



## Meeting of the Regional Planning Committee

**Date:** Wednesday 31 October 2018  
**Time:** 10.00am, Regional Planning TANK Workshop  
**Time:** 1.00pm, Regional Planning Committee Meeting  
**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

### Agenda

ITEM	SUBJECT	PAGE
1.	Welcome/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Regional Planning Committee held on 19 September 2018	
4.	Follow-ups from Previous Regional Planning Committee Meetings	3
5.	Call for Items of Business Not on the Agenda	11
<b>Decision Items</b>		
6.	National Policy Statement for Freshwater Management Progressive Implementation Programme - Revised Third Edition	13
7.	TANK (PC9) Plan Change and Decisions on Plan Change Matters	21
<b>Information or Performance Monitoring</b>		
8.	TANK (PC9) Consultation, Notification and Hearings Processes	141
9.	RPC Performance Review – Summary of Feedback from Appointers	145
10.	Three Waters - Matauranga Maori Presentation	
11.	Discussion of Items of Business Not on the Agenda	155

## Parking

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

### Regional Planning Committee Members

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

Total number of members = 18

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

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

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

At the present time, the quorum is 14 members (physically present in the room).

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

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

Number of Committee members present	Number required for 80% support
18	14
17	14
16	13
15	12
14	11

# **HAWKE'S BAY REGIONAL COUNCIL**

## **REGIONAL PLANNING COMMITTEE**

**Wednesday 31 October 2018**

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

**Item 4**

#### **Reason for Report**

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

#### **Decision Making Process**

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

#### **Recommendation**

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

#### **Authored by:**

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

#### **Approved by:**

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

#### **Attachment/s**

- [!\[\]\(a16a19bbc0e991a431a3f945e52ea4ee\_img.jpg\) 1](#) Fofollow-ups from Previous Regional Planning Committee Meetings





## Follow-ups from Previous Regional Planning Committee Meetings

## Meeting held 12 September 2018

	Agenda Item	Action	Responsible	Status Comment
1	Oil & Gas Plan Change Options	Advise whether the Endeavour Energy oil and gas exploration permit (53806) is still active.	R Douglas	Gavin Ide email sent to RPC members 19 Sept 2018 (following) advising: <i>Status of petroleum exploration permit (#53806) issued to Endeavour Energy Ltd is confirmed by NZPAM online records as being "Revoked" as at 7 Sept 2015.</i> <i>Permit #53806 was issued on 1 Nov 2012 and was due to expire on 31 Oct 2017 (but was revoked prior to expiry).</i>
2	2017-18 Annual Summary Report of Regional Planning Committee activity	Report on the RPC performance review feedback to be presented to the 31 October RPC meeting	T Skerman	31 October 2018 RPC meeting agenda item.
3	RMA Policy Planning Projects Update	Forestry issues/Slash and sediment update provided to E&S Committee meeting to be circulated via email to RPC members	G Ide	Refer Gavin Ide email sent to RPC members 19 Sept (following) and link provided below. <a href="#">Forestry Slash Management report link</a>
4	RMA Policy Planning Projects Update	Taharua / Mohaka Catchment plan change (PC8) update to be provided to 12 December RPC meeting as part of the RMA Policy Planning Projects Update item	G Ide	Update will be contained within the 12 December RPC meeting agenda item.

	Agenda Item	Action	Responsible	Status Comment
5	RPC recommendations to Council	<p><i>Oil &amp; Gas Plan Change Options</i></p> <ol style="list-style-type: none"> <li>1. Agrees to cease further work on preparation of the Oil and Gas plan change with a view to incorporating this work, as appropriate, in future upcoming reviews of the Regional Resource Management Plan and Regional Coastal Environment Plan, except that: <ol style="list-style-type: none"> <li>1.1 Staff may wrap-up and close works on the current stand-alone oil and gas plan change project to enable smooth assignment of the project's current intelligence over to the future plan review projects.</li> </ol> </li> <li>2. Amends the 2018-28 Long Term Plan to remove the oil and gas plan change project from the Strategic Planning Group of Activities.</li> </ol> <p><i>Additional Candidate Outstanding Fresh Water Body for Cultural and Spiritual Values Assessment – Tūtaekurī River</i></p> <ol style="list-style-type: none"> <li>3. Agrees that the Tūtaekurī River be included on the list of candidate Outstanding Fresh Water Bodies for cultural and spiritual values for secondary assessment by staff.</li> </ol>	L Hooper	<p>26 September 2018, HBRC resolved:</p> <ol style="list-style-type: none"> <li>1. That Hawke's Bay Regional Council receives and adopts the Report and recommendations from the Regional Planning Committee including the Regional Planning Committee resolutions as follows. <p><i>"That the Regional Planning Committee (on 12 September 2018):</i></p> <ol style="list-style-type: none"> <li>1. <i>Receives and notes the "TANK Plan Change Further Information" staff report.</i></li> <li>2. <i>Further notes that:</i> <ol style="list-style-type: none"> <li>2.1 <i>the TANK Plan Change Further Information report is lengthy and contains complex information which requires further time for review and analysis by Committee members;</i></li> <li>2.2 <i>there are further reports to be provided to the Committee in accordance with the 14 August Regional Planning Committee resolution, being:</i></li> </ol> </li> <li>3. <i>Requests that staff prepare and present the further reports as listed following, to the Committee:</i> <ol style="list-style-type: none"> <li>3.1 <i>the outstanding areas of non-consensus and any other areas that may be identified by the tangata whenua or council members of the RPC following the 14-15 August 2018 workshops so that decisions can be made by the RPC on those and other outstanding technical refinements</i></li> <li>3.2 <i>options to consider whether the Committee proceeds directly to formal public notification, limited circulation of the draft plan change for targeted pre-consultation, or some wider public release of the draft plan change for general pre-consultation and feedback</i></li> <li>3.3 <i>section 32 evaluation report</i></li> <li>3.4 <i>implementation plan</i></li> <li>3.5 <i>mandatory pre-notification consultation requirements with iwi authorities, local authorities and Ministers of the Crown</i></li> <li>3.6 <i>proposed timeframes and arrangements for the hearing phase of the plan change process."</i></li> </ol> </li> <li>2.3 <i>once all reports and information have been received, the Committee will then assess and make a decision on the draft plan and accompanying documentation in its totality."</i></li> </ol> </li> <li>3. <i>Adopts the following provisions to be included into the draft TANK Plan Change (PC9) Version 8.</i> <ol style="list-style-type: none"> <li>3.1 <i>Include a high flow allocation limit of 8 m<sup>3</sup>/s for the Ngaruroro River, and an equivalent high flow allocation for the Tūtaekurī River as in Policy 51 and schedule 7 and associated rules.</i></li> </ol> </li> </ol>

Agenda Item	Action	Responsible	Status Comment
			<p>3.2 Provide for stream flow enhancement of lowland streams as in Policy 35 and associated rules.</p> <p>3.3 Maintain the Regional Resource Management Plan's existing minimum flow trigger for the Ngaruroro River at Fernhill of 2400 l/sec and reduce the allocation limit to 1300 l/sec for surface and zone 1 groundwater abstraction in Policy 39 and associated rules.</p> <p>3.4 Increase the existing minimum flow for the Tūtaekurī River at Puketapu to 2500 l/sec and reduce the allocation limit to 1140 l/sec for surface and zone 1 groundwater abstraction from in Policy 39 and associated rules."</p> <p><b>Oil &amp; Gas Plan Change Options</b></p> <p>2. Agrees to cease further work on preparation of the Oil and Gas plan change with a view to incorporating this work, as appropriate, in future upcoming reviews of the Regional Resource Management Plan and Regional Coastal Environment Plan, except that:</p> <p>2.1. Staff may wrap-up and close works on the current stand-alone oil and gas plan change project to enable smooth assignment of the project's current intelligence over to future plan review projects.</p> <p>3. Amends the 2018-28 Long Term Plan to remove the oil and gas plan change project from the Strategic Planning Group of Activities.</p> <p><b>Additional Candidate Outstanding Fresh Water Body for Cultural and Spiritual Values Assessment – Tūtaekurī River</b></p> <p>4. Agrees that the Tūtaekurī River be included on the list of candidate Outstanding Fresh Water Bodies for cultural and spiritual values for secondary assessment by staff.</p> <p><b>Reports</b></p> <p>5. Notes that the following reports were provided to the Committee:</p> <p>5.1. TANK Plan Change further information</p> <p>5.2. 2017-18 Annual Summary Report of Regional Planning Committee Activity</p> <p>5.3. RMA Policy Planning Projects Update</p> <p>5.4. Statutory Advocacy update</p>

Meeting held 14 August 2018

	Agenda Item	Action	Responsible	Status Comment
1	Receipt of draft TANK plan change	<div>1. Staff to prepare and present further reports to the RPC on the TANK Group's non-consensus matters.</div> <div>2. Staff to prepare and present further reports on other TANK plan change matters identified by RPC members following the 14-15 August 2018 workshops, as agreed by Co-Chairs and CE.</div>	T Skerman (GMSP)	<div>Further agenda item on 12 Sept 2018 Agenda for agreement of three matters of non-consensus.</div> <div>s32 evaluation report, PC9 implementation plan, mandatory pre-notification requirements, plus timeframes and arrangements for PC9's hearing phase still to come.</div> <div>GMSP and Chief Executive have received nominations (via Tania Hopmans) of matters that the tāngata whenua members request further reporting on. GMSP and CE are reviewing those nominations.</div>

Reference follow-up items 1 &amp; 3 above

**From:** Gavin Ide **Sent:** Wednesday, 19 September 2018 11:19 AM  
**To:** Mike Mohi; Alan Dick; Fenton Wilson; Cr Peter Beaven; Cr Rick Baker; Cr Tom Belford; Debbie Hewitt; Neil Kirton; Paul Bailey; Rex Graham; Apiata Tapine; Jenny Smith; Joinella Maihi-Carroll; Karauna Brown; Matiu Heperi Northcroft; Nicky Kirkiri; Peter Paku; Tania Hopmans; Toro Waaka  
**Cc:** Annelie Roets; Tom Skerman; Billy Brough; Riki Ellison  
**Subject:** For RPC members' information - Follow-up actions arising from RPC meeting on Wed 12 Sept

Ata mārie RPC members,

FYI, below is a list of the follow-up actions and materials arising from last week's RPC meeting.

1.	Clarify status of petroleum exploration permit previously issued by NZ Petroleum & Minerals to Endeavour Energy	Status of petroleum exploration permit (#53806) issued to Endeavour Energy Ltd is confirmed by NZPAM online records as being " <b>Revoked</b> " as at 7 Sept 2015. Permit #53806 was issued on 1 Nov 2012 and was due to expire on 31 Oct 2017 (but was revoked prior to expiry).
2.	Outline stepped milestones for RPC progressing TANK PC9 up to public notification	Completed – refer email sent 5.50PM 18 Sept from G Ide on behalf of Tom Skerman.
3.	Circulate map of HastingsDC's district plan rezoning for the Iona development area	Links to HDC's Iona development area rezoning are: <a href="#">Webpage link</a>   <a href="#">Map link</a>
4.	Circulate weblink to staff report on 'forestry slash management' which was recently presented to the Environment & Services Committee meeting on 5 <sup>th</sup> September. That report informed the E&S Cttee "of the regulations available through the new National Environmental Standard for Plantation Forestry for HBRC to manage the reduction and avoidance of forestry slash and debris."	Link to Environment & Services Committee meeting agenda below. Refer Item #7. <a href="#">Forestry Slash Management report link</a>

Nga mihi,  
**Gavin Ide**

Item 4

Attachment 1



# HAWKE'S BAY REGIONAL COUNCIL

## REGIONAL PLANNING COMMITTEE

Wednesday 31 October 2018

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

Item 5

#### Reason for Report

1. Standing order 9.12 states:

*"A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:*

*(a) the reason the item is not on the agenda; and*

*(b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.*

*Items not on the agenda may be brought before the meeting through a report from either the Chief Executive or the Chairperson.*

*Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision making."*

2. In addition, standing order 9.13 allows "A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion."

#### Recommendations

1. That the Regional Planning Committee accepts the following "Items of Business Not on the Agenda" for discussion as Item 11:

- 1.1. **Urgent** items of Business (*supported by tabled CE or Chairpersons' report*)

	Item Name	Reason not on Agenda	Reason discussion cannot be delayed
1.			
2.			

- 1.2. **Minor** items for discussion **only**

Item	Topic	Raised Councillor / Staff
1.		
2.		
3.		

Leeanne Hooper  
PRINCIPAL ADVISOR GOVERNANCE

James Palmer  
CHIEF EXECUTIVE





# HAWKE'S BAY REGIONAL COUNCIL

## REGIONAL PLANNING COMMITTEE

Wednesday 31 October 2018

### Subject: NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT PROGRESSIVE IMPLEMENTATION PROGRAMME – REVISED THIRD EDITION

Item 6

#### Reason for Report

1. The purpose of this report is to present an updated Implementation Programme for the National Policy Statement for Freshwater Management (the 'NPSFM') to the Regional Planning Committee and for the Committee to consider recommending it to Council for adoption.
2. In August 2017, a number of further amendments to the NPSFM came into effect. Policy E1(f) of the NPSFM as amended in 2017 requires that a staged implementation programme be formally adopted by Council and publicly notified by 31 December 2018.
3. The updated implementation programme would replace the existing programme adopted by Council in November 2015 and the original September 2012 edition.

#### Context

4. NPSFM Policy E1 states:

- "(a) This policy applies to the implementation by a regional council of a policy of this national policy statement.*
- (b) Every regional council is to implement the policy as promptly as is reasonable in the circumstances, and so it is fully completed by no later than 31 December 2025.*
- (ba) A regional council may extend the date in Policy E1(b) to 31 December 2030 if it considers that:
  - i. meeting that date would result in lower quality planning; or
  - ii. it would be impracticable for it to complete implementation of a policy by that date.*
- ...*
- (e) Where a regional council has adopted a programme of staged implementation, it is to publicly report in every year, on the extent to which the programme has been implemented.*
- (f) Any programme adopted under Policy E1(c) of the National Policy Statement for Freshwater Management 2011 or under E1(c) of the National Policy Statement for Freshwater Management 2014 by a regional council is to be reviewed, revised if necessary, and **formally adopted by the regional council by 31 December 2018**, and publicly notified.*
- ..." (emphasis added).*

5. The following are some matters to note as clarification of terms referenced in Policy E1:
  - 5.1. "fully completed" [implementation of NPSFM policies] refers to RMA regional plans and regional policy statements being amended and those amendments being to operative stage (i.e. after submissions, hearings, decisions and any Court appeal proceedings are resolved)
  - 5.2. "publicly notify[ing]" the adopted PIP in this context does not have the same meaning as it does in reference to a proposed plan or a plan change. Notification here merely means giving public notice in media of the fact that Council has adopted its PIP. There is no requirement in the NPSFM or RMA to provide an opportunity for the public to submit on the revised programme.
  - 5.3. Annual reporting on the extent to which HBRC's PIP has been implemented (i.e. Policy E1(e)) has been, and is intended to continue to be, published every year as part of the Council's Annual Report.

- 5.4. Exactly how any Programme looks and what it contains is entirely up to the council's own discretion. The NPSFM does not prescribe the look, feel, and content of progressive implementation programmes, but does anticipate some degree of flexibility is necessary to say, accommodate changes in dates and resourcing decisions. All that is required is for the PIP to define time-limited stages by which the Council is to fully implement the NPSFM. Consequently, many other councils' PIPs are typically indicative only and there are no specific sanctions for a council not achieving self-imposed intermediary milestones – notwithstanding the 2025 deadline or 2030 extension.
6. As noted above, amendments were made to the NPSFM and the revised version came into effect in August 2017. The updated [2017] NPSFM has a number of changes from the previous 2014 version. Consequently, Policy E1(f) now requires that HBRC review and revise (as required) its progressive implementation of the NPSFM and that this shall be formally adopted and notified by 31 December 2018. That sixteen month period recognised the pivotal role that councils' 2018-28 long term plans have in gearing the priorities and appropriate resourcing to deliver full implementation of the NPSFM into the RPS and regional plans.
7. Based on decisions made and features of the Council's 2018-28 LTP, senior planning staff have prepared a draft revised programme. This draft is set out in Attachment 1. The final formatted publication would be published online.
8. Redefining the 3<sup>rd</sup> edition PIP does not happen in a silo. It must be noted that a number of other factors have been heavily influential on defining the PIP's time-limited stages. Those include:
  - 8.1. The increasing 'wave' of new national direction relating to resource management (in the form of amendments to NPSs, amendments to NESs, new NPSs and/or NESs, further amendments to legislation signalled by the Labour-led Government, plus the prospect of new, but undefined, National Planning Standards to prescribe the structure, layout and some content of RMA planning documents).
  - 8.2. The timing of upcoming reviews of all three of the Council's RMA planning documents (i.e. the Regional Coastal Environment Plan, the Regional Resource Management Plan, which also includes the Regional Policy Statement).
  - 8.3. The corresponding resourcing available from many teams across the council (e.g. environmental science, resource management regulation, catchment services, catchment management, communications, asset management etc).

### Options Assessment

9. There are essentially two options to consider here. The first is doing nothing which is basically rolling over the Council's existing PRP which was adopted in November 2015. The second (and recommended) option is to adopt a revised PIP.

### Strategic Fit

10. Adopting a revised PIP certainly does fit with the Council's broader strategic goals and vision for *a healthy environment, a vibrant community and a prosperous economy*. Progressively implementing the NPSFM into the Regional Policy Statement and regional plans for Hawke's Bay is central to the Council's focus and priorities.
11. Nonetheless, it should be noted that on 8<sup>th</sup> October 2018, Environment Minister David Parker and Agriculture Minister Damien O'Connor announced the Government's blueprint to improve the quality of freshwater waterways in New Zealand. Titled 'Essential Freshwater,' the proposals include changes to the NPSFM, new national environmental standards and two sets of amendments to the Resource Management Act (refer Attachment 2 being a 1-page diagram summarising the Government's proposals and timeframes).
12. Staff do not recommend deferring adoption of a revised PIP pending these future (and currently unspecified) amendments. The Council could choose to make revisions to its

PIP once the details of that future NPSFM and any other associated national regulatory instruments (e.g. NESs) are revealed and confirmed.

### Considerations of Tangata Whenua

13. It's been stated many times that freshwater is a tāonga. As a tāonga, policy decisions impacting the way freshwater resources are managed are of particular interest to Maori.
14. While the NPSFM PIP per se was not explicitly documented in Council's (then) Draft 2018-28 Long Term Plan, the programme's key elements and associated budgets were, which provided the community an opportunity to submit via the consultation document. In parallel with the LTP's early development, staff shared with the members of the Committee the Policy and Planning work programme which back then reflected the NPSFM PIP components.
15. The decision to adopt (or not) a revised PIP is one to be made in accordance with the Local Government Act. In this instance, the RMA does not prescribe any matters that the Council must consider when adopting its PIP. Consequently there are no obligatory considerations to be given to, for example, iwi planning documents and Treaty settlement legislation.
16. In due course, there will obviously be the typical opportunities for tāngata whenua input into the content of proposed plans/plan changes which are the individual workstreams recorded in the PIP.

### Financial and Resource Implications

17. As noted above, the 2017 NPSFM amendments have prompted the need to revise the existing 2015 implementation programme. The 2018-28 Long Term Plan has been fundamental to the revising the programme.
18. In deciding to adopt a third edition PIP, there are no extra financial or resource implications for the Council. It is assumed that the PIP's time-limited stages of various plan changes is already resourced within the reasonable preliminary estimates required to inform decisions made for the 2018-28 LTP. However, in the event that future detailed project planning reveals a shortfall in resourcing, then options for addressing any such shortfall will be traversed at that time.

### Decision Making Process

19. Council is required to make a decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained in Part 6 Sub Part 1 of the Act in relation to this item and have concluded the following:
  - 19.1. The decision does not significantly alter the service provision or affect a strategic asset.
  - 19.2. The use of the special consultative procedure is not prescribed by legislation, but the NPSFM does require public notice to be given of the decision to adopt the revised Implementation Programme. There will opportunities in the future for any person to make submissions on the subsequent proposed plan changes to the RPS and regional plans as the Implementation Programme rolls out.
  - 19.3. The persons affected by this decision are all persons with an interest in the region's management of natural and physical resources under the RMA.
  - 19.4. There is no option but to prepare an implementation programme and notify its adoption given that this is a prescribed requirement in the amended 2014 NPSFM.
  - 19.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision. If there are material changes to the Programme in future, the drivers for any such changes are likely to have been consulted on directly or indirectly through future LTP and/or Annual Plan processes.

## Recommendations

1. That the Regional Planning Committee receives and notes the ***“National Policy Statement for Freshwater Management Progressive Implementation Programme - Revised Third Edition”*** staff report.
2. The Regional Planning Committee recommends that Hawke’s Bay Regional Council:
  - 2.1. Agrees that the decisions to be made are not significant under the criteria contained in Council’s adopted Significance and Engagement Policy, and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
  - 2.2. Agrees that extending full implementation of the NPSFM’s policies out to 31 December 2030 in Hawke’s Bay is appropriate because:
    - 2.2.1. meeting a 31 December 2025 timeframe would result in lower quality planning and
    - 2.2.2. it would be impracticable for the Council to complete implementation of all of the NPSFM’s policies by 31 December 2025.
  - 2.3. Adopts the updated (3<sup>rd</sup> edition) 2018 Progressive Implementation Programme for the National Policy Statement for Freshwater Management as proposed.

### Authored by:

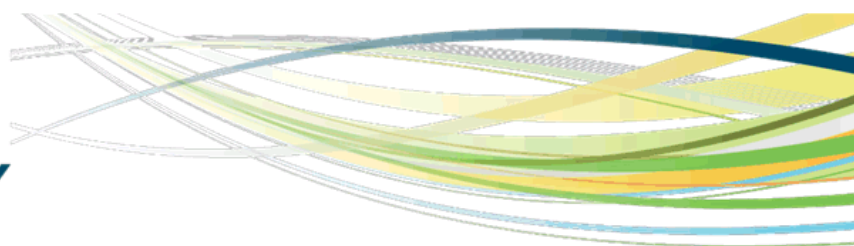
**Gavin Ide**  
**MANAGER POLICY AND PLANNING**

### Approved by:

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

## Attachment/s

- [1](#) National Policy Statement for Freshwater Management PIP 3rd edition 2018
- [2](#) NZ Government Essential Freshwater Workstream Diagram (Oct 2018)



## National Policy Statement for Freshwater Management Progressive Implementation Programme for Hawke's Bay – 3<sup>rd</sup> edition (2018)

### Preamble

HBRC will progressively implement the National Policy Statement for Freshwater Management 2014<sup>1</sup> (NPSFM) by a combination of the following:

- a) Amendments to the Regional Policy Statement
- b) Amendments to the regional plans (i.e. the Regional Resource Management Plan and Regional Coastal Environment Plan).

In addition to amending RMA planning documents, HBRC will also implement the NPSFM in:

- a) Environmental monitoring programmes and investigations, including:
  - a. Developing a freshwater accounting system for water quantity and water quality in the catchment areas; and
  - b. Developing and implementing monitoring plans for catchment areas to monitor progress towards any freshwater objectives set for the HB region (refer NPSFM Policy CB1).
- b) Assessment of, and decisions on, resource consent applications and
- c) A range of non-regulatory initiatives that sit outside of the tools and requirements of the RMA.

This third edition of HBRC's Progressive Implementation Programme replaces the previous programme that was adopted by the Council in November 2015 and the original September 2012 edition.

### Time-limited stages of implementation 2018-2030

Implementation workstream	Summary of approach	Timeline milestone
RRMP Change 5: Integrated land and freshwater management	Resolving remaining part of one appeal. Awaiting final decision from Environment Court. Environment Court's final decision anticipated by 31 December 2018.	Approve Plan Change 5 to become operative in 2019
Identification of outstanding waterbodies in Hawke's Bay ('PC7')	Assess named candidate waterbodies in the region for outstanding cultural, recreational, ecological and/or landscape value and include list of outstanding waterbodies in the RPS.	Notify proposed plan change no later than 2019
RRMP Change: TANK catchment area ('PC9')	Develop freshwater objectives, catchment limits, policy and methods for water quality and quantity through a council and community process with the TANK Collaborative Stakeholder Group.	Notify proposed plan change no later than 2019
RRMP Change: Mohaka catchment ('PC8')	Develop freshwater objectives, catchment limits, policy and methods for water quality and quantity through a council and community process.	Notify proposed plan change estimated in 2021, but no later than 2024

<sup>1</sup> This refers to the 2014 National Policy Statement for Freshwater Management updated to incorporate amendments from the National Policy Statement for Freshwater Management Amendment Order 2017.

Implementation workstream	Summary of approach	Timeline milestone
RRMP Change: remaining catchment areas (i.e. Esk, Nuhaka, Te Ngaru, Tutira, Porangahau, Southern coast area, Waihua, Waikari, Waipatiki, Wairoa, Whakaki, etc)	Develop freshwater objectives, catchment limits, policy and methods for water quality and quantity through council and community process(es).	Notify proposed plan change estimated no later than 2024.
Developing regional targets for increasing 'swimmability' of specified rivers and lakes in Hawke's Bay (refer NPSFM Policy A6)	Develop final regional targets to improve the quality of freshwater in specified rivers and lakes and contribute to achieving the national target to increase the proportion of specified rivers and lakes that are suitable for primary contact.	Develop and make publicly available final regional targets by 31 December 2018.
Reviews of the RCEP and RRMP (including the RPS)	Reviews of the RPS and regional plans will address any matters that are outstanding and not included in plan changes listed above. For example, Policy C2 regarding integrated management of the effects from use and development, encouraging coordination and sequencing of growth, land use and development and infrastructure.	Commence review of RCEP and RRMP (including RPS) 2021. Notify proposed reviewed RMA documents estimated 2024.

Conclusion – all documents operative by 31 December 2030.

#### Reporting

Annual reporting on Programme implementation is required by Policy E1(e) of the NPSFM. HBRC has been, and will continue, reporting annually on programme implementation progress in its Annual Reports.

#### Financial and resourcing implications

If, as a result of annual reporting of the implementation programme, the programme requires further flexibility to change, or is falling behind, the programme will be reviewed along with financial and resourcing requirements as part of the next HBRC Annual Plan or Long Term Plan process.

The NPSFM requires overall policy implementation by 31 December 2025. This timeframe may be extended out to 2030 if necessary and required (refer NPSFM Policy E1(ba)).

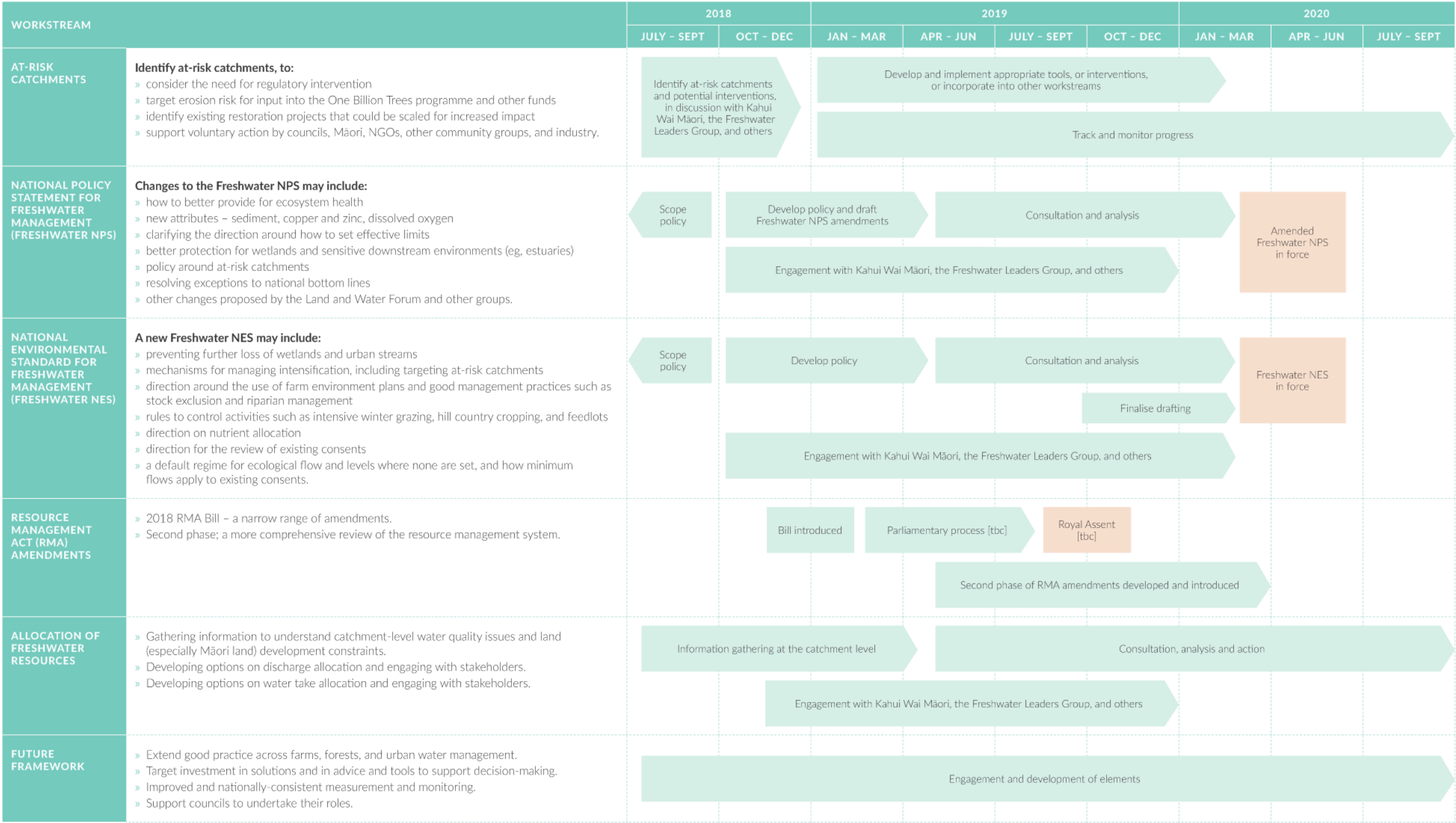


WORK PROGRAMME  
Essential Freshwater

The Essential Freshwater work programme will deliver important long-term improvements to our freshwater. While changes to the National Policy Statement for Freshwater Management are needed, it will take time before these fully take effect as councils need to incorporate any changes into their planning processes. So more immediate impacts are achieved, we propose identifying at-risk catchments where immediate action can be targeted and developing a national environmental standard, which can take effect as soon as it is complete.

