and use from a dam or water impoundment	Discretionary	The activity taking and use of water from a dam or water impoundment that does not comply with TANK 5	
TANK 14 Damming	Construction of Dams or the damming of water	Prohibited	On the mainstem of the following rivers: a) Ngaruroro River and its tributaries: (i) Taruarau River (ii) Omahaki River b) Tūtaekurī River and its tributaries : (i) Mangaone River (ii) Mangatutu River No application may be made.	

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Discharge Activities

RULE	ACTIVITY	STATUS	CONDITIONS/STANDARDS/TERMS	MATTERS
Rule	Activity	Classification	Conditions/standards/terms	Matters for control/discretion
Rule 31a				
RRMP Rule 32 Drainage water	Diversion and discharge of land drainage water into water (gravity drainage systems)	Permitted	<p>Insert at the end of condition (f); Except in the TANK WMZ</p> <p>(g) After <ten years after date of notification> in the TANK WQMZs dissolved nutrient and sediment concentrations in the discharge water are no more than in the receiving water <u>after reasonable mixing at the point of discharge as measured by shall not increase as a result of the discharge when measuring</u></p> <p>(i) DIN (ii) DRP (iii) suspended sediment</p>	
New RRMP rule 33A Drainage water	The diversion and discharge of land drainage water from an existing pumped drainage system (small scale)	Permitted	<p>a) the discharge is in a TANK Water Quality Freshwater Management Unit</p> <p>b) The pumped drainage system existed at <date of notification></p> <p>c) The land area being serviced by the drainage network is less than 10ha</p> <p>d) There shall be no increase in flooding on any property owned or occupied by another person, as a result of any discharge from the drainage activity.</p> <p>e) The discharge shall not cause any scouring or erosion of any land or any watercourse beyond the point of discharge.</p> <p>f) The activity shall not result in changes to water levels in any connected wetland</p> <p>g) The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3°Celsius from normal seasonal water temperature fluctuations, after reasonable mixing.</p>	

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			<p>h) Any discharge of water arising from a drainage system shall be to the same catchment as that to which the water would naturally flow.</p> <p>i) After <ten years after date of notification> in the TANK FQMU's dissolved nutrient and sediment concentrations in the discharge water are no more than in the receiving water <u>after reasonable mixing shall not increase as a result of the discharge when measuring at the point of discharge as measured by</u></p> <p>(i) DIN (ii) DRP (iii) suspended sediment</p>	
RRMP Rule 33 Drainage water	Discharge of Drainage water	Controlled	<p>Insert at the end of condition (f); Except in the TANK FMUs (quality)</p> <p>(g) After <ten years after date of notification> in the TANK FMUs (quality) dissolved nutrient and sediment concentrations in the discharge water are no more than in the receiving water at the point of discharge as measured by</p> <p>(i) DIN (ii) DRP (iii) suspended sediment</p>	<p>For activities carried out in the TANK FMUs (quality), add additional Matter of Control:</p> <p>h. Measures or methods required for meeting the receiving water quality standards. i. Monitoring for water quality</p>
RRMP Rule 1 Bore drilling	The drilling, construction and alteration of bores	Controlled	<p>Insert after a);</p> <p>b) The bore is not located within a Source Protection Zone</p>	
RRMP Rule 2 Bore drilling		Restricted discretionary		<p>Insert after e);</p> <p>f) The actual or potential effects of the bore and bore drilling on the quality of source water for Registered Drinking Water Supplies and any measures to reduce the risk to the water quality including notification requirements to the Registered Drinking Water supplier, the maintenance of the bore and the well head, including decommissioning the bore where necessary.</p>

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RRMP Rule 2 Decommissioning bores		Permitted	Insert after e) Where the bore is in a Source Protection Zone, information to confirm compliance with conditions (a) to (e) shall be provided to the Council upon request	
RRMP Rule 5 Feedlots and feedpads		Permitted	Insert after (d) e) The feedpad or feedlot is not located in a Source Protection Zone	
RRMP Rule 6 Feedlots and feedpads		Restricted discretionary		Insert after e) The actual or potential effects of the feedlot or feedpad on the quality of source water for Registered Drinking Water Supplies irrespective of any treatment and any measures to reduce the risk to the water quality including notification requirements to the Registered Drinking Water supplier.
RRMP Rule 12 Stock feed		Permitted	Insert after g) h) Where the activity is in a Source Protection Zone, information to confirm compliance with conditions (a) to (g) shall be provided to the Council upon request.	
RRMP Rule 13 Use of compost, biosolids and other soil conditioners		Permitted	Insert after i) j) Where the activity is in a Source Protection Zone, the storage or processing of compost or bio-solids and other soil conditions does not exceed < cubic metres> of material.	
RRMP Rule 14 Animal Effluent		Controlled	Insert after g) h) The activity is not in a source Protection Zone	
RRMP Rule 15 Discharge of animal effluent in sensitive catchments	Insert at the end of the list Or in any Source Protection Zones	Discretionary		
RRMP Rule 16		Permitted	Inset after k)	

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Management of solid waste on production land			l) The activity is not located in a Source Protection Zone	
RRMP Rule 37 New Sewerage systems		Permitted	Inset after r) s) The activity is not located in a Source Protection Zone	
RRMP Rule 40 Discharges from Closed landfills		Controlled		Insert after f) The actual or potential effects of the activity on the quality of source water for Registered Drinking Water Supplies and any measures to reduce the risk to the water quality including notification requirements to the Registered Drinking Water supplier,
RRMP Rule 48 Discharges of solid contaminants including cleanfill to land			Inset after h) i) The activity is not located in a Source Protection Zone	
RRMP Rule 49 Discharges to land that may enter water		Permitted	Inset after l) m) The activity is not located in a Source Protection Zone	
RRMP Rule 61 Transfer of Permits to take and use surface water from a river	The transfer of a permit to take and use water from a river to another site	Controlled	Inset after d) e) The transfer is not in any TANK Freshwater Quantity Management Unit.	
RRMP Rule 62 Transfer of Permits to take and use groundwater	The transfer of a permit to take and use groundwater to another site	Controlled	Inset after d) e) The transfer is not in any TANK Freshwater Quantity Management Unit.	
Inset new RRMP Rule 62a	Permanent or temporary transfer of	Controlled	a) The transfer is the whole or any part of the holder's interest in the permit for taking and use of surface or groundwater;	1. Any applicable conditions on the permit being transferred and any water use permit at the location the water is to be transferred to.

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Transfer of Permits to take and use water	water in accordance with S136(2)(b)(i) of the RMA	<p>1. To any person or occupier of the site in respect of which the permit is granted, or</p> <p>2. To another person on another site {</p> <p>b) The transfer is not between ground and surface water point of take</p> <p>c) The permit is</p> <p>(i) within the same catchment to any point downstream (excluding downstream tributaries) of the location to which the permit applies;</p> <p>(ii) for groundwater takes in the Heretaunga Plains FMU (Quantity), the transfer is to any point downstream of any affected stream;* and</p> <p>(iii) the transfer is within the same Freshwater Management Unit (Quantity)</p> <p>d) The transfer of a groundwater take is to an existing bore for which pump tests are available and there is no change to the nature and scale of drawdown effects on neighbouring bores or connected waterbodies as a result of the transfer</p> <p>e) The transfer does not result in an increase in nitrogen loss as specified in Table 2 in Schedule 4</p> <p>f) All parties to the transfer shall have metering and reporting at any applicable recording and reporting level except for temporary transfers of less than five days per annum.</p> <p>g) In fully or over-allocated management units, the transfer shall only be of that part of the permit for which there is actual and reasonable use*</p> <p>h) The permit shall be transferred only to parties who hold a current consent for the use of water</p> <p>i)h) The purpose for the water use does not change except</p>	<p>2. The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any relevant minimum flow or level or allocation limit or drawdown effects, including in relation to any Source Protection Zone for a registered drinking water supply.</p> <p>3. Compliance with any applicable minimum flows and levels including flow enhancement in any applicable stream*</p>
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			<p>(i) that water takes for irrigation use may be transferred for irrigation of different crops subject to condition (e)</p> <p>(ii) for transfers that enable the operation of a flow enhancement scheme (ref Policy 38)</p> <p>(iii) <u>the transfer enables efficient delivery of water supply to meet the communities' human health needs.</u></p> <p>Advisory Notes</p> <ul style="list-style-type: none"> Pursuant to s136(3) of the RMA, the transfer has no effect until written notice of the transfer is received by Hawkes Bay Regional Council. The HBRC will accept transfers via any website being managed for this purpose as satisfying this requirement Section 136(5) of the RMA provides that when notification of the transfer has occurred, the permit or that part of the permit transferred shall be deemed to be cancelled, and the permit or part transferred shall be deemed to be a new permit subject to the same conditions as the original permit. <p><u>Note that TANK 4 or 4a may be triggered as a result of a transfer activity</u></p>	
Insert new rule 62b	Permanent or temporary transfer of water in accordance with S136(2)(b)(i) of the RMA	<u>Discretionary</u>	a) The transfer is the whole or any part of the holder's interest in the permit for taking and use of surface or groundwater that does not comply with TANK 62a	
RMMP Rule 71 Activities Affecting river control and drainage scheme	Insert at the end of the first bullet point: Except for riparian	Discretionary		The exception needs to be supported by a permitted activity that ensures any riparian planting in these areas is subject to performance standards (and somehow according to a planting guide (that the HBRC is yet to prepare))

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	vegetation established to provide shade in the Karamu catchments			
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STORMWATER

RULE	ACTIVITY	CLASSIFICATION	CONDITIONS/STANDARDS/TERMS	MATTERS FOR CONTROL/DISCRETION
STORMWATER 1	The diversion and discharge of stormwater into water, or onto land where it may enter water from any new and existing small-scale ⁸ and residential activities	Permitted	<p>(1) The diversion and discharge shall not;</p> <p>(a) cause scouring or erosion of land or any water course at or beyond that point of discharge</p> <p>(b) cause or contribute to flooding of any property</p> <p>(c) contain hazardous substances</p> <p>(d) cause to occur or contribute to any of the following:</p> <p>i) production of oil or grease films, scums or foams, or floatable or suspended materials</p> <p>ii) any emission of objectionable odour</p> <p>iii) Any conspicuous change in colour or the visual clarity of the receiving water body</p> <p>iv) any freshwater becoming unsuitable for consumption by farm animals</p> <p>v) the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water</p> <p>vi) the discharge of microbiological contaminants</p> <p>(2) There is no stormwater network within a distance of xxx from the property boundary</p> <p>(3) Any structure associated with the point of discharge or diversion is maintained in a condition such that it is clear of debris, does not obstruct fish passage and is structurally sound.</p>	

⁸ As defined in the district plan in which the property is located

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			(4) The person who discharges or diverts, or who causes the discharge or diversion to occur, shall provide such information upon request by the Council to show how conditions (1a) [Erosion], (1b) [Flooding], (1c) [Hazardous Substances], (1d) [Water Quality] will be met or have been met.	
STORMWATER 2	Diversion and discharge of stormwater from an existing or new territorial authority managed stormwater network into water, or onto land where it may enter water	Controlled	<p>Any application for resource consent shall include an Integrated Catchment Management plan includes;</p> <ul style="list-style-type: none"> (i) A monitoring programme to assess existing water quality and level of impact on receiving water quality standards (ii) Identification of the spatial extent of the stormwater network to which the application for consent relates (iii) Identification of the priority streams or catchments where stormwater discharges currently result in receiving water quality below the standards specified in Schedule 1 (iv) A programme of mitigation measures including timeframes and milestones for the enhancement of streams identified in (iii). (v) Identification of any industrial or trade sites, that use, store or produce the discharge of any contaminant of concern (as defined in Table 3.1 of Hawke's Bay Waterway Guidelines Industrial Stormwater Design). (vi) Identification of sites within catchments that have a high risk of contaminants entering the stormwater network or land where it might enter surface or groundwater, including industrial and trade premises and areas subject to new urban development. (vii) For sites identified in (vi) above, a programme to ensure Urban Site Specific Stormwater Management Plans are prepared and implemented so that stormwater quality risks are managed. (schedule 9) (viii) Identification of areas at risk of flooding, and where levels of service to protect communities from flooding are not being met provide information about how this will be managed. 	<p>1) The efficacy of the Integrated Catchment Management Plan including, but not limited to:</p> <ul style="list-style-type: none"> Its contribution to achieving water quality objectives its implementation programme and milestones, The comprehensiveness and reliability of the monitoring regime The use of low impact stormwater design methods <p>2) Its contribution to the avoidance of adverse effects, including cumulative effects, on aquatic ecosystem health and mahinga kai, contact recreation and Māori customary use</p> <p>(3) The characteristics of the proposed discharge and its effects on the receiving environment</p> <p>(4) Duration of the consent</p> <p>(5) Review of consent conditions</p> <p>(6) Compliance monitoring</p>

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			<div><div><div><div><div><div>(ix) The potential effects of climate change on infrastructure capacity and a description of any planned mitigation measures including the identification of secondary flow paths and the capacity of the receiving environment.</div><div>(x) Identification of measures to demonstrate how discharges shall not cause scouring or erosion of land or any water course beyond the point of discharge</div><div>(xi) Where the stormwater network (or part thereof) or discharge locations are situated within a Source Protection Zone of a registered drinking water supply, a description of measures to prevent or minimise adverse effects on the quality of the source water for the registered drinking water supply or any increase in the risk of unsafe drinking water being provided to persons and communities from the drinking water supply</div><div>(xii) Description of measures to demonstrate how the discharge shall not contain hazardous substances⁹ or contaminants (including wastewater) and shall not cause any of the following to occur after reasonable mixing¹⁰:<div><div><div>i) production of oil or grease films, scums or foams, or floatable or suspended materials</div><div>ii) any emission of objectionable odour</div><div>iii) Any conspicuous change in colour or visual clarity of the receiving water</div><div>iv) Any freshwater becoming unsuitable for consumption by farm animals</div><div>v) the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water,</div></div></div></div></div></div></div></div></div>	
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⁹ As defined in the Hazardous Substances and New Organisms Act 1996
¹⁰ As defined at definition 9.7 in the Glossary of the Hawke’s Bay Regional Resource Plan

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STORMWATER-3	Discharge of stormwater to water or onto land where it may enter water from any industrial or trade premises that is deemed to be low risk (as determined Stormwater Risk Matrix, Schedule 10)	Controlled	<p>(1) The diversion and discharge;</p> <p>(a) shall not cause scouring or erosion of land or any water course beyond the point of discharge</p> <p>(b) shall not cause or contribute to flooding of any property;</p> <p>(c) shall not result in surface ponding persisting for longer than 6 hours after the cessation of rainfall</p> <p>(c) shall not contain hazardous substances¹¹</p> <p>(d) shall not cause, after reasonable mixing¹²:</p> <p>i) production of oil or grease films, scums or foams; or floatable or suspended materials</p> <p>ii) any emission of objectionable odour</p> <p>iii) Any conspicuous change in colour or the visual clarity of the receiving water</p> <p>iv) result in any freshwater becoming unsuitable for consumption by farm animals</p> <p>v) the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water</p> <p>(2) There is no reticulated stormwater network within xx metres of the property boundary</p> <p>(3) Any structure associated with the point of discharge or diversion is maintained in a condition such that it is clear of debris, does not obstruct fish passage and is structurally sound.</p>	<p>(i) Site design to minimise the potential for contamination release</p> <p>(ii) Operational procedures to minimise the release of contaminants</p> <p>(iii) Spill contingency and emergency procedures to minimise the release of contaminants during accidents</p> <p>(iv) Compliance with relevant industry guidelines and best practice standards</p> <p>(v) The characteristics of the proposed discharge and its effects on the receiving environment</p> <p>(vi) Duration of the consent</p> <p>(vii) Review of consent conditions</p> <p>(viii) Compliance monitoring</p> <p>(ix) The actual or potential effects of the discharge on the quality of source water for Registered Drinking Water Supplies and any measures to reduce the risk to the water quality</p>
STORMWATER-4	Discharge of stormwater to water or onto land where it may enter water from any industrial or trade	Restricted discretionary	<p>(a) Any application for resource consent shall include an Urban Site Specific Stormwater Management Plan (Schedule 9)</p> <p>(b) The diversion and discharge;</p>	(1). The efficacy of the Urban Site Specific Stormwater Management Plan (Schedule 9 including measures adopted to minimise the risk of contaminants of concern entering stormwater including:

¹¹ As defined in the Hazardous Substances and New Organisms Act 1996¹² As defined in definition 9.7 in the Glossary of the Hawke's Bay Regional Resource Plan

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	premises where the activity is deemed to be of high risk (as determined by the Stormwater Risk Matrix, Schedule 10)	<p>(i) shall not cause scouring or erosion of land or any water course beyond that point of discharge</p> <p>(ii) shall not cause or contribute to flooding of any property,</p> <p>(iii) shall not result in surface ponding persisting for longer than 6 hours after the cessation of rainfall</p> <p>(iv) shall not contain hazardous substances</p> <p>(v) is not to land if the industrial or trade premises is located in a Source Protection Zone</p> <p>(c) The diversion and discharge shall not cause any of the following to occur after reasonable mixing³²:</p> <p>i) production of oil or grease films, scums or foams, or floatable or suspended materials</p> <p>ii) any emission of objectionable odour</p> <p>lii) Any conspicuous change in colour or the visual clarity</p> <p>lv) result in any freshwater becoming unsuitable for consumption by farm animals</p> <p>v) the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water</p> <p>vi) the discharge of microbiological contaminants.</p> <p>(d) There is no reticulated stormwater network at the property boundary</p> <p>(e) Any structure associated with the point of discharge or diversion is maintained in a condition such that it is clear of debris, does not obstruct fish passage and is structurally sound.</p> <p>(f) Where the activity is located within a Source Protection Zone for a registered drinking water supply the proposed discharge has no adverse effect on the quality of source water within the Secure Protection Zone and its suitability for drinking water use without treatment</p>	<p>(i) Installation of stormwater management devices including as detailed in table 3.1 of the Hawke's Bay Regional Council Industrial Stormwater Waterway Design Guidelines.</p> <p>(ii) Alignment with relevant industry guidelines and best practice standards.</p> <p>(2) Water quality standards in the discharge in relation to any contaminants being used on-site and specific methods for treating these.</p> <p>(3) Where the discharge or any land contributing to the discharge is in a Source Protection Zone, the actual or potential effects of the discharge on the quality of source water for registered drinking water supplies and any measures to reduce the risk to the water quality</p> <p>(4) The characteristics of the proposed discharge and its effects on the receiving environment</p> <p>(5) Duration of the consent</p> <p>(6) Review of consent conditions</p> <p>(7) Compliance monitoring</p>
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³² As defined in definition 9.7 of the Glossary of the Hawke's Bay Regional Resource Plan

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STORMWATER

RULE	ACTIVITY	CLASSIFICATION	CONDITIONS/STANDARDS/TERMS	MATTERS FOR CONTROL/DISCRETION
STORMWATER 1 <u>Existing Activities³</u>	The diversion and discharge of stormwater into water, or onto land where it may enter water from any <u>existing and lawfully established⁴; new and existing small-scale⁵ and residential activities</u> <u>(a) residential activities;</u> <u>(b) non-industrial or trade premise;</u> <u>(c) industrial or trade premise with less than 1,000 m² of impervious areas;</u> <u>(d) rural building.⁵</u>	Permitted	(1) The diversion and discharge shall not; (a) cause <u>any permanent bed</u> scouring or <u>bank</u> erosion of land or any water course at or beyond that point of discharge (b) cause or contribute to flooding of any property <u>(bA) cause any permanent reduction in the ability of the receiving environment to convey flood flows</u> (c) contain hazardous substances, <u>or, be from a site used for the storage, use or transfer of hazardous substances</u> (d) <u>Contains drainage from a stockyard</u> <u>(e) cause to occur or contribute to any of the following after reasonable mixing:</u> i) production of <u>conspicuous</u> oil or grease films, scums or foams, or floatable or suspended materials ii) any emission of objectionable odour iii) Any conspicuous change in colour or the visual clarity of the receiving water body <u>(including the runoff from bulk earthworks)</u> iv) any freshwater becoming unsuitable for consumption by farm animals <u>vi) cause to occur or contribute to the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water</u> <u>vii) cause to occur or contribute to the discharge of microbiological contaminants including sewage, blackwater, greywater or animal effluent.</u>	

³ Any existing and lawfully established site/on-site stormwater system that is modified or replaced after 'insert date of notification here' is considered to be a 'new' system and must be assessed in accordance with 'Stormwater 2'.

⁴ NOTE: 'Stormwater 1' means that once a system has been lawfully established, the system's continued operation is permitted under this rule. No ongoing consent is required for the operation of lawfully established stormwater discharges provided the conditions of this rule are met

⁵ As defined in the district plan in which the property is located

⁶ NOTE: Refer to Rule 52 in circumstances of any non-compliance with one or more relevant conditions/standards/terms in this rule.

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RULE	ACTIVITY	CLASSIFICATION	CONDITIONS/STANDARDS/TERMS	MATTERS FOR CONTROL/DISCRETION
			<p>(2) There is no stormwater network within a distance of 300m from the property boundary. The property cannot connect to a current or planned reticulated stormwater network.</p> <p>(3) Any structure associated with the point of discharge or diversion is maintained in a condition such that it is clear of debris, does not obstruct fish passage and is structurally sound.</p> <p>(4) The person who discharges or diverts, or who causes the discharge or diversion to occur, shall provide such information upon request by the Council to show how Condition 1 will be met or have been met.</p>	
<u>STORMWATER 2</u> <u>New Activities</u>	The diversion and discharge of stormwater into water, or onto land where it may enter water from any new ^a : (a) residential activities; (b) non-industrial or trade premise; (c) industrial or trade premise with less than 1,000 m ² of impervious areas; (d) rural building ^a	<u>Permitted</u>	<p>(1) The diversion and discharge shall not:</p> <p>(a) cause any permanent bed scouring or bank erosion of land or any water course at or beyond that point of discharge</p> <p>(b) cause or contribute to flooding of any property</p> <p>(bA) cause any permanent reduction in the ability of the receiving environment to convey flood flows</p> <p>(c) contain hazardous substances or, be from a site used for the storage, use or transfer of hazardous substances</p> <p>(d) Contains drainage from a stockyard</p> <p>(e) cause to occur or contribute to any of the following after reasonable mixing:</p> <p>i) production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials</p> <p>ii) any emission of objectionable odour</p> <p>iii) Any conspicuous change in colour or the visual clarity of the receiving water body (including the runoff from bulk earthworks)</p>	

^a NOTE: Refer to Rule 52 in circumstances of any non-compliance with one or more relevant conditions/standards/terms in this rule.

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RULE	ACTIVITY	CLASSIFICATION	CONDITIONS/STANDARDS/TERMS	MATTERS FOR CONTROL/DISCRETION
			<p><u>iv) any freshwater becoming unsuitable for consumption by farm animals</u></p> <p><u>wf) cause to occur or contribute to the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water</u></p> <p><u>wig) cause to occur or contribute to the discharge of microbiological contaminants including sewage, blackwater, greywater or animal effluent.</u></p> <p><u>(2) The property cannot connect to a current or planned reticulated stormwater network.</u></p> <p><u>(3) Any structure associated with the point of discharge or diversion is maintained in a condition such that it is clear of debris, does not obstruct fish passage and is structurally sound.</u></p> <p><u>(4) The person who discharges or diverts, or who causes the discharge or diversion to occur, shall provide such information upon request by the Council to show how Condition 1 will be met or have been met.</u></p>	
<u>Stormwater 3</u>	<u>Except as provided for in Rule Stormwater 1 or Rule Stormwater 2, the diversion and discharge of stormwater into water, or onto land where it may enter water[§]</u>	<u>Controlled</u>	<p><u>(1) The diversion and discharge shall not;</u></p> <p><u>(a) cause any permanent bed scouring or bank erosion of land or any water course at or beyond that point of discharge</u></p> <p><u>(b) cause or contribute to flooding of any property</u></p> <p><u>(bA) cause any permanent reduction in the ability of the receiving environment to convey flood flows</u></p> <p><u>(c) contain hazardous substances or, be from a site used for the storage, use or transfer of hazardous substances</u></p> <p><u>(d) Contains drainage from a stockyard</u></p>	<p><u>a. Location of the point of diversion and discharge including its catchment area.</u></p> <p><u>b. Volume, rate, timing and duration of the discharge, in relation to a specified design rainfall event.</u></p> <p><u>c. Effects of the activity on downstream flooding.</u></p> <p><u>d. Contingency measures in the event of pipe capacity exceedence.</u></p> <p><u>e. Actual or likely adverse effects on fisheries, wildlife, habitat or amenity values of any surface water body.</u></p> <p><u>f. Actual or likely adverse effects on the potability of any ground water.</u></p>

[§] NOTE: Refer to Rule 52 in circumstances of any non-compliance with one or more relevant conditions/standards/terms in this rule.

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RULE	ACTIVITY	CLASSIFICATION	CONDITIONS/STANDARDS/TERMS	MATTERS FOR CONTROL/DISCRETION
			<p><u>(e) cause to occur or contribute to any of the following after reasonable mixing:</u></p> <p><u>i) production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials</u></p> <p><u>ii) any emission of objectionable odour</u></p> <p><u>iii) Any conspicuous change in colour or the visual clarity of the receiving water body (including the runoff from bulk earthworks)</u></p> <p><u>iv) any freshwater becoming unsuitable for consumption by farm animals</u></p> <p><u>v) cause to occur or contribute to the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water</u></p> <p><u>vi) cause to occur or contribute to the discharge of microbiological contaminants including sewage, blackwater, greywater or animal effluent.</u></p>	<p><u>f) The actual or potential effects of the activity on the quality of source water for Registered Drinking Water Supplies and any measures to reduce the risk to the water quality including notification requirements to the Registered Drinking Water supplier.</u></p> <p><u>g. Duration of the consent.</u></p> <p><u>h. A compliance monitoring programme.</u></p> <p><u>i. A bond.</u></p> <p><u>j. Administrative charges.</u></p>
STORMWATER ²⁴	Diversion and discharge of stormwater from an existing or new territorial <u>local</u> authority managed stormwater network into water, or onto land where it may enter water ²²	Controlled	<p><u>(1) The diversion and discharge shall not:</u></p> <p><u>(a) cause any permanent bed scouring or bank erosion of land or any water course at or beyond that point of discharge</u></p> <p><u>(b) cause or contribute to flooding of any property</u></p> <p><u>(bA) cause any permanent reduction in the ability of the receiving environment to convey flood flows</u></p> <p><u>(c) contain hazardous substances or, be from a site used for the storage, use or transfer of hazardous substances</u></p> <p><u>(d) Contains drainage from a stockyard</u></p> <p><u>(e) cause to occur or contribute to any of the following after reasonable mixing:</u></p> <p><u>i) production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials</u></p> <p><u>ii) any emission of objectionable odour</u></p>	<p>1) The efficacy of the Integrated Catchment Management Plan including, but not limited to:</p> <ul style="list-style-type: none"> - Its contribution to achieving water quality objectives - its implementation programme and milestones, - The comprehensiveness and reliability of the monitoring regime - The use of low impact stormwater design methods <p>2) Its contribution to the avoidance of adverse effects, including cumulative effects, on aquatic ecosystem health and mahinga kai, contact recreation and Māori customary use</p>

²⁰ NOTE: Refer to Rule 52 in circumstances of any non-compliance with one or more relevant conditions/standards/terms in this rule.

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RULE	ACTIVITY	CLASSIFICATION	CONDITIONS/STANDARDS/TERMS	MATTERS FOR CONTROL/DISCRETION
			<p>iii) Any conspicuous change in colour or the visual clarity of the receiving water body (including the runoff from bulk earthworks)</p> <p>iv) any freshwater becoming unsuitable for consumption by farm animals</p> <p>(f) cause to occur or contribute to the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water</p> <p>(g) cause to occur or contribute to the discharge of microbiological contaminants including sewage, blackwater, greywater or animal effluent.</p> <p>(2) Any application for resource consent shall<u>must</u> include an Integrated Catchment Management plan that includes;</p> <p>(i) A monitoring programme to assess existing <u>stormwater discharge</u> quality and level of impact on receiving water quality standards</p> <p>(ii) Identification of the spatial extent of the stormwater network to which the application for consent relates</p> <p>(iii) Identification of the priority streams or catchments where stormwater discharges currently result in receiving water quality below the standards specified in Schedule 1</p> <p>(iv) A programme of mitigation measures including timeframes and milestones for the enhancement of streams identified in (2)(iii),</p> <p>(v) Identification of any industrial or trade sites, that use, store or produce the discharge of any contaminant of concern (as defined in Table 3.1 of Hawke's Bay Waterway Guidelines Industrial Stormwater Design),</p> <p>(vi) Identification of sites within catchments that have a high risk of contaminants entering the stormwater network or land where it might enter surface or groundwater, including industrial and trade premises and areas subject to new urban development.</p>	<p>(3) The characteristics of the proposed discharge and its effects on the receiving environment</p> <p>(3A) The actual or potential effects of the activity on the quality of source water for Registered Drinking Water Supplies and any measures to reduce the risk to the water quality including notification requirements to the Registered Drinking Water supplier.</p> <p>(4) Duration of the consent</p> <p>(5) Review of consent conditions</p> <p>(6) Compliance monitoring</p> <p>(6)(7) Administrative charges</p>

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RULE	ACTIVITY	CLASSIFICATION	CONDITIONS/STANDARDS/TERMS	MATTERS FOR CONTROL/DISCRETION
			<p>(vii) For sites identified in (2)(vi)-above, a programme to ensure Urban Site Specific Stormwater Management Plans are prepared and implemented so that stormwater quality risks are managed. (schedule 9)</p> <p>(viii) Identification of areas at risk of flooding, and where levels of service to protect communities from flooding are not being met provide information about how this will be managed.</p> <p>(ix) The potential effects of climate change on infrastructure capacity and a description of any planned mitigation measures including the identification of secondary flow paths and the capacity of the receiving environment.</p> <p>(x) Identification of measures to demonstrate how discharges shall not cause scouring or erosion of land or any water course beyond the point of discharge</p> <p>(xi) Where the stormwater network (or part thereof) or discharge locations are situated within a Source Protection Zone of a registered drinking water supply, a description of measures to prevent or minimise adverse effects on the quality of the source water for the registered drinking water supply or any increase in the risk of unsafe drinking water being provided to persons and communities from the drinking water supply</p> <p>(xii) Description of measures to demonstrate how the discharge shall not contain hazardous substances¹¹ or contaminants (including wastewater) and shall not cause any of the following to occur-after-reasonable mixing¹².</p>	

¹¹ As defined in the Hazardous Substances and New Organisms Act 1996

¹² As defined at definition 9.7 in the Glossary of the Hawke's Bay Regional Resource Plan

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RULE	ACTIVITY	CLASSIFICATION	CONDITIONS/STANDARDS/TERMS	MATTERS FOR CONTROL/DISCRETION
			i) production of <u>conspicuous</u> oil or grease films, scums or foams, or floatable or suspended materials <u>after reasonable mixing</u> ii) any emission of objectionable odour <u>after reasonable mixing</u> iii) Any conspicuous change in colour or visual clarity of the receiving water <u>after reasonable mixing</u> iv) Any freshwater becoming unsuitable for consumption by farm animals <u>after reasonable mixing</u> v) the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water.	
STORMWATER 3	Discharge of stormwater to water or onto land where it may enter water from any industrial or trade premises that is deemed to be low risk (as determined Stormwater Risk Matrix, Schedule 10)	Controlled	(1) The diversion and discharge; (a) shall not cause scouring or erosion of land or any water course beyond the point of discharge (b) shall not cause or contribute to flooding of any property; (c) shall not result in surface ponding persisting for longer than 6 hours after the cessation of rainfall (e) shall not contain hazardous substances¹³ (d) shall not cause, after reasonable mixing¹⁴: i) production of oil or grease films, scums or foams, or floatable or suspended materials ii) any emission of objectionable odour iii) Any conspicuous change in colour or the visual clarity of the receiving water iv) result in any freshwater becoming unsuitable for consumption by farm animals	(i) Site design to minimise the potential for contamination release (ii) Operational procedures to minimise the release of contaminants (iii) Spill contingency and emergency procedures to minimise the release of contaminants during accidents (iv) Compliance with relevant industry guidelines and best practice standards (v) The characteristics of the proposed discharge and its effects on the receiving environment (vi) Duration of the consent (vii) Review of consent conditions (viii) Compliance monitoring (ix) The actual or potential effects of the discharge on the quality of source water for Registered Drinking Water Supplies and any measures to reduce the risk to the water quality

¹³ As defined in the Hazardous Substances and New Organisms Act 1996¹⁴ As defined in definition 9.7 in the Glossary of the Hawke's Bay Regional Resource Plan

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RULE	ACTIVITY	CLASSIFICATION	CONDITIONS/STANDARDS/TERMS	MATTERS FOR CONTROL/DISCRETION
			<p>v) the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water</p> <p>(2) There is no reticulated stormwater network within xx metres of the property boundary</p> <p>(3) Any structure associated with the point of discharge or diversion is maintained in a condition such that it is clear of debris, does not obstruct fish passage and is structurally sound.</p>	
STORMWATER 46	<p><u>Except as provided for in Rule Stormwater 3 or Rule Stormwater 2, the discharge of stormwater to water or onto land where it may enter water from any industrial or trade premises ¹⁵where the activity is deemed to be of high risk (as determined by the Stormwater Risk Matrix, Schedule 10)</u></p>	Restricted discretionary	<p>(a) Any application for resource consent <u>must</u> shall include an Urban Site Specific Stormwater Management Plan (Schedule 9)</p> <p>(b) The diversion and discharge;</p> <p>(i) shall not cause <u>permanent bed</u> scouring or <u>bank</u> erosion of land or <u>alter the natural course of any water body any water course beyond that point of discharge</u></p> <p>(ii) shall not cause or contribute to flooding of any property,</p> <p><u>(iiA) shall not cause any permanent reduction in the ability of the receiving environment to convey flood flows</u></p> <p><u>(iii) shall not result in surface ponding persisting for longer than 6 hours after the cessation of rainfall</u></p> <p>(iv) shall not contain hazardous substances</p> <p><u>(v) is not to land if the industrial or trade premises is located in a Source Protection Zone</u></p> <p>(c) The diversion and discharge shall not cause any of the following to occur after reasonable mixing¹⁶:</p> <p>i) production of <u>conspicuous</u> oil or grease films, scums or foams, or floatable or suspended materials</p> <p>ii) any emission of objectionable odour</p>	<p>(1). The efficacy of the Urban Site Specific Stormwater Management Plan (Schedule 9 including measures adopted to minimise the risk of contaminants of concern entering stormwater including:</p> <p>(i) Installation of stormwater management devices including as detailed in table 3.1 of the Hawke's Bay Regional Council Industrial Stormwater Waterway Design Guidelines.</p> <p>(ii) Alignment with relevant industry guidelines and best practice standards.</p> <p>(2) Water quality standards in the discharge in relation to any contaminants being used on site and specific methods for treating these.</p> <p>(3) <u>The actual or potential effects of the activity on the quality of source water for Registered Drinking Water Supplies and any measures to reduce the risk to the water quality including notification requirements to the Registered Drinking Water supplier</u> Where the discharge or any land contributing to the discharge is in a Source Protection Zone, the actual or potential effects of the discharge on the quality of source water for registered</p>

¹⁵ NOTE: Refer to Rule 52 in circumstances of any non-compliance with one or more relevant conditions/standards/terms in this rule.¹⁶ As defined in definition 9.7 of the Glossary of the Hawke's Bay Regional Resource Plan

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RULE	ACTIVITY	CLASSIFICATION	CONDITIONS/STANDARDS/TERMS	MATTERS FOR CONTROL/DISCRETION
			<p>iii) Any conspicuous change in colour or the visual clarity</p> <p>iv) result in any freshwater becoming unsuitable for consumption by farm animals</p> <p>dw) the diversion and discharge shall not cause to occur or contribute to:</p> <p>j) the destruction or degradation of any habitat, mahinga kai, plan or animal in any water body or coastal water</p> <p>vii) the discharge of microbiological contaminants, including sewage, blackwater, greywater or animal effluent.,</p> <p>(e4) There is no reticulated stormwater network at the property boundary</p> <p>(ef) Any structure associated with the point of discharge or diversion is maintained in a condition such that it is clear of debris, does not obstruct fish passage and is structurally sound.</p> <p>(f) Where the activity is located within a Source Protection Zone for a registered drinking water supply the proposed discharge has no adverse effect on the quality of source water within the Secure Protection Zone and its suitability for drinking water use without treatment</p>	<p>drinking water supplies and any measures to reduce the risk to the water quality</p> <p>(4) The characteristics of the proposed discharge and its effects on the receiving environment</p> <p>(5) Duration of the consent</p> <p>(6) Review of consent conditions</p> <p>(7) Compliance monitoring</p>

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SCHEDULE 1: FRESHWATER QUALITY OBJECTIVES

Schedule 1 is linked to objectives seeking that water quality will meet the needs of the values identified and to Objective 1 which provides the timeframe within which water quality must be improved. The water quality states specified in this Schedule will enable environmental, cultural and social needs for water quality to be met when they are achieved. Schedule 1 is a first step with objectives being attained by 2040. The longer term and more integrated (fresh/coastal water) approach to managing water resources is reflected in Schedule 2.

Water quality attribute	Surface WQ areas ¹	Water Quality Objective or /Target ²	Application	Critical Value ³	Also relevant for
Water clarity (m)	Upper Ngaruroro and Upper Tūtaekurī Rivers	≥ 5 m	Median, <median flows	Trout fishery - outstanding	Recreation, ecosystem health, mauri, natural character, Uu, amenity natural character, indigenous biodiversity and mahinga kai, taonga and tohu species and habitat, abstractive uses including for domestic, farm and community water supply, primary production and food production, industrial and commercial use
	Lower Ngaruroro and Lower Tūtaekurī Rivers	≥ 3.75 m		Trout fishery - significant	
	Ngaruroro and Tūtaekurī Tributaries	≥ 3.75 m			
	Lowland tributaries	≥ 1.6 m	Median, all flows	Recreation / aesthetics	
Turbidity (NTU)	Upper Ngaruroro and Lower Upper	≤ 0.7	Median, at < median flows	trout fishery	Recreation, ecosystem health, UU, ecosystem health, kaitiakitanga, waimaori, natural character, mauri, domestic and farm water supply

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	Tūtaekurī Rivers				
	Lower Ngaruroro and LowerTūtaekurī Rivers	≤ 4.1	Median, all flows	statistical GL	UU, ecosystem health, kaitiakitanga, waimaori, natural character, mauri, abstractive uses including for domestic, farm and community water supply, primary production and food production, industrial and commercial use.
	Ngaruroro and Tūtaekurī Tributaries	≤ 4.1			
	Lowland tributaries	≤ 5.6			
Deposited sediment (%)	Upper Ngaruroro and Upper Tūtaekurī Rivers	< 20% / < 15% (May-Oct)	Run habitats, maximum	Ecosystem health Biodiversity (MCI), salmonid spawning	Uu, waimaori, natural character, mauri, ecosystem health, kaitiakitanga- ahu whenua mahinga kai, he aha haere, taonga/tohu species habitat and spawning, cultural practices, wetlands and lakes, maori land, marae/hapū, indigenous biodiversity
	Lower Ngaruroro and Lower Tūtaekurī Rivers	< 20 %		Ecosystem health (Biodiversity (MCI))	
	Ngaruroro and Tūtaekurī Tributaries	< 20 %			
	Lowland tributaries	< 20 %			

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Periphyton biomass (mg/m ²) ⁴	Lower Ngaruroro and Upper Tūtaekurī Rivers	>50 - <120 mg/m ² max 1 p.a.	max 8% exceedance over 3 years monthly observations	Ecosystem health (NOF)	Uu, waimaori, natural character, mauri, ecosystem health, kaitiakitanga, he aha haere, taonga/tohu species habitat and spawning, mahinga kai, nohoanga, cultural practices, tauranga waka, maori land, marae/hapū, indigenous biodiversity
Periphyton cover (annual max, %PeriWCC)	Upper Ngaruroro and Upper Tūtaekurī Rivers	≤ 20 %	Monthly observations, all year.	Ecosystem health	Uu, waimaori, natural character, mauri, ecosystem health, kaitiakitanga, he aha haere, taonga/tohu species habitat and spawning, mahinga kai, nohoanga, cultural practices, tauranga waka, maori land, marae/hapu, indigenous biodiversity abstractive uses including stock drinking
Periphyton cover (seasonal max, %PeriWCC)	Lower Ngaruroro and Lower Tūtaekurī Rivers	≤ 30 %	Monthly observations, all year (for Uu)	Recreation	Uu, waimaori, natural character, mauri, ecosystem health, kaitiakitanga, he aha haere, taonga/tohu species habitat and spawning, mahinga kai, nohoanga, cultural practices, tauranga waka, maori land, marae/hapū, abstractive uses including stock drinking
	Ngaruroro and Tūtaekurī Tributaries	≤ 30 %			
Cyanobacteria (benthic cover %) ⁵	All Management Areas	< 20 %	Monthly observations, all year.	Recreation	Uu, waimaori, natural character, mauri, ecosystem health, kaitiakitanga, he aha haere, taonga/tohu species habitat and spawning, mahinga kai, nohoanga, cultural practices, tauranga waka, maori land, marae/hapū, abstractive uses including stock drinking

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Macrophytes (max %CAV)	Lowland tributaries	≤ 50 %	Monthly observations, all year.	Ecosystem health	Uu, waimaori, natural character, mauri, ecosystem health, kaitiakitanga, he aha haere, taonga/tohu species, mahinga kai, nohoanga, cultural practices, tauranga waka, Indigenous biodiversity, abstractive uses including for domestic, farm and community water supply, primary production and food production, industrial and commercial use
MCI (index)	Upper Ngaruroro and Upper Tūtaekurī Rivers	≥ 120	average, flow < median	Ecosystem health	Waimaori, natural character, mauri, ecosystem health, kaitiakitanga, whakapapa, taonga/tohu species habitat and spawning, Indigenous biodiversity, trout
	Lower Ngaruroro and Lower Tūtaekurī Rivers	≥ 100			
	Ngaruroro and Tūtaekurī Tributaries	≥ 100			
	Lowland Tributaries (sb-MCI)	≥ 90			Waimaori, natural character, mauri, ecosystem health, kaitiakitanga, whakapapa, indigenous biodiversity and taonga/tohu species habitat and spawning
DIN (mg/L)	Upper Ngaruroro and Upper Tūtaekurī Rivers	< 0.05 mg/L	Median, all flows	Algal growth	Estuary ecosystem health, recreation, uu, waimaori, mauri, aquifer recharge, mahinga kai, taonga/tohu species, natural character, ecosystem health, abstractive uses, drinking water

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DRP (mg/L)	Lower Ngaruroro and Lower Tūtaekurī Rivers	< 0.15 mg/L	Median, all flows	Estuary ecosystem health	Estuary ecosystem health, recreation, uu, waimaori, mauri, aquifer recharge, mahinga kai, taonga/tohu species, natural character, ecosystem health, abstractive uses including for domestic, farm and community water supply, primary production and food production, industrial and commercial use
	Ngaruroro and Tūtaekurī Tributaries	< 0.3 mg/L			Estuary ecosystem health, recreation, uu, waimaori, mauri, aquifer recharge, mahinga kai, taonga/tohu species, natural character, abstractive uses, drinking water
	Lowland tributaries	< 0.444 mg/L			Recreation, uu, waimaori, mauri, aquifer recharge, mahinga kai, taonga/tohu species, natural character, ecosystem health, abstractive uses including for domestic, farm and community water supply, primary production, industrial and commercial use
	Upper Ngaruroro and Upper Tūtaekurī Rivers	< 0.003 mg/L		Algal growth	Estuary ecosystem health, recreation, uu, waimaori, mauri, aquifer recharge, mahinga kai, taonga/tohu species, natural character, abstractive uses
DRP (mg/L)	Lower Ngaruroro and Lower Tūtaekurī Rivers	< 0.015 mg/L	Median, all flows	Algal growth	Estuary ecosystem health, recreation, uu, waimaori, mauri, aquifer recharge, mahinga kai, taonga/tohu species, natural character, aquifer recharge, abstractive uses
	Ngaruroro and Tūtaekurī Tributaries	< 0.015 mg/L		Algal growth	Estuary ecosystem health, recreation, uu, waimaori, mauri, aquifer recharge, mahinga kai, taonga/tohu species, natural character, abstractive uses
	Lowland tributaries	< 0.015 mg/L		Estuary ecosystem health	Uu, waimaori, mauri, aquifer recharge, mahinga kai, taonga/tohu species, natural character, ecosystem health, abstractive uses

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Nitrate (mg NO ₃ -N/L)	Upper Ngaruroro and Upper Tūtaekurī Rivers	median ≤ 1 / 95th%ile ≤ 1.5	annual median, annual 95th%ile (Hazen method), all flows	Toxicity (NOF)	Waimaori, mauri, aquifer recharge, indigenous taonga/tohu species habitat and spawning, ahu moana Abstractive uses including for domestic, farm and community water supply, primary production and food production, industrial and commercial use
	Lower Ngaruroro and Lower Tūtaekurī Rivers				
	Ngaruroro and Tūtaekurī Tributaries				
	Lowland Streams	median ≤ 2.4 / 95th%ile ≤ 3.5			
Ammonia (mg NH ₄ -N/L)	Upper Ngaruroro and Upper Tūtaekurī Rivers	median ≤ 0.03 / max ≤ 0.05	Annual median, annual max unionised ammonia based on pH8 at 20 ⁰ , all flows	Toxicity (NOF)	Waimaori, mauri, aquifer recharge, indigenous taonga/tohu species habitat and spawning, ahu moana Abstractive uses including for domestic, farm and community water supply, primary production and food production, industrial and commercial use
	Lower Ngaruroro and Lower Tūtaekurī Rivers				
	Ngaruroro and Tūtaekurī Tributaries				

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	Lowland tributaries-4				
E. coli (cfu/100 ml)	Upper Ngaruroro and Upper Tūtaekurī Rivers	<5% over 260/100ml median < 130/100ml	All year, all flows	recreation / human health, Uu	Waimaori, , mauri, kaitiakitanga, he aha haere, aquifer recharge, ahu moana, ahūwhenua mahinga kai, nohoanga, cultural practices, tauranga waka, , maori land, marae/hapū connections, abstractive uses including for domestic, farm and community water supply, primary production and food production, industrial and commercial use
	Lower Ngaruroro and Lower Tūtaekurī Rivers	<5% over 540/100ml <20% over 260/100ml median < 130/100ml			
	Ngaruroro and Tūtaekurī Tributaries	<5% over 540/100ml <20% over 260/100ml median < 130/100ml			
	Lowland tributaries	<5% over 1000/100ml median < 130/100ml <30% over 260/100ml <10% over 540/100ml ↓			
Dissolved oxygen (mg/L or %) from continuous data	Upper Ngaruroro and Upper Tūtaekurī Rivers	≥8 (7-d mean min) / ≥7.5 (1-d min) / (≥80% saturation)	7-day mean min; 1-day min (Nov- April)	Ecosystem health	Waimaori, natural character, mauri, kaitiakitanga, whakapapa, indigenous taonga/tohu species, indigenous biodiversity, trout
	Lower Ngaruroro				

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	and Lower Tūtaekurī Rivers				
	Ngaruroro and Tūtaekurī Tributaries				
	Lowland tributaries	≥5 (7-d mean min) / ≥4 (1-d min)			Waimaori, natural character, mauri, kaitiakitanga, whakapapa, indigenous taonga/tohu species, indigenous biodiversity
Temperature (°C) 5-day CRI from continuous data ⁹	Upper Ngaruroro and Upper Tūtaekurī Rivers	≤ 1°C increment compared to reference state	Cox-Rutherford- Index from continuous measurements, hottest 5 consecutive days, all flows	Ecosystem health	Waimaori, natural character, mauri, kaitiakitanga, whakapapa, taonga/tohu species, ahumoana, ahuwhenua mahinga kai indigenous biodiversity, trout
	Lower Ngaruroro and Lower Tūtaekurī Rivers	≤ 2°C increment compared to reference state			
	Ngaruroro and Tūtaekurī Tributaries	≤ 2°C increment compared to reference state			
	Lowland tributaries	≤ 2°C ⁹ increment compared to reference state			Waimaori, natural character, mauri, kaitiakitanga, whakapapa, taonga/tohu species, ahumoana, ahuwhenua mahinga kai Indigenous biodiversity
pH	Upper Ngaruroro	6.5 – 8.	At all times, 95 th %ile	Ecosystem health	

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	and Tūtaekurī				
	All areas (not upper Ngaruroro and Tūtaekurī)	6.5- 8.5		Ecosystem health	
BOD (ScBOD ₅) ¹⁰	All areas	<2 mg/l	Flow <median	Ecosystem health	
Heavy metals and metalloids, pesticides and organic contaminants, radioactive contaminants ¹⁰	Upper Ngaruroro and Upper Tūtaekurī Rivers	99% species protection	At all times	Ecosystem Health	
	All areas (not upper Ngaruroro and Tūtaekurī)	95% species protection	At all times	Ecosystem Health	
Guideline value for any aesthetic determinand (Drinking Water Standards for New Zealand DWSNZ) ⁷	Groundwater quality all areas ⁸	Within guidelines specified in the NZ Drinking Water Standards	At all times	Human Health	
<i>E. coli</i> (maximum concentration per 100mls)	Groundwater quality all areas ⁸	<1 <i>E.coli</i> /100ml	At all times	Human Health	

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Nitrate- nitrogen (concentration of nitrate-nitrogen (mg N- NO ₃ /l) ⁶	Groundwater quality all areas ⁸	<1mg/l	At all times	Ecosystem Health	
All other determinants Standards for New Zealand DWSNZ)	Groundwater quality all areas ⁸	Guideline value for determinant (Drinking Water Standards for New Zealand DWSNZ)	At all times	Human Health	
Placeholder for mātauranga Māori attributes that are yet to be developed					
<p>*the areas that these water quality objectives refer to are on the attached planning maps</p> <p>Note 1; Surface water quality management areas for rivers. The management areas are shown on the Planning Maps Details for wetland and lake water quality targets and limits still to come.</p> <p>Note 2; Where the numeric number is currently being met it is the freshwater objective, and if it is not currently being met then it is a target.</p> <p>Note 3; The critical value is the value most sensitive to the attribute state (has the highest water quality demand for that attribute). If the needs of the critical value are met, the needs of other values are also met.</p> <p>Note 4; The council collects information about the periphyton biomass at a limited number of sites. It also has extensive data on periphyton cover, including cyanobacteria at all SOE sites</p> <p>Note 5; MfE Alert-level framework: New Zealand guidelines for cyanobacteria in recreational fresh waters: Interim guidelines (2009)</p> <p>Note 6; Maximum 95th percentile concentration of nitrate-nitrogen (mg N-NO₃/l) shall be calculated as the 95th percentile of monitoring results obtained over a period of 5 consecutive years</p> <p>Note 7; Some aesthetic determinants including iron, manganese and hardness are affected by geological conditions and will affect natural water quality</p> <p>Note 8; the attributes are as measured in groundwater at 10m below ground level</p> <p>Note 9; subject to development of reference condition temperatures</p> <p>Note 10; Attribute state established to guide assessment of applications for contaminant discharges</p>					

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SCHEDULE 2: FRESHWATER QUALITY OBJECTIVES

Schedule 2 does not have a regulatory function. It is not a statutory requirement and is an optional provision. However it is included because it satisfies cultural and social needs for a long term and more integrated approach to the way freshwater is managed. It also provides additional direction for the monitoring and research efforts of the Council. This is particularly relevant for the integration of freshwater and estuary ecosystems

Water quality attribute	Zone	Limit / Objective	Value	Protection level	Application
MCI (index)	Upper Ngaruroro and Upper Tūtaekurī Rivers	≥ 120	Ecosystem health	Ecological condition excellent (for hill country streams and rivers)	average, flow < median
	Lower Ngaruroro and Upper-Lower Tūtaekurī Rivers, Ngaruroro and Tūtaekurī Tributaries	≥ 100		Ecological condition good	
	Lowland tributaries (sb-MCI)	≥ 100		Ecological condition excellent (for lowland streams, Class A)	
Dissolved oxygen (mg/L or %) from continuous data	Upper Ngaruroro and Upper Tūtaekurī Rivers	≥8 (7-d mean min) / ≥7.5 (1-d min) / (≥80% saturation)	Ecosystem health	Band A No stress caused by low dissolved oxygen on any aquatic organisms that are present at matched reference (near-pristine) sites.	Continuous DO measurements
	Lower Ngaruroro and Upper-Lower Tūtaekurī Rivers				
	Ngaruroro and Tūtaekurī Tributaries			Band B occasional short periods of minor stress on sensitive organisms.	
	Lowland tributaries	≥7 (7-d mean min) / ≥5 (1-d min)			
	reference	≤ 21°C		Current state reference condition	

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Temperature (°C) 5-day CRI from continuous data	Upper Ngaruroro and Upper Tūtaekurī Rivers	≤ 22°C (A band)	Ecosystem health	≤1°C increment compared to reference condition	Cox-Rutherford-Index from continuous measurements, hottest 5 consecutive days, all flows
	Lower Ngaruroro and Lower Upper Tūtaekurī Rivers	≤ 23°C (B band)		≤2°C increment compared to reference condition (needs further investigation)	
	Ngaruroro and Tūtaekurī Tributaries, Lowland tributaries	≤ 23°C (B band)		(needs further investigation)	

Table 1 Estuary Water and Ecosystem Attributes				
Water quality attribute	Estuary	Water Quality Objective	Critical Value	Application
Water column dissolved oxygen	Ahuriri	7 day mean ≥7.0mg/L	Ecosystem health Kaitiakitanga	Continuous logger in most susceptible areas of estuary. Summer monitoring data for discrete specified periods. All 3 statistics must be met for each band
		7 day minimum ≥6.0mg/L		
	1 day minimum ≥5.0mg/L			
	Waitangi	7 day mean ≥7.0mg/L		
7 day minimum ≥6.0mg/L				
1 day minimum ≥5.0mg/L				
Escherichia coli/Enterococci	Ahuriri	Microbiological Assessment Category B	Recreation	Microbiological Assessment Category as outlined in

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	Waitangi	Assessed at freshwater sites upstream of the estuary using criteria outlined in Schedule 1	Kaitiakitanga Mahinga kai	Microbiological water quality guidelines for marine and freshwater recreational areas
Water column temperature	Ahuriri and Waitangi	The water temperature shall not be greater than 3°C compared to a reference site	Ecosystem health Kaitiakitanga	Continuous monitoring or summer maxima
pH	Ahuriri and Waitangi	7.0 < pH < 8.5	Ecosystem health Kaitiakitanga	Preferably use continuous measurements for pH, however in the absence of continuous measurements daily summer maxima can be used
Nitrate toxicity	Ahuriri and Waitangi	Annual Median 2.4mg/L; and 95th%ile < 3.5mg/L	Ecosystem health Kaitiakitanga	Annual median, annual 95th%ile (Hazen method).
Ammonia toxicity	Ahuriri and Waitangi	0.46 mg/L	Ecosystem health Kaitiakitanga	Annual maximum within a 12 month period when corrected for pH and temperature
Toxicants in water	Ahuriri and Waitangi	Should not exceed the 95% level of protection detailed in ANZG, 2018	Ecosystem health Kaitiakitanga Mahinga kai	Annual median

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Nitrogen and Phosphorous in water column	Ahuriri and Waitangi	Trigger levels. Annual median \leq : <ul style="list-style-type: none"> - 0.015 Dissolved Reactive Phosphorus mg/L - 0.05 Total Phosphorus mg/L - 0.05 Nitrate-Nitrogen mg/L - 0.11 Total Nitrogen mg/L 	Ecosystem health Kaitiakitanga	Annual median of no less than 8 samples within a 12 month period.
Nuisance macroalgae cover	Ahuriri and Waitangi	tbc	Ecosystem health Kaitiakitanga	tbc
Planktonic chlorophyll	Ahuriri and Waitangi	0.004 mg/L	Ecosystem health Kaitiakitanga	Annual median of no less than 8 samples within a 12 month period.
Sediment mud content	Ahuriri and Waitangi	The areal coverage of soft mud* substrate in an estuary should not increase from its current extent	Ecosystem health Kaitiakitanga Mahinga kai	Spatial analysis of estuary grainsize. Wet sieving (7 class), no pre-treatment.

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Toxicants in sediments	Ahuriri and Waitangi	Should not exceed the 95% level of protection detailed in ANZG, 2018	Ecosystem health Kaitiakitanga Mahinga Kai	Annual median of site replicates at Estuarine Ecological Monitoring sites
Notes *Soft mud relates to the proportion of the substrate that is less than 63 microns (can pass through a 63 micron (0.63mm) sieve)				

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SCHEDULE 3: PRIORITY CATCHMENTS

This schedule sets out the list of priority catchments or places where

1. Risk of sediment loss is higher than 500t/km²/year (as modelled by SedNet)
2. SOE monitoring shows the freshwater objectives for nitrogen concentrations for water quality are not being met
3. Probability that dissolved nutrients do not meet freshwater objectives for nitrogen (as modelled by SOURCE and using Overseer data)
4. The level of dissolved oxygen (specific for lowland streams with slope <2 m/km)
5. There is a Source Protection Zone

The priority order assigned in relation to each of these water quality issues is as follows;

	High priority	Medium priority	Low priority	Long term
Sediment yield (SedNet)	>500 t/km ² /year	350 - 500 t/km ² /year	250 - 350 t/km ² /year	<250 t/km ² /year
TN concentrations (all flows, median)	> 2 mg/L	> 1.2 mg/L	> 1 mg/L	<1 mg/L
TN yield (modelled) (all flows, average per sub-catchment)	> 10kg/ha/yr	> 3.5 kg/ha/yr	> 1.2 kg/ha/yr	≤1.2 kg/ha/yr
Dissolved Oxygen levels Class A streams (and /or where stream gradient <2m/km)	anoxia (periods of little or no oxygen)	< 3 mg/L daily minimum and/or DO saturation <30%	< 4mg/L daily minimum and/or DO saturation < 40%	< 6 mg/L daily minimum and/or DO saturation <60%

Catchment maps will be prepared to show where priority areas are as part of the Implementation Plan. The thresholds for priority are unlikely to change significantly while the status of catchments will change as work is completed within the catchment.

Farm Environment and Catchment Collective Plans and Industry Programmes are to be completed in the following priority order; High, Medium and Low Priority over the first 3, 6 and 9 years respectively following <the operative date> of the plan (although work can commence at any time and farmers will be encouraged to start with their own programme as soon as possible).

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SCHEDULE 4 : LAND USE CHANGE

If the use of production land on farm properties or farming enterprises in the TANK catchments changes over more than 10 hectares per property ~~10% of the land area~~, information may be requested from the landowner or land manager to demonstrate or model the annual Nitrogen loss (using Overseer or SPASMO or alternative model approved by HBPRC) in order to;

1. show compliance with the requirements of TANK Rule 4 and 4a
2. enable Policy 15 to be implemented
3. assist landowners to implement the requirements of Schedule 5 items ~~(b)(iii), and (e)~~

Calculation of changes to the annual nitrogen loss on a whole of property or whole of farming enterprise basis will be based on the data in table 1 unless more accurate model data specific for the property in question is available.

