



HAWKE'S BAY REGIONAL COUNCIL



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Change 5: Hawke's Bay Regional Resource Management Plan

**- Land and freshwater
management**

s42A Hearing Report

March 2013
SD 13/03
HBRC Plan Number 4476

Strategic Development Group



Change 5: Hawke's Bay Regional Resource Management Plan – Land and freshwater management

s42A Hearing Report

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March 2013

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Glossary of Commonly Used Abbreviations

A number of abbreviations and terms are frequently used. The following provides clarification of commonly used abbreviations for easy reference.

Change 5	Proposed Change 5 to the Hawke's Bay Regional Resource Management Plan (Land use and freshwater management)
FSub	Further submission (or further submitter)
HBRC	Hawke's Bay Regional Council
HPUDS	Heretaunga Plains Urban Development Strategy
LW	In relation to an objective or policy in Ch 3.x of Change 5, is an identifier abbreviation of L and and W ater
LWF	Land and Water Forum
LAWMS	Hawke's Bay Land and Water Management Strategy 2011
LTP	Long Term Plan (formerly Long Term Council Community Plan (LTCCP))
MfE	Ministry for the Environment
NES	National environmental standard
NPS	National policy statement
NPSET	National Policy Statement for Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2011
NPSFMiP	National Policy Statement for Freshwater Management Implementation Programme for HBRC
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
OBJ	Objective (in the RRMP)
POL	Policy (in the RRMP)
RCEP	Regional Coastal Environment Plan
RMA	Resource Management Act 1991
RPS	Regional policy statement
RRMP	Hawke's Bay Regional Resource Management Plan
s32 report	Refers to the s32 Evaluation Summary Report prepared in relation to proposed Change 5 ¹
Sub	Submission (or submitter)
TLA	Territorial local authority (city and district councils)

¹ HBRC Plan Number 4396 'Proposed Change 5 to the Hawke's Bay Regional Policy Statement – section 32 evaluation summary report' 2 October 2012

PART 1 – Preamble

Introduction

1. This report is prepared under Section 42A of the Resource Management Act 1991. It has been prepared and reviewed by Council staff with input from external legal counsel where relevant. The purpose of this report is to:
 - (a) assist the Hearing Panel in determining Council's response to the submissions to Change 5
 - (b) assist submitters by providing an evaluation of what has been sought prior to the hearing.
2. The evaluations and recommendations are based on the information available prior to the hearing, including that contained in the submissions.
3. The recommendations are officer recommendations. They are NOT the decisions of the Council. In evaluating the submissions, the matters considered by the reporting officer include whether a decision requested:
 - (a) falls within the functions of the Hawke's Bay Regional Council under the RMA
 - (b) falls within the scope of Change 5 and submissions received
 - (c) will enhance the ability of Change 5 to achieve the purpose of the RMA
 - (d) will improve a proposed provision so that it is more efficient and effective for achieving the relevant plan's objectives
 - (e) will improve Change 5 in relation to such matters as lawfulness, clarity, accuracy, effectiveness, coherence and integration.
4. In the sections that follow, the submissions are addressed on a topic-by-topic basis.

Report author profiles

5. **Gavin Ide** holds a Bachelor of Resource and Environmental Planning with Honours from Massey University. He is a Full Member of the New Zealand Planning Institute. Gavin is employed by the Hawke's Bay Regional Council in the Team Leader Policy position. Gavin has over 16 years of experience in local government resource management plan preparation and policy analysis.
6. In relation to proposed Change 5, Gavin led the Regional Council's preparation (including early drafting) of the proposal. This included providing advice to the Regional Council's Regional Planning Committee during scoping and pre-notification analysis of what would eventually become known as 'Change 5.' Gavin was also the principal author of the *s32 Evaluation Summary Report*² which was approved and adopted by Council on 26 September 2012. He prepared the *Summary of Decisions Requested*³ by submitters on Change 5.
7. **Helen Codlin** is the Group Manager Strategic Development at the Regional Council. In that role, Helen has responsibilities for overseeing the preparation and

2 HBRC Plan Number 4396 *'Proposed Change 5 to the Hawke's Bay Regional Policy Statement – section 32 evaluation summary report'* 2 October 2012

3 HBRC Plan Number 4446 *'Change 5 to the Hawke's Bay Regional Resource Management Plan – Land and freshwater management: Summary of decisions requested'*, 1 December 2012

review of the RPS and regional plans, plus preparation of various non-statutory strategies. Helen led the Regional Council's hosting of both 2010 and 2011 Regional Water Symposia and the development of the 2011 Hawke's Bay Land and Water Management Strategy. Helen has also been the Regional Council's lead technical advisor in the preparation, and now implementation, of the 2010 Heretaunga Plains Urban Development Strategy. Helen holds a Bachelor of Science degree (Earth Sciences) from Waikato University and has been employed by the Regional Council in various management roles since 1997.