Item 6

Attachment 2



**Find out more:** More information on the Government's Essential Freshwater work programme is available on the Ministry for the Environment's website. | Published October 2018. INFO 848

New Zealand Government





## HAWKE'S BAY REGIONAL COUNCIL

### REGIONAL PLANNING COMMITTEE

Wednesday 31 October 2018

#### **Subject: TANK (PC9) PLAN CHANGE AND DECISIONS ON PLAN CHANGE MATTERS**

Item 7

#### **Reason for report**

1. To provide information, options considered and recommendations in respect of;
  - 1.1. Issue 1: The management of nutrient loss and the management of risks of nutrient loss arising from land use changes that the TANK Group did not reach consensus on;
  - 1.2. Issue 2: The recommendations in respect of the protection of registered drinking water sources from the Joint Drinking Water Working Group;
  - 1.3. Issue 3: The completion of the policy and rules for managing stormwater discharges;
  - 1.4. Issue 4: The draft s32 evaluation report and update of further work in progress in respect of this.
2. The report follows on from earlier presentations and workshops provided to the Committee in recent months. A number of attachments have been pre-circulated to Committee Members and/or are attached to this paper. The attachments provide more detail and background in support of the topics identified above, in particular:
  - 2.1. Memo re: Land Use Change and Nutrient Management (pre-circulated item 1);
  - 2.2. Drinking water rules and policies (attached);
  - 2.3. Draft drinking water source protection zone ('SPZ') location map (attached);
  - 2.4. Stormwater rules and policies (attached);
  - 2.5. Memo re: s32 Evaluation (attached); and
  - 2.6. Draft s32 evaluation report – Mitchell Daysh Limited (attached).
3. In addition to the technical reports prepared for this meeting, there are a number of reports which supported the TANK Group's decision making. The management of contaminant loss and water quality, and the protection of registered drinking water supply sources referred to in this report are available on the Council's TANK resources website.
4. A further version (V8) of the Draft Plan will be prepared following further workshops and any decisions and instructions agreed by the Committee. This is programmed for the RPC meeting of the 12<sup>th</sup> December.
5. A further paper for consideration is being presented at the RPC's meeting on 31<sup>st</sup> October, setting out the RMA pathway towards notification of the Draft Plan.

#### **ISSUE 1: MANAGEMENT OF CONTAMINANT LOSSES FROM DIFFUSE SOURCES**

6. Table 1 provides an outline of the issues and management responses in relation to the loss of nutrients, sediment and other contaminants from land use activities. (Note that this does not address the management of contaminants in urban stormwater as this is dealt with separately in Issue 3 below.)

**TABLE 1: summary of issues and management responses for contaminant losses from diffuse sources**

<b>Issue</b>	Contaminants (including sediment, nutrients and bacteria) can enter water from diffuse sources particularly from rural land. These contaminants can affect or are affecting the ability of the freshwater body to meet the needs of the agreed values.
<b>What the TANK Group has agreed</b>	<ul style="list-style-type: none"> <li>▪ The desired water quality state for the listed attributes (Schedule 1)</li> <li>▪ That further improvements for some attributes in some water bodies is required in the longer term (Schedule 2 which is still in preparation)</li> <li>▪ Policies 15-19 in version 7 of draft PC9 which provide for the following: <ul style="list-style-type: none"> <li>• Some water bodies do not meet the required water quality states and need to be the focus of further management attention</li> <li>• Agreement that one size will not fit all locations/activities</li> <li>• A priority approach to management based on– <ul style="list-style-type: none"> <li>○ Locations where water quality is not being met</li> <li>○ Focus on stressors and pathways that have the biggest effect on ecosystem health and water quality</li> <li>○ Measures targeted at specific practices (site specific and through rules)</li> <li>○ Milestones for key deliverables</li> </ul> </li> <li>• A delay to the development of a property nutrient allocation regime dependent on; <ul style="list-style-type: none"> <li>○ Better information about appropriate catchment load limits, particularly in relation to estuary health</li> <li>○ Better information to support development of an equitable nutrient allocation methodology</li> </ul> </li> <li>• To regulate land use change where there is a risk that annual nitrogen losses will increase as a result of the land use change</li> </ul> </li> </ul>
<b>Where RPC decision making is still required</b>	<ul style="list-style-type: none"> <li>▪ The threshold for a consent requirement for land use change. (TANK Rule 4)</li> <li>▪ The establishment of a property scale nutrient allocation regime in a shorter timeframe</li> </ul>
<b>Reporting officers' recommendation</b>	That TANK Rule 4 be amended to refer to a nitrogen load threshold and that Schedule 4 include information about modelled nitrogen losses for specified activities

## Managing Sediment

7. The TANK Group first considered the management framework for addressing the impacts of sediment loss on water quality attributes and ecosystem health. New SedNet modelling provided information about soil loss risk across the TANK catchments. The rate of potential soil loss was very variable across the catchments and between properties.
8. SedNet also provided information about the erosion types and this was used to calculate the potential costs of sediment mitigation to reduce sediment loss by 30%. Note however, that neither SedNet, nor any other model was able to predict the impact of a reduction in sediment loss on the measured water quality attributes or the timeframes within which the water quality improvements would be evident. This is because there are considerable complexities in predicting the actual sediment pathways from land to the receiving waters including in relation to where and when sediment loss occurs (the temporal and spatial lags.)
9. Despite this, the TANK Group agreed to further investigate the impact of reducing sediment loss by the (somewhat arbitrary) 30% because there is sufficient information about both:

- 9.1. the effectiveness of soil conservation measures in reducing soil loss; and
  - 9.2. the adverse effects between sediment and the water quality and health of freshwater and estuary ecosystems.
10. The TANK Group also agreed that measures to reduce sediment loss had the added advantage of reducing other contaminants such as phosphorus and bacteria. For example, a key measure to reduce erosion from streambanks is stock exclusion from waterbodies. This will also reduce the amount of bacteria entering water from animals. In addition, phosphorus tends to bind to sediment (unlike nitrogen which is soluble and is dissolved in water). If sediment loss is reduced, phosphorus loss is also reduced.
  11. The management framework for sediment therefore focuses on activities and locations that have the biggest potential to impact on freshwater and estuary quality. The key mechanism for ensuring soil loss mitigation is through property specific farm plans (either through individual Farm Environment Plans or collectively by landowners in a catchment). Schedule 3 and the associated maps of the draft PC9 provide further information about the priority catchments.

### Managing Nutrients

12. The freshwaters of the TANK catchments have variable concentrations of nutrients which can affect their freshwater values. In some rivers, nutrients will affect algal growth which then impact on the community values like mauri, swimming and ecosystem health. Guidelines<sup>1</sup> for nutrient concentrations that indicate where risk of increased algal growth is likely are currently being refined, and have informed the water quality attribute targets.
13. However, where rivers are dominated by macrophyte growth, there are complex relationships between plant growth and ecosystem health and there are currently no guidelines available in relation to managing nutrient concentrations for values affected by macrophyte growth in those rivers. It has been demonstrated that the main stressors on ecosystem health in these sorts of rivers are related to temperature and oxygen which would be improved by riparian shading to reduce macrophyte growth<sup>2</sup>.
14. The nutrients in freshwaters also contribute a load to the Waitangi and Ahuriri estuaries and are contributing to a poor ecosystem state there<sup>3</sup>. However further research is required to understand nutrient limits for the estuaries; what the existing loads are and what an appropriate load to maintain estuary ecosystem health would be. This would then enable the calculation of the necessary nutrient reduction into the estuary<sup>4</sup>.
15. Nutrient concentrations within the Ngaruroro and Tutaekuri River mainstems are low, although the higher flows means the total load to the estuary is proportionally high. By contrast, many of the lowland streams in the Karamu catchment have higher nutrient concentrations although their lower flows means total loads to the estuary are lower. Developing an allocation limit for nutrients as well as an equitable property scale allocation regime across the contributing TANK catchments is very complex in these circumstances. One of the very significant limitations of this property based nutrient allowance approach is that many of the possible mitigations cannot be modelled through available tools (Overseer<sup>5</sup> is key model being used around NZ although it still has

<sup>1</sup> This is currently in preparation by HBRC senior scientist Sandy Haidekker

<sup>2</sup> Life Supporting Capacity in Lowland Streams Jan 2016 HBRC report RM16-05-4782 <https://www.hbrc.govt.nz/assets/Document-Library/Publications-Database/4782-Life-Supporting-Capacity-in-Lowland-Streams-with-a-Focus-on-the-Karamu-Catchment-2016.pdf>

<sup>3</sup> The Estuaries of the TANK Catchments: Ahuriri and Waitangi Estuaries, Values, State and Trends May 2016 HBRC report RM 16-20. <https://www.hbrc.govt.nz/assets/Document-Library/Reports/Environmental-Science/Estuaries-of-the-TANK-catchments-Ahuriri-and-Waitangi-estuaries-May2016.pdf>

<sup>4</sup> A further report will be presented to the RPC by Anna Madarasz-Smith at the meeting on the 12<sup>th</sup> December in respect of this.

<sup>5</sup> Further advances have been made to the Overseer model since this was presented to the TANK Group. A meeting was held by Overseer Limited (9 October 2018) with Regional Councils to discuss the Overseer model

limitations for a number of land uses. SPASMO was also used to model water and nutrient mitigation scenarios for irrigated land in the TANK catchments).

16. The TANK Group acknowledged the importance of managing nutrient concentrations in rivers to protect instream values and the need to reduce nutrient loads to the estuary. There is still further research and investigation necessary to determine a defensible nutrient load limit, both for freshwater health and the estuaries health. However, in the interim, the TANK Group have agreed appropriate objectives for concentrations of nutrients within freshwaters and mitigation measures to ensure nutrient losses from land use activities are reduced. There will be an initial priority focus on catchments where nutrient concentrations are not meeting the desired states or where loads are relatively high (Priority order for Catchments is detailed in Schedule 3 of the draft PC9).
17. There is also concern that land use change or changing land use practices will result in further nutrient losses and water quality degradation and that measures are required to prevent such effects. This report contains recommendations for PC9 provisions to address this.

### **Land Use Change**

18. The TANK Group considered the drivers for land use change and the possible risks to water quality (and quantity) as a result of possible change. These are provided in Table 5 of pre-circulated Item 1. Of these, a number that could impact on water quality (not all effects would necessarily be negative) were considered more likely in the short to medium term;
  - 18.1. urban growth and tourism
  - 18.2. forestry establishment
  - 18.3. increased irrigation (if there is new water supply and water quality effects will depend on what the new land uses will be)
  - 18.4. further dairy development in the summer moist areas potentially in the Patoka area
  - 18.5. market changes changing the pattern of primary production activities
  - 18.6. changing land use practices and technologies including as a result of responses to greenhouse gas policies
  - 18.7. increased value-add food processing.

### **Managing the Effects of Land Use Change**

19. While the possibility of land use change is agreed, the level of risk is not agreed. Further, it has proved difficult to accurately define land use change as change occurs both incrementally and through more fundamental farm system changes. While nutrient budgets will be a key requirement where a property is in a 'priority catchment', the plan does not currently require a universal approach to nutrient budgets. This means a baseline will not be established across all properties (and which could be used to measure change).
20. The TANK Group acknowledged the need to develop alternative management approaches that would complement the overall management approach and still provide checks and balances to ensure further land use change does not undermine water quality in the future. The following alternatives have been considered:

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and its appropriate use in planning policy and plan implementation. This meeting has highlighted a number of potential actions for the Council which could further shape the refinement of the TANK Plan Change. However, at present staff are unable to report to the RPC on these updates. That being said it is deemed important to draw attention to the fact that Overseer Limited are due to release a report on their recommendations imminently. The implications of this, if any are yet to be explored by staff.

- 20.1. *A land use change consent requirement could be defined by a threshold such as whether nitrogen losses increase over a defined amount (such as 20kg/ha/year) as a result of the change. This is what is contained in the draft Plan currently – and which is not agreed.*
- 20.2. *A land use change consent requirement could be determined by a maximum change to the load across a property (kg increase across a property).*
- 20.3. *Effects of land use change might be managed by defining the types of change activities that will be subject to a consent requirement so that effects of the change can be assessed.*
- 20.4. *No land use change rules, but emphasis through farm plans and catchment collectives on meeting water quality outcomes*
21. The costs and benefits of these options are summarised in Table 2.

**TABLE 2: summary of costs and benefits of options for managing effects of land use change**

OPTION	COSTS	BENEFITS
1. Land use change rule based on an increase in the N loss (over 20kg/ha/year)	Could be considered to be the permitted base-line  Requires information about existing loss rates  Not directly related to water quality state – uncertain effect on water quality with permitted land use changes	Establishes threshold for acceptable loss rates
2. Threshold based on acceptable threshold for changes to a load (170kg/year)	More accurate if information about current loss is available.  The impact depends on size of the property – smaller properties are disproportionally affected.	Can be based on modelled data.  Is based on the thresholds already within the plan about property size.
3. Include rules for specific activities	Requires good information about nitrogen loss rates across a range of situations/soil types etc.  Modelled data doesn't always reflect actual losses	Could target key risky activities  Risk of missing new technology or farm production changes  Some risk activities are already regulated
4. No direct regulation of land use change – rely on farm plans/catchment plans to meet water quality	No ability to limit land use change.  Could result in catchment or farm plan mitigations being undermined	Outcomes focus for water quality
Note that there will be an implementation challenge for any new rules targeted at land use change. In order to require or apply for a consent, a land use change needs to be identified. However, farm plans and catchment collectives must report land use change where this exceeds 10% of the programme area. Enforcement will also depend on regular catchment land use monitoring to detect changes		

22. The recommended approach is based on Option 2. This Option is provided in Table 7 in pre-circulated Item 1 (Recommended rules for managing land use change).

## **ISSUE 2: JWG RECOMMENDATIONS FOR PROTECTION OF DRINKING WATER**

23. At the February TANK Group meeting, the TANK Group agreed that the Joint Working Group for Drinking Water Safety (JWG) should be regarded as a TANK working group to be tasked with developing draft policies and rules for consideration. This recognised that the Havelock North Drinking Water Inquiry had dominated discussion around drinking water and had become the platform for the most comprehensive assessment of the issues relating to drinking water.

24. Given the tight timeframes, the JWG decided to contract this task to consultancy firm Good Earth Matters (GEM) on the basis of their extensive experience with and knowledge of the Resource Management Act (RMA), drinking water matters, and the Hawke's Bay context.
25. Over the following months GEM, the JWG and the TANK project advisors formulated advice for the TANK Group. This advice was presented back to the TANK Group on several occasions, and feedback was taken on progress. Final recommendations were made by the JWG at the 26 July TANK Group meeting.

### Key issues and advice for GEM and the JWG

26. The key issues for consideration in front of the JWG and GEM were:
  - 26.1. Identification of risk activities in the catchments (in order to identify appropriate drinking water source protection planning provisions)
  - 26.2. Strengthening of current permitted activity rules (in order to assess if they were fit for purpose in the context of protection for registered drinking water sources)
  - 26.3. Use of Source Protection Zones (SPZs): used to overcome information gaps for resource users and regulators
27. Several reports traversing the above issues were prepared by GEM, and for the sake of brevity, this paper will not delve into the analysis in great detail. However, those earlier reports are available on the TANK page of the HBRC website.
28. Table 3 summarises the options recommended by the JWG to the TANK Group:  
**TABLE 3: summary of options recommended by the Joint Working Group to the TANK Group**

Option	Detail	
<b>A</b>	Include a new objective and supporting policy in the plan change for registered drinking water source protection, minus any spatial definition or additional regulation	Not recommended.
<b>B</b>	Include a new objective and supporting policy for registered drinking water source protection. This included a spatial definition of SPZs (where known) and a default 2km radius applied elsewhere. For information and policy guidance only.	Not recommended.
<b>C</b>	New option and policy for registered drinking water supplies' source protection. Spatial definition of SPZs (where known) and a default 2km radius applied elsewhere (provisional protection zones, or PPZs). Regulation of specified activities located within mapped SPZ areas.	Recommended.

29. **Option C** was preferred on the basis that it provided improved source protection for registered drinking water supplies within the TANK catchment. These registered supplies service 77% of the region's population, and including policies for source protection would provide decision maker with the ability to have greater visibility as to activities occurring in source protection zones that could potentially pose risks to the water sources of registered drinking water supplies.

### JWG's Recommendations to TANK Group

30. At the 26 July TANK meeting, members of the JWG presented the following recommendations to the TANK Group:
  - 30.1. A new objective be included in the draft plan change to provide an explicit statement in the Regional Plan that recognises and provides for SPZs and Provisional Protection Zone (PPZs)
  - 30.2. A new policy to support the above objective and policy to provide guidance as to how the objective was to be implemented
  - 30.3. Several changes to the rules:

- 30.3.1. For activities that already require a resource consent, adding matters of control/discretion that enable the risk of registered drinking water sources to be considered, where those activities are located in mapped SPZs
  - 30.3.2. Introducing consenting for activities located over SPZs
  - 30.3.3. Amendments to some Permitted Activity rules so that they meet the requirements for the National Environmental Standard for Sources of Human Drinking Water
  - 30.3.4. Production Land use in a source protection zone to be a permitted activity as proposed by the TANK Group, but Farm Environmental Plans will need to include consultation with the water supply authority and identify measures to manage risks to drinking water sources.
- 31. The TANK Group agreed to these recommendations, subject to some further work to be done on the detail (largely in relation to finalisation of planning maps detailing SPZs and PPZs).
  - 32. Tonkin & Taylor Ltd were commissioned by Hastings District Council to prepare SPZs for its own public water supplies located in the Hastings Urban area. This has only been recently completed, and at the time of writing this paper staff have not yet been able to fully consider the content and recommendations presented within the report. However, draft SPZ maps have been attached (along with the rules and policies) at Attachment 2. It is noted that there may still be some refinement of these maps.

### **ISSUE 3: STORMWATER POLICIES & RULES**

- 33. Council staff presented to RPC members the draft stormwater policies and rules at its workshop of 14 August.
- 34. Feedback from the RPC during the workshop centered on the desire to see more time bound and measureable outcomes. In order to give effect to this, staff have met with their counterparts in the district councils to discuss greater specificity. Based on these discussions, several further changes which are directly specific changes to the policies are outlined shown below:

Policy	Update	Rationale
<b>Policy 26: New Urban Infrastructure</b>	Adoption of an Integrated Catchment Management approach by 1 January 2025	This date recognises that although some Integrated Catchment Plans have been completed, others are yet to be commenced. The date also allows TLAs to ensure that site management plans are in place for relevant activities, prior to finalisation of these plans.
<b>Policy 26: New Urban Infrastructure</b>	District plans, design standards, codes of practice, bylaws to be amended and updated by 1 January 2025 to specify design standards	This date recognises the process and timeframes required to amend these instruments, particularly bylaws.
<b>Policy 26: New Urban infrastructure</b>	When making decisions about urban infrastructure all councils will from 1 January 2020 reduce or remedy the effects of stormwater quality and quantity by the factors listed in (a) – (f)	Following discussions with TLAs staff consider that the requirements set out in Policy 26 are achievable by 2020. Some are already occurring, for example, public awareness programmes.
<b>Policy 27: Source Control</b>	Sources of stormwater contamination will from 1 January 2023 be reduced by local authorities using the methods specified in (a) –(c)	Again this links to site management plans being rolled out and implemented across the board. 2023 is considered to be a pragmatic target in light of this.
<b>Policy 28: Dealing with the Legacy</b>	Improvements will be achieved by 1 January 2020 through implementation of site management plans and good practice on existing and new commercial sites	This date recognises the urgency required to address legacy issues. In implementing site management plans, TLAs will be assisted by the decision making matrix which will assist with determining whether or not a commercial activity is low, medium, risk.
<b>Policy 29: Consistency and collaboration; Integration of city, district and regional council rules and processes</b>	To achieve the freshwater objectives set out in the TANK plan all councils, will by 1 January 2023 adopt similar performance standards as set out in points (a)- (g)	In discussing with TLA counterparts it is agreed that this is adequate time to allow for this integration to take place.

35. Council staff also discussed the inclusion of a decision making matrix for determining if an activity was low, medium or high risk. At the time of the August workshop, this was still being developed.
36. A copy of the decision making matrix (in addition to the updated rules) is still be finalised and will be shared with the RPC upon completion. It is envisioned that along with the draft rules and policies, minor tweaks around the detail to the decision making matrix are likely as discussions with the TLAs continue.

#### ISSUE 4: DRAFT S32 EVALUATION REPORT

37. Mitchell Daysh Limited have been appointed to undertake the s32 evaluation reporting on behalf of the Hawke's Bay Regional Council. In doing so they have had access to the suite of documents, reports, TANK Group minutes, meeting records, papers and PowerPoint presentations which have informed the development of the draft TANK Plan Change PC9 thus far.
38. The RMA requires the Regional Council in preparing PC9 to evaluate the extent to which the objectives of the plan change proposal are the most appropriate way to achieve the purpose of the Act. It should be noted that case law has interpreted 'most appropriate' to mean "suitable, but not necessarily superior" (Rational Transport Soc. Inc v New Zealand Transport Agency HC Wellington). In order to determine whether the most appropriate objectives have been proposed it should be demonstrated that the purpose of the RMA is met efficiently and effectively, and also that the proposed



policies, methods and rules are the most appropriate way in which to achieve the objectives.

39. At the time of writing this paper, Mitchell Daysh Ltd had prepared a partial draft s32 report which is appended to this paper (Attachment 5). The report cannot be completed until PC9's drafting has been finalised. In order to fulfil the requirements of the s32 evaluation reporting, decisions are required to be made on those items of non-consensus by the RPC.
40. A memo has also been appended to this paper (Attachment 4) to provide further detail and clarity regarding the requirements of a s32 evaluation report, what the evaluation should give regard to and equally what the s32 reporting does not do.
41. It is intended to provide a further review of the s32 Evaluation at the RPC's meeting on 12<sup>th</sup> December 2018. Further reporting may be required beyond that date to evaluate the appropriateness of the decisions made by the Committee should this stage in the process extend into 2019, and to also provide a summary of advice from iwi authorities in respect of the pre-notified version of PC9.

### **Decision Making Process**

42. Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded that if the Committee were indeed to make a decision similar to those being recommended by the authors, then:
  - 42.1. The decision does not significantly alter the service provision or affect a strategic asset.
  - 42.2. The use of the special consultative procedure is not prescribed by legislation.
  - 42.3. The decision does not fall within the definition of Council's policy on significance.
  - 42.4. The persons affected by this decision all persons with an interest in the region's management of natural and physical resources under the RMA, particularly land and freshwater resources in the TANK catchment area.
  - 42.5. Staff have considered a number of different approaches to the issues discussed in this report.
  - 42.6. The decision is not inconsistent with an existing policy or plan.
43. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision. Once a plan change is publicly notified, any person may make a submission on that plan change.
44. Note that the Committee will be provided with further briefing reports about options and timeframes for further steps in this Plan Change process. This will include options for further consultation on a draft and notification of the Proposed Plan Change.

### **Decision Making Process**

45. Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 45.1. The decision does not significantly alter the service provision or affect a strategic asset.
  - 45.2. The use of the special consultative procedure is not prescribed by legislation.
  - 45.3. The decision does not fall within the definition of Council's policy on significance.
  - 45.4. The persons affected by this decision are <Type text here>

- 45.5. The decision is not inconsistent with an existing policy or plan.
- 45.6. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

### Recommendations

1. That the Regional Planning Committee receives and notes the “TANK Plan Change and Decisions on Plan Change Matters” staff report.
2. That the Regional Planning Committee adopts in principle the following provisions to be included into the draft TANK Plan Change (PC9) Version 8.
  - 2.1 Include rules for managing contaminant loss effects from land use change as provided in Table 7 of pre-circulated Item 1 and to amend Schedule 4 as provided in section 129 and Table 8 of pre-circulated Item 1 (page 30).
  - 2.2 Include provisions for managing drinking water as outlined in Attachment 1.
  - 2.3 Include provisions for managing stormwater as outlined in Attachment 3.

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### Attachment/s

- [↓1](#) JWG recommended rules
- [↓2](#) Draft SPZ map
- [↓3](#) Stormwater rules and policies
- [↓4](#) Section 32 Memo
- [↓5](#) Mitchell Daysh Section 32 Report Draft Objectives Assessment

## TANK Draft Plan Change – Protection of the Water Quality for Community Water Supply

### Background

The TANK group sought recommendations from the Joint Working Group (JWG) in relation to Plan content that would meet the community needs for safe drinking water. The JWG sought advice from Good Earth Matters (GEM) in relation to understanding the issue and the options available for managing them (the GEM report is separately available).

The JWG made recommendations to the TANK group at their last meeting on the 26<sup>th</sup> July. While provisions for protection of drinking water were included in the TANK Draft Plan Change Version 7, the JWG has further considered issues arising from the presentation to the TANK Group and further feedback since then.

The JWG has at their meeting on the 24<sup>th</sup> August 2018, subsequently made further recommendations for amendments to Version 7. These amendments are shown as tracked changes in the text below.

Planning Maps to show the location of the Source Protection Zones where they are defined and the Provisional Protection Zones for each Registered Drinking Water Supply are under preparation. Draft maps showing indicative protection areas are attached. There are now definitions for the underlined terms.

### Objectives

17. Activities in Source Protection Zones 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.

### Policies

6. For the groundwater of the Heretaunga Plains and surface waters used as source water for Registered Drinking Water Supplies;
  - a) 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, to apply a specified Provisional Protection Zone for a Registered Drinking Water Supply.
7. Regulate 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) the 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) impacts on the level or type of treatment required to maintain the safety of the water supply;
  - (iv) any shortening or quickening of the connection between contaminants and the source water, including damage to a confining layer as a result of earthworks or the drilling and maintenance of bores;
  - (v) the rate or volume of any groundwater abstraction causing a change in groundwater flow direction or speed or a change in hydrostatic pressure.

8. The Council, when considering applications to discharge contaminants or carry out land use activities within any specified Provisional Protection Zone for Registered Drinking Water Supplies, will take into account possible contamination pathways and risks to the quality of the source water for the water supply.
9. The Council, when considering applications to discharge contaminants or carry out land use activities within Source Protection Zone, will avoid or mitigate risk of contamination from the activity to 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) any effects of abstraction on groundwater 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.
10. 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, Hawke's 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;
  - b) understand the nature and extent of the water resources used to supply communities, their connectivity with other waterbodies and their recharge sources;
  - c) understand risks to the quality of water used for Registered Drinking Water Supplies, including through consultation on any applicable applications for resource consent in Source Protection Zones or Provisional Protection Zones;
  - d) maintain shared databases of activities that have the potential to adversely affect the quality of water used for community drinking water supply;
  - e) develop solutions that address risks to water quality including wastewater reticulation solutions in Source Protection Zones.