Table 2 specifies the allowable change in nitrogen load. The loads are calculated according to the following formula. For each column; the value given is the maximum difference between the highest and lowest Nitrogen loss x 10ha.

Where the land use activity involves arable or vegetable cropping including grazing on a rotational basis, including on lease land at variable locations, production land use change does not include a change in the location of an arable and/or vegetable cropping rotation, where the area of the rotation is equivalent, (plus 10% /10 ha) of the maximum rotation area in the 5 years prior to the plan notification ????

TABLE 1; NITROGEN LOSSES FOR PRODUCTION LAND

Land Use Type	TN Load (kg/ha/y) (Overseer)	TN Load (kg/ha/y) SPASMO		
		<i>Esk/Omahu/Pakipaki Soils</i>	<i>Average Other soils</i>	<i>Farndon/Omarunui/Te Awa soils</i>
Beef	20			
Dairy	32			
Scrub or tree cover	3			
Mixed sheep, beef and deer	13			
Kiwifruit		9	13	23
Pipfruit		9	15	24
Summer fruit		9	14	23
Grapes		1	9	18
Squash		8	31	57
Onions		8	33	61
Sweetcorn/maize		8	29	54
Peas and beans		7	28	55
Other vegetable crops				
Cereal crops				
Winter forage crops				
Arable/vegetable rotation				

TABLE 2 – NITROGEN LOSS THRESHOLDS PER PROPERTY OR FARM ENTERPRISE (ref TANK Rule 4a)

		Annual Nitrogen loss change threshold (kg/y)		
		<i>Esk/Omahu/Pakipaki Soil types</i>	<i>Other soils</i>	<i>Farndon/Omarunui/Te Awa soil types</i>
Unirrigated land uses	290			
Irrigated land uses		80	240	430

Change between non-irrigated and irrigated land uses will be subject to a maximum permitted change of 290 (kg/ha/y) using SPASMO to calculate the change.

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SCHEDULE 5: LANDOWNER COLLECTIVE, INDUSTRY PROGRAMME AND FARM ENVIRONMENT PLAN

The TANK Plan provides for an **Industry Group** or a **Catchment Collective** to work collectively on behalf of their members to meet local water quality and environmental objectives. Alternatively, landowners may also prepare an individual **Farm Environment Plan**

This schedule sets out the requirements for the establishment of a TANK Industry Group or TANK Catchment Collective their operation and their environment plan in order for them to be approved by the Hawke's Bay Regional Council. It also sets out the requirements for Farm Environment Plans. **Heretaunga Plains Water Management Zone**

In the Heretaunga Plains Water Management Zone, requirements for stream flow enhancement will be imposed through conditions of a water permit. Management of a stream flow enhancement scheme is not required to be done by water permit holders acting collectively, however, an Environmental Management Plan can address collective management of any flow enhancement scheme and also address water quality issues according to Sections A and B at the same time.

Industry Groups and Catchment Collectives

A TANK Industry Group or a TANK Catchment Collective must meet the requirements set out in Section A below.

Industry Programme or Catchment Collective Programme

Each TANK Industry or TANK Catchment Collective must prepare an **Industry Programme** or **Catchment Collective Programme** that meets the requirements set out in Section B below. This programme must identify the key water quality and water quantity management issues identified in this Plan that are relevant to;

- the catchment **(s)**
- the nature of the land and water use activities carried out within that catchment
- the scale of the effects on water quality or water quantity from the land and water use activities in that catchment

The Programme will describe an environmental management strategy relevant to the freshwater water management objectives where the member properties are located. An Industry Programme can be based on existing good agricultural practice industry ¹⁴programmes, and will in addition need to address local water quality and quantity issues.

A summary of the Programme objectives and outputs will be publicly available through the Council website.

Any TANK Programme prepared in accordance with Schedule **15** may include or contribute to other initiatives or objectives (such as in relation to farm production, pest control, biodiversity or other land management issue) as desired by the Catchment Collective or Industry Programme. . These

¹⁴ This refers to existing industry programmes such as Hort NZ GAP, Sustainable Winegrowing, Fonterra Clean Stream etc.

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aspects are not subject to the Council's approval, but may be a means of enabling integrated land and water management for a wider range of management objectives.

Farm Environment Plan

The requirements of the Farm Environment Plan are set out in Section C below.

Programme Requirements

Section A: Industry Groups and Catchment Collectives

~~As a minimum an Industry Group or Catchment Collective shall meet the following requirements:~~

1. ~~Minimum requirements for establishment~~

2. ~~Governance and Management~~

1.1 Each Catchment Collective or Industry Group must undertake to carry out the requirements of Section B and must specify in writing the manner in which it will carry this out. This must address the following:

Details relating to the governance and management arrangements of the Programme including

- a) How decisions are to be made and how the requirements of Section B will be carried out including obligations by members to carry out the property specific requirements
- b) Conditions of membership of the Programme by individual land managers (the 'Members' who commit to the Programme), including the circumstances and terms of membership, sanctions or removal from the Collective or Industry Programme including in relation to unreasonable non-performance of actions identified in clauses 3-6 below.
- c) The process for assessing performance at an individual property level compared to agreed actions at the catchment scale.

Note 1: the Collective or Industry Programme may prepare its own terms of reference as well as manage their own decision making processes and administration. This may include appointing a spokesperson or secretary to ensure recording and reporting work is completed as necessary. Note 2: If a membership is lapsed, refused or discontinued, the Council will require the landowner to comply with rule TA1

Information and management systems and processes to ensure;

- d) Competent and consistent performance in meeting the requirements of this schedule
- e) Robust data management, including up-to-date registers of Programme Members.
- f) Timely provision of suitable quality data and information required under the following clauses to Hawke's Bay Regional Council
- g) Conditions of membership of the Programme by individual land managers (the 'Members') who commit to the Programme including provision of information to enable reporting requirements to be met.

A description of the Programme area including

- h) locations and maps,
- i) land uses,

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- j) locations of key environmental issues and risks, including;
 - (i) identifying areas at risk of sediment loss including as a result of land disturbance activities
 - (ii)(i) the location of drains (including subsurface drains), streams, rivers, wetlands and other water bodies,
 - (iii)(ii) The location of any Source Protection Zone or default radius for any Registered Drinking Water Supply that any properties in the programme area are located in, plus the contact details of the water supply manager (Note – Maps included with this plan show the locations of the SPZs and the default radius for any Registered Drinking Water Supplies. Contact information for the supply manager is available on the Council website),
- k) activities at particular risk of nutrient loss,
- k)
- l) property boundaries,
- l) and up-to-date details about ownership and property managers,
- m)
- m)n) up-to-date contact details of individual land managers and landowners within the Programme (the 'Members').

Section B: Requirements for Catchment Collectives

This section sets out the requirements for the environment plan for each Catchment Collective or Industry Programme

32. Environmental Outcomes

2.1 The Plan must include statements about the;

- a) With reference to specified water quality outcomes in Schedule 1 of this Plan relevant to the location of Members' properties
- b) and activities being undertaken, a statement of the measures or practices needed in relation to minimising and mitigating the cumulative environmental effects of land use that will enable the specified water quality objectives to be met,
- c) timeframes for when each of the actions or mitigations at a property or catchment scale are to be implemented and which are consistent with meeting the timeframes specified for relevant water quality objectives and milestones specified in the Plan

2.2 The Plan must address ~~including~~ where appropriate ~~for~~;

- a) managing contaminant losses (especially sediment, nutrients and bacteria) to waterways including efficient use of nutrients and good practice when carrying out land disturbance activities especially in relation to critical contaminant source areas
- a)
- b) where water quality does not meet standards in Schedule 1 is degraded, identifying how there will be reductions in losses that contribute to meeting the specified water quality including, where appropriate, reference to;
 - (i) in relation to industry specified benchmarks or good practice for nitrogen and phosphorus loss;
 - (ii) LUC (Land Use Capability) and soil type;
 - (iii) Olsen P levels in soil;
 - (iv) Stocking rates and densities of different classes of stock;

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- (v) Application of fertilisers;
 - (vi) Application of collected animal effluent;
 - (vii) Cultivation, soil disturbance or vegetation clearance activities
- objectives in Schedule 1
- c) Management of riparian margins, including to meet the outcomes specified in Policy 9 maintaining or improving the physical and biological condition of soils in a manner consistent with Policy 18 and RRMP Rule 7 in order to avoid, remedy or mitigate problems arising from:
 - (i) Loss of topsoil by wind or water erosion;
 - (ii) Movement of soils and contaminants into waterways;
 - (iii) Damage to soil structure and health;
 - (iv) Mass movements of soil;
 - d) wetland management including to meet the outcomes specified in Policies 12 and 13;
 - e) Management of animal effluent to avoid contamination of ground and surface waters;
 - f) Measures required to reduce risk of contamination of the source water for any Registered Drinking Water Supply¹⁵;
 - g) Management of stock, including in relation to river or stream crossings and exclusion from waterways in a manner that is consistent with Policy 20 and TANK Rule 1 or 3;
 - h) in the Karamu and Lake Poukawa Catchments ; an assessment of the state of riparian margins in the programme area, and the identification of opportunities to provide shading of the adjacent waterway or improvements to riparian margin values as specified in Policy 1(c) and Policy 2.

2.3 The Plan must include measure to address Nutrient Management

in any catchment or programme area where water quality objectives for nitrogen concentrations as detailed in Schedule 1 (or as further detailed for local rivers) are not being met, including:

- a) development of an inventory of the nitrogen loss rate (kg/ha/year) for every property as determined by application of Overseer (or an alternative nutrient budget model approved by the Hawke's Bay Regional Council) by a suitably qualified independent practitioner;
- b) a description of any mitigation measures identified as necessary to meet water quality objectives on those properties or within the relevant catchment;
- c) annual recording and reporting of nutrient input and export data, including annual nitrogen loss rates;

2.4 A Catchment Collective member may adopt or integrate a plan or documentation developed as part of an Industry Good Agricultural Practice programme, provided that the Plan or documentation is consistent with the requirements of the Catchment Collective Programme

4.—Timeframes

Timeframes for when each of the actions or mitigations at a property or catchment scale are to be implemented and which are consistent with meeting the timeframes specified for relevant water quality objectives and milestones specified in the Plan,

¹⁵ Landowners may require further information that helps them understand the types of measures that should be adopted. If there are particular mitigations that must be adopted, they should be specified.

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37. Approval

3.1 The Catchment Collective plan or Industry Programme will be submitted for approval by the HBRC ~~no later than~~ by the end of the relevant year specified for that catchment in Schedule 3. In making decisions to approve the Programme the Council will take into account;

- a) whether the requirements of this Schedule are met
- b) whether the programme is consistent with the policies, water quality objectives and milestones that are relevant for that Catchment Collective or Industry Programme
- c) whether the Programme was appropriately informed by person(s) with the necessary professional qualifications to make assessments about the contaminant loss risk and mitigation measures
- d) whether the governance and management systems are in place to enable the implementation of the programme

3.2 Where approval is not given, the requirements of Rule TANK 1 are not able to be met and land uses in the catchment subject to either Rule TANK 1 (b)2 or Rule TANK 2

54. Information Requirements

4.1 The Catchment Collective or Industry programme must prepare a statement of the data and information that will be collected in order to ~~develop the Catchment Collective Programme or Industry Programme~~, monitor implementation and report to Council.

~~This will~~ 4.2 Information will be required where appropriate about ~~include details about the format and timing of data or information collection and delivery by the member properties and by the Catchment Collective or Industry Programme including:~~

- a) ~~changes to programme area and membership;~~
- a) ~~Any information or assessments about the nature and significance of any land use change in accordance with Policy 19 and based on land uses <at the date of plan notification>;~~
- b) ~~Any requirements for record keeping by property managers including information about changes to land ownership~~
- c) ~~the results of any environmental monitoring to be carried out by the Catchment Collective or Industry Programme;~~
- d) ~~A statement of the information and data to be provided for the member properties (such as might be provided by a Farm Environment Plan) which will be used to develop the Catchment Collective or Industry Programme and which includes where appropriate;~~
- c) ~~an assessment of the contaminant loss risks (particularly for nutrients, sediment and E. coli) associated with the major farming activities on the member properties or in relation to critical contaminant source areas (including risks associated with direct runoff into waterways and indirect contaminant losses and including contaminant loss risks associated with vegetation clearance);~~
- e) ~~—~~
- f) ~~A statement (consistent with what is industry agreed good practice) of how the mitigation measures or practices carried out to reduce identified contaminant loss risks and soil management (consistent with what is industry agreed good practice) that will be managed adopted by the property owners or managers and as detailed in section 2.1, including in relation to industry specified benchmarks or good practice for nitrogen and phosphorus loss and including where appropriate information about~~

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- ~~g) LUC (Land Use Capability)~~
- ~~h) Olsen P~~
- ~~i) Stocking rates and densities of different classes of stock~~
- ~~j) Application of fertilisers~~
- ~~k) Application of collected animal effluent~~
- ~~l) Cultivation, soil disturbance or vegetation clearance activities~~
- ~~d) A Catchment Collective member may adopt or integrate a plan or documentation developed as part of an Industry Good Agricultural Practice¹⁶ programme, provided that the Plan or documentation is consistent with the requirements of the Catchment Collective Programme;~~
- ~~m) data, which may be aggregated across a catchment, about nitrogen loss and any changes in losses in respect of section 2.3.;~~

~~6. Nutrient Management~~

~~In any catchment or programme area where water quality objectives for nitrogen concentrations as detailed in Schedule 1 (or as further detailed for local rivers) are not being met;~~

~~an inventory of the nitrogen loss rate (kg/ha/year) as determined by application of Overseer (or an alternative nutrient budget model approved by the Hawke's Bay Regional Council) by a suitably qualified independent practitioner;~~

~~a description of any mitigation measures identified as necessary to meet water quality objectives on those properties or within the relevant catchment;~~

~~annual recording and reporting of nutrient input and export data, including annual nitrogen loss rates;~~

~~7. Approval~~

- ~~(iii)(i) The Catchment Collective plan or Industry Programme will be submitted for approval by the HBRC by the end of the relevant year specified for that catchment in Schedule 3. In making decisions to approve the Programme the Council will take into account;~~
 - ~~a. whether the requirements of this Schedule are met~~
 - ~~b. a. whether the programme is consistent with the policies, water quality objectives and milestones that are relevant for that Catchment Collective or Industry Programme~~
 - ~~c. a. whether the Programme was appropriately informed by person(s) with the necessary professional qualifications to make assessments about the contaminant loss risk and mitigation measures~~
 - ~~d. a. whether the governance and management systems are in place to enable the implementation of the programme~~

~~58. Reporting and Review~~

~~5.1 A summary report on the implementation of the Programme shall be submitted annually~~every year~~ to the Hawke's Bay Regional Council or less frequently as determined by Council if all agreed mitigations have been completed, water quality objectives are being met and there is no land use change exceeding 10% of the programme area.~~

~~5.2 The report will be supplied in the format specified by Council.~~

¹⁶ This refers to existing industry programmes such as Hort NZ GAP, Sustainable Winegrowing, Fonterra Clean Stream etc.

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5.3 The report will ~~that~~ include;

- a) ~~information collected under section 4 describes;~~
- b) ~~The programme area and location and membership~~
- c) ~~Relevant freshwater objectives including where improvements are required in degraded water bodies~~
- d) ~~b) a~~ Any amendments to the programmed mitigation measures plus any changes made to them and reasons for them (including any adverse events such as severe weather, earthquakes etc);
- e) ~~The amount, location or nature of mitigation measures implemented,~~
- f) ~~Data collected in relation to nutrient loss in clause (e)~~
- g) ~~Any significant land use changes¹⁷ shall be described as necessary to identify any changes in contaminant loss risks and this shall be shown in amendments to the Plan~~
- h) ~~c) i~~ Issues or matters that require input or direction from the Council, including the management of activities outside the Catchment Collective which may be adversely affecting the achievement of ~~the the of programme objectives, including identification of additional information/support from HBRC that would assist in the achievement of the objectives of the programme.~~ **Catchment Collective Programme**

5.4 Every 5 years the annual report shall provide information about;

- a) ~~adoption of any new mitigation or good practice measures identified by industry;~~
- b) ~~identification of opportunities for improvements to the programme including, where necessary, amending performance standards, and in relation to nutrient management in clause 2.3.~~

9. ~~Programme Review~~

~~Each Catchment Collective or Industry Group will review its Programme no less than every 5 years and report to the HBRC on the findings of the review including:~~

- ~~progress towards meeting freshwater management objectives~~
- ~~rate of implementation of identified works to reduce contaminant losses, including sediment and nutrients.~~
- ~~adoption of any new mitigation or good practice measures identified by industry,~~
- ~~identification of opportunities for improvements to the programme including where necessary amending performance standards, and in relation to nutrient management in clause 6~~
- ~~any issues arising with meeting objectives or milestone~~

6 ~~10.~~ Auditing

6.1 The HBRC will;

- a) Publicly report on the implementation of TANK Programmes;
- b) Undertake ~~random annual~~ audits of TANK Industry or Catchment Collective Programmes including on member properties in relation to individual and programme implementation of programmed works, adoption of identified good management

¹⁷ Significant can be interpreted to mean more than 10% of the programme area

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practices, including nutrient management budgets where required, ~~and progress towards water quality objectives.~~

Note 2: that if the conditions of any applicable rules for specific activities ~~in section 6 of this plan~~ are not being specifically complied with ~~by a landowner or manager,~~ ~~there is~~ must be information in Section 2 of this the Catchment Collective or Industry Programme to show how the relevant contaminant loss risks are to be managed to a similar level of performance.

Section C: ~~Requirements for~~ Farm Environment Plans

If a property is not subject to a TANK Industry Programme or a TANK Catchment Collective prepared under Section B of this schedule a Farm Environment Plan must be prepared in accordance with Section C

This section sets out the 1. ~~r~~Requirements for Farm Environment Plans.

1.1 1. A Farm Environment Plan must;

- a) ~~b~~be prepared by a person with the professional qualifications necessary to prepare such a plan.
- b) ~~e~~contain the following information;
 - (i) physical address;
 - (ii) details about ownership and property managers including contact details for the person responsible for the implementation of the Plan.
- c) ~~b~~be accompanied by maps or aerial photograph at a scale to clearly show;
 - (i) property boundaries;
 - (ii) locations or activities likely to result in contaminant loss or at risk from contaminant loss including;
 - i. areas at risk of sediment loss;
 - ii. the location of drains (including subsurface drains), streams, rivers, wetlands and other water bodies;
 - iii. ~~T~~the location of any Source Protection Zone or default ~~zone radius~~ for any Registered Drinking Water Supply that any properties in the programme area are located in, plus the contact details of the water supply manager (Note – Maps included with this plan show the locations of the SPZs and the default ~~zone radius~~ for any Registered Drinking Water Supplies. Contact information for the supply manager is available on the Council website.
 - iv. activities at particular risk of nutrient loss;
 - v. contaminant discharge activities.
- d) ~~meet T~~the requirements of Clauses ~~2 and 4 -3, 4, 5b) and 6 in~~ Section B of this ~~s~~chedule as applicable for the property, its location and the land use activities being carried out.

~~land uses,~~

~~LUC classifications within the farm~~

2. Reporting and Review

2.1 The Farm Environment Plan will be submitted to the HBRC no later than by the end of the relevant year specified in Schedule 3 for the catchment(s) the property is located in.

2.2 Tthe report will be in the format specified by Council.

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2.3 The report will include;

- a) information collected under section 4
- b) any amendments to the programmed mitigation measures plus any changes made to them and reasons for them (including any adverse events such as severe weather, earthquakes etc)

2.4 Every 5 years the annual report shall provide information about:

- c) adoption of any new mitigation or good practice measures identified by industry,
- d) identification of opportunities for improvements to the programme including, where necessary, amending performance standards, and in relation to nutrient management in clause 2.3

council shall be advised when the Farm Environment Plan has been prepared and provided with details about the mitigation measures and timeframes for their completion

Information about the implementation of identified mitigation measures or good management practices shall be provided to Council upon request

Any amendments to the programmed mitigation measures plus any changes made to them and reasons for them (including any adverse events such as severe weather, earthquakes etc) shall be provided to the Council on request

Any significant land use changes³⁸ shall be described as necessary to identify any changes in contaminant loss risks and this shall be shown in amendments to the Plan. The Plan must be reviewed no less than every 5 years and information about the review findings provided to the Council upon request

3. Auditing

3.1 The HBRC will;

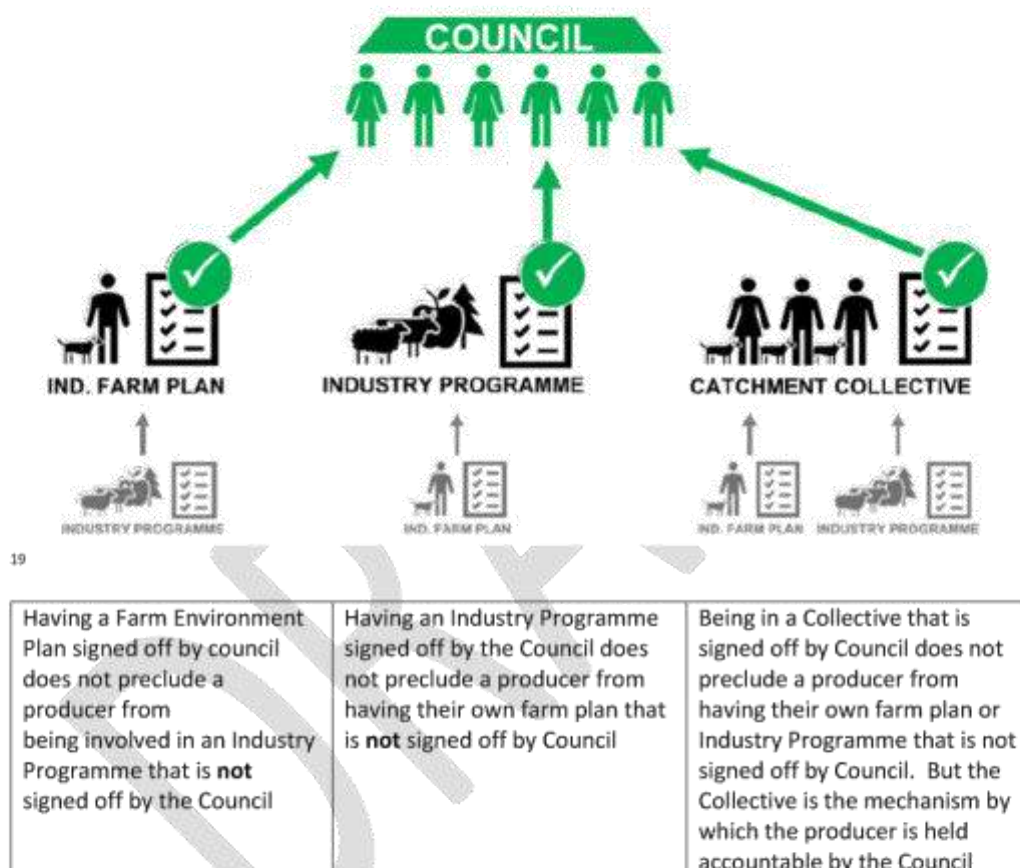
- (i) Publicly report on the implementation of TANK Farm Environment Plan requirements
- (ii) Undertake ~~random annual~~ audits of properties in relation the Farm Environment Plan implementation of programmed works, adoption of identified good management practices, including nutrient management budgets where required.

Note 2: that if the conditions of any applicable rules for specific activities in section 6 of this plan are not being specifically complied with, there is information in the farm Environment Plan to show how the relevant contaminant loss risks are to be managed to a similar level of performance.

³⁸ Significant can be interpreted to mean more than 10% of the programme area

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Note: the diagram below shows how the three environmental management approaches provided for in TANK 1 and Schedule 1 inter-relate with each other and their relationship with Council regulations. (The diagram is not part of the Plan Change but is included here for assistance in interpretation.)



¹⁹ Diagram is from TANK plan change: Barriers and risks to the adoption of proposed mechanisms to co-ordinate management action June 2018 Report by: Justin Connolly Director, Deliberate

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SCHEDULE 6: FLOWS, LEVELS AND ALLOCATION LIMITS

Minimum and Trigger Flows and Allocation Limits

This Schedule specifies the amount of water that may be authorised for abstraction from the specified water management units and the flows at which water abstraction is subject to restrictions or requirements. The allocation limits do not apply to water abstraction that is enabled by the release of water from water taken at times of high flow and stored for later release

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Attachment 1

Water Management Units (quantity) and includes any tributaries of the named river	Water bodies	Minimum flow/flow enhancement site	Minimum Flow (litres/second)	Flow enhancement Trigger	Allocation limit (litres/second for surface water and M ³ /week for groundwater)	
Ahuriri	All surface water	n/a	n/a	n/a	Existing use only ¹	
	All groundwater	n/a	n/a	n/a	Existing use only ²	
Karamu/Clive River	Awanui	The Flume	120	120	Total not to exceed 30	
	Kawerawera/ Paritua	Turamoe Rd		75		
	Ongaru	Wenley Rd		5		
	Irongate	Clarks Weir	100	100		
	Louisa Stream	Te Aute Rd	30	30		
	Te Waikaha Stream	Muntiny Rd	25	26		
	Mangateretere Stream	Napier Rd	100	100		
	Karamu River	Floodgates	1100	1100		
	Raupare Stream	Ormond Rd	300	300	70	
	Lake Poukawa Surface water	n/a	n/a	n/a	Existing use only ¹	
	Lake Poukawa Groundwater	At Douglas Rd	20	n/a	Existing use only ²	
Ngaruroro River s/w and g/w	Maraekakaho River	Taits Rd	109	n/a	36	
	Tūtaekurī - Waimate	Goods Bridge	1200	n/a	607	
	Ngaruroro River (surface and Zone 1)	Fernhill	2400		1300	
		Chesterhope	?			
	Ngaruroro Groundwater	N/a	n/a	n/a	Existing use only ²	
Tūtaekurī River s/w and g/w	Mangatutu Stream	Puketapu	3800 ²⁰		120	
	Mangaone River	Puketapu	2500		140	
	Tūtaekurī (surface plus Zone1)	Puketapu	2500		1140	
	Tūtaekurī groundwater	n/a	n/a		Existing use only ²	

²⁰ reflects existing consents

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Heretaunga Plains Water Management Unit (Quantity)	Heretaunga Plains groundwater	n/a	n/a		(Interim limit 90Mm ³ per year) Existing use only	
<p>Note 1; Any authorised take of surface water existing at <date of notification> is also subject to actual and reasonable assessments.</p> <p>Note 2; This limit constrains use to existing levels existing at <date of notification> until more information is available about nature and extent of the groundwater including recharge information and connections with other water bodies.</p>						

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Attachment 1

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SCHEDULE 7: HIGH FLOW ALLOCATION

Table; High Flow Allocation Limits and Triggers

(A) RIVER NAME	(B) FLOW MANAGEMENT SITE	(C) FLOW TRIGGER	(D) HIGH FLOW ALLOCATION	(E) AMOUNT RESERVED FOR MĀORI DEVELOPMENT	(F) LIMITS FOR DAMMING
Ngaruroro R	Fernhill	20 m ³ /sec	8,000 litres per second* This includes; <ul style="list-style-type: none"> the 2 m³/sec allocation allocated in consents existing at <date of notification> the amount taken from high flow in any tributary of the Ngaruroro the amount specified in column (E) 	1,600 litres per second	n/a
		All Trigger flows above 5000 l/sec	Abstraction of up to 1 m ³ /sec authorised in consents existing as at <date of notification> Included in the 1m ³ /sec is abstraction of up to 400l/sec which is solely available to be discharged into the Paritua Stream to provide for stream enhancement		n/a
		Trigger flows above 2400l/sec	200 l/sec which is solely available to be discharged into the Paritua Stream to provide for stream enhancement		
Ngaruroro and Tūtaekuri Tributaries		Median flow	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. Proportionally in comparison to flow contributions to the main stem. This is included as part of the total allocation for the mainstem high flow allocation.	20% of any high flow allocation from any tributary.	No change of more than 10% to FRE ₃ in the mainstem of the applicable River
Tūtaekuri	Puketapu	8,000 litres per second	2,500 litres per second This includes <ul style="list-style-type: none"> the amount taken from high flow in any tributary of the Tūtaekuri the amount specified in column (E) 	500 litres per second	n/a

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SCHEDULE 8; WATER PERMIT EXPIRY DATES

Refer to Policy 45. Note; Some current catchment dates still need to be confirmed.)

The Council will consider the following schedule when determining the duration of any permit to take and use water. Where appropriate, the duration of the consent will be consistent with the next common expiry date for the relevant water management as shown in this schedule

If an application is made up to three years before the next due date for the relevant zone, the Council may issue the permit for the following expiry date.

For applications in an area for which no expiry date is specified, the duration of the consent will be a matter for Council's discretion.

Current common expiry date	Management Area	Next expiry dates	
	Groundwater (HPWMU)		
2019 + 2018	Poraiti – (Heretaunga Plains WMU)	2033	2048
2019 + 2018	Ahuriri	2033	2048
2019	Unconfined Aquifer & Unconfined Part Of Twyford	2035	2050
2020	Twyford Confined	2035	2050
2021	St George	2036	2051
2022	Te Mata	2037	2052
2023	Longlands/Pakipaki, Hastings	2038	2053
2024	Haumoana, Whakatu/Clive,	2039	2054
2024	Twyford	2040	2055
2025		2040	2055
2025	Pakowhai, Omarunui,	2040	2055
2026	Moteo	2041	2056
2027	Napier/Meeanee	2042	2057
2028?	Poraiti 222,		
2023	Karamu Catchment	2040	2058
2028		2043	2058
	Groundwater (other not including Zone 1 or HP)		
2019	Ahuriri	2039	2059
2029		2044	2059
2023	Karamu Catchment	2040	2058
2028		2043	2058
2028?	Tūtaekurī Catchment	2043	2058
2025	Ngaruroro Catchment	2040	2055
	Surface Water (including Zone 1 gw)		
2023	Karamu (and all tribs except Raupare)	2040	2058
2028		2043	2058
2025	Raupare	2044	2029
2026	Tūtaekurī-Waimate	2041	2056
2028	Tūtaekurī (Whole Catchment)	2043	2058
2025	Ngaruroro (Whole Catchment)	2040	2055
2019	Ahuriri	2039	2059?
+ 2028		2043	2059?

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SCHEDULE 9: SITE MANAGEMENT PLAN - STORMWATER MANAGEMENT

Refer to Rule TANK xx of the RRMP, a Site Management Plan (SMP) is required to outline the methods by which the consent holder will address the risk posed by usage and storage of contaminants of concern associated with the industrial or retail activity. The SMP will specifically include the following information (*further refinement still necessary*):

1. Name and description of Company and location of site

Full description of the entity and the physical location of the site.

2. Site activities and stores

What activities are on site? What facilities are on site? Attach maps/diagrams if necessary.

3. Site layout and drainage plan(s)

Written summary and maps and plans. Boundaries, location of proposed activities and location of water features on property (streams, drains, ponds etc.)

4. Site receiving environments

Insert information about the discharge areas into receiving environments and attach maps/plans if necessary.

5. Identification of risks with the activities on the property and how they will be managed

Descriptions of:

- *Management of contaminants of concern: how the consent holder will ensure contaminants of concern and hazardous substances are not discharged*
- *Methods of protecting and where possible improving receiving water quality environments*
- *Source control: methods of good site management*

6. Management of stormwater treatment devices

Insert full descriptions of all your stormwater treatment devices and reasoning for use. . If you need to install devices but have not yet done so explain here including the timeframe for doing so.

7. Maintenance programme

Written summary of how stormwater devices will be monitored over time.

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SCHEDULE 10: STORMWATER RISK MATRIX

(note this requires reformatting)

CATCHMENT:		SUB-CATCHMENT:		UNIQUE SITE ID:	
DATE: / /		ASSESSED BY:		CAMERA ID:	
MAP GRID:		LAT ° ' " LONG ° ' "		PIC#:	
ULTIMATE RECEIVING ENVIRONMENT:					
A. SITE LOCATED IN POTABLE SOURCE PROTECTION ZONE?					
<input type="checkbox"/> Y <input type="checkbox"/> N (If Yes Site is classed as High Risk but still carry out assessment as below)					
B. SITE DATA AND BASIC CLASSIFICATION					
Name and Address: _____		Category: <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Institutional <input type="checkbox"/> Municipal <input type="checkbox"/> Golf Course <input type="checkbox"/> Transport-Related <input type="checkbox"/> Marina <input type="checkbox"/> Animal Facility			
Consent Status: <input type="checkbox"/> Consented <input type="checkbox"/> Unconsented <input type="checkbox"/> Unknown		Basic Description of Operation: _____			
					INDEX*
C. VEHICLE OPERATIONS <input type="checkbox"/> N/A (Skip to part C)					Observed Pollution Source?
C1. Types of vehicles: <input type="checkbox"/> Fleet vehicles <input type="checkbox"/> School buses <input type="checkbox"/> Other: _____					
C2. Approximate number of vehicles: _____					
C3. Vehicle activities (circle all that apply): Maintained Repaired Recycled Fueled Washed Stored					<input type="radio"/>
C4. Are vehicles stored and/or repaired outside? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell					<input type="radio"/>
Are these vehicles lacking runoff diversion methods? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell					<input type="radio"/>
C5. Is there evidence of spills/leakage from vehicles? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell					<input type="radio"/>
C6. Are uncovered outdoor fueling areas present? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell					<input type="radio"/>
C7. Are fueling areas directly connected to storm drains? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell					<input type="radio"/>
C8. Are vehicles washed outdoors? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell					<input type="radio"/>
Does the area where vehicles are washed discharge to the storm drain? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell					<input type="radio"/>
D. OUTDOOR MATERIALS <input type="checkbox"/> N/A (Skip to part D)					Observed Pollution Source?
D1. Are loading/unloading operations present? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell					<input type="radio"/>
If yes, are they uncovered and draining towards a storm drain inlet? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell					<input type="radio"/>
D2. Are materials stored outside? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell If yes, are they <input type="checkbox"/> Liquid <input type="checkbox"/> Solid Description: _____					<input type="radio"/>
Where are they stored? <input type="checkbox"/> grass/dirt area <input type="checkbox"/> concrete/asphalt <input type="checkbox"/> bermed area					<input type="radio"/>
D3. Is the storage area directly or indirectly connected to storm drain (circle one)? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell					<input type="radio"/>
D4. Is staining or discoloration around the area visible? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell					<input type="radio"/>
D5. Does outdoor storage area lack a cover? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell					<input type="radio"/>
D6. Are liquid materials stored without secondary containment? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell					<input type="radio"/>
D7. Are storage containers missing labels or in poor condition (rusting)? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell					<input type="radio"/>
E. WASTE MANAGEMENT <input type="checkbox"/> N/A (Skip to part E)					Observed Pollution Source?
E1. Type of waste (check all that apply): <input type="checkbox"/> Rubbish <input type="checkbox"/> Construction materials <input type="checkbox"/> Hazardous materials any of these					<input type="radio"/>
E2. Waste Bin condition (check all that apply): <input type="checkbox"/> No cover/Lid is open <input type="checkbox"/> Damaged/poor condition <input type="checkbox"/> Leaking or any of these evidence of leakage (stains on ground) <input type="checkbox"/> Overflowing					<input type="radio"/>
E3. Is the Waste Bin located near a storm drain inlet? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell					<input type="radio"/>
If yes, are runoff diversion methods (berms, curbs) lacking? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell if both are yes					<input type="radio"/>

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F. PHYSICAL PLANT <input type="checkbox"/> N/A (skip to part F)		Observed Pollution Source? <input type="checkbox"/>
F1. Building: Approximate age: _____ yrs. Condition of surfaces: <input type="checkbox"/> Clean <input type="checkbox"/> Stained <input type="checkbox"/> Dirty <input type="checkbox"/> Damaged Evidence that maintenance results in discharge to storm drains (staining/discoloration)? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Don't know		<input type="radio"/>
F2. Roofing Material _____ Condition of roof: <input type="checkbox"/> Clean <input type="checkbox"/> Stained <input type="checkbox"/> Dirty <input type="checkbox"/> Damaged <input type="checkbox"/> Asbestos?		<input type="radio"/>
F3. Parking Lot: Approximate age _____ yrs. Condition: <input type="checkbox"/> Clean <input type="checkbox"/> Stained <input type="checkbox"/> Dirty <input type="checkbox"/> Breaking up Surface material <input type="checkbox"/> Paved/Concrete <input type="checkbox"/> Gravel <input type="checkbox"/> Permeable <input type="checkbox"/> Don't know		<input type="radio"/>
F4. Do downspouts discharge to impervious surface? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Don't know <input type="checkbox"/> None visible Are downspouts directly connected to storm drains? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Don't know		<input type="radio"/>
F5. Evidence of poor cleaning practices for construction activities (stains leading to storm drain)? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell		<input type="radio"/>
F6. Evidence of poor cleaning practices for washing activities (observed washwater dumping, stains leading to storm drain)? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell		<input type="radio"/>
G. TURF/LANDSCAPING AREAS <input type="checkbox"/> N/A (skip to part G)		Observed Pollution Source? <input type="checkbox"/>
G1. % of site with: Forest canopy _____ % Turf grass _____ % Landscaping _____ % Bare Soil 20 %		<input type="radio"/>
G2. Rate the turf management status: <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low		40% medium to high <input type="radio"/>
G3. Evidence of permanent irrigation or "non-target" irrigation <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell		<input type="radio"/>
G4. Do landscaped areas drain to the storm drain system? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell		<input type="radio"/>
G5. Do landscape plants accumulate organic matter (leaves, grass clippings) on adjacent impervious surface? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Can't Tell		<input type="radio"/>
H. STORM WATER INFRASTRUCTURE <input type="checkbox"/> N/A (skip to part H)		Observed Pollution Source? <input type="checkbox"/>
H1. Are storm water treatment practices present? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unknown If yes, please describe: _____		<input type="radio"/>
H2. Are there maintenance records?		<input type="radio"/>
H3. Are private storm drains located at the facility? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unknown		> 25 % <input type="radio"/>
Is litter, sediment and/or organic material present in gutters leading to storm drains? (circle appropriate)		<input type="radio"/>
H4. Is stormwater connected to sewer? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unknown		<input type="radio"/>
I. INITIAL HOTSPOT STATUS - INDEX RESULTS		
<input type="checkbox"/> Not a hotspot (fewer than 5 circles and no boxes checked) <input type="checkbox"/> Potential hotspot (5 to 10 circles but no boxes checked)		
<input type="checkbox"/> Confirmed hotspot (10 to 15 circles and/or 1 box checked) <input type="checkbox"/> Severe hotspot (>15 circles and/or 2 or more boxes checked)		
*Index: <input type="radio"/> denotes potential pollution source; <input type="radio"/> denotes confirmed polluter (evidence was seen)		

Adapted from the Hotspot Site Investigation Model, United States Environmental Protection Agency
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<p>Follow-up Action:</p> <p>Immediate (1 week)</p> <p><input type="checkbox"/> Refer for immediate enforcement</p> <p><input type="checkbox"/> Test for illicit discharge</p> <p>Mid-term (2-3 months)</p> <p><input type="checkbox"/> Schedule a review of storm water pollution prevention plan</p> <p><input type="checkbox"/> Suggest follow-up on-site inspection</p> <p>Long-term (1 year)</p> <p><input type="checkbox"/> Onsite non-residential retrofit</p> <p><input type="checkbox"/> Suggest pollution prevention training for employees</p> <p><input type="checkbox"/> Other: _____</p> <p>Identified Opportunities:</p> <p>General</p> <p><input type="checkbox"/> Include in future education effort (add specifics to Notes)</p> <p><input type="checkbox"/> Stencil or mark storm drain inlets</p> <p><input type="checkbox"/> Signage opportunities (buffer, wetland, bacteria, etc.)</p> <p><input type="checkbox"/> Other: _____</p> <p>Rooftop</p> <p><input type="checkbox"/> Evaluate feasibility of cistern or water reuse</p> <p><input type="checkbox"/> Downspout disconnection</p> <p>Loading Areas</p> <p><input type="checkbox"/> Sweep loading areas</p> <p><input type="checkbox"/> Cover loading docks or redesign drainage</p>	<p>Fueling Islands</p> <p><input type="checkbox"/> Cover fueling islands</p> <p><input type="checkbox"/> Install dry spill response kits</p> <p>Landscaping / turf</p> <p><input type="checkbox"/> Turf conversion to landscaping / Bayscaping</p> <p><input type="checkbox"/> Pervious area restoration</p> <p><input type="checkbox"/> Tree planting</p> <p><input type="checkbox"/> Reduce maintenance (mowing, herbicides, fertilizers)</p> <p>Vehicle repairs</p> <p><input type="checkbox"/> Plumb indoor shop drains to sanitary</p> <p><input type="checkbox"/> Store fluids/batteries inside or under cover</p> <p>Outdoor materials</p> <p><input type="checkbox"/> Provide cover or secondary containment</p> <p><input type="checkbox"/> Place materials on pallets</p> <p>Waste Bin management</p> <p><input type="checkbox"/> Cover or add/repair lids</p> <p><input type="checkbox"/> Move dumpsters away from storm drains or streams</p> <p>Parking lots</p> <p><input type="checkbox"/> Find and fix fluid leaks</p> <p><input type="checkbox"/> Trash and litter pick-up, sweeping</p> <p><input type="checkbox"/> Identify retrofit projects</p> <p><input type="checkbox"/> Reduce salt application</p> <p>Stormwater Infrastructure</p> <p><input type="checkbox"/> Clean out storm drain inlets</p> <p><input type="checkbox"/> Perform maintenance inspection</p>
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DRAW A SKETCH OF THE PROPOSED PROJECT(S) AND/OR ADD ADDITIONAL NOTES. FOR SKETCHES, INCLUDE ITEMS SUCH AS PARKING LOTS, CURBS, ROOF AREAS, DOWNSPOUTS, DIRECTION OF FLOW, OBVIOUS UTILITIES, EXISTING LARGE TREES, ETC.

Adapted from the Hotspot Site Investigation Model, United States Environmental Protection Agency
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Schedule 11: Source Protection for Drinking Water Supplies

The location and details of groundwater wells (including water infiltration galleries) and surface water intakes used as the source of a Registered Drinking Water Supply can be found on the Registered Drinking Water Supply Protection Zone map layers on the HBRC online GIS mapping website.

Source Protection Zones

Existing Registered Drinking Water Supplies that provide drinking water to no fewer than 501 people for not less than 60 days per year will have provisional Source Protection Zones determined according to the provisions of Table 1 until the relevant resource consent requires replacement or until an application for resource consent to amend a Source Protection Zone is made.

Table 1: Method for calculating provisional SPZ

Registered Drinking Water supply	Method for calculating SPZ
Hastings District Council Municipal Supply	Hawkes Bay Regional Council Heretaunga Plains Groundwater Model
Napier City Council Municipal Supply	Analytical Element Model meeting artesian head criterion

Where the holder of a water permit for an existing Registered Drinking Water Supply considers the Source Protection Zone is not adequate for the level of protection required for that supply or where new information significantly amends the modelling output, an application may be made to amend the resource consent conditions of the water permit and establish an amended Source Protection Zone

The dimensions of a Source Protection Zone shall form part of any application for resource consent to take or use water for a new Registered Drinking Water Supply or the replacement of an existing permit for that purpose.

The location of a **Source Protection Zone** around a Registered Drinking Water Supply are to be determined using site specific information listed in Table 2 below and according to the minimum requirements for the relevant population in Table 3

Table 2: Site Specific Information

Site Specific Information
1. the topography, geography and geology of the site;
2. the depth of the well;
3. the construction of the well;
4. pumping rates;
5. the type of aquifer;
6. the rate of flow in the surface waterbody;
7. the types of actual or potential contaminants;
8. the level of treatment that the abstracted water will receive;
9. any potential risk to water quality

Table 3: Methodology for Determining Source Protection

Population served class	Microbial Treatment?	Meets Artesian Head criterion	Method	Uncertainty assessment approach
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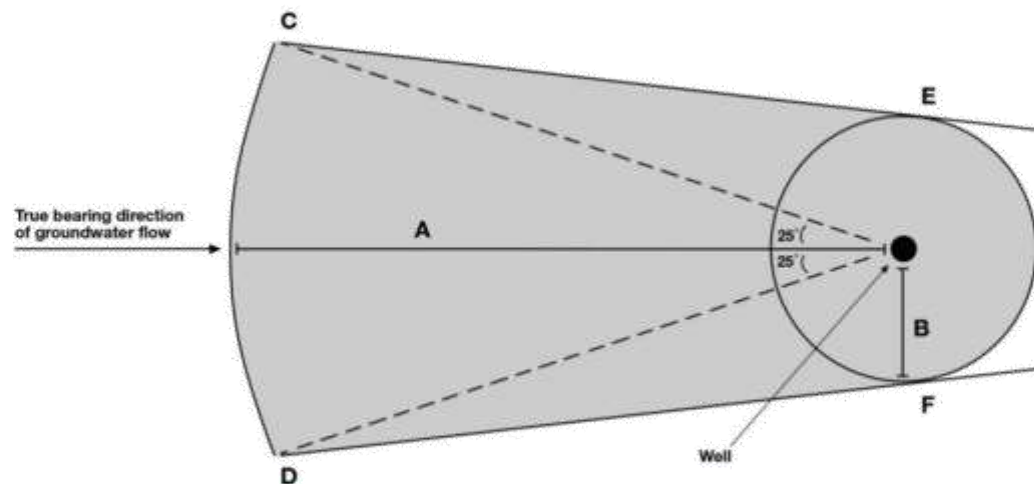
25 – 100	Yes	Yes or No	Manual	None
	No	Yes	Manual	None
	No	No	Manual	Sensitivity analysis
100-500	Yes	Yes	Manual	None
	Yes	No	Manual	Sensitivity analysis
	No	Yes	Manual	Sensitivity analysis
	No	No	Analytical Element Model	Sensitivity analysis
501-5,000	Yes	Yes	Manual	Sensitivity analysis
	Yes	No	Analytical Element Model	Sensitivity analysis
	No	Yes	Analytical Element Model	Sensitivity analysis
	No	No	Analytical Element Model	Stochastic Uncertainty Analysis
>5000	Yes	Yes	Analytical Element Model	Stochastic Uncertainty Analysis
	Yes	No	Numerical Model	Sensitivity analysis
	No	Yes	Numerical Model	Sensitivity analysis
	No	No	Numerical Model	Stochastic Uncertainty Analysis

Source Protection Extent**Method for calculating the area of a provisional Registered Drinking Water Supply Protection Extent.**

Existing groundwater Registered Drinking Water Supplies that provide drinking water to between 25 and 500 people for not less than 60 days per year will be protected for the distances specified in Figure 1 and Table 4 below. This provisional protection extent applies until the relevant resource consent requires replacement or until an application to amend the protection extent is made in accordance with the requirements of Tables 2 and 3.

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Figure 1 Method for calculating the area of a provisional registered drinking water supply extent



The area of the source protection extent is determined by selecting from the Table 4 below depending on the screen depth (or well depth if no screen depth is recorded) and aquifer type.

Table 4; Provisional Protection Extent

Screen Depth (or well depth if no screen depth is recorded)	Aquifer Type	Protection Distances (m)	
		Up-gradient from bore (A)	Radius around bore
<10m	All	2,000	200
10 - <30 m	Unconfined or semi-confined	1,000	200
	Confined	100	100
30 - 70 m	Unconfined or semi-confined	500	200
	Confined	100	100
>70 m	Unconfined or semi-confined	100	100
	Confined	100	100

Public Information

All existing and new Registered Drinking Water Supplies and their source protection zones or extent will be added to the Registered Drinking Water Supply Source Protection map layers on Hawkes Bay Regional Council GIS mapping website.

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GLOSSARY OF TERMS USED

Insert or amend meanings for the following words and terms into the Glossary. Note that where a term is already included, its meaning is only changed in respect of the TANK catchments.

Actual and Reasonable in relation to applications to take and use water means;

- a) no more than the quantity specified on the permit due for renewal or any lesser amount applied for;
- and the least of either
- b) the maximum annual amount as measured by accurate water meter data in the ten years preceding 1 August 2017 for groundwater takes in the HPGWZ or in the preceding ten years as applicable and, for any other take, the amount measured in l/sec and calculated as the sum of weekly maximum averaged over a month in the ten years preceding <date of notification>, or
- c) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise with an equivalent method), and to a 95% reliability of supply where the irrigated area is;
 - a. no more than in the permit due for renewal, or any lesser amount applied for and
 - b. where evidence is supplied to demonstrate that the area has, and can continue to be, irrigated and the permit substantially given effect to.

Affected stream is one which the Stream Depletion Calculator identifies the greatest magnitude of flow reduction in stream depletion caused by that take (a take may affect more than one stream). The stream with the largest effect is the “affected stream”.

Allocation Limit for surface water means the maximum quantity that is able to be allocated in water permits and abstracted expressed in litres per second and calculated as the sum of weekly maximum water permit allocations for a river, or management zone averaged over one month.

Allocation limit for Groundwater means the maximum quantity that is able to be allocated in water permits and abstracted during each year, expressed in cubic metres per year, and is calculated as the sum of maximum water permit allocations for the groundwater zone. Allocations for irrigation will be further restricted in relation to the irrigation period of November- May. The HPWMU Groundwater Allocation Limit will be addition to water taken and used for Frost Protection which is expressed as an instantaneous take in litres per second and calculated as the sum of water permit allocations

Allocation limit for high flow takes means the maximum quantity that is able to be allocated in water permits and abstracted expressed in litres per second as an instantaneous flow and calculated as the sum of the instantaneous flow allocations in water permits for a river or management zone.

Applicable stream enhancement scheme is a stream flow enhancement scheme developed either by Council or water permit holders to pump groundwater into the affected stream when the trigger flow is reached. If not scheme is feasible, then there is no applicable scheme.

Aquifer testing means taking and using groundwater at a constant rate not exceeding 3 consecutive days in any 28 day period to test attributes and characteristics of an aquifer and/or groundwater.

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Those characteristics may include transmissivity, storativity and chemical composition. It does not include the taking or use of groundwater where a device is connected to that might result in variability of water flow. ~~what about geological surveys etc?~~

Default Radius in respect of Registered Drinking Water Supplies means ~~and are shown on the planning maps in schedule~~

Essential human health needs means the proportion of water supplied to residential and other end users for essential human health needs and will be calculated at a rate of 200l/person per day. (Note this is from MfE Guidance being the sum of Drinking 2, Cooking and Food 3, Toilet flushing 80, Bathing and Showering 100, 23% of washing needs 15, Total 200l/p/d)

Farm Environment Plan means a plan that has been prepared in accordance with the requirements of Schedule 51C by a person with the professional qualifications necessary to prepare such a plan which is implemented by a landowner or on behalf of a landowner.

Farming Enterprise – as defined in the RMMP but to include TANK catchments

Forestry Management Plan means a harvest plan or management plan as provided for in the National Environmental Standards for Plantation Forestry ;2017

Fre³ means the frequency of floods that are three times above the median flow for a river as ~~according to determined by~~ the Regional Council records

Hapū (In TANK catchments) means kinship group, section of a large kinship group and the primary political unit in traditional Maori society.

Hawkes Bay Regional Council Heretaunga Plains Groundwater Model is a numerical model meeting the requirements for artesian head and stochastic uncertainty analysis as provided for in Schedule 11

Indigenous vegetation for the purposes of rules regulating removal of vegetation means: means any area of naturally occurring vegetation where the cover of indigenous plants is the same as or greater than exotic plants but excludes any indigenous vegetation which grows beneath plantation forestry.

Kaitiakitanga; add “and in TANK catchments can only be passed down through generations via whakapapa”

Ki uta ki tai – means The movement of water from mountains to sea, through the landscape and the numerous interactions it may have on its journey. Ki uta ki tai acknowledges the connections between the atmosphere, surface water, groundwater, land use, water quality, water quantity, and the coast. It also acknowledges the connections between people and communities, people and the land, and people and water.

Mahinga Kai insert “ and in the TANK catchments mahinga kai generally refers to indigenous freshwater species that have traditionally been used as food, tools, or other resources. Mahinga kai provide food for the people of the rohe and these species give an indication of the overall health of the catchment. For this value, kai would be safe to harvest and eat and knowledge transfer is present (intergenerational harvest). In freshwater management units that are highly valued for providing mahinga kai, the desired species are plentiful enough for long-term harvest and the range of desired species is present across all life stages.

Māori means the aboriginal people of New Zealand that migrated from Hawaiki in successive waves of migration settling throughout the Pacific.

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Marae A marae is a fenced-in complex of carved buildings and grounds that belongs to a particular iwi (tribe), hapū (sub tribe) or whānau (family). Māori people see their marae as tūrangawaewae - their place to stand and belong. Marae are places of refuge for Māori and provide facilities to enable Māori to continue with our own way of life within the total structure of their own terms and values. The marae is an institution from classical Māori society that has survived the impact of western civilisation.

Matauranga Māori means cultural knowledge of the natural world

Mauri Insert “and in the TANK catchments Mauri is a spiritual value that expresses itself within the natural world in a particular manner. In the Māori world view, all-natural things have Mauri, both animate and inanimate. Within freshwater environments, the manifestation of healthy mauri is abundant and healthy water and aquatic resources, including the fish, insects, birds and plants that interact with the water”

Papakāinga means a group of houses of three or more, developed on Maori land that has multiple-owners

Registered Drinking Water Supply (or Supplies) means a drinking water supply that is recorded in the drinking water register maintained by the Chief Executive of the Ministry of Health (the Director-General) under section 69J of the Health Act 1956 that provides no fewer than 25 people with drinking water for not less than 60 days in each calendar year

Registered Drinking Water Supplier means

Reticulated Stormwater Network

River - defined as in the RMA. This will be interpreted to align with the implementation for Tukituki PC and applies to all flowing permanent and intermittent rivers/creeks, lakes and wetlands. An intermittent river or creek is a waterway that periodically flows and has a defined river bed that is predominantly un-vegetated and comprised of silt, sand, gravel and similar.

Source Protection Zone means an area surrounding the point of take for a registered drinking water supply that provides no fewer than 501 people with drinking water for not less than 60 days in each calendar year where plan provisions apply and includes any provisional Source Protection Zone and is defined by methods specified in Schedule 11 and is shown on the planning maps in (the) (information about the location of SPZs can be found on the Council's webpage)

Source Protection Extent is an area surrounding the point of take for a registered drinking water supply that provides no less than 25 and no more than 500 people with drinking water for not less than 60 days in each calendar year and includes any Provisional Source Protection Extent and is defined by methods specified in Schedule 11 (information about the location of SPZs can be found on the Council's webpage.)

Stream Depletion Calculator

TANK Industry Programme or a TANK Catchment Collective is a group of people meeting the requirements of Schedule 5A and which has a Catchment Collective or Industry Programme that has been prepared in accordance with the requirements of Schedule 5B by a person with the professional qualifications necessary to prepare such a Programme

Technical Method in respect of defining a Source Protection Zone means

Waka ama is a New Zealand term for the traditional sport used in the Pacific of outrigger canoeing

Feedback on consultation draft Plan Change 7

Hawke's Bay Regional Council recieved feedback from the organisations listed below regarding draft Plan Change 7. Copies of each submitter's feedback are included in the order listed following.

1. Forest and Bird
2. Central Hawke's Bay District Council
3. Brylee Farms
4. Bay of Plenty Regional Council
5. Federated Farmers New Zealand
6. Jet Boating New Zealand
7. Wairoa Taiwhenua
8. Te Tumu Paeroa
9. Department of Conservation
10. Rangitikei District Council
11. Napier City Council
12. Genesis Energy
13. Horticulture New Zealand

Forest & Bird Feedback on OWB Plan Change 7 – Tom Kay (11/06/2019)

Part	Comment	Position on changes
OBJ LW 1	We support inclusion of all water bodies (rather than just freshwater).	Support.
POL LW1 1.		Support.
POL LW1 2. bA)	We largely support changes but are concerned about the wording around non-regulatory methods.	Seek amendments. Suggest deletion of “by regulatory methods or non-regulatory methods or both” as non-regulatory methods alone will not be sufficient to protect OWB, and this wording conflicts with POL LW4 which makes it clear that non-regulatory methods are used “in support of regulatory methods” – the same wording should be used.
Footnote 5	All significant values must be protected. If prioritisation is to occur, it should be informed by the NPSFM, in that priority should be given to safeguarding life-supporting capacity of ecosystems and human health for recreation, rather than prioritising outstanding over significant values.	Oppose.
POL LW1 – Principal reasons and explanation (page 9)	The obligation to protect OWB should not be limited to future catchment-based plan changes.	Seek amendment as follows (bold text): “Policies LW1A, LW1.1 and LW1.2 inform the development of Farm Environment Management Plans, consideration of resource consents, and 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,"
POL LW3A	This policy is not sufficiently directive and as a result does not implement the NPSFM requirement to protect OFBs.	<p>Oppose ii. Suggest rewording to: "whether the activity will manage adverse effects on the significant values of outstanding freshwater bodies to ensure that their values, are protected, by preferentially avoiding adverse effects and providing for mitigation or remediation where appropriate"</p> <p>Oppose iii. All significant values must be protected. If prioritisation is to occur, it should be informed by the NPSFM, in that priority should be given to safeguarding life-supporting capacity of ecosystems and human health for recreation, rather than prioritising outstanding over significant values.</p> <p>Oppose iv.(c) as it suggests an activity may be appropriate where it has adverse effects on an OFB</p> <p>Support v. but suggest that reference to "consent conditions" should be clearer – which consents?</p>
Table on page 14: Anticipated Environmental Results	As above re. non-regulatory and regulatory methods (mentioned previously re. POL LW1 2. bA).	Seek amendments. Pol LW4 makes clear that non-regulatory methods are used "in support of regulatory methods" – the same wording should be used in Table 14.
OBJ 11		Support
Explanation and Reasons 3.2.8B	References to the NZCPS are incomplete.	Seek amendments. It should also refer to Policy 11 (biodiversity) and Policy 17 (historic heritage), and consequential amendments

		should be made to the text describing what these provisions do. The NZCPS should not be referred to as "seeking to" achieve outcomes, this should be changed to "requires that".
POL C1 Problem solving approach	Again as per non-regulatory methods above, and concerns re. "more than minor".	Seek amendments to clarify that regulatory methods are used "in support of regulatory methods". Oppose the reference to avoiding "more than minor" adverse effects. Amend to "avoiding adverse effects".
POL C2	Same concerns as above re. POL LW3A	Oppose ii. Suggest rewording to: "whether the activity will manage adverse effects on the significant values of outstanding freshwater bodies to ensure that their values, are protected, by preferentially avoiding adverse effects and providing for mitigation or remediation where appropriate" Oppose iii. All significant values must be protected. If prioritisation is to occur, it should be informed by the NPSFM, in that priority should be given to safeguarding life-supporting capacity of ecosystems and human health for recreation, rather than prioritising outstanding over significant values. Oppose iv.(c) as it suggests an activity may be appropriate where it has adverse effects on an OFB Support v. but suggest that reference to "consent conditions" should be clearer – which consents?
Glossary		Support definitions.