## Rules

The provisions relevant to the protection of registered drinking water supplies are highlighted RULE	ACTIVITY	STATUS	CONDITIONS/STANDARDS/TERMS	MATTERS
<b>TANK 7</b> Re-application for water permits – groundwater in HPWMZ	<b>Application to continue to take water in respect of applications subject to section 124</b> (Heretaunga Plains Water Management Unit)	<b>Restricted Discretionary</b>	<p>a) The taking and use of water from the <b>Heretaunga Plains Water Management Unit</b> does not comply with the conditions of rules TANK 6.</p> <p>b) The application is for the continuation of a water take and use authorised in a water permit that <i>was issued before &lt;proposed plan date&gt;</i> and that is due for renewal and section 124 applies.</p> <p><b>Actual and Reasonable Re-allocation</b></p> <p>c) The amount taken and used for irrigation is the <b>actual and reasonable</b> amount</p> <p>d) the amount taken and used for municipal, community and papakāinga water supply is:</p> <ul style="list-style-type: none"> <li>(i) the quantity specified on the permit being renewed; or</li> <li>(ii) any lesser rate applied for</li> </ul> <p>e) Other than as provided in (c) or (d) the amount taken and used is the least of:</p> <ul style="list-style-type: none"> <li>(iii) the quantity specified on the permit due for renewal or</li> <li>(iv) any lesser rate applied for</li> <li>(v) the maximum annual water use in any one year within the 10 years preceding 1 August</li> </ul>	<p>The Council will impose conditions in respect of the following matters;</p> <ol style="list-style-type: none"> <li>1. The extent to which the need for water has been demonstrated and is actual and reasonable.</li> <li>2. 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</li> <li>3. 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 4 and rates of take to limit drawdown effects on neighbouring bores.</li> <li>4. 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</li> <li>5. For applications to take water for municipal, community and papakāinga water supply; <ol style="list-style-type: none"> <li>a. The adequacy of any Source Protection Zone</li> </ol> </li> </ol>

			<p>2017 (including as demonstrated by accurate water meter records)</p> <p><b>Stream Flow Enhancement</b></p> <p>f) The stream flow depletion (in l/sec) will be calculated using the Stream Depletion Calculator 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.</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 (e) (as determined by the Stream Depletion Calculator) at any time the flows in the affected stream reduces below the minimum flows in schedule 4</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><b>General Conditions</b></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>b. provisions for demand reduction and asset management over time so that water use is at reasonable and justifiable levels including meeting an Infrastructure Leakage Index of 4</p> <p>c. Rate and volumes of take limited to the projected demand for the urban area provided in the HPUDS 2017.</p> <p>d. 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>6. The effects of any water take and use for frost protection on the flows in connected surface water bodies.</p> <p>7. 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>8. 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>9. Management of bores including means of backflow prevention and ensuring well security.</p> <p>10. Information to be supplied and monitoring requirements including timing and nature of water metering data reporting and the installation of telemetered recording and reporting</p> <p>11. The duration of the consent (Section 123 of the Act) as provided for in Schedule 6 timing of</p>
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				<p>reviews and purposes of reviews (Section 128 of the Act).</p> <p>12. Lapsing of the consent (Section 125(1)).</p> <p>13. 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>
<p><b>TANK 8</b></p> <p>Surface and groundwater water takes (abstraction at low flows)</p>	<p><b>Application to continue to take water in respect of permits subject to section 124</b></p>	<p><b>Restricted Discretionary</b></p>	<p>a) The take is not from the Heretaunga Plains Freshwater Management Unit</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 &lt;proposed plan date&gt; 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 4</p> <p><b>Actual and Reasonable Re-allocation</b></p> <p>d) The amount taken and used for irrigation is the actual and reasonable amount</p> <p>e) The amount taken and used for municipal, community and papakāinga water supply is:</p>	<p>The Council will restrict its discretion to the following matters;</p> <ol style="list-style-type: none"> <li>1. The extent to which the need for water has been demonstrated and is actual and reasonable.</li> <li>2. 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</li> <li>3. The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any relevant minimum flow or level or allocation limit given in Schedule 4</li> <li>4. 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</li> </ol>

			<p>(i) the quantity specified on the permit being renewed; or</p> <p>(ii) any lesser rate applied for</p> <p>f) Other than as provided in (c) or (d) the amount taken and used is the least of:</p> <p>(i) the quantity specified on the permit due for renewal or</p> <p>(ii) any lesser rate applied for</p> <p>(iii) the maximum annual water use in any one year within the 10 years preceding &lt;date of notification&gt; (including as demonstrated by accurate water meter records)</p> <p><b>Surface Water Management Zones</b></p> <p>g) Any take from groundwater in Zone 1 authorised as at &lt;date of notification&gt; in any surface Water Management Zones is subject to either;</p> <p>(i) a restriction in water flow when the applicable minimum flow is reached in the relevant zone (as shown in schedule ??)</p> <p>Or</p> <p>(ii) the take complies with conditions (e) and (f) of rule TANK 7</p> <p><b>General Conditions</b></p> <p>h) A water meter is installed</p> <p>i) Fish and eels are prevented from entering the reticulation system</p> <p>A Means of Compliance for Condition 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 outer surface is less than 0.3 metres per second and is maintained in good working order at all times.</p>	<p>treatment including notification requirements to the Registered Drinking Water supplier.</p> <p>5. For applications to take water for municipal, community and papakāinga water supply;</p> <p>a. The adequacy of any Source Protection Zone</p> <p>b. provisions for demand reduction and asset management over time so that water use is at reasonable and justifiable levels including meeting an Infrastructure Leakage Index of 4</p> <p>c. Rate and volumes of take limited to the projected demand for the urban area provided in the HPUDS 2017.</p> <p>d. 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>6. The location of the point(s) of take</p> <p>7. The effects of any water take and use for frost fighting on the natural flow regime of the river.</p> <p>8. Information to be supplied and monitoring requirements including timing and nature of water meter data reporting and the installation of telemetered recording and reporting.</p> <p>9. For applications other than irrigation, municipal, community or papakāinga water supply or frost protection, evidence that the take and use of water meets an efficiency of use of at least 80%</p> <p>10. Measures to achieve efficient water use or water conservation and avoid adverse water quality effects including the method of irrigation application necessary to achieve efficient use of the water and avoid adverse water effects through ponding and runoff and percolation to groundwater.</p>
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			j) Back flow of water or contaminants into any bore shall be prevented	<p>11. Management of bores and other water take infrastructure including means of backflow prevention.</p> <p>12. The duration of the consent (Section 123 of the Act) as provided for in Schedule timing of reviews and purposes of reviews (Section 128 of the Act).</p> <p>13. Lapsing of the consent (Section 125(1)).</p> <p>14. For takes from Zone 1 in the Ngaruroro and Tutaekuri 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>
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>

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, any leachate shall be prevented from entering groundwater.	
RRMP Rule 13 Use of compost, biosolids and other soil conditioners		Permitted	Insert after i)  j) there is no more than 100m <sup>3</sup> in total of composting materials and compost k) Where the activity is in a Source Protection Zone, any leachate shall be prevented from entering groundwater or surface water .	
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 Management of solid waste on production land		Permitted	Inset after k)  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, irrespective of any treatment 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	

## Schedule 5; Landowner Collective, Industry Programme and Farm Environment Plan

requirements for farm plans include the following;

### A description of the Programme area including

- (i) locations and maps,
- (ii) land uses,
- (iii) key environmental issues and risks, including;
  - a. identifying areas at risk of sediment loss
  - b. the location of drains, streams, rivers, wetlands and other water bodies
  - c. **The location of any Source Protection Zone or Provisional Protection Zone 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*)
  - d. activities at particular risk of nutrient loss
- (iv) property boundaries and details about ownership and property managers
- (v) contact details of individual land managers and landowners within the Programme (the 'Members').

### Environmental Outcomes

- a) With reference to specified water quality outcomes in Schedule 1 of this Plan relevant to the location of Members' properties 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 including where appropriate for;
  - (i) managing contaminant losses (especially sediment, nutrients and bacteria) to waterways including efficient use of nutrients and, where water quality is degraded, reductions in losses that contribute to meeting the specified water quality objectives in Schedule 1
  - (ii) managing riparian margins, including to meet the outcomes specified in Policy 9 maintaining or improving the physical and biological condition of soils (Policy 18 ) in order to avoid, remedy or mitigate problems arising from:
    - a) Loss of topsoil by wind or water erosion
    - b) Movement of soils and contaminants into waterways
    - c) Damage to soil structure and health
    - d) Mass movements of soil
  - (iii) wetland management including to meet the outcomes specified in Policy 94
  - (iv) Management of animal effluent to avoid contamination of ground and surface waters
  - (v) **Measures required to reduce risk of contamination of the source water for any Registered Drinking Water Supply<sup>1</sup>.**

<sup>1</sup> 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.

- (vi) Management of stock, including in relation to river or stream crossings and exclusion from waterways in a manner that is consistent with Policy 16b)
- (vii) **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.

### Glossary of terms used;

**Provisional Protection Zone** for a Registered Drinking Water Supply is the spatial area of land within a 2 km radius from the point of take for that Water Supply in circumstances where a Source Protection Zone for the supply has not been determined. The locations of the default radius are shown on planning maps in Schedule ##

**Registered Drinking Water Supply** 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.

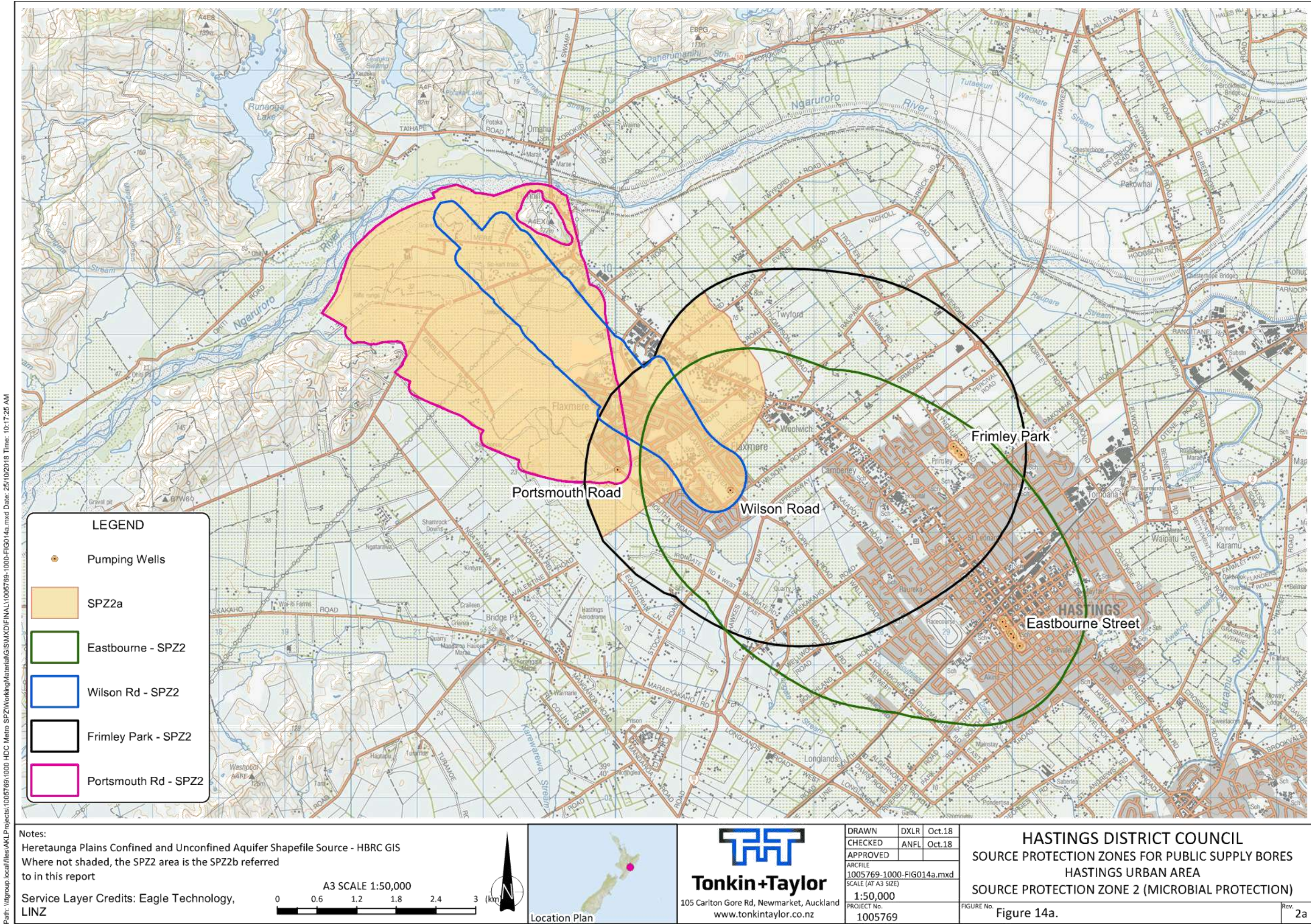
\*The meaning for this term is as provided in the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.

**Source Protection Zone** means the spatial extent of land where land and water use activities have the potential to impact on water quality used for Registered Drinking Water Supplies and are shown on the planning maps in schedule ##. The spatial extent of a Source Protection Zone is determined by a Technical Method that .....

Attachment 1

Item 7











**STORMWATER MANAGEMENT -****New Urban Infrastructure**

1. The effects of stormwater quality and quantity on aquatic ecosystems and community well-being arising from new urban development (including infill development) and its associated infrastructure will be progressively reduced or mitigated by local authorities:
  - a) adopting an integrated catchment management approach to the collection and discharge of stormwater before 1 January 2025
  - b) adopting, where practicable, a good practice approach to stormwater management including adoption of Low Impact Design for stormwater systems
  - c) amending district plans, standards, codes of practice and bylaws by 1 January 2025 to specify design standards for stormwater reticulation and discharge facilities that will achieve the freshwater objectives set out in the TANK objective section (page 8)
  - d) developing and making available to the public by 1 January 2023 advice about good stormwater management options (including through HBRCs Waterways Guidelines)
  - e) encouraging, through education and public awareness programmes, greater uptake and installation of measures that reduce risk of stormwater contamination.
2. 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;
  - 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**

3. Sources of stormwater contamination 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 any of the contaminants listed in **Schedule XX**;
- c) Controlling, and if necessary avoiding, activities that will result in water quality standards not being able to be met.

#### Dealing with the Legacy

- 4. 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.
- 5. Aquatic ecosystem health improvements and reduced stormwater contamination will be achieved by HBRC with the Napier City and Hastings District Councils
  - a) Requiring stormwater network discharges to meet management objectives (page 8) for freshwater and estuary health through resource consent conditions that require, in a way that recognises affordability for ratepayers,;
    - (i) Application of the Stream Ecological Valuation methodology;
    - (ii) Installation of treatment devices within the drainage network;
    - (iii) Stream planting/re-alignment for aquatic ecosystem enhancement;
    - (iv) Wetland creation and other opportunities for increasing stormwater infiltration where appropriate;
  - and
  - b) 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 95<sup>th</sup> percentile level of species protection by 31 December 2040.

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

- 6. To achieve the freshwater quality objectives set out in [insert reference] HBRC, with the Napier City and Hastings District Councils will, by 1 January 2023, implement similar performance standards including through adopting:
  - a) consistent engineering standards, plan rules and bylaws;
  - b) shared approaches to education and advocacy;

- c) shared processes for monitoring and auditing individual site management on sites at high risk of stormwater contamination;
- d) consistent levels of service for stormwater management and infrastructure design;
- e) an integrated stormwater catchment management approach; and through
- f) Undertaking a programme of mapping the stormwater networks and recording their capacity.
- g) Aligning resource consent processes and having joint hearings to achieve integrated management of urban development proposals particularly in respect of stormwater, water supply and wastewater provisions and implementation of the HPUDS.

Item 7

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 <sup>1</sup> and residential activities	Permitted	(1) The diversion and discharge; (a) shall not cause scouring or erosion of land or any water course at or beyond that point of discharge (b) shall not cause or contribute to flooding of any property (c) contains no hazardous substances (d) shall not cause to occur or contribute to any of the following: i) production of oil or grease films, scums or foams, or floatable or suspended materials ii) any emission of objectionable odour	

<sup>1</sup> As defined in the district plan in which the property is located  
The definition and detail around small-scale and residential activities is still to be confirmed

Attachment 3

			<p>lii) Any conspicuous change in colour or the visual clarity of the receiving water body</p> <p>lv) 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> <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 conditions (1a) [Erosion], (1b) [Flooding], (1c) [Hazardous Substances], (1d) [Water Quality] will be met or have been met.</p>	
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	<b>Controlled</b>	<p>Any application for resource consent shall include an Integrated Catchment Management plan that sets out how the network manager will meet the objectives for water quality set out in XX that may be adversely affected by the proposed stormwater discharges and shall include;</p> <p>(i) The monitoring programme to assess existing water 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 policy X</p>	<p>1)The efficacy of the Integrated Catchment Management Plan including, but not limited to:</p> <ul style="list-style-type: none"> <li>- Its contribution to achieving water quality objectives</li> <li>- its implementation programme and milestones</li> <li>- The comprehensiveness and reliability of the monitoring regime</li> <li>- The use of low impact stormwater design methods</li> </ul> <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>

			<ul style="list-style-type: none"> <li>(iv) A programme of mitigation measures including timeframes and milestones for the enhancement of streams identified in (iii),</li> <li>(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),</li> <li>(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.</li> <li>(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.</li> <li>(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.</li> <li>(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.</li> <li>(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</li> <li>(xi) Where the stormwater network (or part thereof) or discharge locations are situated within a Source Protection Zone of a registered drinking water supply as defined in Schedule xx, 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</li> </ul>	<ul style="list-style-type: none"> <li>(3) The characteristics of the proposed discharge and its effects on the receiving environment</li> <li>(4) Duration of the consent</li> <li>(5) Review of consent conditions</li> <li>(6) Compliance monitoring</li> </ul>
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			<p>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 substances<sup>2</sup> or contaminants (including wastewater) and shall not cause any of the following to occur after reasonable mixing<sup>3</sup>:</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 visual clarity of the receiving water</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>	
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 by the xxx tool)	<b>Controlled</b>	<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 substances<sup>4</sup></p> <p>(d) shall not cause, after reasonable mixing<sup>5</sup> :</p> <p>i) production of oil or grease films, scums or foams, or floatable or suspended materials</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>

<sup>2</sup> As defined in the Hazardous Substances and New Organisms Act 1996

<sup>3</sup> As defined at definition 9.7 in the Glossary of the Hawke's Bay Regional Resource Plan

<sup>4</sup> As defined in the Hazardous Substances and New Organisms Act 1996

<sup>5</sup> As defined in definition 9.7 in the Glossary of the Hawke's Bay Regional Resource Plan



			<ul style="list-style-type: none"> <li>ii) any emission of objectionable odour</li> <li>iii) Any conspicuous change in colour or the visual clarity of the receiving water</li> <li>iv) result in any freshwater becoming unsuitable for consumption by farm animals</li> <li>v) the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water</li> </ul> <p>(2) There is no reticulated stormwater network at 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>	<ul style="list-style-type: none"> <li>(vi) Duration of the consent</li> <li>(vii) Review of consent conditions</li> <li>(viii) Compliance monitoring</li> <li>(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</li> </ul>
STORMWATER 4	Discharge of stormwater to water or onto land where it may enter water from any industrial or trade premises where the activity is deemed to be of high risk (as determined by the xxxxxx)	<b>Restricted discretionary</b>	<p>(a) Any application for resource consent shall include an Urban Site Specific Stormwater Management Plan</p> <p>(b) The diversion and discharge;</p> <ul style="list-style-type: none"> <li>(i) shall not cause scouring or erosion of land or any water course beyond that point of discharge</li> <li>(ii) shall not cause or contribute to flooding of any property,</li> <li>(iii) shall not result in surface ponding persisting for longer than 6 hours after the cessation of rainfall</li> <li>(iv) shall not contain hazardous substances</li> <li>(v) is not to land if the industrial or trade premises is located in a Source Protection Zone</li> </ul> <p>(c) The diversion and discharge shall not cause any of the following to occur after reasonable mixing<sup>6</sup>:</p> <ul style="list-style-type: none"> <li>i) production of oil or grease films, scums or foams, or floatable or suspended materials</li> <li>li) any emission of objectionable odour</li> </ul>	<p>(1). The efficacy of the Urban Site Specific Stormwater Management Plan (Schedule xx) including measures adopted to minimise the risk of contaminants of concern entering stormwater including:</p> <ul style="list-style-type: none"> <li>(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.</li> <li>(ii) Alignment with relevant industry guidelines and best practice standards.</li> </ul> <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 Area, the actual or potential effects of the discharge on the quality of source</p>

<sup>6</sup> As defined in definition 9.7 of the Glossary of the Hawke's Bay Regional Resource Plan

		<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, plan 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>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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## MEMO

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**To:** Regional Planning Committee  
**From:** Ceri Edmonds, Senior Planner  
**Date:** 31<sup>st</sup> October 2018  
**Subject:** **SECTION 32 EVALUATION**  
**Cc:** James Palmer, Tom Skerman, Gavin Ide

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Item 7

Attachment 4

## Executive Summary

1. As prescribed under the Resource Management Act, the Regional Council is required to provide an analysis of the TANK Plan Change (PC9) to evaluate the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act.
2. The purpose of the Act is to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -
  - *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
3. Mitchell Daysh have been appointed to undertake this analysis on behalf of the Hawke's Bay Regional Council. In doing so they have had access to the suite of documents, reports, TANK Group minutes, meeting records, papers and PowerPoint presentations which have informed the development of the TANK Plan Change PC9.
4. At the time of writing this memo Mitchell Daysh had prepared a partial draft s32 report. To date the draft incorporates the following sections:
  - Introduction
    - Purpose of Report
    - Purpose of TANK Project and Plan Change
    - Geographical Extent of TANK Catchment – Subject Area
  - Statutory Requirements of Section 32 Evaluation
  - Statutory Basis for TANK Plan Change
    - Part 2 RMA – Purpose and Principles
    - Section 30 RMA – Regional Council Functions
    - Part 5 RMA – Sections 63-70 Regional Rules
    - National Policy Statements
    - National Environmental Standards
    - Relevant Planning Documents Recognised by an Iwi Authority
    - Regional Policy Statement
  - Evaluation Under Section 32
    - Appropriateness of the Objectives for Achieving the Purpose of the Act
5. The draft s32 Evaluation report as it currently stands does not provide a full analysis of the draft TANK Plan Change, simply because the Plan Change is not yet complete. The s32 report is still to provide detail on the following topic areas (please note that this may be developed further and may differ in the final report):
  - Community Engagement Process
  - Background to Plan Change
  - Appropriateness of the PC9 Provisions for achieving the objectives
  - Advice received from Iwi in respect of the response to pre-notification consultation on the Draft Plan (Schedule 1 Clause 4A).
6. There remain a number of areas where decisions are required from the RPC, upon which an evaluation will be made to determine whether these provisions in the Plan are the most appropriate<sup>1</sup>. The most appropriate option does not need to be the most optimal or best option, but demonstrate that it will

<sup>1</sup> To date, s32 case law has interpreted 'most appropriate' to mean "suitable, but not necessarily superior". *Rational Transport Soc Inc v New Zealand Transport Agency* HC Wellington CIV-2011-485-2259, 15 December 2011.

meet the objectives in an efficient and effective way (MFE, A guide to section 32 of the Resource Management Act 1991).

### What are the requirements of a s32 report

7. In accordance with the Resource Management Act a s32 evaluation report is required be published as a companion document at the same time a plan change is publicly notified. A s32 report must examine the extent to which the objectives of the plan change are the most appropriate way to achieve the purpose of the Resource Management Act, and whether the policies, methods and rules which are being proposed are the most appropriate way to achieve those objectives.
8. The s32 Evaluation Report is required to:
  - Identify other reasonably practicable options for achieving the objectives;
  - Assess the efficiency and effectiveness of the provisions (policies, methods and rules) in achieving the objectives by;
    - i. Assessing the costs and benefits if practicable quantifying the costs and benefits;
    - ii. Assessing the uncertainty and risks of the option compared to no action;
  - Provide a summary of the reasons for deciding on the provisions;
  - Contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.
9. Given that the TANK Plan is deemed to be an 'amending proposal' (s32 (3)) the provisions of the plan change are also required to be evaluated against the objectives of the existing plan where relevant, and the s32 must assess whether the new provisions help to achieve the objectives which are already in existence within the RPS and RRMP, and not undermine them.
10. The Resource Legislation Amendment Act 2017 recently introduced a further requirement to provide a summary of any advice received from iwi authorities and any details of responses provided to that advice (Section 32(4A)).
11. Under Schedule 1 Clause 4A the Regional Council are required to provide tāngata whenua of the area affected, through iwi authorities, a copy of the draft Plan prior to notifying. This will require a further iteration of the s32 to summarise and response to the advice, detailing how the Council has given effect to that advice in the final version of the proposed plan change for notification.
12. The s32 evaluation must be made available for public inspection as soon as practicable after the proposal is made, or as is the case with the TANK Plan at the same time as the proposal is publicly notified.

### Giving particular regard to the s32

13. Particular regard should be given to the s32 evaluation at two points within the TANK Plan Change process:
  - By the RPC and Council when deciding to proceed with the proposal i.e. if PC9 is publicly notified; and
  - By the Hearings Panel when making a decision on submissions on PC9
14. To have "particular regard" requires matters to be considered, but doesn't set absolute standards or requirements. The analysis of whether the objectives and provisions are most appropriate (suitable, but not necessarily superior) is a matter decision makers must actively consider. They cannot simply ignore it.

### What a s32 evaluation report does not do.

15. Where information about an issue is insufficient or incomplete the s32 evaluation requires Council to assess the risk of acting or not acting – it does not provide solutions or alternatives, nor does it evaluate any alternatives. Inevitably with any Plan Change information will be incomplete, but in most cases sufficient information should be provided to enable the Council to act.
16. The S32 evaluation does not:
  - Commission new or additional reports and/or work-streams – but rather it consolidates the reporting done to date
  - Provide alternatives or solutions
  - Provide recommendations for decision making
  - Evaluate reports or information which are not within the scope of the plan change
  - Require an analysis of the issues which have been identified (though there is discretion to do so).

### Items still to come

17. As noted above there are some sections within the draft s32 evaluation report which are not yet complete, those outstanding topic areas are as follows:
  - Community Engagement Process
  - Background to Plan Change
  - Appropriateness of the PC9 Provisions for achieving the objectives
  - Advice received from Iwi in respect of the response to pre-notification consultation on the Draft Plan (Schedule 1 Clause 4A)

the majority of which should be made available to the Committee for the RPC meeting scheduled for the 12 December, this is with the exception of the summary of advice from Iwi. This is explained further below.
18. Schedule 1 Clause 4A '*Further pre-notification requirements concerning iwi authorities*' was inserted into the RMA in April 2017 along with a number of other amendments to the Act. This requires the Council, prior to notifying the draft TANK Plan, to provide a copy to the Iwi authorities (in the affected area) and to have particular regard to any advice received.
19. A further amendment to section 32 of the RMA states that the evaluation report must –
  - a) Summarise all advice concerning the proposal received from Iwi authorities
  - b) Summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.
20. It is intended to provide a further draft of the s32 evaluation report at the 12 December RPC. However, it is unlikely that this further iteration will provide a summary of advice received from Iwi authorities, as the Plan is yet to be approved for pre-notification.
21. Equally, the s32 report will also need to evaluate the appropriateness of the Regional Planning Committee decisions in respect of the non-consensus items (from the TANK Group) and any other decisions that are made which affect the content of the TANK plan change. As there is not yet a confirmed date for the adoption of the draft TANK Plan for notification the final version of the s32 evaluation report cannot be signalled in this paper.

MITCHELL  
DAYSH

DRAFT

HAWKE'S BAY REGIONAL COUNCIL

## SECTION 32 EVALUATION REPORT

TANK Catchments Plan Change to  
Regional Resource Management Plan  
– Change 9

23 October 2018 (Incomplete Draft)

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Appendix 1: Title

Appendix 2: Title





**REPORT INFORMATION**

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## 1. INTRODUCTION

### 1.1 PURPOSE OF REPORT

This report presents the summary evaluation of proposed Plan Change 9 to the Hawke's Bay Regional Resource Management Plan (RRMP), in accordance with Section 32 of the Resource Management Act 1991 (RMA).

### 1.2 PURPOSE OF TANK PROJECT AND PLAN CHANGE

Proposed Plan Change 9 'TANK Catchments' (hereafter referred to as Change 9), incorporates specific objectives, policies and rules for the integrated management of the land and water resources in the TANK catchments. The TANK catchments incorporate the Tūtaekuri River, Ahuriri Estuary, Ngaruroro River and Karamū Stream and all the tributaries to these waterbodies.

Plan Change 9 seeks to provide a regulatory decision making framework for the TANK catchments in conjunction with existing provisions in the regional plan component of the RRMP. No changes are proposed to the Regional Policy Statement (RPS) sections of the RRMP.

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 reflect the collaborative nature of the TANK plan change preparation process and promote community involvement in managing freshwater. (sec 32 report to address where RPS related issues may need resolving)

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.<sup>1</sup>

Plan Change 9 has been drafted in accordance with the requirements of the Resource Management Act (1991) (RMA) and to enable the progressive implementation of the National Policy Statement for Freshwater Management 2014<sup>2</sup> (NPSFM) and to give effect to the RPS<sup>3</sup>.

In accordance with the NPSFM Plan Change 9 has sought to enable the community to identify the values for which the water is to be managed, to adopt objectives in relation to those values and establish methods, including limits to ensure those objectives will be met.

<sup>1</sup> TANK Plan Change, Preamble (page 5).

<sup>2</sup> Amendment Version 2017

<sup>3</sup> As incorporated in Chapters 2 and 3 of the RRMP

### 1.3 GEOGRAPHICAL EXTENT OF TANK CATCHMENT - SUBJECT AREA

Figure 1 below sets out the geographic extent of the Hawke's Bay Region covered by the TANK catchments. It is this area that is the subject of Plan Change 9.



Figure 1 – The TANK Catchments Area<sup>4</sup> Subject to Plan Change 9.

<sup>4</sup> TANK Group Terms of Reference updated April 2016, Hawke's Bay Regional Council (page 10).

## 2. STATUTORY REQUIREMENTS OF SECTION 32 EVALUATION

The RMA requires under section 32 that an evaluation be undertaken of any proposed plan, plan change or variation. Section 32 is set out in full as follows:

### **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, 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 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 publicly 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, 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.*

### 3. STATUTORY BASIS FOR TANK PLAN CHANGE

#### 3.1 PART 2 RMA – PURPOSE AND PRINCIPLES

##### 3.1.1 Section 5 ‘Purpose’

The purpose of the Resource Management Act 1991 is set out in section 5 as follows:

##### 5. Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
  - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

In terms of section 5(1), the natural and physical resources of the TANK catchments include:

- Natural Resources
  - The rivers and their tributaries that comprise the catchments, including the Ngaruroro, Tūtaekuri, and the Karamu rivers.
  - The Ahuriri Estuary and its catchment streams; and the Waitangi Estuary.
  - Wetlands including Peka Peka.
  - Lake Runanga, Lake Oingo, and Lake Poukawa.
  - The Heretaunga Plains aquifer resource.
  - The Heretaunga Plains land resource.
  - The hill country land resource.
  - The northern Ruahine Range and the Kaweka Range and the indigenous vegetation cover of those landforms.
- Physical Resources





- The Region's largest urban areas: Napier City including Taradale and Bay View; and Hastings, Havelock North, Flaxmere, Clive, Whakatu, Haumoana and Te Awanga within Hastings District.
- Associated Industrial, Commercial and Residential infrastructure services.
- Land developed for commercial primary production including: pastoral farming, forestry, viticulture, horticulture and arable cropping.
- Network Utilities including: roads, electricity transmission infrastructure, telecommunication infrastructure, and urban service infrastructure.

In providing for sustainable management, the above listed natural and physical resources are therefore relevant to Change 9.

Direction is provided through RPS Change 5 as to the specific values of the Freshwater resources within the TANK catchments<sup>5</sup>. These are set out as both primary and secondary values in Policy LW2, Table 1 of Change 5 as follows:

**Table 1 – Values and Uses of TANK Catchments (Change 5, Policy LW2)**

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

<sup>5</sup> Referred to in Change 5 as the Greater Heretaunga / Ahuriri Catchment Area.



o the Ngaruroro River mainstem between the Whanawhana cableway and confluence with the Maraekakaho River

o 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, and 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

In the preparation of Change 9, the TANK Stakeholder Group agreed that all values are equally important in deciding on flows and allocations<sup>6</sup> and that the RRMP through change 9 can and should support these values<sup>7</sup>.

Change 9 seeks to provide for the sustainable management of the freshwater resources within the TANK catchments in a way and at a rate which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. Table 1 above helps define the values to be protected and uses to be enabled in providing for the well - being of the people and communities of the TANK catchments.

In providing for sustainable management, Change 9 seeks to:

- sustain the freshwater resource of the TANK catchments to meet the reasonably foreseeable needs of future generations;
- safeguard the life supporting capacity of the freshwater resource of the TANK catchments and the soil and ecosystems within those catchments; and

<sup>6</sup> Meeting 34, 18 October 2017.

<sup>7</sup> Report 1, 'Interim Agreements' (February 2014).



- avoid, remedy or mitigate adverse effects of activities on the environment within the TANK catchments.

In this way Change 9 as a whole seeks to achieve sustainable management. Specific consideration of whether the objectives of Change 9 achieve the purpose of the RMA in section 5, is provided in the section 32 evaluation component of this report below.

### 3.1.2 Section 6 'Matters of National Importance'

Section 6 sets out matters of national importance that must be recognised and provided for in Change 9. Some matters are more relevant than others to a regional plan and the freshwater and integrated management scope of Change 9. The matters of national importance listed under section 6 are:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) the protection of protected customary rights:*
- (h) the management of significant risks from natural hazards.*

Of particular relevance to the scope of the TANK plan change are sections 6(a), (c), (e), (g), and (h).

### 3.1.3 Section 7 'Other Matters'

Section 7 of the RMA requires particular regard to be given to:

- (a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (ba) the efficiency of the end use of energy:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (e) [Repealed]*





(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

All of these matters are relevant to Change 9 to a greater or lesser extent.

### 3.1.4 Section 8 'Treaty of Waitangi'

Section 8 'Treaty of Waitangi' of the RMA is set out as follows:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

Hapū with mana whenua have been involved in and contributed to the collaborative process through the TANK Stakeholder Group 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 through the legal decision making framework provided by the Regional Planning Committee and its tangata whenua representation.<sup>8</sup>

The process has meant that the freshwater management provisions take into account the values which tangata whenua hold, including the range and significance of culture and tikanga Māori, historic, economic, recreational and spiritual aspects that water has. It has also enabled an integrated and holistic approach to waterbody 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.

## 3.2 SECTION 30 RMA - REGIONAL COUNCIL FUNCTIONS

Section 30 of the RMA 'Functions of regional councils' is set out as follows:

*(1) Every regional council shall have the following functions for the purpose of giving effect to this Act in its region:*

*(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region:*

<sup>8</sup> TANK Plan Change, Preamble (page 5).



*(b) the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance:*

*(ba) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in relation to housing and business land to meet the expected demands of the region:*

*(c) the control of the use of land for the purpose of—*

*(i) soil conservation:*

*(ii) the maintenance and enhancement of the quality of water in waterbodies and coastal water:*

*(iii) the maintenance of the quantity of water in waterbodies and coastal water:*

*(iiia) the maintenance and enhancement of ecosystems in waterbodies and coastal water:*

*(iv) the avoidance or mitigation of natural hazards:*

*(v) [Repealed]*

*(ca) the investigation of land for the purposes of identifying and monitoring contaminated land:*

*(d) in respect of any coastal marine area in the region, the control (in conjunction with the Minister of Conservation) of—*

*(i) land and associated natural and physical resources:*

*(ii) the occupation of space in, and the extraction of sand, shingle, shell, or other natural material from, the coastal marine area, to the extent that it is within the common marine and coastal area:*

*(iii) the taking, use, damming, and diversion of water:*

*(iv) discharges of contaminants into or onto land, air, or water and discharges of water into water:*

*(iva) the dumping and incineration of waste or other matter and the dumping of ships, aircraft, and offshore installations:*

*(v) any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of natural hazards:*

*(vi) the emission of noise and the mitigation of the effects of noise:*

*(vii) activities in relation to the surface of water:*

*(e) the control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any waterbody, including—*

*(i) the setting of any maximum or minimum levels or flows of water:*

*(ii) the control of the range, or rate of change, of levels or flows of water:*

*(iii) the control of the taking or use of geothermal energy:*

*(f) the control of discharges of contaminants into or onto land, air, or water and discharges of water into water:*

(fa) if appropriate, the establishment of rules in a regional plan to allocate any of the following:

(i) the taking or use of water (other than open coastal water):

(ii) the taking or use of heat or energy from water (other than open coastal water):

(iii) the taking or use of heat or energy from the material surrounding geothermal water:

(iv) the capacity of air or water to assimilate a discharge of a contaminant:

(fb) if appropriate, and in conjunction with the Minister of Conservation,—

(i) the establishment of rules in a regional coastal plan to allocate the taking or use of heat or energy from open coastal water:

(ii) the establishment of a rule in a regional coastal plan to allocate space in a coastal marine area under Part 7A:

(g) in relation to any bed of a waterbody, the control of the introduction or planting of any plant in, on, or under that land, for the purpose of—

(i) soil conservation:

(ii) the maintenance and enhancement of the quality of water in that waterbody:

(iii) the maintenance of the quantity of water in that waterbody:

(iv) the avoidance or mitigation of natural hazards:

(ga) the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity:

(gb) the strategic integration of infrastructure with land use through objectives, policies, and methods:

(h) any other functions specified in this Act.

(2) A regional council and the Minister of Conservation must not perform the functions specified in subsection (1)(d)(i), (ii), and (vii) to control the taking, allocation or enhancement of fisheries resources for the purpose of managing fishing or fisheries resources controlled under the Fisheries Act 1996.

(3) However, a regional council and the Minister of Conservation may perform the functions specified in subsection (1)(d) to control aquaculture activities for the purpose of avoiding, remedying, or mitigating the effects of aquaculture activities on fishing and fisheries resources.

(4) A rule to allocate a natural resource established by a regional council in a plan under subsection (1)(fa) or (fb) may allocate the resource in any way, subject to the following:

(a) the rule may not, during the term of an existing resource consent, allocate the amount of a resource that has already been allocated to the consent; and

(b) nothing in paragraph (a) affects section 68(7); and

(c) the rule may allocate the resource in anticipation of the expiry of existing consents; and

(d) in allocating the resource in anticipation of the expiry of existing consents, the rule may—

- (i) allocate all of the resource used for an activity to the same type of activity; or
- (ii) allocate some of the resource used for an activity to the same type of activity and the rest of the resource to any other type of activity or no type of activity; and
- (e) the rule may allocate the resource among competing types of activities; and
- (f) the rule may allocate water, or heat or energy from water, as long as the allocation does not affect the activities authorised by section 14(3)(b) to (e).

(5) In this section and section 31,—

**business land** means land that is zoned for business use in an urban environment, including, for example, land in the following zones:

- (a) business and business parks;
- (b) centres, to the extent that this zone allows business uses;
- (c) commercial;
- (d) industrial;
- (e) mixed use, to the extent that this zone allows business uses;
- (f) retail

**development capacity**, in relation to housing and business land in urban areas, means the capacity of land for urban development, based on—

- (a) the zoning, objectives, policies, rules, and overlays that apply to the land under the relevant proposed and operative regional policy statements, regional plans, and district plans; and
- (b) the capacity required to meet—
  - (i) the expected short and medium term requirements; and
  - (ii) the long term requirements; and
  - (c) the provision of adequate development infrastructure to support the development of the land

**development infrastructure** means the network infrastructure for—

- (a) water supply, wastewater, and storm water; and
- (b) to the extent that it is controlled by local authorities, land transport as defined in section 5(1) of the Land Transport Management Act 2003.

Plan Change 9 is specifically relevant to the functions set out under section 30(1)(a), (b), (ba), (c), (e), (f), and (fa) in establishing objectives, policies and methods to:

- achieve integrated management of natural and physical resources of the TANK catchments;
- manage actual or potential effects of regional significance in the use, development or protection of land in the TANK catchments;



- ensure that there is sufficient development capacity in relation to housing and business land within the TANK catchments to meet the expected demands of the region (this is addressed by section 3.1B of the RRMP, with the relevance of Change 9 only relating to the taking of water from within and the discharge of stormwater into, the TANK catchments in the provision of development infrastructure for housing and business land);
- control the use of land in the TANK catchments for the purpose of: soil conservation, the maintenance and enhancement of the quality of water in the waterbodies, the maintenance of the quantity of water in waterbodies, the maintenance and enhancement of ecosystems in waterbodies, and the avoidance or mitigation of natural hazards;
- The control of the taking, use, damming and diversion of water, and the control of the quantity, level, and flow of water in the waterbodies of the TANK catchments;
- Within the TANK catchments, the control of the discharges of contaminants into or onto land or water and discharges of water into water; and
- The establishment of rules in a regional plan to allocate the taking or use of water in the TANK catchments subject to section 30(4).

### 3.3 PART 5 RMA – SECTIONS 63 – 70 REGIONAL PLANS

Section 63 'Purpose of regional plans' sets out that a plans purpose is to assist a regional council to carry out its functions<sup>9</sup> in order to achieve the purpose of the RMA. Change 9 is consistent with the functions of a regional council under section 30 of the RMA and seeks to achieve the purpose of the RMA. An assessment of how the objectives of Change 9 achieve the purpose of the RMA is provided under section 7.1 of this report below.

Sections 64 and 64A are not relevant to Change 9 as they apply only to regional coastal plans.

Section 65 'Preparation and change of other regional plans' sets out that a plan must be prepared in accordance with Schedule 1, which sets out the statutory process for undertaking consultation in preparing a plan change and then the requirements for public notification and the making and hearing of submissions and further submissions. Section 65(3) allows a regional council to prepare a regional plan (or plan change) at any time, but requires consideration of preparing a plan change when specified circumstances arise, including (g) the implementation of a national policy statement. In the case of Change 9,

<sup>9</sup> As listed in section 30 of the RMA and set out under section 3.2 of this report.



the implementation of the National Policy Statement for Freshwater Management 2014 (as amended in 2017) is a key component.

Section 65(6) states that a regional plan must be amended to give effect to a regional policy statement (RPS), if the statement contains a provision to which the plan does not give effect. Change 5 'Land Use and Freshwater Management'<sup>10</sup> to the RPS includes Policies:

*LW1.1 Adopt an integrated approach to freshwater and the effects of land use and development within each catchment area, that...*

*LW1.2 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<sup>11</sup>;*

*(ii) may include additional values*

*LW2.1 Give priority to maintaining, or enhancing where appropriate, the primary values and uses of freshwater bodies shown in Table 1 for the following catchment areas in accordance with Policy LW2.3:*

*(a) Greater Heretaunga / Ahuriri Catchment Area<sup>12</sup>...*

*LW2 (3) When managing the freshwater bodies listed in Policy LW2.1:*

*a) recognise and provide for primary values and uses identified in Table 1; and*

*b) have particular regard to the secondary values and uses identified in Table 1.*

As a result of Change 5<sup>13</sup> to the RPS, a change to the regional plan is required to insert provisions relating to a catchment wide integrated management approach for the Greater Heretaunga / Ahuriri Catchment area to recognise and provide for the values of that catchment identified in Table 1. That catchment area incorporates the Tūtaekurī River, Ahuriri Estuary, Ngaruroro River and Karamū River catchments now known collectively as TANK. A primary purpose of Change 9 is therefore to give effect to policies LW1 and LW2 of the RPS as required by RMA section 65(6).

<sup>10</sup> Updated as at 27 March 2015

<sup>11</sup> Table 1 is listed in section 3.1.1 of this report as 'Table 1'

<sup>12</sup> Being the catchments referred to as TANK in Change 9

<sup>13</sup> Change 5 is still to be made operative due to an appeal of confined scope relating to wetlands remaining unresolved.



Section 66 'Matters to be considered by regional council (plans)' requires<sup>14</sup> regional plans to be prepared and changed in accordance with:

- (a) its functions under section 30; and
- (b) the provisions of Part 2; and
- (c) a direction given under section 25A(1); and
- (d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and
- (e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and
- (ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and
- (f) any regulations

As has been discussed above Change 9 has been prepared in accordance with the regional council functions under section 30 and the provisions of Part 2. This report is an evaluation report of plan Change 9 under section 32. Consideration of Change 9 against the relevant national policy statements and regulations is explained below in sections 3.4 and 3.5 of this report. The national planning standards have yet to come into effect so cannot be considered.

Section 66(2) requires regard to be had to any proposed regional policy statement in respect of the region. This is relevant given that Change 5 to the RPS still only has the status of a 'proposed regional policy statement' due to the unresolved appeal on the wetlands issue. Section 66(2) therefore provides the statutory basis on which Change 5 can be given regard prior to it becoming operative.

Section 66(2A) states:

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

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

The Hawke's Bay Regional Council website includes a page titled 'Iwi Hapu Management Plans'<sup>15</sup>. The following Iwi / Hapu Management Plans relating to the TANK catchments are listed by the Council on this web page:

<sup>14</sup> At subsection (1).

<sup>15</sup> <https://www.hbrc.govt.nz/our-council/partnerships/tangata-whenua/iwi-hapu/>

- *Tūtaekurī Awa Management and Enhancement Plan*, prepared by Ngā Hapū o Tūtaekurī – H Hawaikirangi, TK Hawaikirangi, C Ormsby, 2014.
- *Ngāti Hori Freshwater Resources Management Plan – Operation Patiki*, Kohupatiki Marae, 2012.
- *Mana Ake Ngā Hapū o Heretaunga – An Expression of Kaitiakitanga*, Te Taiwhenua o Heretaunga, 2015 Edition.
- *Kahungunu ki Uta, Kahungunu ki Tai – Marine & Freshwater Fisheries Strategic Plan – Mai Paritu, tai atu ki Turakirae*, Coastal Hapū Collective, Kahungunu Asset Holding Company Limited and Ngāti Kahungunu Iwi Incorporated, 2008

These hapu and iwi management plan documents have been reviewed and taken into account in the preparation of Change 9.

Section 66(3) prevents any regard to be had to trade competition in preparing or changing any regional plan.

Section 67 'Contents of regional plans' requires in subsection (1) that a regional plan must state:

- (a) the objectives for the region; and*
- (b) the policies to implement the objectives; and*
- (c) the rules (if any) to implement the policies.*

Change 9 includes some 16 objectives, as set out in section 7.1 of this report below. These objectives are implemented by 55 policies, which in turn are, implemented by rules. Change 9 therefore includes all of the required contents of regional plans.

Section 67(2) sets out optional contents of regional plans, of which Change 9 includes:

- (a) the issues that the plan seeks to address; and*
- (b) the methods, other than rules, for implementing the policies for the region; and...*

Many of the remaining matters set out in section 67(2) are already included generally in the RRMP and need not be repeated in Change 9.

Of the remaining parts of Section 67, (3) requires that a regional plan must give effect to:

- (a) any national policy statement; and*
- (b) any New Zealand coastal policy statement; and*
- (ba) a national planning standard; and*
- (c) any regional policy statement.*

The relevant national policy statements are set out under section 3.4 of this report below. Of these Plan Change 9 seeks to in particular give effect to the National Policy Statement for Freshwater Management. As Change 9 relates to the TANK freshwater catchments,





the New Zealand Coastal Policy Statement 2010 is of little relevance. Change 9 seeks to give effect to the RPS, and in particular to Change 5 'Land and Freshwater management' of the RPS.

Section 67(4) sets out that a regional plan must not be inconsistent with a water conservation order. There is a Draft Water Conservation Order for the Ngaruroro and Clive Rivers. As a draft it may be subject to change in the final decision, therefore it does not need to be given effect to at this stage.

As at the time of writing, submissions to the Environmental Protection Authority (EPA) on the re-notified<sup>16</sup> and amended application had closed (22 August 2018). Following this, as required by Special Tribunal the TANK group recommendations for the contents of Change 9<sup>17</sup> to the Hawkes Bay Regional Council were provided to the EPA and made publicly available on their website on 31 August 2018.

On 18 September 2018, Version 3 of the Draft Water Conservation Order<sup>18</sup> was submitted to the EPA, as required by the Special Tribunal to address matters raised in consultation

Section 67(5) states that:

*A regional plan must record how a regional council has allocated a natural resource under section 30(1)(fa) or (fb) and (4), if the council has done so.*

Change 9 seeks to allocate the taking or use of water under section 30(1)(fa). Schedule 6 sets out flows, levels and allocation limits for the waterbodies in the TANK Catchments in accordance with section 67(5). Schedule 7 sets out the high flow allocation for specified waterbodies within the TANK catchments.

Section 68 'Regional Rules' sets out the basis on which a regional plan may incorporate rules. Section 68(3) states:

*In making a rule, the regional council shall have regard to the actual or potential effect on the environment of activities, including, in particular, any adverse effect.*

<sup>16</sup> Recent scientific evidence has confirmed that wider hydraulic connections exist through the Ngaruroro and Clive River catchments, than was understood when the application was first notified. As a result of this new evidence, the Special Tribunal decided that the application should be re-notified., <https://www.epa.govt.nz/public-consultations/in-progress/water-conservation-order-ngaruroro-and-clive-rivers/>

<sup>17</sup> In the form of Draft V&; TANK Plan Change dated August 2018: <https://www.epa.govt.nz/assets/FileAPI/proposal/NSP000041/Board-minutes-directions-and-correspondence-Correspondence-to-decision-maker/Memorandum-of-Counsel-on-behalf-of-HBRC-regarding-the-TANK-groups-final-recommendations.pdf>

<sup>18</sup> <https://www.epa.govt.nz/assets/FileAPI/proposal/NSP000041/Board-minutes-directions-and-correspondence-Correspondence-to-decision-maker/Memorandum-on-behalf-of-the-Applicants-regarding-version-3.pdf.pdf>

The rules in Change 9 must therefore relate to managing the effects of activities on the environment.

Section 68(7) states:

*Where a regional plan includes a rule relating to maximum or minimum levels or flows or rates of use of water, or minimum standards of water quality ..., the plan may state—*

- (a) whether the rule shall affect, under section 130, the exercise of existing resource consents for activities which contravene the rule; and*
- (b) that the holders of resource consents may comply with the terms of the rule, or rules, in stages or over specified periods.*

Some rules in Change 9 require compliance in stages over specified periods.

Section 69 'Rules relating to water quality' requires at subsection (3):

*Subject to the need to allow for reasonable mixing of a discharged contaminant or water, a regional council shall not set standards in a plan which result, or may result, in a reduction of the quality of the water in any waters at the time of the public notification of the proposed plan unless it is consistent with the purpose of this Act to do so.*

The rules of Change 9 must therefore seek to maintain or enhance water quality unless it is justified that it is consistent with the purpose of the RMA (section 5) not to do so.

Section 70 'Rules about discharges' requires:

(1) Before a regional council includes in a regional plan a rule that allows as a permitted activity—

- (a) a discharge of a contaminant or water into water; or*
- (b) a discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water —*

*the regional council shall be satisfied that none of the following effects are likely to arise in the receiving waters, after reasonable mixing, as a result of the discharge of the contaminant (either by itself or in combination with the same, similar, or other contaminants):*

- (c) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;*
- (d) any conspicuous change in the colour or visual clarity;*
- (e) any emission of objectionable odour;*
- (f) the rendering of freshwater unsuitable for consumption by farm animals;*
- (g) any significant adverse effects on aquatic life.*

It is noted that the discharge rules included in Change 9 are generally additions to the existing RRMP rules to be applied to the TANK catchments. The existing RRMP rules have



been set in accordance with the relevant provisions of the RMA, including section 70, and the permitted activity standards ensure that the effects listed in section 70(1)(c) – (g) must not result from the discharge.

### 3.4 NATIONAL POLICY STATEMENTS

#### 3.4.1 National Policy Statement for Freshwater Management 2014

The National Policy Statement for Freshwater Management 2014 (NPSFM) has been amended with the amended provisions taking effect in August 2017. References made in this report to the NPSFM are to this latest version.

The NPSFM sets out the objectives and policies for freshwater management under the RMA, which are required to be given effect to by regional policy statements, regional plans and where relevant district plans. The following table lists the objectives by subject heading.

Table 2 – NPSFM List of Objectives

Reference	Objective
AA. Te Mana o te Wai	
Objective AA1	To consider and recognise Te Mana o te Wai in the management of freshwater
A. Water quality	
Objective A1	<p>To safeguard:</p> <ul style="list-style-type: none"> <li>a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of freshwater; and</li> <li>b) the health of people and communities, as affected by contact with freshwater;</li> </ul> <p>in sustainably managing the use and development of land, and of discharges of contaminants.</p>
Objective A2	<p>The overall quality of freshwater within a freshwater management unit is maintained or improved while:</p> <ul style="list-style-type: none"> <li>a) protecting the significant values of outstanding freshwater bodies;</li> <li>b) protecting the significant values of wetlands; and</li> <li>c) improving the quality of freshwater in waterbodies that have been degraded by human activities to the point of being over-allocated</li> </ul>



- Objective A3 The quality of freshwater within a freshwater management unit is improved so it is suitable for primary contact more often, unless:
- a) regional targets established under Policy A6(b) have been achieved; or
  - b) naturally occurring processes mean further improvement is not possible

- Objective A4 To enable communities to provide for their economic well-being, including productive economic opportunities, in sustainably managing freshwater quality, within limits.

#### B. Water quantity

- Objective B1 To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of freshwater, in sustainably managing the taking, using, damming, or diverting of freshwater

- Objective B2 To avoid any further over-allocation of freshwater and phase out existing over-allocation.

- Objective B3 To improve and maximise the efficient allocation and efficient use of water.

- Objective B4 To protect significant values of wetlands and of outstanding freshwater bodies.

- Objective B5 To enable communities to provide for their economic well-being, including productive economic opportunities, in sustainably managing freshwater quantity, within limits.

#### C. Integrated management

- Objective C1 To improve integrated management of freshwater and the use and development of land in whole catchments, including the interactions between freshwater, land, associated ecosystems and the coastal environment

#### CA. National Objectives Framework

- Objective CA1 To provide an approach to establish freshwater objectives for national values, and any other values, that: a) is nationally consistent; and b) recognises regional and local circumstances.

#### CB. Monitoring plans



Objective CB1	To provide for an approach to the monitoring of progress towards, and the achievement of, freshwater objectives and the values identified under Policy CA2(b).
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As mentioned above, section 67(3)(a) of the RMA requires regional plans to give effect to National Policy Statements. The above listed objectives are implemented by specific policies in the NPSFM. Many of these policies are directive to regional councils making or changing regional policy statements and plans. Such policies are therefore required to be given effect to by Change 9 (if they have not already been given effect to by Change 5 to the RPS).

Objectives A2 and A3 of the NPSFM refer to 'freshwater management units' rather than to the freshwater of a region generally. The NPSFM includes the following definition of freshwater management unit:

*is the waterbody, multiple waterbodies or any part of a waterbody determined by the regional council as the appropriate spatial scale for setting freshwater objectives and limits and for freshwater accounting and management purposes.*

In regard to Change 9, the TANK catchments<sup>19</sup> comprise multiple waterbodies that have been determined by the Hawke's Bay Regional Council via Change 5 to the RPS as an appropriate grouping of catchments to set freshwater objectives for<sup>20</sup>. The TANK catchments are also identified as a priority for maintaining or enhancing the primary values and uses set out in Table 1 of Change 5 when preparing regional plans.

Within Change 9 differentiation is made in the objectives, policies and rules applying to the individual waterbodies within the TANK catchments as is appropriate for maintaining or enhancing the primary values of those waterbodies (in giving effect to Policy CA2 of the NPSFM).

There are many other aspects of the NPSFM that Change 9 is required to give effect to for the freshwater bodies within the TANK catchments. These include recognition of Te Mana o te Wai. NPSFM Policy AA1 b) requires that the setting of freshwater objectives and limits be informed by the values identified through the engagement and discussions with the community, including tangata whenua. The TANK Working Group was the community / tangata whenua engagement mechanism set up to achieve Policy AA1 in regard to Change 9 as is explained further under section 4 of this report below.

<sup>19</sup> Referred to as the 'Greater Heretaunga . Ahuriri Catchment Area' in Change 5 to the RPS, Policy LW2.

<sup>20</sup> It is noted that Change 9 includes the identification of multiple separate FMU's within the TANK catchments.





Change 9 therefore seeks to give effect to both the NPSFM and the RPS (Change 5) in relation to the TANK catchments.

### 3.4.2 National Policy Statement for Renewable Electricity Generation 2011

The National Policy Statement for Renewable Electricity Generation 2011 (NPSREG) has a single objective stated as follows:

*“To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand’s electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government’s national target for renewable electricity generation.”*

The policies of the NPSREG ensure renewable electricity generation, regardless of scale and type, is recognised for its contribution to the well-being of New Zealand.

The following policy of the NPSREG is directive to regional plans and potentially relevant to Change 9 in regard to resources for hydro-electricity generation:

*E. Incorporating provisions for renewable electricity generation activities into regional policy statements and regional and district plans*

*E2 Hydro-electricity resources*

*POLICY E2 Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the region or district.*

*F. Incorporating provisions for small and community-scale renewable electricity generation activities into regional policy statements and regional and district plans*

*POLICY F As part of giving effect to Policies E1 to E4, regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance and upgrading of small and community-scale distributed renewable electricity generation from any renewable energy source to the extent applicable to the region or district.*

*G. Enabling identification of renewable electricity generation possibilities*

*POLICY G Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators.*

These policies have largely been given effect to by Change 5 to the RPS which includes the following specific provisions (emphasis added):

*OBJ LW 1 Integrated management of freshwater and land use and development*





*Freshwater and the effects of land use and development are managed in an integrated and sustainable manner which includes: ...*

*7. recognising the potential national, regional and local benefits arising from the use of water for renewable electricity generation;*

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

*1. Adopt an integrated management approach to freshwater and the effects of land use and development within each catchment area, that: ...*

*(iD) provides opportunities for new renewable electricity generation infrastructure where the adverse effects on the environment can be appropriately managed;*

*POL LW2 Problem solving approach - Prioritising values*

*Subject to achieving Policy LW1.3: 1. Give priority to maintaining, or enhancing where appropriate, the primary values and uses of freshwater bodies shown in Table 1 for the following catchment areas in accordance with Policy LW2.3:*

*a) Greater Heretaunga / Ahuriri Catchment Area;*

*b) Mohaka Catchment Area; and*

*c) Tukituki Catchment Area. 1A. Policy LW2.1 applies: a) when preparing regional plans for the catchments specified in Policy LW2.1...*

*3. When managing the freshwater bodies listed in Policy LW2.1*

*a) recognise and provide for the primary values and uses identified in Table 1; and*

*b) have particular regard to the secondary values and uses identified in Table 1.*

Table 1 as referred to in the above Change 5 RPS policy, does not include any primary or secondary values for the Greater Heretaunga / Ahuriri Catchment Area (being the TANK catchments) that refer to renewable electricity generation. The secondary values for the Mohaka Catchment Area in Table 1 however include: *Water use for renewable electricity generation in areas not restricted by the Water Conservation Order*. Similarly, the secondary values for the Tukituki Catchment Area in Table 1 include: *Water use for renewable electricity generation in the Tukituki River (mainstream) and the Waipawa River above SH50 including the Mākaroro River*.

The RPS (via Change 5) therefore includes an objective, LW1(7) and a Policy, LW1(iD), that provides opportunity for hydroelectricity generation where the effects can be appropriately managed. Then in setting the values for specific catchments, hydroelectricity generation is provided for as a secondary value in the Mohaka and Tukituki catchments but not in the TANK catchments. The NPSREG has been provided for at a region wide level with specific consideration given to where hydro electricity generation can be accommodated in a manner where adverse effects on the environment can be appropriately managed.

Despite hydroelectricity generation not being identified as a value within the TANK catchments, Policy 52, under the heading 'Water Augmentation and Conservation – High Flow Allocation Regime' does provide for renewable electricity generation to be



considered in regard to water storage and augmentation schemes as follows (emphasis added):

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

- a) benefits for aquatic organisms and other values listed in RPS Table 1 in affected waterbodies*
- b) whether water availability is improved or the level to which the security of supply for water users is enhanced*
- c) whether the proposal 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 waterbodies at times of low flows provided through releases from storage or the dam.*
- e) The 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*

Therefore, regard has been given to opportunities for renewable electricity generation in the RPS (Change 5), but particular catchments have been identified as having appropriate attributes and values for hydro electricity generation and this does not include the TANK catchments. Nevertheless, through Policy 52, of Change 9 opportunity for renewable electricity generation is provided for in relation to water storage and augmentation schemes that can be accommodated in accordance with the other policies and rules of Change 9.