		It may be useful to include a definition of 'significant values of OWB'
Schedule XXIV: OWB	It is unclear whether 'wildlife values' means 'ecology values' or if it means something else. Wildlife is not a useful term as it is not used in the RMA or the definition of OWB.	Seek amendment. Ecological values should be used throughout, rather than 'wildlife'.
Schedule XXIV: Part 2	It is unclear why some values for water bodies are listed in their 'outstanding value' form, and others are listed in their 'sub value' form.	Seek amendment. Use consistent language in referring to values.
	It is unclear what the boundary is between the upper and lower Ngaruroro	Seek amendment. Add boundary for upper/lower Ngaruroro as noted for the Mohaka.

Item 9

Attachment 1



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

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Belinda Harper
Senior Planner
Strategic Planning Group
Hawke's Bay Regional Council
Private Bag 6006
Napier 4142

10 June 2019

Dear Belinda,

RE: Consultation on Draft Plan Change 7 to the Regional Resource Management Plan – Hawke's Bay Regional Council

Thank you for providing the opportunity for Central Hawke's Bay District Council (Council) to provide preliminary feedback on Draft Plan Change 7 to the Regional Resource Management Plan, referred to as the outstanding water bodies (OWB) Plan Change. We appreciate the early engagement with Council and the opportunity to input to the OWB Plan Change in the early phase of plan preparation.

It has also been very helpful for you and your colleagues from the Hawke's Bay Regional Council (HBRC) to meet with Council staff to discuss the detail of the OWB Plan Change. We appreciate your making the time to do this.

This submission covers a number of matters that Council would like to comment on in response to the OWB Plan Change. It is evident that the HBRC has invested a significant level of resource to undertake Plan Change 7 and embed provisions of the Plan Change in the Regional Resource Management Plan. While Council understands this approach it does however create some issues in regard to clarity of some of the context of terms and definitions used in the OWB Plan Change.

In particular the use of the terms significant and outstanding in relation the OWB is confusing and could be usefully clarified. The distinction between the terms outstanding water body and outstanding fresh water body could also be explained in more detail to provide increased understanding of the intent of many of the provision in the OWB Plan Change.

Council appreciates the extensive review of the 90 publications that have been referred to in determining the cultural, spiritual, recreation, landscape, geology, natural character and ecology values associated with the 130 water bodies in Hawkes Bay. However, the application of this assessment in the descriptions applied to the outstanding water bodies in Part 2 of Schedule XXIV, Outstanding Water Bodies, does not provide sufficient detailed information to enable a full appreciation of the outstanding value applied to each waterbody. The sparseness of the descriptions applied to individual water bodies is questioned, particularly when this information could provide direction for consenting authorities. It is considered that ready access to the assessments from which the outstanding values are drawn should be included as part of the Plan Change.

The following outstanding waterbodies from the Central Hawke's Bay district have been included in Schedule XXIV, Outstanding Water Bodies:

- Lake Whatumā
- Porangahau Estuary
- Porangahau/Tāurekaitai River
- Ruataniwha Aquifer
- Tukituki River and Estuary
- Waipawa River

It is noted that none of the outstanding water bodies in Schedule XXIV are mapped or, if these waterbodies have been mapped, the maps are not included in the draft plan change. Without access to the maps of the relevant sections or areas of the outstanding water bodies that are relevant to the plan change it is presumed that the complete outstanding water body falls to be considered as part of Plan Change 7. Some clarification on this point would be helpful.

The intent and implications of POL LW3A are of concern to Council. Our understanding from the wording of this policy is that to achieve integrated management of fresh water and the effects of land use and development the Plan under s104 RMA there would be a need for the Council to have regard to potential effects on the significant values of the outstanding water bodies when assessing any Discretionary and Non-complying resource consent applications for land use activities within the catchments of the water bodies.

It is not clear how such assessments might be practically achieved in regard to assessment criteria and/or rules. Is it the intention of the HBRC to require district councils to include assessment matters or regulatory controls in district plans or are these to be provided within the Regional Plan? Some clarity on these provisions would be useful.

It would also be helpful to understand how the reports recently completed by Council as part of the current District Plan review fail to be considered as part of the OWB Plan Change. These reports include a district wide assessment of landscapes values as well as an assessment of the High Natural Character of the Coastline, (completed by John Hudson & Associates) and an assessment of significant natural values across the district, (completed by Gerry Kessels, Tonkin & Taylor).

These technical bodies of work have formed the basis for the introduction of rules in the draft Plan relating to both outstanding natural landscapes and features and significant natural areas. It is not clear how proposed provisions in the draft Plan if carried over to the Proposed and Operative Plan should be factored into Plan Change 7, other than the RMA requirement that the provisions of the District Plan should give effect to the provisions of the Regional Policy Statement.

At this stage the lack of detail provided does not allow us in full to comment and therefore do our job in advocating for Central Hawke's Bay. We strongly urge HBRC to ensure that further detail is provided in how this aligns with Plan Change 6 and with the wider implications for implementation by territorial authorities.

Once again thank you for the opportunity to comment on the OWB Plan Change. Council looks forward to participating in the formal public submission phase of the Plan Change.

Please let us know if we can provide any further information in support of this submission.

Yours sincerely



Mayor Alex Walker



Chief Executive Monique Davidson

From: Bryce timothy Donovan <l.klinge@xtra.co.nz>
Sent: Tuesday, 11 June 2019 8:13 AM
To: Belinda Harper <Belinda@hbrc.govt.nz>
Subject: out standing water bodies

Hi Belinda,

We are dairy farmers in Tutira and have consent to draw water from Papariki Stream.

We are concerned that the outstanding water body classification would put further restriction and cost on our water take and our ability to farm through summer.

This puts uncertainty into our farming operation going forward,also affecting farm value.

We have just spent a considerable amount on consent applications plus having to install telemetry in an area with poor cellular reception.We suspect the cost of consenting increase further with this classification.

We only learnt about this through Federated Farmers.

There was no notification from HBRC.

Please confirm receipt of this e-mail

Thanks

Bryce Donovan

12 June 2019



Hawke's Bay Regional Council
159 Dalton Street
NAPIER 4110

Attention: Belinda Harper

Email: belinda@hbrc.govt.nz

Dear Sir/Madam

Bay of Plenty Regional Council's submission to: Pre-notification Consultation - Outstanding Water Bodies Plan Change

Thank you for the opportunity to comment on the above submission. The Bay of Plenty Regional Council does not wish to be heard on this submission.

Our Organisation

The Bay of Plenty Regional Council is responsible for the sustainable management of resources within the Bay of Plenty region. Our role is determined by Central Government through statutes such as the Local Government Act and the Resource Management Act, and is different from that of territorial authorities (district and city councils). Some of our key roles are:

- Regional planning for land, water quality and air quality;
- Setting environmental management policies for the region;
- Allocation of natural resources;
- Flood control;
- Natural hazard response;
- Soil conservation;
- Pest control / biosecurity;
- Public transport;
- Strategic transport planning;
- Regional economic development; and
- Strategic integration of land use and infrastructure.

Yours sincerely

pp Stephen Lamb
Environmental Strategy Manager

On behalf of:
Namouta Poutasi
General Manager Strategy & Science

Objective ID:

5 Quay St, PO Box 364, Whakatāne 3158, New Zealand 0800 884 880 0800 884 882 info@boprc.govt.nz www.boprc.govt.nz

FEEDBACK



TELEPHONE 0800 327 646 | WEBSITE WWW.FEDFARM.ORG.NZ

To: Hawkes Bay Regional Council

Submission on: Draft Plan Change 7 – Outstanding Waterbodies

Date: 12 June 2016

Contact: **DEBBIE BIDLAKE**
SENIOR REGIONAL POLICY ADVISOR
 Federated Farmers of New Zealand
 154 Featherston St
 PO Box 715
 Wellington 6140
 M 021 557 461
 E DBidlake@fedfarm.org.nz

Federated Farmers thanks the Hawkes Bay Regional Council ("HBRC") for the opportunity to comment on draft provisions in PC7.

We acknowledge and support any feedback provided by individual members of Federated Farmers.

INTRODUCTION

Federated Farmers appreciates that Objective A2 of the NPS-FM requires the HBRC to protect the significant values of outstanding fresh waterbodies. For this reason, we accept that the intention of draft PC7 is to meet this obligation. We also acknowledge that a considerable amount of background work informs HBRC's approach and drafting of PC7.

The NPS-FM defines "Outstanding freshwater bodies" as those water bodies identified in a regional policy statement or regional plan as having outstanding values, including ecological, landscape, recreational and spiritual values.¹ This definition does not preclude the consideration of economic and consumptive values.

The HBRC states in its Regional Planning Committee Report of 7 June 2017, that:

¹ NPS-FM 2014, interpretation section.

“There is no question that a number of waterbodies within the Hawke’s Bay region are of such huge economic value to the point they would likely be classed as outstanding (e.g. Heretaunga Plains unconfined aquifer).”²

Legal advice from Simpson and Grierson confirmed to HBRC that it would be possible to recognise economic and consumptive use values as ‘outstanding’ values for the purposes of the NPSFM.³ However, HBRC feared such an approach would be contentious and therefore decided early on to exclude such values from consideration.

The NPS-FM was amended in 2017 to explicitly include Objectives A4 and B5, enabling communities to provide for their economic well-being, including productive economic opportunities, in sustainably managing freshwater quality and quantity, within limits. Similar policies are included to implement those objectives (i.e. A7 and B8). Despite this direction in the NPS-FM, there is still no consideration of economic well-being in draft PC7.

Rural landowners, and in particular farmers, are likely to be the most affected by draft PC7. Much to our disappointment, HBRC has to date made little attempt to obtain farmer buy-in or address perceptions of procedural bias, due to lack of farmer representation on any of the groups identifying the region’s outstanding waterbodies.

To complicate matters, the policies in draft PC7 are too abstract and uncertain to make meaningful consultation easy. For example:

- The significant values of outstanding waterbodies, which draft PC7 seeks to protect, have yet to be identified in most catchments; and
- The catchment rules draft PC7 enables to be developed to protect those significant values, are largely theoretical as most catchment plans are still a work in progress.

Further, many of the waterbodies are outstanding because of cultural and spiritual values. The background reports make it clear that assessment of these values is “deferred” to iwi.⁴ This puts submitters in a difficult position if they disagree. Those values appear to be fait accompli.

GENERAL FEEDBACK

Federated Farmers raises the following general concerns about draft PC7:

- Draft PC7 recognises 43 waterbodies (or parts thereof) as featuring at least one outstanding regional value. MfE guidance in respect of outstanding waterbodies is unhelpfully sparse. However, their 2011 Implementation Guide states: “Objective A2 recognises there are a

² Hawkes Bay Regional Council, Regional Planning Committee, Item 6, Framework for Outstanding Waterbodies in Hawkes Bay, 7 June 2017, pg. 12: http://hawkesbay.infocouncil.biz/Open/2017/06/RPC_07062017_AGN_AT.PDF

³ Hawkes Bay Regional Council, Regional Planning Committee, Item 6, Framework for Outstanding Waterbodies in Hawkes Bay, 7 June 2017, pg. 12: http://hawkesbay.infocouncil.biz/Open/2017/06/RPC_07062017_AGN_AT.PDF

⁴ Outstanding Waterbodies in Hawkes Bay, Report of the Expert Panel, April 2019, pg. 1. Retrieved from: <https://www.hbrc.govt.nz/assets/Document-Library/Projects/Outstanding-Water-Body/Local-Expert-panel-report.pdf>

small number of outstanding waterbodies across New Zealand that should be protected”.⁵ Forty-three outstanding waterbodies in one region is hardly a small number, and would seem to be at odds with the original intention of Objective A2. Gisborne District Council in comparison identifies three outstanding waterbodies in its Regional Freshwater Plan.

- The sheer number of waterbodies HBRC has identified as outstanding, mean that all resource consent applications will be caught e.g. applicants will inevitably be in a catchment with an outstanding waterbody. What extra costs and delays will draft PC7 add to the consenting process?
- It is unclear how the Council is going to apply the decision-making criterion in POLLW3A and POLC2. Where is the policy guidance for plan users to provide certainty as to what they need to address in their consent applications? Many of the outstanding values are vague, making it difficult for a consent applicant to assess the impact of a proposed activity, without paying an expert. Who will assess impacts on cultural and spiritual values? The need to obtain cultural impact assessments in other regions has lead to issues around costs, delays, lack of capacity and accountability.
- The draft policies in both the RRMP and RCMP refer to “avoiding” effects that are more than minor on significant values of outstanding waterbodies. No distinction is made between outstanding waterbodies inside and outside the coastal environment. Policy 13 and 15 of the NZCPS only requires avoidance of adverse effects of activities on outstanding natural character in the coastal environment, whereas all other kinds of effects can be avoided, remedied or mitigated.

The draft policies in PC7 appear to be applying a more stringent standard outside the coastal environment than what the NZCPS requires inside the coastal environment. In our view, the draft policies should where possible, use the terminology “avoid, remedy or mitigate”, so that all of the circumstances of a resource consent application or rule can be considered to reach a decision that best optimises environmental outcomes.

- Draft PC7 should include balancing policies, which enable the Council to consider both positive and adverse effects of an activity involving an Outstanding Waterbody.
- For PC7 to make sense to readers, it would be helpful if the glossary explained the difference between an “outstanding waterbody” and an “outstanding freshwater body” (i.e. rather than simply referring readers to schedule XXIV). It should also explain the difference between an “outstanding” and “significant” value (otherwise policies discussing conflict between the two make little sense) and clarify that these values were assessed at a regional level.
- Whilst the interpretation section of the NPSFM defines ‘Outstanding freshwater bodies’ as those water bodies identified as having ‘outstanding values’, identification of those *values*

⁵ Ministry for the Environment, National Policy Statement for Freshwater 2011: Implementation Guide, pg. 12.

that make a waterbody outstanding together with attributes which provide the measure of those values, require justification in terms of the matters in Policy CA2 f), including:

- iab. how to enable communities to provide for their economic well-being, including productive economic opportunities, while managing within limits
- i. the current state of the FMU, and its anticipated future state *on the basis of past and current resource use*, including community understandings of the health and well-being of the FMU.
- v. any implications for resource users, people and communities arising from the freshwater objectives and associated limits including implications for actions, investments, ongoing management changes and any social, cultural or economic implications.

As such, Federated Farmers expect to see the analysis for consideration of the matters in Policy CA2 in relation to 'outstanding values' and the attributes associated with these.

- Schedule XXIV should explain that the significant values of outstanding waterbodies will be identified in individual catchment plan changes. Schedule XXIV is the most logical place readers would go to find information out about these values (i.e. people do not know to search POL LW1 and POL C1 for this information). Once the catchment plans are completed, Federated Farmers would expect the significant values to be included in an amended table in Schedule XXIV, or added as a Part 3 "Outstanding Waterbodies in the Hawkes Bay and their significant value(s), so that the information is all in one logical place.
- Table 1 in Schedule XXIV is of limited use because it just provides another list of undefined terms. Using the Landscape value as an example, what do sub values "scenic" and "association" mean? The values and sub-values should be defined in the glossary to provide more certainty to plan users.
- For clarity, it would be useful if the table in Part 2 of Schedule XXIV identified whether the outstanding values apply to the whole waterbody or only sections of it. Schedule XXIV should also identify where more than one section of the same waterbody is considered an outstanding waterbody and group them together.
- The draft policies provide broad scope for the Council to introduce new rules in future catchment management and the coastal environment plan changes, leading to fears about potential rule "creep".

Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

This feedback represents the views of our members and reflects the fact that resource management and governance decisions have a daily impact on our member's lives, both as farmers and members of their local communities.

Federated Farmers thanks the Hawkes Bay Regional Council for considering our feedback.





12th June 2019

To: Belinda Harper
Senior Planner
Strategic Planning Group
HBRC

From: Brian Eccles
North Island Rivers Advocate
Jet Boating New Zealand
ecclesb@xtra.co.nz
027 441 0820

Dear Belinda,

Comments and Feedback on Draft Plan Change 7 by HBRC from Jet Boating New Zealand

Jet Boating New Zealand values the opportunity to contribute to the draft changes to Plan 7 regarding Outstanding Water Bodies in the HBRC territory.

An interesting difference in the perspective of JBNZ is that it's not so much the water itself that JBNZ values as the way the water interacts with its environment. In the Ngaruroro's case the aggregates that form the riverbed downstream of Whanawhana and the way the natural flow drives the braiding behaviour.

Our members enjoy the challenge of navigating braided rivers. By nature, braided rivers are shallow and offer multiple channels of varying depth and navigational difficulty. The Lower Ngaruroro offers excellent challenge to experienced drivers because they can choose the harder options which really put their driving skills to test. Meanwhile learners can choose the easier options. For a jetboating experience, this river is outstanding.

Members often carry passengers and for many this is their first experience of a braided river. All are amazed by the natural beauty of this river and leave with a high respect for the beauty of this class of waterway.

JBNZ's concern is that braided rivers in many parts of NZ have been lost. A great example is the Ngaruroro below Fernhill, where development of adjacent land and construction of training works and stop banks have destroyed what was a highly braided riverbed. The change at the Fernhill bridge is dramatic and speaks for itself.

To protect remaining rivers, the first step is to understand that braiding does have value. Then the more challenging discussion about how to monitor and manage this outstanding resource can begin.

Our view is that braiding is a fragile behaviour that can be unwittingly disrupted and once lost is extremely difficult to remediate. The science on this topic is developing, but much learning and understanding is required before management practices can be assured. Historically much research has been done on how to manage the adverse effects of braiding, while little has been done on how to protect braiding.

We do not seek to eliminate all risks, but simply to manage the risks in an appropriate way.

To effectively manage braiding we need to:

1. Recognise the value of braiding
2. Learn more about what drives braiding of the river in question
3. Set in place management strategies that limit potential adverse effects.

Risk Activities that Threaten Braiding

JBNZ have identified that the following activities threaten braiding and require managing.

1. Weed species invasion of the riverbed, reducing the mobility of aggregates.
2. Substantially modifying the natural flow by water harvesting
3. Substantial changes in land use in the upper catchment that alter flood intensity, duration and frequency.
4. Changes in land use in the upper catchment that reduce the aggregate load in the river.
5. Excessive or poorly managed gravel extraction
6. Training works that narrow the natural width of the riverbed
7. Construction of water take intake structures that modify the natural flow.

Details of the changes JBNZ seeks to the draft are detailed on the following pages. Please contact Brian Eccles 027 441 0820 or brian.eccles@crssoftware.co.nz if you need clarification.

Brian Eccles

JBNZ North Island Rivers Advocate.

Changes requested by JBNZ to the draft Plan Change 7 document

1. Recognise braiding as a Natural Character

- 1.1. JBNZ proposes that braiding should be considered a Natural Character.
- 1.2. We note that natural character typically relates to the cleanness of the water and the unmodified state of the resource. We attest that the braiding behaviour in an unmodified (natural) state should also be recognised as Natural Character.
- 1.3. In the document "Selecting-a-list-of-outstanding-water-bodies-in-Hawkes-Bay.pdf) [Table 18 Summary Table: Key features - Natural Character](#) the lower Ngaruroro is included in list 3 – the lowest classification. The criteria is - *"Natural character of the water body does not stand out when compared to the other water bodies in Table 18 / or not enough information to support an outstanding status for natural character."*
- 1.4. JBNZ strongly disagrees that the water body does not stand out. We do support that the writers of the report do not have enough information.
- 1.5. A possible reason for the low rating is that the RIVAS criteria has no tools for recognising braiding as a natural character. We strongly encourage HBRC to widen the criteria so that braiding in its natural state is considered a Natural Character.
- 1.6. The braiding in the Lower Ngaruroro (Whanawhana to Fernhill) exists because it is a lowland river that remains in its natural state. Braiding in its natural state is extremely rare throughout NZ.
- 1.7. It remains in a natural state because:
 - 1.7.1. Aggregates continue to flow down from Whanawhana because the catchment is largely unmodified by land use changes.
 - 1.7.2. Aggregate movement is not restricted by dams.
 - 1.7.3. The flow of the river is in its natural state. Floods are unmodified because the catchment is largely unmodified.
 - 1.7.4. There are only minimal training works, allowing the river to flow in a riverbed following its natural path, with a natural width and natural gradient.
 - 1.7.5. Above Maraekakaho there is no gravel extraction.
 - 1.7.6. There are no significant intake structures for water harvesting
 - 1.7.7. There are no bridges confining the watercourse until Fernhill (note the dramatic loss of braiding below this point).
 - 1.7.8. Weed species have not colonised the riverbed. (weeds have a dramatic adverse effect on the mobility of aggregates and rapidly destroy braiding.

2. Recognise that this braiding is Outstanding (best of the best)

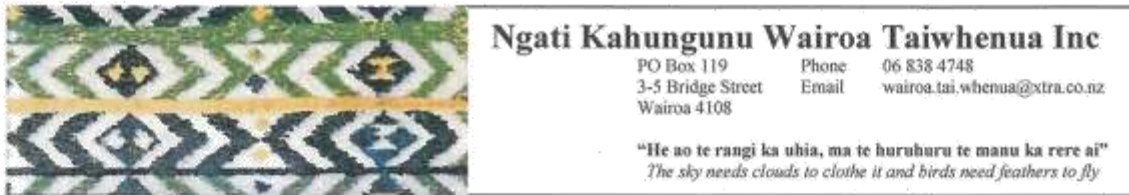
2.1. JBNZ requests that the braiding of the Whanawhana to Fernhill section be recognised as “outstanding” for these reasons:

- 2.1.1. The intensity (number of braids) duration (length of the braids) and the mobility (speed at which they change form over time) in this section of the Ngaruroro vastly exceeds that found in any other North Island river.
- 2.1.2. The braiding of the Lower Ngaruroro compares extremely well with the best of the South Island braided rivers.

3. Redefine the Lower Ngaruroro into two sections and add Natural Character as a value

On page 20 of Schedule XXIV: Outstanding Water Bodies, Section 2, Item 20 (Lower Ngaruroro) please:

- 3.1.1. Create a separate item for the section of the river from the Cable at Whanawhana to the Fernhill bridge
- 3.1.2. And another section for Fernhill to the lagoon
- 3.1.3. Add **Natural Character** as an Outstanding value to the Whanawhana to Fernhill section (in addition to the existing value set).



14th June 2019.

Belinda Harper,
 Senior Planner,
 Strategic Planning Group,
 Hawke's Bay Regional Council.

Re: Letter 7 May 2019 'Consultation on Draft Plan Change 7 to the Regional Resource Management Plan – Hawke's Bay Regional Council'.

Tena koe Belinda.

Thank-you for your letter and the copy of Draft Plan Change 7. I was personally present at the Outstanding Waterbodies Hui held in Wairoa on 18 March 2019 along with several other key iwi representatives.

The key point stressed by iwi representatives present is not addressed in Draft Plan Change 7. That key point is Tangata Whenua Worldview states that all waterbodies are interlinked and outstanding and should be addressed as such in Draft Plan Change 7. This is a vital component that Tangata Whenua requested be acknowledged and it has subsequently been denied.

To that end Ngati Kahungunu Wairoa Taiwhenua Incorporated, on behalf of our 35 marae and some 4,250 registered members, rejects Draft Plan 7 and do not support it. This position was confirmed by the Board Members of Ngati Kahungunu Wairoa Taiwhenua Incorporated in our monthly hui held earlier today.

Regarding providing further information, as a Charity we have limited capacity to do so. In the future if HBRC makes such a request we would expect that such projects would be suitably financed. Our members, including ourselves, are also ratepayers.

We do support the groundwork and investment HBRC is making in Wairoa District regarding environmental revitalisation. However, we cannot support HBRC ignoring our fundamental values. These are values which, long-term, are for the benefit of our environment and our entire community.

Pai Marire,

Nigel How,
 Ngati Kahungunu Wairoa Taiwhenua Incorporated: Chairman,
 Ngati Kahungunu Iwi Incorporated: Board Member, Taiao (Environment & Natural Resources) Portfolio.

Ngati Kahungunu (Wairoa Taiwhenua) Inc, 3-5 Bridge Street, PO Box 119, Wairoa
 Phone 06-8384748 Email wairoa.tai.whenua@xtra.co.nz

Te Tumu Paeroa

Level 3 Seabridge House,
110 Featherston Street, Wellington 6011
Aotearoa New Zealand



14 June 2019

Belinda
Hawkes Bay Regional Council
159 Dalton Street, Napier 4110
Aotearoa New Zealand

Tenā koe

Re: Feedback Draft Plan Change 7

Te Tumu Paeroa, the organisation that supports the Māori Trustee to fulfil her role and responsibilities, has very recently been made aware of and received documentation for the Proposed Plan Change 7 - Outstanding Water Bodies Plan Change to the Hawke's Bay Regional Council Management Plan.

Te Tumu Paeroa is an organisation that manages over 100,000 hectares of Māori land across Aotearoa. Our role is to support land owners in protecting and enhancing their land for generations to come.

We are the responsible trustee for many land blocks in and around the Hawkes Bay region that are in close proximity with outstanding water bodies.

As an organisation we hold significant information on these water bodies that we believe can help quantify and highlight their outstanding values and support the work HBRC is doing. We welcome the opportunity to participate in the process concerning the proposed Plan Change 7.

The Māori Trustee asks that she be noted as an interested party in all consultation going forward, and especially because of, but not limited to, her role with Lake Poukawa at Te Hauke, an outstanding water body of exceptionally high importance in the HBRC's catchment area.

Te Tumu Paeroa's first point of contact will be Wirihana Raihania, and he can be contacted on (06) 8689039 or by email at wirihana.raihania@tetumupaeroa.co.nz

Nāku noa, nā

Brae Watkins

Acting Chief Operating Officer
For the Māori Trustee

tetumupaeroa.co.nz

contact@tetumupaeroa.co.nz

facebook.com/TeTumuPaeroa

0800 WHENUA (0800 943 682)

DOC - 5968482



Department of Conservation
Te Papa Atawhai

14 June 2019

Hawkes Bay Regional Council
159 Dalton Street
Napier 4110

belinda@hbrc.govt.nz

Kei te rangatira, tēnā koe,

Hawkes Bay Proposed Plan Change 7 - Outstanding Water Bodies

Thank you for the opportunity to comment on the draft proposed plan change 7 - Outstanding Water Bodies for the Hawkes Bay Regional Resource Management Plan (the plan change).

The Department of Conservation (the Department) is generally supportive of the draft proposed policy framework. The Department has appreciated the opportunity to comment on and contribute to the identification and associated criteria for Outstanding Water Bodies in the Hawkes Bay Region and does not have any further comments on this aspect of the draft plan change. General comments and requested clarifications about other aspects of the draft plan change are outlined below.

1. Clarification Regarding Rules Framework

It is noted that the proposed Plan Change does not propose a rules framework in the current plan for managing activities affecting Outstanding Water Bodies. The Department is concerned about the impact of not including rules changes to the proposed plan change. Explanation of how the rules framework will tie into this part of the plan would provide important clarification on how activities affecting Outstanding Water Bodies will be managed. Clarification would also ensure the rules are consistent with the proposed policy framework.

2. Clarification Regarding Reference to Significant and Outstanding Values

The plan change as written does not adequately clarify the distinction between significant and outstanding values. The National Policy Statement for Freshwater Management (NPS-FM) outlines the following objective:

Objective A2

The overall quality of fresh water within a freshwater management unit is maintained or improved while:

- a) protecting the significant values of outstanding freshwater bodies;*
- b) protecting the significant values of wetlands; and*
- c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.*

DOC - 5968482

It is noted that the above objective does not refer to outstanding values, only significant values in Outstanding Water Bodies. The plan change refers to both significant and outstanding values throughout, however, there is no distinction between the two terms and how they are applied. Further clarification is also required on what is meant by primary and secondary values in Table 1 (page 10) of the plan change and whether these terms are intended to mirror the 'significant' and 'outstanding' values.

To ensure consistency with the NPS-FM and provide further clarity, using the term 'significant values' throughout would address this concern. If 'outstanding values' are going to be used, adding these terms to the glossary is an alternative avenue to provide clarification.

Conflicts with Outstanding and Significant Values

The plan change requires that if there is a conflict between an outstanding and a significant value of an Outstanding Water Body, priority is given to protection of the outstanding value. The Department would like clarification on when a conflict of this nature is likely to occur and whether this is the most appropriate mechanism for managing this conflict. Further clarification of the above in terms of distinguishing between outstanding values and significant values would also be pertinent.

Inclusion of Criteria in Outstanding Water Bodies Schedule

The Outstanding Water Bodies schedule does not currently refer to the criteria used for the identification of Outstanding Water Bodies. The Department considers that this information would be beneficial to plan users and will provide further detail and clarity, particularly where there may be waterbodies that will require identification in the future.

Mapping Spatial Extent

The Department would like to ensure that the mapping of the identified Outstanding Water Bodies is appropriately undertaken. Mapping the spatial extent of these water bodies would provide important definition, particularly where there is reference to upper and lower catchments, for example, *Ngaruroro Rover (Upper)*.

Wetland Protection

The identification of a number of wetland environments as Outstanding Water Bodies is supported by The Department. While some wetlands are outstanding, all wetland environments must be protected under Objective A2 (b) of the NPS-FM. It is acknowledged that this plan change is not the tool for addressing the wetlands which are not identified; however, the Department would like to ensure all wetlands are considered and protected under the plan framework.

Wording Clarification

Policy C2 and Policy LW3A refers to the following:

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:...

DOC - 5968482

ii. Where it is not possible to avoid adverse effects on any value that is significant, avoid significant adverse effects on that value...

The Department would like clarification on why the phrase 'not possible' has been used.

The Department recognises that this is a draft document and there is more detail to be provided. The Department expects to comment on such details later in the development of the plan.

Please contact Maggie Burns (RMA Planner) in the first instance if you wish to discuss any of the matters raised in this letter (email mburns@doc.govt.nz or phone 027 632 2961).

Nāku noa, nā



Carl Baker
Operations Manager
Lower North Island

Item 9

Attachment 1

FROM THE
OFFICE OF THE MAYOR

14 June 2019

Belinda Harper
Senior Planner
Strategic Planning Group
Hawke's Bay Regional Council
Private Bag 6006
Napier 4142

By email: belinda@hbrc.govt.nz

Dear Belinda

Draft Plan Change 7 to the Regional Resource Management Plan – Hawke's Bay Regional Council

Thank you for alerting us to the consultation on this draft plan change with its greater protection for outstanding water bodies.

Rangitikei District Council considered this at the meeting of its Policy/Planning Committee on 13 June 2019 and resolved to support your proposal.

Yours sincerely



Andy Watson
Mayor of Rangitikei



File Ref: 3-OR-3-12

Item 9

Attachment 1

Making this place home.

06 327 0099 027 617 7668 andy.watson@rangitikei.govt.nz www.rangitikei.govt.nz 46 High Street, Private Bag 1102, Marton 4741



14 June 2019

Hawke's Bay Regional Council
159 Dalton Street
Napier 4110

Attention: Belinda Harper

Comments on Plan Change 7 – Outstanding Water Bodies

Dear Belinda,

Thank you for contacting Napier City Council (NCC) to request comments on the draft Plan Change 7, referred to as the Outstanding Water Bodies Plan Change.

NCC welcomes the introduction of provisions in the RPS to recognise waterbodies identified by the community as having outstanding values. NCC recognises this is consistent with the NPS-FM and further supports the Regional Council's work programme on community led, catchment-based integrated management planning throughout the region.

NCC supports the preliminary identification of Te Whanganui-ā-Orotu (Ahuriri Estuary), Tūtaekurī River and the Heretaunga Plains Aquifer as potential outstanding water bodies within our boundaries. We also strongly support the strategic intention of managing land use to protect the identified values of those waterbodies. However, we would like to understand more about the development of regulatory methods to manage activities in the catchment of these waterbodies, where these catchments fall within our boundaries. It is important that the implications of the Plan Change on other legal requirements, such as in meeting the National Policy Statement for Urban Development Capacity, are clearly understood.

For example, policies LW3A and C2 stipulate what consenting authorities must have regard to when considering a resource consent for an activity within the catchment of an outstanding water body. We request clearer guidance on the implementation of these proposed policies for Napier City Council as a consenting authority.

Any questions, please be in touch.

Regards,

Paulina Wilhelm
MANAGER CITY DEVELOPMENT

215 Hastings Street, Napier 4110
Private Bag 6010, Napier 4142
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e info@napier.govt.nz



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The Genesis Energy
Building
660 Great South Road
PO Box 17-188
Greenlane
Auckland 1051
New Zealand

T. 09 580 2094

14 June 2019

Belinda Harper
Senior Planner
Hawke's Bay Regional Council

By email: belinda@hbrc.govt.nz

Draft Plan Change 7 to the Regional Resource Management Plan

1. Introduction

- 1.1 Genesis Energy Limited (**Genesis**) appreciates the opportunity to provide feedback to the Hawke's Bay Regional Council (the **Council**) on Draft Plan Change 7 (**DPC7** or the **draft plan change**).
- 1.2 At the outset Genesis acknowledges the efforts of Regional Council staff, tangata whenua, the Regional Planning Committee and those who have contributed to progressing DPC7 to this point. The feedback below is provided in that same spirit of collaboration, and Genesis stresses that it is committed to engaging constructively in the further development of DPC7.
- 1.3 Genesis also acknowledges and respects Ngai Tūhoe's position that Te Urewera be excluded from DPC7, as recorded in the draft plan change supporting report.
- 1.4 Following our review of DPC7, Genesis has fundamental concerns about the scope and content of the draft plan change and the limited timeframe available within which to provide meaningful feedback. We are concerned with the consequences (which may well be unintended) of DPC7 on the Waikaremoana Power Scheme (**WPS**) and its continued operation. In that regard, we would welcome the opportunity to discuss these matters in more detail with you, in the expectation that these concerns can be addressed and DPC7 developed so it will lead to the protection of the significant values of outstanding water bodies and long-term sustainable outcomes for the region.
- 1.5 Genesis' concerns about the draft plan change are set out in some detail below, but can be broadly summarised as follows:
 - (a) the draft plan change uses inconsistent terminology, does not recognise socio-economic uses and is unclear on the role it is providing (higher level policy guidance for lower level planning processes or specific policy provision such that lower level

processes are not required) such that it does not “give effect to” the National Policy Statement for Freshwater Management 2014 – Updated in 2017 (**NPSFM**);

- (b) further to (a) above, the draft plan change has not considered:
 - (i) that the Genesis-owned WPS has existed for some 90 years;
 - (ii) the “importance” of the WPS, in both economic and RMA terms and its significant value as a hydro generation resource (including as expressed in the 2017 amendments to the NPSFM); or
 - (iii) the relationship between the values identified for the water bodies associated with the WPS and the ongoing presence and operation of the WPS. Many of the values identified would likely be altered significantly if the operation of the WPS was required to be changed in any way as a result of the current DPC7, noting that changes to the operation of the WPS that enhance energy efficiency and/or environmental values should be encouraged by DPC7.
- (c) the draft plan change does not give effect to the National Policy Statement for Renewable Electricity Generation 2011 (**NPSREG**) and the importance of addressing climate change and its effects. It is inconsistent with Part 2 of the Resource Management Act 1991 (**RMA**) and is likely to create significant consenting impediments for renewable electricity projects (as well as all other social and economic activities not listed);
- (d) the approach adopted in DPC7 is not consistent with Objectives and Policies in Chapter 3.1A of the Hawke's Bay Regional Resource Management Plan, in particular Policy LW1;
- (e) the draft document has not canvassed, nor justified, the proposal, and in particular the scope and detail of Schedule XXIV, in respect of section 32 of the Resource Management Act 1991 (**RMA**). Having a draft section 32 report available would have assisted in the analysis of the rationale for DPC7; and
- (f) absent the inclusion of the subsequent plan change necessary to implement DPC7, Schedule XXIV creates a “policy vacuum” when considering any future resource management matters that relate to the water bodies listed in the Schedule. In other words, the Schedule does no more than state which water bodies are considered to be “outstanding” and lists generic “outstanding values” each is considered to have. Although a policy has been proposed that sets out “Decision Making Criteria” for outstanding water bodies, it is so high level that it provides no real guidance as to how significant values will be reflected in decision-making processes under the RMA. Furthermore, the identification of the significant values and any necessary measures (such as rules) to implement them, are left to a subsequent plan change.

- 1.6 We elaborate on these points briefly below. Given the limited time we have had to consider the significant matters raised in DPC7, the matters listed below are at a higher level. As stated, Genesis is keen to sit down with you to discuss our concerns and to develop DPC7 so that it will lead to the protection of the significant values of outstanding water bodies and long-term sustainable outcomes for the region.

2. Giving effect to the NPSFM

- 2.1 The NPSFM defines “outstanding freshwater bodies” as:

... those water bodies identified in a regional policy statement or regional plan as having outstanding values, including ecological, landscape, recreational and spiritual values.

- 2.2 That definition is non-specific, in that the values listed are not all-exclusive and are simply some examples. That point seems to be accepted in the DPC7 document, because Schedule XXIV includes a number of values not listed in the definition – two such example being “natural character” and “geology”.
- 2.3 All the values listed in Schedule XXIV, and the associated reports, are confined to a discrete number of attributes, all of which exclude socio-economic considerations. This is despite the fact that the Council’s own report on Outstanding Fresh Water Bodies, prepared under the Ministry for the Environment’s Community Environment Fund (CEF report), clearly states:

17. Can an economic value be recognised as an outstanding value under the NPSFM?

While the NPSFM does not specifically include economic use values in the definition of ‘outstanding freshwater bodies’³ it does not specifically exclude them either, meaning an outstanding value could potentially be an economic value such as tourism, irrigation or energy. The definition is not an exclusive list, nor does it say ‘such as’ so as to limit its application.

Note: legal advice is clear that such an approach could be difficult to justify as being consistent with the objectives of the NPSFM. The legal opinion can be found in Appendix 5.

- 2.4 Genesis accepts that there may be some debate about whether socio-economic based values can be part of the matrix of factors used to ascribe “outstanding” status to a water body. However, there is no basis in the NPSFM, or elsewhere, to simply dismiss such considerations at the outset. If socio-economic factors are considered, there could be no more logical value to include than those relating to the WPS, given that it is a nationally significant hydro-electricity scheme and the enablement of renewable energy afforded by the NPSREG. The attributes of the WPS are discussed further in Section 3 below.
- 2.5 Whether or not the Council accepts that the WPS is an “outstanding value”, it is not appropriate to exclude such matters from consideration and focus solely on a discrete subset of attributes.
- 2.6 The NPSFM contains only two objectives that relate to outstanding freshwater bodies, Objective A2 and Objective B4, which deal with water quality and water quantity, respectively. They state:

A. Water quality**Objective A2**

The overall quality of fresh water within a freshwater management unit is maintained or improved while:

- a) *protecting the significant values of outstanding freshwater bodies*

....

B. Water quantity**Objective B4**

To protect significant values of wetlands and of outstanding freshwater bodies.

- 2.7 Of particular importance is that neither Objective refers to the “protection of outstanding freshwater bodies” or the “protection of the outstanding values of outstanding freshwater bodies”, as much of the language in DPC7 seems to suggest. Rather, they direct that the “**significant values**” of outstanding freshwater bodies are “protected”. This is more than just semantics, as this distinction between “protection of outstanding water bodies” or “protection of the outstanding values” and the “protection of the **significant values** of outstanding water bodies” is at the heart of determining how the statutory framework is to be applied.
- 2.8 There are two important points in this regard. Firstly use and development of outstanding water bodies is not precluded, provided that the significant (and not just outstanding) values are protected. Given the direction of Objectives A4 and B5 and Policies A7 and B8 of the NPSFM, not including socio-economic matters when relevant does not give effect to the NPSFM. Secondly, Appendix 1 of the NPSFM provides helpful guidance as to the range of matters that might be considered when determining what “significant values” are. In this regard, Appendix 1 of the NPSFM includes the following list of national values [**emphasis added**]:
- Ecosystem health
 - Human health for recreation
 - Natural form and character
 - Mahinga kai (with respect to food safety and mauri)
 - Fishing
 - **Irrigation, cultivation and food production**
 - **Animal drinking water**
 - Wai tapu
 - Water supply
 - **Commercial and industrial use**

- **Hydro-electric power generation**
- Transport and Tauranga waka.

- 2.9 Thus, irrespective of whether or not “socio-economic” matters can / should be included in the analysis when classifying outstanding water bodies, **protecting** all the relevant **values**, where they are significant, must be considered if the NPSFM is to be given effect to. This would be expected to include matters similar to those included in the above list.
- 2.10 In that regard, and as discussed further in Section 3 below, any logical assessment must conclude that the hydro-electric power generation values of the WPS are significant and therefore should be protected. DPC7 does not acknowledge, nor analyse, the range of issues discussed above and therefore does not give effect to the NPSFM.
- 2.11 A further concern with DPC7 is the sheer number of waterbodies in the Hawke’s Bay Region that the proposal considers to be “outstanding” – i.e. 43¹. This is despite the fact that CEF report acknowledges:

<p>2. What does the term ‘outstanding’ mean?</p> <p>Being outstanding is a high test. The term ‘outstanding’ distinguishes something from others based on its exceptional qualities and is typically used to describe the ‘best of the best’.</p> <p>This is consistent with the findings in Literature Review 1 (Appendix 2) which confirmed a key intent of the NPSFM was that only a small number of waterbodies should be identified across the country as ‘outstanding waterbodies’. This indicates that the ‘outstanding’ thresholds developed for each value should be extremely high. I.e. best of the best and was envisaged as being assessed at a national scale not at a local or regional scale.</p>
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- 2.12 Neither DPC7, nor its supporting reports, provides an analysis to support the proposition that 43 waterbodies in the Hawke’s Bay have values that are the “best of the best”, when considered “at a national scale not at a local or regional scale”, noting that not all the water bodies listed have been analysed in the same level of detail.
- 2.13 The Courts have considered the definition of “outstanding” on a number of occasions when considering applications for Water Conservation Orders and have consistently reached the conclusion that it connotes “the best of the best”.
- 2.14 In that regard, the Council’s legal submissions to the Stage 1 hearing of the Ngaruroro Water Conservation Order², stated:

20 The Environment Court has found that for a particular characteristic to be considered outstanding, it must be outstanding on a national comparative basis....

¹ We are unsure if the number is intended to be 43 or 42 – there are 43 entries in Schedule XXIV, but the Council reports refer to 42 water bodies

² Submissions of Philip Maw – 21 November 2017

25 *It is submitted that when considering whether the threshold of outstanding is met, the following criteria can be distilled from the cases:*

- (a) a reasonably rigorous test must apply;*
- (b) the characteristic must be quite out of the ordinary on a national basis;*
- (c) it is insufficient to establish that a particular characteristic is the last or only one of its kind in a particular region, if the characteristic is present elsewhere in New Zealand; and*
- (d) whilst "outstanding" is not synonymous with "unique", the characteristic should be close to unique in that it is only present in, say, one or two other places in New Zealand.*

26 *It is submitted that the threshold for what constitutes "outstanding" on a national comparative basis is set appropriately high in the context of determining whether a water conservation order should be made.*

- 2.15 Therefore, for DPC7 to say that 43 waterbodies in the Hawke's Bay Region are "outstanding on a national comparative basis" or on the basis of being the "best of the best at the national scale" is not considered to be a valid proposition.
- 2.16 For all the above reasons, Genesis considers DPC7 as currently drafted does not give effect to the NPSFM, such that its scope and content need to be reassessed.

3. Significance of the WPS

- 3.1 For the reasons set in Section 2, the significant values of the WPS must be considered in any analysis of Lake Waikaremoana and the Waikaretaheke River undertaken for the purpose of giving effect to the NPSFM.
- 3.2 We doubt that the Council disputes the significance of the WPS (in both RMA and socio-economic terms), but for the sake of completeness we note as follows.
- 3.3 Hydroelectric generation provides a critical contribution to New Zealand's energy supply and economy, and is the backbone of the country's electricity supply, providing up to 60% of the total. The maintenance of New Zealand's social, economic and cultural wellbeing depends on having a reliable and secure energy supply system.
- 3.4 Furthermore, as New Zealand strives to transition to a low carbon future, existing renewable generation becomes even more important. In that regard, all future scenarios for achieving national renewable energy targets rely on maintaining existing generation and creating efficiencies or improvements in existing renewable electricity generation infrastructure, as well as adding new sources of renewable electricity generation.

- 3.5 The potential for power generation from the outflow of Lake Waikaremoana was recognised in the 19th century. Development of the WPS began in the early 20th century and comprises three power stations that were commissioned between 1929 and 1948 (Tuai 1929, Piripāua in 1943 and Kaitawa in 1948).
- 3.6 Supply of electricity from the WPS is critical for several reasons, both nationally and for the East Coast of the North Island in particular. First and foremost, the WPS generates approximately 450,000 MWh annually from the three power stations, this being the annual electricity used by approximately 56,250 households. Strategically the WPS is also critical to ensuring the security of energy supply to the East Cape in the event of disruption to the National Grid. The WPS also provides voltage support for the Gisborne and Tokomaru Bay Transpower transmission circuits and the close proximity of the WPS to Gisborne results in lower transmission losses than would otherwise occur.
- 3.7 In RMA terms, the importance of renewable energy has been recognised through the NPSREG, which the Council must give effect to in both its Regional Policy Statement and Regional Plan. In its present form, DPC7 does not acknowledge the fundamentally important values associated with the WPS and therefore does not give effect to the NPSREG.
- 3.8 It also needs to be recognised that the environmental values of Lake Waikaremoana and the Waikaretaheke River, as they are now, reflect the sustained presence of the WPS over some 90 years. If those water bodies are considered to be outstanding now, the only logical conclusion that can be drawn is that the important values of those water bodies have been protected, notwithstanding the ongoing presence of the WPS.
- 3.9 Furthermore, many of the existing values noted in the DPC7 to be outstanding have the potential to be altered significantly if the existing WPS operations were changed in any meaningful way, even if such an outcome was unintended. Additionally, changes to the operation of the WPS that enhance energy efficiency and/or environmental values should be encouraged by DPC7.
- 3.10 In addition, DPC7 and all planning documents, must give effect to the NPSREG. Not recognising the WPS, and providing for it within DPC7, does not give effect to the NPSREG. Further, renewable electricity generation plays a critical role in reducing New Zealand's greenhouse gas emissions, and thereby reducing the effects of climate change. This is especially relevant given the significance of climate change, and its effects, as recognised in section 7(i) of the RMA (as well as the management of significant natural hazard effects in section 6(h), including sea level rise) and that the Council is presently considering, in line with several other councils around New Zealand, declaring a climate change emergency.
- 3.11 Finally, DPC7 should align with Policy LW1 of the Hawke's Bay Regional Resource Management Plan and we consider that does not align with a number of the provisions listed within Policy LW1.1.
- 3.12 These perspectives, and the necessary alignment, are not contained within DPC7.

4. Section 32 Matters

- 4.1 All (notified) policy and planning documents proposed by a regional council under the RMA are required to be accompanied by an evaluation report that has been prepared in accordance with section 32 of the RMA. Section 32 states:

32 Requirements for preparing and publishing evaluation reports

- (1) *An evaluation report required under this Act must—*
- (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) *If the proposal (an **amending proposal**) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—*

- (a) the provisions and objectives of the amending proposal; and
 - (b) the objectives of the existing proposal to the extent that those objectives—
 - (i) are relevant to the objectives of the amending proposal; and
 - (ii) would remain if the amending proposal were to take effect.
- (4) If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.
- (4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—
- (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and
 - (b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.
- (5) The person who must have particular regard to the evaluation report must make the report available for public inspection—
- (a) as soon as practicable after the proposal is made (in the case of a standard or regulation); or
 - (b) at the same time as the proposal is notified.
- (6) In this section,—
- objectives** means,—
- (a) for a proposal that contains or states objectives, those objectives;
 - (b) for all other proposals, the purpose of the proposal
- proposal** means a proposed standard, statement, national planning standard, regulation, plan, or change for which an evaluation report must be prepared under this Act
- provisions** means,—

- (a) *for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:*
- (b) *for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.*

4.2 For present purposes, it suffices to say that DPC7 does not contain an evaluation of the type contemplated by section 32, and neither do the various documents prepared by the council in the lead up to preparing DPC7. The matters set out in Section 5 below, are also relevant in that regard.

4.3 Suffice to say for now, and in the absence of a section 32 evaluation, we also have significant concerns as to robustness of, and the nature and the wording of the matters listed in, Schedule XXIV and the provisions of DPC7.

5. Policy Vacuum

5.1 DPC7, as drafted, serves to:

- (a) Provide high level policy support for the incorporation of matters related to outstanding water bodies into the regional policy statement/regional plan framework;
- (b) Include a high-level policy (POL LW3A) that sets out decision making criteria to be applied when considering resource consent applications within the catchment of an outstanding water body; and
- (c) Include a Schedule XXIV that identifies the outstanding water bodies and lists the (generic) outstanding values of each of them.

5.2 Genesis has several concerns with Policy LW3A and Schedule XXIV which can be summarised as follows:

Draft Policy LW3A states:

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.

- 5.3 First and foremost, DPC7 does not identify the significant values that need to be protected, other than they will at least comprise the values listed in Schedule XXIV as being outstanding.
- 5.4 Secondly, the policy relates to any resource consent in any part of the catchment of an outstanding water body, irrespective of proximity and irrespective of whether the activity affects water quality or quantity.
- 5.5 More fundamentally, absent the inclusion of the subsequent plan change necessary to implement the draft plan change, the inclusion of Schedule XXIV in the draft document creates a "policy vacuum" when considering any future resource management matters that relate to the water bodies listed in the Schedule. In other words, the Schedule does no more than state which water bodies are considered to be "outstanding" and lists the generic "outstanding values" each is considered to have. For example, in respect of Lake Waikaremoana, Schedule XXIV lists the following outstanding values:

Cultural, spiritual, native plants, natural character, landscape & geology, recreation

- 5.6 People are entitled to rely on the plan as drafted, and, as drafted, the reader cannot discern the scale and extent of the purported outstanding values listed in Schedule XXIV

and how they need to be addressed. As a result, each and every resource consent applicant will be faced with the challenge of having to second guess what level of detail they need to address when preparing resource consent applications.

- 5.7 The Policy also does not give effect to the NPSFM and the NPSREG, is inconsistent with Part 2 of the Act and is likely to create significant consenting impediments for renewable electricity projects (as well as all other social and economic activities not being identified).

6. Suggested way forward

- 6.1 Given all the above, Genesis considers that the Council should either:

- (a) remove Policy LW3A and Schedule XXIV from DPC7, and include them as part of the foreshadowed subsequent plan change needed to implement the policy framework of DPC7 and redraft the remaining proposed amendments to give effect to the NPSFM and NPSREG; or
- (b) preferably, place DCP7 “on hold” and proceed to complete the entire package of measures needed to give effect to the NPSFM and NPSREG.

7. Conclusion

- 7.1 Genesis is committed to engaging constructively in the further development of DPC7. We would welcome the opportunity to discuss our feedback with you, with the expectation that our concerns can be addressed and DPC7 developed so it will lead to the protection of the significant values of outstanding water bodies and long-term sustainable outcomes for the region. Please contact Alice Barnett via 07 985 5061 or alice.barnett@genesisenergy.co.nz to discuss this further.

Nāku noa, nā



Karen Sky
Environmental Manager

HortNZ Comments re HBRC Outstanding Water Bodies Plan Change (Plan Change 7)

Horticulture New Zealand (HortNZ) acknowledges the importance of the Outstanding Freshwater Bodies Plan Change and the certainty it will provide the community that those special and exceptional waterbodies within the region will be protected and provided for in the future, and thanks HBRC for providing the opportunity to comment on the draft plan change. However, HortNZ has some concerns about what impact the identification of particularly the Heretaunga Aquifer, but also the Ruataniwha Aquifer, in the list of Outstanding water bodies in Hawke's Bay (Schedule XXIV of Plan Change 7), will have on the growers the organisation represents.

Horticulture is hugely important to the Hawke's Bay region. Around 16,800 ha of commercial fruit and vegetable production is undertaken on the Heretaunga Plains. Seventy percent (70%) of all apples produced in New Zealand are grown in the Hawke's Bay, with the vast majority of orchards being located over either the Heretaunga or Ruataniwha Aquifers. Summerfruit, green beans, sweetcorn, squash and onions are other significant crops. The Hawke's Bay region also produces over 30% of New Zealand's processed vegetables. There are two significant international fruit and vegetable processing facilities located in Hastings (Heinz Wattie's and McCain's), and those post-harvest processing facilities alone are significant employers in Hastings and the Hawke's Bay region, employing over 1800 people. Hawke's Bay produces significant quantities of food for domestic supply, which is important for the health and well-being of all New Zealanders; and there is also extensive export production within the region, which provides employment opportunities for many people.

The Heretaunga Plains are a nationally significant source of versatile land and significant protection of this land has been regulated within district and regional planning tools due to pressures from urbanisation. Food and fibre production are recognised as a significant value within the Regional Policy Statement, as 'primary values and uses' for the Greater Heretaunga/Ahuriri and Tukituki Catchment Areas in POL LW2 (Table 1) of this proposed plan change, as well as in recent catchment related regional plans. The Ngaruroro River and its recharge of the Heretaunga Plains groundwater supports the food and fibre values on the Heretaunga Plains. Reliable and good quality water is of fundamental importance to growing.

At present, there is a lack of clarity about what protecting the outstanding values of 'cultural', 'spiritual' and 'geology' (the outstanding values identified for both the Heretaunga and Ruataniwha Aquifers) will mean, and therefore it is very difficult to understand what the implications of their inclusion in the Outstanding Water Bodies list will practically mean for growers. The addition of a description to the table in Part 2 of Schedule XXIV of Proposed Plan Change 7 may assist with understanding what particular aspects of the identified outstanding values require protection, however the current lack of specificity makes it challenging to understand possible impacts on growers, and consequently HortNZ must express some reservations about the identification of the two aquifers as outstanding water bodies.

As noted in HBRC's Outstanding Freshwater Bodies Project report¹, all versions of the National Policy Statement for Freshwater Management have recognised that outstanding freshwater bodies are a limited class of water body which warrant special protection, and that only a small number of water bodies should be identified across the country as outstanding, as "*if too many water bodies are considered outstanding there will be missed development opportunities*"¹. The identification of potential "*missed development opportunities*" as a consequence of a water body being classified as

¹ Pg. 8 of Harper et al (2017) *Community Environment Fund: Outstanding Freshwater Bodies Project*, Hawke's Bay Regional Council, HBRC Plan Number 4931, HBRC Report Number RM17-09

outstanding again raises concerns for the horticultural sector given its reliance on a continued ability to draw good quality water from, and discharge some nutrients above, the Heretaunga and Ruataniwha Aquifers.

As noted above, the horticultural sector is critically important to the Hawke's Bay region – particularly the social and economic well-being of its communities, but due to them being inextricably linked, the regions' environmental and cultural well-being also. We understand that there is no precedent for the inclusion of aquifers in a list of outstanding water bodies, and suggest this may be because the potential implications of it are very difficult to understand, as it would seem extremely unlikely that no other regions throughout the country have not considered it. HortNZ would suggest that, given the very high importance of the Hawke's Bay Aquifers (Heretaunga and Ruataniwha) to the sustainable management of the region, they are omitted from the list of Outstanding Water Bodies, or alternatively that sufficient detail is added to Table 2 of Schedule XXIV such that the particular aspects of the cultural, spiritual and geological values that must be protected are clear, and therefore enable the Hawke' Bay Regional Council in its role as a consenting authority to have confidence that those outstanding values are protected, when it is considering applications for resource consents within the catchments of both aquifers.

HortNZ thanks you again for the opportunity to comment on this proposed Plan Change 7 and are happy to meet with you to discuss our concerns further if that would assist.

Charlotte Drury, on behalf of HortNZ





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Item 9

Proposed Plan Change 7 - Outstanding Water Bodies

Hawke's Bay Regional Resource Management Plan

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

Attachment 2

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 an existing section in the Hawke's Bay Regional Policy Statement which provides guidance and direction to decision-makers about how future management decisions will be made in an integrated manner for the sustainable management of the region's land and fresh water resources.

Plan Change 7 proposes to change 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 3.1A is an existing section in the Hawke's Bay Regional Policy Statement which sets out 7 objectives to guide the integrated management of the regions coastal resources. Plan Change 7 proposes to change Chapter 3.2 of the RRMP ~~is proposed to be changed to~~ align with new provisions relating to outstanding water bodies, ~~incorporated in response to the NPSFM OFWB provisions, not within the coastal environment~~ as set out in Chapter 3.1A.

Specifically, a new Objective 11 and two new Policies, Policy C1 and Policy C2 ~~is~~ are 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 Policies C1 and C2 ~~assists~~ in giving effect to Objectives 1 and 2 and Policies 11, 13 ~~and~~ 15 and 17 of the NZ Coastal Policy Statement, which ~~seek~~ requires the ~~to~~ protection of significant natural ecosystems, indigenous biodiversity, sites of biological importance, natural features, historic heritage, 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 25 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, or visit our website: 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 [i.e. grey coloured text].

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 outstanding and significant values ~~quality~~ of outstanding ~~fresh~~water bodies identified listed in Schedule 25 XXIV Hawke's Bay;
- 1A. protecting wetlands, including their significant values^{1A}
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;

^{1A} While significant values of wetlands can include nutrient filtering, flood flow attenuation, sediment trapping and cultural, spiritual, recreational, aesthetic and educational values, their values as habitat to fish, invertebrate, plant and bird life is likely to be significant for wetlands across the region.

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)¹ 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 further² catchment-based plan changes³ 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;
 - cB) recognises and manages the co-existing values of wetland habitat and agricultural production;
 - cC) assesses the outstanding water bodies identified in Schedule 25 to determine the significant values of those water bodies. This assessment include consideration of the values set out in Appendix 1 of the National Policy statement for Freshwater Management, and any other values that are determined to be relevant taking into account local and/or regional circumstances.

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

² Plan Change 6 for the Tukituki River catchment pre-dates this provision.

³ 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.

- d) ~~gives effect to provisions relating to outstanding freshwater bodies arising from the implementation of Policy LW1A~~ protects the outstanding and significant values of those outstanding water bodies identified listed in Schedule XXIV-25⁴;
- dA) maintains, and where necessary enhances, the water quality of those outstanding freshwater bodies identified in- Schedule 25 XXIV the catchment, and where appropriate, protects the water quantity of those outstanding freshwater bodies;
- e) promotes collaboration and information sharing between relevant management agencies, iwi, landowners and other stakeholders;
- f) takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water resources for future generations;
- g) aims to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible;
- 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 wetlands 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-identified in Schedule 25 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 outstanding and significant values of outstanding water bodies listed identified in Schedule 25 XXIV will be protected by regulatory methods or non-regulatory methods or both;⁵

⁴ 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 25 XXIV.

⁵ 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 25 XXIV.

iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the outstanding and significant values of an outstanding water body identified listed in Schedule 25 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
 - 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 1.⁶
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 identified listed in Part 2 of Schedule 25 XXIV. The NPSFM provisions prescribe a high level of protection for those freshwater 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 and outstanding 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 and outstanding 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

⁶ 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."