### 3.4.3 New Zealand Coastal Policy Statement 2010

The New Zealand Coastal Policy Statement 2010 (NZCPS) is specifically relevant to the Regional Coastal Environment Plan. It does however have some relevance to Change 9 insofar as each of the TANK catchments flow into the coastal marine area via the Ahuriri and Waitangi estuaries, which are within the coastal environment.

Relevant objectives of the NZCPS to Change 9 are considered to be:

#### *Objective 1*

*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:*



- *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 3

*To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:*

- *recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*
- *promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
- *incorporating mātauranga Māori into sustainable management practices; and*
- *recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*

#### Objective 6

*To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:*

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- *the coastal environment contains renewable energy resources of significant value;*
- *the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- *the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;*

- *the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*

These relevant objectives and the associated policies of the NZCPS are therefore required to be given effect to by that part of Change 9 relating to the coastal environment. That being the freshwater coastal water interface. While the primary purpose of Change 9 relates to giving effect to the NPSFM and Change 5 'Land and Freshwater Management' this coastal interface means that the NZCPS has relevance. It is noted that objective 12 and policy 18 of Change 9 specifically seek to manage effects on the coastal environment in a manner that gives effect to objectives 1, 3 & 6.

### 3.5 NATIONAL ENVIRONMENTAL STANDARDS

#### 3.5.1 National Environmental Standard for Sources of Human Drinking Water 2007

The National Environmental Standard (NES) for Sources of Human Drinking Water seeks to reduce the risk of drinking water sources being contaminated, including rivers. It requires councils to ensure effects on drinking water sources are considered in decisions on resource consents. It also requires councils to consider the effect of permitted activity rules as they apply upstream of "a registered drinking-water supply that provides no fewer than 501 people with drinking water for not less than 60 days each calendar year."<sup>21</sup>

This is relevant insofar as the public reticulated drinking water supplies that service the greater Napier and Hastings urban areas are sourced from the Heretaunga Aquifer within the TANK catchments.

Clause 10 of the Drinking Water NES sets out the limitations on permitted activity rules applying upstream of abstraction points for drinking water (including upstream of the Heretaunga Plains Aquifer) and is as follows:

*10 Limitations on permitted activity rules for activities upstream of abstraction points*

*(1) A regional council must not include a rule or amend a rule in its regional plan to allow a permitted activity, under section 9, 13, 14, or 15 of the Act, upstream of an abstraction point where the drinking water concerned meets the health quality criteria unless satisfied that the activity is not likely to—*

<sup>21</sup> Clause 9, Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.



(a) introduce or increase the concentration of any determinands in the drinking water so that, after existing treatment, it no longer meets the health quality criteria; or

(b) introduce or increase the concentration of any aesthetic determinands in the drinking water so that, after existing treatment, it contains aesthetic determinands at values exceeding the guideline values.

(2) A regional council must not include a rule or amend a rule in its regional plan to allow a permitted activity, under section 9, 13, 14, or 15 of the Act, upstream of an abstraction point where the drinking water concerned is not tested in accordance with the compliance monitoring procedures in the Drinking-water Standard unless satisfied that the activity is not likely to—

(a) increase the concentration of any determinands in the water at the abstraction point by more than a minor amount; or

(b) introduce or increase the concentration of any aesthetic determinands in the drinking water, so that, after existing treatment, it contains aesthetic determinands at values exceeding the guideline values.

(3) A regional council must not include a rule or amend a rule in its regional plan to allow a permitted activity, under section 9, 13, 14, or 15 of the Act, upstream of an abstraction point where the drinking water concerned does not meet the health quality criteria unless satisfied that the activity is not likely to—

(a) increase, by more than a minor amount, the concentration of any determinands in the water at the abstraction point that in the drinking water already exceed the maximum acceptable values for more than the allowable number of times as set out in table A1.3 in Appendix 1 of the Drinking-water Standard; or

(b) increase the concentration of any determinands in the water at the abstraction point that in the drinking water do not exceed the maximum acceptable values for more than the allowable number of times as set out in table A1.3 in Appendix 1 of the Drinking-water Standard to the extent that the drinking water, after existing treatment, exceeds the maximum acceptable values for more than the allowable number of times as set out in the table in relation to those determinands; or

(c) introduce or increase the concentration of any aesthetic determinands in the drinking water so that, after existing treatment, it contains aesthetic determinands at values exceeding the guideline values.

Section 66(1)(1) RMA requires that a regional council must prepare and change any regional plan in accordance with – any regulations (amongst other matters). This therefore includes the Drinking Water NES and in particular clause 10 of that regulation as set out above.



### 3.5.2 National Environmental Standards for Plantation Forestry 2017

The objectives of the National Environmental Standards for Plantation Forestry (NES-PF) are to<sup>22</sup>:

- maintain or improve the environmental outcomes associated with plantation forestry activities nationally
- increase certainty and efficiency in the management of plantation forestry activities.

This NES introduces permitted, controlled, restricted discretionary and discretionary activities relating to plantation forestry that regional councils are required to administer. Clause 6 of the NES for Plantation Forestry sets out the circumstances when a rule in a plan may be more stringent than the regulations within the NES. Of relevance to the Plan Change 9 these circumstances include:

- If the rule gives effect to an objective developed to give effect to the National Policy Statement for Freshwater Management (Clause 9(1)(a));
- If the rule manages any activities conducted within 1km upstream of the abstraction point of a drinking water supply for more than 25 people where the water take is from a waterbody (Clause 9(3)(c));
- If the rule manages any forestry quarrying activities conducted over a shallow water table (less than 30 m below ground level) that is above an aquifer used for a human drinking water supply (Clause 9(3)(d));

The option is therefore available for Change 9 to include rules managing the effects of forestry activities on freshwater resources in regard to these circumstances.

### 3.6 RELEVANT PLANNING DOCUMENTS RECOGNISED BY AN IWI AUTHORITY

As set out under section 3.3 above there are four documents listed on the Council's Iwi / Hapu Management Plans web page that are relevant to the TANK catchments, these being:

- *Tūtaekurī Awa Management and Enhancement Plan*, prepared by Ngā Hapū o Tūtaekurī – H Hawaikirangi, TK Hawaikirangi, C Ormsby, 2014.
- *Ngāti Hori Freshwater Resources Management Plan – Operation Patiki*, Kohupatiki Marae, 2012.
- *Mana Ake Ngā Hapū o Heretaunga – An Expression of Kaitiakitanga*, Te Taiwhenua o Heretaunga, 2015 Edition.

<sup>22</sup> <http://www.mfe.govt.nz/land/acts-and-regulations/national-environmental-standards-plantation-forestry/about-standards>



- *Kahungunu ki Uta, Kahungunu ki Tai – Marine & Freshwater Fisheries Strategic Plan – Mai Paritu, tai atu ki Turakirae, Coastal Hapū Collective, Kahungunu Asset Holding Company Limited and Ngāti Kahungunu Iwi Incorporated, 2008*

A brief summary of each of these documents is set out in Table 3 below:

**Table 3 – Summary of Relevant Hapū / Iwi Management Plans**

Relevant Management Plan	Summary
<i>Tūtaekurī Awa Management and Enhancement Plan</i>	<p>The purpose of this plan is set out on page 8 as follows:</p> <p><i>The purpose of this plan is to identify and describe the views and intentions of the Tūtaekurī awa Hapū and our aspirations for the Tūtaekurī awa in the future. Ngā Hapū o Tūtaekurī formulated this management and enhancement plan to set direction for ourselves as tangata whenua on the matters we see as needing to be addressed for Tūtaekurī awa. This plan is intended to be a living document, recognising possible changes and addition as situations may alter. The area in which this plan is relevant encompasses the region and resources which can affect the mauri, of the current and historical path of the Tūtaekurī awa. Parts of this plan will be included in the Hawke's Bay Regional Council's Tūtaekurī Ecological Management and Enhancement Plan. This plan is also intended to be used within and by the community, territorial authorities, government and non-government organisations that may have influence over the mauri of our awa. Ngā Hapū o Tūtaekurī seek to work in partnership with the HBRC and/or other parties to achieve the aspirations and further research needed to undertake in order to enhance the mauri of the Tūtaekurī awa. Ngā Hapū o Tūtaekurī has a key role to exercise kaitiakitanga of this taonga as we are the authoritative ancestral voice of Tūtaekurī. This role is provided for in the Resource Management Act 1991 where we as tangata whenua are responsible for ensuring the purpose of this Act being the protection and development of natural resources is administered.</i></p>
<i>Ngāti Hori Freshwater Resources Management Plan</i>	<p>The purpose of this document is set out on page 2 as follows:</p> <p><i>This document presents Ngāti Hori's priorities and objectives in relation to freshwater. This document will play an important part in achieving our aspirations for freshwater in our Rohe. It provides a foundation for our planning for freshwater and represents a continuous process of management, from past to current times, of the Karamu Stream and its resources.</i></p>



*This plan is also designed in large part to influence the regional policy on freshwater and flows, including the Karamu Stream Enhancement Plan. It is hoped that the Hawkes Bay Regional Council will take this plan, and any other related future documents, into account when they are changing or making plans in relation to freshwater. In particular, we expect that this document and the plan that it envisions will be taken into consideration as Hawkes Bay Regional Council proceeds with its current Karamu Catchment Enhancement Plan.*

*Mana Ake Ngā Hapū o Heretaunga – An Expression of Kaitiakitanga*

The intended uses of this document are set out on page 4 as follows:

*Mana Ake, An Expression of Kaitiakitanga is a living document; an expression of kaitiakitanga and hapū best practice, designed to assist marae and hapū to manage their natural resources, and to assist others in understanding tangata whenua values and policies in this regard.*

*It is also to provide clarity to plan users and decision-makers on what the Treaty principles are that need to be taken into account pursuant to Section 8 of the Resource Management Act (RMA) 1991.*

*It is the expectation of hapū that Mana Ake, An Expression of Kaitiakitanga be incorporated into local and regional strategic and annual plans. Key to its success will be an effective relationship with local, regional, and national agencies.*

*Of particular importance will be that ngā whāinga o ngā hapū (goals and objectives), are being worked towards, and that stakeholders understand the need to progress the aspirations and values held by ngā hapū o Heretaunga.*

*Kahungunu ki Uta, Kahungunu ki Tai – Marine & Freshwater Fisheries Strategic Plan – Mai Paritu, tai atu ki Turakirae*

This strategy document relates to both marine and freshwater fisheries over the whole Kahungunu rohe including the TANK catchments. The executive summary on page 5 sets out the purpose of the document as follows:

*This Strategy sets out the aspirations of Kahungunu for the use and management of marine and freshwater fisheries within our rohe. These groups have come together because, despite the efforts of many within Kahungunu over many years, they are concerned about the current state of fisheries and ecosystems within the rohe and some of the practices of agencies responsible for managing them. The Strategy prioritises localised management in accordance with tikanga and supports the mana of hapū in this respect. It also provides a framework for hapū and*



*other groups within the iwi to work together, and to engage with other stakeholders, agencies and the wider community.*

*The Strategy will be implemented by working together and operating according to consensus, but without any group imposing their priorities or ideas on others. The aim is to provide greater integration of our interests – commercial and non-commercial, hapū and iwi. It is hoped that this integration can be effectively achieved within three years, though bringing about real changes in the health and abundance of fisheries in the rohe will take much longer, and will require the cooperation of other fishing sectors and others in the wider community.*

*The vision described by this Strategy – kaitiakitanga o ngā rawa a Tangaroa mo ngā uri whakatupu (guardianship of Tangaroa's multitudes on behalf of all the generations yet to come) – is an ambitious one and a great deal of work will be required in order to realise it.*

### 3.7 REGIONAL POLICY STATEMENT

The Hawke's Bay Regional Resource Management Plan (Operative August 2006) (the 'RRMP') is a combined regional policy statement (the RPS) and regional plan for the Hawke's Bay Region. The RRMP therefore comprises the RPS and regional plan that apply to the TANK catchments.

Change 5 'Land and Water Management' to the RRMP has the intent of seeking that decisions be made in an integrated manner in regard to the sustainable management of the regions land and water resources. Change 5 is not yet operative but all of its provisions aside from the definition of 'wetland' are beyond the point of legal challenge.

As set out in 3.1.1 and Table 1 above, Policy LW2, Table 1 of Change 5 sets out the primary and secondary values of the TANK Catchments.

Change 5 includes three objectives. As Change 5 forms part of the regional policy statement, it is required to be 'given effect to' by relevant regional plan changes. Change 9 seeks to implement and give effect to Change 5 for the TANK catchments. It is therefore appropriate to list the objectives of Change 5 of relevance. These are as follows:

*OBJ LW 1 Integrated management of freshwater and land use and development  
Freshwater and the effects of land use and development are managed in an integrated and sustainable manner which includes:*

- 1. protecting the quality of outstanding freshwaterbodies in Hawke's Bay;*

- 1A. protecting the significant values of wetlands<sup>23</sup>;
2. the maintenance of the overall quality of freshwater within the Hawke's Bay region and the improvement of water quality in waterbodies that have been degraded to the point that they are over-allocated;
- 2B. establishing where over-allocation exists, avoiding any further over-allocation of freshwater and phasing out existing over-allocation;
3. recognising that land uses, freshwater quality and surface water flows can impact on aquifer recharge and the coastal environment;
4. safeguarding the life-supporting capacity and ecosystem processes of freshwater, including indigenous species and their associated freshwater ecosystems;
5. recognising the regional value of freshwater for human and animal drinking purposes, and for municipal water supply;
6. recognising the significant regional and national value of freshwater 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<sup>24</sup>. recognising and providing for river management and flood protection activities;
13. recognising and providing for the recreational and conservation values of freshwaterbodies; 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.**

<sup>23</sup> This provision is subject to the outstanding appeal on Change 5

<sup>24</sup> The numbering of Objective LW1 has been amended through the appeal process resulting in the jump from 9 – 12.

*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 freshwaterbodies 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.*

In implementing these objectives, as set out under section 3.3 of this report above, Change 5 'Land Use and Freshwater Management'<sup>25</sup> to the RPS includes policies requiring:

- An integrated approach to freshwater and the effects of land use within each catchment area (LW1.1);
- Use of a catchment wide approach to identify values for freshwater within each catchment identified in Policy LW2.1 (LW1.2);
- Maintenance, and enhancement where appropriate, of the primary values and uses of freshwaterbodies in Table 1 for the following catchment areas: Greater Heretaunga / Ahuriri Catchment Area<sup>26</sup>...; and
- When managing the freshwaterbodies listed (which include the Greater Heretaunga / Ahuriri catchment area) recognise and provide for the primary values and uses identified in Table 1 and to have particular regard to the secondary values identified.

Change 9 is therefore required to insert provisions relating to a catchment wide integrated management approach for the Greater Heretaunga / Ahuriri catchment area into the RRMP. In doing so Change 9 is required to recognise and provide for the values of the Greater Heretaunga / Ahuriri Catchment (now referred to as TANK) identified in Table 1.

The existing RPS section of the RRMP includes other objectives and policies of relevance to Change 9 including<sup>27</sup>:

*OBJ 21 No degradation of existing groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems.*

<sup>25</sup> Updated as at 27 March 2015

<sup>26</sup> Being the catchments referred to as TANK in Change 9

<sup>27</sup> The objectives quoted are as amended by Change 5.





*OBJ 22 The maintenance or enhancement of groundwater quality in aquifers in order that it is suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality.*

*OBJ 25 The quantity of water in wetlands, rivers and lakes suitable for sustaining aquatic ecosystems, for achieving other freshwater objectives, and ensuring resource availability for a variety of purposes across the region, while recognising the impact caused by climatic fluctuations in Hawke's Bay.*

*OBJ 27 The water quality in rivers, lakes and wetlands is suitable for sustaining or improving aquatic ecosystems, and for other freshwater objectives identified in accordance with a catchment-based process as set out in Policy LW1 and Policy LW2, including contact recreation purposes where appropriate.*

*OBJ 27A Riparian vegetation on the margins of rivers, lakes and wetlands is maintained or enhanced in order to:*

- a) maintain biological diversity;*
- b) maintain and enhance water quality and aquatic ecosystems; and*
- c) support the use of surface water resources in accordance with tikanga Māori.*





## 4. COMMUNITY ENGAGEMENT PROCESS

### 4.1 TANK COLLABORATIVE PROCESS

The process used by HBRC to prepare this Plan Change has been a community based collaborative approach dependent on 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.<sup>28</sup>

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.

*Still to insert a summary of the following:*

- a. Composition
- b. Terms of Reference
- c. Phase 1 – Interim Agreements
- d. Phase 2 – Agreement on objectives, attributes and desired attribute states for management of waterbodies
- e. Phase 3 – Input to plan change drafting
- f. Phase 4 – Involvement post Council adoption
- ii. Implementation Plan
- iii. Monitoring Plan *(not part of collaborative process)*

Note there are some legacy issues regarding freshwater management which will not be resolved within the 10 year lifetime of Change 9, but the TANK process and Change 9 and has put measures in place to deliver improvements over time.

<sup>28</sup> TANK Plan Change, Preamble (page 5).

**5. BACKGROUND TO PLAN CHANGE****5.1 XX**

- i. HB Land & Water Management Strategy
- ii. Land and Water Resource of TANK Catchments
  - a. Land Resources
  - b. Surface Water Resources
  - c. Groundwater Resources
- iii. Values and Uses within the TANK Catchments
  - d. Māori Cultural
  - e. General Cultural
  - f. Social
  - g. Economic
  - h. Environmental
- iv. Summary of Technical Reports produced to support the plan change



## **6. PLAN CHANGE MATTERS TO BE ADDRESSED**

### **6.1 FRESHWATER OBJECTIVES OF THE TANK CATCHMENTS**

### **6.2 WATER MANAGEMENT UNITS**

#### **6.2.1 Surface Freshwater Quality Management Units**

#### **6.2.2 Groundwater Quantity Zones**

### **6.3 WATER QUALITY**

#### **6.3.1 Current approach in RRMP**

#### **6.3.2 Approach in TANK Plan Change**

#### **6.3.3 Schedule 1 – Freshwater Quality Objectives**

#### **6.3.4 Schedule 2 – Freshwater Quality Limits**

### **6.4 WATER ALLOCATION**

#### **6.4.1 Current approach in RRMP**

#### **6.4.2 Approach in TANK Plan Change**

#### **6.4.3 Minimum Flow Limits**

#### **6.4.4 Water Allocation Limits (Interim Allocations)**

#### **6.4.5 High Flow Allocation**



## 7. EVALUATION UNDER SECTION 32

### 7.1 IDENTIFICATION OF ISSUES

Plan Change 9 in defining the matters to be resolved identified 8 issues that the plan change seeks to address. The headings of the eight issues are listed below:

- Issue 1: Valuing Water: He Wai he Taonga
- Issue 2: Mauri, Ecosystem Health and Contaminant Discharges
- Issue 3: Mauri, Ecosystem Health and Water flows and levels
- Issue 4: Water Demand and Allocation, Efficient Use of Water
- Issue 5: Water Demand
- Issue 6: Balancing Costs and Timeframes
- Issue 7: Understanding TANK Freshwater Resources
- Issue 8: Accounting for Predicted Climate Change

An explanation to each of the above issues is provided in Change 9. Each of the 16 objectives proposed for Change 9 are set out under section 7.2 of this report below. The issues that Change 9 seeks to address through each of the objectives are listed under the subheading for each objective below.

### 7.2 APPROPRIATENESS OF THE OBJECTIVES FOR ACHIEVING THE PURPOSE OF THE ACT

The following tables set out each objective of Change 9 and provide an examination of its appropriateness in achieving the purpose of the RMA.

The purpose of the RMA is set out under section 3.1.1 of this report above. It is also relevant that in regard to freshwater management the purpose of the RMA, sustainable management, has been further defined by the NPSFM which sets specific national direction for freshwater management and must be given effect to by Change 9<sup>29</sup>. The purpose of the RMA has also been defined by Change 5 to the RPS<sup>30</sup> specifically in regard to land and freshwater management. The RPS must also be given effect to by Change 9. Although the sustainable management purpose of the RMA is set out in section 5, that purpose is further defined by the principles set out in sections 6, 7 and 8, which are also relevant to consider in this assessment.

<sup>29</sup> RMA section 67(3)(a)

<sup>30</sup> Accepting that there is a small portion of Change 5 relating to wetlands that is the subject of an outstanding Environment Court Appeal, the remainder of the change is now beyond the point of legal challenge.



The following assessment therefore seeks to test that the proposed objectives of Change 9 are appropriate in achieving:

- the purpose of the Act as set out in section 5 and further defined by sections 6, 7 and 8 of the RMA;
- the more specific interpretation of sustainable management for freshwater resources in the NPSFM; and
- sustainable land and freshwater management in Change 5 of the RPS.

The structure of this section of the report is to quote the proposed objective from Change 9 and then set out in a table how that objective is appropriate in achieving sustainable management in terms of the three statutory instruments referred to above.

In terms of considering different options to the final objectives chosen, there are currently no specific objectives in the RRMP applying to the TANK catchments. Retaining the status quo of having no such objectives is not an option if the NPSFM and the RPS are to be given effect. Clearly there would be many alternative options to the wording details of the 16 objectives proposed by Change 9, however the proposed wording has resulted from the TANK Stakeholder Group collaborative process and in this way the objectives are considered the most appropriate option for achieving the purpose of the RMA.

### 7.2.1 Objective 1

Objective 1 seeks to address Issues 1, 2, 3 and 7 and is as follows:

*When setting objectives, limits and targets;*

*a) Te Mana o te Wai<sup>31</sup> 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 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 waterbody values listed in Table 1 (RPS) are provided for.*

**Table 4 – Evaluation of Objective 1**

RMA Instrument	Objective 1 Examination against the Purpose of the Act
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<sup>31</sup> From Objective AA and Policy AA in NPSFM



Section 5 purpose of RMA and sections 6, 7 & 8	<p>Objective 1 seeks to promote the sustainable management of the freshwater resources of the TANK catchments in a manner that enables the values identified by the community to be met in providing for their social, economic, and cultural well-being and for their health and safety.</p> <p>Specifically, the cultural wellbeing of iwi / hapū is enabled by clauses a), b) and c) of Objective 1.</p> <p>Objective 1 clauses a), b), d) and e) will help achieve: section 5(a) in sustaining the potential of the TANK freshwater resources in meeting the needs of future generations; 5(b) in safeguarding the life supporting capacity of the TANK freshwater and associated soil and ecosystem resources; and 5(c) in avoiding, remedying or mitigating adverse effects on the environment.</p> <p>RMA section 6(e) and the relationship of Māori with water is recognised and provided for by objective 1 in general and clauses a, b) and c) in particular. Similarly, the same can also be said of RMA section 7(a) kaitiakitanga and 8 the Principles of Te Tiriti o Waitangi.</p>
NPSFM	<p>Objective AA1 (Te Mana o te Wai) of the NPSFM is given effect to by Objective 1 a), b) and c) of Change 9.</p> <p>Objectives A2 &amp; A3 (improving freshwater quality) of the NPSFM are given effect to by the continuous improvement approach in Objective 1b) of Change 9.</p> <p>Objectives A1, A4 &amp; B5 of the NPSFM are given effect to by Objective 1d) of Change 9 in enabling sustainable use of freshwater resources.</p> <p>Objectives A1 &amp; B4 (protecting significant values of wetlands and outstanding freshwater bodies) of the NPSFM are given effect to by Objective 1 e) of Change 9.</p>
RPS including Change 5	<p>Objective LW1 'Integrated management of freshwater and land use development', has 15 sub clauses relating to different aspects of integrated management. Objective 1 of Change 9 helps achieve (and give effect to) a number of these, namely Objective 1a) helps achieve LW1 as a whole as well as specific subclause LW1 – 3 (aquifer recharge and coastal); Objective 1 b) specifically helps achieve LW1 – 2 (improvement of water quality); Objective 1 d) helps achieve LW1 – 5 (regional value for human and animal drinking water), LW1 – 6 (freshwater for production and processing of beverages, food and fibre) and LW1 – 9 (efficient allocation and use); and Objective 1 e) helps achieve LW1 – 1 (outstanding freshwater bodies), LW1 – 1A (wetland values), LW1 – 4 (indigenous species and ecosystems), LW1 – 6 (freshwater</p>





values for production and processing of beverages, food and fibre), and 13 (recreational and conservation values).

Objective LW2 'Integrated management of freshwater and land use development – balancing and prioritising competing values' is achieved by Objective 1 e) of Change 9.

Objective LW3 'Tangata whenua values in management of land use and development and freshwater' is achieved by Objective 1 a), c) and e).

## 7.2.2 Objective 2

Objective 2 seeks to address Issues 2, 3, 4, 6 and 7 and is as follows:

*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 waterbody 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 state<sup>32</sup>.*

Table 5 - Evaluation of Objective 2

RMA Instrument	Objective 2 Examination against the Purpose of the Act
Section 5 purpose of RMA and sections 6, 7 & 8	<p>Objective 2 seeks to promote the sustainable management of the freshwater resources of the TANK catchments so that water use can enable the community to provide for their social, economic, and cultural well-being and for their health and safety provided that water quality is maintained or improved. The timeframe provided for in Objective 2 to improve degraded waterbodies by 2040, acknowledges the need to continue to enable the economic and social wellbeing of resource users and wider community to be provided for while changes in land use practices and advancements in technology allow the higher state water quality attributes to be achieved.</p> <p>Objective 2 will achieve: RMA section 5(a) in sustaining the potential of the TANK freshwater resources to be of current or improved quality in meeting the needs of future generations; 5(b) in safeguarding the life supporting capacity of the TANK freshwater resources by maintaining and where</p>

<sup>32</sup> 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);

required improving, water quality; and 5(c) in avoiding, remedying or mitigating adverse effects on the environment.

It is noted that the need to maintain or improve water quality in Objective 2 is also a requirement of RMA section 69(3) 'Rules relating to water quality' which states: "... a regional council shall not set standards in a plan which result, or may result, in a reduction of the quality of the water in any waters..."

Improvements in the water quality attributes within the TANK catchments sought by Objective 2 will also help to recognise and provide for the matters of national importance in RMA sections 6(a) 'preservation of the natural character of...wetlands, and lakes and rivers...'; 6(c) 'the protection of ...significant habitats of indigenous fauna'; and 6(e) 'the relationship of Māori with ...water'.

Objective 2 also helps achieve the matters requiring particular regard in section 7 of the RMA: 7(b) 'the efficient use and development of natural and physical resources' insofar as use of water resources is still enabled and a timeframe is set within which to improve water quality attributes by. This will enable resource users to maintain their efficiency while undertaking changes in land use practices and adopting the use of new technology over time to allow the higher state water quality attributes to be achieved. Improvements in water quality over time will help achieve RMA 7(c) the maintenance and enhancement of amenity values; 7(d) intrinsic values of ecosystems; 7(f) maintenance and enhancement of the quality of the environment; and 7(h) the protection of the habitat of trout and salmon.

NPSFM	Objectives A2 & A3 of the NPSFM are given effect to by the continuous improvement approach in Objective 2 for degraded waterbodies. Objective A4 is also given effect to by Objective 2 setting a time limit within which improvements are required to be achieved by which <i>"enables communities to provide for their economic well-being, including productive economic opportunities, in sustainably managing freshwater quality, within limits."</i>
RPS including Change 5	Objective 2 gives effect to RPS Objective LW1 'Integrated management of freshwater and land use development', and in particular to sub clauses LW1 – 2 (maintenance of the overall quality of freshwater and the improvement of water quality in waterbodies that have been degraded); LW – 2B (avoiding any further over-allocation of freshwater and phasing out existing over allocation); LW1 – 4 (safeguarding the life supporting capacity and ecosystem processes of freshwater) in regard to maintaining and improving the quality of TANK freshwater bodies. LW1 – 6 (recognising the significant regional and national value of freshwater for production and processing of beverages, food and fibre) is given effect to by providing sufficient time for the improvement in water quality attributes to be met so that production and



processing water users are able to continue their operations while contributing to improved water quality in the medium term.

RPS Objective LW2 states that where there is conflict between competing values or uses “...regional plans provide clear priorities for the protection and use of those freshwater resources.” Objective 2 of Change 9 provides clear direction that water quality is to be maintained where objectives are being met or improved in degraded waterbodies so that they meet water quality attribute states in Schedule 1 by 2040. Although the required improvements in water quality may conflict with some of the ‘water use’ focused values set out in Table 1 of the RPS Change 5 for the TANK catchments, there is clear direction that the stated water quality attributes must be achieved over time by 2040.

### 7.2.3 Objective 3

Objective 3 seeks to address Issues 1, 2 and 3 as follows:

*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.*

Table 6 - Evaluation of Objective 3

RMA Instrument	Objective 3 Examination against the Purpose of the Act
Section 5 purpose of RMA and sections 6, 7 & 8	<p>Objective 3 will promote sustainable management of the freshwater resources of the TANK catchments by enabling the community, including in particular the Māori community with mana whenua of the TANK catchments, to provide for their social and cultural well-being in protecting mauri and ecosystem health for those values set out in Schedule 1.</p> <p>Objective 3 will achieve: RMA section 5(a) by sustaining the potential of the TANK freshwater resources in meeting the needs of future generations; 5(b) by safeguarding the life supporting capacity of the TANK freshwater resources by maintaining mauri and ecosystem health; and 5(c) in avoiding, remedying or mitigating adverse effects on the environment.</p> <p>Objective 3 also helps to achieve the purpose of the RMA as expressed through sections 6(e) ‘the relationship of Māori with ... water’, 7(a) ‘kaitiakitanga’ and 8 ‘Te Tiriti o Waitangi’.</p> <p>Objective 3 will also help achieve RMA section 6(a) ‘the preservation of the natural character of ...wetlands, and lakes and rivers...’; and 6(c) ‘the protection of ...significant habitats of indigenous fauna’; by protecting mauri and ecosystem health of the waterbodies within the TANK catchments. The</p>



same can also be said of RMA section 7(d) 'intrinsic values of ecosystems', 7(f) 'maintenance and enhancement of the quality of the environment', and (h) 'the protection of the habitat of trout and salmon'.

NPSFM	<p>Objective 3 specifically achieves Objective AA1 and Policy AA1 relating to Te Mana o te Wai, of the NPSFM.</p> <p>Objective 3 in association with Schedule 1 also achieves Objective CA1 and Policy CA2 of the NPSFM by providing an approach that establishes freshwater objectives through discussions with the community including tangata whenua, in formulating numeric attribute states for national values and other values consistent with the attribute states in Appendix2 (Attribute Tables) of the NPSFM.</p>
RPS including Change 5	Objective LW3 'Tangata whenua values in management of land use and development and freshwater' is achieved by Objective 3 in requiring the achievement of Te Mana o te Wai, kaitiakitanga and mauri in the freshwater management of the TANK catchments.

#### 7.2.4 Objective 4

Objective 4 seeks to address Issues 1, 6 and 7 and is as follows:

*The quality of the TANK freshwater bodies set out in Schedule 2 will be implemented through future plan changes.*

Table 7 – Evaluation of Objective 4

RMA Instrument	Objective 4 Examination against the Purpose of the Act
Section 5 purpose of RMA and sections 6, 7 & 8	Cannot assess until Schedule 2 is available – without this how Objective 4 achieves the purpose of the RMA is unclear.
NPSFM	
RPS including Change 5	

#### 7.2.5 Objective 5

Objective 5 seeks to address Issues 1, 2, 3 and 4 and is as follows:



*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;*

*d) people and communities to safely meet their domestic water needs;*

*e) primary production water for community social and economic well-being;*

*and*

*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.*

**Table 8 - Evaluation of Objective 5**

RMA Instrument	Objective 5 Examination against the Purpose of the Act
Section 5 purpose of RMA and sections 6, 7 & 8	<p>Objective 5 seeks to promote the sustainable management of the freshwater resources of the Ahuriri catchments in a manner that enables resource use so that people and communities can provided for their social, economic, and cultural well-being and for their health and safety, provided the resource is maintained and enhanced. Objective 5 specifically seeks to enable the use of the Ahuriri catchments freshwater resource for domestic needs (5d), primary production (5e), recreational activities and the collection of mahinga kai in the estuary (5f).</p> <p>Specifically, the cultural well-being of iwi / hapū is enabled by Objective 5 seeking to maintain and enhance the mauri of the Ahuriri catchments and by the protection clauses a), b) and c) of Objective 5 and reference to cultural activities in clause f).</p> <p>The direction of Objective 5 to meet the water quality states in Schedule 1; to maintain and enhance mauri, quality and quantity of the Ahuriri Freshwater catchments; and to address the environmental issues in clauses a), b), c) and f) will help achieve: RMA section 5(a) in sustaining the potential of the Ahuriri catchments freshwater resources in meeting the needs of future generations; 5(b) in safeguarding the life supporting capacity of the Ahuriri catchments freshwater and associated soil and ecosystem resources; and 5(c) in avoiding, remedying or mitigating adverse effects on the environment.</p> <p>RMA section 6(e) and the relationship of Māori with water is recognised and provided for by objective 5 in general (noting the reference to the mauri of</p>





	<p>the Ahuriri catchments) and clause 5f) in particular. The same can also be said of RMA section 7(a) kaitiakitanga and 8 the Principles of Te Tiriti o Waitangi.</p> <p>In regard to other RMA section 6 and 7 matters, the specific references in Objective 5b) to healthy ecosystems and 5c) to healthy indigenous aquatic populations, will help to achieve section 6(c) (protection of indigenous habitats), 7(d) (intrinsic values of ecosystems) and 7(h) (the protection of the habitat of trout and salmon). The references in objective 5d) to meeting domestic water needs and 5e) to primary production water, will help achieve RMA section 7(b) (efficient use and development of natural and physical resources).</p>
NPSFM	<p>Objective AA1 (Te Mana o te Wai) of the NPSFM is given effect to by Objective 5 through the use of a Te Mana o te Wai approach in the identification of values and the setting of freshwater limits and objectives applicable to the Ahuriri freshwater catchments specified in Schedule 1.</p> <p>Objectives A1 and B1 (safeguarding life-supporting capacity, ecosystem processes and indigenous species and the health of people and communities) is given effect to for the Ahuriri catchments by Change 9 Objective 5 clauses a), b), c), and f).</p> <p>Objectives A2 &amp; A3 (protecting significant values and improving freshwater quality) of the NPSFM are given effect to by Change 9 Objective 5 referencing Schedule 1 and requiring the maintenance and enhancement of the mauri, water quality and water quantity of the Ahuriri catchment.</p> <p>Objectives A4 &amp; B5 and Policy A7 (enabling economic well-being) of the NPSFM are given effect to by Objective 5d) &amp; e) of Change 9 in enabling sustainable use of freshwater resources for domestic needs and primary production.</p> <p>Objective C1 (integrated management of freshwater and land use in catchments) of the NPSFM is given effect to by Change 9 Objective 5a) (to enable Ahuriri estuary sediments to be healthy).</p> <p>Objective D1 (tangata whenua values and interests) and Policy D1 (reflect tangata whenua values and interests) of the NPSFM is given effect to by Change 9 Objective 5 in general (noting the reference to the mauri of the Ahuriri catchments) and clause f) (enabling cultural activities and the collection of mahinga kai in the Ahuriri estuary) in particular.</p>
RPS including Change 5	<p>Objective LW1 'Integrated management of freshwater and land use development', has 15 sub clauses relating to different aspects of integrated management. Objective 5 of Change 9 helps achieve (and give effect to) a number of these, namely Objective 5 helps achieve LW1 as a whole in</p>





seeking to achieve the integrated and sustainable management of the Ahuriri freshwater catchments; and LW1 – 2 in the maintenance and enhancement of the overall water quality in the catchment. Objective 5 f) specifically helps achieve LW1 – 3 (recognising impacts on the coastal environment) & LW1 – 14 (preserving the natural character of the coastal environment); Objective 5 b) & c) helps achieve LW1 – 4 (safeguarding life supporting capacity, ecosystem processes and indigenous species) & LW1 – 13 (recreational and conservation values); Objective 5 d) & e) help achieve LW1 – 5 (water for human and animal drinking purposes) & LW1 – 6 (freshwater for production and processing of beverages, food and fibre).

Objective LW2 'Integrated management of freshwater and land use development – balancing and prioritising competing values' is achieved by Objective 5 of Change 9 generally in terms of the matters listed in Objective 5 a) – f) and by clearly prioritising that the water quality states specified in schedule 1 are to be met.

Objective LW3 'Tangata whenua values in management of land use and development and freshwater' is achieved by Objective 5 generally in seeking that the mauri of the Ahuriri freshwater catchments is maintained and enhanced; and specifically in regard to 5c) in enabling healthy populations of indigenous flora and fauna (LW3d)) and 5f) in enabling the healthy functioning of the Ahuriri estuary ecosystem including provision for the collection of mahinga kai (LW3a) – d)).

Policy LW2 Table 1 (Prioritising Values) is given effect to by the following values being enabled by Objective 5:

- Regionally significant native water bird populations and habitats (5c))
- Cultural values and uses (5f))
- Individual domestic needs and stock drinking needs (5d) & e))
- Freshwater use for land-based primary production (5e))
- Amenity for contact recreation including swimming in Ahuriri Estuary (5f))
- Native fish habitat (5c)).

Objectives 25 and 27 of the RPS<sup>33</sup> (Surface water quantity and quality is suitable for sustaining or improving aquatic ecosystems) are achieved by Objective 5 of Change 9 referencing Schedule 1 and requiring the maintenance and enhancement of the mauri, water quality and water quantity of the Ahuriri catchment.

<sup>33</sup> As amended by Change 5



### 7.2.6 Objective 6

Objective 6 seeks to address Issues 1, 2, 3 and 4 and is as follows:

*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**, and its tributaries 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 boating, including jet-boating in the braided reaches of the Ngaruroro;*

*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;*

*g) contribution to water flows and water quality in the connected Heretaunga Plains Aquifers;*

*and*

*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.*

**Table 9 - Evaluation of Objective 6**

RMA Instrument	Objective 6 Examination against the Purpose of the Act
Section 5 purpose of RMA and sections 6, 7 & 8	Objective 6 seeks to promote the sustainable management of the freshwater resources of the Ngaruroro River and its tributaries in a manner that enables resource use so that people and communities can provide for their social, economic, and cultural well-being and for their health and safety, provided the resource is maintained where water quality values are currently high and improved over the remainder of the catchment. Objective 6 specifically seeks to enable the use of the Ngaruroro catchment freshwater resource for social and cultural well-being: recreational activities including swimming and boating (6c); collection of mahinga kai (6d); domestic water needs (6e); and recreation activities and the collection of mahinga kai in the Waitangi Estuary (6h). The objective also specifically



seeks to enable the use of the Ngaruroro catchment freshwater resource for economic well-being: primary production and associated processing and other urban activities (6f); and contribution to water flows and water quality in the connected Heretaunga Plains Aquifers (given the many water takes in these aquifers) (6g).

Specifically, the cultural wellbeing of iwi / hapū is enabled by Objective 6 seeking to maintain the mauri of the Ngaruroro River and its tributaries where water quality is already high and to improve mauri in the tributaries and lower reaches where water quality is currently compromised. The cultural wellbeing of iwi / hapū is also enabled by the protection clauses a), and b) of Objective 6 and reference to cultural activities in clauses c), d) and h).

The direction in Objective 6 to: meet the water quality states in Schedule 1; to maintain and where necessary improve the mauri, quality and quantity of the Ngaruroro River and its tributaries; and to address the environmental issues in Objective 6 clauses a), b), c) and h) will help achieve: RMA section 5(a) in sustaining the potential of the Ngaruroro catchment freshwater resources in meeting the needs of future generations; 5(b) in safeguarding the life supporting capacity of the Ngaruroro catchment freshwater and associated ecosystem resources; and 5(c) in avoiding, remedying or mitigating adverse effects on the environment.

RMA section 6(e) and the relationship of Māori with water is recognised and provided for by Objective 6 in general (noting the reference to the mauri of the Ngaruroro catchment) and clauses c), d) and h) in particular. The same can also be said of RMA section 7(a) kaitiakitanga and 8 the Principles of Te Tiriti o Waitangi.

In regard to other RMA section 6 and 7 matters, the specific references in Objective 6a) to healthy ecosystems and 6b) to healthy indigenous aquatic and avian fauna populations, will help to achieve section RMA section 6(c) (protection of indigenous habitats), 7(d) (intrinsic values of ecosystems) and 7(h) (the protection of the habitat of trout and salmon). The references in Objective 6e) to meeting domestic water needs and 6f) to primary production water, will help achieve RMA section 7(b) (efficient use and development of natural and physical resources).

#### NPSFM

Objective AA1 (Te Mana o te Wai) of the NPSFM is given effect to by Change 9 Objective 6 through the use of a Te Mana o te Wai approach in the identification of values and the setting of freshwater limits and objectives applicable to the Ngaruroro River and its tributaries specified in Schedule 1 and the matters sought to be enabled in Objective 6a) – h).

Objectives A1 and B1 (safeguarding life-supporting capacity, ecosystem processes and indigenous species and the health of people and



communities) is given effect to for the Ngaruroro River and its tributaries by Change 9 Objective 6 clauses a), b), c) and h).

Objectives A2 & A3 (protecting significant values and improving freshwater quality unless regional targets are already achieved) of the NPSFM are given effect to by Change 9 Objective 6 referencing Schedule 1 and requiring the maintenance of the mauri, water quality and water quantity of the Ngaruroro River in the main stream above the Whanawhana Cableway and in the Taruarau River and improved in the lower reaches of the Ngaruroro River and its tributaries (which also gives effect to Policy A6 of the NPSFM).

Objectives A4 & B5 and Policy A7 (enabling economic well-being) of the NPSFM are given effect to by Objective 6e) & f) of Change 9 in enabling sustainable use of freshwater resources for domestic needs and primary production.

Objective C1 (integrated management of freshwater and land use in catchments) of the NPSFM is given effect to by Change 9 Objective 6 generally in providing for the use and development of land and discharge of contaminants and nutrients in the Ngaruroro catchment subject to maintaining or improving the mauri, quality and quantity of water in the catchment.

Objective D1 (tangata whenua values and interests) and Policy D1 (reflect tangata whenua values and interests) of the NPSFM is given effect to by Change 9 Objective 6 in general (noting the reference to the mauri of the Ngaruroro River and its tributaries) and 6c) (cultural activities), 6d) (collection of mahinga Kai) and 6h) (enabling cultural activities and the collection of mahinga kai in the Waitangi estuary) in particular.

RPS including  
Change 5

RPS Objective LW1 'Integrated management of freshwater and land use development', has 15 sub clauses relating to different aspects of integrated management. Objective 6 of Change 9 helps achieve (and give effect to) a number of these, namely Objective 6 helps achieve LW1 as a whole in seeking to achieve the integrated and sustainable management of the Ngaruroro River and its tributaries; and LW1 – 2 in the mauri and water quality of the main stream above the Whanawhana cableway and in the Taruarau River being maintained and improved in the tributaries and lower reaches.

Objective 6g) & h) specifically helps achieve LW1 – 3 (recognising land use and surface water flows can impact on aquifer recharge and the coastal environment) & LW1 – 14 (preserving the natural character of the coastal environment); Objective 6a) b) & c) helps achieve LW1 – 4 (safeguarding life supporting capacity, ecosystem processes and indigenous species) & LW1 – 13 (recreational and conservation values); Objective 6e) & f) help achieve

LW1 – 5 (water for human and animal drinking purposes & municipal supply) & LW1 – 6 (freshwater for production and processing of beverages, food and fibre).

Objective LW2 'Integrated management of freshwater and land use development – balancing and prioritising competing values' is achieved by Objective 6 of Change 9 generally in terms of the matters listed in Objective 6a) – h) and by clearly prioritising that the water quality states specified in schedule 1 are to be met for the Ngaruroro River and its tributaries.

Objective LW3 'Tangata whenua values in management of land use and development and freshwater' is achieved by Objective 6 generally in seeking that the mauri of the Ngaruroro River and its tributaries is maintained and enhanced; and specifically in regard to 6b) in enabling healthy populations of indigenous flora and fauna (LW3d)) and 6c), d) and h) in enabling cultural activities, collection of mahinga kai and the healthy functioning of the Waitangi estuary ecosystem including provision for the collection of mahinga kai (LW3a) – d)).

Policy LW2 Table 1 (Prioritising Values) is given effect to by the following values being enabled by Objective 6:

- › Regionally significant native water bird populations and habitats (6b))
- › Cultural values and uses (6c), d) & h))
- › Individual domestic needs and stock drinking needs (6e) & f))
- › Industrial and commercial water supply (6f))
- › Native fish habitat in the Ngaruroro River catchment (6b))
- › Recreational trout angling and trout habitat in the Ngaruroro River upstream of the Whanawhana Cableway and between the Whanawhana Cableway and the confluence with the Maraekakaho River (6b) & c))
- › Trout spawning habitat (6b)
- › Urban and social infrastructure facilities water supply (6f))
- › Freshwater use for land-based primary production (6f))
- › Amenity for contact recreation including swimming in the lower Ngaruroro River (6c))
- › Recreational trout angling where not identified as a primary value (6c))
- › Trout habitat where not identified as a primary value (6b)).

Objectives 25 and 27 of the RPS<sup>34</sup> (Surface water quantity and quality is suitable for sustaining or improving aquatic ecosystems) are achieved by Objective 6 of Change 9 referencing Schedule 1 and requiring the

<sup>34</sup> As amended by Change 5





maintenance and improvement of the mauri, water quality and water quantity of the Ngaruroro River and its tributaries.

### 7.2.7 Objective 7

Objective 7 seeks to address Issues 1, 2, 3 and 4 and is as follows:

*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 **Tutaekuri River** and its tributaries 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;*
- c) people to safely carry out a wide range of social, cultural and recreational activities, especially swimming and boating;*
- 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*
- g) 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.*

Table 10 - Evaluation of Objective 7

RMA Instrument	Objective 7 Examination against the Purpose of the Act
Section 5 purpose of RMA and sections 6, 7 & 8	Objective 7 seeks to promote the sustainable management of the freshwater resources of the Tutaekuri River and its tributaries in a manner that enables resource use so that people and communities can provide for their social, economic, and cultural well-being and for their health and safety, provided the resource is maintained where water quality values are currently high in the upper reaches and improved over the remainder of the catchment. The objective specifically seeks to enable the use of the Tutaekuri catchment freshwater resource for social and cultural well-being: recreational activities including swimming and boating (7c); collection of mahinga kai (clause d); domestic water needs (7e); and recreation activities and the collection of mahinga kai in the Waitangi Estuary (7g). The objective





also specifically seeks to enable the use of the Tutaekuri catchment freshwater resource for economic well-being: primary production and associated processing and other urban activities (7f).

Specifically, the cultural wellbeing of iwi / hapū is enabled by Objective 7 seeking to maintain the mauri of the Tutaekuri River and its tributaries where water quality is already high and to improve mauri in the tributaries and lower reaches where water quality is currently compromised. The cultural wellbeing of iwi / hapū is also enabled by the protection clauses a), and b) of Objective 7 and reference to cultural activities in clauses c), d) and g).

The direction to: meet the water quality states in Schedule 1; to maintain and where necessary improve the mauri, quality and quantity of the Tutaekuri River and its tributaries; and to address the environmental issues in Objective 7 clauses a), b), c) and g) will help achieve: RMA section 5(a) in sustaining the potential of the Tutaekuri catchment freshwater resources in meeting the needs of future generations; 5(b) in safeguarding the life supporting capacity of the Tutaekuri catchment freshwater and associated ecosystem resources; and 5(c) in avoiding, remedying or mitigating adverse effects on the environment.

RMA section 6(e) and the relationship of Māori with water is recognised and provided for by Objective 7 in general (noting the reference to the mauri of the Tutaekuri catchment) and Objective 7 clauses c), d) and g) in particular. The same can also be said of RMA section 7(a) kaitiakitanga and 8 the Principles of Te Tiriti o Waitangi.

In regard to other RMA section 6 and 7 matters, the specific references in Objective 7a) to healthy ecosystems and 7b) to healthy indigenous aquatic and avian fauna populations, will help to achieve section RMA 6(c) (protection of indigenous habitats), 7(d) (intrinsic values of ecosystems) and 7(h) (the protection of the habitat of trout and salmon). The references in objective 7e) to meeting domestic water needs and 7f) to primary production water, will help achieve RMA section 7(b) (efficient use and development of natural and physical resources).

#### NPSFM

Objective AA1 (Te Mana o te Wai) of the NPSFM is given effect to by Change 9 Objective 7 through the use of a Te Mana o te Wai approach in the identification of values and the setting of freshwater limits and objectives applicable to the Tutaekuri River and its tributaries specified in Schedule 1 and the matters sought to be enabled in Objective 7a) – g).

Objectives A1 and B1 (safeguarding life-supporting capacity, ecosystem processes and indigenous species and the health of people and communities) is given effect to for the Tutaekuri River and its tributaries by Change 9 Objective 7 clauses a), b), c) and g).

Objectives A2 & A3 (protecting significant values and improving freshwater quality unless regional targets are already achieved) of the NPSFM are given effect to by Change 9 Objective 7 referencing Schedule 1 and requiring the maintenance of the mauri, water quality and water quantity in the upper reaches of the Tutaekuri River and improved in the lower reaches of the Tutaekuri River and its tributaries (which also gives effect to Policy A6 of the NPSFM).

Objectives A4 & B5 and Policy A7 (enabling economic well-being) of the NPSFM are given effect to by Objective 7e) & f) of Change 9 in enabling sustainable use of freshwater resources for domestic needs and primary production.

Objective C1 (integrated management of freshwater and land use in catchments) of the NPSFM is given effect to by Change 9 Objective 7 generally in providing for the use and development of land and discharge of contaminants and nutrients in the Tutaekuri catchment subject to maintaining or improving the mauri, quality and quantity of water in the catchment.

Objective D1 (tangata whenua values and interests) and Policy D1 (reflect tangata whenua values and interests) of the NPSFM is given effect to by Change 9 Objective 7 in general (noting the reference to the mauri of the Tutaekuri River and its tributaries) and Objective 7 clauses c) (cultural activities), d) (collection of mahinga Kai) and g) (enabling cultural activities and the collection of mahinga kai in the Waitangi estuary) in particular.

RPS including  
Change 5

RPS Objective LW1 'Integrated management of freshwater and land use development', has 15 sub clauses relating to different aspects of integrated management. Objective 7 of Change 9 helps achieve (and give effect to) a number of these, namely Objective 7 helps achieve LW1 as a whole in seeking to achieve the integrated and sustainable management of the Tutaekuri River and its tributaries; and LW1 – 2 in the mauri and water quality being maintained in the upper reaches of the mainstem and improved in the tributaries and lower reaches.

Objective 7g) specifically helps achieve LW1 – 3 (recognising land use and surface water flows can impact on the coastal environment) & LW1 – 14 (preserving the natural character of the coastal environment); Objective 7a) b) & c)) helps achieve LW1 – 4 (safeguarding life supporting capacity, ecosystem processes and indigenous species) & LW1 – 13 (recreational and conservation values); Objective 7e) & f) help achieve LW1 – 5 (water for human and animal drinking purposes & municipal supply) & LW1 – 6 (freshwater for production and processing of beverages, food and fibre).

Objective LW2 'Integrated management of freshwater and land use development – balancing and prioritising competing values' is achieved by



Objective 7 of Change 9 generally in terms of the matters listed in Objective 7a) – g) and by clearly prioritising that the water quality states specified in schedule 1 are to be met for the Tutaekuri River and its tributaries.

Objective LW3 'Tangata whenua values in management of land use and development and freshwater' is achieved by Objective 7 generally in seeking that the mauri of the Tutaekuri River and its tributaries is maintained and enhanced; and specifically in regard to 7b) in enabling healthy populations of indigenous flora and fauna (LW3d)) and 7c), d) and g) in enabling cultural activities, collection of mahinga kai and the healthy functioning of the Waitangi estuary ecosystem including provision for the collection of mahinga kai (LW3a) – d)).

Policy LW2 Table 1 (Prioritising Values) is given effect to by the following values being enabled by Objective 7:

- Cultural values and uses (7c), d) & g))
- Individual domestic needs and stock drinking needs (7e) & f))
- Industrial and commercial water supply (7f))
- Native fish habitat in the Tutaekuri River catchment (7b))
- Recreational trout angling and trout habitat in the Tutaekuri River mainstream above the confluence with the Mangaone River (7b) & c))
- Trout spawning habitat (7b)
- Urban and social infrastructure facilities water supply (7f))
- Freshwater use for land-based primary production (7f))
- Amenity for contact recreation including swimming in the Tutaekuri River (7c))
- Locally significant native water bird populations and their habitats (7b))
- Recreational trout angling where not identified as a primary value (7c))
- Trout habitat where not identified as a primary value (7b)).

Objectives 25 and 27 of the RPS<sup>35</sup> (Surface water quantity and quality is suitable for sustaining or improving aquatic ecosystems) are achieved by Objective 7 of Change 9 referencing Schedule 1 and requiring the maintenance and improvement of the mauri, water quality and water quantity of the Tutaekuri River and its tributaries.

<sup>35</sup> As amended by Change 5



### 7.2.8 Objective 8

Objective 8 seeks to address Issues 1, 2, 3 and 4 and is as follows:

*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** and their tributaries 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 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*

*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.*

Table 11 - Evaluation of Objective 8

RMA Instrument	Objective 8 Examination against the Purpose of the Act
Section 5 purpose of RMA and sections 6, 7 & 8	<p>Objective 8 seeks to promote the sustainable management of the freshwater resources of the Karamu and Clive Rivers in a manner that enables resource use so that people and communities can provide for their social, economic, and cultural well-being and for their health and safety, provided the mauri, water quality and water quantity of the resource is improved. The objective specifically seeks to enable the use of the Karamu and Clive Rivers and their tributaries for social and cultural well-being: recreational activities including rowing and waka ama (8c); collection of mahinga kai (8d); domestic water needs (8e); and recreation activities and the collection of mahinga kai in the Waitangi Estuary (8g). The objective also specifically seeks to enable the use of the Karamu and Clive Rivers and their tributaries for economic well-being: primary production and associated processing and other urban activities (8f).</p> <p>Specifically, the cultural wellbeing of iwi / hapū is enabled by Objective 8 seeking to improve the mauri of the Karamu and Clive Rivers and their tributaries. The cultural wellbeing of iwi / hapū is also enabled by the</p>



protection clauses a), and b) of the objective and reference to cultural activities in clauses c), d) and g).

The direction in Objective 8 to: meet the water quality states in Schedule 1; to improve the mauri, quality and quantity of the Karamu and Clive Rivers and their tributaries; and to address the environmental issues in Objective 8 clauses a), b), c) and g) will help achieve: RMA section 5(a) in sustaining the potential of the natural resources of the Karamu and Clive Rivers and their tributaries in meeting the needs of future generations; 5(b) in safeguarding the life supporting capacity of the Karamu and Clive Rivers and their tributaries freshwater and associated ecosystem resources; and 5(c) in avoiding, remedying or mitigating adverse effects on the environment.

RMA section 6(e) and the relationship of Māori with water is recognised and provided for by Objective 8 in general (noting the reference to the mauri of the Karamu and Clive Rivers and their tributaries) and clauses c), d) and g) in particular. The same can also be said of RMA section 7(a) kaitiakitanga and 8 the Principles of Te Tiriti o Waitangi.

In regard to other RMA section 6 and 7 matters, the specific references in Objective 8a) to healthy ecosystems and 8b) to healthy indigenous aquatic and avian fauna populations, will help to achieve RMA section 6(c) (protection of indigenous habitats), 7(d) (intrinsic values of ecosystems) and 7(h) (the protection of the habitat of trout and salmon). The references in objective 7e) to meeting domestic water needs and 7f) to primary production water, will help achieve RMA section 7(b) (efficient use and development of natural and physical resources).

#### NPSFM

Objective AA1 (Te Mana o te Wai) of the NPSFM is given effect to by Change 9 Objective 8 through the use of a Te Mana o te Wai approach in the identification of values and the setting of freshwater limits and objectives applicable to the Karamu and Clive Rivers and their tributaries specified in Schedule 1 and the matters sought to be enabled in Objective 8a) – g).

Objectives A1 and B1 (safeguarding life-supporting capacity, ecosystem processes and indigenous species and the health of people and communities) is given effect to for the Karamu and Clive Rivers and their tributaries by Change 9 Objective 8 clauses a), b), c) and g).

Objectives A2 & A3 (protecting significant values and improving freshwater quality unless regional targets are already achieved) of the NPSFM are given effect to by Change 9 Objective 8 referencing Schedule 1 and requiring the mauri, water quality and water quantity in the Karamu and Clive Rivers and their tributaries to be improved (which also gives effect to Policy A6 of the NPSFM).

Objectives A4 & B5 and Policy A7 (enabling economic well-being) of the NPSFM are given effect to by Objective 8e) & f) of Change 9 in enabling



	<p>sustainable use of freshwater resources for domestic needs and primary production.</p> <p>Objective C1 (integrated management of freshwater and land use in catchments) of the NPSFM is given effect to by Change 9 Objective 8 generally in providing for the use and development of land and discharge of contaminants and nutrients in the Karamu and Clive Rivers and their tributaries subject to maintaining or improving the mauri, quality and quantity of water in the catchment.</p> <p>Objective D1 (tangata whenua values and interests) and Policy D1 (reflect tangata whenua values and interests) of the NPSFM is given effect to by Change 9 Objective 8 in general (noting the reference to the mauri of the Karamu and Clive Rivers and their tributaries) and clauses c) (cultural activities), d) (collection of mahinga Kai) and g) (enabling cultural activities and the collection of mahinga kai in the Waitangi estuary) in particular.</p>
RPS including Change 5	<p>RPS Objective LW1 'Integrated management of freshwater and land use development', has 15 sub clauses relating to different aspects of integrated management. Objective 8 of Change 9 helps achieve (and give effect to) a number of these, namely Objective 8 helps achieve LW1 as a whole in seeking to achieve the integrated and sustainable management of the Karamu and Clive Rivers and their tributaries; and LW1 – 2 in the mauri and water quality being improved.</p> <p>Objective 8g) specifically helps achieve LW1 – 3 (recognising land use and surface water flows can impact on the coastal environment) &amp; LW1 – 14 (preserving the natural character of the coastal environment); Objective 8a), b) &amp; c) helps achieve LW1 – 4 (safeguarding life supporting capacity, ecosystem processes and indigenous species) &amp; LW1 – 13 (recreational and conservation values); Objective 8e) &amp; f) help achieve LW1 – 5 (water for human and animal drinking purposes) &amp; LW1 – 6 (freshwater for production and processing of beverages, food and fibre).</p> <p>Objective LW2 'Integrated management of freshwater and land use development – balancing and prioritising competing values' is achieved by Objective 8 of Change 9 generally in terms of the matters listed in Objective 8a) – g) and by clearly prioritising that the water quality states specified in schedule 1 are to be met for the Karamu and Clive Rivers and their tributaries.</p> <p>Objective LW3 'Tangata whenua values in management of land use and development and freshwater' is achieved by Objective 8 generally in seeking that the mauri of the Karamu and Clive Rivers and their tributaries is improved; and specifically in regard to 8b) in enabling healthy populations of indigenous flora and fauna (LW3d)) and 8c), d) and g) in enabling cultural activities, collection of mahinga kai and the healthy functioning of the</p>





Waitangi estuary ecosystem including provision for the collection of mahinga kai (LW3a – d)).