Subject to achieving Policy LW1.3:

1. a) Policy LW 2.1 applies in the following catchment areas:
 - i) Greater Heretaunga / Ahuriri Catchment Area
 - ii) Mohaka Catchment Area
 - iii) Tukituki Catchment Area.
- b) Policy LW 2.1 applies:
 - i) When preparing regional plans for the specified catchments ~~specified in Policy LW 2.1; and~~
 - ii) When considering resource consents for activities in the specified catchments when no catchment-based regional plan has been prepared for the relevant catchment.
- c) Give priority to Values and uses of water bodies in these catchment areas⁷ will be prioritised as follows:
 - i) Protecting outstanding values of any outstanding waterbody in Schedule 25, then
 - ii) Protecting significant values of any outstanding waterbody in Schedule 25, then
 - iii) Maintaining, or enhancing where appropriate, the primary values and uses of freshwater bodies shown in Table 1, then
 - iv) Having particular regard to the secondary values and uses of freshwater bodies identified in Table 1, then
 - v) For values not specified in Table 1 or Schedule 25, the management approach set out in Policy LW 1 will apply
 - vi) 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 LW 1.1, Policy 1.2, Policy 1.3 and Policy 1.4 or when considering resource consent applications where no catchment-based regional plan has been prepared.
2. In relation to catchments not specified in Policy LW2.1, the management approach set out in Policy LW 1.1, Policy 1.2, Policy 1.3 and Policy 1.4 will apply.

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"> any regionally significant native water bird populations and their habitats Cultural values and uses for: <ul style="list-style-type: none"> mahinga kai nohoanga taonga raranga taonga rongoa Fish passage Individual domestic needs and stock drinking needs⁸ Industrial & commercial water supply Native fish habitat in the Ngaruroro River and Tutaekuri River catchments Recreational trout angling and trout habitat in: <ul style="list-style-type: none"> the Mangaone River the Mangatutu Stream the Ngaruroro River and tributaries upstream of Whanawhana cableway the Ngaruroro River mainstem between the Whanawhana cableway and confluence with the Maraekakaho River 	<ul style="list-style-type: none"> Aggregate supply and extraction in Ngaruroro River downstream of the confluence with the Mangatahi Stream Amenity for contact recreation (including swimming) in lower Ngaruroro River, Tutaekuri River and Ahuriri Estuary any locally significant native water bird populations and their habitats Native fish habitat, notwithstanding native fish habitat as a primary value and use in the Tutaekuri River and Ngaruroro River catchments Recreational trout angling, where not identified as a primary value and use Trout habitat, where not identified as a primary value and use

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

⁸ 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"> the Tutaekuri River mainstem above the Mangaone River confluence The high natural character values of the Ngaruroro River and its margins upstream of Whanawhana cableway, including Taruarau River The high natural character values of the Tutaekuri River and its margins above the confluence of, and including, the Mangatutu Stream Trout spawning habitat Urban water supply for cities, townships and settlements and water supply for key social infrastructure facilities freshwater use for beverages, food and fibre production and processing and other land-based primary production 	
Mohaka Catchment Area	<ul style="list-style-type: none"> Amenity for water-based recreation between State Highway 5 bridge and Willowflat any regionally significant native water bird populations and their habitats Cultural values and uses for: <ul style="list-style-type: none"> mahinga kai nohoanga taonga raranga taonga rongoa Fish passage Individual domestic needs and stock drinking needs^a Long-fin eel habitat and passage Recreational trout angling and trout habitat in the Mohaka River and tributaries upstream of, and including, the Te Hoe River Scenic characteristics of Mokonui and Te Hoe gorges The high natural character values of the Mohaka River and its margins Trout spawning habitat 	<ul style="list-style-type: none"> Aggregate supply and extraction in Mohaka River below railway viaduct any locally significant native water bird populations and their habitats Native fish habitat below Willowflat Recreational trout angling, where not identified as a primary value and use Trout habitat, where not identified as a primary value and use Water use associated with maintaining or enhancing land-based primary production Water use for renewable electricity generation in areas not restricted by the Water Conservation Order
Tukituki Catchment Area	<ul style="list-style-type: none"> any regionally significant native water bird populations and their habitats Cultural values and uses for: <ul style="list-style-type: none"> mahinga kai nohoanga taonga raranga taonga rongoa Fish passage Individual domestic needs and stock drinking needs^a Industrial & commercial water supply Native fish and trout habitat Recreational trout angling and trout habitat in: <ul style="list-style-type: none"> the Mangaonuku Stream the Tukipo River the Tukituki River mainstem downstream to Red Bridge the Waipawa River The high natural character values of: 	<ul style="list-style-type: none"> Aggregate supply and extraction in lower Tukituki River Amenity for contact recreation (including swimming) in lower Tukituki River. any locally significant native water bird populations and their habitats Recreational trout angling, where not identified as a primary value and use Trout habitat, where not identified as a primary value and use Water use for renewable electricity generation in the Tukituki River (mainstem) and the Waipawa River above SH50 including the Mākaroro River.

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"> ○ the Tukituki River upstream of the end of Tukituki Road; and ○ the Waipawa River above the confluence with the Makaroro River, including the Makaroro River • Trout spawning habitat • Urban water supply for cities, townships and settlements and water supply for key social infrastructure facilities • freshwater use for beverages, food and fibre production and processing and other land-based primary production 	

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 *hui/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;

Policy LW3A - Decision Making Criteria – Outstanding Water Bodies

1. In relation to those types of activities identified in Policy LW3A.2, once the relevant catchment based regional plan change⁹ is operative or after 31 December 2025, whichever is sooner, a consent authority must have regard to:
 - a. the extent to which the activity would protect the outstanding value(s) described in Schedule 25 of the relevant outstanding waterbody
 - b. the extent to which the activity would protect the significant values (if any) identified in Schedule 25 of the relevant outstanding waterbody
 - c. whether, in order to protect the waterbody's outstanding values and significant values:
 - i. the location of the proposed activity is appropriate
 - ii. time limits, including seasonal or other limits on the activity may be appropriate.
 - d. If there is a conflict between protecting an outstanding and a significant value of the same water body, protection of the outstanding value must be given preference.
2. Policy LW3A.1 only applies to the following activities classified as a discretionary activity or a non-complying activity by a rule in a regional plan:
 - a. a take, use, damming, or diversion of water from an outstanding waterbody
 - b. a change to any existing take, use, damming or diversion of water from an outstanding waterbody
 - c. a discharge or a change or increase in any discharge of a contaminant into an outstanding

⁹ A catchment-based plan change which provides for any identified OWB

waterbody

- d. a discharge or a change or increase in any discharge of a contaminant onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering an outstanding waterbody
- e. a land use consent for any new structure in the bed of an outstanding waterbody
- f. a land use consent for any new or increased disturbance of the bed of an outstanding waterbody that is not already authorised by a current land use consent

3. Policy LW3A.1 only applies in the following circumstances:

- a. where a description of the outstanding waterbody's outstanding value(s) is stated in Schedule 25 and/or
- b. where a description of the outstanding waterbody's significant value(s) is stated in Schedule 25.

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 and outstanding values are appropriately protected. Policy LW3A takes effect after the objectives and limits have been set across the region and included in the Regional Resource Management Plan as required by the National Policy Statement for Freshwater Management.

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)
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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. Outstanding and significant values of outstanding water bodies are protected</u>	<u>The significant values for each outstanding water body identified listed in Schedule 25 XXIV are identified.</u> <u>The significant values for each outstanding water body listed identified in Schedule 25 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 outstanding and significant values of those outstanding water bodies within the Coastal Environment listed in Schedule 25 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 freshwater bodies (Chapter 3.1A of the RRMP), that are not within the coastal environment, as set out in Chapter 3.1A of the RRMP and ensures 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. The NPSFM specifically provides for the integrated management of the effects of use and development of land and freshwater on coastal water. Objective 11 assists in achieving integrated management between coastal and freshwater resources.
- 3.2.8B Objective 11 assists in giving effect to Objectives 1 and 2 and Policies 11, 13, and 15 and 17 of the NZ Coastal Policy Statement, which requires the protection of significant natural ecosystems, indigenous biodiversity, sites of biological importance, natural features, historic heritage, 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 identified listed in Schedule 25 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 outstanding and significant values of outstanding water bodies identified listed in Schedule 25 XXIV will be protected by regulatory methods or non-regulatory methods or both;¹⁰
 - iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the outstanding and significant values of an outstanding water body identified listed in Schedule 25 XXIV.

¹⁰ 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 25 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;

Policy C2 - Decision Making Criteria – Outstanding Water Bodies

1. In relation to those types of activities identified in Policy C2.2, once the relevant catchment based regional plan change¹¹ is operative or after 31 December 2025, whichever is sooner, a consent authority must have regard to:
 - a. the extent to which the activity would protect the outstanding value(s) described in Schedule 25 of the relevant outstanding waterbody
 - b. the extent to which the activity would protect the significant values (if any) identified in Schedule 25 of the relevant outstanding waterbody
 - c. whether, in order to protect the waterbody's outstanding values and significant values:
 - i. the location of the proposed activity is appropriate
 - ii. time limits, including seasonable or other limits on the activity may be appropriate.
 - d. If there is a conflict between protecting an outstanding and a significant value of the same water body, protection of the outstanding value must be given preferential protection.
2. Policy C2.1 only applies to the following activities:
 - a. a take, use, damming, or diversion of water from an outstanding waterbody
 - b. a change to any existing take, use, damming or diversion of water from an outstanding waterbody
 - c. a discharge or a change or increase in any discharge of a contaminant into an outstanding waterbody

¹¹ A catchment-based plan change which provides for any identified OWB

- d. a discharge or a change or increase in any discharge of a contaminant onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering an outstanding waterbody
 - e. a land use consent for any new structure in the bed of an outstanding waterbody
 - f. a land use consent for any new or increased disturbance of the bed of an outstanding waterbody that is not already authorised by a current land use consent
3. Policy C2.1 only applies in the following circumstances:
- a. where a description of the outstanding waterbody's outstanding value(s) is stated in Schedule 25 and/or
 - b. where a description of the outstanding waterbody's significant value(s) is stated in Schedule 25.

Principal reasons and explanation

- 3.2.15 ~~While there are only two policies in this plan, There are no specific policies Policy C1 and C2 are the only two policies~~ relating to the coastal environment part of this Plan. ~~However, 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 freshwater bodies that are not within the coastal environment (i.e. Policy LW1 in Chapter 3.1A of the RRMP) as set out in Chapter 3.1A of the RRMP, and ensures 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. This is consistent with the NPSFM 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' outstanding and 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 and outstanding values are appropriately protected. Policy C2 takes effect after new provisions have been included in the Hawke's Bay Regional Coastal Environment Plan giving effect to the New Zealand Coastal Policy Statement.~~

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 these freshwater bodies and estuaries, or parts thereof, identified listed in Schedule 25 XXIV that have one or more outstanding cultural, spiritual, recreation, landscape, geology, natural character or ecology values. It includes an outstanding freshwater body.

Outstanding: for the purposes of an outstanding water body; outstanding means conspicuous, eminent, and/or remarkable in the context of the Hawke's Bay Region.

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

Schedule 25 XXIV: Outstanding Water Bodies

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

The following values have been identified as outstanding for the purposes of giving effect to the outstanding freshwater bodies provisions set out in the National Policy Statement for Freshwater Management. The key sub-values listed help describe the outstanding value, but are not all inclusive.

Table 1: Outstanding values and sub values

Outstanding Values	Descriptions	Key sub values ²² and key sub-values where stated
Cultural and spiritual	A water body which has outstanding cultural and spiritual values.	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.
Ecology	A water body which has outstanding ecological value as a habitat for: <ul style="list-style-type: none"> - native birds - native fish - salmonid fish - aquatic species. 	Native birds, native fish, native plants, aquatic macroinvertebrates
Landscape	A water body which forms a key component of landscape that is "conspicuous, eminent, remarkable or iconic" within the context of the area concerned, or is critical to an outstanding geological feature.	Scenic, association, natural characteristics (includes hydrological, ecological and geological features)
Natural character	A water body, with high naturalness, exhibiting an exceptional combination of natural processes, natural patterns, and natural elements, with low levels of modifications to the river, its ecosystems and the surrounding landscape.	Natural characteristics (includes hydrological, ecological and geological features)
Recreation	A water body which provides an outstanding recreational experience for an activity which is directly related to the water such as fishing, kayaking, rafting and jet boating.	Angling, fishing, kayaking, rafting, jet boating
Natural science values Geology	A water body which has an outstanding geomorphological, geological or hydrological feature which is dependent on the water body's condition and functioning.	Science

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 under #OWB.

²² The outstanding values, include but are not limited to the sub-values set out in Table 1

Part 2 – Outstanding Water Bodies in Hawke's Bay and their outstanding and significant value(s)

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

* The significant values, and their associated descriptions, for each outstanding water body will be included after a catchment based regional plan change has been made operative for the relevant catchment (see Policy LW1 and Policy C1) Note: The significant values for outstanding water bodies within the Tutaekuri, Ahuriri, Ngauroro, Karamu catchments have been included based on current information at time of notification of Plan Change 9.

** The description of the outstanding cultural and spiritual values will be updated in Table 2 as Proposed Plan Change 7 progresses through the plan change process set out in Schedule One of the Resource Management Act, and further information becomes available.

Table 2: Outstanding Water Bodies

Column 1	Column 2	Column 3	Column 4
ID #	Name of outstanding water body	Outstanding value(s)	Description of outstanding value(s) ¹³
1	Boundary Stream, including Shine Falls	Cultural, spiritual	
2	Hautapu River	Cultural, spiritual	
2 1	Heretaunga Aquifer	Cultural, spiritual, Geology	The Heretaunga aquifer system is a taonga of Ngati Kahungunu, who know the aquifer system as the "Heretaunga Ararau Haukūnu", being a large water resource, represented in the many rivers, creeks, the small tributaries fed by underground springs, springs of water, swampy ground, swimming holes, rock pools and quick sands.
4	Karamu River	Cultural, spiritual	
5	Kaweka and Ruahine Ranges wetlands	Cultural, spiritual	
6 2	Lake Rotorua and Lake Rototuna (Kaweka Lakes)	Cultural, spiritual	Lake Rototuna and Lake Rotorua are situated in the Kaweka Forest Park, surrounded by
			Indigenous fish populations Indigenous bird populations Indigenous plant populations

¹³ Refer to HBRC Report SD18-01: Summary of cultural values associated with water bodies in Hawke's Bay and HBRC Report SD18-02: Summary of recreation, landscape and ecology values associated with water bodies in Hawke's Bay for further information about the outstanding values.

Column 1	Column 2	Column 3	Column 4
		<p><u>native fish, native plants, ecology, natural character</u></p> <p>indigenous vegetation, with no sign of human modifications.</p> <p>The Lakes are ecologically significant because of the large number of plant species and vegetation types in the surrounding area.</p> <p>Lake Rototuna is the best example of a waterbody that still remains in an all-native vegetated state in the region and supports the best composition of submerged aquatic plants in Hawke's Bay. -- Lake Rotoroa has a large population of kōaro which are 'lake-locked' and carry out their entire life cycle in freshwater.</p>	<p><u>Hydrological</u></p> <p><u>Social and cultural activities</u></p> <p><u>mahinga kai</u></p>
2 3	<u>Lake Poukawa and Pekapeka Swamp</u>	<p><u>Cultural, spiritual, wildlife</u></p> <p>Lake Poukawa, also known as Te Wai-nui-a-Tara, is a small shallow lake with a surface area of 89 hectares. The lake has an adjoining margin of wetland vegetation which is intermittently covered in water depending on the time of year. The wetland area contains swamp nettle (<i>Urtica linearifolia</i>) and the acutely threatened aquatic liverwort (<i>Ricciocarpus notans</i>) which is nationally endangered.</p> <p>The Lake has been declared a non-commercial eel fishery, one of only a few lakes in New Zealand to have this designation.</p> <p>Lake Poukawa is a taonga of Heretaunga Tamatea, traditionally used for food gathering. The lake is well known for its eel fishery which is of considerable cultural importance to the people of Te Hauke and their hapū Ngai Te Rangikolanake. The history of Lake Poukawa is directly related to the eels of the lake. The mana of each chief of Te Wheao is related to control of Lake Poukawa and its resources.</p> <p>Lake Poukawa has been the scene of many battles, with a number of wāhi tapu and wāhi taonga sites in the area. The origin of the name 'Poukawa' is said to have arose as a result of a disagreement between two local chiefs Te</p>	<p><u>Indigenous fish populations</u></p> <p><u>Indigenous bird populations</u></p> <p><u>Indigenous plant populations</u></p> <p><u>Hydrological</u></p> <p><u>Social and cultural activities</u></p> <p><u>mahinga kai</u></p>

Column 1	Column 2	Column 3	Column 4
			<p>Rangihirawea and Te Rangikawhiau over fishing rights in the lake.</p> <p>Lake Poukawa supports a high diversity of bird species, with notably high numbers of the Australasian Bittern, New Zealand dabchick, pied stilt, and shoveler ducks.</p>
8 4	Lake Tūtira (including Aropoanui River + Papakiri Stream)	Cultural, spiritual	<p>Lake Tūtira (including Aropoanui River and Papakiri Stream) is a taonga of Ngāti Kurumōkihi, celebrated as a place of sustenance to replenish one's mind, body and soul. Ngāti Kurumōkihi carried out ceremonies and rituals at designated places at Tūtira, such as tohi (baptisms). Some rongoā (medicinal plants) are only found in or around Lake Tūtira. There are a number of wāhi tapu, wāhi taonga and wai tapu sites in the area.</p> <p>The inlet to Lake Tūtira is Papakiri Stream and is integral to the distinct identity and mana of the hapū. Its importance is due to its connection with Lake Tūtira and its reputation as a significant mahinga kai site.</p> <p>The hapū have a whakataukī about the lake being: "ko te waiū o ō tātau tipuna" – "the milk of our ancestors" – This whakataukī references the abundance of kai that could be sourced from the lake and the lake providing spiritual sustenance. Lake Tūtira was famous for the best flavoured tuna (eel).</p> <p>The Aropoanui River/Waikoau River originates at the tūhi tapu (sacred peaks) of the central area of Maungaharuru. The Aropoanui River is one of the most significant awa in the takiwā (traditional area of the hapū), linking two of the most culturally and historically important areas of the hapū, being Tūtira and Aropoanui. The river provided an important connection between Maungaharuru and the coast, allowing for seasonal movements of the hapū. During peace Ngāti Kurumōkihi dwelt around the coastal estuaries and the lake. During war they sheltered in the forests and the hinterland. There was</p>

Column 1	Column 2	Column 3	Column 4
		<p>intensive Māori occupation around Lake Tūtira and numerous sites of significance.</p> <p>As a prized taonga, many raids and battles occurred at Lake Tūtira.</p>	
9	<u>Lake Waikareiti</u>	<u>Cultural, spiritual</u>	+
40 5	<u>Lake Waikaremoana</u>	<u>Cultural, spiritual,</u> <u>native plants, ecology,</u> <u>natural character,</u> <u>landscape & geology,</u> <u>recreation</u>	+
		<p>Lake Waikaremoana is situated in Te Urewera surrounded by pristine native forest and spectacular mountain ridges, and is often referred to as a 'jewel in the crown' of New Zealand landscapes. The name Lake Waikaremoana means the sea of rippling waters. It was created around 2,200 years ago when a wedge of sandstone blocked the course of the Waikaretaheke River.</p> <p>Legend tells of how Lake Waikaremoana was created.– Having been turned into a taniwha, Haumapuhia, desperately tried to find an outlet to the sea before the sun rose. Her ceaseless thrashing upturned the hills and formed the various bays, inlets and features we see today.</p> <p>Lake Waikaremoana is an important taonga, with many pā, urupā and wāhi tapu sites located around its edge, and was the scene of many battles.</p> <p>Lake Waikaremoana is the North Island's deepest lake, reaching depths of 248 m, and Hawke's Bay's largest lake. The lake has exceptional water quality and is in excellent ecological condition with a high number of native aquatic plant species. It is the best example of diverse aquatic vegetation in a large, deep, clear lake in Hawke's Bay and the North Island. The Lake has a high number of submerged plants, with an excellent indigenous turf community that has high native species diversity, and the nationally rare charophyte <i>Nitella opaca</i>.</p>	+

Column 1	Column 2	Column 3	Column 4	
			Lake Waikaremoana is renowned for its spectacular scenery and its clear pristine water. It is popular for a range of activities including angling, swimming and boating. The Lake Waikaremoana Track is one of the 10 Great Walks of New Zealand.	
11	Whakaki Lake – Te Paeroa Lagoon – Wairau Lagoon and wetlands	Cultural, spiritual , ecology, wildlife		*
12 6	Lake Whatumā	Cultural, spiritual , ecology, wildlife	Lake Whatumā is 160 hectares in size, with an additional adjacent wetland margin of around 76 hectares. The lake supports a high diversity of birds and is home to the largest population of the globally endangered Australasian bittern in Hawke's Bay. Lake Whatumā is a taonga of the hapū of Heretaunga Tamatea. The name refers to the discoverers of the lake who ate tuna (eels) they found there until their hunger was satisfied. The lake was a significant mahinga kai. As well as tuna, it was also known for other freshwater fish, freshwater mussels, birds (including kererū), and raupo pollen. Lake Whatumā was a traditional area of residence to a permanent population and was utilised by a number of surrounding hapū who travelled to the lake to gather resources on a seasonal basis. There are numerous remains of middens, tools, bones, pits, chisels and axes indicating there was a high population in the area.	*
13	Makirikiri River	Cultural, spiritual		*
14 7	Mangahouanga Stream	Cultural, spiritual , geology	The Mangahouanga Stream is a small stream located in northern Hawke's Bay. The Stream is internationally renowned due to the discovery of dinosaur bones at the site. The remains of six separate species of dinosaurs (four new	*

Column 1	Column 2	Column 3	Column 4
		species), and New Zealand's oldest fossil insect have been found in the Mangahouanga Stream. To date, the Mangahouanga Stream is the only place in New Zealand where significant dinosaur remains have been found.	
15	Mangawhio Lagoon, lower Kopuawhara River, Pukerui Dune Wetlands	Cultural, spiritual, wildlife, ecology	+
16 8	Mohaka River (Lower – below Willowflat)	Cultural, spiritual, ecology, macroinvertebrates, natural character, landscape & geology, recreation	+

Column 1	Column 2	Column 3	Column 4
			was significant as a mahinga kai resource, the river was plentiful with fish species tuna, trout and koura. The forest around the Mohaka River was very dense and provided many important resources including harakeke, toitoi, birdlife and a range of plants used for medicinal purposes.
17	Mohaka River (Upper – above Willowflat)	Cultural, spiritual, macroinvertebrates, natural character, landscape & geology, recreation	
18	Morere Springs	Cultural, spiritual	
19 9	Ngamatea East Swamp	Cultural, spiritual, native plants, ecology, natural character	The Ngamatea East Swamp is a 300 hectare unmodified wetland, the largest in Hawkes Bay. The wetland contains high numbers of threatened indigenous plant species, including the sedge <i>carex strictissima</i> which is nationally endangered and the <i>ranunculus recens</i> var, which is 'at risk' and threatened.
20 10	Ngaruroro River and Estuary	Cultural, spiritual, wildlife, native fish, recreation, ecology, macroinvertebrates, natural character, landscape, geology.	The Ngaruroro River is the largest river flowing across the Heretaunga Plains. The full name of the Ngaruroro River is Ngāgaru-o-nga-upokororo-mai-i-mokotuararo-ki-Rangatira, with the river taking its name from an incident in which a dog belonging to the ancient deity Mahu startled some small fish known as upokororo. As the shoal of fish dashed away they caused ngaru or ripples in the water. The Ngaruroro River flows through a variety of landscapes along its length. In its upper parts the Ngaruroro River is in a near natural state with impressive scenery flowing through indigenous forest, tussock and scrubland and spectacular narrow rocky gorges with vertical schist walls. The Ngaruroro River gorge is one of the best two gorges in Hawke's Bay. From Whanawhana, the

Column 1	Column 2	Column 3	Column 4
		<p><u>Ngaruroro River opens to wide braided channel which is the best example in the region, and highly valued for jet boating and as a bird habitat supporting high numbers of banded dotterel and pied stilt.</u></p> <p><u>Upstream of Kuripapango, the Ngaruroro River is in excellent ecological condition, with pristine water quality and one of the healthiest macroinvertebrate communities in the region. The upper Ngaruroro River contains a high quality habitat for both native fish and salmonid trout, being largely natural with good water quality. The upper river is particularly renowned for its salmonid angling, whitewater boating opportunities and its impressive scenery.</u></p> <p><u>The lower river and estuary area support a high diversity of native birds, some of which are classified as at risk or declining or globally endangered, including the black-billed gull, black fronted tern and Australasian bittern.</u></p> <p><u>The Ngaruroro River supports a high diversity of fish in its lower river and estuary areas, including a number of native fish which are classified as at risk or declining. In its upper parts the Ngaruroro River contains a high quality habitat for both native fish and salmonid trout, being largely natural with good water quality.</u></p> <p><u>The Ngaruroro River is a taonga of Heretaunga Tamatea, Mana Ahuriri, and Ngāti Tūwharetoa. The headwaters are commonly expressed as being at the heart of the Kaimanawa Ranges, the River forms a natural highway from coast to mountains and there are many settlements and sites of significance along its banks, including the presence of Pā, Kāinga, urupā, Wāhi Tapu, wāhi taonga and wai tapu.</u></p> <p><u>The Ngaruroro River has significance as a mahinga kai and has been a significant marker of land interests from ancient times. A pou once stood at Whanawhana which represents an important political demarcation between hapū.</u></p>	

Column 1	Column 2	Column 3	Column 4	
21	<u>Ngauroro River (Upper)</u>	<u>Cultural, spiritual, wildlife, native fish, macroinvertebrates, natural character, landscape & geology, recreation</u>	TBC	
22	<u>Nuhaka River</u>	<u>Cultural, spiritual</u>		
23	<u>Opoutama Swamp</u>	<u>Cultural, spiritual</u>		
24 11	<u>Porangahau River and Estuary</u>	<u>Cultural, spiritual, ecology, wildlife, native fish, native plants, landscape & geology</u>	<p>The Porangahau River, otherwise known as the Taurekaitai River, is a taonga of Ngāti Kere. It is rich in archaeological sites, and provided the first authenticated records of moa hunter occupation in the North Island. It is a significant mahinga kai, and vast shell middens are situated in the dune systems, and pā sites occur at either end of the estuary. On the southern bank of the river, Opiango stands, a peak sacred to Ngāti Pihere.</p> <p>The Porangahau Estuary is the largest and least modified estuary in Hawke's Bay. The river mouth barrier system is the largest barrier system in Hawke's Bay and the surrounding dune system demonstrates a rare cross-cutting relationship of a series of en echelon sand dunes and estuarine strand lines.</p> <p>The Porangahau River and Estuary supports large population of wrybill and banded dotterel and is the only location where Caspian terns and royal spoonbill nest. It is an important feeding and wintering area for migratory waders. The Porangahau Estuary has two main inanga spawning sites and the only estuary in Hawke's Bay to contain the seagrass, <i>zostera muelleri</i>.</p>	
25	<u>Porangahau/Taurekaitai River</u>	<u>Cultural, spiritual, wildlife</u>	-	
26	<u>Putere Lakes</u>	<u>Cultural, spiritual</u>		
27	<u>Ripia River</u>	<u>Cultural, spiritual</u>		

Column 1	Column 2	Column 3	Column 4	
28 12	Ruakituri River	Cultural, spiritual, ecology, macroinvertebrates, natural character, landscape & geology, recreation	<p>The Ruakituri River is in a natural state above Waitangi Falls, with no human modification in the surrounding area. In its upper reaches the river runs clean and clear, flowing through thick bush and rugged, remote backcountry and through a number of steep gorges, past giant limestone cliffs, and over the 72m Waitangi Falls. The Ruakituri Gorge is particularly valued by local canoeists who know it as a short but challenging run.</p> <p>The Ruakituri River is an internationally renowned trout fishery known for its crystal clear water, spectacular scenery and large population of trout which can reach trophy size. Angling on the river is restricted to fly fishing only, with the use of spinners prohibited. The river has one of the healthiest macroinvertebrate communities in Hawke's Bay.</p> <p>The Ruakituri River is culturally significant for the people of Te Rohe o Te Wairoa, and was one of several important locations for Ngāti Kahungunu. From these locations, they travelled, often considerable distances, to utilise resources seasonally. Traditional settlements on the Ruakituri River include Te Reinga and Erepeti.</p> <p>Ngāi Kohatu have a korero about the formation of these rivers. According to tradition, the Ruakituri and Hangaroa Rivers (which form the Wairoa River below their confluence) were formed when kin taniwha Ruamano and Hinekorako heard the sound of the sea, and heeding its call, they decided to race to the sea, each taking a separate route by way of the two rivers.</p>	+
29	Ruataniwha Aquifer	Cultural, spiritual, geology	+	+
30	Tarawera Hot Springs	Cultural, spiritual	+	+

Column 1	Column 2	Column 3	Column 4
31	Tararua River	Cultural, spiritual, macroinvertebrates, ecology, natural character, landscape, and geology, recreation	+
32 13	Te Hoe River	Cultural, spiritual, wildlife, ecology	+
33	Te Paerahi River	Cultural, spiritual	+
34 14	Te Whanganui a Orotū (Ahuriri Estuary)	Cultural, spiritual, wildlife, native fish, ecology, landscape, and geology	+

Column 1	Column 2	Column 3	Column 4
		<p>region for fisheries production. It supports the highest diversity of native fish in the region.</p> <p>Te Whanganui-a-Orotū is a place of great cultural and spiritual significance to the Ahuriri Hapū. It is central to their existence and identity. It is named after the ancestor Te Orotū, who was a descendant of the great explorer and ancestor Mahu Tapoanui, who is the very beginning of the Ahuriri people. Ngāti Pāhauwera and Maungaharuru -Tangitū also have customary linkages to Te Whanganui-a-Orotū.</p> <p>Moremore is the kaitiaki of Te Whanganui-a-Orotū, and known as the guardian of the people occupying the shores of Te Whanganui-a-Orotū who are his descendants. The appearance of Moremore warned people of dangers and reinforced the customs practiced by the old people. The law of Moremore was always observed.</p> <p>The area around Te Whanganui-a-Orotū was a very important source of food and was heavily populated and the site of a number of significant battles. Consequently, numerous sites of cultural, historic and archaeological significance are situated around what was its shoreline.</p> <p>From the earliest of times it was highly prized for its enormous food resources and its access to major river systems and forest areas. It was known as 'a place of abundance'. Archaeological evidence confirms that Te Whanganui-a-Orotū was an important place to live. Excavations indicate settlement dates between the late fifteenth and early seventeenth centuries, with very early settlement on Roro o Kuri - somewhere between the twelfth and thirteenth centuries. Surrounding the harbour are 11 recorded pā, some extensive in size. Extensive middens exist in this area.</p> <p>The pā at Te Pakake was a communal gathering place in times of trouble. Ngāti Hinepare, Ngāti Mahu, Ngāti Parau, Ngāti Hawea and Ngāti</p>	

Column 1	Column 2	Column 3	Column 4
			<p>Kurumokihī are all recorded as having occupied the pā when under threat of invasion. Pukemokimokihī was a fortified pā, with a canoe landing place near, located at south-western end of Mataruahou (Napier Hill).</p>
35 15	Tukituki River and Estuary	Cultural, spiritual, ecology, wildlife, landscape & geology	<p>The Tukituki River and Estuary area is a large, 145 km long braided river system in central Hawke's Bay. It is a tupuna awa (ancestral river) and has significant cultural values. Legend tells of how the Tukituki River came into existence. Two taniwha lived in a large lake situated on what is now the Ruataniwha Plains. They fought for possession of a boy who accidentally fell into the lake and their struggles formed the Waipawa and Tukituki Rivers which drained the lake.</p> <p>The Tukituki River is part of an iconic Hawke's Bay landscape where it passes by Te Mata Peak.</p> <p>The Tukituki River has significant wildlife values with a high diversity of native birds. The Lower Tukituki River and Estuary area supports the largest population of wading birds in Hawke's Bay, and has significant regional populations of black fronted tern, banded dotterel and pied stilt.</p> <p>The Tukituki River is a toanga of Heretaunga Tamatea. There is evidence of at least 7-8 centuries of occupation by Maori, making this area one of the earliest settled. The river was traditionally the main transport route through Heretaunga. Historically, the Tukituki catchment had an abundance of mahinga kai and natural resources. In particular, the river mouth and estuary was renowned for the abundance of fish species. The estuary area continues to support important traditional fisheries.</p> <p>On the lower section of river, there are a number of sites that relate to the actions of the ancient tipuna, Māhu. On the north bank is a white rock, Papaotihi. It is said the rock was once a man who was fishing in the river, but he was turned to stone by Māhu. A little further on is another rock, Tauhou, where Māhu turned another man to</p>

Column 1	Column 2	Column 3	Column 4
		<p>stone. Down river near Te Kauhanga pā is another spot touched by Māhu. Here he put a curse on the paepae and people died. Kahuranaki maunga, a site upstream of Kahwaka on the rivers eastern bank, is of special significance to all hapū of Heretaunga Tamatea.</p> <p>After the arrival of the Ngāti Kahungunu tipuna to Heretaunga, the Tukituki River was established as the first boundary between Tarala and Te Aomatarahi.</p>	
26 16	Tūtaekuri River	<p><u>Cultural, spiritual, ecology macroinvertebrates</u></p> <p>Ahuriri Hapū have a strong cultural association with the Tūtaekuri River, with the lower reach of the Tūtaekuri River traditionally utilised by Ngāti Pārau. Otatara Pā is wāhi tapu as an ancient pā and as an urupā. It held a prominent position over the river and is 'the guardian of all people who live in its shadow'. A site at Te Whare O Maraenui, located on the eastern bank of the Tūtaekuri River, contains an urupā of those who died during the battle at Te Pakake Pā.</p> <p>Heretaunga Tamatea, Ngāti Pāhauwera and Maungaharuru –Tangitū also have cultural association with the river, with the river once providing a major transport route into Mokai Patea (Taihape) and beyond. The Tūtaekuri River forms part of the rohe boundary between Heretaunga and Ahuriri.</p> <p>The Tūtaekuri River takes its name from an incident that occurred when Hikawera came to the aid of a starving party of travellers. He ordered many dogs, fish and kumara to be prepared to feed the hungry wanderers. The place where this occurred became known as Te Umukuri. The dog's offal was thrown into the river to replenish what was taken, hence the name Tūtaekuri.</p> <p>The Tūtaekuri River once was a significant mahinga kai providing much of the food supply for the local hapū. Otatara Pā was a major intersection between Heretaunga & Ahuriri and</p>	<p><u>ecosystems</u></p> <p><u>Indigenous aquatic populations particularly, torrent fish, whitebait, macroinvertebrate communities</u></p> <p><u>Trout fishery</u></p> <p><u>Indigenous bird populations</u></p> <p><u>Social, recreational and cultural activities including swimming, cultural practices of Uū and boating</u></p> <p><u>Natural character</u></p> <p><u>Hydrological</u></p> <p><u>Mahinga kai</u></p> <p><u>Domestic water</u></p> <p><u>Primary production water use (including for associated processing and other urban activities)</u></p>

Column 1	Column 2	Column 3	Column 4
		<p>it permitted access to eel weirs, fern root groves and kumara plantations in the hinterland. It also allowed access to Te Whanganui a Orotū.</p> <p>The upper reaches of the Tūtaekuri River are in a near natural state with pristine water quality and one of the healthiest macroinvertebrate communities in the region.</p>	
37 17	Waiau River	<p>Cultural, spiritual, ecology, wildlife</p> <p>The Waiau River is a breeding site for the blue duck, supporting one of the two largest blue duck populations in Hawke's Bay.</p>	+
38	Waihua River	Cultural, spiritual	+
39	Waikaretaheke River	Cultural, spiritual	+
40	Waikou River/ Aropoanui River	Cultural, spiritual	TBC
41 18	Waipawa River	Cultural, spiritual	+

Column 1	Column 2	Column 3	Column 4
			<p>A number of archaeological sites indicating the presence of pā and kāinga have been recorded in the area. Near the headwaters was Motu-o-Puku pā which belonged to the descendants of Te Rangitēkahutia and the descendants of Te Upokoiri.</p>
42 19	Waipunga River	Cultural, spiritual, macroinvertebrates	<p>Hineuru has a particular cultural, spiritual, historical, and traditional association with Waipunga River.</p> <p>The Waipunga River acted as a boundary and is one of the iwi's most important taonga. The river is associated with many important mahinga kai, kāinga, pā, and has numerous settlements and sites of significance.</p> <p>Hineuru had a large zone of permanent settlements along the Waipunga River where the Tarawera township exists today. It has been permanently occupied by Hineuru iwi since the time of their ancestress Hineuru.</p> <p>The Waipunga River was abundant with fish species, including tuna, trout and the koura. Hangi stones were gathered from the river.</p> <p>The forest around the Waipunga River was very dense and provided many important resources including harakeke, toitoi, birdlife and a range of plants used for medicinal purposes.</p> <p>The Waipunga River provided the people with drinking water, and was a source of spiritual cleansing, waihua, and was felt to have healing properties (e.g. aids with the healing of women after they had given birth, used for the washing of Tupapeku and an important part of the ta moko process).</p>
43 20	Wairoa River	Cultural, spiritual	<p>The Wairoa River is culturally significant to the iwi and hapū of Te Rohe o Te Wairoa. The river is regarded as tapu. It is bound by rituals and traditions, which stem from gods and belongs to their ancestors. The water of the Wairoa River</p>

Column 1	Column 2	Column 3	Column 4
		<p>was used for purification, ancient chants and prayers. The river was also a major avenue for trading and commerce with a number of pā close by. Several important pā sites are located along and at the mouth of the river including Rangihoua/Pilot Hill which is sacred to tāngata whenua.</p> <p>It is said that the Tākitimu waka came up the Wairoa River and landed at Makeakea Stream. Te Reinga Falls, the starting point of the river, is associated with Hinekorako and Ruamano, which were taniwha carried to Aotearoa on the Tākitimu waka. The river mouth is also associated with two taniwha engaged in an ongoing struggle between Tapuwae and Te Maaha.</p> <p>The river and estuary area was an important mahinga kai, providing inanga, mohoa, kanae, tuna, kākahi and koura.</p>	



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

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

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Item 9

Attachment 3





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Item 9

Proposed Plan Change 7 - Outstanding Water Bodies

Hawke's Bay Regional Resource Management Plan

August 2019
HBRC Report Number: SD 19-21
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Attachment 3

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 an existing section in the Hawke's Bay Regional Policy Statement which provides guidance and direction to decision-makers about how future management decisions will be made in an integrated manner for the sustainable management of the region's land and fresh water resources.

Plan Change 7 proposes to change Chapter 3.1A 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 3.1A is an existing section in the Hawke's Bay Regional Policy Statement which sets out 7 objectives to guide the integrated management of the regions coastal resources. Plan Change 7 proposes to change Chapter 3.2 of the RRMP to align with new provisions relating to outstanding water bodies, incorporated in response to the NPSFM OFWB provisions, as set out in Chapter 3.1A.

Specifically, a new Objective 11 and two new Policies, Policy C1 and Policy C2 are 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 Policies C1 and C2 assist in giving effect to Objectives 1 and 2 and Policies 11, 13 15 and 17 of the NZ Coastal Policy Statement, which requires the protection of significant natural ecosystems, indigenous biodiversity, sites of biological importance, natural features, historic heritage, 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 25 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, or visit our website: 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 [grey coloured text].

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 outstanding and significant values ~~quality~~ of outstanding ~~fresh~~water bodies ~~identified listed in Schedule 25 Hawke's Bay;~~
- 1A. protecting wetlands, including their significant values^{1A}
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;

^{1A} While significant values of wetlands can include nutrient filtering, flood flow attenuation, sediment trapping and cultural, spiritual, recreational, aesthetic and educational values, their values as habitat to fish, invertebrate, plant and bird life is likely to be significant for wetlands across the region.

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)¹ 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 further² catchment-based plan changes³ 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;
 - cB) recognises and manages the co-existing values of wetland habitat and agricultural production;
 - cC) assesses the outstanding water bodies identified in Schedule 25 to determine the significant values of those water bodies. This assessment include consideration of the values set out in Appendix 1 of the National Policy statement for Freshwater Management, and any other values that are determined to be relevant taking into account local and/or regional circumstances.

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

² Plan Change 6 for the Tukituki River catchment pre-dates this provision.

³ 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.

- d) ~~gives effect to provisions relating to outstanding freshwater bodies arising from the implementation of Policy LW1A, protects the outstanding and significant values of those outstanding water bodies identified in Schedule 25⁴;~~
- dA) maintains, and where necessary enhances, the water quality of those outstanding ~~freshwater~~ bodies identified ~~in Schedule 25, the catchment,~~ and where appropriate, protects the water quantity of those outstanding ~~freshwater~~ bodies;
- e) promotes collaboration and information sharing between relevant management agencies, iwi, landowners and other stakeholders;
- f) takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water resources for future generations;
- g) aims to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible;
- 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 wetlands 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 identified in Schedule 25:~~
 - ~~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 outstanding and significant values of outstanding water bodies identified in Schedule 25 will be protected by regulatory methods or non-regulatory methods or both;⁵~~

⁴ 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 25.

⁵ 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 25.

iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the outstanding and significant values of an outstanding water body identified in Schedule 25.

- 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
 - 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 1.⁶
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 identified in Part 2 of Schedule 25. The NPSFM provisions prescribe a high level of protection for those freshwater bodies with outstanding values.

Policies LW1A, LW1.1 and LW1.2 inform future catchment-based plan changes, and the respective community discussions, which water bodies have outstanding values and directs the protection of their respective significant and outstanding 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 and outstanding 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

⁶ 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."

Subject to achieving Policy LW1.3:

1. a) Policy LW 2.1 applies in the following catchment areas:
 - i) Greater Heretaunga / Ahuriri Catchment Area
 - ii) Mohaka Catchment Area
 - iii) Tukituki Catchment Area.
- b) Policy LW 2.1 applies:
 - i) When preparing regional plans for the specified catchments ~~specified in Policy LW 2.1; and~~
 - ii) When considering resource consents for activities in the specified catchments when no catchment-based regional plan has been prepared for the relevant catchment.
- c) ~~Give priority to Values~~ Values and uses of water bodies in these catchment areas⁷ will be prioritised as follows:
 - i) Protecting outstanding values of any outstanding waterbody in Schedule 25, then
 - ii) Protecting significant values of any outstanding waterbody in Schedule 25, then
 - iii) Maintaining, or enhancing where appropriate, the primary values and uses of freshwater bodies shown in Table 1, then
 - iv) Having particular regard to the secondary values and uses of freshwater bodies identified in Table 1, then
 - v) For values not specified in Table 1 or Schedule 25, the management approach set out in Policy LW 1 will apply
 - vi) 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 LW 1.1, Policy 1.2, Policy 1.3 and Policy 1.4 or when considering resource consent applications where no catchment-based regional plan has been prepared.
2. In relation to catchments not specified in Policy LW2.1, the management approach set out in Policy LW 1.1, ~~Policy 1.2, Policy 1.3 and Policy 1.4~~ will apply.

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"> any regionally significant native water bird populations and their habitats Cultural values and uses for: <ul style="list-style-type: none"> mahinga kai nohoanga taonga raranga taonga rongoa Fish passage Individual domestic needs and stock drinking needs⁸ Industrial & commercial water supply Native fish habitat in the Ngaruroro River and Tutaekuri River catchments Recreational trout angling and trout habitat in: <ul style="list-style-type: none"> the Mangaone River the Mangatutu Stream the Ngaruroro River and tributaries upstream of Whanawhana cableway the Ngaruroro River mainstem between the Whanawhana cableway and confluence with the Maraekakaho River 	<ul style="list-style-type: none"> Aggregate supply and extraction in Ngaruroro River downstream of the confluence with the Mangatahi Stream Amenity for contact recreation (including swimming) in lower Ngaruroro River, Tutaekuri River and Ahuriri Estuary any locally significant native water bird populations and their habitats Native fish habitat, notwithstanding native fish habitat as a primary value and use in the Tutaekuri River and Ngaruroro River catchments Recreational trout angling, where not identified as a primary value and use Trout habitat, where not identified as a primary value and use

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

⁸ 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"> the Tutaekuri River mainstem above the Mangaone River confluence The high natural character values of the Ngaruroro River and its margins upstream of Whanawhana cableway, including Taruarau River The high natural character values of the Tutaekuri River and its margins above the confluence of, and including, the Mangatutu Stream Trout spawning habitat Urban water supply for cities, townships and settlements and water supply for key social infrastructure facilities freshwater use for beverages, food and fibre production and processing and other land-based primary production 	
Mohaka Catchment Area	<ul style="list-style-type: none"> Amenity for water-based recreation between State Highway 5 bridge and Willowflat any regionally significant native water bird populations and their habitats Cultural values and uses for: <ul style="list-style-type: none"> mahinga kai nohoanga taonga raranga taonga rongoa Fish passage Individual domestic needs and stock drinking needs^a Long-fin eel habitat and passage Recreational trout angling and trout habitat in the Mohaka River and tributaries upstream of, and including, the Te Hoe River Scenic characteristics of Mokonui and Te Hoe gorges The high natural character values of the Mohaka River and its margins Trout spawning habitat 	<ul style="list-style-type: none"> Aggregate supply and extraction in Mohaka River below railway viaduct any locally significant native water bird populations and their habitats Native fish habitat below Willowflat Recreational trout angling, where not identified as a primary value and use Trout habitat, where not identified as a primary value and use Water use associated with maintaining or enhancing land-based primary production Water use for renewable electricity generation in areas not restricted by the Water Conservation Order
Tukituki Catchment Area	<ul style="list-style-type: none"> any regionally significant native water bird populations and their habitats Cultural values and uses for: <ul style="list-style-type: none"> mahinga kai nohoanga taonga raranga taonga rongoa Fish passage Individual domestic needs and stock drinking needs^a Industrial & commercial water supply Native fish and trout habitat Recreational trout angling and trout habitat in: <ul style="list-style-type: none"> the Mangaonuku Stream the Tukipo River the Tukituki River mainstem downstream to Red Bridge the Waipawa River The high natural character values of: 	<ul style="list-style-type: none"> Aggregate supply and extraction in lower Tukituki River Amenity for contact recreation (including swimming) in lower Tukituki River. any locally significant native water bird populations and their habitats Recreational trout angling, where not identified as a primary value and use Trout habitat, where not identified as a primary value and use Water use for renewable electricity generation in the Tukituki River (mainstem) and the Waipawa River above SH50 including the Mākaroro River.

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"> ○ the Tukituki River upstream of the end of Tukituki Road; and ○ the Waipawa River above the confluence with the Makaroro River, including the Makaroro River • Trout spawning habitat • Urban water supply for cities, townships and settlements and water supply for key social infrastructure facilities • freshwater use for beverages, food and fibre production and processing and other land-based primary production 	

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 *hui/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.

Policy LW3A - Decision Making Criteria – Outstanding Water Bodies

1. In relation to those types of activities identified in Policy LW3A.2, once the relevant catchment based regional plan change⁹ is operative or after 31 December 2025, whichever is sooner, a consent authority must have regard to:
 - a. the extent to which the activity would protect the outstanding value(s) described in Schedule 25 of the relevant outstanding waterbody
 - b. the extent to which the activity would protect the significant values (if any) identified in Schedule 25 of the relevant outstanding waterbody
 - c. whether, in order to protect the waterbody's outstanding values and significant values:
 - i. the location of the proposed activity is appropriate
 - ii. time limits, including seasonal or other limits on the activity may be appropriate.
 - d. If there is a conflict between protecting an outstanding and a significant value of the same water body, protection of the outstanding value must be given preference.
2. Policy LW3A.1 only applies to the following activities classified as a discretionary activity or a non-complying activity by a rule in a regional plan:
 - a. a take, use, damming, or diversion of water from an outstanding waterbody
 - b. a change to any existing take, use, damming or diversion of water from an outstanding waterbody
 - c. a discharge or a change or increase in any discharge of a contaminant into an outstanding waterbody
 - d. a discharge or a change or increase in any discharge of a contaminant onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering an outstanding waterbody
 - e. a land use consent for any new structure in the bed of an outstanding waterbody
 - f. a land use consent for any new or increased disturbance of the bed of an outstanding waterbody that is not already authorised by a current land use consent
3. Policy LW3A.1 only applies in the following circumstances:
 - a. where a description of the outstanding waterbody's outstanding value(s) is stated in Schedule 25 and/or
 - b. where a description of the outstanding waterbody's significant value(s) is stated in Schedule 25.

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 and outstanding values are appropriately protected. Policy LW3A

⁹ A catchment-based plan change which provides for any identified OWB

takes effect after the objectives and limits have been set across the region and included in the Regional Resource Management Plan as required by the National Policy Statement for Freshwater Management.

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:

- 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;
- 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;
- 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;
- 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	SOE monitoring Compliance records

	Catchment contaminant load modelling and monitoring	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. Outstanding and significant values of outstanding water bodies are protected</u>	<u>The significant values for each outstanding water body identified listed in Schedule 25 are identified.</u> <u>The significant values for each outstanding water body listed identified in Schedule 25 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 outstanding and significant values of those outstanding water bodies within the Coastal Environment listed in Schedule 25.

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 freshwater bodies (Chapter 3.1A of the RRMP), and ensures 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. The NPSFM specifically provides for the integrated management of the effects of use and development of land and freshwater on coastal water. Objective 11 assists in achieving integrated management between coastal and freshwater resources.
- 3.2.8B Objective 11 assists in giving effect to Objectives 1 and 2 and Policies 11, 13, 15 and 17 of the NZ Coastal Policy Statement, which requires the protection of significant natural ecosystems, indigenous biodiversity, sites of biological importance, natural features, historic heritage, 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 identified in Schedule 25:

- 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 outstanding and significant values of outstanding water bodies identified in Schedule 25 will be protected by regulatory methods or non-regulatory methods or both;¹⁰
- iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the outstanding and significant values of an outstanding water body identified in Schedule 25.

Policy C2 - Decision Making Criteria – Outstanding Water Bodies

¹⁰ 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 25.

1. In relation to those types of activities identified in Policy C2.2, once the relevant catchment based regional plan change¹¹ is operative or after 31 December 2025, whichever is sooner, a consent authority must have regard to:
 - a. the extent to which the activity would protect the outstanding value(s) described in Schedule 25 of the relevant outstanding waterbody
 - b. the extent to which the activity would protect the significant values (if any) identified in Schedule 25 of the relevant outstanding waterbody
 - c. whether, in order to protect the waterbody's outstanding values and significant values:
 - i. the location of the proposed activity is appropriate
 - ii. time limits, including seasonable or other limits on the activity may be appropriate.
 - d. If there is a conflict between protecting an outstanding and a significant value of the same water body, protection of the outstanding value must be given preferential protection.
2. Policy C2.1 only applies to the following activities:
 - a. a take, use, damming, or diversion of water from an outstanding waterbody
 - b. a change to any existing take, use, damming or diversion of water from an outstanding waterbody
 - c. a discharge or a change or increase in any discharge of a contaminant into an outstanding waterbody
 - d. a discharge or a change or increase in any discharge of a contaminant onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering an outstanding waterbody
 - e. a land use consent for any new structure in the bed of an outstanding waterbody
 - f. a land use consent for any new or increased disturbance of the bed of an outstanding waterbody that is not already authorised by a current land use consent
3. Policy C2.1 only applies in the following circumstances:
 - a. where a description of the outstanding waterbody's outstanding value(s) is stated in Schedule 25 and/or
 - b. where a description of the outstanding waterbody's significant value(s) is stated in Schedule 25.

Principal reasons and explanation

- 3.2.15 While there are only two policies in this plan, There are no specific policies Policy C1 and C2 are the only two policies relating to the coastal environment part of this Plan. However, , 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

¹¹ A catchment-based plan change which provides for any identified OWB

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 freshwater bodies (i.e. Policy LW1) in Chapter 3.1A of the RRMP, and ensures 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. This is consistent with the NPSFM 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, 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' outstanding and 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 and outstanding values are appropriately protected. Policy C2 takes effect after new provisions have been included in the Hawke's Bay Regional Coastal Environment Plan giving effect to the New Zealand Coastal Policy Statement.

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

Amend Glossary by adding new definitions to read:

Outstanding water body means freshwater bodies and estuaries, or parts thereof, identified in Schedule 25 that have one or more outstanding cultural, spiritual, recreation, landscape, geology, natural character or ecology value(s).

Outstanding: for the purposes of an outstanding water body; outstanding means conspicuous, eminent, and/or remarkable in the context of the Hawke's Bay Region.

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

Schedule 25: Outstanding Water Bodies

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

The following values have been identified as outstanding for the purposes of giving effect to the outstanding freshwater bodies provisions set out in the National Policy Statement for Freshwater Management. The key sub-values listed help describe the outstanding value, but are not all inclusive.

Table 1: Outstanding values and sub values

Outstanding Values	Descriptions	sub values
Cultural and spiritual	A water body which has outstanding cultural and spiritual values.	Wāhi tapu, wāhi taonga; wai Tapu; rohe boundary; battle sites; pā, kāinga; tauranga waka; mahinga kai, pa tuna; and acknowledged in korero tuku iho, pepeha, whakatauki, or waiata.
Ecology	A water body which has outstanding ecological value as a habitat for: <ul style="list-style-type: none"> - native birds - native fish - salmonid fish - aquatic species. 	Native birds, native fish, native plants, aquatic macroinvertebrates
Landscape	A water body which forms a key component of landscape that is "conspicuous, eminent, remarkable or iconic" within the context of the area concerned, or is critical to an outstanding geological feature.	Scenic, association, natural characteristics (includes hydrological, ecological and geological features)
Natural character	A water body, with high naturalness, exhibiting an exceptional combination of natural processes, natural patterns, and natural elements, with low levels of modifications to the river, its ecosystems and the surrounding landscape.	Natural characteristics (includes hydrological, ecological and geological features)
Recreation	A water body which provides an outstanding recreational experience for an activity which is directly related to the water such as fishing, kayaking, rafting and jet boating.	Angling, fishing, kayaking, rafting, jet boating
Geology	A water body which has an outstanding geomorphological, geological or hydrological feature which is dependent on the water body's condition and functioning.	Science

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 under #OWB.

Part 2 – Outstanding Water Bodies in Hawke’s Bay and their outstanding and significant value(s)

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

* The significant values, and their associated descriptions, for each outstanding water body will be included after a catchment based regional plan change has been made operative for the relevant catchment (see Policy LW1 and Policy C1). Note: The significant values for outstanding water bodies within the Tutaeke, Ahuriri, Ngauroro, Karamu catchments have been included based on current information at time of notification of Plan Change 9.

** The description of the outstanding cultural and spiritual values will be updated in Table 2 as Proposed Plan Change 7 progresses through the plan change process set out in Schedule One of the Resource Management Act, and further information becomes available.

Table 2: Outstanding Water Bodies

Column 1	Column 2	Column 3	Column 4
ID #	Name of outstanding water body	Outstanding value(s)	Description of outstanding value(s) ¹²
1.	Heretaunga Aquifer	Cultural, spiritual	<p>The Heretaunga aquifer system is a taonga of Ngati Kahungunu, who know the aquifer system as the “Heretaunga Ararau Haukūnui”, being a large water resource, represented in the many rivers, creeks, the small tributaries fed by underground springs, springs of water, swampy ground, swimming holes, rock pools and quick sands.</p>
2.	Lake Rotoroa and Lake Rototuna (Kaweka Lakes)	Ecology, natural character	<p>Lake Rototuna and Lake Rotoroa are situated in the Kaweka Forest Park, surrounded by indigenous vegetation, with no sign of human modifications.</p> <p>The Lakes are ecologically significant because of the large number of plant species and vegetation types in the surrounding area.</p> <p>Lake Rototuna is the best example of a waterbody that still remains in an all-native vegetated state in the region and supports the best composition of submerged aquatic plants in Hawke’s Bay. Lake Rotoroa has a large</p>

¹² Refer to HBRC Report SD18-01: Summary of cultural values associated with water bodies in Hawke’s Bay and HBRC Report SD18-02: Summary of recreation, landscape and ecology values associated with water bodies in Hawke’s Bay for further information about the outstanding values.