Policy LW2 Table 1 (Prioritising Values) is given effect to by the following values being enabled by Objective 8:

- Cultural values and uses (8c, d) & g))
- Individual domestic needs and stock drinking needs (8e) & f))
- Industrial and commercial water supply (8f))
- Urban and social infrastructure facilities water supply (8f))
- Freshwater use for land-based primary production (8f))
- Locally significant native water bird populations and their habitats (8b))
- Native fish habitat (8b))

Objectives 25 and 27 of the RPS<sup>36</sup> (Surface water quantity and quality is suitable for sustaining or improving aquatic ecosystems) are achieved by Objective 8 of Change 9 referencing Schedule 1 and requiring the improvement of the mauri, water quality and water quantity of the Karamu and Clive Rivers and their tributaries.

### 7.2.9 Objective 9

Objective 9 seeks to address Issues 1, 2, 3, 4, 5 and 8 and is as follows:

*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 **Groundwater** connected to the Ngaruroro, Tutaekuri and Karamu rivers and their tributaries so that the mauri, water quality, water quantity and groundwater levels are maintained 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;*

*c) the maintenance of groundwater levels at an equilibrium that accounts for annual variation in climate and prevents long term decline or seawater intrusion;*

*and*

*d) contribution to water flows and water quality in connected surface waterbodies.<sup>37</sup>*

<sup>36</sup> As amended by Change 5

<sup>37</sup> Includes waterbodies like springs



Table 12 - Evaluation of Objective 9

RMA Instrument	Objective 9 Examination against the Purpose of the Act
Section 5 purpose of RMA and sections 6, 7 & 8	<p>Objective 9 seeks to promote the sustainable management of the groundwater resource connected to the TANK rivers in a manner that enables resource use so that people and communities can provide for their social, economic, and cultural well-being and for their health and safety, provided the resource is maintained. Objective 9 specifically seeks to enable the use of the groundwater resource connected to the TANK rivers for economic well-being: for domestic and municipal use (clause a), primary production and associated processing and other urban activities (clause b).</p> <p>Specifically, the cultural wellbeing of iwi / hapū is enabled by Objective 9 seeking to maintain the mauri of the groundwater resource connected to the TANK rivers.</p> <p>The direction of Objective 9 to: meet the water quality states in Schedule 1; to maintain the mauri, quality, quantity and levels of the groundwater resource connected to the TANK rivers; and to address the environmental issues in Clauses c) and d) will help achieve: RMA section 5(a) in sustaining the potential of the groundwater resource connected to the TANK rivers in meeting the needs of future generations; 5(b) in safeguarding the life supporting capacity of the groundwater resource connected to the TANK rivers; and 5(c) in avoiding, remedying or mitigating adverse effects on the environment.</p> <p>RMA section 6(e) and the relationship of Māori with water is recognised and provided for by objective 9 in general (noting the reference to the mauri of the groundwater resource connected to the TANK rivers) and clauses c) and d) in particular. The same can also be said of RMA section 7(a) kaitiakitanga and 8 the Principles of Te Tiriti o Waitangi.</p> <p>In regard to other RMA section 6 and 7 matters, the specific references in Objective 9 d) to water flows and quality in connected surface waterbodies, will help to achieve section RMA s6(c) (protection of indigenous habitats), s7(d) (intrinsic values of ecosystems) and s7(h) (the protection of the habitat of trout and salmon). The references in objective 9a) to meeting domestic water needs and municipal use 9b) to primary production and processing water, will help achieve RMA section 7(b) (efficient use and development of natural and physical resources).</p>
NPSFM	Objective AA1 (Te Mana o te Wai) of the NPSFM is given effect to by Change 9 Objective 9 through the use of a Te Mana o te Wai approach in the identification of values and the setting of freshwater limits and objectives applicable to the Groundwater connected to the Ngaruroro, Tutaekuri and



Karamu rivers and their tributaries specified in Schedule 1 and the matters sought to be enabled in Objective 9a) – d).

Objectives A1 and B1 (safeguarding life-supporting capacity, ecosystem processes and indigenous species and the health of people and communities) is given effect to for the Groundwater connected to the TANK rivers and their tributaries by Change 9 Objective 9 clauses a), b), c) and g).

Objectives A2 & A3 (protecting significant values and improving freshwater quality unless regional targets are already achieved) of the NPSFM are given effect to by Change 9 Objective 9 referencing Schedule 1 and requiring the mauri, water quality and water quantity to be maintained.

Objectives A4 & B5 and Policy A7 (enabling economic well-being) of the NPSFM are given effect to by Objective 9a) & b) of Change 9 in enabling sustainable use of freshwater resources for domestic and municipal needs and primary production.

Objective C1 (integrated management of freshwater and land use in catchments) of the NPSFM is given effect to by Change 9 Objective 9 generally in providing for the use and development of land and discharge of contaminants and nutrients over the groundwater connected to the TANK rivers subject to maintaining the mauri, quality and quantity of groundwater.

Objective D1 (tangata whenua values and interests) and Policy D1 (reflect tangata whenua values and interests) of the NPSFM is given effect to by Change 9 Objective 9 in general (noting the reference to the mauri of the Groundwater).

RPS including  
Change 5

Objective 9 of Change 9 helps achieve (and give effect to) Objective LW1 'Integrated management of freshwater and land use development' and its sub clauses, in seeking to achieve the integrated and sustainable management of the groundwater connected to the Ngaruroro, Tutaekuri and Karamu rivers and their tributaries; LW1 – 2 in the mauri and water quality being improved and LW1 – 3 in recognising that surface water flows can impact on aquifer recharge.

Objective 9a) & b) help achieve LW1 – 5 (water for human and animal drinking purposes) & LW1 – 6 (freshwater for production and processing of beverages, food and fibre).

Objective LW2 'Integrated management of freshwater and land use development – balancing and prioritising competing values' is achieved by Objective 9 of Change 9 generally in terms of the matters listed in Objective 9a) – d) and by clearly prioritising that the water quality states specified in schedule 1 are to be met for the groundwater connected to the Ngaruroro, Tutaekuri and Karamu rivers and their tributaries.

Objective LW3 'Tangata whenua values in management of land use and development and freshwater' is achieved by Objective 9 generally in seeking that the mauri of the groundwater connected to the Ngaruroro, Tutaekuri and Karamu rivers and their tributaries is maintained.

Policy LW2 Table 1 (Prioritising Values) is given effect to by the following values being enabled by Objective 9:

- Individual domestic needs and stock drinking needs (9a) & b))
- Industrial and commercial water supply (9b))
- Urban and social infrastructure facilities water supply (9b))
- Freshwater use for land-based primary production and processing activities (9b))

Objectives 21 (no degradation of groundwater quality in the Heretaunga Plains aquifer system) and 22 (the maintenance or enhancement of groundwater quality) of the RPS<sup>38</sup> are given effect to by Objective 9 of Change 9 referencing Schedule 1 and requiring the improvement of the mauri, water quality, water quantity and groundwater levels are maintained for the groundwater connected to the Ngaruroro, Tutaekuri and Karamu rivers and their tributaries.

#### 7.2.10 Objective 10

Objective 10 seeks to address Issues 1, 2, 6 and 7 and is as follows:

*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 lakes** 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*

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

<sup>38</sup> As amended by Change 5

Table 13 - Evaluation of Objective 10

RMA Instrument	Objective 10 Examination against the Purpose of the Act
Section 5 purpose of RMA and sections 6, 7 & 8	<p>Objective 10 seeks to promote the sustainable management of the freshwater resources connected to the wetlands and lakes within the TANK catchments in a manner that enables resource use so that people and communities can provide for their social, economic, and cultural well-being and for their health and safety, provided the resource is maintained and improved. Objective 10 specifically seeks to enable the use of the freshwater resources connected to the wetlands and lakes within the TANK catchments for social and cultural well-being: to safely carry out a wide range of social and cultural activities (clause c); and collection of mahinga kai.</p> <p>Specifically, the cultural wellbeing of iwi / hapū is enabled by Objective 10 seeking to maintain and improve the mauri of the freshwater resources connected to the wetlands and lakes within the TANK catchments. The cultural wellbeing of iwi / hapū is also enabled by the protection clauses a), b), e) and f) of objective 10 and reference to cultural activities in clauses c), and d).</p> <p>The direction to: meet the water quality states in Schedule 1; to maintain and improve the mauri, quality, quantity and flows of the freshwater resources connected to the wetlands and lakes within the TANK catchments in Objective 10; and to address the environmental issues in Objective 10 Clauses a), b), e) and f) will help achieve: RMA section 5(a) in sustaining the potential of the freshwater resources connected to the wetlands and lakes within the TANK catchments in meeting the needs of future generations; 5(b) in safeguarding the life supporting capacity of the freshwater resources connected to the wetlands and lakes within the TANK catchments and associated ecosystem resources; and 5(c) in avoiding, remedying or mitigating adverse effects on the environment.</p> <p>RMA section 6(e) and the relationship of Māori with water is recognised and provided for by objective 10 in general (noting the reference to the mauri of the freshwater resources connected to the wetlands and lakes within the TANK catchments) and clauses c), and d) in particular. The same can also be said of RMA section 7(a) kaitiakitanga and 8 the Principles of Te Tiriti o Waitangi.</p> <p>In regard to other RMA section 6 and 7 matters, the specific references in Objective 10a) to healthy indigenous aquatic and avian fauna populations; and 10f) to increasing the total wetland area, will help to achieve RMA sections 6(c) (protection of indigenous habitats), and 7(d) (intrinsic values of ecosystems) and 7(h) (the protection of the habitat of trout and salmon).</p>





NPSFM	<p>Objective AA1 (Te Mana o te Wai) of the NPSFM is given effect to by Change 9 Objective 10 through the use of a Te Mana o te Wai approach in the identification of values and the setting of freshwater limits and objectives applicable to freshwater connected to the wetlands and lakes within the TANK catchments specified in Schedule 1 and the matters sought to be enabled in Objective 10a) – f).</p> <p>Objectives A1 and B1 (safeguarding life-supporting capacity, ecosystem processes and indigenous species and the health of people and communities) is given effect to for the wetlands and lakes within the TANK catchments by Change 9 Objective 10 clauses a) (indigenous fauna and flora), c) (social and cultural activities of people), e) (improved water quality in connected surface water) and f) (enhanced and increased wetlands).</p> <p>Objectives A2 &amp; A3 (protecting significant values and improving freshwater quality unless regional targets are already achieved) of the NPSFM are given effect to by Change 9 Objective 10 referencing Schedule 1 and requiring the mauri, water quality and flows in the wetlands and lakes within the TANK catchments to be maintained and improved.</p> <p>Objectives A2 &amp; B4 (protecting significant values of wetlands) of the NPSFM are given effect to by Objective 10f) of Change 9 in protecting and restoring existing wetlands and creating additional wetland.</p> <p>Objective C1 (integrated management of freshwater and land use in catchments) of the NPSFM is given effect to by Change 9 Objective 10 generally in providing for the use and development of land and discharge of contaminants and nutrients in the freshwater connected to the wetlands and lakes within the TANK catchments subject to maintaining and improving the mauri, quality and flows, and levels of water.</p> <p>Objective D1 (tangata whenua values and interests) and Policy D1 (reflect tangata whenua values and interests) of the NPSFM is given effect to by Change 9 Objective 10 in general (noting the reference to the mauri of the freshwater connected to the wetlands and lakes within the TANK catchments) and clauses c) (cultural activities) and d) (collection of mahinga Kai).</p>
RPS including Change 5	<p>Objective 10 of Change 9 helps achieve (and give effect to) Objective LW1 'Integrated management of freshwater and land use development' and its sub clauses, in seeking to achieve the integrated and sustainable management of the freshwater connected to the wetlands and lakes within the TANK catchments; LW1 – 2 in the mauri and water quality being improved.</p> <p>Objective 10a) &amp; f) specifically helps achieve LW1 – 1A (protecting the significant values of wetlands), LW1 – 4 (safeguarding life supporting capacity, ecosystem processes and indigenous species), LW1 – 13 (recreational and conservation values) and LW1 – 14 (promoting the preservation of natural character of wetlands and lakes).</p>





LW2 'Integrated management of freshwater and land use development – balancing and prioritising competing values' is achieved by Objective 10 of Change 9 generally in terms of the matters listed in Objective 10a) – f) and by clearly prioritising that the water quality states specified in schedule 1 are to be met for the wetlands and lakes within the TANK catchments.

Objective LW3 'Tangata whenua values in management of land use and development and freshwater' is achieved by Objective 10 generally in seeking that the mauri of the wetlands and lakes within the TANK catchments is maintained and improved; and specifically in regard to 10a) in enabling healthy populations of indigenous flora and fauna (LW3d)) and 10c) and d) in enabling cultural activities, collection of mahinga kai (LW3a) – d)).

Policy LW2 Table 1 (Prioritising Values) is given effect to by the following values being enabled by Objective 10:

- Cultural values and uses (10c) & d))
- Locally significant native water bird populations and their habitats (10a))
- Native fish habitat (10a))

Policy 4A<sup>39</sup> "To use both non-regulatory and regulatory methods for protecting significant values of wetlands" is helped to be achieved by Objective 10 of Change 9 in general and by 10f) (an increase in the total wetland area by protecting and restoring existing wetland and reinstating or creating additional wetland) in particular.

Objectives 25 and 27 of the RPS<sup>40</sup> (Surface water quantity and quality is suitable for sustaining or improving aquatic ecosystems) are achieved by Objective 10 of Change 9 referencing Schedule 1 and requiring the improvement of the mauri, water quality and water quantity of the wetlands and lakes within the TANK catchments.

### 7.2.11 Objective 11

Objective 11 seeks to address Issues 1, and 2 and is as follows:

*Aquatic ecosystem health and mauri of waterbodies 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;*

<sup>39</sup> As amended by Change 5

<sup>40</sup> As amended by Change 5

- d) enhance natural character and amenity;
- e) improve indigenous biodiversity;
- f) reduce water temperature in summer;
- g) reduced nuisance macrophyte growth.

Table 14 - Evaluation of Objective 11

RMA Instrument	Objective11 Examination against the Purpose of the Act
Section 5 purpose of RMA and sections 6, 7 & 8	<p>Objective 11 seeks to promote sustainable management by allowing for people and communities to provide for their wellbeing in the use of land adjacent waterbodies in the TANK catchments by minimising adverse effects on those waterbodies through appropriate riparian management.</p> <p>Improving ecosystem health and the mauri of waterbodies through appropriate management of riparian margins by specifically providing for the environmental improvement set out in clauses a) – g) of Objective 11, will help achieve: RMA section 5(a) in sustaining the potential of the freshwater resources of the TANK catchment waterbodies in meeting the needs of future generations; 5(b) in safeguarding the life supporting capacity of the TANK catchment waterbodies and associated ecosystem resources; and 5(c) in avoiding, remedying or mitigating adverse effects on the environment.</p> <p>In regard to RMA section 6 and 7 matters, the specific references in Objective 11b) to protect indigenous species; and 11e) to improve indigenous biodiversity, will help to achieve section RMA 6(c) (protection of indigenous habitats), and 7(d) (intrinsic values of ecosystems) and 7(h) (the protection of the habitat of trout and salmon). Specific reference in Objective 11d) to enhancing natural character and amenity will help to achieve section RMA 6(a) (preservation of natural character of wetlands, lakes and rivers and their margins), 7(c) (maintenance and enhancement of amenity values), 7(f) (maintenance and enhancement of the quality of the environment), and 7(h) (the protection of the habitat of trout and salmon).</p>
NPSFM	<p>Objective AA1 (Te Mana o te Wai) of the NPSFM is given effect to by Change 9 Objective 11 via a Te Mana o te Wai approach in recognising the connection between the ecosystem health and mauri of the waterbodies of the TANK catchments and the riparian margins of those waterbodies. Objective 11 seeks to reduce effects on, and improve, the ecosystem health and mauri of these waterbodies by appropriate management of riparian margins.</p> <p>Objectives A1 and B1 (safeguarding life-supporting capacity, ecosystem processes and indigenous species) are given effect to by Change 9 Objective 11 generally in seeking improved mauri and ecosystem health by appropriate riparian management of waterbodies in the TANK catchments and by clauses</p>



b) (improved aquatic habitat and indigenous species protection), and e) (improve indigenous biodiversity) specifically.

Objectives A2 & A3 (protecting significant values and improving freshwater quality unless regional targets are already achieved) of the NPSFM are given effect to by Change 9 Objective 11 seeking the improvement of ecosystem health and mauri of the waterbodies within the TANK catchments by appropriate riparian management.

Objective C1 (integrated management of freshwater and land use in catchments) and Policy A3 (preventing effects of the discharge of contaminants to land that may enter water) of the NPSFM are given effect to by Change 9 Objective 11a) in seeking to reduce the effects of contaminant loss from land use activities on the waterbodies of the TANK catchments by appropriate riparian management.

Objective D1 (tangata whenua values and interests) and Policy D1 (reflect tangata whenua values and interests) of the NPSFM is given effect to by Change 9 Objective 11 in general (noting the reference to improving the mauri of the waterbodies within the TANK catchments).

Achievement of the National Values of 'Ecosystem Health' and 'Natural form and character' of Appendix 1 of the NPSFM will be assisted by Change 9 Objective 11 in seeking improvements through appropriate management of riparian margins.

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Objective 11 of Change 9 helps achieve (and give effect to) Objective LW1 'Integrated management of freshwater and land use development' and its sub clauses, in seeking to achieve the integrated and sustainable management of the freshwater of the waterbodies of the TANK catchments; and LW1 – 2 in the mauri and water quality being improved; by the appropriate management of riparian margins.

Objective 11a) & d) specifically helps achieve: LW1 – 4 (safeguarding life supporting capacity, ecosystem processes and indigenous species), and LW1 – 14 (promoting the preservation of natural character of rivers and lakes).

Policy LW2 Table 1 (Prioritising Values) is given effect to by the following values being enabled by Objective 11:

- Locally significant native water bird populations and their habitats (11b, d & e))
- Native fish habitat (11b, e, f, & g))

Policy LW3 (manage the effects of the use of, and discharges from, land) is given effect to by Objective 11 seeking to appropriately manage riparian margins.



The achievement of Objective 27 of the RPS<sup>41</sup> (Surface water quality is suitable for sustaining or improving aquatic ecosystems) is assisted by Objective 11 of Change 9 seeking to appropriately manage riparian margins of waterbodies in the TANK catchments.

Objective 27A (riparian vegetation and the margins of rivers, lakes and wetlands is maintained or enhanced) is given effect to by Objective 11 of Change 9 seeking to appropriately manage riparian margins.

### 7.2.12 Objective 12

Objective 12 seeks to address Issues 1, 2, 6 and 7 and is as follows:

*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.*

Table 15 - Evaluation of Objective 12

RMA Instrument	Objective 12 Examination against the Purpose of the Act
Section 5 purpose of RMA and sections 6, 7 & 8	<p>Objective 12 seeks to promote sustainable management by enabling land to be used in a manner that provides for people and communities to provide for social, cultural and economic well-being in a manner that reduces soil loss and consequential sedimentation of the waterbodies of the TANK catchments.</p> <p>Objective 12 in reducing sedimentation of the TANK catchment waterbodies will help achieve: RMA section 5(a) in sustaining the potential of the freshwater resource in meeting the needs of future generations; 5(b) in safeguarding the life supporting capacity of the TANK catchment waterbodies and associated ecosystem resources; and 5(c) in avoiding, remedying or mitigating adverse effects on the environment.</p> <p>In regard to RMA section 6 and 7 matters, reductions in the sedimentation of the TANK catchment waterbodies as sought by Objective 12, will help achieve: RMA section 6(a) (preservation of natural character of wetlands, lakes and rivers), 6(c) (protection of habitats of indigenous fauna), and 7(d) (intrinsic values of ecosystems) and 7(h) (the protection of the habitat of trout and salmon).</p>
NPSFM	Objective AA1 (Te Mana o te Wai) of the NPSFM is given effect to by Change 9 Objective 12 via a Te Mana o te Wai approach in recognising the

<sup>41</sup> As amended by Change 5



connection between soil loss (including contaminants) resulting from land use activities and the sedimentation of freshwater bodies and ultimately estuaries and the coastal environment; and by seeking to reduce such soil loss and sedimentation.

Objective C1 (integrated management of freshwater and land use in catchments) of the NPSFM is given effect to by Change 9 Objective 12 in seeking to reduce soil loss (including contaminants) resulting from land use activities and the consequential sedimentation of freshwater bodies of the TANK catchments and the estuaries and coastal environment that these waterbodies flow into.

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Objective 12 of Change 9 helps achieve (and give effect to) Objective LW1 'Integrated management of freshwater and land use development' and its sub clauses, in seeking to achieve the integrated and sustainable management of the freshwater of the waterbodies of the TANK catchments; by seeking to reduce soil loss (including contaminants) resulting from land use activities and the consequential sedimentation of freshwater bodies.

Policy LW3 (manage the effects of the use of, and discharges from, land) is given effect to by Objective 12 seeking to reduce contaminant loss including soil loss from land use activities.

The achievement of Objective 27 of the RPS<sup>42</sup> (Surface water quality is suitable for sustaining or improving aquatic ecosystems) is assisted by Objective 12 of Change 9 seeking to reduce contaminant loss including soil loss from land use activities entering waterbodies in the TANK catchments.

### 7.2.13 Objective 13

Objective 13 seeks to address Issues 1, 3, and 4 and is as follows:

*Subject to limits, targets and flow regimes established to meet the needs of the values for the waterbody, water quantity allocation management and processes ensure;*

*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 for domestic and municipal supply, and allocation for primary production especially on versatile soils, and for food processing, industrial and commercial end uses;*

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

<sup>42</sup> As amended by Change 5





d) Water is available for abstraction at agreed reliability of supply standards;

e) Water use is efficient;

f) Allocation regimes are flexible and responsive, allowing water users to make efficient use of this finite resource;

Table 16 - Evaluation of Objective 13

RMA Instrument	Objective 13 Examination against the Purpose of the Act
Section 5 purpose of RMA and sections 6, 7 & 8	<p>Objective 13 seeks to promote sustainable management by allowing for people and communities to provide for their cultural, social and economic well-being in the use of freshwater resources for: essential needs (13a); domestic and municipal supply, primary production, food processing and industrial uses (13b); and for future urban and papakāinga growth needs (13c); subject to limits, targets and flow regimes.</p> <p>The limits, targets and flow regimes enable the values of a specific TANK waterbody to be met, which in turn helps achieve: RMA section 5(a) in sustaining the potential of the freshwater resource in meeting the needs of future generations; 5(b) in safeguarding the life supporting capacity of the TANK catchment waterbodies and associated ecosystem resources; and 5(c) in avoiding, remedying or mitigating adverse effects on the environment.</p> <p>In regard to RMA section 6 and 7 matters, water quantity allocation management for the TANK catchment waterbodies under Objective 13 will help achieve: RMA section 7(b) (efficient use and development of resources); and 7(g) (any finite characteristics of natural and physical resources).</p>
NPSFM	<p>Objectives A4 &amp; B5 and Policy A7 (enabling economic well-being) of the NPSFM are given effect to by Objective 13 of Change 9 in enabling the use of freshwater resources for: essential needs (13a); domestic and municipal supply, primary production, food processing and industrial uses (13b); and for future urban and papakāinga growth needs (13c); subject to limits, targets and flow regimes.</p> <p>Objective C1 (integrated management of freshwater and land use in catchments) of the NPSFM is given effect to by Change 9 Objective 13 generally in enabling the use of freshwater for land use and development activities subject to limits, targets and flow regimes.</p>
RPS including Change 5	Objective 13 of Change 9 helps achieve (and give effect to) Objective LW1 'Integrated management of freshwater and land use development' and its sub clauses, in seeking to achieve the integrated and sustainable management of the freshwater of the waterbodies of the TANK catchments;





by setting an appropriate approach for water quantity allocation management within the TANK catchments.

Objective 13a) & b) specifically helps achieve: LW1 – 5 (recognising the regional value of freshwater for human and animal drinking purposes, and for municipal water supply). Objective 13e) & f) help achieve LW1 – 9 (ensuring efficient allocation and use of water).

Objective LW2 'Integrated management of freshwater and land use development – balancing and prioritising competing values' is achieved by Objective 13 of Change 9 by clearly prioritising those matters listed in 13a) – f) in water quantity allocation management.

Policy LW1 (Catchment based integrated management) seeks a management approach that ensures under LW1j) "efficient allocation and use of freshwater ...". Objective 13e) & f) helps to achieve LW1j).

Policy LW2 Table 1 (Prioritising Values) is given effect to by the following values being enabled by Objective 13:

- Individual domestic needs and stock drinking needs (13a))
- Industrial and commercial water supply (13b))
- Urban water supply for cities, townships and settlements and water supply for key social infrastructure facilities (13b))
- Freshwater use for beverages, food and fibre production and processing and other land based primary production (13b))

The achievement of Objective 25 of the RPS<sup>43</sup> (Surface water quantity is suitable for sustaining aquatic ecosystems, for ensuring other freshwater objectives, and ensuring resource availability...) is assisted by Objective 13 of Change 9 seeking to appropriately manage water allocation within the TANK catchments.

#### 7.2.14 Objective 14

Objective 14 seeks to address Issues 1, 4 and 5 and is as follows:

*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*

<sup>43</sup> As amended by Change 5



c) water reticulation

d) aquifer recharge and flow enhancement

e) water harvesting and storage

Table 17 - Evaluation of Objective 14

RMA Instrument	Objective 14 Examination against the Purpose of the Act
Section 5 purpose of RMA and sections 6, 7 & 8	<p>Objective 14 seeks to promote sustainable management by allowing for the water needs of the people and communities of future generations to provide for their social, economic and cultural well-being.</p> <p>Equally Objective 14 seeks to ensure that in meeting the water needs of future generations the mauri and ecosystem health of waterbodies is secured through those measures listed in 14(a) to 14(e), which in turn helps achieve: RMA section 5(a) in sustaining the potential of the freshwater resource in meeting the needs of future generations; 5(b) in safeguarding the life supporting capacity of the TANK catchment waterbodies and associated ecosystem resources; and 5(c) in avoiding, remedying or mitigating adverse effects on the environment.</p> <p>Objective 14 in providing for the water needs of the community into the future while maintaining mauri and ecosystem health in the TANK catchment waterbodies will help achieve: RMA section 6(a) (the preservation of the natural character of wetlands, lakes and rivers), 6(c) (the protection of significant habitats of indigenous fauna), 6(e) (the relationship of Māori and their culture and traditions with water), 7(a) (kaitiakitanga), 7(b) (efficient use and development of natural resources); 7(d) (intrinsic values of ecosystems), 7(f) (maintenance and enhancement of the quality of the environment), 7(g) (finite characteristics of natural resources), 7(h) (the protection of the habitat of trout and salmon), and 7(j) (benefits from the use and development of renewable energy).</p>
NPSFM	<p>Objective AA1 (Te Mana o te Wai) of the NPSFM is given effect to by Change 9 Objective 14 via a Te Mana o te Wai approach in seeking to provide for the water needs of future generations along with securing ecosystem health and mauri of the waterbodies of the TANK catchments. The following extract from the explanation of the NPSFM on 'National significance of freshwater and Te Mana o te Wai' is noted: <i>"By recognising Te Mana o te Wai...to ensure that water is available for the use and enjoyment of all New Zealanders, including tangata whenua, now and for future generations."</i><sup>44</sup> Recognising Te Mana o te Wai therefore requires consideration of future generations, which is achieved by Objective 14 of Change 9.</p>

<sup>44</sup> NPSFM, page 7.



Objective B1 (safeguarding life supporting capacities and ecosystems of freshwater in managing its use) is given effect to by Change 9 Objective 14 in seeking to secure the mauri and ecosystem health of the TANK catchments in providing for the water needs of future generations.

Objective B3 and Policy B2 (provide for efficient allocation and efficient use of water) is given effect to by the measures specified in Change 9 Objective 14 clauses a) – e).

Objective B5 (enabling economic well-being in sustainably managing water quantity) is given effect to by Change 9 Objective 14 in seeking to provide for the water needs of future generations.

Policy B1 of the NPS in changing regional plans requires regard to be given to 'a) the reasonably foreseeable impacts of climate change'; and b) 'the connection between waterbodies'. Change 9 Objective 14 seeks to give effect to this policy in considering climate change and the potential for drier summers and creating the ability to meet the water supply needs of future generations via 14d) 'aquifer recharge and flow enhancement; and 14e) water harvesting and storage.

Objective D1 (tangata whenua values and interests) and Policy D1 (reflect tangata whenua values and interests) of the NPSFM is given effect to by Change 9 Objective 14 in requiring consideration of future generations water needs and for the securing of the mauri and ecosystem health of the waterbodies within the TANK catchments.

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Objective 14 of Change 9 helps achieve (and give effect to) Objective LW1 'Integrated management of freshwater and land use development' and its sub clauses, in seeking to achieve the integrated and sustainable management of the freshwater of the waterbodies of the TANK catchments; by seeking to secure water availability to meet current and future water needs within the TANK catchments.

Objective 14 specifically helps achieve: Objective LW1 – 9 (ensuring efficient allocation and use of water) of the RPS.

Objective LW3 'Tangata whenua values in management of land use and development and freshwater' is achieved by Objective 14 generally in requiring consideration of future generations water needs and for securing of the mauri and ecosystem health of the waterbodies within the TANK catchments.