Column 1	Column 2	Column 3	Column 4
			population of kōaro which are 'lake-locked' and carry out their entire life cycle in freshwater.
3	<u>Lake Poukawa and Pekapeka Swamp</u>	Cultural, spiritual	<p>Lake Poukawa, also known as Te Wai-nui-a-Tara, is a small shallow lake with a surface area of 89 hectares. The lake has an adjoining margin of wetland vegetation which is intermittently covered in water depending on the time of year. The wetland area contains swamp nettle (<i>Urtica linearifolia</i>) and the acutely threatened aquatic liverwort (<i>Ricciocarpus natans</i>) which is nationally endangered.]</p> <p>The Lake has been declared a non-commercial eel fishery, one of only a few lakes in New Zealand to have this designation.</p> <p>Lake Poukawa is a taonga of Heretaunga Tamatea, traditionally used for food gathering. The Lake is well known for its eel fishery which is of considerable cultural importance to the people of Te Hauke and their hapū Ngāi Te Rangikōianake. The history of Lake Poukawa is directly related to the eels of the lake. The mana of each chief of Te Wheao is related to control of Lake Poukawa and its resources.</p> <p>Lake Poukawa has been the scene of many battles, with a number of wāhi tapu and wāhi taonga sites in the area. The origin of the name 'Poukawa' is said to have arose as a result of a disagreement between two local chiefs Te Rangihirawea and Te Rangikawhiua over fishing rights in the lake.</p>
4	<u>Lake Tūtira (including Aropaoanui River + Papakiri Stream)</u>	Cultural, spiritual	<p>Lake Tūtira (including Aropaoanui River and Papakiri Stream) is a taonga of Ngāti Kurumōkihi, celebrated as a place of sustenance to replenish one's mind, body and soul. Ngāti Kurumōkihi carried out ceremonies and rituals at designated places at Tūtira, such as tohi (baptisms). Some rongoā (medicinal plants) are only found in or</p>

Column 1	Column 2	Column 3	Column 4
		<p>around Lake Tūtira. There are a number of wāhi tapu, wāhi taonga and wai tapu sites in the area.</p> <p>The inlet to Lake Tūtira is Papakiri Stream and is integral to the distinct identity and mana of the hapū. Its importance is due to its connection with Lake Tūtira and its reputation as a significant mahinga kai site.</p> <p>The hapū have a whakataūāki about the lake being: "ko te wai o ō tātau tīpuna" – "the milk of our ancestors". This whakataūāki references the abundance of kai that could be sourced from the lake and the lake providing spiritual sustenance. Lake Tūtira was famous for the best flavoured tuna (eel).</p> <p>The Aropaoanui River/Waikoa River originates at the tīhi tapu (sacred peaks) of the central area of Maungaharuru. The Aropaoanui River is one of the most significant awa in the takiwā (traditional area of the hapū), linking two of the most culturally and historically important areas of the hapū, being Tūtira and Aropaoanui. The river provided an important connection between Maungaharuru and the coast, allowing for seasonal movements of the hapū. During peace Ngāti Kurumōkōhi dwelt around the coastal estuaries and the lake. During war they sheltered in the forests and the hinterland. There was intensive Māori occupation around Lake Tūtira and numerous sites of significance.</p> <p>As a prized taonga, many raids and battles occurred at Lake Tūtira.</p>	
5.	Lake Waikaremoana	Cultural, spiritual, ecology, natural character, landscape & geology, recreation	<p>Lake Waikaremoana is situated in Te Urewera surrounded by pristine native forest and spectacular mountain ridges, and is often referred to as a 'jewel in the crown' of New Zealand landscapes. The name Lake Waikaremoana means the sea of rippling waters. It was created around 2,200 years ago when a wedge of sandstone blocked the course of the Waikaretaheke River.</p>

Column 1	Column 2	Column 3	Column 4
		<p>Legend tells of how Lake Waikaremoana was created. Having been turned into a taniwha, Haumapuhia, desperately tried to find an outlet to the sea before the sun rose. Her ceaseless thrashing upturned the hills and formed the various bays, inlets and features we see today.</p> <p>Lake Waikaremoana is an important taonga, with many pā, urupā and wāhi tapu sites located around its edge, and was the scene of many battles.</p> <p>Lake Waikaremoana is the North Island's deepest lake, reaching depths of 248 m, and Hawke's Bay's largest lake. The lake has exceptional water quality and is in excellent ecological condition with a high number of native aquatic plant species. It is the best example of diverse aquatic vegetation in a large, deep, clear lake in Hawke's Bay and the North Island. The Lake has a high number of submerged plants, with an excellent indigenous turf community that has high native species diversity, and the nationally rare charophyte <i>Nitella opaca</i>.</p> <p>Lake Waikaremoana is renowned for its spectacular scenery and its clear pristine water. It is popular for a range of activities including angling, swimming and boating. The Lake Waikaremoana Track is one of the 10 Great Walks of New Zealand.</p>	
6	Lake Whatumā	<p>Cultural, spiritual, ecology</p> <p>Lake Whatumā is 160 hectares in size, with an additional adjacent wetland margin of around 76 hectares. The lake supports a high diversity of birds and is home to the largest population of the globally endangered Australasian bittern in Hawke's Bay.</p> <p>Lake Whatumā is a taonga of the hapū of Heretaunga Tamatea. The name refers to the discoverers of the lake who ate tuna (eels) they found there until their hunger was satisfied. The lake was a significant mahinga kai. As well as tuna, it was also known for other freshwater fish.</p>	<p>*</p> <p>*</p>

Column 1	Column 2	Column 3	Column 4	
			freshwater mussels, birds (including kereru), and raupo pollen. Lake Whatumā was a traditional area of residence to a permanent population and was utilised by a number of surrounding hapū who travelled to the lake to gather resources on a seasonal basis. There are numerous remains of middens, tools, bones, pits, chisels and axes indicating there was a high population in the area.	
7	Mangahouanga Stream	Geology	The Mangahouanga Stream is a small stream located in northern Hawke's Bay. The Stream is internationally renowned due to the discovery of dinosaur bones at the site. The remains of six separate species of dinosaurs (four new species), and New Zealand's oldest fossil insect have been found in the Mangahouanga Stream. To date, the Mangahouanga Stream is the only place in New Zealand where significant dinosaur remains have been found.	+
8	Mohaka River	Cultural, spiritual, ecology, natural character, landscape, geology, recreation	The upper parts of the Mohaka River are in a highly natural state, with pristine water quality and one of the healthiest macroinvertebrate communities in the region. The river flows through a variety of stunning landscapes, from large native forest areas, to remote countryside and through spectacular gorges, over some powerful rapids and around a horseshoe bend. The Mohaka River is widely recognised in New Zealand as a 'top quality wilderness trout fishery' and for its exceptional rafting and kayaking experiences, which can occur in a natural setting. In 2004, a water conservation order was placed over the Mohaka River (above willow flat) in recognition of the river's nationally outstanding scenic characteristics, trout fishery, rafting and canoeing values. The Mohaka River is an important taonga and there are numerous settlements and sites of significance along its length.	+

Column 1	Column 2	Column 3	Column 4
		<p>The Mohaka River has been used as a significant boundary marker to define areas of interest. Mohaka is said to have been the name of a river or stream in Hawaiki. It was significant as a highway, being a key route inland, and a traditional area of residence, urupā, pā, kāinga, and other places of spiritual and cultural significance.</p> <p>The Mohaka River provided a wealth of resources, including hangi stones, drinking water and water for spiritual cleansing and healing. It was significant as a mahinga kai resource, the river was plentiful with fish species tuna, trout and koura. The forest around the Mohaka River was very dense and provided many important resources including harakeke, toitoi, birdlife and a range of plants used for medicinal purposes.</p>	
9	Ngamatea East Swamp	Ecology, natural character	<p>The Ngamatea East Swamp is a 300 hectare unmodified wetland, the largest in Hawkes Bay. The wetland contains high numbers of threatened indigenous plant species, including the sedge <i>carex strictissima</i> which is nationally endangered and the <i>ranunculus recens</i> var, which is 'at risk' and threatened.</p> <p>Indigenous fish populations Indigenous bird populations Indigenous plant populations Hydrological Social and cultural activities mahinga kai</p>
10	Ngaruroro River and Estuary	Cultural, spiritual, recreation, ecology, natural character, landscape, geology.	<p>The Ngaruroro River is the largest river flowing across the Heretaunga Plains.</p> <p>The full name of the Ngaruroro River is Ngāngaru-o-nga-upokororo-mai-i-mokotuararo-ki-Rangatira, with the river taking its name from an incident in which a dog belonging to the ancient deity Mahu startled some small fish known as upokororo. As the shoal of fish dashed away they caused ngaru or ripples in the water.</p> <p>The Ngaruroro River flows through a variety of landscapes along its length. In its upper parts the Ngaruroro River is in a near natural state with impressive scenery flowing through indigenous forest, tussock and scrubland and spectacular narrow rocky gorges with vertical schist walls.</p> <p>Ecosystems Indigenous aquatic populations, particularly, torrent fish, whitebait, macroinvertebrate communities Indigenous bird populations. Trout fishery Social, recreational and cultural activities including swimming, cultural practices of Uu, boating Natural character Hydrological Mahinga kai Domestic water supply</p>

Column 1	Column 2	Column 3	Column 4
		<p>The Ngaruroro River gorge is one of the best two gorges in Hawke's Bay. From Whanawhana, the Ngaruroro River opens to wide braided channel which is the best example in the region, and highly valued for jet boating and as a bird habitat supporting high numbers of banded dotterel and pied stilt.</p> <p>Upstream of Kuripapango, the Ngaruroro River is in excellent ecological condition, with pristine water quality and one of the healthiest macroinvertebrate communities in the region. The upper Ngaruroro River contains a high quality habitat for both native fish and salmonid trout, being largely natural with good water quality. The upper river is particularly renowned for its salmonid angling, whitewater boating opportunities and its impressive scenery.</p> <p>The lower river and estuary area support a high diversity of native birds, some of which are classified as at risk or declining or globally endangered, including the black-billed gull, black fronted tern and Australasian bittern.</p> <p>The Ngaruroro River supports a high diversity of fish in its lower river and estuary areas, including a number of native fish which are classified as at risk or declining. In its upper parts the Ngaruroro River contains a high quality habitat for both native fish and salmonid trout, being largely natural with good water quality.</p> <p>The Ngaruroro River is a taonga of Heretaunga Tamatea, Mana Ahuriri, and Ngāti Tūwharetoa. The headwaters are commonly expressed as being at the heart of the Kaimanawa Ranges, the River forms a natural highway from coast to mountains and there are many settlements and sites of significance along its banks, including the presence of Pā, Kāinga, urupā, Wāhi Tapu, wāhi taonga and wai tapu.</p> <p>The Ngaruroro River has significance as a mahinga kai and has been a significant marker of land interests from ancient times. A pou once</p>	<p>Primary production water use (including for associated processing and other urban activities)</p>

Column 1	Column 2	Column 3	Column 4
			stood at Whanawhana which represents an important political demarcation between hapū.
11	Porangahau River and Estuary	Cultural, spiritual, ecology, landscape, geology	<p>The Porangahau River, otherwise known as the Taurekaitai River, is a taonga of Ngāti Kere. It is rich in archaeological sites, and provided the first authenticated records of moa hunter occupation in the North Island. It is a significant mahinga kai, and vast shell middens are situated in the dune systems, and pā sites occur at either end of the estuary. On the southern bank of the river, Oplango stands, a peak sacred to Ngāti Pihere.</p> <p>The Porangahau Estuary is the largest and least modified estuary in Hawke's Bay. The river mouth barrier system is the largest barrier system in Hawke's Bay and the surrounding dune system demonstrates a rare cross-cutting relationship of a series of an echelon sand dunes and estuarine strand lines.</p> <p>The Porangahau River and Estuary supports large population of wrybill and banded dotterel and is the only location where Caspian terns and royal spoonbill nest. It is an important feeding and wintering area for migratory waders. The Porangahau Estuary has two main inanga spawning sites and the only estuary in Hawke's Bay to contain the seagrass, <i>zostera muelleri</i>.</p>
12	Ruakituri River	Ecology-natural character, landscape, geology, recreation	<p>The Ruakituri River is in a natural state above Waitangi Falls, with no human modification in the surrounding area. In its upper reaches the river runs clean and clear, flowing through thick bush and rugged, remote backcountry and through a number of steep gorges, past giant limestone cliffs, and over the 72m Waitangi Falls. The Ruakituri Gorge is particularly valued by local canoeists who know it as a short but challenging run.</p> <p>The Ruakituri River is an internationally renowned trout fishery known for its crystal clear water, spectacular scenery and large population of trout which can reach trophy size. Angling on</p>

Column 1	Column 2	Column 3	Column 4
			the river is restricted to fly fishing only, with the use of spinners prohibited. The river has one of the healthiest macroinvertebrate communities in Hawke's Bay.
13	Te Hoe River	Cultural, spiritual, ecology	Te Hoe River is in a highly natural state and is a breeding site for the blue duck, supporting one of the two largest blue duck populations in Hawke's Bay.
14	Te Whanganui a Orotū (Ahuriri Estuary)	Cultural, spiritual, ecology, landscape, geology	<p>Te Whanganui a Orotū (Ahuriri Estuary) is a significant wetland along the east coast of New Zealand, with high cultural and ecological value. It provides a wide diversity of habitat and an extremely diverse range of ecological communities, all contained within a relatively small area.</p> <p>Historically, the Tutaekuri and Esk Rivers flowed into Te Whanganui a Orotū which was predominately freshwater and significantly larger in size. In 1931, the Napier earthquake lifted the land by up to two metres and exposed around 1300 hectares of original lagoon. The estuary's unique geological history makes it a nationally important example of tectonic processes.</p> <p>Te Whanganui a Orotū has very important wildlife values, particularly as a feeding and resting area for over 70 species of water birds, some of which are critically endangered and some which migrate every year from the Arctic. It supports the highest diversity of birds in the region.</p> <p>The Estuary has very important native fish values, providing a diverse habitat and is recognised as the most important estuary in the region for fisheries production. It supports the highest diversity of native fish in the region.</p> <p>Te Whanganui-a-Orotū is a place of great cultural and spiritual significance to the Ahuriri Hapū. It is central to their existence and identity. It is named after the ancestor Te Orotū, who was a</p>

Column 1	Column 2	Column 3	Column 4
		<p>descendant of the great explorer and ancestor Māhu Tapoanui, who is the very beginning of the Ahuriri people. Ngāti Pāhauwera and Maungaharuru –Tangitū also have customary linkages to Te Whanganui-a-Orotu.</p> <p>Moremore is the kaitiaki of Te Whanganui-a-Orotū, and known as the guardian of the people occupying the shores of Te Whanganui-a-Orotū who are his descendants. The appearance of Moremore warned people of dangers and reinforced the customs practiced by the old people. The law of Moremore was always observed.</p> <p>The area around Te Whanganui-a-Orotū was a very important source of food and was heavily populated and the site of a number of significant battles. Consequently, numerous sites of cultural, historic and archaeological significance are situated around what was its shoreline.</p> <p>From the earliest of times it was highly prized for its enormous food resources and its access to major river systems and forest areas. It was known as 'a place of abundance'. Archaeological evidence confirms that Te Whanganui-a-Orotū was an important place to live. Excavations indicate settlement dates between the late fifteenth and early seventeenth centuries, with very early settlement on Roro o Kuri - somewhere between the twelfth and thirteenth centuries. Surrounding the harbour are 11 recorded pā, some extensive in size. Extensive middens exist in this area.</p> <p>The pā at Te Pakake was a communal gathering place in times of trouble. Ngāti Hinepare, Ngāti Mahu, Ngāti Parau, Ngāti Hawea and Ngāti Kurumokihī are all recorded as having occupied the pā when under threat of invasion. Pukemokimoki was a fortified pā, with a canoe landing place near, located at south-western end of Mataruahou (Napier Hill).</p>	

Column 1	Column 2	Column 3	Column 4
15	Tukituki River and Estuary	<p>Cultural, spiritual, ecology, landscape, geology</p> <p>The Tukituki River and Estuary area is a large, 145 km long braided river system in central Hawke's Bay. It is a tupuna awa (ancestral river) and has significant cultural values. Legend tells of how the Tukituki River came into existence. Two taniwha lived in a large lake situated on what is now the Ruataniwha Plains. They fought for possession of a boy who accidentally fell into the lake and their struggles formed the Waipawa and Tukituki Rivers which drained the lake.</p> <p>The Tukituki River is part of an iconic Hawke's Bay landscape where it passes by Te Mata Peak.</p> <p>The Tukituki River has significant wildlife values with a high diversity of native birds. The Lower Tukituki River and Estuary area supports the largest population of wading birds in Hawke's Bay, and has significant regional populations of black fronted tern, banded dotterel and pied stilt.</p> <p>The Tukituki River is a toanga of Heretaunga Tamatea. There is evidence of at least 7-8 centuries of occupation by Maori, making this area one of the earliest settled. The river was traditionally the main transport route through Heretaunga. Historically, the Tukituki catchment had an abundance of mahinga kai and natural resources. In particular, the river mouth and estuary was renowned for the abundance of fish species. The estuary area continues to support important traditional fisheries.</p> <p>On the lower section of river, there are a number of sites that relate to the actions of the ancient tipuna, Māhu. On the north bank is a white rock, Papaotihī. It is said the rock was once a man who was fishing in the river, but he was turned to stone by Māhu. A little further on is another rock, Tauhou, where Māhu turned another man to stone. Down river near Te Kauhanga pā is another spot touched by Māhu. Here he put a curse on the paepae and people died. Kahuranaki maunga, a site upstream of Kaiwaka on the rivers eastern bank, is of special significance to all hapū of Heretaunga Tamatea.</p>	<p>+</p> <p>+</p>

Column 1	Column 2	Column 3	Column 4
			After the arrival of the Ngāti Kahungunu tipuna to Heretaunga, the Tukituki River was established as the first boundary between Tarāia and Te Aomatarahi.
16	Tūtaekuri River	Cultural, spiritual, ecology	<p>Ahuriri Hapū have a strong cultural association with the Tūtaekuri River, with the lower reach of the Tūtaekuri River traditionally utilised by Ngāti Pārau. Otatara Pā is wāhi tapu as an ancient pā and as an urupā. It held a prominent position over the river and is 'the guardian of all people who live in its shadow'. A site at Te Whare O Maraenui, located on the eastern bank of the Tūtaekuri River, contains an urupā of those who died during the battle at Te Pakake Pā.</p> <p>Heretaunga Tamatea, Ngāti Pāhauwera and Maungaharuru ~Tangitū also have cultural association with the river, with the river once providing a major transport route into Mokai Patea (Taihape) and beyond. The Tūtaekuri River forms part of the rohe boundary between Heretaunga and Ahuriri.</p> <p>The Tūtaekuri River takes its name from an incident that occurred when Hikawera came to the aid of a starving party of travellers. He ordered many dogs, fish and kumara to be prepared to feed the hungry wanderers. The place where this occurred became known as Te Umukuri. The dog's offal was thrown into the river to replenish what was taken, hence the name Tūtaekuri.</p> <p>The Tūtaekuri River once was a significant mahinga kai providing much of the food supply for the local hapū. Otatara Pā was a major intersection between Heretaunga & Ahuriri and it permitted access to eel weirs, fern root groves and kumara plantations in the hinterland. It also allowed access to Te Whanganui a Orotū.</p> <p>The upper reaches of the Tūtaekuri River are in a near natural state with pristine water quality and</p> <p>Ecosystems indigenous aquatic populations particularly, torrent fish, whitebait, macroinvertebrate communities Trout fishery Indigenous bird populations Social, recreational and cultural activities including swimming, cultural practices of Uu and boating Natural character Hydrological Mahinga kai Domestic water Primary production water use (including for associated processing and other urban activities)</p>

Column 1	Column 2	Column 3	Column 4
			one of the healthiest macroinvertebrate communities in the region.
17	Waiau River	Cultural, spiritual, ecology	The Waiau River is a breeding site for the blue duck, supporting one of the two largest blue duck populations in Hawke's Bay.
18	Waipawa River	Cultural, spiritual	<p>The Waipawa River is culturally significant for Heretaunga Tamatea. The river was a significant mahinga kai particularly known for its tuna, pātiki, fresh water koura, water cress and inanga. Historically, the river provided access inland to the resources of the Ruahine ranges, and later a trading post was set up on the river, with boats travelling up and down from the Tukituki River mouth. The River was significant as a boundary marker.</p> <p>Legend tells how the Waipawa River came into existence. A large lake was located in what is now the Ruataniwha Plains, which was home to two taniwha. On one occasion a boy fell into the lake and the two taniwha fought over their prey. The resulting destruction on the landscape created breaks in the hills through which the lake drained away. One of the channels through which the lake drained was the Waipawa River.</p> <p>A number of archaeological sites indicating the presence of pā and kāinga have been recorded in the area. Near the headwaters was Motu-o-Puku pā which belonged to the descendants of Te Rangitakahutia and the descendants of Te Upokoiri.</p>
19	Waipunga River	Cultural, spiritual, ecology	The Waipunga River is in a near natural state with pristine water quality and one of the healthiest macroinvertebrate communities in the region. Hineuru has a particular cultural, spiritual,

Column 1	Column 2	Column 3	Column 4
		<p>historical, and traditional association with Waipunga River.</p> <p>The Waipunga River acted as a boundary and is one of the iwi's most important taonga. The river is associated with many important mahinga kai, kāinga, pā, and has numerous settlements and sites of significance.</p> <p>Hineuru had a large zone of permanent settlements along the Waipunga River where the Tarawera township exists today. It has been permanently occupied by Hineuru iwi since the time of their ancestress Hineuru.</p> <p>The Waipunga River was abundant with fish species, including tuna, trout and the koura. Hangi stones were gathered from the river.</p> <p>The forest around the Waipunga River was very dense and provided many important resources including harakeke, toitoi, birdlife and a range of plants used for medicinal purposes.</p> <p>The Waipunga River provided the people with drinking water, and was a source of spiritual cleansing, wairua, and was felt to have healing properties (e.g. aids with the healing of women after they had given birth, used for the washing of Tupapaku and an important part of the ta moko process).</p>	
20	Wairoa River	Cultural, spiritual	<p>The Wairoa River is culturally significant to the iwi and hapū of Te Rohe o Te Wairoa. The river is regarded as tapu. It is bound by rituals and traditions, which stem from gods and belongs to their ancestors. The water of the Wairoa River was used for purification, ancient chants and prayers. The river was also a major avenue for trading and commerce with a number of pā close by. Several important pā sites are located along and at the mouth of the river including Rangihoua/Pilot Hill which is sacred to tāngata whenua.</p>

Column 1	Column 2	Column 3	Column 4
		<p>It is said that the Takitimu waka came up the Wairoa River and landed at Makeakea Stream. Te Reinga Falls, the starting point of the river, is associated with Hinekorako and Ruamano, which were taniwha carried to Aotearoa on the Takitimu waka. The river mouth is also associated with two taniwha engaged in an ongoing struggle between Taguwae and Te Maaha.</p> <p>The river and estuary area was an important mahinga kai, providing inanga, mohoopo, kanae, tuna, kākahi and koura.</p>	

Schedule 25: Outstanding Water Bodies

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

The following values have been identified as outstanding for the purposes of giving effect to the outstanding freshwater bodies provisions set out in the National Policy Statement for Freshwater Management. The key sub-values listed help describe the outstanding value, but are not all inclusive.

Table 1: Outstanding values and sub values

Outstanding Values	Descriptions	sub values
Cultural and spiritual	A water body which has outstanding cultural and spiritual values.	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.
Ecology	A water body which has outstanding ecological value as a habitat for: <ul style="list-style-type: none"> - native birds - native fish - salmonid fish - aquatic species. 	Native birds, native fish, native plants, aquatic macroinvertebrates
Landscape	A water body which forms a key component of landscape that is "conspicuous, eminent, remarkable or iconic" within the context of the area concerned, or is critical to an outstanding geological feature.	Scenic, association, natural characteristics (includes hydrological, ecological and geological features)
Natural character	A water body, with high naturalness, exhibiting an exceptional combination of natural processes, natural patterns, and natural elements, with low levels of modifications to the river, its ecosystems and the surrounding landscape.	Natural characteristics (includes hydrological, ecological and geological features)
Recreation	A water body which provides an outstanding recreational experience for an activity which is directly related to the water such as fishing, kayaking, rafting and jet boating.	Angling, fishing, kayaking, rafting, jet boating
Geology	A water body which has an outstanding geomorphological, geological or hydrological feature which is dependent on the water body's condition and functioning.	Science

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 under #OWB.

Part 2 – Outstanding Water Bodies in Hawke's Bay and their outstanding and significant value(s)

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

* The significant values, and their associated descriptions, for each outstanding water body will be included after a catchment based regional plan change has been made operative for the relevant catchment (see Policy LW3 and Policy C1). Note: The significant values for outstanding water bodies within the Tutaekuri, Ahuriri, Ngaruroro, Karamu catchments have been included based on current information at time of notification of Plan Change 9.

** The description of the outstanding cultural and spiritual values will be updated in Table 2 as Proposed Plan Change 7 progresses through the plan change process set out in Schedule One of the Resource Management Act, and further information becomes available.

Table 2: Outstanding Water Bodies

Column 1	Column 2	Column 3	Column 4
ID #	Name of outstanding water body	Outstanding value(s)	Description of outstanding value(s) ¹
1.	Hautapu River	Cultural, spiritual	<p>The Hautapu River flows into the Te Hoe River, which is located in the far eastern reaches of the Hineuru rohe. The rivers act as a natural boundary to other iwi and hapū.</p> <p>Ngatapa, an important Hineuru pā, was located on the junction of the Te Hoe and Hautapu Rivers, and was settled permanently.</p> <p>Ngatapa was a site of cultivations, urupā and wāhi tapu sites.</p> <p>Tāngata whenua of the region have advised that the Hautapu River has outstanding cultural and spiritual values. **</p>
2.	Heretaunga Aquifer	Cultural, spiritual, Geology	<p>The Heretaunga aquifer system consists of interconnected layers of water bearing gravels, sands, silts, clays and shells located beneath the Heretaunga Plains.</p> <p>The Heretaunga aquifer system is a taonga of Ngāti Kahungunu, who know the aquifer system as the "Heretaunga Ararau Haukūnui", being a large water resource, represented in the many</p>

¹ Refer to HBRC Report SD18-01: Summary of cultural values associated with water bodies in Hawke's Bay and HBRC Report SD18-02: Summary of recreation, landscape and ecology values associated with water bodies in Hawke's Bay for further information about the outstanding values.

			<p>rivers, creeks, the small tributaries fed by underground springs, springs of water, swampy ground, swimming holes, rock pools and quick sands.</p> <p>Tāngata whenua of the region have advised that the Heretaunga aquifer has outstanding cultural and spiritual values. **</p>		
3	Karamū River	Cultural, spiritual	<p>The Karamū River begins at lake Poukawa, flowing through Havelock North and the Karamū area to join the Clive River at Pakowhai. It was once the main channel of the Ngaruroro River, but following a major flood in 1867 the Ngaruroro River changed its course to its current course, leaving behind a smaller flow, named the Karamū. In reference to the Karamū trees which grew in abundance in this area.</p> <p>The Karamū River is taonga of Ngāti Hori, an important freshwater fishery for hapū. Māori have a long history of occupation and travel on and around the Karamū River.</p> <p>Tāngata whenua of the region have advised that the Heretaunga aquifer has outstanding cultural and spiritual values. **</p>	<p>Ecosystems</p> <p>Indigenous aquatic populations, particularly patiki, tuna, and whitebait, macroinvertebrate communities</p> <p>Indigenous bird populations</p> <p>Social, recreational and cultural activities including swimming, cultural practices of Uu, rowing and waka ama.</p> <p>Mahinga kai</p> <p>Domestic water supply</p> <p>Primary production water use (including for associated processing and other urban activities)</p>	+
4	Kaweka and Ruahine Ranges wetlands	Cultural, spiritual	<p>Tāngata whenua of the region have advised that the Kaweka and Ruahine Ranges wetlands have outstanding cultural and spiritual values. **</p>		+
5	Lake Rotorua and Lake Rototuna (Kaweka Lakes)	Cultural, spiritual, ecology, natural character	<p>Lake Rototuna and Lake Rotorua are situated in the Kaweka Forest Park, surrounded by indigenous vegetation, with no sign of human modifications.</p> <p>The Lakes are ecologically significant because of the large number of plant species and vegetation types in the surrounding area.</p> <p>Lake Rototuna is the best example of a waterbody that still remains in an all-native vegetated state in the region and supports the best composition of submerged aquatic plants in Hawke's Bay. Lake Rotorua has a large population of kōaro which are "lake-locked" and carry out their entire life cycle in freshwater.</p> <p>Tāngata whenua of the region have advised that</p>	<p>Indigenous fish populations</p> <p>Indigenous bird populations</p> <p>Indigenous plant populations</p> <p>Hydrological</p> <p>Social and cultural activities</p> <p>mahinga kai</p>	+

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			<u>the Kaweka and Ruahine Ranges wetlands have outstanding cultural and spiritual values. **</u>		
6.	<u>Lake Poukawa and Pekapeka Swamp</u>	<u>Cultural, spiritual</u>	<p><u>Lake Poukawa, also known as Te Wai-nui-a-Tara, is a small shallow lake with a surface area of 89 hectares. The lake has an adjoining margin of wetland vegetation which is intermittently covered in water depending on the time of year. The wetland area contains swamp nettle (<i>Urtica linearifolia</i>) and the acutely threatened aquatic liverwort (<i>Ricciocarpos natans</i>) which is nationally endangered.</u></p> <p><u>The Lake has been declared a non-commercial eel fishery, one of only a few lakes in New Zealand to have this designation.</u></p> <p><u>Lake Poukawa is a taonga of Heretaunga Tamatea, traditionally used for food gathering. The Lake is well known for its eel fishery which is of considerable cultural importance to the people of Te Hauke and their hapū Ngai Te Rangioianake. The history of Lake Poukawa is directly related to the eels of the lake. The mana of each chief of Te Wheap is related to control of Lake Poukawa and its resources.</u></p> <p><u>Lake Poukawa has been the scene of many battles, with a number of wāhi tapu and wāhi taonga sites in the area. The origin of the name 'Poukawa' is said to have arose as a result of a disagreement between two local chiefs Te Rangihirawaea and Te Rangikawhiua over fishing rights in the lake.</u></p> <p><u>Lake Poukawa supports a high diversity of bird species, with notably high numbers of the Australasian Bittern, New Zealand dabchick, pied stilt, and shoveler ducks.</u></p> <p><u>Tāngata whenua of the region have advised that Lake Rotorua and Lake Rototuna have outstanding cultural and spiritual values. **</u></p>	<u>Indigenous fish populations</u> <u>Indigenous bird populations</u> <u>Indigenous plant populations</u> <u>Hydrological</u> <u>Social and cultural activities</u> <u>mahinga kai</u>	
7.	<u>Lake Tūtira (including Aropaoanui River + Papakiri Stream)</u>	<u>Cultural, spiritual</u>	<p><u>Lake Tūtira (including Aropaoanui River and Papakiri Stream) is a taonga of Ngāti Kurumōkīhi, celebrated as a place of sustenance to replenish one's mind, body and soul. Ngāti Kurumōkīhi</u></p>	<u>*</u>	<u>*</u>

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			<p>carried out ceremonies and rituals at designated places at Tūtira, such as tohi (baptisms). Some rongoā (medicinal plants) are only found in or around Lake Tūtira. There are a number of wāhi tapu, wāhi taonga and wai tapu sites in the area.</p> <p>The Inlet to Lake Tūtira is Papakiri Stream and is integral to the distinct identity and mana of the hapū. Its importance is due to its connection with Lake Tūtira and its reputation as a significant mahinga kai site.</p> <p>The hapū have a whakataukī about the lake being: "ko te waiō o ō tātau tipuna" – "the milk of our ancestors". This whakataukī references the abundance of kai that could be sourced from the lake and the lake providing spiritual sustenance. Lake Tūtira was famous for the best flavoured tuna (eel).</p> <p>The Aropaoanui River/Waikou River originates at the tihi tapu (sacred peaks) of the central area of Maungaharuru. The Aropaoanui River is one of the most significant awa in the takiwā (traditional area of the hapū), linking two of the most culturally and historically important areas of the hapū, being Tūtira and Aropaoanui. The river provided an important connection between Maungaharuru and the coast, allowing for seasonal movements of the hapū. During peace Ngāti Kurumōkihi dwelt around the coastal estuaries and the lake. During war they sheltered in the forests and the hinterland. There was intensive Māori occupation around Lake Tūtira and numerous sites of significance.</p> <p>As a prized taonga, many raids and battles occurred at Lake Tūtira.</p> <p>Tāngata whenua of the region have advised that Lake Tūtira (including Aropaoanui River and Papakiri Stream) have outstanding cultural and spiritual values. **</p>		
8	Lake Waikareiti	Cultural, spiritual	<p>The cultural values and associations for Lake Waikareiti are closely linked to those of Lake Waikarepana. Both were important seasonal food sources and strategic locations in the relationships between tribes.</p>	+	+

			<p>Colonies of kawau (bird/shag) at Lake Waikareiti were spiritually significant due to their 'guardian-like activities'.</p> <p>Tāngata whenua of the region have advised that Lake Waikareiti has outstanding cultural and spiritual values. **</p>		
9	Lake Waikaremoana	<p>Cultural, spiritual, ecology, natural character, landscape & geology, recreation</p>	<p>Lake Waikaremoana is situated in Te Urewera surrounded by pristine native forest and spectacular mountain ridges, and is often referred to as a 'jewel in the crown' of New Zealand landscapes. The name Lake Waikaremoana means the sea of rippling waters. It was created around 2,200 years ago when a wedge of sandstone blocked the course of the Waikaretaheke River.</p> <p>Legend tells of how Lake Waikaremoana was created. - Having been turned into a taniwha, Haumapuhia, desperately tried to find an outlet to the sea before the sun rose. Her ceaseless thrashing upturned the hills and formed the various bays, inlets and features we see today.</p> <p>Lake Waikaremoana is an important taonga, with many pā, urupā and wāhi tapu sites located around its edge, and was the scene of many battles.</p> <p>Lake Waikaremoana is the North Island's deepest lake, reaching depths of 248 m, and Hawke's Bay's largest lake. The lake has exceptional water quality and is in excellent ecological condition with a high number of native aquatic plant species. It is the best example of diverse aquatic vegetation in a large, deep, clear lake in Hawke's Bay and the North Island. The lake has a high number of submerged plants, with an excellent indigenous turf community that has high native species diversity, and the nationally rare charophyte <i>Nitella opaca</i>.</p> <p>Lake Waikaremoana is renowned for its spectacular scenery and its clear pristine water. It is popular for a range of activities including</p>	*	*

			<p>angling, swimming and boating. The Lake Waikaremoana Track is one of the 10 Great Walks of New Zealand.</p> <p>Tāngata whenua of the region have advised that Lake Waikaremoana has outstanding cultural and spiritual values. **</p>		
10	<p>Whakakī Lake - Te Paeroa Lagoon - Wairau Lagoon and wetlands</p>	Cultural, spiritual, ecology	<p>Whakakī Lake (Te Whakakī Lagoon) is a 400 hectare coastal lake which is separated from the sea by a narrow strip of sand dunes on its southern shore. The name of Te Whakakī Lagoon is based on a word meaning 'to fill', referring to the lagoon.</p> <p>Whakakī Lake is the second largest coastal lake on the North Island's east coast. The lake has an additional 200 hectares of adjacent wetland margin comprising sand dunes and swamp areas, and is part of a much larger wetland complex which includes the Ngamotu lagoon, Ohuia Lagoon, Waihoratuna Lagoon, Wairau Lagoon, Te Paeroa Lagoon, Rahui Channel, and Patangata Lagoon.</p> <p>Whakakī Lake is an intermittently closed and open lake (ICOLL) which is a rare habitat type both in New Zealand and internationally. The wetland complex has significant wildlife values supporting a high diversity of waterbirds, including the globally endangered Australasian Bittern.</p> <p>Te Whakakī Lagoon is of spiritual and cultural significance to Ngāti Kahukura, Ngāti Kirituna and hapū of Te Whakakī Nui-a-Rua. The lake was a central feature of local hapū identity, highly valued, respected and admired. The area was important mahinga kai for local Māori and had a rich variety of food, including tuna, shellfish and birdlife.</p> <p>Tāngata whenua of the region have advised that Whakakī Lake - Te Paeroa Lagoon - Wairau Lagoon and wetlands have outstanding cultural and spiritual values. **</p>	+	+
11	Lake Whatumā	Cultural, spiritual, ecology	<p>Lake Whatumā is 160 hectares in size, with an additional adjacent wetland margin of around 76</p>	+	+

			<p>hectares. -The lake supports a high diversity of birds and is home to the largest population of the globally endangered Australasian bittern in Hawke's Bay.</p> <p>Lake Whatumā is a taonga of the hapū of Heretaunga Tamatea. The name refers to the discoverers of the lake who ate tuna (eels) they found there until their hunger was satisfied. The lake was a significant mahinga kai. As well as tuna, it was also known for other freshwater fish, freshwater mussels, birds (including kereru), and raupo pollen.</p> <p>Lake Whatumā was a traditional area of residence to a permanent population and was utilised by a number of surrounding hapū who travelled to the lake to gather resources on a seasonal basis. -There are numerous remains of middens, tools, bones, pits, chisels and axes indicating there was a high population in the area.</p> <p>Tāngata whenua of the region have advised that Lake Whatumā has outstanding cultural and spiritual values. **</p>		
12	Makirikiri River	Cultural, spiritual	<p>The Makirikiri River is situated to the south of Takapau. It is a tributary of the Porangahau Stream which flows into the Tukituki River.</p> <p>The Makirikiri River is culturally significant to the people of Te Rongo a Tahu Marae as a mahinga kai and recreational area.</p> <p>-The Makirikiri River was particularly notable for its tuna and koura.</p> <p>Tāngata whenua of the region have advised that the Makirikiri River has outstanding cultural and spiritual values. **</p>	*	*
13	Mangahouanga Stream	Cultural, spiritual, geology	<p>The Mangahouanga Stream is a small stream located in northern Hawke's Bay. The Stream is internationally renowned due to the discovery of dinosaur bones at the site. The remains of six separate species of dinosaurs (four new species), and New Zealand's oldest fossil insect</p>	*	*

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			<p>have been found in the Mangahouanga Stream. To date, the Mangahouanga Stream is the only place in New Zealand where significant dinosaur remains have been found.</p> <p>Tāngata whenua of the region have advised that the Mangahouanga Stream has outstanding cultural and spiritual values. **</p>		
14	<p>Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands</p>	<p>Cultural, spiritual, ecology</p>	<p>Maungawhio Lagoon is a salt water lagoon that joins Oraka Beach, by the Mahia Peninsula, and is a site of significance to Te Rohe o Te Wairoa and Ngāti Kahungunu Iwi Inc. It was known as a significant mahinga kai.</p> <p>The name 'Maungawhio' means 'the whistling, howling hills' and refers to the strong winds which pass over the lagoon. It was here that the Tākitimu waka arrived at Mahia and became stuck. Ruawhoro, the tohunga of Tākitimu, left the waka here, assisting it to continue with its journey saying 'Mahia nga mahi mai i Tawhiti'.</p> <p>The Maungawhio Lagoon supports a high diversity of birds, including a high number of threatened species being the Australasian bittern, shore plover, black billed gull, reef heron, banded dotterel, Caspian tern, lesser knot.</p> <p>Tāngata whenua of the region have advised that Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands have outstanding cultural and spiritual values. **</p>	*	*
15	<p>Mohaka River</p>	<p>Cultural, spiritual, ecology, natural character, landscape & geology, recreation</p>	<p>The upper parts of the Mohaka River are in a highly natural state, with pristine water quality and one of the healthiest macroinvertebrate communities in the region. The river flows through a variety of stunning landscapes, from large native forest areas, to remote countryside and through spectacular gorges, over some powerful rapids and around a horseshoe bend.</p> <p>The Mohaka River is widely recognised in New Zealand as a 'top quality wilderness trout fishery' and for its exceptional rafting and kayaking experiences, which can occur in a natural setting.</p>	*	*

			<p>In 2004, a water conservation order was placed over the Mohaka River (above willow flat) in recognition of the river's nationally outstanding scenic characteristics, trout fishery, rafting and canoeing values.</p> <p>The Mohaka River is an important taonga and there are numerous settlements and sites of significance along its length.</p> <p>The Mohaka River has been used as a significant boundary marker to define areas of interest. Mohaka is said to have been the name of a river or stream in Hawaiki. It was significant as a highway, being a key route inland, and a traditional area of residence, urupā, pā, kāinga, and other places of spiritual and cultural significance.</p> <p>The Mohaka River provided a wealth of resources, including hangi stones, drinking water and water for spiritual cleansing and healing. It was significant as a mahinga kai resource, the river was plentiful with fish species tuna, trout and koura. The forest around the Mohaka River was very dense and provided many important resources including harakeke, toitot, birdlife and a range of plants used for medicinal purposes.</p> <p>Tāngata whenua of the region have advised that the Mohaka River has outstanding cultural and spiritual values. **</p>		
16	Moreere Springs	Cultural, spiritual	<p>The Moreere Springs, meaning 'the waters of life which come into this world from the other world' are thermal springs located near Nuhaka. Moreere Springs and the surrounding area was a source of natural healing waters, kiekie and other traditional materials used for raranga whariki, kete and traditional rongoa.</p> <p>Tāngata whenua of the region have advised that Moreere Springs have outstanding cultural and spiritual values. **</p>	+	+
17	Ngamatea East Swamp	Cultural, spiritual, ecology, natural character	<p>The Ngamatea East Swamp is a 300 hectare unmodified wetland, the largest in Hawkes Bay.</p>	Indigenous fish populations Indigenous bird populations	+

			<p>The wetland contains high numbers of threatened indigenous plant species, including the sedge <i>carex strictissima</i> which is nationally endangered and the <i>ranunculus recens</i> var. which is 'at risk' and threatened.</p> <p>The Ngamatea East Swamp is highly valued for the cleansing provided by the water catchment, storage and drainage processes, and as a possible food source. Spiritual essence derives from being a headwater system to the Rangitikei River.</p> <p>Tāngata whenua of the region have advised that the Ngamatea East Swamp have outstanding cultural and spiritual values. **</p>	<p>Indigenous plant populations</p> <p>Hydrological</p> <p>Social and cultural activities</p> <p>mahinga kai</p>	
28	Ngaruroro River- and Estuary	<p>Cultural, spiritual, recreation, ecology, natural character, landscape, geology.</p>	<p>The Ngaruroro River is the largest river flowing across the Heretaunga Plains.</p> <p>The full name of the Ngaruroro River is Ngaruroro-o-nga-upokororo-mai-i-mokotuararo-ki-Rangitira, with the river taking its name from an incident in which a dog belonging to the ancient deity Mahu startled some small fish known as upokororo. As the shoal of fish dashed away they caused ngaru or ripples in the water.</p> <p>The Ngaruroro River flows through a variety of landscapes along its length. In its upper parts the Ngaruroro River is in a near natural state with impressive scenery flowing through indigenous forest, tussock and scrubland and spectacular narrow rocky gorges with vertical schist walls. The Ngaruroro River gorge is one of the best two gorges in Hawke's Bay. From Whanawhana, the Ngaruroro River opens to wide braided channel which is the best example in the region, and highly valued for jet boating and as a bird habitat supporting high numbers of banded dotterel and pied stilt.</p> <p>Upstream of Kuripapango, the Ngaruroro River is in excellent ecological condition, with pristine water quality and one of the healthiest macroinvertebrate communities in the region. The upper Ngaruroro River contains a high quality habitat for both native fish and salmonid</p>	<p>Ecosystems</p> <p>Indigenous aquatic populations, particularly, torrent fish, whitebait, macroinvertebrate communities</p> <p>Indigenous bird populations,</p> <p>Trout fishery</p> <p>Social, recreational and cultural activities including swimming, cultural practices of Ulu, boating</p> <p>Natural character</p> <p>Hydrological</p> <p>Mahinga kai</p> <p>Domestic water supply</p> <p>Primary production water use (including for associated processing and other urban activities)</p>	*

			<p>trout, being largely natural with good water quality. The upper river is particularly renowned for its salmonid angling, whitewater boating opportunities and its impressive scenery.</p> <p>The lower river and estuary area support a high diversity of native birds, some of which are classified as at risk or declining or globally endangered, including the black-billed gull, black fronted tern and Australasian bittern.</p> <p>The Ngaruroro River supports a high diversity of fish in its lower river and estuary areas, including a number of native fish which are classified as at risk or declining. In its upper parts the Ngaruroro River contains a high quality habitat for both native fish and salmonid trout, being largely natural with good water quality.</p> <p>The Ngaruroro River is a taonga of Heretaunga Tāmatea, Mana Ahuriri, and Ngāti Tūwharetoa. The headwaters are commonly expressed as being at the heart of the Kaimanawa Ranges, the River forms a natural highway from coast to mountains and there are many settlements and sites of significance along its banks, including the presence of Pā, Kāinga, urupā, Wāhi Tapu, wāhi taonga and wai tapu.</p> <p>The Ngaruroro River has significance as a mahinga kai and has been a significant marker of land interests from ancient times. A pou once stood at Whanawhana which represents an important political demarcation between hapū.</p> <p>Tāngata whenua of the region have advised that the Ngaruroro River and Estuary have outstanding cultural and spiritual values. **</p>		
19	Nuhaka River	Cultural, spiritual	<p>The Nuhaka River is culturally significant for Te Rohe o Te Wairoa. There are numerous significant riverside sites that form the lifeblood of Rakaipaaka, including for baptism and burial. A kaitiaki, in the form of a large white flounder, protects the traditional inanga site at Papanui.</p>	+	+

			Tāngata whenua of the region have advised that the Nuhaka River has outstanding cultural and spiritual values. **		
20	Opoutama Swamp	Cultural, spiritual	Tāngata whenua of the region have advised that Opoutama Swamp has outstanding cultural and spiritual values. **	*	*
21	Porangahau River and Estuary	Cultural, spiritual, ecology, landscape & geology	<p>The Porangahau River, otherwise known as the Taurekaitai River, is a taonga of Ngāti Kere. It is rich in archaeological sites, and provided the first authenticated records of moa hunter occupation in the North Island. It is a significant mahinga kai, and vast shell middens are situated in the dune systems, and pā sites occur at either end of the estuary. On the southern bank of the river, Opiango stands, a peak sacred to Ngāti Pihere.</p> <p>The Porangahau Estuary is the largest and least modified estuary in Hawke's Bay. The river mouth barrier system is the largest barrier system in Hawke's Bay and the surrounding dune system demonstrates a rare cross-cutting relationship of a series of en echelon sand dunes and estuarine strand lines.</p> <p>The Porangahau River and Estuary supports large population of wrybill and banded dotterel and is the only location where Caspian terns and royal spoonbill nest. It is an important feeding and wintering area for migratory waders. The Porangahau Estuary has two main inanga spawning sites and the only estuary in Hawke's Bay to contain the seagrass, <i>zostera muelleri</i>.</p> <p>Tāngata whenua of the region have advised that the Porangahau River and Estuary have outstanding cultural and spiritual values. **</p>	*	*
22	Putere Lakes	Cultural, spiritual	<p>The Putere Lakes (Lakes Rotongalo, Lake Rotoroa and Lake Rotonuihaha) are located near the Waiau River. Historically the lakes were a significant mahinga kai.</p> <p>Tāngata whenua of the region have advised that the Putere Lakes have outstanding cultural and spiritual values. **</p>	*	*

23	Ripia River	Cultural, spiritual	<p>The Ripia River is of great significance to Hineuru, who have a particular cultural, spiritual, historical, and traditional association with the River.</p> <p>The Ripia River was utilised as a mahinga kai, rather than being a focal point of settlement, and was abundant with fish species, including tuna, trout and the koura. Hangi stones were gathered from the river.</p> <p>The forest around the Ripia River was very dense and provided many important resources including harakeke, toitoi, birdlife and a range of plants used for medicinal purposes.</p> <p>The Ripia River provided the people with drinking water, and was a source of spiritual cleansing, wairua, and was felt to have healing properties (e.g. aids with the healing of women after they had given birth, used for the washing of Tupapaku and an important part of the ta moko process).</p> <p>Tāngata whenua of the region have advised that the Ripia River has outstanding cultural and spiritual values. **</p>	+	+
24	Ruakituri River	Cultural, spiritual, ecology, natural character, landscape & geology, recreation	<p>The Ruakituri River is in a natural state above Waitangi Falls, with no human modification in the surrounding area. In its upper reaches the river runs clean and clear, flowing through thick bush and rugged, remote backcountry and through a number of steep gorges, past giant limestone cliffs, and over the 72m Waitangi Falls. The Ruakituri Gorge is particularly valued by local canoeists who know it as a short but challenging run.</p> <p>The Ruakituri River is an internationally renowned trout fishery known for its crystal clear water, spectacular scenery and large population of trout which can reach trophy size. Angling on the river is restricted to fly fishing only, with the use of spinners prohibited. The river has one of the healthiest macroinvertebrate communities in Hawke's Bay.</p>	+	+

			<p>The Ruakituri River is culturally significant for the people of Te Rohe o Te Wairoa, and was one of several important locations for Ngāti Kahungunu. From these locations, they travelled, often considerable distances, to utilise resources seasonally. Traditional settlements on the Ruakituri River include Te Reinga and Erepeti.</p> <p>Ngāi Kohatu have a korero about the formation of these rivers. According to tradition, the Ruakituri and Hangaroa Rivers (which form the Wairoa River below their confluence) were formed when kin taniwha Ruamano and Hinekoroako heard the sound of the sea, and heeding its call, they decided to race to the sea, each taking a separate route by way of the two rivers.</p> <p>Tāngata whenua of the region have advised that the Ripia River has outstanding cultural and spiritual values. **</p>		
25	Ruataniwha Aquifer	Cultural, spiritual, geology	<p>The Ruataniwha aquifer system consists of interconnected layers of water bearing gravels, sands, silts, clays and shells located beneath the Ruataniwha Plains.</p> <p>The Ruataniwha aquifer system is part of Heretaunga Tamatea's traditional rohe.</p> <p>Tāngata whenua of the region have advised that the Ruataniwha Aquifer has outstanding cultural and spiritual values. **</p>	+	+
26	Tarawera Hot Springs	Cultural, spiritual	<p>The Tarawera Hot Springs are located near the main highway between Napier and Taupo, set amongst indigenous native forest. The hot springs were highly prized by Ngāti Hineuru who used the hot springs for bathing, rongoa and cooking.</p> <p>Tāngata whenua of the region have advised that the Tarawera Hot Springs have outstanding cultural and spiritual values. **</p>	+	+
27	Taruarau River	Cultural, spiritual, ecology natural	<p>The Taruarau River is in a near natural state with excellent water quality and one of the healthiest</p>	Ecosystems	+

		<p><u>character, landscape, geology, recreation</u></p> <p>macroinvertebrate communities in the region. The River is very scenic, flowing through a variety of natural landscapes, from areas of rolling tussock country, scrubland and pine forests to impressive gorges with rocky overhangs. The Tararua River gorge is "one of the best two gorges in Hawke's Bay".</p> <p>The Tararua River is highly valued for its recreation qualities, particularly known as challenging whitewater run, suitable for experienced kayakers and rafters. The river is highly used by anglers in Hawke's Bay, fishing well all season.</p> <p>The Tararua River is located within the traditional boundary of Heretaunga Tamatea and Ngāti Tūwharetoa. The river is associated with the early origins of Kahungunu and associations with the Ruahine Range. A stone known as Te Tokatamahoutu marks the junction of the Tararua and Ikawetea Streams.</p> <p>Tāngata whenua of the region have advised that the Tararua River has outstanding cultural and spiritual values. **</p>	<p>Indigenous aquatic populations, particularly, torrent fish, whitebait, macroinvertebrate communities</p> <p>Indigenous bird populations,</p> <p>Trout fishery</p> <p>Social, recreational and cultural activities including swimming, cultural practices of Uu, boating</p> <p>Natural character</p> <p>Hydrological</p> <p>Mahinga kai</p> <p>Domestic water supply</p> <p>Primary production water use (including for associated processing and other urban activities)</p>	
28	<p><u>Te Hoe River</u></p>	<p><u>Cultural, spiritual, ecology</u></p> <p>Te Hoe River is in a highly natural state and is a breeding site for the blue duck, supporting one of the two largest blue duck populations in Hawke's Bay.</p> <p>Te Hoe River is a taonga of Ngāti Hineuru, and has a number of significant sites are located along the length of the river, including a pa site at Ngatapa and wāhi tapu sites by the confluence of the Te Hoe and Mohaka Rivers. The river is a traditional boundary marker.</p> <p>Te Hoe River provided drinking water, was a source for spiritual cleansing and was considered to have healing properties. Hanga stones were gathered from this river, and it has abundance of tuna (eel), trout and koura.</p> <p>Tāngata whenua of the region have advised that Te Hoe River has outstanding cultural and spiritual values. **</p>	<p>°</p>	<p>°</p>

29	Te Paerahi River	Cultural, spiritual	<p>Te Paerahi River is located near the Porangahau Estuary, and is a taonga of Ngāti Kere.</p> <p>Tāngata whenua of the region have advised that Te Paerahi River has outstanding cultural and spiritual values. **</p>	+	+
30	Te Whanganui-a-Orotū (Ahuriri Estuary)	Cultural, spiritual, ecology, landscape, geology	<p>Te Whanganui-a-Orotū (Ahuriri Estuary) is a significant wetland along the east coast of New Zealand, with high cultural and ecological value. It provides a wide diversity of habitat and an extremely diverse range of ecological communities, all contained within a relatively small area.</p> <p>Historically, the Tutaekuri and Esk Rivers flowed into Te Whanganui-a-Orotū which was predominately freshwater and significantly larger in size. In 1931, the Napier earthquake lifted the land by up to two metres and exposed around 1300 hectares of original lagoon. The estuary's unique geological history makes it a nationally important example of tectonic processes.</p> <p>Te Whanganui-a-Orotū has very important wildlife values, particularly as a feeding and resting area for over 70 species of water birds, some of which are critically endangered and some which migrate every year from the Arctic. It supports the highest diversity of birds in the region.</p> <p>The Estuary has very important native fish values, providing a diverse habitat and is recognised as the most important estuary in the region for fisheries production. It supports the highest diversity of native fish in the region.</p> <p>Te Whanganui-a-Orotū is a place of great cultural and spiritual significance to the Ahuriri Hapū. It is central to their existence and identity. It is named after the ancestor Te Orotū, who was a descendant of the great explorer and ancestor Māhū Tapoanui, who is the very beginning of the Ahuriri people. Ngāti Pāhauwera and Maungaharuru –Tangitū also have customary linkages to Te Whanganui-a-Orotū.</p>	+	+

			<p>Moremore is the kaitiaki of Te Whanganui-a-Orotū, and known as the guardian of the people occupying the shores of Te Whanganui-a-Orotū who are his descendants. The appearance of Moremore warned people of dangers and reinforced the customs practiced by the old people. The law of Moremore was always observed.</p> <p>The area around Te Whanganui-a-Orotū was a very important source of food and was heavily populated and the site of a number of significant battles. Consequently, numerous sites of cultural, historic and archaeological significance are situated around what was its shoreline.</p> <p>From the earliest of times it was highly prized for its enormous food resources and its access to major river systems and forest areas. It was known as 'a place of abundance'. Archaeological evidence confirms that Te Whanganui-a-Orotū was an important place to live. Excavations indicate settlement dates between the late fifteenth and early seventeenth centuries, with very early settlement on Roro o Kuri - somewhere between the twelfth and thirteenth centuries. Surrounding the harbour are 11 recorded pā, some extensive in size. Extensive middens exist in this area.</p> <p>The pā at Te Pakake was a communal gathering place in times of trouble. Ngāti Hinepare, Ngāti Mahu, Ngāti Parau, Ngāti Hawea and Ngāti Kurumokihī are all recorded as having occupied the pā when under threat of invasion. Pukemokimoki was a fortified pā, with a canoe landing place near, located at south-western end of Mataruahou (Napier Hill).</p> <p>Tāngata whenua of the region have advised that Te Whanganui a Orotū (Ahuriri Estuary) has outstanding cultural and spiritual values. **</p>		
31	Tukituki River and Estuary	Cultural, spiritual, ecology, landscape & geology	The Tukituki River and Estuary area is a large, 145 km long braided river system in central Hawke's Bay. It is a tupuna awa (ancestral river) and has significant cultural values. Legend tells of how	+	+

		<p><u>the Tukituki River came into existence. Two taniwha lived in a large lake situated on what is now the Ruataniwha Plains. They fought for possession of a boy who accidentally fell into the lake and their struggles formed the Waipawa and Tukituki Rivers which drained the lake.</u></p> <p><u>The Tukituki River is part of an iconic Hawke's Bay landscape where it passes by Te Mata Peak.</u></p> <p><u>The Tukituki River has significant wildlife values with a high diversity of native birds. The Lower Tukituki River and Estuary area supports the largest population of wading birds in Hawke's Bay, and has significant regional populations of black fronted tern, banded dotterel and pied stilt.</u></p> <p><u>The Tukituki River is a toanga of Heretaunga Tamatea. There is evidence of at least 7-8 centuries of occupation by Maori, making this area one of the earliest settled. The river was traditionally the main transport route through Heretaunga. Historically, the Tukituki catchment had an abundance of mahinga kai and natural resources. In particular, the river mouth and estuary was renowned for the abundance of fish species. The estuary area continues to support important traditional fisheries.</u></p> <p><u>On the lower section of river, there are a number of sites that relate to the actions of the ancient tipuna, Māhu. On the north bank is a white rock, Papaotihī. It is said the rock was once a man who was fishing in the river, but he was turned to stone by Māhu. A little further on is another rock, Tauhou, where Māhu turned another man to stone. Down river near Te Kauhanga pā is another spot touched by Māhu. Here he put a curse on the paepae and people died. Kahuranaki maunga, a site upstream of Kaiwaka on the rivers eastern bank, is of special significance to all hapū of Heretaunga Tamatea.</u></p> <p><u>After the arrival of the Ngāti Kahungunu tipuna to Heretaunga, the Tukituki River was established as the first boundary between Taraia and Te Aomatarahi.</u></p>		
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			Tāngata whenua of the region have advised that the Tukituki River and Estuary has outstanding cultural and spiritual values. **		
32	Tūtaekuri River	Cultural, spiritual, ecology	<p>Ahuriri Hapū have a strong cultural association with the Tūtaekuri River, with the lower reach of the Tūtaekuri River traditionally utilised by Ngāti Pārau. Otatara Pā is wāhi tapu as an ancient pā and as an urupā. It held a prominent position over the river and is 'the guardian of all people who live in its shadow'. A site at Te Whare O Maraenui, located on the eastern bank of the Tūtaekuri River, contains an urupā of those who died during the battle at Te Pakake Pā.</p> <p>Heretaunga Tamatea, Ngāti Pāhauwera and Maungaharuru –Tangitū also have cultural association with the river, with the river once providing a major transport route into Mokai Patea (Taihape) and beyond. The Tūtaekuri River forms part of the rohe boundary between Heretaunga and Ahuriri.</p> <p>The Tūtaekuri River takes its name from an incident that occurred when Hikawera came to the aid of a starving party of travellers. He ordered many dogs, fish and kumara to be prepared to feed the hungry wanderers. The place where this occurred became known as Te Umukuri. The dog's offal was thrown into the river to replenish what was taken, hence the name Tūtaekuri.</p> <p>The Tūtaekuri River once was a significant mahinga kai providing much of the food supply for the local hapū. Otatara Pā was a major intersection between Heretaunga & Ahuriri and it permitted access to eel weirs, fern root groves and kumara plantations in the hinterland. It also allowed access to Te Whanganui a Orotū.</p> <p>The upper reaches of the Tūtaekuri River are in a near natural state with pristine water quality and one of the healthiest macroinvertebrate communities in the region.</p>	<p>ecosystems</p> <p>indigenous aquatic populations particularly, torrent fish, whitebait, macroinvertebrate communities</p> <p>Trout fishery</p> <p>Indigenous bird populations</p> <p>Social, recreational and cultural activities including swimming, cultural practices of Uu and boating</p> <p>Natural character</p> <p>Hydrological</p> <p>Mahinga kai</p> <p>Domestic water</p> <p>Primary production water use (including for associated processing and other urban activities)</p>	*

			Tāngata whenua of the region have advised that the Tūtaekuri River has outstanding cultural and spiritual values. **		
33	Waiau River	Cultural, spiritual, ecology	<p>The Waiau River is a breeding site for the blue duck, supporting one of the two largest blue duck populations in Hawke's Bay.</p> <p>The Waiau River is culturally and spiritually significant for Te Rohe o Te Wairoa, Ngāti Pāhauwera and Ngāti Ruapuni ki Waikaremoana. The river forms part of the traditional boundary of Ngāti Pāhauwera.</p> <p>The river adjoins a wāhi tapu site which is significant as being the place where Tamaterangi collected hangi stones after his defeat at Opuku.</p> <p>The river provides a valuable source of water, food, transport and trade. -It was particularly significant as a transport route from Waikaremoana to Te Moananui a Kiwa (the Pacific Ocean).</p> <p>Tāngata whenua of the region have advised that the Tūtaekuri River has outstanding cultural and spiritual values. **</p>	+	+
34	Waihua River	Cultural, spiritual	<p>The Waihua River was a traditional boundary, important both culturally and commercially, including for mahinga kai, with important fishing and eeling spots, as well as shellfish beds.</p> <p>Tāngata whenua of the region have advised that the Waihua River has outstanding cultural and spiritual values. **</p>	+	+
35	Waikaretaheke River	Cultural, spiritual	<p>The Waikaretaheke River is culturally significant to the iwi and hapū of Te Rohe o Te Wairoa.</p> <p>The creation story for the river is linked with the taniwha, Haumapuhia, and the creation of Lake Waikaremoana.</p> <p>Traditionally, this river was an important source of tuna (eels), korokoro and inanga (whitebait).</p>	+	+

			and was also used for transportation by Ngāti Kahungunu. Tāngata whenua of the region have advised that the Waikaretaheke River has outstanding cultural and spiritual values. **		
36	Waipawa River	Cultural, spiritual	<p>The Waipawa River is culturally significant for Heretaunga Tamatea. The river was a significant mahinga kai particularly known for its tuna, pātiki, fresh water koura, water cress and inanga. Historically, the river provided access inland to the resources of the Ruahine ranges, and later a trading post was set up on the river, with boats travelling up and down from the Tukituki River mouth. The River was significant as a boundary marker.</p> <p>Legend tells how the Waipawa River came into existence. A large lake was located in what is now the Ruataniwha Plains, which was home to two taniwha. On one occasion a boy fell into the lake and the two taniwha fought over their prey. The resulting destruction on the landscape created breaks in the hills through which the lake drained away. One of the channels through which the lake drained was the Waipawa River.</p> <p>A number of archaeological sites indicating the presence of pā and kāinga have been recorded in the area. Near the headwaters was Motu-o-Puku pā which belonged to the descendants of Te Rangitakahutia and the descendants of Te Upokoiri.</p> <p>Tāngata whenua of the region have advised that the Waipawa River has outstanding cultural and spiritual values. **</p>	*	*
37	Waipunga River	Cultural, spiritual, ecology	The Waipunga River is in a near natural state with pristine water quality and one of the healthiest macroinvertebrate communities in the region.	*	*

			<p>Hineuru has a particular cultural, spiritual, historical, and traditional association with Waipunga River.</p> <p>The Waipunga River acted as a boundary and is one of the iwi's most important taonga. The river is associated with many important mahinga kai, kāinga, pā, and has numerous settlements and sites of significance.</p> <p>Hineuru had a large zone of permanent settlements along the Waipunga River where the Tarawera township exists today. It has been permanently occupied by Hineuru iwi since the time of their ancestress Hineuru.</p> <p>The Waipunga River was abundant with fish species, including tuna, trout and the koura. Hangi stones were gathered from the river.</p> <p>The forest around the Waipunga River was very dense and provided many important resources including harakeke, toitoi, birdlife and a range of plants used for medicinal purposes.</p> <p>The Waipunga River provided the people with drinking water, and was a source of spiritual cleansing, wairua, and was felt to have healing properties (e.g. aids with the healing of women after they had given birth, used for the washing of Tupapaku and an important part of the ta moko process).</p> <p>Tāngata whenua of the region have advised that the Waipunga River has outstanding cultural and spiritual values. **</p>		
38	Wairoa River	Cultural, spiritual	<p>The Wairoa River is culturally significant to the iwi and hapū of Te Rohe o Te Wairoa. The river is regarded as tapu. It is bound by rituals and traditions, which stem from gods and belongs to their ancestors. The water of the Wairoa River was used for purification, ancient chants and prayers. The river was also a major avenue for trading and commerce with a number of pā close by. Several important pā sites are located along and at the mouth of the river including</p>	+	+

			<p><u>Rangihoua/Pilot Hill which is sacred to tāngata whenua.</u></p> <p><u>It is said that the Tākitimu waka came up the Wairoa River and landed at Makeakea Stream. Te Reinga Falls, the starting point of the river, is associated with Hinekorako and Ruamano, which were taniwha carried to Aotearoa on the Tākitimu waka. The river mouth is also associated with two taniwha engaged in an ongoing struggle between Tapuwae and Te Maaha.</u></p> <p><u>The river and estuary area was an important mahinga kai, providing inanga, mohao, kanae, tuna, kākahi and koura.</u></p> <p><u>Tāngata whenua of the region have advised that the Wairoa River has outstanding cultural and spiritual values. **</u></p>		
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Outstanding Water Bodies Plan Change
Plan Change 7: Regional Resource Management Plan
Section 32 Evaluation Report

HBRC Report Number: SD19-22
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Item 9

Attachment 5



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Item 9

Outstanding Water Bodies Plan Change

Plan Change 7: Regional Resource Management Plan

Section 32 Evaluation Report

HBRC Report Number: SD19-22
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Attachment 5

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Common abbreviations used in this report

CEF OFWB Project	Community Environment Fund Outstanding Freshwater Body Project
CHANGE 5	Change 5 to the Hawke's Bay Regional Resource Management Plan (Land use and freshwater management)
HBRC	Hawke's Bay Regional Council
OWB	Outstanding Water Bodies
OFWB	Outstanding Fresh Water Bodies
MfE	Ministry for the Environment
NPS	National Policy Statement
NPSFM	National Policy Statement for Freshwater Management
NZCPS	New Zealand Coastal Policy Statement 2010
RPC	Regional Planning Committee
RPS	Regional Policy Statement
RRMP	Regional Resource Management Plan
RCEP	Regional Coastal Environment Plan
RMA	Resource Management Act 1991

INTRODUCTION

Overview

1. This report sets out a summary of the evaluation behind Hawke's Bay Regional Council's (HBRC) decision to add new provisions relating to outstanding water bodies (OWB) into the Hawke's Bay Regional Policy Statement.
2. The proposed changes will see a list of outstanding water bodies inserted into the RPS, together with a framework which prescribes a high level of protection for these water bodies moving forward. It is one of a series of plan changes which is currently being undertaken to implement the NPSFM.

Purpose of this report

3. This report meets the Hawke's Bay Regional Council's requirements under the Resource Management Act 1991 (RMA) to document the way that it has evaluated the provisions included in Plan Change 7. This report is based on all of the information that was available to Council during the development of the plan change.
4. In accordance with Section 32 of the RMA this report is an the evaluation of the provisions that Council has carried out to determine whether they are the 'most appropriate' to achieve the purpose of the Act, the objectives in the Plan Change and the NPSFM.
5. The level of detail in this report corresponds to the scale and significance of the effects anticipated from the implementation of Plan Change 7. This report does not purport to be the comprehensive record of all evaluations, Council discussions, stakeholder meetings and assessments undertaken in the course of preparing Plan Change 7. Further detailed evaluation of Plan Change 7's provisions and their preparation can be found in the numerous reports which made up the various Council meeting agendas (and subsequent minutes¹), expert reports, publications, and other reports prepared for Council by consultants and staff.

What is a section 32 evaluation report?

6. Section 32 of the RMA places a duty on councils where before a proposed plan change is publicly notified an evaluation must be carried out which examines:
 - *the extent to which each objective in Plan Change 7 is the most appropriate way to achieve the purpose of the Act, and*
 - *identification of other reasonably practicable options for achieving the objectives, and*
 - *the efficiency and effectiveness of the provisions in achieving Plan Change 7's objectives.*
7. The above evaluation must identify and assess:
 - *the benefits and costs that are anticipated from implementing the provisions*
 - *any uncertainty – the risk of acting or not acting if there is uncertainty or insufficient information about the subject matter of the provisions.*
8. The s32 Evaluation report must also summarise:
 - *all advice concerning the proposal received from iwi authorities*
 - *the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*
9. For the purposes of the evaluation:
 - **Appropriateness** means the suitability of any particular provision. For objectives in the plan change, appropriateness is measured against achieving the purpose of the RMA. For the other provisions, appropriateness is measured against achieving the objectives in the plan.

¹ And many of the video-recorded proceedings of relevant Committee and Council meetings can also be viewed online at [HBRC's webcasting Youtube channel](#).

- Getting a measure of **effectiveness** involves assessing how well the provisions will work towards achieving the objectives in the plan, and how successful they are likely to be in solving the problem they were designed to address.
- Determining **efficiency** involves an examination of benefits and costs. A measure of efficiency is the extent to which the provisions achieve the objectives, compared to the magnitude of what is foregone as a result of using the provisions. This includes opportunities for economic growth and employment that are anticipated to be provided or reduced.

Evaluation of benefits and costs

10. **Section 32(2)(a)** requires the evaluation to identify and assess the benefits and costs² of the environmental, economic, social and cultural effects that are anticipated from implementing the provisions in proposed Plan Change 7. When evaluating the efficiency and effectiveness of Plan Change 7's provisions, the benefits and costs are categorised as follows:

- **Environmental** – being those benefits and costs that fall upon ecosystems and their constituent parts, natural and physical resources, and the conditions associated with these.
- **Economic** – being those benefits and costs that accrue to the productive economy.
- **Social** – being those benefits and costs that fall on people and the community.
- **Cultural** – being those benefits and costs that fall on the relationship between people and their cultural heritage

Uncertainty or insufficient information

11. **Section 32(2)(c)** requires the evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rule or other methods.
12. It is considered that the information available to Council is sufficient to provide a basis for its decision to notify Proposed Plan Change 7. Notwithstanding, it is recognised there is uncertainty and/or insufficient information in relation to the following matters:
- Values that can potentially make a water body outstanding for NPSFM purposes (see paragraph 72)
 - What is an outstanding water body (see paragraphs 62 to 68)
 - List of outstanding water bodies in Proposed Plan Change 7 (see paragraphs 99 to 104).

13. While there will be increased interest in the Proposed Plan Change 7 process due to the uncertainty and/or insufficient information in relation to the matters identified above, on balance the risk of not acting is high. Freshwater is one of Hawke's Bay's most precious natural resources, and delaying the OWB plan change will further delay the implementation of the NPSFM and an overall improvement of the region's resources.

14. In any event, there are opportunities to further modify proposed provisions in Plan Change 7 during the formal submission and hearing stages in accordance with Schedule 1 of the RMA.

The risk of not acting

15. The risk of not acting at all means that there is no assurance for the community, that those special and exceptional water bodies within the region will be protected and provided for in the future. It cannot be assumed that because a water body is outstanding today that it will still be outstanding in 10 years, particularly if an appropriate protection and management regime is not in place.
16. Additionally, the Council will not give effect to the NPSFM OWB provisions, or meet its requirements set out in the RPS which requires outstanding water bodies within the region to be identified and a plan change notified prior to the next catchment based plan change.
17. Should an OWB Plan Change not be progressed, all future catchment based plan changes will be potentially subject to a judicial review, which could result in additional costs and significant delays towards the improvement of water bodies within the region in accordance with other requirements in the NPSFM.

² Section 32(2)(b) also says that if practicable, quantify the benefits and costs referred to in s32(2)(a), but quantification is not mandatory.

Purpose of Plan Change 7

18. Plan Change 7 makes changes to the RRMP, (particularly the RPS parts of that plan) to include a list of the region's outstanding water bodies, together with a framework which directs a high level of protection for these water bodies in future plan making under the RMA. However, it is not the purpose of Plan Change 7 to enhance characteristics of a waterbody so that values of that waterbody become outstanding, or to improve them further if they are already outstanding.
19. The HBRC is tasked with ensuring all water bodies within the region are managed wisely. Plan Change 7 is just one in a series of workstreams which are currently being undertaken by HBRC to progressively implement the NPSFM and ensure that water is available for the use and enjoyment of everyone in the region, including tangata whenua, now and for future generations. Specifically, Plan Change 7 proposes to:
 - a) Identify a list of outstanding water bodies in Hawke's Bay, being those water bodies (including estuaries) which contain an outstanding cultural, spiritual, recreation, landscape, geological, natural character or ecology value(s).
 - b) Insert a policy framework which directs a high level of protection for all outstanding water bodies within Hawke's Bay.
 - c) Provide guidance and direction to future catchment based freshwater planning processes, and respective local community discussions, to ensure future rules for outstanding water bodies are developed in a manner which protects their significant values.
 - d) Provide flexibility by not specifying exactly how the significant values associated with each OWB should be protected. Future catchment based planning will determine this in consultation with the community.
 - e) Enable future catchment based planning processes, and respective community discussions, to identify the significant values for each of the outstanding water bodies identified by Plan Change 7.
 - f) Provide guidance and direction to Hawke's Bay Regional Council when making decisions on future activities near outstanding water bodies
 - g) Assist with the implementation of the NPSFM which contains certain requirements regarding OWB.
 - h) Partly assist with the implementation of the NZCPS which seeks to avoid the adverse effects on natural character and outstanding natural features and natural landscapes in the coastal environment.

Location of the Outstanding Water Bodies (Proposed Plan Change 7)

20. Figure 1 sets out the indicative location of each of the outstanding water bodies identified within Plan Change 7.



Figure 1: Indicative locations of outstanding water bodies - Proposed Plan Change 7

STATUTORY CONTEXT

What is the Statutory Context of Plan Change?

21. Proposed Plan Change 7 is a proposed change to the Hawke's Bay Regional Resource Management Plan, particularly the regional policy statement parts of that plan.
22. Regional Policy Statements are distinct from regional and district plans, and the regional council's role is different when preparing a RPS as opposed to a regional plan. Section 62(1) of the RMA sets out the contents of RPS, while sections 67 and 75 of the RMA sets out the contents of regional and district plans, respectively.
23. Figure 2 sets out the RPS's position in the context of other plans and documents under the RMA.

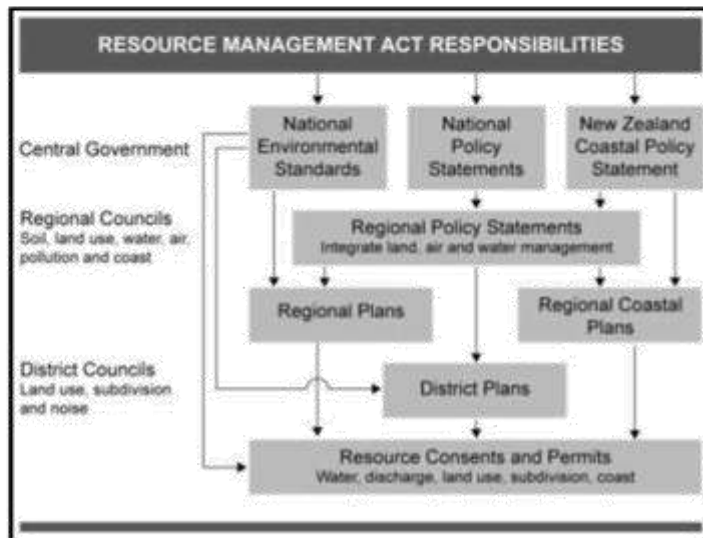


Figure 2 – RPS's position in the context of other key plans and other documents under RMA

National Policy Statements

24. The Government has released a number of National Policy Statements over the last 10 years. Of most relevance to Plan Change 7 is the NPS for Freshwater Management (NPSFM), and the New Zealand Coastal Policy Statement (NZCPS), which are discussed in more detail below.
25. The RMA requires regional councils to amend regional policy statements (and regional plans) to give effect to NPSs. NPSs will commonly state required outcomes, but not specify exactly how policy statements and plans need to be amended to reach each outcome. That is for each regional community to determine for themselves.
26. In 2014, the Supreme Court³ refined the role that Part 2 of the RMA plays in decision making process for changes to regional policy statements and regional plans. The Supreme Court found that policy-makers are acting “in accordance with” Part 2 when preparing and changing higher-order planning documents⁴. The only need to refer back to Part 2 is when the relevant planning document is invalid, incomplete or uncertain.⁵

³ *Environmental Defence Society Inc. v The New Zealand King Salmon Co Ltd* [2014] NZSC 38, [2014] 1 NZLR 593 (*King Salmon*).

⁴ In that instance, the New Zealand Coastal Policy Statement (NZCPS))

⁵ *RJ Davidson Family Trust v Marlborough District Council* (2017) NZEnvC124 at [17].

National Policy Statement for Freshwater Management

27. In July 2011, the Government's National Policy Statement for Freshwater Management came into effect. It was updated and replaced in 2014, and amended further in 2017.
28. The NPSFM signalled a new direction for the management of freshwater resources in New Zealand, with one of the key areas of direction being the protection of outstanding freshwater bodies.
29. The relevant provisions in the NPSFM which relate to OFWB are detailed in Table 1, below.

Table 1: NPSFM OFWB provisions

NPSFM OFWB provisions		
Interpretation	Outstanding Freshwater Bodies	"Outstanding freshwater bodies" are those water bodies identified in a regional policy statement or regional plan as having outstanding values, including ecological, landscape, recreational and spiritual values.
Section A: Water Quality	Objective A2	The overall quality of fresh water within a freshwater management unit is maintained or improved while: <ol style="list-style-type: none"> a) protecting the significant values of outstanding freshwater bodies; b) protecting the significant values of wetlands; and c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.
Section B: Water quantity	Objective B4	To protect significant values of wetlands and of outstanding freshwater bodies.

30. Objective A2 recognises that maintaining or improving all aspects of water quality everywhere may not be possible or desirable, economically or socially, and allows for some variability in water quality as long as the overall water quality within an freshwater management unit is maintained or improved.
31. The guide to the NPSFM⁶ provides some additional context around Objective A2, stating "*protecting the significant values of outstanding water bodies sets a high standard for managing outstanding water bodies. In practice, once a water body has been identified as outstanding, adverse effects on the significant values of the water body may need to be avoided in some instances to provide for those values.*"
32. The guidance document goes to say that Objective A2 "*implies that while some degradation of some aspects of water quality (offset by a proportionate improvement to ensure overall quality is maintained or improved) is allowable, that degradation cannot be at the expense of the significant values associated with an outstanding freshwater body.*"
33. The guidance document further states Objective A2 "*does not require that every aspect of the water body is fully protected, unless that is necessary to protect the outstanding characteristics. For example a water body may be outstanding because it is the habitat for an endemic freshwater fish, but protecting that fish may be possible even if some water takes and discharges are authorised*".
34. The guide also says that "*depending on the values of the wetland or outstanding freshwater body, limit-setting alone may not be enough to protect the significant values of the wetland or outstanding freshwater body. Other measures to address water quality (including non-regulatory measures) may be required*".
35. Guidance provided for Objective A2 on protecting the significant values of outstanding freshwater bodies is relevant for Objective B4.

New Zealand Coastal Policy Statement (2010)

36. The New Zealand Coastal Policy Statement (NZCPS) sets out objectives and policies to manage the coastal environment.
37. There is no requirement in the NZCPS (nor NPSFM) to identify outstanding coastal waterbodies, nevertheless, it does contain provisions directing the protection of outstanding natural character, natural features and natural landscapes of the coastal environment from inappropriate subdivision, use and development. Furthermore, the NZCPS also contains requirements to maintain coastal water quality (Objective 1) consider the effects of activities on coastal water (Policies 4 and 5), and improve deteriorated

⁶ Ministry for the Environment, 2017, *A Guide to the National Policy Statement for Freshwater Management 2014 (as amended 2017)*.

coastal water quality (Policy 21).

38. The provisions in the NZCPS which are relevant to Plan Change 7 are detailed in Table 2, below. For clarification, Plan Change 7 gives partial effect to these policies where relevant to the identification of outstanding values for the purposes of Plan Change 7. Plan Change 7 does not seek to fully implement these policies which will be done through a review of the Regional Coastal Environment Plan as part of HBRC's future RMA planning work programme. Identifying and incorporating a policy framework for protecting outstanding waterbodies in the coastal environment coastal water bodies would at least meet or probably exceed the level of protection required by the NZCPS.

Table 2: NZCPS Relevant provisions - outstanding values (underlining emphasis added)

NZCPS provisions - outstanding values	
Objective 1	<p>To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:</p> <ul style="list-style-type: none"> maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature; protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.
Objective 2	<p>To preserve the natural character of the coastal environment and protect natural features and landscape values through:</p> <ul style="list-style-type: none"> recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution; identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and encouraging restoration of the coastal environment.
Policy 4 Integration	<p>Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:</p> <p>(a) <u>co-ordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly:</u></p> <ul style="list-style-type: none"> (i) the local authority boundary between the coastal marine area and land; (ii) local authority boundaries within the coastal environment, both within the coastal marine area and on land; and (iii) where hapū or iwi boundaries or rohe cross local authority boundaries; <p>(b) working collaboratively with other bodies and agencies with responsibilities and functions relevant to resource management, such as where land or waters are held or managed for conservation purposes; and</p> <p>(c) particular consideration of situations where:</p> <ul style="list-style-type: none"> (i) subdivision, use, or development and its effects above or below the line of mean high water springs will require, or is likely to result in, associated use or development that crosses the line of mean high water springs; or (ii) public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected; or (iii) development or land management practices may be affected by physical changes to the coastal environment or potential inundation from coastal hazards, including as a result of climate change; or (iv) <u>land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation; or</u> (v) significant adverse cumulative effects are occurring, or can be anticipated.
Policy 11 Indigenous biological diversity	<p>To protect indigenous biological diversity in the coastal environment</p> <p>a. avoid adverse effects of activities on:</p> <ul style="list-style-type: none"> i. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists; ii. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened; iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare; iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;

	<ul style="list-style-type: none"> v. areas containing nationally significant examples of indigenous community types; and vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and <p>b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</p> <ul style="list-style-type: none"> i. areas of predominantly indigenous vegetation in the coastal environment; ii. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; iii. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh; iv. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes; v. habitats, including areas and routes, important to migratory species; and vi. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.
Policy 13 Preservation of natural character	<p>To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:</p> <ul style="list-style-type: none"> (a) <u>avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and</u> (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; <p>including by:</p> <ul style="list-style-type: none"> (c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and (d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.
Policy 15 Natural features and natural landscapes	<p>To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:</p> <ul style="list-style-type: none"> (a) <u>avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and</u> (b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; <p>including by:</p> <ul style="list-style-type: none"> (c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to: <ul style="list-style-type: none"> (i) natural science factors, including geological, topographical, ecological and dynamic components; (ii) the presence of water including in seas, lakes, rivers and streams; (iii) legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes; (iv) aesthetic values including memorability and naturalness; (v) vegetation (native and exotic); transient values, including presence of wildlife or other values at certain times of the day or year; (vi) whether the values are shared and recognised; (vii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features; (ix) historical and heritage associations; and (x) wild or scenic values; (d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and (e) including the objectives, policies and rules required by (d) in plans.
Policy 17 Historic heritage identification and protection	<p>Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development.</p> <ul style="list-style-type: none"> (a) ---

Hawke's Bay Regional Policy Statement

39. Regional policy statements are high level documents prepared by regional councils for their region under Section 60 of the RMA.
40. In simple terms, an RPS provides high level direction for resource management within the region in the form of objectives, policies and methods, and is relevant to both territorial authority and regional council functions. The RPS does not contain rules and therefore it does not control activities and their effects directly. That control is exercised through regional and district plans which following the direction set in the RPS.
41. While a RPS does not contain rules, it does identify objectives and policies to achieve specific outcomes, for example:
- State that the significant values of outstanding water bodies must be protected. This means for example, when considering consent applications the council must have regard to the effects of the activity on the significant values of an OWB in their decision making, amongst many other matters.
 - Set out specific processes that must be followed when undertaking certain activities in the region relating to the control and use of land i.e.: catchment management plans must be developed in a manner which protects the significant values of outstanding water bodies amongst many other matters.
42. The RPS can set out a regional approach to address issues, and/or sub-regional approaches, depending on the issue needing to be managed. It is an important planning tool to assist in cross boundary consistency as both regional and district plans must give effect to the RPS for their region, and consent authorities must have regard to relevant provisions within a RPS when considering an application for resource consent.

PROJECT TIMELINE AND INFORMATION BASE

43. In the course of reviewing the outstanding water body provisions within NPSFM and the Regional Resource Management Plan, the CEF OFWB project a number of reports and investigations undertaken by HBRC to gain further information about the NPSFM OFWB provisions and OWB in Hawke's Bay.
44. The key pieces of work discussed below are listed in Appendix 1. It should be noted that this is list of the key documents used to inform Plan Change 7, it is not a comprehensive list of all documents referred to during the evaluation of Plan Change.
45. During the course of preparing the plan change, Council has invited feedback and offered to meet with key stakeholders, iwi authorities, city and district councils and the general public on a number of occasions and at various phases of the project. This has given these groups an opportunity to find out more information about those water bodies with outstanding values within the region, and provide input into actions Council could take to assist the region in protecting the significant values of these water bodies.

Project timeline and information base

46. The following table sets out a summary of the Plan Change 7 development timeline, and associated key pieces of work used to inform the plan change.

Table 3: Project timeline & Information base**Plan Change 5**

Aug 2012	Draft Change 5 released for informal public comment. The following water bodies and coastal areas were identified in Draft Change 5 as outstanding.	
	<u>Outstanding freshwater bodies</u>	<u>Outstanding coastal areas</u>
	<ul style="list-style-type: none"> Lake Waikareiti Lake Waikaremoana Mohaka River catchment above 'Willowflat' Ngaruroro River, Taruarau River and their tributaries above Whanawhana cableway. 	<ul style="list-style-type: none"> Ahuriri Estuary Maungawhio Lagoon Porangahau Estuary Whakaki Lagoon, Ngamotu Lagoon, Ohuia Lagoon, Wairau Lagoon and Te Paeroa Lagoon.
Aug 2012	Comments on Draft Change 5 supported the identification of OWB however, there were some concerns raised over the subjective nature of outstanding.	

Sept 2012	Council removes the list of outstanding freshwater bodies, and outstanding coastal areas, from Draft Change 5 and commits to a standalone OWB Plan Change.
Oct 2012	Plan Change 5 publicly notified, without a list of OWB.
Nov 2012	Submissions received on Plan Change 5 request various waterbodies across the region be identified as outstanding.
July 2013	Appeals lodged on Plan Change 5 in respect to a number of matters, including the OWB provisions.
Mar 2014	Mediated agreement between HBRC and Appellants. Change 5 amended to incorporate a new policy committing to the identification of outstanding water bodies prior to the next catchment based plan change.

Community Environment Fund (CEF) – Outstanding Water Bodies Project

Oct 2014	Literature Review 2: Determining Outstanding Values Throughout New Zealand ⁷ - A review of studies and investigations which have been undertaken to specifically determine outstanding values throughout New Zealand.
July 2015	HBRC forms a project group with Auckland Council and the Ministry for the Environment to provide clarity around the intent of the NPSFM's OFWB provisions, and develop a set of criteria for identifying OFWB's across New Zealand. CEF Outstanding Freshwater Bodies Project commences
Dec 2015	Literature Review 1: Intent of the NPSFM OFWB provisions (Literature Review 1 examined existing literature ⁸ produced over the last seven years to inform the development of the NPSFM)
Dec 2015	Expert group convened to identify a set of 'outstanding' criteria and thresholds which could be used to identify those water bodies which contain outstanding economic, cultural, environmental and social values
Jan 2016	Legal Opinion – NPSFM OFWB provisions
May 2016	Technical Advisory Group Reports: <ul style="list-style-type: none"> - Identification of New Zealand Freshwater bodies with outstanding economic value - Outstanding Freshwater Bodies – sensory /visual values - Proposed Mana Whenua values attributes and measures for Outstanding Freshwater bodies - Outstanding Freshwater Body assessment criteria and assessment methodology: Recreation values - Ecological values Outstanding Freshwater Bodies
Aug 2016	International Literature Review: Notable criteria and thresholds used internationally which could be used to assist with the identification of New Zealand's outstanding freshwater bodies as per the NPSFM.
Aug 2016	Water Conservation Order Review: wildlife, native fish, angling value sets and boating value sets.
Nov 2016	The Outstanding Freshwater Bodies Think Piece
Feb 2017	Expert workshop at Ministry for the Environment offices. Experts were present from all value sets with the aim to assist with the development of guidance that to identify outstanding freshwater bodies across New Zealand.
May 2017	CEF Outstanding Freshwater Body Project: Final Project Report.

Hawke's Bay Outstanding Water Body Plan Change (Plan Change 7)

Mar 2017	Draft project plan put forward for the identification of OFWB in Hawke's Bay. Based on CEF project findings – using previously accepted criteria and thresholds used in case law, water conservation orders or internationally accepted literature such as RAMSAR. Staged approach proposed, with Parts 1 and 2 identifying those OFWB which are clearly outstanding, and Part 3 undertaken at a later date to fill in any information gaps and pick up borderline OFWBs not identified via Parts 1 and 2. Draft project plan was not adopted by the RPC and staff were requested to prepare a revised proposal based on the RPC's preferences.
June 2017	An approach to identify OWB in Hawke's Bay is co-designed with the tāngata whenua representatives of the RPC. Revised project plan adopted by RPC. Scope of the OWB plan change amended to allow the inclusion of coastal areas, in particular estuaries which potentially have a number of outstanding features.
Dec 2017	Table C1 - Cultural Values Table: Cultural and Spiritual values associated with 130 water bodies across the region (high level review of 90 publications).
Dec 17 – Mar 18	Feedback received from iwi authorities Table C1 – Cultural Values Table
Mar 2018	Recreational, Landscape and Ecology Values Table: Recreation, natural character, landscape and ecology values associated with 62 water bodies across the region.
Mar 2018	RPC identify a list of 14 water bodies as being potentially outstanding for the recreational, natural character, landscape and ecology value set (candidate outstanding water bodies) Te Whanganui a Orotū (Ahuriri Estuary), Upper Mōhaka River (above Te Hoe River), Lake Waikaremoana, Upper Ngaruroro River (above Whanawhana), Taruarau River, Ruakituri River, Lake Whakakī, Mangahauanga Stream, Wairoa River, Heretaunga Aquifer, Ruataniwha Aquifer, Lake Whatuma, Tukituki River, Waipawa River, Waipunga River.
May 2018	RPC Tangata Whenua Representatives Hui on OWB. Shortlisting of water bodies potentially outstanding for the cultural and spiritual value set.
May 2018	RPC agree on a short list of 21 water bodies as being potentially outstanding for the cultural and spiritual value set (the 14 water bodies identified above + Makirikiri Stream, Lake Waikareiti, Karamū River, Pōrangahau River, Lower Ngaruroro River (below Whanawhana), Lake Tūtira (including Papakiri Stream, Waikoau River/ Aropoanui River).
June 2018	Secondary assessments for each of the 21 candidate outstanding water bodies completed. This was done to build a clearer picture of the values associated with each water body and the potential for being classified as outstanding.

⁷ Report remains in draft form.

⁸ Including section 32 reports, briefing papers and cabinet papers.

Aug 2018	27 iwi authorities provided with the secondary assessments and invitation to provide comments on those assessments.
Aug 2018	RPC agreed to adding an additional water body as being potentially outstanding for the cultural and spiritual value set (Tūtaekuri River), bringing the number of candidate OWB to 22.
Aug 2018	A feedback form placed on the OWB webpage inviting comments from the general public.
Sept 2018	Meetings held with key stakeholders and Territorial Authorities.
Feb 2019	Two local expert panel workshops take place to consider the 22 candidate outstanding water bodies identified by the RPC, and the 20 water bodies, for all value sets: nominated by feedback (being Waihua River, Ngamatea East Swamp Boundary Stream, including Shine Falls, Nuhaka River, Kaweka and Ruahine Ranges wetlands, Opoutama Swamp, Kaweka Lakes (Lake Rototuna and Lake Rotorua), 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, Maungawhio Lagoon, Waiiau River, Moreere Hot Springs, Lower Ngaruroro River. Local expert panel discuss and identify those water bodies which best represent each value set in Hawke's Bay, and a list of outstanding water bodies. <ul style="list-style-type: none"> - Local expert panellists⁹ were nominated from key stakeholder groups and iwi authorities in Hawke's Bay - Key stakeholder groups, general public and iwi authorities were invited to nominate additional water bodies, and sections of water bodies, for consideration by the local expert panel
March 2019	Meetings held with iwi authorities
May 2019	Based on a recommendation from the RPC, Draft Plan Change 7 is adopted by Council for pre-notification consultation. A total of 43 water bodies, sections of water bodies or combined water bodies, are identified as outstanding water bodies for NPSFM purposes.
July 2019	Council's RPC gives particular regard to feedback received during the pre-notification consultation period and staff recommend amendments to Draft Plan Change 7.
July 2019	Council adopts Draft Plan Change 7, as Proposed Plan Change 7 for notification. [T8C]

RECORD OF THE DEVELOPMENT PROCESS OF PLAN CHANGE 7

47. The following section sets out a summary of the key aspects of the Plan Change 7 development process. More detailed information can be found in the background documents listed in Appendix 1.
48. In accordance with Section 32(2)(c) this section discusses areas of Plan Change 7 where there is uncertain or insufficient information and the subsequent decisions made by the RPC in light of these uncertainties in order to progress Plan Change 7.

Record of development process (May 2011 – Sept. 2014)

49. In 2011, the Government released the NPSFM to help drive national consistency in freshwater planning. Soon after, the Council began work on a change to the RPS to implement the new direction for freshwater management contained in the NPSFM (Plan Change 5). Part of this approach involved preliminary identification of outstanding water bodies in Hawke's Bay.
50. In 2012, a draft version of Plan Change 5 was released for public comment containing provisions relating to the integrated management of water and land, along with a list of outstanding freshwater bodies and outstanding areas within the coastal environment.
51. Comments received on Change 5 indicated a high level of support of the identification of outstanding water bodies in Hawke's Bay. However, concerns were raised regarding the subjective nature of outstanding and the list of OWB. After carefully considering the written feedback, the proposed version of Plan Change 5 as publicly notified did not feature a list of OWBs. Instead a standalone OWB plan change was added into HBRC's NPSFM implementation work programme.
52. A number of submitters expressed concern at the removal of list of OWB from Proposed Plan Change 5, and subsequently lodged appeals with the Environment Court, citing concerns the identification of OWBs in Hawke's Bay would not be progressed.
53. In 2013, to alleviate concerns that an OWB Plan would not be progressed, the Environment Court included a new policy in Plan Change 5 directing that an OWB plan change to be notified prior to the next catchment based management plan.¹⁰

⁹ Morry Black, Andrew Curtis, Tom Winlove, Bernie Kelly, Matthew Brady, John Cheyne.

¹⁰ Refer RRMP Policy LW1A, an exception being a plan change for the Mohaka catchment.

Record of development process (Oct. 2014 – Feb. 2017)

54. In 2014, HBRC began preparatory work to inform a region wide OWB Plan Change. Between 2014 and 2017 Hawke's Bay Regional Council worked with the Ministry of the Environment and Auckland Council on an outstanding freshwater body project at a national level. Key aspects of this project were as follows:
- Confirmation of the intent of the NPSFM OFWB provisions. This involved a review of the existing literature produced over the last seven years to inform the development of the NPSFM, with a specific focus on the outstanding freshwater body (OFWB) provisions¹¹.
 - Development of a set of criteria and thresholds that could be used across the country to identify outstanding water bodies for NPSFM purposes. This involved a review of relevant investigations and studies which have been undertaken to specifically determine outstanding values throughout New Zealand¹².
55. Despite the OFWB project being unsuccessful in identifying a full set of criteria and thresholds that could be used to identify a list of OWB across New Zealand, the project successfully made some conclusions summarised as follows:
- Case law, water conservation orders and international literature (e.g. Ramsar) contain a number of previously accepted 'outstanding' thresholds. While, the thresholds are high and in many cases may exceed an 'appropriate' outstanding threshold for the NPSFM purposes, this would allow councils to partly progress the issue, and quickly identify and protect outstanding water bodies which would result in little challenge.
 - Being outstanding is a high test. The term 'outstanding' distinguishes something from others based on its exceptional qualities and is typically used to describe the 'best of the best'.
 - An outstanding value has a higher threshold than a significant value. An outstanding value will always be significant, but a significant value will not necessarily be outstanding
 - A water body needs to have at least one outstanding value before qualifying as an OFWB under the NPSFM. A sum of two or more significant values is not enough to qualify the water body as outstanding.
 - While various documents underpinning the NPSFM's development appear to have never intended that economic and consumptive use values be classed as outstanding, the current wording of the NPSFM does seem to allow economic and consumptive use value such as such as tourism, irrigation or energy to potentially be classed as outstanding if a Council choose to do so.
 - A water body can only be reviewed in the context of its present condition, its 'outstanding-ness' cannot be assessed on its past condition or its potential value.
56. The full set of findings can be found in the Community Environment Fund: Outstanding Water Body Project – Final Report.

Record of development process (March 2017 – June 2017)

57. In 2017, following completion of the CEF OFWB project, the Council began developing an OWB plan change process for Hawke's Bay, giving particular consideration to the following matters:
- the most appropriate way to identify a list of OWB in Hawke's Bay (paragraphs 59 to 61)
 - the intent of a number of the NPSFM OWB provisions (paragraphs 69 to 72)
 - the most appropriate objectives, policies and/or rules and methods for inclusion in Plan Change 7 (Tables 18 and 19)
58. For clarification, paragraphs 59 to 107 focus on the development process undertaken to identify a list of OWB in Hawke's Bay. The evaluation of the alternatives to Plan Change 7, and the provisions in Plan Change 7, are discussed in detail in Tables 17, 18 and 19.

¹¹ Riley B; 2015; *Criteria and methodology for determining outstanding freshwater bodies*; Literature Review One (intent of the NPSFM), Part One: Stocktake; and Riley B; 2015; *Criteria and methodology for determining outstanding freshwater bodies*; Literature Review One (intent of the NPSFM), Part Two: Summary report;

¹² Harper B; *Criteria and methodology for determining outstanding freshwater bodies*; Literature Review Two: outstanding values used in past publications (DRAFT), (HBRC Publication Number SD19-27)

Identifying a list of outstanding water bodies in Hawke's Bay

59. The following five approaches were considered by the Council's RPC in terms of a suitable response to identifying outstanding water bodies in Hawke's Bay (see Table 4).

Table 4: Identifying a list of OWB in Hawke's Bay: Principal approaches considered by RPC

Principal approaches: Identifying OWB in Hawke's Bay	
Approach 1	Status quo (no identification of OWB in Hawke's Bay). The identification of OWBs would occur during future catchment planning processes on an ad-hoc basis.
Approach 2	A staged approach (Part 1, Part 2, Part 3) to identify OWB in Hawke's Bay. Parts 1 and 2 progressed CEF OFWB project findings and continued developing a set of previously accepted criteria and thresholds to identify water bodies in Hawke Bay which are clearly outstanding. Part 3 to be progressed after notification of Parts 1 and 2, to fill any information gaps and pick up the borderline and less obvious outstanding water bodies in Hawke's Bay. Part 3 looked to develop criteria and thresholds for the newer and more contentious values if required.
Approach 3	Resolution by HBRC that no/all water bodies are outstanding in Hawke's Bay
Approach 4	A comprehensive review approach to identify OWB in Hawke's Bay. A high level review of 130 water bodies using existing literature (no new studies), then short list of water bodies most likely to contain outstanding values (candidate OWB), secondary assessment of candidate OWB, consultation, determination of OWB in Hawke's Bay by RPC members based on information collected through this process (i.e. criteria and thresholds not used).
Approach 5	A short list approach to identify OWB in Hawke's Bay. Creation of a short list of water bodies most likely to contain outstanding values (candidate OWB) based on an early draft version of Change 5 (ten water bodies) and any others agreed by RPC. Secondary assessments of candidate OWB, consultation, determination of OWB in Hawke's Bay by RPC members based on information collected through this process (no high level review of 130 water bodies in the region, and criteria and thresholds not used).

60. In June 2017, after considering the approaches set out in Table 4, the Council endorsed Approach 4 which was co-designed with the RPC tāngata whenua representatives to identify outstanding water bodies in Hawke's Bay. The adopted approach was underpinned by existing information, with no new studies or investigations to be commissioned to further investigate a water body's 'outstanding-ness'.
61. Prior to progressing work on Plan Change 7, given the uncertainty around some of the NPSFM OFWB provisions, further clarity was needed around the following matters to enable the scope of Plan Change 7 to be determined prior to work on the plan change commencing.
- What is an outstanding water body (see paragraphs 62 to 68)
 - What values can make a water body outstanding (see paragraphs 69 to 72)
 - Whether the Plan Change 7 development process should identify a full list of outstanding and significant values for water bodies across the region, or focus solely on the identification of those water bodies with outstanding values. These matters are further discussed below.

What is an outstanding water body?

62. The NPSFM defines outstanding freshwater bodies "*as those water bodies identified in a regional policy statement or regional plan as having outstanding values...*", however it stops short of stipulating exactly how outstanding water bodies should be identified. There is no similar definition in the NZCPS. There is no mandatory or approved methodology for assessment and identification of outstanding water bodies. Consequently, the HBRC has discretion in terms of options, approaches and processes it may choose to identify the region's OWBs and include in RMA planning documents.
63. To ensure clarity on the scope of Plan Change 7, prior to commencing plan development, the RPC considered a number of matters, including those set out in Table 5, to inform a decision around what constitutes an outstanding water body for NPSFM purposes.
64. While the NPSFM does not provide guidance on how an outstanding value should be identified, it is generally accepted that the test for outstanding sets a high bar. This indicates in order to be classed as outstanding a water body must be exceptional in some way, with the values or sub values standing out or being superior to others in the region.

Table 5: What is an outstanding water body for NPSFM purposes (key findings – RMA context, case law, CEF project, legal advice)	
RMA context	<ul style="list-style-type: none"> • “In an RMA context outstanding means ‘out of the ordinary’ or ‘standing out’²³.”
Case law	<ul style="list-style-type: none"> • “the test as to what is outstanding is a reasonably rigorous one and that to qualify as outstanding a characteristic would need to be quite out of the ordinary on a national basis”²⁴, and • “Outstanding’ means conspicuous, eminent, especially because of excellence and remarkable in.”
CEF OFWB Project Findings ²⁵	<ul style="list-style-type: none"> • Being outstanding is a high test. The term ‘outstanding’ distinguishes something from others based on its exceptional qualities and is typically used to describe the ‘best of the best’. • Criteria to identify OFWBs should be similar to that of a Water Conservation Order, but in a regional context. • The NPSFM defines outstanding water bodies as “those water bodies identified... <u>as having outstanding values</u>...”. This means water body can only be reviewed in the context of its present condition, it cannot be identified as an OFWB based on its past condition or potential.
Legal advice	<ul style="list-style-type: none"> • It is open for regional councils to assess what is outstanding at a regional scale for the purposes of the NPSFM. • Outstanding values have a higher threshold than significant values. An outstanding value will always be significant, but a significant value will not necessarily be outstanding. • To be classed as outstanding a freshwater body needs to have at least one outstanding characteristic before the water body could be classified as outstanding.

65. During the initial development phases of Plan Change 7, the RPC directed that Plan Change 7 process would seek to identify those water bodies in Hawke’s Bay which contain an outstanding value in their own right. Staff progressed work on this basis, collating information and assessing water bodies across Hawke’s Bay on a water body, by water body basis.
66. In June 2017, the RPC also directed that in order to be identified as an OFWB for the purposes of the NPSFM, the water body must contain a value which stands out from the rest on a national basis.
67. This was contested during an early engagement phase in preparation of Plan Change 7, with several stakeholders raising concerns that the Council would miss a number of outstanding water bodies in the region, by carrying out the outstanding assessment on a national instead of a regional scale, and therefore not give full effect to the relevant NPSFM provisions.
68. While the NPSFM is ambiguous on whether an OFWB assessment should be carried out in a regional or national context, after considering the feedback from key stakeholders, Plan Change 7 was progressed in a manner which carried out an OFWB assessment and selection in a regional context.

Values that can potentially make a water body outstanding for NPSFM purposes

69. The NPSFM is not clear on whether values that can make a water body outstanding for NPSFM purposes are restricted to ecological, landscape, recreational and spiritual type values; or if they can include consumptive and economic use values such as irrigation, drinking water, hydro-generation and tourism,
70. To ensure clarity on the scope of Draft Plan Change 7, the Council considered a range of information, including that set out Table 6, to inform a decision around what values have the potential to make a water body outstanding for NPSFM purposes.
71. The findings in Table 6, indicate that while it is clear that the NPSFM never intended to class economic and consumptive use values as outstanding, the current wording of the NPSFM does appear to allow councils to recognise economic and consumptive use values as ‘outstanding’ values for the purposes of the NPSFM, if they choose to do so.
72. In June 2017, the RPC and Council formally excluded economic and consumptive use values from consideration as ‘outstanding values’ for the purposes of Plan Change 7. This meant subsequent work on preparing the plan change would progress on the basis that only cultural, spiritual, recreation, landscape, geological, natural character and ecology values could make a water body outstanding for NPSFM purposes.

²³ Philip Milne’s opinion piece; Resource Management Journal.

²⁴ Rangitata South Irrigation Ltd v NZ and Central South Island Fish and Game Council EnvC C109/04.

²⁵ Riley B, 2015, *Criteria and methodology for determining outstanding freshwater bodies; Literature Review One, Part two: Summary report*.

Table 6: Summary of CEF OFWB Project findings - outstanding values	
Legal advice	<p>It is theoretically possible to recognise an economic or consumptive use value as outstanding under the NPSFM OFWB provisions, however this approach:</p> <ul style="list-style-type: none"> • Has no case law precedent • Would likely be contentious and could be difficult to justify as being consistent with the objectives of the NPSFM • Could be subject to litigation in the future.
Intent of the NPSFM	<p>The NPSFM never intended to class economic and consumptive use values as outstanding. The amendments which occurred to Objective A4 in later versions of the NPSFM which potentially allows for the protection of economic and consumptive use values, appear to be unintentional for the following reasons:</p> <ul style="list-style-type: none"> • In 2011, the protection of OFWBs was identified as one of the six key areas of direction of the NPSFM. All versions of the NPSFM have recognised that OFWBs are a limited class of water bodies which warrant special protection. As such, any major changes around the identification and management of OFWBs would have warranted significant discussion in supporting NPSFM documents. This has not occurred. • The proposed 2008 NPSFM quite clearly did not allow for the recognition of economic and consumptive use values under the OFWB provisions. It is unlikely that subsequent versions of the NPSFM deliberately inserted the word 'including' into the definition of OFWB to allow economic and consumptive use values to be classed as outstanding, without discussing the consequences of these changes in any of the associated cabinet papers, regulatory impact statements, section 32 summary reports, hearing reports, or decision documents. • In the gazetted 2011 version of the NPSFM, Objective A2 protects the <u>quality</u> of OFWB. This seemingly narrowed the protection of OFWB to water quality only. This amendment does not protect consumptive and economic use values, which indicates there was no intent to protect these values through the OFWB provisions. • In 2014, a new Objective B4 was inserted into the NPSFM and Objective A2 was amended to protect <u>the significant values</u> of OFWB. It is these amendments which potentially allow for the protection of the economic and consumptive use values through the OFWB provisions¹⁶. There are no discussions in any supporting documents about these amendments except to say, "the amendment to Objective A2 referencing significant values is minor". If the amendments to Objectives A2 and B4 were deliberately made to protect economic and consumptive use values through the OFWB provisions, significant discussion would have occurred around this issue and the changes would not have been referred to as 'minor'. • The supporting documents to the NPSFM are consistently clear that only a small number of OFWB should be identified across the country, with cabinet papers and regulatory impact statements stating "if too many water bodies are considered outstanding there will be missed development opportunities". This indicates that there was never any intent to protect economic and consumptive use values through the OFWB provisions, because protecting economic and consumptive uses would not result in "missed development" opportunities, it would likely create them.

Inclusion of outstanding and/or significant values in Plan Change 7

73. To further inform the scope of Plan Change 7, consideration was given as to whether the plan change should identify a list of outstanding and significant values associated with OFWB in the region, or focus solely on the identification of those water bodies with outstanding values in the region.
74. After considering both options, the scope of Plan Change 7 was limited to the identification of water bodies with outstanding values across the region. For clarification, identifying a full list of the outstanding and significant values for the purpose of Plan Change 7 was dismissed for a number of reasons, including those set out below:
- The identification of a list of significant values for each OFWB is more appropriate during development of the catchment based management plans in consultation with key stakeholders, iwi authorities and the relevant local community.
 - Significant values can include the full range of values set out in the NPSFM, including consumptive and economic use values. As discussed in paragraph 72, the RPC excluded these values from consideration as outstanding values for the purposes of Plan Change 7 but that does not preclude them from being recognised as a significant value in the appropriate circumstances. Yet attempting to identify a list of significant values, include consumptive and economic uses, at the same time as outstanding values for OFWBs would likely cause confusion, and would certainly require a substantial degree of further work (e.g. engagement with iwi, stakeholders, further review of published literature, etc).

¹⁶ E.g. 2011 NPSFM required "...protecting the quality of OFWB"; 2014 NPSFM required "...protecting the significant values of OFWB".

- Highly likely that some significant values may be missed if undertaken at the same time, and/or a significant delay in the OWB Plan Change as Council would need to identify a list OWB, prior to putting additional resourcing into identifying a full list of significant values in consultation with key stakeholders, iwi authorities and the local community.

Record of development process (July 2017 – June 2018)

75. In June 2017, in accordance with Approach 4 (see Table 4, above) above, the Council embarked on a high level review documenting¹⁷ the cultural, spiritual, recreation, landscape, geological, natural character and ecology values associated with 130 water bodies across the region.
76. This work built a clear picture of values associated with a wide range of water bodies across the region and their potential for being classified as outstanding, prior to short listing.

Choosing a list of candidate OWB for further assessment

77. In 2018, the high level review information was reported back to the Council's RPC together with nine principal options, for selecting a list of candidate OWB to move forward for secondary assessment.
78. All options had various assumptions and limitations. The only alternative which eliminated all assumptions and limitations was to undertake a secondary assessment on all 130 water bodies. However, this was not favoured due to its significant cost and time, and was considered to be of little potential benefit to Plan Change 7 which is trying to identify the 'best of the best' water bodies in Hawke's Bay.
79. The selection methodologies used by the RPC to identify the list of candidate OWB is set out in Table 7.

Table 7: Selection methodologies used by RPC to identify list of candidate outstanding water bodies

Selection methodologies	
Recreation, landscape, geological, natural character and ecology value sets	Cultural and spiritual value sets
Those water bodies identified as either outstanding, nationally significant or allocated the highest rating available in <u>at least three</u> of the publications reviewed in Table R1 ¹⁸ , for any value, and/or being internationally significant in <u>at least one</u> of the publications reviewed, for any value + any additional water bodies the RPC considers should be on the candidate list.	Selected based on information contained in Table C1 ¹⁹ + traditional knowledge of the Council's RPC's tangata whenua representatives + draft criteria considered by tangata whenua representatives + any additional water bodies the RPC considers should be on the candidate list.

80. Mid 2018, the following list of water bodies (see Table 8) were identified as 'candidate outstanding water bodies' by the RPC using the selection methodologies set out in Table 7, above.

Table 8: Candidate list of outstanding water bodies (identified by RPC)

Cultural, spiritual, recreation, landscape, geological, natural character and ecology value sets	Cultural and spiritual value set only
Heretaunga Aquifer	Karamu River
Lake Whakakī	Lake Waikareiti
Lake Whatumā	Lake Tūtira (including Aropaanui River + Papakiri Stream)
Lake Waikaremoana	Lower Ngaruroro River (below Whanawhana)
Mangahauanga Stream	Makirikiri River
Ruakituri River	Porangahau River
Ruataniwha Aquifer	Tutaekuri River
Taruarau River	Waipunga River
Te Whanganui a Orotū (Ahuriri Estuary)	
Tukituki River	
Upper Mohaka River	
Upper Ngaruroro River (above Whanawhana)	

¹⁷ Over 90 documents were used. No new studies or investigations were undertaken as part of this review (i.e. existing literature was relied on).

¹⁸ Harper B; 2018; *Summary of recreation, landscape and ecology values associated with water bodies in Hawke's Bay*; HBRC Report Number SD18-02; Table R2: Recreation, Landscape, Ecology Values Table.

¹⁹ Harper B; 2018; *Summary of cultural values associated with water bodies in Hawke's Bay*; HBRC Report Number SD18-01; Table C1: Cultural Values Table.

Waipawa River	
Wairoa River	

81. In June 2018, Council staff undertook a secondary assessment for each candidate OWB water body to further investigate if any of the water bodies contained values that were clearly superior to other water bodies in Hawke's Bay.

Record of development process (July 2018 – Feb. 2019)

82. Following completion of the secondary assessments, staff sought feedback from iwi authorities, territorial authorities, key stakeholder groups and the general public on Plan Change 7. The secondary assessments were placed on the HBRC's website and each iwi authority was individually contacted inviting feedback on those assessments.
83. Feedback from this process featured requests for an additional 20 water bodies to be identified as OWB (see Table 9), for all value sets, and to broaden stakeholder involvement in the process.

Table 9: Nominated list of outstanding water bodies (nominated during engagement)

Additional candidate OWB requested by iwi authorities, key stakeholders and general public	
Waihua River	Ngamatea East Swamp
Boundary Stream, including Shine Falls	Nuhaka River
Kaweka and Ruahine Ranges wetlands	Opoutama Swamp
Lake Rototuna and Lake Rotorua (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
Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands	Waiau River
Moreere Hot Springs	Lower Ngaruroro River

84. Following that feedback, an additional step was included in OWB Plan Change process and a local expert panel was engaged to evaluate, categorise and identify outstanding characteristics from the list of 22 candidate OWB (see Table 8) and the additional 20 nominated water bodies (see Table 9), for all value sets²⁰.

Local expert panel report

85. Late 2018, a local expert panel was appointed via nominations by key stakeholders, iwi authorities and city and district councils²¹, and comprised six members²² with good knowledge of the Hawke's Bay region.
86. In February 2019, two panel workshops were held to carry out a comparative assessment of the 42 candidate and nominated water bodies and to identify those water bodies which contained values which were clearly superior and stood out. Out of the 42 water bodies, the local expert panel found:
- 16 clusters of water bodies (22 individual water bodies²³) to be outstanding for NPSFM purposes (see Table 10),
 - 13 water bodies to need further cultural assessments (see Table 11),
 - 5 water bodies to have either insufficient information to carry out an assessment or to be not outstanding for NPSFM purposes (see Table 12).

²⁰ For clarification, 8 water bodies on the candidate list of OWB were only identified as being potentially outstanding for the cultural and spiritual value set. Subsequently, these water bodies were assessed for all value sets.

²¹ Including Ngati Kahungunu Iwi Incorporated, Hawke's Bay Fish and Game Council, Department of Conservation, city and district councils, NZ Forest and Bird Society, Federated Farmers, and whitewater rafting and jet boating groups.

²² Morry Black (Mauri Protection Agency), Matt Brady (DOC), John Cheyne (Te Taiaroa Environment), Andrew Curtis (Water Strategies Limited), Bernie Kelly (kayaking rep), Tom Winlove (Fish & Game)

²³ 24 individual water bodies if upper/lower Mohaka River and upper/lower Ngaruroro River counted separately.

87. While the local expert panel found a number of water bodies to be outstanding for cultural and spiritual values, their findings were preliminary, with acknowledgement that the panel had limited ability to assess cultural and spiritual values on behalf of marae and hapu.

Table 10: Outstanding water bodies for NPSFM purposes (identified by local expert panel)

Water Body	Outstanding values ²⁴
Heretaunga Aquifer	Ecology, landscape, cultural spiritual
Porangahau River (+ estuary)	Ecology, landscape, cultural, spiritual
Te Whanganui a Orotū (Ahuriri Estuary)	Ecology, landscape, recreation, cultural, spiritual
Morene Hot Springs	Landscape, cultural, spiritual
Lake Waikaremoana	Ecology, landscape, natural character, recreation, cultural, spiritual
Lake Waikareiti	Ecology, landscape, natural character, recreation, cultural, spiritual
Upper Mohaka River	Ecology, landscape, natural character, recreation, cultural, spiritual
Te Hoe River	Ecology, landscape, natural character, recreation, cultural, spiritual
Waipunga River	Ecology, landscape, natural character, recreation, cultural, spiritual
Ngaruroro River (+Waitangi Estuary)	Ecology, landscape, natural character, recreation, cultural, spiritual
Tararua River	Ecology, landscape, natural character, recreation, cultural, spiritual
Ruakituri River	natural character, recreation
Tukituki River (+ estuary)	Ecology, landscape, recreation, cultural, spiritual
Ruataniwha Aquifer	Ecology, landscape, recreation, cultural, spiritual
Waipawa River	Ecology, landscape, recreation, cultural, spiritual
Waiau River (above Matuku Stream)	Ecology, natural character
Lake Rototuna and Lake Rotorua (Kaweka Lakes)	Ecology, landscape, natural character
Lake Poukawa and Pekapeka Swamp	Ecology, landscape, cultural, spiritual
Lake Whakaki - Te Paeroa Lagoon - Wairau Lagoon: interconnected wetland complex	Ecology, cultural, spiritual
Lake Whatumā	Ecology, cultural, spiritual
Maungawhio Lagoon lower Kopuawhara River, Pukenui Dune Wetlands	Ecology, cultural, spiritual
Ngamatea East Swamp	Ecology

88. The local expert panel found the following 13 water bodies (see Table 11) to need further cultural assessments undertaken to better understand their associated cultural and spiritual values

Table 11: Water bodies needing further cultural assessment (identified by local expert panel)

Water body	
Tarawera Hot Springs	Cultural assessment needed
Lake Tūtira complex	Cultural assessment needed
Aropoanui River	Cultural assessment needed
Karamu River	Cultural assessment needed
Makirikiri River	Cultural assessment needed
Lower Mohaka River (below Willowflat)	Cultural assessment needed
Porangahau Estuary	Cultural assessment needed
Tutaekuri River	Cultural assessment needed
Waiau River (below Matuku Stream)	Cultural assessment needed
Waihua River	Cultural assessment needed
Wairoa River	Cultural assessment needed
Opoutama Swamp	Cultural assessment needed
Putere Lakes	Cultural assessment needed

89. The local expert panel found the water bodies set out in Table 12, to either have insufficient information to carry out an assessment or determined them not to be outstanding water bodies for NPSFM purposes.

²⁴ Cultural and spiritual value set findings were preliminary, with the panel advising they had limited ability to assess cultural and spiritual values on behalf of marae and hapu.

Table 12: water bodies needing further cultural assessment (identified by local expert panel)

Water body	
Waikaretaheke River	Not an OWB
Mangahauanga Stream	Not an OWB
Nuhaka River	Insufficient information
Boundary Stream, including Shine Falls	Insufficient information
Kaweka and Ruahine Ranges wetlands	Insufficient information

Record of development process (Mar. 2019 - May 2019)

90. By May 2019, a draft version of the objectives, policies and methods associated with Plan Change 7 had been developed which best met the purpose of the RMA and gave effect the relevant NPSFM OFWB provisions (see Tables 17, 18 and 19).
91. In developing the plan change a significant amount of work was undertaken to build a clearer picture of water bodies within the region and their potential for being classed as outstanding.
92. This work was summarised into an overview report²⁵ with a particular focus on the 42 candidate and nominated water bodies set out in Tables 8 and 9, to assist the RPC to select a final draft list of OWB for inclusion in Draft Plan Change 7.

Choosing a final draft list of OWB for inclusion in Draft Plan Change 7 (May 2019)

93. In accordance with Approach 4 (see paragraph 59), the overview report focused on existing literature and summarised the relevant key values of each of the 42 water bodies set out in Tables 8 and 9, based on the secondary assessments, local expert panel findings, the values summary reports²⁶, and stakeholder engagement.
94. As directed by the RPC earlier agreements, the overview report included staff findings identifying those water bodies which contained a value which clearly 'stands out' when compared to other water bodies²⁷, with a clear focus on existing literature and feedback received during engagement at the time of writing.
95. This information was reported back to the Council's RPC together with three principal options that could be used to identify a draft list of water bodies for inclusion in Plan Change 7. As discussed in the overview report, there is no right or wrong approach for identifying a list of outstanding water bodies, providing there is a robust evidence base to support their selection.
96. After considering a range of information, the RPC used the following selection methodologies to identify draft list of outstanding water bodies for each value set.