Policy LW1 (Catchment based integrated management) seeks a management approach that under LW1f) "takes a strategic long-term planning outlook...to consider...uses of water resources for future generations ...". Objective 14 helps to achieve LW1f) in seeking to provide for the water needs of future generations. Objective 14e) in its reference to 'water harvesting and storage' helps achieve Policy LW1k) (enable water



storage infrastructure where adverse effects can be avoided, remedied or mitigated).

The achievement of Objective 25 of the RPS<sup>45</sup> (Surface water quantity is suitable for sustaining aquatic ecosystems, for ensuring other freshwater objectives, and ensuring resource availability...) is assisted by Objective 14 of Change 9 seeking that within the TANK catchments 'current and future water needs of future generations and for mauri and ecosystem health are secured'.

### 7.2.15 Objective 15

Objective 15 seeks to address all issues 1 – 8 and is as follows:

*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.*

**Table 18 - Evaluation of Objective 15**

RMA Instrument	Objective 15 Examination against the Purpose of the Act
Section 5 purpose of RMA and sections 6, 7 & 8	<p>Objective 15 seeks to promote sustainable management by enabling communities to provide for their social, economic and cultural well-being in the collective kaitiaki and guardianship roles in the management of the freshwater resource of the TANK catchments.</p> <p>Objective 15 seeks to ensure that through 15a) – c) good practice methods in the sustainable management of the water resource occurs, which helps achieve: RMA section 5(a) in sustaining the potential of the freshwater resource in meeting the needs of future generations; 5(b) in safeguarding the life supporting capacity of the TANK catchment waterbodies and</p>

<sup>45</sup> As amended by Change 5



	<p>associated ecosystem resources; and 5(c) in avoiding, remedying or mitigating adverse effects on the environment.</p> <p>In regard to RMA section 6 - 8 matters, recognising kaitiaki, the use of mātauranga Māori (15a)) and marae and hapū initiatives (15c)) will help achieve: RMA sections 6(e) (the relationship of Māori and their culture and traditions with water), 7(a) (kaitiakitanga), and 8 (Te Tiriti o Waitangi). The use of good practice methods in the sustainable management of the water resource (15b)) will also help achieve RMA sections 7(b) (efficient use and development of natural resources); 7(f) (maintenance and enhancement of the quality of the environment), and 7(g) (finite characteristics of natural resources).</p>
NPSFM	<p>Objective AA1 (Te Mana o te Wai) of the NPSFM is given effect to by Change 9 Objective 15 through the recognition of the kaitiaki and guardianship roles in the management of the freshwater of the TANK catchments by tangata whenua, the Council and wider community.</p> <p>Objective CB1 (monitoring of freshwater objectives and values) of the NPSFM is given effect to by Change 9 Objective 15 in establishing an overall approach to freshwater management in the TANK catchments that recognises the importance of monitoring.</p> <p>Objective D1 (tangata whenua values and interests) and Policy D1 (reflect tangata whenua values and interests) of the NPSFM is given effect to by Change 9 Objective 15 by recognising the kaitiaki role of tangata whenua in the management of the TANK catchments; and including the use of mātauranga Māori to inform decision making and limit setting (15a)); and supporting good decision making by resource users through marae and hapū initiatives.</p>
RPS including Change 5	<p>Objective 15 of Change 9 helps achieve (and give effect to) Objective LW1 'Integrated management of freshwater and land use development' and its sub clauses, in seeking to achieve the integrated and sustainable management of the freshwater of the waterbodies of the TANK catchments; by providing kaitiaki, guardianship, collaboration and good practice in the management of freshwater within the TANK catchments.</p> <p>Objective 15c) specifically helps achieve: Objective LW1 – 8 (recognising the benefits of industry good practice to land and water management)) of the RPS.</p> <p>Objective LW3 'Tangata whenua values in management of land use and development and freshwater' is achieved by Objective 15 by recognising the kaitiaki role of tangata whenua in the management of the TANK catchments; and including the use of mātauranga Māori to inform decision making and</p>



limit setting (15a)); and supporting good decision making by resource users through marae and hapū initiatives.

Policy LW1 (Catchment based integrated management) seeks a management approach that under LW1b) "provides for mātauranga a hapū and local tikanga values and uses of the catchment". Objective 15 helps to achieve LW1a) in working with tangata whenua in recognising their kaitiaki role; in 15a) the use of mātauranga Māori; and in 15c) marae and hapū initiatives; in the freshwater management of the TANK catchments. Change 9 Objective 15 also helps achieve RPS Policy LW1e) (collaboration and information sharing between agencies, iwi, landowners and other stakeholders); and LW1gA) (working collaboratively with the catchment communities)

RPS Policy LW4 (the use of non-regulatory methods, in support of regulatory methods, for managing freshwater) is given effect to by Objective 15. In particular LW4a) (research, investigation and the provision of information and services) is helped to be achieved by Objective 15a); LW4b) (advocacy, liaison and collaboration) is helped to be achieved by Objective 15 in general; and LW4e) (industry good practice) is helped to be achieved by 15c).

#### 7.2.16 Objective 16

Objective 16 seeks to address Issue 8 and is as follows:

*The effects of climate change in respect of each of the following are taken in 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).*





Table 19 - Evaluation of Objective 16

RMA Instrument	Objective 16 Examination against the Purpose of the Act
Section 5 purpose of RMA and sections 6, 7 & 8	<p>Objective 16 seeks to promote sustainable management by allowing for people and communities to provide for their social, economic and cultural well-being in the use of freshwater resources provided the effects of climate change are considered. This also helps achieve RMA section 5(2)(a) in sustaining the potential of the TANK water resources to meet the needs of future generations; and 5(c) in avoiding, remedying or mitigating any adverse effects of activities on the environment.</p> <p>In taking into account the effects of climate change, Objective 16 will help achieve RMA: sections 6(h) (management of significant risks from natural hazards); 7(i) (the effects of climate change).</p> <p>Objective 16a) seeks to ensure climate change effects on aquatic ecosystems, indigenous biodiversity and freshwater bodies are taken into account, which in turn will help to achieve RMA: sections 5(2)(b) (life-supporting capacity of water and ecosystems), 6(c) (protection of significant habitats of indigenous fauna), 7(d) (intrinsic values of ecosystems), 7(f) (maintenance and enhancement of the quality of the environment), and 7(h) (the protection of the habitat of trout and salmon).</p> <p>Objective 16a) also seeks to ensure climate change effects on water supply and human health, primary production and infrastructure are taken into account, which in turn will help to achieve RMA sections 7(b) (efficient use and development of resources); and 7(g) (any finite characteristics of natural and physical resources).</p>
NPSFM	<p>Policies A1 and B1 of the NPSFM require that in changing regional plans to establish freshwater objectives having regard to the reasonably foreseeable impacts of climate change. Objective 16 seeks to ensure that the effects of climate change are taken into account in making decisions about land and water management within the TANK catchments.</p>
RPS including Change 5	<p>Objective 16 of Change 9 helps achieve (and give effect to) Objective LW1 'Integrated management of freshwater and land use development' and its sub clauses, in seeking to achieve the integrated and sustainable management of the freshwater bodies of the TANK catchments; by seeking that the effects of climate change are taken into account in making decisions about land and water management within the TANK catchments.</p> <p>Policy LW1 (Catchment based integrated management) seeks a management approach that under LW1f) "takes a strategic long term planning outlook...to consider...uses of water resources for future generations ...". Objective 16 helps to achieve LW1f) in seeking that the</p>



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effects of climate change are taken into account in making decisions about land and water management within the TANK catchments.

The achievement of Objective 25 of the RPS<sup>46</sup> (Surface water quantity is suitable for sustaining aquatic ecosystems, for ensuring other freshwater objectives, and ensuring resource availability... while recognising the impact caused by climatic fluctuations in Hawke's Bay) is assisted by Objective 16 of Change 9 seeking that within the TANK catchments 'the effects of climate change are taken into account'.

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<sup>46</sup> As amended by Change 5



Item 7

Attachment 5



# HAWKE'S BAY REGIONAL COUNCIL

## REGIONAL PLANNING COMMITTEE

Wednesday 31 October 2018

### Subject: TANK (PC9) CONSULTATION, NOTIFICATION AND HEARINGS PROCESSES

Item 8

#### Reason for Report

1. This report provides the Regional Planning Committee with a further outline of the RMA's processes around publicly notifying a plan change for the TANK catchment area. This paper particularly focusses on the necessary steps just prior to notification of the proposed plan change, and also key features of the submission and hearing phase.

#### Background

2. Previously, the Committee has received briefing papers from staff on 'pathways to draft TANK plan change adoption by the RPC' on 21<sup>st</sup> March and 2<sup>nd</sup> May 2018. During the second half of 2018, the Committee has been briefed by staff on a number of matters relating to content of the TANK plan change ('PC9') including:
  - 2.1. draft provisions agreed by consensus of the TANK Collaborative Stakeholder Group and
  - 2.2. some choices for policy approaches to matters that the TANK Group were unable to reach full consensus on.
3. There are three principal phases to preparation of a plan change, but each have numerous sub-parts:
  - 3.1. Drafting (pre-notification)
  - 3.2. Post-notification submissions and hearings
  - 3.3. Decisions (and potential Court appeals).
4. This report focusses on steps prior to public notification of a proposed plan change, and provides an overview of the submission/hearing phase.
5. Committee members will be aware that the purpose of the Committee is to oversee the development and review of plan changes such as PC9. In particular, one of the Committee's functions is to *"recommend to Council for public notification, any ... proposed plan changes."*
6. Over the past few months, the RPC has been considering content of a draft version 7 of PC9, with a view to producing a draft version 8 by the end of 2018 which would incorporate options agreed in-principle by the RPC on those matters that the TANK Group did not fully settle on.
7. As it currently stands, there are some mandatory steps still required to be completed before the Council (based on a recommendation from the RPC) can adopt a 'proposed' PC9 for public notification and invite formal submissions on PC9 from any person. These are outlined below.

#### Steps prior to public notification of a proposed plan change

8. As noted in the 21 March 2018 Committee briefing paper, there are requirements for the council to consult a range of parties in the preparation of PC9 **prior to** public notification of a proposed PC9 (refer RMA Schedule 1 Clause 3(1)). Specifically, those parties are:
  - 8.1. Territorial local authorities in the subject area (i.e. Napier City Council and Hastings District Council)
  - 8.2. Minister for the Environment (though his Ministry officials) and any other Ministers of the Crown who may be affected by the proposed plan change.

- 8.3. Tāngata whenua of the area through iwi authorities. According to Te Kahui Mangai's online records of iwi authorities for RMA purposes in the region, those in the TANK catchment area are:
  - 8.3.1. Heretaunga Tamatea Settlement Trust
  - 8.3.2. Mana Ahuriri Trust
  - 8.3.3. Maungaharuru-Tangitu Trust
  - 8.3.4. Ngati Kahungunu Iwi Incorporated
  - 8.3.5. Ngati Parau Hapu Trust
  - 8.3.6. Te Taiwhenua O Heretaunga
  - 8.3.7. Te Taiwhenua O Tamatea
  - 8.3.8. Te Taiwhenua O Te Whanganui a Orotu
  - 8.3.9. Tuwharetoa Maori Trust Board.
9. The Council may choose to consult anyone else during preparation of a proposed plan change.
10. The RMA does not prescribe how any such consultation prior to notification of PC9 shall occur. Similarly, the public-wide release of a draft (or multiple drafts) of a plan change is not mandatory. Releasing a draft plan change for informal public comment is an entirely optional action that councils may take.
11. While public-wide release of a draft plan change is not mandatory, last year's amendments to the RMA now require the council to provide a copy of the relevant draft plan change to iwi authorities affected by the plan change. In the case of PC9, iwi authorities would be those named in paragraph 8.3. The council is required to provide "adequate time and opportunity" for the iwi authorities to consider the draft plan change and provide advice on it back to the council (refer RMA Schedule 1 Clause 4A).
12. What is the "relevant draft plan" is for the council to determine. It could be PC9 version 7, version 8, or something else. Whatever that may be, it does seem sensible to consult with the parties named in paragraphs 8.1-8.3 on the basis of something written – not just concepts and conversations. One option could be for the two specific requirements to engage with iwi authorities prior to PC9's public notification (under Clause 3 and Clause 4A of RMA Schedule 1) to be blended. The consultation requirements with affected Ministers and TLAs would typically take the form of circulating a draft proposal to agency officials and extending an invitation for meetings and/or written feedback from those agencies.
13. Whatever the case may be, the RPC would need to consider any such feedback received from the Ministers, the TLAs and also have particular regard to any feedback received from iwi authorities (under Clause 4A) as part of PC9's final drafting phases. Only after that, could the RPC make a recommendation to Council that Council adopts a proposed version of PC9 for formal notification and subsequent public submissions.
14. Another step to complete prior to public notification of proposed PC9 is the finalisation of the s32 evaluation report. More on the s32 report is presented in a separate paper for the RPC's meeting on 31 October 2018.

### **Submissions and hearing phase**

15. This formal submission phase commences upon public notification of the proposed plan change. For a regular Schedule 1 plan change process, the formal submission period must be at least 20 working days' duration. Submissions on proposed PC9 would be summarised by council staff. The length of time that takes is very dependent on the number and complexity of submissions received. Table 1 sets out a summary of those milestones and others along with a brief descriptor of the associated activities.



**TABLE 1: Summary of key post-notification milestones in a regular Schedule 1 plan change process**

<b>Milestone</b>	<b>Activities</b>
Public notification	Public submissions invited on proposed PC9
Submission deadline	At least 20WD after public notification date
...	Staff summarise submissions received  Staff report to RPC with options for appointment of Commissioners to form a Panel to hear submissions
Public notice of Summary of submissions	Further submissions invited in support or opposition to original submissions received.
Further submission deadline	10WD after public notice of the Summary
...	Staff prepare hearing reports  Staff make logistical arrangements for hearing (dates, venues, Panel availability etc)
Prior to Hearing commencing	Panel may direct submitters and other parties (e.g. Council staff) to pre-circulate written evidence and any legal submissions  Pre-circulation of council staff hearing reports and recommendations
Hearing	Submitters make presentations to the Panel
Post-hearing closure	Panel does its deliberations.  Panel prepares its report and recommendations on submissions.

16. The milestones summarised in Table 1 would differ somewhat in relation to a streamlined planning pathway process (one of the two new planning pathways introduced into the RMA last year – the other being a collaborative planning pathway).
17. Another of the RPC's functions is recommending to council the membership of hearings panels. Candidates must be appropriately trained and qualified commissioners to be eligible for Hearing Panel membership that hears and decides upon submissions on proposed RMA planning documents.
18. It is premature to make decisions about the precise make-up of a Panel to hear submissions on proposed PC9. Factors to consider in making that decision in the future will include the type and complexity of issues raised in submissions (therefore the types of technical expertise required in the Panel's membership); any actual, potential or perceived conflicts of interest/bias based on would-be Panel members' interests and associations with the issues to be considered, the parties involved, landholdings etc. Only once submissions are received will those potential issues be better understood.

### **Decision Making Process**

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

### **Recommendation**

That the Regional Planning Committee receives and notes the ***"TANK (PC9) Consultation, Notification and Hearings Processes"*** staff report.

#### **Authored by:**

**Gavin Ide**  
**MANAGER POLICY AND PLANNING**

#### **Approved by:**

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

### **Attachment/s**

There are no attachments for this report.



## HAWKE'S BAY REGIONAL COUNCIL

### REGIONAL PLANNING COMMITTEE

Wednesday 31 October 2018

#### Subject: RPC PERFORMANCE REVIEW – SUMMARY OF FEEDBACK FROM APPOINTERS

Item 9

##### Reason for Report

1. To report on and conclude the Appointers' statutory obligation to undertake a review of the performance of the Regional Planning Committee.

##### Background

2. Section 10(2) and 10(3) of the Schedule to the Hawke's Bay Regional Planning Committee Act (the Act) provide (emphasis added):

10 Reporting and review by RPC

(2) Appointers—

(a) **must**, no later than 3 years after the date of the first meeting of the RPC, undertake a review of the performance of the RPC; and

(b) may undertake any subsequent review of the RPC at a time agreed by all appointers.

(3) Appointers **may**, following a review, make recommendations to the RPC on relevant matters arising from the review.

This paper differentiates between the compulsory requirement for Appointers to undertake a review of the RPC and the discretionary option for Appointers to make recommendations to the RPC.

3. The 3 year timeframe requires the review to be undertaken prior to 16 September 2018.
4. The RPC Co-Chairs wrote to all PSGE Appointer Chairs on 30 May inviting feedback for the purposes of the review. Although the legislation provides no framework for the scope of the review, the Co-Chairs asked:
  - 4.1. "How do we make the Regional Planning Committee work better than it does for all parties?" and
  - 4.2. How do we best make a difference in the future to gain trust and confidence of our Treaty Partners?
  - 4.3. Feedback was also sought on "any other matters relevant to the review."
5. Councilors' met on 6 June to debate and collate Council's feedback in its capacity as an Appointer under the Act – meeting notes attached. While the meeting summary contained an initial set of recommendations in relation to the review timetable and the role of the technical advisors, Council has since revised its recommendations (see next section).
6. To date, the only formal responses to the Co-Chairs letter received from PSGE Appointers are letters from Tuhoē Te Uru Taumatua and Ngati Pahauwera received on 5 and 6 July 2018 respectively (attached).
7. Around 11 September staff again wrote to the PSGE Chairs asking if they were intending to submit a review. Mindful of Mr Waaka's report and recommendations to Ministers on 18 July on behalf of all PSGE's, the PSGE Chairs were asked if they preferred, as an alternative to providing direct feedback for this review, that the 18 July report and recommendation be a proxy for their respective entity's input into the RPC performance review. To date, no response to this request has been received.

8. Because the legislation provides no guidance or direction on the form or process of the review, staff believe it is open to the Appointers to conclude that the statutory obligation laid down by s10(2)(a), i.e. the fact of undertaking a review, has been discharged.

### **Section 10(3) Appointer Recommendations to the RPC**

9. As noted above, the Appointers “may, following a review, make recommendations to the RPC on relevant matters arising from the review.”
10. The review was discussed at hui with PSGE Chairs on 14 September, where the possibility of a follow-on independent review process was raised.
11. It is our intention for HBRC’s Te Pou Whakarae to lead meetings with the PSGE Chairs and Councilors in their capacity as Appointers to discuss this report and seek guidance on any recommendations ahead of the Committee’s 12 December 2018 meeting.
12. Without in any way pre-empting what (if any) formal recommendations will be made by Appointers, it should be noted that the Act provides little or no guidance on how any such recommendations are to be agreed or progressed in the absence of unanimous agreement by all Appointers and/or outside of the current decision making process within the Committee itself.

### **Decision Making Process**

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

### **Recommendation**

That the Regional Planning Committee receives and notes the “RPC Performance Review – Summary of Feedback from Appointers” staff report.

### **Authored and Approved by:**

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

### **Attachment/s**

- [1](#) HBRC RPC Performance Review Feedback Summary
- [2](#) Tuhoe Te Uru Taumatua RPC Review Feedback
- [3](#) Ngati Pahauwera RPC Review Feedback

**NOTES OF RPC PERFORMANCE REVIEW COUNCIL WORKSHOP**

**Date:** Wednesday 6 June 2018

**Time:** 1pm

**Venue:** Council Chamber  
HBRC, 159 Dalton Street  
NAPIER

**Present:** R Graham - Chairman  
P Bailey  
R Barker  
P Beaven  
T Belford  
A J Dick  
D Hewitt  
N Kirton  
M Mohi

**In Attendance:** J Palmer – Chief Executive  
T Skerman – Group Manager Strategic Planning  
G Ide – Manager Policy and Planning  
L Hooper – Principal Governance Advisor

**Summary:**

Councillors discussed a wide range of issues of concern in relation to the historical performance of the RPC. However, it was widely agreed that, despite the frustrations of all parties, it was entirely premature to conclude that the Committee was not working because the Committee has not yet had the opportunity to discharge its most important function under its governing legislation, that is, to formally oversee the development and review of RMA documents prepared in accordance within the RMA.

For the purposes of the Hawke's Bay Regional Planning Act (2015), "RMA document" means a regional policy statement and a regional plan. It became clear during discussions that the most significant barrier to the performance of the Committee is the apparent divergent views of the role and scope of the Committee held by each group of Appointers.

On one hand, Councillors (and staff) interpret the RPC Act narrowly in line with the stated purpose of the RPC under sections 3 and 9 of the Act, namely:

- Section 3      The purpose of this Act is to improve tāngata whenua involvement in the development and review of documents prepared in accordance with the Resource Management Act 1991 for the Hawke's Bay region.*
- Section 9      The purpose of the RPC is to oversee the development and review of the RMA documents prepared in accordance with the Resource Management Act 1991 for the RPC region.*

There is a reluctance amongst Councillors to expand the scope of the Committee beyond this discrete area of focus as other functions of Council are already overseen by existing committees.

On the other hand, Councillors observe that the tangata whenua Appointer groups resolutely believe that the legislation is in fact a platform for broader co-governance and co-management of HBRC's overall resource management functions (and perhaps even beyond based on recent comments in relation to both Hawke's Bay Tourism and the development of the Long Term Plan). Because the legislation provides that the Committee can expand its scope and functions through its own Terms of Reference, the issue of scope and mandate has naturally extended to the debate surrounding the revision of the 2014 Terms of Reference which was adopted in anticipation of the legislation that followed.

Councillors acknowledged that these issues were of fundamental importance to the tangata whenua Appointers as they reflected their arrangements with the Crown through treaty settlement processes. However, it was agreed that if, with the benefit of hindsight and/or experience the legislation did not align with the tangata whenua Appointers original expectations of the Committee's purpose and functions, then that was ultimately a matter to be addressed and resolved between the Treaty Partners and the Crown. HBRC would look to support their Treaty Partners in this process.

This discussion also canvassed the issue of Maori representation on the Council, with some Councillors reflecting that they would perhaps review their position on the creation of 2 Maori wards if that was seen as a preferred outcome by tangata whenua. However, it was noted that this would be a matter that would demand wider community consultation.

With the RPC about to be faced with not one but two significant plan change proposals (TANK and Outstanding Waterbodies), Councillors were of a mind to suggest that the review process should continue to progress with Council formally writing to the RPC ahead of its 1



August meeting, reflecting the above summary as well as its preference to dispense with the role of the independent advisors (see below). Following that, Council would seek support to conduct a further review of the Terms of Reference following the notification of the proposed plan changes later this year so that the Committee then has the opportunity to reflect on further learnings from that process and consider what other recommendations could or should be adopted in order to improve the Committee's performance.

#### **Resourcing of the RPC:**

Section 12 of the Act's Schedule requires Council to provide "technical and administrative support to the RPC in support of its functions." This requirement is expanded upon in the 2014 Terms of Reference which provides:

"(m) The costs of administering and operating the Committee will be met by the Council, including the cost of any advice required by the Committee....." and;

(p) The Committee will have full access to Council staff, through the relevant Group Managers, to provide technical support required in order to achieve the Committee's purpose...."

Councillors expressed a number of points of dissatisfaction that the current arrangement that saw independent advisors engaged in order to provide advice and support to the tangata whenua representatives, including:

- The advice is given exclusively to tangata whenua representatives and is not available to Councillors.
- There is little or no ability for staff to review or comment on that advice.
- There is a perception that existence of the independent advisors operates to in fact widen the gaps between tangata whenua representatives and Councillors, not bridge them.
- The unanimous preference of Councillors is that Council increases its cultural capacity internally through new hires and staff development in order to ensure Committee operates and functions in a manner that is more acceptable to Maori.

Accordingly, through this review Councillors will recommend that the arrangements with the Independent Advisors are terminated in favour of increased internal resourcing that operates to support all Committee Members. Councillors are also committed to fund both governance and RMA training for all Committee members wanting to further develop their skills.

*Debbie left at 2.45pm*

Meeting closed at 3pm





5 July 2018

Rex Graham & Toro Waaka  
Co-Chairs Regional Planning Committee  
Hawkes Bay Regional Council  
159 Dalton Street  
NAPIER 4110

Tena kōrua e ngā rangatira

We respond to your request for input into the Performance Review of the Regional Planning Committee dated 30 May 2018.

How do we make the Regional Planning Committee work better than it does for all parties?

- The work programme outlines the priorities that have been the feature of business for the committee, we note effectively that our rohe is not directly impacted by these priorities. While we have general mutual interests (biodiversity, pest control, tourism and water quality needs and issues), none of these have been specified in way that would identify the practical need and focus for a relationship, perhaps better specifying these would clarify the need for Tūhoe participation and engagement.
- Perhaps addressing the quorum and decision making threshold to ensure those directly affected by decisions are influencing those decisions.

How do we best make a difference in the future to gain the trust and confidence of our Treaty partners?

- The seemingly disparate nature of representation oftentimes causes situations of talking past one another. We encountered some difficulty in communicating issues at the right level, given the variety of interests at the table.
- Achieving clarity in the machinery of the committee, we seek to avoid taking on Hawkes Bay issues, where we have no permission to be. Clarity would mean that we could safely stay within the territory of influence which we wish to have without impacting others.

Nā mihi,

Tāmāti Kruger  
Chairman

TELEPHONE: 07 312 9659 EMAIL: tari@ngaituhoe.iwi.nz  
12 Tūhoe Street, Tāneatua, PO Box 56, Tāneatua 3163 | www.ngaituhoe.iwi.nz





PO Box 2075. Napier.

The Hawkes Bay Regional Council.

James Palmer.

6. 7. 2018

Kia ora James

Nga mihi o te wa.

Please find a brief Ngati Pahauwera response to the request for feedback on the HBRC performance regarding the Regional Planning Committee.

Ngati Pahauwera lacks the resource to justify the engagement of an employee to respond to HBRC requests let alone any other external body. Whilst there has been some progress with the establishment of the RPC, this response to the HBRC request for feedback will focus on areas where we see the need for change that will benefit both the regions environment and our relationship.

#### **Relationships.**

Relationships without Trust are unhealthy relationships. Ngati Pahauwera aspires for a meaningful relationship with the Crown and the HBRC to whom the Crown has delegated powers and functions.

Trust does not come without respect and respect is something you have to demonstrate before it will be reciprocated.

The disregard for tangatawhenua views and values in the decisions of the HBRC do not signal respect and does not encourage Trust. An obvious example being "The Long Term Plan" decisions and announcements that were made without discussion with RPC members.

The HBRC Councillors are aware the RPC was created as a result of the Waitangi Tribunal process yet the HBRC has failed to act in good faith and acknowledge Maori interests or tino rangatiratanga when it comes to key Councils decisions in regards to plans and policies.

The health of the environment has deteriorated in the years that the RPC has been operational.

This indicates it is a failed experiment. Maori were given false hope and encouraged to be a party to the RPC as the solution to turning the tide on environmental degradation. The value of the Maori input has been marginalised by the fact that our advice on key environmental issues is ignored as there is resistance by some councillors in regards to sharing responsibility and power.

There is resistance by HBRC Councillors in adopting the reviewed terms of reference for the RPC.

Some Councillors want Crown directives on Iwi relationships as opposed to acting in good faith.

### Solutions

Given the level of responsibility to Maori, all Councillors should undergo mandatory workshops on their Treaty responsibilities and Maori values. Maori values need to be integrated into the culture of the HBRC. This will be helpful in Councillors understanding their responsibilities.

The request that all staff have core competencies in working with Maori has yet to be actioned.

This will enable staff to have a balanced weighting when it considers priority matters for consideration.

The recent sessions assisting RPC tangatawhenua members understand the HBRC Management systems and operations should be a mandatory aspect of RPC member inductions.

The initiative to appoint a Manager to monitor environmental matters is a step in the right direction. The development of a comprehensive framework that RPC members can input performance measures would be a useful tool for staff KPIs.

For Ngati Pahauwera the drawn out process to activate the Mohaka plan change identifies our interests are well down the scale when it comes to orchardists, farmers, grape-growers, and water bottlers.

Given it has been the common political practice of Councillors to respond to the pressure of the powerful lobby groups, matters of the health of the environment and the interests of Maori have been sacrificed.

This signals the HBRC lacks the appetite to do what is right and puts popular politics before responsible decisions.

The sole solution to the above appears to be the appointment of Environmental Commissioners to Govern and issue directives on how management might avoid remedy or mitigate environmental degradation.

### Resourcing.

The independent Advisory services to tangatawhenua RPC members helps with the information exchanges and flows. Suspensions by some councillors that they incite controversial positions are unfounded. They follow directions of the members and if anything, keep members in the reasonable space. The Tangatawhenua sessions are mainly to assist us consolidate our understanding of the upcoming issues. If Councillors want to attend I don't see it as a problem.

The nature of the work and the expectations of the Co- Chair of the RPC is growing and it would be helpful to have a HBRC staff member seconded to Ngati Pahauwera for 16 hours a week.

It would be useful to have a report or discussion on how the resources for Tangatawhenua will be expended.

It is hoped the matters I have raised are helpful in identifying action items for consideration in improving the health of the Hawkes Bays environment, people and Iwi relationships.

Nga mihi

Toro Waaka.

Chair.

Ngati Pahauwera Development Trust.



# HAWKE'S BAY REGIONAL COUNCIL

## REGIONAL PLANNING COMMITTEE

Wednesday 31 October 2018

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

**Item 11**

### Reason for Report

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

1.1. ***Urgent*** items of Business (*supported by report tabled by CE or Chair*)

	Item Name	Reason not on Agenda	Reason discussion cannot be delayed
1.			
2.			

1.2. ***Minor*** items (*for discussion only*)

Item	Topic	Raised by Councillor / Staff
1.		
2.		
3.		
4.		
5.		