Table 13: Selection methodologies used by RPC to identify draft list of outstanding water bodies

Selection methodologies	
Cultural, spiritual, recreation, landscape, geology, natural character and ecology value sets	Cultural and spiritual value sets
Select those water bodies which contain values that: <ul style="list-style-type: none"> clearly 'stand out' and are 'superior' when compared to the other water bodies in Tables 8 and 9; and/or 	Select water bodies which are clearly supported as containing cultural or spiritual values which 'stand out' when compared to the other water bodies in Tables 8 and 9; using:

²⁵ Harper B, Meredith D; *Outstanding Water Bodies Plan Change: Selecting a list of outstanding water bodies in Hawke's Bay*; HBRC Report Number SD19-18.

²⁶ Harper B; 2018; *Summary of recreation, landscape and ecology values associated with water bodies in Hawke's Bay*; HBRC Report Number SD18-02; Table R2: Recreation, Landscape, Ecology Values Table; and Harper B; 2018; *Summary of cultural values associated with water bodies in Hawke's Bay*; HBRC Report Number SD18-01; Table C1: Cultural Values Table.

²⁷ Refer to paragraph 66, where to RPC directed that in order to be an outstanding water body for the purposes of Plan Change 7, a water body must contain at least one value which stands out from the rest on a national basis.

- are of excellent quality, despite being similar to one or more water bodies in Tables 8 and 9; and
 - are identified as 'outstanding' in published literature.
- the traditional knowledge of the RPC tāngata whenua representatives;
 - information in Table C1²⁸,
 - information in the secondary assessments,
 - feedback from iwi authorities,
 - preliminary findings of the local expert panel.

97. In May 2019, using the methodologies set out in Table 13, the RPC identified all 42 water bodies put forward for consideration in the overview report²⁹, plus the Hautapu River, Ripia River and Te Paerahi River³⁰, as outstanding water bodies for inclusion in Draft Plan Change 7. These water bodies are set out in Table 14, below, with their corresponding outstanding values.

98. For clarification, a number of the water bodies in Table 14 were identified as containing outstanding cultural and spiritual values despite not having a robust evidence base to support their outstanding status. This is discussed in paragraphs 99 to 104.

Table 14: Draft list of OWB for inclusion in Draft Plan Change 7

Name of outstanding water body	Outstanding value(s)
Boundary Stream, including Shine Falls	Cultural, spiritual
Hautapu River	Cultural, spiritual
Heretaunga Aquifer	Cultural, spiritual, geology
Karamu River	Cultural, spiritual
Kaweka and Ruahine Ranges wetlands	Cultural, spiritual
Lake Rotorua and Lake Rototuna (Kaweka Lakes)	Cultural, spiritual, native fish, native plants, natural character
Lake Poukawa and Pekapeka Swamp	Cultural, spiritual, wildlife
Lake Tūtira (Including Arapaoanui River + Papakiri Stream)	Cultural, spiritual
Lake Waikareiti	Cultural, spiritual
Lake Waikaremoana	Cultural, spiritual, native plants, natural character, landscape & geology, recreation
Lake Whakaki - Te Paeroa Lagoon - Wairau Lagoon and wetlands	Cultural, spiritual, wildlife
Lake Whatumā	Cultural, spiritual, wildlife
Makirikiri River	Cultural, spiritual
Mangahouanga Stream	Cultural, spiritual, geology
Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands	Cultural, spiritual, wildlife
Mohaka River (Lower - below Willowflat)	Cultural, spiritual, macroinvertebrates
Mohaka River (Upper - above Willowflat)	Cultural, spiritual, macroinvertebrates, natural character, landscape & geology, recreation
Moree Springs	Cultural, spiritual
Ngamatea East Swamp	Cultural, spiritual, native plants, natural character
Ngaruroro River (Lower) and Waitangi Estuary	Cultural, spiritual, wildlife, native fish, recreation
Ngaruroro River (Upper)	Cultural, spiritual, wildlife, native fish, macroinvertebrates, natural character, landscape & geology, recreation
Nuhaka River	Cultural, spiritual

²⁸ Harper B; 2018; *Summary of cultural values associated with water bodies in Hawke's Bay*; HBRC Report Number SD18-01; Table C1: Cultural Values Table

²⁹ Harper B, Meredith D; *Outstanding Water Bodies Plan Change: Selecting a list of outstanding water bodies in Hawke's Bay*; HBRC Report Number SD19-18.

³⁰ Note: Water bodies were not originally identified as either candidate or nominated OWB. Therefore, not assessed by the local expert panel, or discussed in the overview report.

Opoutama Swamp	Cultural, spiritual
Porangahau Estuary	Cultural, spiritual, wildlife, native fish, native plants, landscape & geology
Porangahau/Fāurekaitai River	Cultural, spiritual, wildlife
Putere Lakes	Cultural, spiritual
Ripia River	Cultural, spiritual
Ruakituri River	Cultural, spiritual, macroinvertebrates natural character, landscape & geology, recreation
Ruataniwha Aquifer	Cultural, spiritual, geology
Tarawera Hot Springs	Cultural, spiritual
Taruarau River	Cultural, spiritual, macroinvertebrates, natural character, landscape and geology, recreation
Te Hoe River	Cultural, spiritual, wildlife
Te Paerahi River	Cultural, spiritual
Te Whanganui a Orotū (Ahuriri Estuary)	Cultural, spiritual, wildlife, native fish, landscape and geology
Tukituki River and Estuary	Cultural, spiritual, wildlife, landscape & geology
Tūtaekuri River	Cultural, spiritual, macroinvertebrates
Waiau River	Cultural, spiritual, wildlife
Waihua River	Cultural, spiritual
Waikaretaheke River	Cultural, spiritual
Waikou River/ Aropoanui River	Cultural, spiritual
Waipawa River	Cultural, spiritual
Waipunga River	Cultural, spiritual, macroinvertebrates
Wairoa River	Cultural, spiritual

List of OWB: insufficient information

99. In progressing Plan Change 7 it became apparent that there were substantial gaps in published material for a number of water bodies identified by the Council's RPC Tangata Whenua Representatives as containing outstanding cultural and spiritual values.
100. Maori history is recorded orally, and much of the information and knowledge to support the inclusion of these water bodies in Plan Change 7 is held with local marae and hapu, but not specifically recorded in those documents which were reviewed to inform Plan Change 7³¹.
101. In recognition of this, iwi authorities were contacted a number of times during the plan change process, to gain further information and knowledge to support an outstanding status for these water bodies. However, due to resourcing constraints this engagement was ineffective and a number of iwi authorities were unable to respond.
102. The RPC identified a number of water bodies in Draft Plan Change 7 as containing outstanding cultural and spiritual values, despite a lack of written evidence. During the pre-notification consultation period iwi authorities were contacted, and offered resourcing, in an attempt to gain further information in support of the outstanding status for water bodies identified in Draft Plan Change 7. Albeit the timeframe for this phase was only a matter of a few weeks.
103. Very little information was received during this period, as such there are still significant information gaps on the cultural and spiritual values associated with a number of the OWB identified in Draft Plan Change 7. Gaining further information on the cultural and spiritual values associated with these water bodies is vital as many of these water bodies will be subject to scrutiny and potential challenges by those who may be affected by the provisions in Proposed Plan Change 7.

³¹ Harper B; 2018; *Summary of cultural values associated with water bodies in Hawke's Bay*; HBRC Report Number SD18-01; Harper B & Ridling K, 2018

104. As discussed in paragraphs 15 to 17, the risk of not acting is high. During post-notification phases of Plan Change 7, there are opportunities to remedy gaps in published information for cultural and spiritual values of OWBs. It is likely HBRC will work with the relevant iwi authorities to find ways of remedying those gaps.

Record of development process (May 2019 – June 2019)

105. In May 2019, a copy of the Draft Plan Change 7 was sent out to those parties listed in Appendix 2, seeking feedback. At the same time, Draft Plan Change 7 was placed on HBRC's website, with an invitation to the general public to provide comments.

Comments received on Draft Plan Change 7 (pre-notification consultation)

106. Schedule 1 of the RMA requires Council, prior to notifying the Proposed Plan Change 7, to have particular regard to any advice received from iwi authorities.
107. Table 15 summarises the key of the parts of advice received on Draft Plan Change 7 (on a theme by theme basis), and sets out councils response to the advice, including any amendments proposed to Draft Plan Change 7 which give effect to the advice received.

Table 15 Summary of advice received on Draft Plan Change 7

Feedback	Council Staff comments	Was Draft Change 7 amended? (Y/N) ³²
Support Plan Change 7		
Six responses noted their general support for Plan Change 7	No comment needed	No
Oppose Plan Change 7		
<p>Ngati Kahungunu Wairoa Taiwhenua Inc. have advised:</p> <ul style="list-style-type: none"> • They do not support Plan Change 7 • Tāngata Whenua worldview states that all waterbodies are interlinked and outstanding and should be addressed as such in Plan Change 7. • Note that Ngati Kahungunu Wairoa Taiwhenua incorporated have limited capacity to respond, and requests in the future that when making such requests the council provide suitable financing. • Requests Council provides suitable funding when making requests such as this. 	<p>Tāngata whenua have special cultural, spiritual, historical and traditional associations with all water bodies.</p> <p>A key challenge in implementing the NPSFM and identifying outstanding water bodies is the special relationships and historical associations that tāngata whenua have with all water bodies. Freshwater is recognised by Māori as a taonga of paramount importance. A core Māori belief is that no waterbody is more important than another and each waterbody has its own individual mauri or vital essence. The NPSFM's provisions for outstanding freshwater bodies directly conflict with this Māori worldview, by requiring regional councils identify a list of outstanding water bodies in their region.</p> <p>Despite the challenges from a Māori worldview, the RPC tāngata whenua representatives did not want the Māori cultural and spiritual value set excluded from Plan Change 7. Council staff have worked closely with the RPC tāngata whenua representatives and co-designed an approach to identify outstanding water bodies in Hawke's Bay which is inclusive of the cultural and spiritual value set.</p> <p>Resourcing is not something that the provisions proposed in Plan Change 7 can address.</p>	No
Additional information (cultural and spiritual values)		
<p>Te Tumu Paeroa advised:</p> <ul style="list-style-type: none"> • Supports Plan Change 7 • Te Tumu Paeroa hold significant information on water bodies in Plan Change 7 and believe they can help quantify and highlight their outstanding values. 	No amendments requested. Council staff will work with Te Tumu Paeroa during the submission period of Plan Change 7 to gain further information about the important cultural and spiritual values of the outstanding water bodies in proposed Plan Change 7.	No

³² NOTE: For the purposes of this draft s32 Report presented to the Regional Planning Committee meeting on 3 July 2019, the entries appearing in this column are subject to change, depending on what agreements are made by the Regional Planning Committee at that meeting.

Feedback	Council Staff comments	Was Draft Change 7 amended? (Y/N) ³²
<ul style="list-style-type: none"> Interested in participating in the Plan Change 7 process moving forward Recognises Lake Poukawa is an outstanding waterbody exceptionally high importance. 		
<p>Ngati Kahungunu Iwi Incorporated provided additional information on Lake Poukawa, specifically noting:</p> <ul style="list-style-type: none"> The Lake Poukawa wetland area supports swamp nettle (<i>Urtica linearifolia</i>) an at risk declining species and an aquatic liverwort (<i>Ricciocarpus natans</i>), which is acutely threatened and nationally endangered. The wetland extent of Poukawa is important for customary purposes, cultural taonga. "<i>poukawa pataka kai tuna era mea no nga kai</i>". Lake Poukawa is the only lake in Hawke's Bay to be protected from commercial eeling due to its customary significance under the fisheries act. This is rare nationally. 	<p>This information further supports the identification of Lake Poukawa as an OWB in Plan Change 7.</p> <p>Draft Plan Change 7 has been amended accordingly, and a description of the outstanding values associated with Lake Poukawa have been added to Schedule 25.</p>	<p>Yes. Description of outstanding values of Lake Poukawa added to Schedule 25 of Plan Change 7.</p> <p>(see Appendix 3)</p>
Outstanding waterbodies /outstanding values in Plan Change 7		
Maungaharuru Tangitu Trust: Boundary Stream be removed from Schedule 25 of Plan Change 7	In May 2019, the Council's RPC identified Boundary Stream (including Shine Falls) as OWB for cultural and spiritual values. The tāngata whenua representative for Maungaharuru Tangitu Trust has requested its removal from Schedule 25 of Plan Change 7.	Yes. Boundary Stream (including Shine Falls) removed from Schedule 25. (see Appendix 3)
Add natural character (braiding) as an outstanding value for the Ngaruroro River.	<p>The term natural character is used to describe the naturalness of environments. Generally, the highest degree of natural character (the greatest naturalness) occurs where there is least modification to the ecosystems and landscape.</p> <p>In May 2019, the Council's RPC identified the Ngaruroro River as an outstanding water body noting its outstanding cultural, spiritual, landscape, geology, recreation, natural character and ecology values. Given the significant modifications that have occurred to the braided river</p>	No.

Feedback	Council Staff comments	Was Draft Change 7 amended? (Y/N) ³³
	<p>channel of the lower Ngaruroro River, combined with the lack of information, this section of the River was not identified as being outstanding for natural character.</p> <p>Further information, with respect to the natural character of the braided section of the Ngaruroro River was received during the pre-consultation notification period on Draft Plan Change 7. This information states</p> <ul style="list-style-type: none"> - The intensity (number of braids) duration (length of the braids) and the mobility (speed at which they change form over time) in this section of the Ngaruroro vastly exceeds that found in any other North Island river. - The braiding of the Lower Ngaruroro compares extremely well with the best of the South Island braided rivers. <p>This is important further information that will need to be considered, alongside its evidence base, during the extended submission process for Plan Change 7. No amendments have been made to Draft Plan Change 7 in response to this feedback, further evidence is required.</p>	
No recognition of consumptive and economic uses values as 'outstanding values' in Plan Change 7.	<p>The NPSFM is not clear on whether values that can make a water body outstanding for NPSFM purposes are restricted to ecological, landscape, recreational and spiritual type values; or if they can include consumptive and economic use values such as irrigation, drinking water, hydro-generation and tourism,</p> <p>In June 2017, after considering the intent of the NPSFM the RPC and Council excluded economic and consumptive uses as determinative of an outstanding value of an OWB in Plan Change 7. As such, work on Plan Change 7 has subsequently been progressed on the basis that only cultural, spiritual, recreation, landscape, geology, natural character and ecology values can make a water body outstanding for NPSFM purposes.</p>	No.
<p>Provide more detail on the cultural, spiritual and geological values associated with the Heretaunga and Ruataniwha Plains aquifers in Schedule 25; or remove the Heretaunga and Ruataniwha Plains aquifers from Draft Plan Change 7.</p> <p>The current provisions create uncertainty for the following reasons:</p> <ul style="list-style-type: none"> - There is not sufficient detail in Plan Change 7 around the 'cultural, spiritual and geological feature(s) 	<p>The Ruataniwha and Heretaunga aquifer systems have been identified by the Council's RPC as containing outstanding cultural, spiritual and geology values. In accordance with the NPSFM, the significant values of the aquifer systems must be protected.</p> <p>The full policy implications of identification the Ruataniwha and Heretaunga aquifer systems as OWB are currently unknown, and will be worked through in the future catchment based planning processes. To date, there are no aquifer systems that have been identified as OWB for NPSFM purposes. Staff recommendations remain the same as those provided to the RPC on 15 May 2019³³, prior to a determination being made on the list of OWB in Plan Change 7.</p> <p>In response to feedback received during the pre-consultation notification process, a list of significant values has been included in Plan Change 7 for those OWB identified in the TANK catchment (based on information from the TANK stakeholder process). This information, combined with the revised wording of Policy LW3A will provide increased certainty for decisions</p>	<p>Yes. Amend:</p> <ul style="list-style-type: none"> • Policies LW3A and C2 to provide increased certainty to resource consent applicants • Schedule 25 to include descriptions of outstanding values • Schedule 25 to include list of significant values for water bodies located in the TANK catchments. • Schedule 25 to clarify that the significant values of OWB can be

³³ Harper B, Meredith D, HBRC Report Number SD19-18 "Selecting a list of outstanding water bodies in Hawke's Bay" (p 79).

Feedback	Council Staff comments	Was Draft Change 7 amended? (Y/N) ³⁴
<p>that must be protected. As such, the potential implications of including the aquifer systems are difficult to understand.</p> <ul style="list-style-type: none"> - No precedent for their inclusion of aquifer systems as, no other region in New Zealand has identified an aquifer system as an outstanding water body for NPSFM purposes. - Around 16,800 ha of commercial fruit and vegetable production is undertaken on the Heretaunga Plains. 	<p>makers and resource consent applicants.</p> <p>For clarification, no additional information during the pre-notification consultation process was received challenging the 'outstanding status' of the cultural, spiritual, and geology values of the Heretaunga and Ruataniwha aquifer systems. As such, no amendments are recommended in this regard.</p>	<p>included after a catchment based regional plan change has been made operative for the relevant catchment.</p> <p>(see Appendix 3)</p>
Plan Change 7 inconsistent with Part 2 of the Resource Management Act		
Plan Change 7 is inconsistent with Part 2 of the Resource Management Act.	<p>The NPSFM has been prepared in accordance with Part 2 of the RMA. Plan Change 7 has been developed to give effect to the outstanding freshwater body provisions in the NPSFM.</p> <p>Through case law³⁴, the courts have determined that <i>"in the context of giving effect to the NPSFM resort to Part 2 is not appropriate because Part 2 has been embodied by the NPSFM"</i>. As such, by giving effect to the NPSFM Plan Change 7 is achieving the purpose of the RMA.</p>	No.
Plan Change 7 does not give effect to the National Policy Statement for Freshwater Management		
<p>Plan Change 7 does not give effect to the National Policy Statement for the following reasons:</p> <ul style="list-style-type: none"> - Plan Change 7 and its supporting reports, do not provide any analysis to support the proposition that 43 water bodies in Hawke's Bay have values that are the 'best of the best'. 	<p>A number of outstanding water bodies identified in Draft Plan Change 7, have been identified by the RPC as containing outstanding cultural and spiritual values despite significant gaps in published information and/or written evidence to support their outstanding status (refer paragraphs 99 to 104).</p> <p>During the pre-notification consultation period, the views of iwi authorities were invited on the draft plan change. In addition to that, those iwi authorities were offered a modest amount of resourcing if that would assist those iwi authorities to provide additional information in support of the outstanding status for water bodies identified in Draft Plan Change 7. Albeit the timeframe for this phase was only a matter of a few weeks. Very little information was received during this period, as such there are still significant information gaps on the cultural and spiritual values associated with a number of the OWB identified in Draft Plan Change 7.</p>	<p>Yes. Amend Schedule 25 to include water bodies which have a robust evidence base supporting an outstanding feature(s), and delete remaining water bodies from Schedule 25.</p> <p>(see Appendix 3)</p>

³⁴ *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38.

Feedback	Council Staff comments	Was Draft Change 7 amended? (Y/N) ³²
Plan Change 7 does not give effect to the National Policy Statement for Electricity Generation (2011)		
Plan Change 7 does not give effect to the 2011 National Policy Statement for Electricity Generation (NPS-REG)	<p>Plan Change 7 requires the protection of the significant values of OWB. Future catchment based management plans, in consultation with key stakeholders, iwi authorities and the local community, will identify a list of significant values for any OWB in the catchment, and set out a detailed direction on significant values of OWB in the catchment will be protected.</p> <p>Plan Change 7 is not inconsistent with the National Policy Statement for Electricity Generation. Consumptive and economic use values (including electricity generation) can be identified as significant values and protected in future catchment management plans.</p> <p>Notwithstanding, amendments made in response to other points of feedback during the pre-notification consultation period, have resulted in Policies LW3A being amended, and descriptions added in Schedule 25, to provide increased certainty to decision makers and resource consent holders and applicants. Certainly other provisions already in the RRMP assist decision-makers giving effect to all national policy statements, including the NPS-REG.</p>	No.
Uncertainty - Plan Change 7 provisions		
Unclear why Schedule XXVI contains several water bodies which are separated into lower/upper reaches or identified twice.	<p>In the initial stages of the Plan Change 7 development process, several water bodies were identified as containing potentially outstanding values in their upper reaches only, or for a limited set of values. As the Plan Change 7 development process has progressed 42 water bodies, along their entire reach for all value sets.</p> <p>Draft Plan Change 7 has been amended to combined these water bodies, and delete any double ups.</p>	Yes. Amend Schedule 25 to re-combine separated water bodies, and remove identified twice. (see Appendix 3)
Lack of clarity around what the outstanding values for OWB are as set out in Schedule 25.	<p>In progressing Plan Change 7 it became apparent that there were significant gaps in published information for a number of water bodies identified by the Council's RPC Tangata Whenua Representatives as containing outstanding cultural and spiritual values. Maori history is recorded orally, and much of the information and knowledge to support the inclusion of these water bodies in Plan Change 7 is held with local marae and hapu, but not specifically recorded in those documents which were reviewed to inform Plan Change 7³⁵.</p> <p>In response to feedback, Schedule 25 has been amended to include a description of outstanding values associated with each OWB (where known).</p>	Yes. Descriptions of outstanding values have been added (where published information is available) (see Appendix 3)

³⁵ Harper B; 2018; *Summary of cultural values associated with water bodies in Hawke's Bay*; HBRC Report Number SD18-01; Harper B & Ridling K; 2018, *Candidate List of Outstanding water Bodies in Hawke's Bay – Secondary Assessments*, HBRC Report RM19-252.

Feedback	Council Staff comments	Was Draft Change 7 amended? (Y/N) ³²
Lack of clarity with regard to outstanding and significant values, and their associated differences.	Outstanding values have a higher threshold than significant values. An outstanding values will always be significant, but a significant value will not necessarily be outstanding. For the purposes of Plan Change 7: Outstanding values are limited to cultural spiritual, recreation, landscape, geological, natural character values (i.e. consumptive and economic use values cannot be outstanding values for NPSFM purposes), and significant values include any value in relation to freshwater (i.e. is inclusive of economic and consumptive use values). In response to feedback, Draft Plan Change 7 has been amended to include add a definition for 'outstanding' and a 'significant value'.	Yes. New definitions included for 'outstanding' and 'significant value' (see Appendix 3)
Lack of clarity around how rule framework will tie in Plan Change 7.	Plan Change 7 makes changes to the RPS parts of the RRMP to include a list of the region's outstanding water bodies. PC7 also incorporates a framework which directs a high level of protection for these water bodies in future plan making. The provisions in Plan Change 7 provide clear direction to future catchment based plan changes, and respective community discussions, around which water bodies are outstanding and have significant values which must be protected. It is expected that catchment based plan changes will then tailor rules for each outstanding water body in the catchment using both regulatory (includes rules) and/or non-regulatory methods to protect their significant values (i.e. each outstanding water body will have a different set of significant values that will need to be protected, and different pressures surrounding it). Non-regulatory methods may be sufficient in rare instances to protect the significant values of OWB. This will be up to the catchment management group to decide, having regard to all available information.	No.
Lack of clarity around the difference between outstanding waterbodies and outstanding freshwater bodies.	Outstanding freshwater body is a term used in the NPSFM and does not include water bodies in the coastal environment such as estuaries. Outstanding water body includes both freshwater bodies, and water bodies such as estuaries in the coastal environment. The definitions of 'outstanding freshwater body' and 'outstanding water body' have been amended to provide further clarification around the difference.	Yes. Definitions amended for 'outstanding freshwater body' and 'outstanding water body'
Lack of clarity around why outstanding values are given priority to protection over significant values, in cases of conflict.	The NPSFM requires the protection of the significant values of outstanding water bodies. In some cases, when trying to protect the significant values of an outstanding water body a conflict may occur, particularly when attempting to protect a significant value type which is consumptive or economic use value and a more intrinsic type value. Any conflicts between protection measures for different values will need to be resolved during the catchment based planning processes. The provisions in Draft Plan Change 7 provide appropriate clarification and direction, that in cases of a conflict, where both an outstanding and	No.

Feedback	Council Staff comments	Was Draft Change 7 amended? (Y/N) ³²
	significant value of an OWB cannot be protected, then the outstanding values will be given priority for protection.	
Lack of clarity around how the primary and secondary values in RRMP Policy LW2 Table 1 relate to outstanding and significant values.	Policy LW2, Table 1 is incorporated into the RRMP via Plan Change 5. Table 1 lists the primary values and secondary values for three catchment areas, being the Greater Heretaunga/Ahuriri Catchment Area, the Mohaka Catchment Area, and the Tukituki Catchment Area. In response to feedback, Plan Change 7 has been amended to provide clarification around how completing values in these catchments are dealt with when also considering a water body which has been identified as an OWB in Schedule 25.	Yes (see Appendix 3)
Unclear how landscape, natural character and significant natural area assessments undertaken by city or district councils will fit into Plan Change 7	Any assessments which provide further information the values associated with any of the OWB in Plan Change 7 is important information, that will help further inform Plan Change 7. These types of assessments will be particularly useful during future catchment based planning processes, where the significant values of each OWB will need to be identified in consultation with city and district councils, key stakeholders, iwi authorities, and members of the community, and methods tailored for each outstanding water body to ensure their significant values are protected going forward. For clarification, any 'outstanding' assessments undertaken by district or city councils are not directly applicable to Plan Change 7, without further refinement, for the following reasons <ul style="list-style-type: none"> - The NPSFM OFWB provisions are the primary driver behind the Plan Change 7 provisions, and associated 'outstanding' assessments. Assessments undertaken by city and district councils, which include the identification of 'outstanding' areas within their district have occurred in response to their duties set out on other parts of the RMA. - Plan Change 7 has occurred at a larger regional scale, whereas assessments undertaken by city and district councils will occur at a district scale. A value which is outstanding at a district scale may not be outstanding at a regional scale due to the larger area and number of water bodies being assessed. - Plan Change 7 has carried out assessments in relation to water bodies only. Assessments undertaken by district or city councils are predominately terrestrial areas which include some water bodies. As such, the process to identify 'outstanding' areas in the district will have occurred looking at a range of values, some of which are not applicable to water bodies. - be different from the process used to identify OWB in the region. 	No.
Policy LW3A and Policy C2 create uncertainty for decision makers and resource consent applicants when proposing/assessing activities near an OWB. It is not clear what activities are included /excluded and whether the	Policy LW3A and Policy C2 provide important guidance to resource consent applicants and decision makers when assessing activities covered by a rule in a regional plan that can potentially cause adverse effects on outstanding water bodies. Notwithstanding, as currently drafted, Policy LW3A and Policy C2 create significant uncertainty for both decision makers and resource consent applicants, particularly between the time Plan Change 7 is proposed and the catchment based regional plan changes are progressed. For	Yes. Delete Policy LW3A Policy C2 and replace with new wording. (see Appendix 3)

Feedback	Council Staff comments	Was Draft Change 7 amended? (Y/N) ³²
policies are applicable to district and city council consenting functions. The significant values of the OWB have not been identified causing further uncertainty.	example a list of significant values will not be inserted until the relevant catchment based plan change has been progressed, yet the wording of Policies LW3A and C2 Draft Plan Change 7 requires consent applicants to take into account how their activity may impact on any of the significant values of these OWB. In the interim, Policies LW3A and Policy C2 do not provide any meaningful guidance as to how significant values will be reflected in decision making processes. To provide increased clarity for decision makers and applicants, the wording of Policies LW3A and C2 has been changed to be more specific about those activities in which it relates, with the policies effect being delayed until 2025. At 31 December 2025, all catchment based management plans would have been progressed and new freshwater objectives and water quality and quantity limits have been set across the region giving effect to the NPSFM. Additionally, These plans, will include provisions which protect the significant values of any OWB in their catchments.	
Unclear if the policies in Draft Plan Change 7, which direct the protection of significant values of for OWB located in the coastal environment, are more stringent than that required by the New Zealand Coastal Policy Statement.	<p>A new Objective 11 and two new Policies, Policy C1 and Policy C2 are 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.</p> <p>Objective 11 and Policies C1 and C2 assist in giving effect to Objectives 1 and 2 and Policies 11, 13 15 and 17 of the NZ Coastal Policy Statement, which requires the protection of significant natural ecosystems, indigenous biodiversity, sites of biological importance, natural features, historic heritage, natural character and landscape values, which are some of the many significant values which can be associated with water bodies in the coastal environment.</p> <p>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 NPSFM which specifically provides for the integrated management of the effects of use and development of land and freshwater on coastal water.</p> <p>The provisions in Draft Plan Change 7 ensure a consistent and integrated approach to the management of OWB occurs across the region.</p> <p>In response to feedback, some minor amendments have been made to the explanation for Objective 11, for clarification.</p>	Yes. Amend explanation for Objective 11. (see Appendix 3)

Record of development process (July 2019)

108. In July 2019, a summary of the feedback received during pre-notification consultation on Draft Plan Change 7, together with a final draft amended version of the Plan Change was reported back to RPC to consider adopting for public notification.
109. In response to the advice received on Plan Change 7 during the pre-notification period, a number of provisions in Plan Change 7 were amended. The key changes are identified in Table 16:

Table 16: Key Changes –Draft Plan Change 7

TABLE 1: RECOMMENDED AMENDMENTS TO CONSULTATION DRAFT OF PC 7

Ref.	Matter	Amendment proposed	
		Provision	Amendment & Reason
1	Decision-making criteria	Policy LW3A Policy C2	<ol style="list-style-type: none"> Defer application of policies until: <ol style="list-style-type: none"> The relevant catchment-based RRMP plan change is operative, or after 31 December 2025; whichever is sooner The review of the RCEP is operative; or after 31 December 2025; whichever is sooner Limit application of these policies to specified activities: <ol style="list-style-type: none"> In discretionary and non-complying rules in the RRMP and RCEP (and not to District Plans) As new consents or variations to existing consents Clarify wording for protection of significant values, including giving preferential protection to the identified outstanding values <p>These amendments provide greater certainty as to how the policy framework works, including with respect to NPSFM and NZCPS directives, and enable the more detailed catchment-based work on significant values to be completed prior to the policies coming into effect.</p>
2	Definitions	Glossary	<ol style="list-style-type: none"> Define 'outstanding' Define 'outstanding water body' <p>These amendments improve the clarity of key terms</p>
3	List & description of outstanding and significant values	Schedule 25 (previously Schedule XXIV)	<ol style="list-style-type: none"> Add descriptions of the outstanding values in Table 1 Add new columns to Table 2 for describing the outstanding and significant values identified for each water body Add descriptions of the outstanding values for each water body, and the significant values proposed for each OWB in the TANK catchment, where they are identified already Include references to the key source reports providing more detailed descriptions of the values, including outstanding values, of each water body

			<p>5. Re-present the following proposed OWBs by combining:</p> <ul style="list-style-type: none"> a. Mohaka River (upper and lower) b. Ngaruroro River (upper and lower) c. Porangahau River & Estuary d. Waikoa and Aropoanui Rivers with Lake Tutira <p>6. Remove all those water bodies from the schedule where insufficient information is available to justify their identification as proposed OWBs.</p> <p>These amendments provide greater certainty for how the provisions are intended to work, including through staging of application of policies and inclusion of more detailed information on outstanding values for each proposed OWB.</p>
4	Clarity		Minor and consequential changes to give better effect to the proposed change.

110. As discussed in paragraphs 99 to 104, a number of the water bodies in Plan Change 7 were identified by the RPC as having outstanding cultural and spiritual values despite not having a robust published evidence base to support their outstanding status.

111. In accordance with the directions of the RPC, in June 2019 relevant iwi authorities were contacted, and offered resourcing, in an attempt to gain further information on these water bodies in support of their outstanding status prior to notification of Plan Change 7. Limited information was received through the pre-notification consultation process, likely as a result of the relatively short timeframes.

EVALUATION SUMMARY OF ALTERNATIVES AND THE PREFERRED OPTION

112. Under Section 32 of the RMA, Plan Change 7 must be evaluated, firstly in terms of whether its objective(s) are the most appropriate way to achieve the purpose of the Act, and secondly whether its provisions are the most appropriate way to achieve the objective(s) contained in the plan change.
113. To assist in determining whether an alternative is appropriate, the effectiveness and efficiency of the alternatives should be considered, and the costs and benefits of the environmental, economic, social and cultural effects anticipated should be identified and assessed.
114. The following section considers alternatives to the preferred option of introducing new objectives and policies relating to outstanding water bodies into the RRMP.
115. The following five options are discussed in Table 17 below:
 - Option 1: Retain the Status Quo (no change to the RRMP)
 - Option 2: Resolution by HBRC that there are no OWB in Hawke's Bay (no change to the RRMP)
 - Option 3: Change RRMP (identify all water bodies in the region as 'outstanding water bodies')
 - Option 4: Change RRMP (insert a list of OWB + guiding policy)
 - Option 5: Change RPS + Regional Plan parts of RRMP and RCEP (insert a list of OWB + guiding policy + rules)
116. Options 1 and 2 require no change to the RPS, with Option 3 identifying all water bodies in Hawke's Bay as OWB. Options 4 and 5 assess whether Plan Change 7 should be restricted to an RPS change (i.e. guiding policy only), or whether Plan Change 7 should change the RPS and Regional Plan and Regional Coastal Environment Plan. These options are discussed in Table 17, below.
117. Table 17, provides a summary of the pros and cons of each option, their effectiveness and their respective efficiency. After considering the effectiveness and efficiencies of each option, Option 4 was determined as the most effective and efficient approach to give effect to the NPSFM OWB provisions, and the most appropriate way to achieve the purpose of the RMA.
118. In particular, Option 4 was favoured over Option 5, as future rule changes as a result of the identification of OWB in the region are better placed during catchment based planning with involvement of key stakeholders and the local community.

Table 17: Evaluation summary of alternatives

Costs, risks and uncertainties	Benefits	Efficiency & effectiveness	Evaluation of option overall
Option 1 – Status Quo (no change to the RRMP). This option retains the existing regulatory framework of objectives and policies in the RRMP which relate to OWB.			
<ul style="list-style-type: none"> • This option does not identify a list of OWB in Hawke's Bay. This causes uncertainty when developing future catchment based management plans as it is not clear what (if any) water bodies are outstanding in the catchment. • OWB may be identified on an ad-hoc basis during the development of each catchment based management plan. This is likely to result in an inconsistent approach used to identify OWB in each catchment throughout the region, with different catchment groups applying different reasoning as to why a water body is/is not outstanding. • Lack of certainty for stakeholder groups: No certainty for stakeholder groups around what makes a value outstanding and what waterbodies' values must be protected when developing the management regime for the catchment. • Does not give effect to the relevant NPSFM OWB provisions which prescribes a high level of protection for OWB. The risk of not acting is that the regions OWB will not have the appropriate policy protection in place, which may result in the outstanding values of these water bodies degrading over time, potentially to the point the value is no longer outstanding. • The existing provisions in the RPS do not provide any guidance on how to manage and protect outstanding water bodies located in the coastal environment (i.e. estuaries). • Inefficient use of resources/increased costs over the long term. The same discussions and work to assess and identify OWB would be repeated on a catchment by catchment basis during different time periods, likely re-litigating principles. • The identification of OWB on a catchment by catchment basis may result in unequal regional input. This means not everyone within the region will have an equal opportunity to provide input into identifying outstanding waterbodies across Hawke's Bay³⁶. • The future catchment based plan changes, and respective community discussions will not know from the outset which water bodies are 	<ul style="list-style-type: none"> • Low cost to HBRC as no expense incurred in preparing an RPS plan change. • The hard discussion around which water bodies in Hawke's Bay are/ are not outstanding does not have to take place in the context of a standalone plan change. 	<ul style="list-style-type: none"> • The existing RPS provisions are not operating in an efficient manner. • The RPS does not contain a list of OWB in Hawke's Bay, or direct the protection of significant values of outstanding water bodies. • Does not give effect to the relevant NPSFM OWB provisions which prescribes a high level of protection for OWB. • Ineffective in meeting objectives and the purpose of the RMA. • Would not be effective in guiding consent decision making and regional plan review/ change processes which involve OWB. • Inefficiencies in the longer-term, as costs associated (and potentially litigious) decision-making processes to identify OWB on a catchment by catchment basis outweigh low administrative costs saved by not changing the RPS. 	<ul style="list-style-type: none"> • Not the most effective and efficient option to achieve the purpose of the RMA.

³⁶ For example, the TANK collaborative catchment group would decide on behalf of others in the region if there are/are not any OWB in the TANK catchment area.

Costs, risks and uncertainties	Benefits	Efficiency & effectiveness	Evaluation of option overall
<p>outstanding and have values which cannot be 'traded off', with other less than outstanding values.</p> <ul style="list-style-type: none"> • Enables 'trade-offs' to occur on OWB, where degradation is allowable providing it is offset by a proportionate improvement elsewhere in the catchment. For example: If OWB are not identified before catchment management plans are developed, the values that make them outstanding may be 'traded' when a stakeholder group is trying to find an appropriate balance for the managing water quality in their catchment. This means the water quality of OWB may be purposely allowed to decline in order to improve water quality elsewhere in the catchment. • There is a risk of judicial review court proceedings if the OWB plan change is not progressed in accordance with the timing and sequencing directed in RRMP Policy LW1A. • If the OWB plan change is not progressed in a timely manner though to an operative state, then the timeframes to commence and complete NPS-FM planning in all the remaining catchments (e.g. Wairoa, Mohaka, Esk, Aropoanui, southern coast and Porangahau) will become ever increasingly compressed by the NPS-FM 31 Dec 2025 timeframe (or 2030 extension). 			
Option 2: Resolution by HBRC that there are no OWB in Hawke's Bay (no change to the RRMP)			
<ul style="list-style-type: none"> • Will not result in the protection of outstanding water bodies. Water bodies must be identified in a regional policy statement or regional plan prior to their significant values being protected as per NPSFM OFWB provisions. • This option does not identify a list of OWB in Hawke's Bay. This causes uncertainty when developing future catchment based management plans as to whether OWB can be identified through this process or not. • Risk of significant litigation costs, as stakeholders who believe there are OWB in the region may request a judicial review of HBRC's decision. • Provides no guidance to decision making on catchment planning and may result in disagreements during the catchment based plan change process between those who believe there are outstanding water bodies in the catchment, and those who do not. • Enables 'trade-offs' to occur on Hawke's Bay's most treasured waterbodies. For example: If these water bodies are not identified as 	<ul style="list-style-type: none"> • Low cost to HBRC as no expense incurred in preparing an RPS plan change. • Prevents the perception, that HBRC are identifying OWB and diminishing the significance of other highly valued water bodies. 	<ul style="list-style-type: none"> • Does not give effect to HBRC's roles and responsibilities if there are OWB in Hawke's Bay. In particular would not give effect to the relevant NPSFM OWB provisions • If there are OWB in Hawke's Bay, this option is ineffective in meeting objectives and the purpose of the RMA. • Would not be effective in guiding consent decision making and regional plan review/ change processes which involve Hawke's Bay's most treasured water bodies. • This is an inefficient option, which is highly likely to be challenged in 	<ul style="list-style-type: none"> • Not the most effective and efficient option to achieve the purpose of the RMA.

Costs, risks and uncertainties	Benefits	Efficiency & effectiveness	Evaluation of option overall
<p>having outstanding values, the values that make them outstanding may be 'traded' when trying to find an appropriate balance for the managing water quality in their catchment. In theory, the water quality of one of Hawke's Bays most treasured water bodies may be allowed to decline in order to improve water quality elsewhere in the catchment.</p> <ul style="list-style-type: none"> A resolution by HBRC that there are no OWB in the region could be potentially difficult to justify. Given parts of the Mohaka River and tributaries have an existing Water Conservation Order identifying some outstanding values, and the Ngaruroro River is the subject of an application for a Water Conservation Order with the applicants arguing the river does have nationally outstanding values and features. 		<p>the High Court via a judicial review. If a judicial review was successful, this would result in higher costs in the longer term and the court is likely to direct HBRC to undertake an OWB plan change.</p>	
Option 3: RRMP Change: identify all water bodies in the region as 'outstanding water bodies'			
<ul style="list-style-type: none"> Being outstanding is a high test. The term 'outstanding' distinguishes something from others based on its exceptional qualities and is typically described as the 'best of the best'. A plan change which identifies all rivers, lakes, wetlands, streams, creeks, aquifers and estuaries as containing an outstanding value would be difficult to justify. The NPSFM OFWB provisions requires identification of the outstanding values, of these outstanding water bodies, in a regional policy statement or regional plan. Identifying an outstanding value for all water bodies in Hawke's Bay as outstanding water bodies would require a significant amount of resourcing. This option causes uncertainty when developing future catchment based management plans as to how to manage water bodies in the context of the NPSFM that have all being identified as OWB. Creates uncertainty for resource users in the region and may cause an increase in resource consent costs and confusion for applicants. All resource consents applications with a discretionary activity status will need to address how the activity is protecting the significant values of the closest water body. Risk of significant litigation costs, as stakeholders who do not believe all water bodies are outstanding in Hawke's Bay may challenge HBRC decisions through to the Environment Court. May unnecessarily constrain the development potential of many water bodies within the region which are not truly outstanding. Provides no meaningful guidance to decision making in catchment 	<ul style="list-style-type: none"> Consistent with tangata whenua views that all water bodies are outstanding. The hard discussion around which water bodies in Hawke's Bay are/ are not outstanding does not have to take place in the context of a standalone plan change. 	<ul style="list-style-type: none"> While a number of water bodies in Hawke's Bay are of high value, only a very small number would contain an outstanding value (i.e. one that stands out from the rest on a regional basis). It would be impracticable to undertake a region wide study attempting to identify an outstanding value for every river, lake, wetland, stream, creek, aquifer and estuary in the region. Would not be effective in guiding consent decision making and regional plan review/ change processes which involve Hawke's Bay's most treasured water bodies. This is an inefficient option, which is highly likely to be challenged through the schedule one process to the Environment Court. This would result in higher costs in the longer term and the decision on which water bodies are/are not outstanding will 	<ul style="list-style-type: none"> Not the most effective and efficient option to achieve the purpose of the RMA.

Costs, risks and uncertainties	Benefits	Efficiency & effectiveness	Evaluation of option overall
planning and could result in confusion, with catchment planning processes not provided with any justification around what a particular water body has been identified as outstanding.		ultimately be made through the courts.	
Option 4 – RRMP Change (inserting a list of OWB + guiding policy)			
<ul style="list-style-type: none"> • The costs of preparing and notifying a change to RPS. • This option implements the a suitable framework to ensure the protection of outstanding water bodies in future plan making, but does not include new rules or amend any existing rules in regional plans. As such, it will not result in the immediate protection of some outstanding water bodies. How the significant values of each water body are protected will be decided during future catchment based planning changes. • The protection of some outstanding water bodies may only be achievable over a longer timeframe depending on which catchment the outstanding water body is located in, and in what year the councils work programme has scheduled the development of the catchment based plan. • May result in disconnect between guiding policy and existing rules. For example, a number of activities which involve the discharge of contaminants, and the take, use, or diversion of water in or near outstanding water bodies are controlled or restricted discretionary activities with limited matters of control or discretion that can be taken into account when deciding on the resource consent application. Existing rules in plans will not be updated until the catchment planning phase is scheduled for each catchment, meaning when resource consent comes up for renewal in the interim, the activity may be able to carry on as existing – without needing to have regard to an OWB significant values. • Increase in the costs of resource consents, for discretionary activities occurring in or near an outstanding water body. i.e. More detailed consent applications will need to be provided setting out the potential adverse effects that the proposed activity will have on the significant values of an OWB, and measures that will be undertaken to ensure protection of the significant values from the proposed activity. • May result in increased litigation costs for resource consent applicants through appeals. 	<ul style="list-style-type: none"> • Enables the discussion around which water bodies are outstanding to occur on a region wide basis instead of at a catchment by catchment level. This reduced the likelihood of debates over what are and are not OWB during future catchment planning processes. • Provides clarity around which water bodies are outstanding and provides guidance for their future management to ensure their protection. • A guiding policy framework in the RPS provides a broad overall, but consistent approach, without being too rigid, allowing limitation to be prescribed in future policy. • Guiding policy can be of value to decision makers, particular when there is uncertainty or insufficient information. • Guiding policy in terms of methodologies or decision-making processes can offer some clarity and certainty about the processes that need to be followed when assessing applications or making plans which affect OWB in the region. • Provides degree of flexibility insofar as decision making at catchment-level is not highly prescribed, but guided by overall principles and direction on how to manage OWB. • A guiding policy framework in the RPS 	<ul style="list-style-type: none"> • Gives effect to the relevant NPSFM OWB provisions which prescribes a high level of protection for OWB to ensure their protection for future generations. • Effective in meeting objectives and the purpose of the RMA. • Effective in guiding consent decision making and regional plan review/ change processes which involve OWB. • This option recognises that the most efficient approach to protect OWB in the region is to enable a range of methods to be used in the future (both regulatory and regulatory). • This option amends the current regulatory framework to identify a list of OWB in the region, and clarify that these water bodies require special attention during future planning processes. 	<ul style="list-style-type: none"> • This is considered the most effective and efficient method to achieve the purpose of the RMA as it relates to Hawke's Bay. • This method is the preferred method. • This method embeds into the RPS the approach set out in the OWB in the NPSFM. • This option strikes an appropriate balance between directing the protection of OWB generally, while still providing flexibility around exactly how this is achieved in circumstances of each OWB individually.

Costs, risks and uncertainties	Benefits	Efficiency & effectiveness	Evaluation of option overall
	<p>ensures that both district and regional plans recognise and protect OWB.</p> <ul style="list-style-type: none"> • Has the challenging discussion around which water bodies are outstanding in Hawke's Bay once, rather than in each catchment based plan change process. • Activities which fall into a discretionary activity classification discharging contaminants, or taking, using, damming or diverting water. 		
Option 5 – Change to RPS + Regional Plan parts of RRMP (inserting a list of OWB + guiding policy + rules)			
<ul style="list-style-type: none"> • The costs of preparing and notifying a change to the Regional Resource Management Plan and the Regional Coastal Environment Plan. • Large scope, significant longer timeframe and cost than Option 4, to develop Plan Change 7. For example, before new rules can be included to protect the significant values out OWB the significant values of the OWB need identified with input by the community. Current understanding of the significant values of OWB is limited to those values identified in pre-existing literature. • This option is inflexible and directs from the outset (through rules) how the significant values of OWB will be protected, with potentially limited input from the community. • Increased costs, challenges can occur against regional policy statement and regional plan and regional coastal environment plan. • May result in increased litigation costs for resource consent applicants through appeals. • Increased resource consent costs in some instances, as a more detailed consent applications may need to be provided for activities which are potentially impacting on the significant values of outstanding water bodies. • Additional cost, as discretionary activity rules will be eventually updated and changed as the catchment based plan changes tailor rules for each outstanding water body (i.e. each outstanding water body will have a different set of significant values that will need to be protected, and different pressures surrounding it). 	<ul style="list-style-type: none"> • The discussion around which water bodies are outstanding to occur on a region wide basis instead of at a catchment by catchment level. This reduces the likelihood of debates over what are and are not OWB during future catchment planning processes. • Will provide immediate protection to outstanding water bodies by including rules which enable decision makers to take into account all of the potential effects of activities in or near outstanding water bodies. i.e. rather than waiting for the catchment based management plans which will provide protection over a longer timeframe. • Provides clarity around which water bodies are outstanding and how their significant values will be protected. 	<ul style="list-style-type: none"> • Inefficiencies as consultation with relevant community interests is very important when developing rules. These groups may have reduced involvement and potentially less 'buy in'. • Inefficiencies as may take a long time to progress Plan Change 7. Plan Change 7 is just one of several workstreams to amend the RRMP and RCEP so as to fully implement the NPSFM and relevant parts of the NZCPS. 	<ul style="list-style-type: none"> • Not the most effective and efficient option to achieve the purpose of the RMA.

EVALUATION – OUTSTANDING WATER BODY OBJECTIVES

119. Section 32 of the RMA requires the Council to evaluate the extent to which each objective is the most appropriate way to achieve the purpose of the RMA.
120. The purpose of the RMA is set out in Section 5 of the Act and is further defined by the principles set out in sections 6, 7 and 8 which are also relevant to this assessment. The RMA has an overarching single purpose of sustainable management.
121. The NPSFM, is a high level planning document, which sets out the strategic direction of freshwater management in New Zealand. The NPSFM sets a clear direction for the management of OWB, requiring regional councils to identify and protect the significant values of those water bodies in their region with outstanding values.
122. The NPSFM has been prepared by the Government in accordance with Part 2 of the RMA. Therefore, by giving effect to the 2014 NPSFM, the amendments are achieving the purpose of the RMA³⁷. As such, the provisions of Plan Change 7 supports the direction set through the NPSFM, which is consistent with the purpose of the Act.
123. In light of the NPSFM OWB provisions (as most recently amended in 2017), it is proposed to amend Objective LW1, and insert a new Objective 11 into the RPS. The proposed changes will align with the latest NPSFM wording which requires the protection of the significant values of OWB³⁸, and refer to a list of OWB in Hawke's Bay.
124. The proposed Change to Objective LW1 and the proposed new Objective 11 are detailed as follows:

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 outstanding and significant values quality of outstanding freshwater bodies identified in Schedule 25 Hawke's Bay ;*
 1A."

OBJ 11 *Protection of the outstanding and significant values of those outstanding water bodies within the Coastal Environment listed in Schedule 25.*

125. As discussed in paragraph earlier in the report, Plan Change 7 is one of a series of work programmes which are currently being undertaken to implement the NPSFM and NZCPS to ensure that water is available for the use and enjoyment of everyone in the region, including tangata whenua, now and for future generations.

Evaluation summary of objectives

126. The summary of the evaluation of amended Objective LW1 and new Objective 11, against the purpose of the RMA, is set out in Table 18, below.
127. On the basis of this assessment, Hawke's Bay Regional Council is satisfied that the new Objective 11 and amended Objective LW1 are the most appropriate way to achieve the purpose of the RMA. In particular, the objectives:
- Are consistent with the NPSFM OWB provisions which requires regional councils to protect the significant values of outstanding water bodies.
 - Give priority to waterbodies that have been identified as having outstanding values and provide clear direction that future management methods need to be focused on the protection or improvement of these waterbodies.
 - Ensures a consistent framework is in place to manage and protect OWB in the region regardless of their location. In particular new Objective 11 aligns with provisions relating to outstanding water bodies that are located inland from the coastal environment, as set out in Chapter 3.1A of the RRMP.
 - Provide for the integrated management of the effects of use and development of land and freshwater on

³⁷ In the context of giving effect to the NPSFM resort to Part 2 is not appropriate because Part 2 has been embodied by the NPSFM *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38.

³⁸ 2014 NPSFM wording required the protection of the quality of 'outstanding freshwater bodies.

coastal water, in accordance with the NPSFM, NZCPS and also s30(1).

- Refer to a list of OWB set out in Schedule 25 of the RPS. Identifying a list of OWB will assist the council and community to identify and protect the significant values of OWB, when making decisions in the future that involve the balance of multiple, and often competing, values associated with land use and development and water resources in Hawke's Bay.
- Directly informs future catchment planning processes, by clearly signalling that future plan provisions and management methods need to deliberately identify and protect the significant values of the outstanding water bodies.
- Provide certainty by identifying those water bodies which require special attention during future planning processes.
- Give partial effect to the NZCPS. Specifically, new Objective 11 give partial 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.
- The NPSFM has been prepared in accordance with Part 2 of the RMA. Therefore, by giving effect to the 2014 NPSFM, the amendments are achieving the purpose of the RMA³⁹. As such, the provisions of Plan Change 7 supports the direction set through the NPSFM, which is consistent with the purpose of the Act.

³⁹ In the context of giving effect to the NPSFM resort to Part 2 is not appropriate because Part 2 has been embodied by the NPSFM *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38.

Table 18 Evaluation summary of objectives

Amended /new Objective of PC7	Does it address the issue	Does it achieve the purposes of the RMA?	Is the new/amended objective the most appropriate way to achieve purpose of the RMA?
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 outstanding and significant values of outstanding water bodies identified in Schedule 25; 1A. ⁴⁰	<ul style="list-style-type: none"> • The amendments provide a clear statement of intent for water bodies in Hawke's Bay contain outstanding values. • The amendments are consistent with the 2014 NPSFM which direct regional councils to protect the significant values of outstanding water bodies (Objectives A2 and B4) rather than the earlier 2011 NPSFM policy directives. • The amendments provides clear direction to future catchment based plan changes, and respective community discussions, which water bodies are outstanding and have significant values which must be protected. • The amendments ensure future catchment based plan changes contain provisions protect the significant values of OWB for future generations. 	<ul style="list-style-type: none"> • Objectives A2 and B4 of the NPSFM requires the protection of significant values of OWB. The proposed amendments reflect the updated wording in relation to outstanding water bodies as stated in the NPSFM. • The NPSFM also requires regard to the connections between freshwater and coastal water (Policies A1 and B1), which is reflected in whole river systems, including their estuaries, being included in the plan change. • The NPSFM is a higher level document prepared in accordance with Part 2 of the RMA. As such, by giving effect to the 2014 NPSFM, the amendments are achieving the purpose of the RMA⁴⁰. 	Yes. The amended objective reflects the updated wording of the NPSFM in relation to OWB. This is more appropriate than status quo (i.e.no amendment to Objective LW1).
OBJ 11 Protection of the outstanding and significant values of those outstanding water bodies within the Coastal Environment listed in Schedule 25.	<ul style="list-style-type: none"> • Freshwater and coastal systems are interconnected. The management and protection of outstanding water bodies is complex and needs be integrated between the two environments, to ensure adequate protection of all outstanding water bodies. • The new objective ensures a consistent framework is in place to management and protect OWB in the region regardless of their location. • The new objective provides clear direction 	<ul style="list-style-type: none"> • Objective 2 of the NZCPS seeks to preserve the natural character of the coastal environment and to protect natural features and landscape values. • Policy 11 protects indigenous biological diversity in the coastal environment. • Policy 13 of the NZPCS requires greater protection for areas of 'outstanding' natural character in the coastal environment. The new objective partially gives effect to Policy 13 of the NZCPS which seeks to protect 	Yes. The new objective is more appropriate for achieving the RMA's purpose than the than status quo (i.e. existing objectives in the RPS).

⁴⁰ In the context of giving effect to the NPSFM resort to Part 2 is not appropriate because Part 2 has been embodied by the NPSFM *Environmental Defence Society inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38.

Amended /new Objective of PC7	Does it address the issue	Does it achieve the purposes of the RMA?	Is the new/amended objective the most appropriate way to achieve purpose of the RMA?
	<p>to future catchment based plan changes, and respective community discussions around which water bodies are outstanding and have significant values which must be protected.</p> <ul style="list-style-type: none"> • The new objective ensures future catchment based plan changes contain provisions protect the significant values of OWB for future generations, regardless of their location. • The new objective partially gives effect to objectives 1 and 2, and policies 13 and 15 of the NZCPS, by directing the protection of significant values of OWB located in the coastal environment. (Note: natural features and landscape values are just a few of many significant values which may be identified for protection). • The new objective recognises the importance of all significant values associated with outstanding water bodies in the coastal environment, and requires their protection (i.e. does not restrict protection to outstanding natural character, natural features and natural landscapes). 	<p>outstanding natural features, including biophysical and geological aspects, natural landforms, and wild and scenic areas. Some of these features will be associated with water bodies (i.e. estuaries which are located in the coastal environment).</p> <ul style="list-style-type: none"> • Policy 15 of the NZCPS requires greater protection for outstanding natural features and outstanding natural landscapes in the coastal environment. The new objective partially gives effect to Policy 15 by protecting those outstanding natural features and landscapes, which are two of a number of significant values that may be associated with water bodies located within the coastal environment. • Policy 17 of the NZCPS protects historic heritage in the coastal environment from inappropriate subdivision, use, and development. • The new objective closely mirrors similar provisions relating to outstanding water bodies in Section 3.1A of the RPS (e.g. Objective LW1). While the NZCPS does not provide guidance or refer to outstanding water bodies, Objective 11 ensures that water bodies with outstanding values located within the coastal environment (i.e. estuaries), enjoy the same high level of protection as those water bodies with outstanding values which are freshwater. • The NZCPS was prepared in accordance with Part 2 of the RMA, therefore by partially giving effect to provisions in the NZCPS, the 	

Amended /new Objective of PC7	Does it address the issue	Does it achieve the purposes of the RMA?	Is the new/amended objective the most appropriate way to achieve purpose of the RMA?
		amendments are achieving the purpose of the RMA ⁴¹ .	

⁴¹ In the context of giving effect to the NPSFM resort to Part 2 is not appropriate because Part 2 has been embodied by the NPSFM *Environmental Defence Society inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38.

EVALUATION – APPROPRIATENESS OF POLICIES IN PLAN CHANGE 7

128. Having concluded that the objectives are the most appropriate way of achieving the purpose of the RMA, the next requirement in the section 32 evaluation is for Council to consider whether, having regard to their effectiveness and their efficiency, the provisions in the proposal are the most appropriate for achieving the objectives of Plan Change 7.
129. The following section contains a summary of the key policies within Plan Change 7, and whether there are any other reasonably practicable options for achieving the objectives.
130. Table 18, below evaluates the efficiency and effectiveness of each policy in achieving the objectives of Plan Change 7, taking into account any benefits, costs and risks, and whether the provisions are the most appropriate to achieve the objectives.

Evaluation summary of policies

131. Currently there are two policies within the RPS that refer to outstanding water bodies; Policies LW1A and LW1, which guide the identification and protection of those freshwater bodies with outstanding values in the region.
132. Plan Change 7 proposes to amend Policy LW1, and insert three new policies (Policy LW3A, Policy C1 and Policy C2) into the Regional Policy Statement to help implement Objectives LW1 and 11.
133. The new and amended policies will provide a consistent region wide management framework going forward for all outstanding water bodies across the region. Policies LW1 and C1 are strategic policies which provide high level guidance for development of more targeted policies and rules for OWB in future catchment management planning.
134. The new and amended policies set out below are considered to be the most appropriate provisions for achieving Objectives LW1 and 11 of Plan Change 7.

POL LW1 Problem solving approach - catchment-based integrated management

135. The 2014 NPSFM provisions direct a high level of protection for those water bodies with outstanding values. Policy LW1 has been amended to give further effect to the NPSFM OWB provisions, by providing clear guidance that the significant values of outstanding water bodies will need to be protected when developing future plans.
136. The proposed amendments to Policy LW1 provide clear direction around how best to achieve that outcome. This involves the identification of an outstanding water body's significant values (including their spatial extent), and managing activities in or near outstanding water bodies which avoids adverse effects on its significant values.
137. In recognition that 'one size does not fit all', the high level guidance in Policy LW1 will enable the future catchment plan changes to develop more targeted policies and rules in a manner which is best suited to each individual OWB.
138. The proposed amendments to Policy LW1 are set out below:

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).....";
 - cB)....."
 - cC) assesses the outstanding water bodies identified in Schedule 25 to determine the significant values of those water bodies. This assessment include consideration of the values set out in Appendix 1 of the National Policy statement for Freshwater

Management, and any other values that are determined to be relevant taking into account local and/or regional circumstances.

- d) ~~gives effect to provisions relating to outstanding freshwater bodies arising from the implementation of Policy LW1A~~ protects the outstanding and significant values of those outstanding water bodies identified listed in Schedule 25⁴²;
- dA) maintains, and where necessary enhances, the water quality of those outstanding freshwater bodies identified in Schedule 25, the catchment and where appropriate, protects the water quantity of those outstanding freshwater bodies;
- e) ~~....~~

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 identified in Schedule 25:
 - 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 outstanding and significant values of outstanding water bodies identified in Schedule 25 will be protected by regulatory methods or non-regulatory methods or both;⁴³
 - iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the outstanding and significant values of an outstanding water body identified in Schedule 25.
- c) ~~....~~

POL LW2 Problem solving approach - Prioritising values

139. Policy LW2 prioritises values of freshwater in three catchment areas, being the Greater Heretaunga / Ahuriri Catchment Area, Mohaka Catchment Area and Tukituki Catchment Area, where significant conflict exists between competing values.
140. To provide clarity, Plan Change 7 proposes the following amendments to Policy LW2:

POL LW2 Problem solving approach - Prioritising value

Subject to achieving Policy LW1.3:

- 1. a) *Policy LW 2.1 applies in the following catchment areas:*
 - i) *Greater Heretaunga / Ahuriri Catchment Area*
 - ii) *Mohaka Catchment Area*
 - iii) *Tukituki Catchment Area.*
- b) *Policy LW 2.1 applies:*
 - i) *When preparing regional plans for the specified catchments specified in Policy LW 2.1; and*
 - ii) *When considering resource consents for activities in the specified catchments*

⁴² 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 25.

⁴³ 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 25.

when no catchment-based regional plan has been prepared for the relevant catchment.

c) Give priority to Values and uses of water bodies in these catchment areas⁴⁴ will be prioritised as follows:

- i) Protecting outstanding values of any outstanding waterbody in Schedule 25, then
- ii) Protecting significant values of any outstanding waterbody in Schedule 25, then
- iii) Maintaining, or enhancing where appropriate, the primary values and uses of freshwater bodies shown in Table 1, then
- iv) Having particular regard to the secondary values and uses of freshwater bodies identified in Table 1, then
- v) For values not specified in Table 1 or Schedule 25, the management approach set out in Policy LW 1 will apply
- vi) 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 LW 1.1, ~~Policy 1.2, Policy 1.3 and Policy 1.4~~ or when considering resource consent applications where no catchment-based regional plan has been prepared.

2. In relation to catchments not specified in Policy LW2.1, the management approach set out in Policy LW 1.1, ~~Policy 1.2, Policy 1.3 and Policy 1.4~~ will apply.

POL LW3A Decision Making Criteria – Outstanding Water Bodies (new policy)

141. Policy LW3A is intended to provide guidance to resource consent applicants and decision-makers when assessing activities which can potentially cause adverse effects on outstanding water bodies.
142. Policy LW3A is particularly relevant for new activities requiring a resource consent for a discretionary activity, prior to the relevant catchment based management plan being notified. Once the future catchment management plan has been notified, it is expected that the outstanding water bodies in the catchment will be protected through the policies, rules and other methods developed through this process.
143. The new policy will provide clarity for resource consent applicants and decision makers around the types of factors that will be considered when assessing resource consent applications to ensure the outstanding water body's significant values are appropriately protected.
144. Proposed new Policy LW3A is set out below:

Policy LW3A - Decision Making Criteria – Outstanding Water Bodies

1. In relation to those types of activities identified in Policy LW3A.2, once the relevant catchment based regional plan change is operative or after 31 December 2025, whichever is sooner, a consent authority must have regard to:
 - a. the extent to which the activity would protect the outstanding value(s) described in Schedule 25 of the relevant outstanding waterbody
 - b. the extent to which the activity would protect the significant values (if any) identified in Schedule 25 of the relevant outstanding waterbody
 - c. whether, in order to protect the waterbody's outstanding values and significant values:
 - i. the location of the proposed activity is appropriate
 - ii. time limits, including seasonal or other limits on the activity may be appropriate.
 - d. If there is a conflict between protecting an outstanding and a significant value of the same water body, protection of the outstanding value must be given preference.

⁴⁴ A map illustrating the indicative location of these Catchment Areas is set out in Appendix 'A'.

2. Policy LW3A.1 only applies to the following activities classified as a discretionary activity or a non-complying activity by a rule in a regional plan:
 - a. a take, use, damming, or diversion of water from an outstanding waterbody
 - b. a change to any existing take, use, damming or diversion of water from an outstanding waterbody
 - c. a discharge or a change or increase in any discharge of a contaminant into an outstanding waterbody
 - d. a discharge or a change or increase in any discharge of a contaminant onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering an outstanding waterbody
 - e. a land use consent for any new structure in the bed of an outstanding waterbody
 - f. a land use consent for any new or increased disturbance of the bed of an outstanding waterbody that is not already authorised by a current land use consent
3. Policy LW3A.1 only applies in the following circumstances:
 - a. where a description of the outstanding waterbody's outstanding value(s) is stated in Schedule 25 and/or
 - b. where a description of the outstanding waterbody's significant value(s) is stated in Schedule 25.

POL C1 Problem solving approach – outstanding water bodies (new policy)

145. Policy C1 is a new policy that has been included in Plan Change 7 to provide a consistent approach to the management of OWB in the coastal environment. Policy C1 achieves the same outcome as the proposed amendments to Policy LW1, but in a coastal environment context (see paragraphs 135 to 138).
146. Proposed new Policy C1 is set out below:

POL C1 Problem solving approach – outstanding water bodies

1. When preparing regional plans, in relation to any relevant outstanding waterbodies identified in Schedule 25:
 - 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 outstanding and significant values of outstanding water bodies listed in Schedule 25 will be protected by regulatory methods or non-regulatory methods or both;⁴⁵
 - iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the outstanding and significant values of an outstanding water body listed in Schedule 25.

POL C2 Decision Making Criteria – Outstanding Water Bodies (new policy)

147. Policy C2 is a new policy that has been included in Plan Change 7 to provide a consistent approach to the management of OWB in the coastal environment. Policy C1 achieves the outcome as the proposed amendments to Policy LW3A, but in a coastal environment context (see paragraphs 141 to 143).
148. Proposed new Policy C2 is set out below:

Policy C2 - Decision Making Criteria – Outstanding Water Bodies

1. In relation to those types of activities identified in Policy C2.2, once the relevant catchment

⁴⁵ 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 25.

based regional plan change is operative or after 31 December 2025, whichever is sooner, a consent authority must have regard to:

- a. the extent to which the activity would protect the outstanding value(s) described in Schedule 25 of the relevant outstanding waterbody
 - b. the extent to which the activity would protect the significant values (if any) identified in Schedule 25 of the relevant outstanding waterbody
 - c. whether, in order to protect the waterbody's outstanding values and significant values:
 - i. the location of the proposed activity is appropriate
 - ii. time limits, including seasonable or other limits on the activity may be appropriate.
 - d. If there is a conflict between protecting an outstanding and a significant value of the same water body, protection of the outstanding value must be given preferential protection.
2. Policy C2.1 only applies to the following activities:
- a. a take, use, damming, or diversion of water from an outstanding waterbody
 - b. an increase in any existing take, use, damming or diversion of water from an outstanding waterbody
 - c. a discharge or a change or increase in any discharge of a contaminant into an outstanding waterbody
 - d. a discharge or a change or increase in any discharge of a contaminant onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering an outstanding waterbody
 - e. a land use consent for any new structure in the bed of an outstanding waterbody
 - f. a land use consent for any new or increased disturbance of the bed of an outstanding waterbody that is not already authorised by a current land use consent
3. Policy C2.1 only applies in the following circumstances:
- a. where a description of the outstanding waterbody's outstanding value(s) is stated in Schedule 25 and/or
 - b. where a description of the outstanding waterbody's significant value(s) is stated in Schedule 25.

Table 19: Evaluation Summary – Determining the most appropriate policy approach

The following policy approach have been assessed in determining the most effective and efficient approaches to achieve the objectives of Plan Change 7

Policy approach	Costs, risks and uncertainties	Benefits	Efficient and effective overall?	Appropriateness
General				
Status Quo /do nothing	<ul style="list-style-type: none"> • The current policy wording does not give effect to the 2014 NPSFM OWB provisions, which requires the protection of significant values of OFWB. • Lack of clarity for future catchment based planning processes and for decision makers when assessing future resource consents applications near an OWB. • Potentially harder to protect of the significant values of outstanding water bodies in the region due to lack of guidance. • No clear guidance to decision-makers when assessing activities which can potentially cause adverse effects on outstanding water bodies. • Could result in inconsistent decisions across the region when decision makers are considering activities in or near OWB. 	<ul style="list-style-type: none"> • Potentially increased development opportunities around OWB due to the RPC not providing guidance on how to protect the significant values of OWB. 	<p>Low efficiency and effectiveness.</p> <p>Achievable – is within the Council's functions under the RMA and NPSFM</p>	No
Non-regulatory				
Awareness, education, communication and any other non-regulatory methods Informing and advising landowners/ consent holders located near OWB + 'any other non-regulatory methods'	<ul style="list-style-type: none"> • Cost to HBRC through education and awareness campaign + any incentives provided to encourage protection of significant values of OWB. • Not mandatory – potentially means despite being informed about an OWB located nearby, this may not result in the protection of the significant values of OWB due to economic factors being more important to some individuals. • No regulation so messages may be disregarded without any penalties. 	<ul style="list-style-type: none"> • The protection of outstanding water bodies is also reliant and the actions landowners and consent holders to undertake activities in a manner which protects the significant values of OWB. • More collaborative approach will result in and increased 'ownership' over ideas around how best to protect significant values of the OWB. Increased 'buy in'. • May result in the improvement of significant values of some OWB. Landowners / consent holders may not have been aware of the special values associated with nearby water body. • Appropriate protection measures can be tailored for each OWB. • The protection of significant values can happen now, does not need a plan change to be progressed. 	<p>On its own low effectiveness.</p> <p>As part of a 'package' of methods - high effectiveness</p>	Yes – as part of a 'package'

Policy approach	Costs, risks and uncertainties	Benefits	Efficient and effective overall?	Appropriateness
		<ul style="list-style-type: none"> Methods to catchment management groups develop to protect the significant values of outstanding water bodies are likely to be a mix of both regulatory and non-regulatory methods. In certain cases regulatory methods may not be appropriate at all. i.e. when an OWB is located in a national park. 		
Financial	<ul style="list-style-type: none"> Cost to HBRC for any financial incentives (e.g. grants) include direct cost of incentive and administrative support and monitoring Requires campaign to raise awareness of any funding opportunity Not mandatory, so there may be uneven uptake of funding Risk that funding will not be sufficient to achieve protection of the outstanding value i.e. additional funding may be necessary for value protection and for monitoring to ensure expected benefits are delivered Places greater onus on HBRC to take more responsibility for protecting OWBs at a higher cost to the regional ratepayer 	<ul style="list-style-type: none"> Supports landowners and managers in stepping up to protect the OWB; more collaborative approach Flexible application of funding is possible to best meet specific circumstances Protection of significant values can happen now, it does not need to wait for the plan change to be made operative Partial funding may seed top up funding from others e.g. landowner, government, philanthropic trusts etc 	<p>On its own low cost effectiveness.</p> <p>As part of a 'package' of methods - high effectiveness</p>	Yes - as part of a package of methods
Regulatory (Policies LW1 and C1)				
Amendments to POL LW1 & new Policy C1	<ul style="list-style-type: none"> Degree of uncertainty for stakeholders with interests in outstanding water bodies (i.e. no certainty around what future rules and restrictions will be put in place to protect the significant values of each OWB). Does not contain any rules. This may result in lag in extra protection measures being developed for those OWB, located in catchments which are not scheduled for catchment management plans in the near future. Potential extended disagreements on what constitutes 'significant'. No examples of definitions in relevant national policy statements nor associated case law that may assist with interpretation. 	<ul style="list-style-type: none"> Will help guide catchment planning by providing a consistent framework for managing and protecting outstanding water bodies across the region. Gives effect to the 2014 NPSFM outstanding water body provisions, by directing the identification and protection of their significant values during catchment planning processes. Policy LW1 and Policy C1 provide clear direction that the significant values of each OWB must be protected, and sets out high level guidance around how this is achieved. Methods to achieve Policy LW1 and Policy C1 are likely to be a mix of both regulatory and non-regulatory methods – some with existing rules and some as new methods. 	<p>Policy Option 2 is considered to be efficient and effective insofar as Policies LW1 and C1:</p> <ul style="list-style-type: none"> Specify an approach that must be used when developing future provisions for OWB. Does not prescribe precisely what the approach must be taken to protect OWB. Reduces likelihood of debate and re-debate over factors to consider, and what approach should be 	Yes

Policy approach	Costs, risks and uncertainties	Benefits	Efficient and effective overall?	Appropriateness
		<ul style="list-style-type: none"> There is a degree of flexibility to Policy LW1 and Policy C1 which ensures the policies and methods (regulatory and non-regulatory) may be used to protect the significant values of outstanding water bodies. The decision making framework set out in Policy LW1 and Policy C1, with regard to outstanding water bodies, ensures that decisions are made at the catchment level with all stakeholders having input to decide what are the significant values associated with each outstanding water body and how best to protect each significant value. Policy LW1 and Policy C1 are worded in a way which enables each catchment based process to tailor a set of provisions which protect the significant values of each OWB, while taking into account the surrounding location and development pressures. (i.e. it does not prescribe a one size fits all approach). The actual provisions suitable for future catchment based plans will depend on many things including the identification of significant values, consideration of current and future use and development patterns, including potential threats or conflicts, and input by relevant community interests, stakeholders and iwi authorities. Policy LW1 and Policy C1 provide clear direction around the approach that should be used to protect outstanding water bodies when preparing regional plans. Many waterbodies have values that are significant to the community. These values may be of economic, cultural, social or environmental significance. Policy LW1 and Policy C1 assist in ensuring that the identification of the significant values of outstanding water bodies during the catchment management plan process, in consultation with the local community. Provides clear guidance to future catchment based plan processes, that during this process the 	<p>used, in future planning processes.</p> <ul style="list-style-type: none"> Assists in achieving Objective LW1(a) and Objective 11 of RPS. Gives effect to the 2014 NPSFM OWB provisions. Enable better informed decisions, where the regions outstanding water bodies are assessed by the relevant catchment management process to determine what is/is not significant. This allows for better plan making in the longer term. Assists HBRC to give effect to the NPSFM OWB provisions. Helps guide decision makers when considering resource consent applications for activities in or around outstanding water bodies Specifies an approach and factors that will be taken into account when considering resource consent applications for activities occurring near or in OWB. <p>Effective and efficient approach by not unnecessarily requiring resource consents and</p>	

Policy approach	Costs, risks and uncertainties	Benefits	Efficient and effective overall?	Appropriateness
		<p>significant values for each OWB must be identified, and provisions included in the plan which protects those identified significant values, albeit giving priority to outstanding values of that same waterbody if conflicts in values arises.</p> <ul style="list-style-type: none"> • Policy LW1 and Policy C1 are flexible, by providing high level guidance only. They do not prescribe what provisions must be included in future plans to protect the significant values of each OWB. This allows future plans to be developed in a manner which tailor a different set of provisions (non-regulatory, or regulatory or both) for each OWB which takes into account the particular location, development pressures, characteristics and community expectation for each OWB. • Directs that the significant values for each outstanding water body must be protected, but does not specify what provisions must be included in the catchment based plans to protect the significant values. • Provides clearer guidance around what values should be considered during catchment managing planning as significant values. • A clearer description of what constitutes a significant value will assist decision-makers and plan preparation as to what is significant, improves awareness and enables better focus for developing the more detailed catchment plan changes in future, and identification of appropriate protection • Ensures all significant values associated with outstanding water bodies are identified and protected, with subsequent policies, rules, and non regulatory methods developed to ensure their protection and establish management priorities. • Ensures the future management approach can be focused on the protection of the significant values, rather than the identification and debate of 	<p>focusing assessment of environment effects (through resource consent applications) on activities that have the most potential to create adverse effects</p> <ul style="list-style-type: none"> • Greater clarity about significant values achieves both plan efficiency and effectiveness 	

Policy approach	Costs, risks and uncertainties	Benefits	Efficient and effective overall?	Appropriateness
		<p>identification of outstanding water bodies themselves.</p> <ul style="list-style-type: none"> Decision-making in Policy LW1 (BaA, BA) would occur at the appropriate catchment level for greater efficiency, flexibility, accountability and autonomy), more likely to see protections follow through if landowners and stakeholders involved in discussions The management and protection of OWB set out in POL LW1 will be tailored and prioritised to address the significant values and development pressures that surround each OWB. 		
Amendments to POL LW1 & new Policy C1 – priority to outstanding values over significant values in cases of conflicts	<ul style="list-style-type: none"> The potentially significant values of an OWB include all national values listed in the NPSFM, and, depending on the context and proposal being considered, not all of those significant values may be able to be protected because of the inherent tensions, especially between extractive use national values and in-situ use and natural national values. Careful analysis will be required, which may increase costs of consent preparation and possible mitigation measures. No guidance to catchment based planning processes on how to deal any conflicts that arise between significant values (i.e. not a conflict with the outstanding value). 	<ul style="list-style-type: none"> Significant values can include the full range of values. In some instances, it may not be possible to protect the all identified significant values of an OWB, due to conflicts. For example the protection of an outstanding bird habitat may conflict with a recreational use that has been identified as a significant value. Or the protection of an outstanding native fish habitat may conflict with irrigation values of the water body. Any conflicts between protection measures for different values will need to be resolved. Policies LW1 and C1 provide guidance around how these conflicts should be resolved during the catchment based plan-making process Where careful analysis is undertaken and it is difficult to reconcile all significant values, providing preference to protection of the outstanding value(s) of the OWB ensure the continuing integrity of the OWB. This provides a clear direction to applicants and assists them in targeting mitigations to ensure they do protect the outstanding values, above other significant values. Gives the priority for protection to the outstanding value, being the more important value and obviously the reason for the OWB status in first instance. 	<p>Yes – provide clarity and certainty, and reduces disagreements on how to proceed when conflicts occur.</p> <p>Efficient and effective – noting that future catchment-based plans will increase the efficiency and effectiveness of how all significant values in a particular OWB interact.</p>	Yes.

Policy approach	Costs, risks and uncertainties	Benefits	Efficient and effective overall?	Appropriateness
Regulatory (Policies LW3A and C2)				
Policies LW3A and C2 (general)	<ul style="list-style-type: none"> Where catchment based plan changes have not yet been progressed, new activities will be assessed under current rules in the RRMP and RCEP. Those activities which are discharging contaminants, or taking using damming or diverting water, that fall within a controlled or a restricted discretionary activity classification can lodge a resource consent without having to provide an extensive evaluation of the activity's impacts on the water body's significant values. 	<ul style="list-style-type: none"> Policies LW3A and C2 provide guidance to resource consent applicants and decision-makers when assessing activities which can potentially cause adverse effects on outstanding water bodies. Decision makers and resource consent applicants can ensure activities will be carried out in a manner which ensure the outstanding water body's significant values are appropriately protected. Will set clear expectations to applicants and resource users about the importance of undertaking activities in a manner which protects the significant values of OWB. Reduces cost and uncertainty as only applies to discretionary and non-complying activities (post catchment management plans, permitted, controlled and restricted discretionary activities around OWB would have been developed in a manner which ensures the protection of the significant values of OWB). Ensures resource consents that are granted have appropriate consent conditions. 	Yes – provide clarity and certainty, and is efficient and effective	Yes
Policies LW3A and C2 – defer until 31 December 2025 or until after the relevant catchment based regional plan change is operative	<ul style="list-style-type: none"> May result in consents being granted when they should not be, or with inappropriate consent conditions due to their impacts on OWB not being fully considered. Uncertainty whether or not the Government will further amend the NPSFM's provisions for OFWBs and/or require HBRC to fully implement the NPSFM by 31 December 2025 with no extension out to 2030. Uncertainty whether or not HBRC can realistically achieve full implementation of the NPSFM in all of the region's catchments by 31 December 2025, but is aiming to do so by 2030 as outlined in HBRC's 2018 NPSFM Progressive Implementation Programme ('PIP'). 	<ul style="list-style-type: none"> In accordance with direction of the NPSFM the NPSFM should have been fully implemented in the Hawke's Bay region by the end of 2025 or 2030 at the latest in certain circumstances. The understanding of what constitutes a significant value(s) relates to the understanding and level of certainty of what actually is significant and therefore how it may be best be protected. This is best determined through future catchment based plan changes (rather than as part of PC7), in consultation with the community, key stakeholders and iwi authorities, using all available information. Will avoid inconsistencies through consenting processes. 	Partly	Yes

Policy approach	Costs, risks and uncertainties	Benefits	Efficient and effective overall?	Appropriateness
		<ul style="list-style-type: none"> Will avoid ad-hoc arguments about what does/does not protect significant values of OWB on a case by case basis through consenting processes. Deferring the effect of Policies LW3A and C2 provides a transitional timeframe for the establishment of new freshwater objectives and water quality and quality limits for all parts of the region to give effect to the NPSFM (these plans will include provisions which protect the significant values of any OWB in their catchments). This will provide increased clarity and reduced costs, for decision makers and applicants. 		
Policies LW3A and C1 – having immediate effect on consent decision-making	<ul style="list-style-type: none"> The understanding of what constitutes a significant value(s) relates to the understanding and level of certainty of what actually is significant and therefore how it may be best be protected. This is best determined through future catchment based plan changes, in consultation with the local community, key stakeholders and iwi authorities, using all available information. If Policies LW3A and C1 take effect immediately, then the protection of significant values of the water body will occur on a case by case basis through ad-hoc consenting processes. Protecting the significant values on a case by case basis through consenting processes could result in consents being declined when they should not be or inappropriate, restricted, consent conditions being required Creates uncertainty for decision makers and resource applicants when the significant values of the OWB have not been clearly identified. This will likely increase costs for consent applications and decision makers will not have clarity around what the significant values are for each OWB or what protection is expected. Likely to result in extended debates over what is/isn't a significant value. 	<ul style="list-style-type: none"> Will result in some immediate protection for some outstanding water bodies. 	No	Not
Require Policies LW3B and C3 to inform non-statutory planning documents	<ul style="list-style-type: none"> Wording of other provisions in Plan Change 7 (Policies LW1 and C2) are deliberately flexible to enable the future catchment based management plans, to tailor a set of provisions for each OWB in their catchment (i.e. it does not prescribe a one size fits all approach). Extending the scope of 	<ul style="list-style-type: none"> Ensures the protection of the significant values of OWB will be required to be considered in a wide range of statutory and non-statutory documents. 	Low efficiency - future catchment based plans are best placed to develop the most appropriate provisions which will	Not

Policy approach	Costs, risks and uncertainties	Benefits	Efficient and effective overall?	Appropriateness
	<p>Polices LW3B and C3 to include non-statutory plans (such as farm plans), removes flexibility for future catchment planning processes to make informed decisions about the best way to protect the OWB in their catchment.</p> <ul style="list-style-type: none"> The actual provisions suitable for future catchment based plans will depend on many things including the identification of significant, consideration of current and future use and development patterns, including potential threats or conflicts, and input by relevant community interests, stakeholders and iwi authorities. Extending the obligation of Policies LW3B and C3 to non-statutory plans (such as farm plans) may be unnecessary to protect the significant values of outstanding water bodies and result in additional costs. Catchments where freshwater objectives and water quality and quantity limits have been set and included in a proposed plan giving effect to the NPSFM, will include provisions which protect the significant values of any OWB in their catchments. Extending this obligation to non-statutory plans in Polices LW3B and C3 is likely to be unnecessary unless catchment management plans have deemed this is appropriate, in which case the consideration of a non-statutory plan can be included as part of the catchment planning process. 		ensure the protection of a water bodies significant values.	
Policies LW3B and C3 – preference to outstanding values over significant values in cases of conflicts	<ul style="list-style-type: none"> The potentially significant values of an OWB include all national values listed in the NPSFM, and, depending on the context and proposal being considered, not all of those significant values may be able to be protected because of the inherent tensions, especially between extractive use national values and in-situ use and natural national values. Careful analysis will be required, which may increase costs of consent preparation and possible mitigation measures. No guidance to decision makers and consent applicants on how to deal with any conflicts that arise between significant values) i.e. where there is no conflict with the outstanding values) 	<ul style="list-style-type: none"> Significant values can include the full range of values. In some instances, it may not be possible to protect the all identified significant values of an OWB, due to conflicts. For example the protection of an outstanding bird habitat may conflict with a recreational use that has been identified as a significant value. Or the protection of an outstanding native fish habitat may conflict with irrigation values of the water body. Any conflicts between protection measures for different values will need to be resolved. Policies LW3A and C2 provide guidance around how these conflicts should be resolved during the catchment based planning process and gives the priority for protection to the outstanding value, being the more important value. Where careful analysis is undertaken and it is difficult to reconcile all significant values, 	<p>Yes – provides clarity and certainty, and reduces disagreements on how to proceed when conflicts occur.</p> <p>Efficient and effective – noting that future catchment-based plans will increase the efficiency and effectiveness of how all significant values in a particular OWB interact.</p>	Yes

Policy approach	Costs, risks and uncertainties	Benefits	Efficient and effective overall?	Appropriateness
		providing preference to protection of the outstanding value(s) of the OWB ensure the continuing integrity of the OWB. This provides a clear direction to applicants and assists them in targeting mitigations to ensure they do protect the outstanding values, above other significant values.		
Regulatory – Rules				
Change to regional plan parts of RRMP and Regional Coastal Environment Plan to include rules to protect significant values of OWB	<ul style="list-style-type: none"> • Prescriptive and potentially based on incomplete information and consultation. New rules would be included without knowing the full set of significant values associated with each OWB, and the development pressures which surround these water bodies. • Prescriptive - having a full set of rules at time of notification removes flexibility for future catchment planning process to develop rules in conjunction with their local community. • Future catchment based planning processes may decide to reassess and develop new provisions which they consider to be more appropriate to protect the significant values of outstanding water bodies. • Increased resource consent costs in some instances, as more detailed consent applications will need to be provided for activities discharging contaminants, or taking, using, damming or diverting water that were previously restricted discretionary or controlled activities. • The development of rules to protect the significant values of identified OWB will realistically take more time than just preparing a plan change featuring objectives and policies. A full list of significant values associated with each OWB has not been developed, rules cannot be appropriately developed until this has been established. • Uncertainty if rules existing in the RRMP and RCEP already provide suitable methods to protect significant values of each OWB. • Including new rules in plans immediately without fully informed understanding of each of the OWB's respective significant values could unnecessarily constrain use and development opportunities of land and water resources in the 	<ul style="list-style-type: none"> • A rule framework would ensure that the significant values of all outstanding water bodies are protected in an appropriate manner from the outset. No delays. • Enables decision makers to fully take into account the effects of an activity on the significant values of OWB in resource consent applications going forward. • Provides a consistent and transparent decision making framework for all resource consent applicants, for all activities (that are not permitted activities), that are discharging contaminants, or taking, using, damming or diverting water in or near an OWB. • Would assist in preventing potential degradation of OWB in areas where catchment planning processes are yet to be completed. • Immediate certainty for stakeholders with interests in outstanding water bodies around what rules will be in place to protect the significant values of each OWB. • Sets out clear expectations to resource consent applicants about the importance of protecting the significant values of outstanding water bodies. • Would enable HBRC to give more effect to the NPSFM OWB provisions in the short term, but including a catch all discretionary activity rule for activities which are most likely to impact on the significant values of OWB. 	<ul style="list-style-type: none"> • Low efficiency and effectiveness – would result in significant delays to the identification of OWB in Hawke's Bay • Freshwater is one of Hawke's Bay's most precious natural resources, and delaying the OWB plan change will delay the implementation of the NPSFM and an overall improvement of the region's resources. 	Not appropriate for this stage of ongoing plan development and progressive implementation of the NPSFM.

Policy approach	Costs, risks and uncertainties	Benefits	Efficient and effective overall?	Appropriateness
	meantime.			
Schedule 25				
New descriptions for outstanding values - cultural and spiritual, ecology, landscape, natural character, recreation, geology	<ul style="list-style-type: none"> The adequacy of description of the outstanding value(s) relates to the understanding and level of certainty of what actually is outstanding, and therefore how it may be best protected. Less adequate descriptions risk creating uncertainty as to what is to be protected. Uncertainty may lead to resource consents being granted when they should not have been, not granted when they could have been, or inappropriate consent conditions being required 	<ul style="list-style-type: none"> Clear descriptions of outstanding values improve awareness and enable decision-makers to better focus on what appropriate protection might involve for a particular activity Clarifies information already held by HBRC regarding outstanding value(s) of each respective OWB. 	Greater clarity about these values achieves both plan efficiency and effectiveness	Yes
Shortened list of OWB + extended submission period + HBRC assistance to iwi authorities Include only those water bodies in Draft Plan Change 7 that have a robust evidence base to support an outstanding status. Leaving remaining water bodies from Draft Plan Change 7 to be re-introduced via RMA Schedule 1 submission process.	<ul style="list-style-type: none"> Potentially could result in some water bodies which have outstanding values being left out of the notified version of Plan Change 7, albeit that published information and/or written evidence has not been made available to HBRC yet. Uncertainty whether or not information collected (if any) during an extended submission period will provide enough evidence in support of the water body being identified as an OWB for NPSFM purposes (or NZCPS purposes where relevant). 	<ul style="list-style-type: none"> Opportunities exist for additional water bodies to be added to Proposed Plan Change 7 during the formal submission and hearing stages in accordance with Schedule One, provided those waterbodies had been the subject of evaluation in accordance with s32 of the RMA. Provides certainty to the local community that there is clear reasoning and a robust evidence base for the water bodies included in Proposed Plan Change 7 as at the public notification milestone. Is a more orthodox planning approach insofar as water bodies which do not have robust information to support an outstanding status at this point in time. Are not included in the proposed plan change as at the public notification milestone. Would assist in facilitating further participation in the Plan Change 7 process by iwi authorities, ensuring the important cultural and spiritual values associated with all water bodies in Draft Plan Change 7 are recorded and have the opportunities to be considered for an outstanding status. Retains the integrity of the Plan Change 7 process, by following a more conventional approach to adoption and notification of a proposed plan 	High effectiveness - achieves identification of OWB in the region at the conclusion of the RMA Schedule 1 process. High efficiency	Yes

Policy approach	Costs, risks and uncertainties	Benefits	Efficient and effective overall?	Appropriateness
		change. <ul style="list-style-type: none"> The Hearing Panel would have the opportunity to amend the list of OWB, based on further information, and include additional water bodies based on requests in submissions, provided those additional waterbodies had been the subject of evaluation in accordance with s32 of the RMA. 		
<p>Longer list of OWB + extended submission period + HBRC assistance to iwi authorities</p> <p>Retain the same list of outstanding water bodies from Draft Plan Change 7.</p> <p>+ an extended submission period</p>	<ul style="list-style-type: none"> Including some water bodies in Schedule 25 before the Council has clear evidence justifying their inclusion is not a 'conventional' planning approach. Carries the risk of challenge by affected parties who believe this approach is incorrect. Potentially could undermine the Plan Change 7 process, particularly those elements for which robust evidence and evaluation is available. The larger the number of water bodies in the region, the harder it becomes to credibly argue that all of those water bodies are truly outstanding when compared to others in the region. Uncertainty whether or not information collected (if any) during an extended submission period will provide enough evidence in support of the water body being identified as an OWB for NPSFM purposes (or NZCPS purposes where relevant). May result in water bodies being incorporated in Plan Change 7 that are not truly outstanding and that will have potentially unintended implications for future catchment-based plan-making. Uncertainty whether the Hearing Panel would retain waterbodies where limited information is available, or whether the Panel find (based on evidence before it) that the list of OWB as publicly notified warrants reform. 	<ul style="list-style-type: none"> Clear and transparent. As at notification, Plan Change 7 includes all water bodies the Council believes have outstanding values. Parties who are potentially affected by the provisions in Plan Change 7 will be engaged in the process from notification (rather than some water bodies being added through the Schedule 1 submission and hearing process). Would assist in facilitating further participation in the Plan Change 7 process by iwi authorities, by ensuring the important cultural and spiritual values associated with all water bodies in Draft Plan Change 7 are recorded. 	<p>High effectiveness - achieves identification of OWB in the region at conclusion of the RMA Schedule 1 process</p> <p>Moderate efficiency, identifying a list of water bodies prior to having supporting information is not a 'conventional' planning approach.</p>	Yes
Glossary				
New definition of 'outstanding'	<ul style="list-style-type: none"> Potential disagreements on what constitutes 'outstanding'. 	<ul style="list-style-type: none"> The concept of what is outstanding underpins the entire plan change, and in the absence of better direction through the NPSFM, is critical for identifying what may or may not be outstanding i.e. 	<ul style="list-style-type: none"> A good understanding of what 'outstanding' is vital for plan efficiency & effectiveness 	Yes

Policy approach	Costs, risks and uncertainties	Benefits	Efficient and effective overall?	Appropriateness
		the scale and scope of the proposal.		
Include brief descriptions of all significant values for waterbodies (except Ahuriri Estuary) located in the TANK catchments	<ul style="list-style-type: none"> Plan Change 7 development process has not identified or researched the significant values associated with any of the OWB listed in Schedule 25. This may create uncertainty as to why some significant values are included by in Schedule 25 and others aren't. The identification and inclusion of the significant values for water bodies in the TANK catchments is relying on a separate process which was undertaken independently of Plan Change 7. The significant values of the water bodies within the TANK catchment have been included in Plan Change 7, despite research and assessment of those values not being within scope of PC7. Their inclusion relies on information being sourced from the TANK Plan Change ('PC9') project. The significant values of the water bodies in the TANK catchments have not been investigated as part of the Plan Change 7 process. Does not include the significant values of the Ahuriri Estuary which was not considered as part of the TANK Plan Change due to it being coastal water (in the coastal marine area). The significant values are being inserted at notification rather than when the TANK Plan Change becomes operative, which may lead to the significant values being altered. 	<ul style="list-style-type: none"> Provisions of Plan Change 7 are aligned with the relevant provisions and assessments of the TANK Plan Change project. Identifying the list of significant values would improve awareness and enable better focus on what appropriate protection might involve for a particular activity. Provides clarity around the significant values that were identified through the TANK Plan Change. 	Greater clarity about these values achieves both plan efficiency and effectiveness	Yes

APPENDIX 1: REFERENCES

- Beveridge A, Carlyon G, 2016, *Outstanding Freshwater Bodies and the NPSFM – Challenges and Possible Solutions*, The Catalyst Group.
- Black M, Brady M, Cheyne J, Curtis A, Kelly B, Winlove T, 2019 *Outstanding Water Bodies In Hawke's Bay, Report of the Expert Panel*, Mauri Protection Agency, Department of Conservation, Wetland Works, Water Strategies Limited, Hawke's Bay Canoe Club, Hawke's Bay Fish and Game.
- Blackford C, 2016, *National Policy Statement for Freshwater Management: Outstanding Freshwater Bodies – International Literature Review*, Blackford Consulting.
- Harper B, 2017, *Water Conservation Order Review: Outstanding Values: Criteria and Thresholds (Draft)*, Community Environment Fund – Outstanding Freshwater Body Project, Ministry for the Environment, Hawke's Bay Regional Council, Auckland Council.
- Harper B, 2017, *Outstanding Freshwater Body Project, Literature Review 2 – Outstanding Values: Criteria and Thresholds (Draft)* Ministry for the Environment, Hawke's Bay Regional Council, Auckland Council.
- Harper B, 2017, *Community Environment Fund; Outstanding Freshwater Bodies Project – Final Project Report*, Ministry for the Environment, Hawke's Bay Regional Council, Auckland Council.
- Harper B, 2018, *Summary of cultural values associated with water bodies in Hawke's Bay*, Hawke's Bay Regional Council, HBRC Report Number SD18-01.
- Harper B, 2018, *Summary of recreation, landscape and ecology values associated with water bodies in Hawke's Bay*, Hawke's Bay Regional Council, HBRC Report Number SD18-02.
- Harper B, Ridling K, 2018, *Outstanding Water Bodies Plan Change: Candidate List of Outstanding Water Bodies in Hawke's Bay – Secondary Assessments for Heretaunga Aquifer, Karamu River, Lake Whakaki, Lake Whatumā, Lake Waikaremoana, Lake Tūtira (including Aropaanui River + Papakiri Stream), Lake Waikareiti, Lower Ngaruroro River (below Whanawhana), Mangahauanga Stream, Makirikiri River, Porangahau River, Ruakituri River, Ruataniwha Aquifer, Taruarau River, Te Whanganui a Orotū (Ahuriri Estuary), Tukituki River, Tutaekuri River, Upper Mohaka River, Upper Ngaruroro River (above Whanawhana), Waipawa River, Waipunga River, Wairoa River*, Hawke's Bay Regional Council, HBRC Report Number RM19-252.
- Harper B, Meredith D, 2019, *Outstanding Water Bodies Plan Change: Selecting a List of Outstanding Water Bodies in Hawke's Bay*, Hawke's Bay Regional Council, HBRC Report Number SD19-18.
- Ministry for the Environment, *A guide to the National Policy Statement for Freshwater Management 2014 (as amended 2017)*.
- Riley B, 2015, *Criteria and Methodology for Determining Outstanding Freshwater Bodies, Literature Review One, Part One: Stocktake*, Ministry for the Environment, Hawke's Bay Regional Council, Auckland Council.
- Riley B, 2015, *Criteria and Methodology for Determining Outstanding Freshwater Bodies, Literature Review One, Part Two: Summary Report*, Ministry for the Environment, Hawke's Bay Regional Council, Auckland Council.
- National Policy Statement for Freshwater Management 2014 (as amended 2017).
- Draft Plan Change 5 to the Regional Resource Management Plan (2012)
- Plan Change 5 to the Regional Resource Management Plan (June 2019 amended edition)
- Comments on Draft Plan Change 5 to the Regional Resource Management Plan (2012)

APPENDIX 2: ENGAGEMENT

Type	Agency
Ministers of the Crown	Ministry for the Environment
	Department of Conservation
	Ministry of Health
	Ministry for Business, Innovation & Employment (Energy & Resources)
	Ministry for Primary Industries (Agriculture, Forestry)
Iwi authorities & other entities for notice re RMA plan changes	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-Dorotū 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
	Ngāti Rongomaiwahine
	Rongowhakaata Iwi Trust
	Ngati Ruapani ki Waikaremoana (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
Local authorities within or adjoining Hawke's Bay region	Napier City Council
	Central Hawke's Bay District Council
	Hastings District Council
	Wairoa District Council
	Rangitikei District Council

Type	Agency
	Taupo District Council
	Gisborne District Council
	Horizons Regional Council
	Waikato Regional Council
	Bay of Plenty Regional Council
Stakeholders	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
	Brylee Farms
	Te Tumu Pareoa
Public	Via website

Item 9

Attachment 5

APPENDIX 3: DRAFT PLAN CHANGE 7 (WITH AMENDMENTS)

Item 9

Attachment 5

	Name	Value	Evidence
1	Te Whanganui ā Orotu	Wildlife	Supports the highest diversity of water birds in the region, and is a significant breeding ground for a number of endangered species.
		Native fish	Supports the highest diversity of native fish in the region, with a significant number of native fish species relying on the area to breed and feed.
		Landscape & Geology	Excellent example of tectonic processes and uplifted channel fossils.
		Cultural and spiritual	<p>Te Whanganui-a-Orotū is a place of great cultural and spiritual significance to the Ahuriri Hapū. It is central to their existence and identity. It is named after the ancestor Te Orotū, who was a descendant of the great explorer and ancestor Māhu Tapoanui, who is the very beginning of the Ahuriri people. Ngāti Pāhauwera and Maungaharuru –Tangitū also have customary linkages to Te Whanganui-ā-Orotu.</p> <p>Moremore is the kaitiaki of Te Whanganui-a-Orotū, and known as the guardian of the people occupying the shores of Te Whanganui-a-Orotū who are his descendants. The appearance of Moremore warned people of dangers and reinforced the customs practiced by the old people. The law of Moremore was always observed.</p> <p>The area around Te Whanganui-a-Orotū was a very important source of food and was heavily populated and the site of a number of significant battles. Consequently, numerous sites of cultural, historic and archaeological significance are situated around what was its shoreline.</p> <p>From the earliest of times it was highly prized for its enormous food resources and its access to major river systems and forest areas. It was known as 'a place of abundance'. Archaeological evidence confirms that Te Whanganui-a-Orotū was an important place to live. Excavations indicate settlement dates between the late fifteenth and early seventeenth centuries, with very early settlement on Roro o Kuri - somewhere between the twelfth and thirteenth centuries. Surrounding the harbour are 11 recorded pā, some extensive in size. Extensive middens exist in this area.</p> <p>The pā at Te Pakake was a communal gathering place in times of trouble. Ngāti Hinepare, Ngāti Mahu, Ngāti Parau, Ngāti Hawea and Ngāti Kurumokihi are all recorded as having occupied the pā when under threat of invasion. Pukemokimoki was a fortified pā, with a canoe landing place near, located at south-western end of Mataruahou (Napier Hill).</p>
2	Tukituki River & Estuary	Wildlife	Supports the highest population of wading birds in Hawke's Bay, and has significant regional populations of black fronted tern, banded dotterel and pied stilt.

	Name	Value	Evidence
		Cultural and spiritual	<p>The Tukituki River is a tupuna awa (ancestral river) and has significant cultural values. Legend tells of how the Tukituki River came into existence. Two taniwha lived in a large lake situated on what is now the Ruataniwha Plains. They fought for possession of a boy who accidentally fell into the lake and their struggles formed the Waipawa and Tukituki Rivers which drained the lake.</p> <p>The Tukituki River is a toanga of Heretaunga Tamatea. There is evidence of at least 7-8 centuries of occupation by Maori, making this area one of the earliest settled. The river was traditionally the main transport route through Heretaunga. Historically, the Tukituki catchment had an abundance of mahinga kai and natural resources. In particular, the river mouth and estuary was renowned for the abundance of fish species. The estuary area continues to support important traditional fisheries.</p> <p>On the lower section of river, there are a number of sites that relate to the actions of the ancient tīpuna, Māhu. On the north bank is a white rock, Papaotihi. It is said the rock was once a man who was fishing in the river, but he was turned to stone by Māhu. A little further on is another rock, Tauhou, where Māhu turned another man to stone. Down river near Te Kauhanga pā is another spot touched by Māhu. Here he put a curse on the paepae and people died. Kahuranaki maunga, a site upstream of Kaiwaka on the rivers eastern bank, is of special significance to all hapū of Heretaunga Tamatea.</p> <p>After the arrival of the Ngāti Kahungunu tīpuna to Heretaunga, the Tukituki River was established as the first boundary between Taraia and Te Aomatarahi.</p>
3	Waipawa River	Cultural and spiritual	<p>The Waipawa River is culturally significant for hapū of Heretaunga Tamatea. The river was a significant mahinga kai particularly known for its tuna, pātiki, fresh water koura, water cress and īnanga. Historically, the river provided access inland to the resources of the Ruahine ranges, and later a trading post was set up on the river, with boats travelling up and down from the Tukituki River mouth. The River was significant as a boundary marker.</p> <p>Legend tells how the Waipawa River came into existence. A large lake was located in what is now the Ruataniwha Plains, which was home to two taniwha. On one occasion a boy fell into the lake and the two taniwha fought over their prey. The resulting destruction on the landscape created breaks in the hills through which the lake drained away. One of the channels through which the lake drained was the Waipawa River.</p> <p>A number of archaeological sites indicating the presence of pā and kāinga have been recorded in the area. Near the headwaters was Motu-o-Puku pā which belonged to the descendants of Te Rangitekahutia and the descendants of Te Upokoiri.</p>
4	Te Hoe River	Wildlife	Supports one of two largest regional populations of the endangered blue duck.
		Cultural and spiritual	<p>Te Hoe River is a taonga of Ngāti Hineuru, and has a number of significant sites are located along the length of the river, including an important, permanently settled pā site at Ngatapa and wāhi tapu sites by the confluence of the Te Hoe and Mohaka Rivers. The river is a traditional boundary marker.</p> <p>Te Hoe River provided drinking water, was a source for spiritual cleansing and was considered to have healing properties. The waters aided women after giving birth, the washing of tūpāpaku and an important part of the ta moko process. Hangi stones were gathered from this river, and it has abundance of tuna (eel), trout and koura.</p>

	Name	Value	Evidence
5	Lake Poukawa & Pekapeka Swamp	Cultural and spiritual	<p>Lake Poukawa, also known as Te Wai-nui-a-Tara, a taonga of Heretaunga Tamatea, traditionally used for food gathering. Flax from the area surrounding the lake was cut to make kete and whariki (kits and mats).</p> <p>The Lake is well known for its eel fishery which is of considerable cultural importance to the people of Te Hauke and their hapū Ngai Te Rangikoianake. The history of Lake Poukawa is directly related to the eels of the lake. The mana of each chief of Te Wheao is related to control of Lake Poukawa and its resources.</p> <p>Lake Poukawa has been the scene of many battles, with a number of wāhi tapu and wāhi taonga sites in the area. The origin of the name 'Poukawa' is said to have arose as a result of a disagreement between two local chiefs Te Rangihirawea and Te Rangikawhiua over fishing rights in the lake.</p> <p>The Lake has been declared a non-commercial eel fishery, one of only a few lakes in New Zealand to have this designation. The lake is only currently able to be harvested by local Tāngata Whenua for customary purposes.</p>
6	Waiau River	Wildlife	Supports one of the two largest regional populations of the endangered blue duck.
7	Lake Whatumā	Wildlife	Supports the highest number of the endangered Australasian bittern in the region.
		Cultural and spiritual	<p>Lake Whatumā is a taonga of the hapū of Heretaunga Tamatea. The name refers to the discoverers of the lake who ate tune (eels) they found there until their hunger was satisfied. The lake was a significant mahinga kai. As well as tuna, it was also known for other freshwater fish, freshwater mussels, birds (including kereru), and raupo pollen.</p> <p>Lake Whatumā was a traditional area of residence to a permanent population and was utilised by a number of surrounding hapū who travelled to the lake to gather resources on a seasonal basis. There are numerous remains of middens, tools, bones, pits, chisels and axes indicating there was a high population in the area.</p>
8	Ngaruroro River and Estuary	Wildlife	The Lower Ngaruroro River (below Whanawhana) supports one of the largest populations of banded dotterel in Hawke's Bay, and the only breeding population of Pied oyster catcher in the north island.
		Natural character	The Upper Ngaruroro River (above Whanawhana) is in excellent ecological condition, with pristine water quality. The upper river has the highest MCI score in the region. The river flows through a variety of unmodified landscapes, including indigenous forest, tussock and scrubland land and narrow rocky gorges.
		Cultural and spiritual	<p>The Ngaruroro River is a taonga of Heretaunga Tamatea, Mana Ahuriri, and Ngāti Tūwharetoa. The full name of the Ngaruroro River is Nga-ngaru-o-nga-upokororo-mai-i-mokotuararo-ki-Rangatira, with the river taking its name from an incident in which a dog belonging to the ancient deity Mahu startled some small fish known as upokororo. As the shoal of fish dashed away they caused ngaru or ripples in the water</p> <p>The headwaters of the Ngaruroro River are commonly expressed as being at the heart of the Kaimanawa Ranges, the River forms a natural highway from coast to mountains and there are many settlements and sites of significance along its banks, including the presence of Pā, Kāinga, urupā, Wāhi Tapu, wāhi taonga and wai tapu.</p> <p>The Ngaruroro River has significance as a mahinga kai and has been a significant marker of land interests from ancient times. A pou once stood at Whanawhana which represents an important political demarcation between hapū.</p>
		Aquatic macroinvertebrate	The Upper Ngaruroro River has the healthiest macroinvertebrate community in the region.

	Name	Value	Evidence
		Landscape & Geology	The Upper Ngaruroro River has exceptional scenery with numerous rapids and rocky gorges with vertical schist walls. One of the best two gorges in the region.
		Recreation	One of the best trout fishery's in the region with impressive scenery and change to catch trophy trout. The Ngaruroro Gorge is one of the best kayaking runs in the North Island, and the braided stretch of river between Whanawhana Fernhill Bridge supports the best jet boating in Hawke's Bay.
9	Lake Rototuna and Lake Rotoroa	Native fish	Best population of Kōaro in Hawke's Bay.
		Native plants	Best composition of submerged aquatic plants in Hawke's Bay.
		Natural character	The lakes are in excellent ecological condition, surrounded by indigenous forest, with no signs of human modification. The lakes have excellent water quality and are highly natural, with a high number of plant species and vegetation types in the lakes and around the surrounding area.
10	Porangahau River and Estuary	Wildlife	Supports the largest population of wrybill and banded dotterel in Hawke's Bay and is the only location in the region where royal spoonbill and Caspian tern nest.
		Native plants	The only estuary in Hawke's Bay to contain seagrass.
		Cultural and spiritual	The Porangahau River, otherwise known as the Taurekaitai River, is a taonga of Ngāti Kere. It is rich in archaeological sites, and provided the first authenticated records of moa hunter occupation in the North Island. It is a significant mahinga kai, and vast shell middens are situated in the dune systems, and pā sites occur at either end of the estuary. On the southern bank of the river, Opiango stands, a peak sacred to Ngāti Pihere.
11	Lake Waikaremoana	Native plants	Best example of diverse aquatic vegetation in a large, deep lake in Hawke's Bay. The Lake contains a high number of submerged plants, with an excellent indigenous turf community that has high native species diversity, and the nationally rare charophyte <i>Nitella opaca</i> .
		Cultural and spiritual ¹	Lake Waikaremoana is an important taonga to the iwi and hapū of Te Wairoa, with many pā, urupā and wāhi tapu sites located around its edge, and was the scene of many battles. Legend tells of how Lake Waikaremoana was created. Having been turned into a taniwha, Haumapuhia, desperately tried to find an outlet to the sea before the sun rose. Her ceaseless thrashing upturned the hills and formed the various bays, inlets and features we see today.
		Natural character	Has an exceptional lake ecosystem and is considered to have similar characteristics to a pristine lake in the South Island. Lake Waikaremoana is in excellent ecological condition with a high number of native aquatic plant species, and is surrounded by pristine native forest and spectacular mountain ridges.
		Landscape & Geology	Exceptional scenery in an impressive and remote natural environment, largest debris-dammed lake in the region.
		Recreation	Provides for a range of recreation activities which can take place in a remote natural environment with exceptional scenery. The lake is used all year round for various activities, including general recreation, angling, kayaking, boating. The Lake Waikaremoana Track is one of the 10 Great Walks of New Zealand.

¹ The cultural and spiritual values related to Lake Waikaremoana are discussed in so far as they relate to the iwi and hapū of Te Wairoa, noting that other iwi authorities have chosen not to have their values included in this plan change. This reference does not imply exclusive rights nor confirm validity of any group's claim/s over a waterbody.

	Name	Value	Evidence
12	Ngamatea East Swamp	Native plants	Largest intact wetland in Hawke's Bay and contains 15 threatened plant species, including the nationally endangered sedge <i>carex strictissima</i> .
		Natural character	Is a 300 hectares intact wetland area, with no signs of human modification and a high number of threatened plant species.
13	Mangahouanga Stream	Landscape & Geology	Contains the only the record of terrestrial dinosaurs found in New Zealand.
14	Mohaka River ²	Aquatic macroinvertebrate	One of the healthiest macroinvertebrate community in the region.
		Natural character	Upper Mohaka River (above Willowflat) is in a highly natural state, with pristine water quality. The river flows through a variety of unmodified landscapes, from large native forest areas, to remote countryside and through spectacular gorges. The river is diverse and energetic in places flowing over some powerful rapids.
		Landscape & Geology	Upper Mohaka River (above Willowflat) has spectacular scenery, particularly in gorge areas, excellent example of a horseshoe bend.
		Recreation	Upper Mohaka River (above Willowflat) has exceptional scenic beauty, which sets the scene for a range of top quality kayaking, rafting and fishing experiences which are the best in the region.
		Cultural and spiritual	The Mohaka River is an important taonga and there are numerous settlements and sites of significance along its length. The Mohaka River has been used as a significant boundary marker to define areas of interest. Mohaka is said to have been the name of a river or stream in Hawaiki. It was significant as a highway, being a key route inland, and a traditional area of residence, urupā, pā, kāinga, and other places of spiritual and cultural significance. The Mohaka River provided a wealth of resources, including hangi stones, drinking water and water for spiritual cleansing and healing. It was significant as a mahinga kai resource, the river was plentiful with fish species tuna, trout and koura. The forest around the Mohaka River was very dense and provided many important resources including harakeke, toitoi, birdlife and a range of plants used for medicinal purposes.
15	Tūtaekurī River	Aquatic macroinvertebrate	One of the healthiest macroinvertebrate community in the region.

² The cultural and spiritual values related to Mohaka River are discussed in so far as they relate to Ngāti Hineuru, Mana Ahuriri, Ngāti Tūwharetoa noting that other iwi authorities have chosen not to have their values included in this plan change. This reference does not imply exclusive rights nor confirm validity of any group's claim/s over a waterbody.

	Name	Value	Evidence
		Cultural and spiritual	<p>Ahuriri Hapū have a strong cultural association with the Tūtaekurī River, with the lower reach of the Tūtaekurī River traditionally utilised by Ngati Pārau. Otatara Pā is wāhi tapu as an ancient pā and as an urupā. It held a prominent position over the river and is 'the guardian of all people who live in its shadow'. A site at Te Whare O Maraenui, located on the eastern bank of the Tūtaekurī River, contains an urupā of those who died during the battle at Te Pakake Pā.</p> <p>Heretaunga Tamatea, Ngāti Pāhauwera and Maungaharuru –Tangitū also have cultural association with the river, with the river once providing a major transport route into Mokai Patea (Taihape) and beyond. The Tūtaekurī River forms part of the rohe boundary between Heretaunga and Ahuriri.</p> <p>The Tūtaekurī River takes its name from an incident that occurred when Hikawera came to the aid of a starving party of travellers. He ordered many dogs, fish and kumara to be prepared to feed the hungry wanderers. The place where this occurred became known as Te Umukuri. The dog's offal was thrown into the river to replenish what was taken, hence the name Tūtaekurī.</p> <p>The Tūtaekurī River once was a significant mahinga kai providing much of the food supply for the local hapū. Otatara Pā was a major intersection between Heretaunga & Ahuriri and it permitted access to eel weirs, fern root groves and kumara plantations in the hinterland. It also allowed access to Te Whanganui a Orotū.</p>
16	Waipunga River	Cultural and spiritual	<p>The Waipunga River acted as a boundary and is one of Hineuru's most important taonga. The river is associated with many important mahinga kai, kāinga, pā, it has numerous settlements and hundreds of sites significance.</p> <p>Hineuru had a large zone of permanent settlements along the Waipunga River where the Tarawera township exists today. It has been permanently occupied by Hineuru iwi since the time of their ancestress Hineuru.</p> <p>The Waipunga River was abundant with fish species, including tuna, trout and the koura. Hangi stones were gathered from the river.</p> <p>The forest around the Waipunga River was very dense and provided many important resources including harakeke, toitoi, birdlife and a range of plants used for medicinal purposes.</p> <p>The Waipunga River provided the people with drinking water, and was a source of spiritual cleansing, wairua, and was felt to have healing properties (e.g. aids with the healing of women after they had given birth, used for the washing of Tupapaku and an important part of the ta moko process).</p>
17	Ruakituri River	Natural character	Upper Ruakituri River is in a highly natural state, with good water quality. The river flows through indigenous forest in its upper parts, with no human modification at all in the surrounding area.
		Landscape & Geology	Upper Ruakituri River has exceptional scenery, flowing through indigenous native bush and past giant limestone cliffs and over the 72 m high Waitangi Falls.
		Recreation	One of the best trout fishery's in the region, with crystal clear water and spectacular scenery in a natural environment, with the chance to catch trophy trout.
18	Heretaunga Aquifer	Cultural and spiritual	The Heretaunga Aquifer is a taonga of Ngati Kahungunu, who know the aquifer system as the "Heretaunga Ararau Haukūnui", being a large water resource, represented in the many rivers, creeks, the small tributaries fed by underground springs, springs of water, swampy ground, swimming holes, rock pools and quick sands.

	Name	Value	Evidence
19	Lake Tūtira	Cultural and spiritual	<p>Lake Tūtira (including Aropaoanui River and Papakiri Stream) is a taonga of Ngāti Kurumōkihi, celebrated as a place of sustenance to replenish one's mind, body and soul. Ngāti Kurumōkihi carried out ceremonies and rituals at designated places at Tūtira, such as tohi (baptisms). Some rongoā (medicinal plants) are only found in or around Lake Tūtira. There are a number of wāhi tapu, wāhi taonga and wai tapu sites in the area.</p> <p>The inlet to Lake Tūtira is Papakiri Stream and is integral to the distinct identity and mana of the hapū. Its importance is due to its connection with Lake Tūtira and its reputation as a significant mahinga kai site.</p> <p>The hapū have a whakatauaāki about the lake being: "ko te waiū o ō tātau tīpuna" – "the milk of our ancestors". This whakatauaāki references the abundance of kai that could be sourced from the lake and the lake providing spiritual sustenance. Lake Tūtira was famous for the best flavoured tuna (eel).</p> <p>The Aropaoanui River/Waikoau River originates at the tihi tapu (sacred peaks) of the central area of Maungaharuru. The Aropaoanui River is one of the most significant awa in the takiwā (traditional area of the hapū), linking two of the most culturally and historically important areas of the hapū, being Tūtira and Aropaoanui. The river provided an important connection between Maungaharuru and the coast, allowing for seasonal movements of the hapū. During peace Ngāti Kurumōkihi dwelt around the coastal estuaries and the lake. During war they sheltered in the forests and the hinterland. There was intensive Māori occupation around Lake Tūtira and numerous sites of significance.</p> <p>As a prized taonga, many raids and battles occurred at Lake Tūtira.</p>
20	Wairoa River	Cultural and spiritual	<p>The Wairoa River is culturally significant to the iwi and hapū of Te Rohe o Te Wairoa. The river is regarded as tapu. It is bound by rituals and traditions, which stem from gods and belongs to their ancestors. The water of the Wairoa River was used for purification, ancient chants and prayers. The river was also a major avenue for trading and commerce with a number of pā close by. Several important pā sites are located along and at the mouth of the river including Rangihoua/Pilot Hill which is sacred to tāngata whenua.</p> <p>It is said that the Tākitimu waka came up the Wairoa River and landed at Makeakea Stream. Te Reinga Falls, the starting point of the river, is associated with Hinekorako and Ruamano, which were taniwha carried to Aotearoa on the Tākitimu waka. The river mouth is also associated with two taniwha engaged in an ongoing struggle between Tapuwae and Te Maaha.</p> <p>The river and estuary area was an important mahinga kai, providing inanga, mohoao, kanae, tuna, kākahi and koura.</p>

NOTE: With regard to the Cultural and spiritual value set: The list has been generated based on the amount of information available for each water body: This does not mean water bodies not on the list are not outstanding, however staff believe at this point in time the information available to support an outstanding classification is insufficient.