8. **Belinda Riley** is a Senior Planner with the Regional Council. Belinda holds a Bachelor of Resource Management from Lincoln University and has over 13 years of experience in resource management policy analysis and consenting processes. Belinda has assisted Gavin in preparatory work for this report and the hearing scheduled for 10-13 April 2013.
9. **Lara Blomfield** is an Associate with Napier-based law firm Sainsbury Logan Williams. Lara has over 16 years of experience specialising in resource management advice and advocacy from resource consent applications to plan changes, prosecutions and enforcement proceedings. Lara has been advising the Regional Council on various matters since Change 5 was publicly notified. Lara has also provided legal advisory services on the Regional Council's preparation of regional Plan Change 6 for the Tukituki River catchment.

Materials supplied to the Hearing Panel

10. Following appointment of commissioners to the Hearing Panel, Council staff assembled and supplied each commissioner with ringbinders containing the various documents relating to Change 5. The documents were:
 - Proposed Change 5
 - Change 5 s32 Report
 - Full set of submissions (29 in total)
 - Summary of decisions requested
 - Full set of further submissions (9 in total)
 - LAWMS
 - NPSFM
 - NPSET
 - NPSREG
 - NPSFM Implementation Programme
 - Water Conservation (Mohaka River) Order 2004
11. A copy of the RRMP (incorporating Changes 1 – 3 and Change 4 as amended by Council decisions) was also made available to each commissioner.

How do I interpret the Hearing Report?

12. In this section, advice is provided on how to read and interpret the content of this report. This report is presented in three parts:
13. **Part 1:** Readers' Guide and Introduction to the Report.
14. **Part 2:** An overview of the preparation of Change 5, plus the statutory framework relevant to Change 5.
15. **Part 3:** Officers' evaluation of decisions requested by submitters. Part 3 is divided into 'themes' according to the topics or provisions within Change 5 that were addressed in submissions. Officers' recommendations follow respective submission topics and evaluation.
16. Note, Appendix 1 to this Report sets out amendments to Change 5 arising from the collective recommendations made by Officers in this report.

How do I find my Submission?

17. Twenty nine submitters raised over 370 individual points. There were nine further submissions received. Submissions could have been analysed by submission or by issue/topic. In this report, the latter approach is taken. Because this report has been arranged by ‘topics’ and any single submission may relate to several topics, an index of submitters against reporting themes is presented in Appendix 3.
18. In relation to further submissions, the following matrix outlines the general manner in which we recommend further submissions be accepted, rejected or accepted in part relative to their support or opposition of the original submission point.

		Recommendation on submission point		
		Accept	Accept in part	Reject
Further submission stance relative to original	Support	Accept FSub	Accept in part FSub	Reject FSub
	Part support	Accept in part FSub	Accept in part FSub	Accept in part FSub
	Part oppose	Accept in part FSub	Accept in part FSub	Accept in part FSub
	Oppose	Reject FSub	Accept in part FSub	Accept FSub

What doesn't Change 5 cover?

19. The purpose of the Regional Policy Statement limits what a RPS Change can cover. Some things that are NOT in Change 5 are:
- setting of limits, targets, or standards for catchments and land use activities in catchments
 - rules allowing or restricting use of land, air, water or other activities commonly restricted by district plans and regional plans
 - any decisions to renew existing, or grant new, consents to take, use, dam or divert water or to discharge contaminants to land/water
 - pre-determination or de-facto approval of community water storage schemes or wastewater discharges, although policy guidance to decision makers on such projects can be provided
 - full implementation of all of the National Policy Statements released by the Government to date
 - guidance and direction on biodiversity matters, pending the Council's intended future preparation of a Regional Biodiversity Strategy
 - amendments to zoning of land in district plans, although it can give direction to areas where zoning should be changed in the future to better manage effects of activities on freshwater resources
 - budget and funding requirements for the Regional Council's implementation of LAWMS or any freshwater management initiatives across the region
 - each of the many other policies and actions arising from LAWMS. However, Change 5 will set high level guidance for many other initiatives led by councils and/or other agencies. These include things such as revisions to regional plans, district plans, and decisions on resource consent applications.

PART 2 – Background and context

Land and water management in Hawke’s Bay

20. In Hawke’s Bay, the issues and pressures on land and water resources vary throughout the region. Consequently, the urgency with which further clarity needs to be provided for water allocation and water quality management also varies between catchments. Many of the issues, drivers and responses in matters regarding management of the region’s land and freshwater resources are outlined in the LAWMS (refer paragraphs 23-29).
21. Catchment differences have influenced the Council’s decision to prioritise catchments where it understands water allocation and water quality issues and pressures to be the most pressing. Accordingly, the Council has already prioritised its regional plan change work programmes to focus on catchments with known and foreseeable pressures and drivers for enhanced freshwater management and regulation.
22. The Council has several catchment-based regional plan changes currently in preparation, namely Tukituki and Mohaka, with Greater Heretaunga/Ahuriri⁴ now underway. The Council had previously resolved to prepare a Change to the RPS which would provide a ‘bigger picture’ overview for these individual catchment-based plan changes.

Hawke’s Bay Land and Water Management Strategy (LAWMS)

23. The LAWMS provides a common focus for the management of land and water in Hawke’s Bay in order to achieve improved economic and environmental outcomes. It recognises that development potential and pressures vary across the region as do the values associated with the land, rivers, lakes and wetlands.
24. The LAWMS was developed collaboratively using a multi-sector Reference Group as a sounding board. The recommended strategy that resulted from that process was largely unchanged by the Regional Council when it was adopted in late 2011. The overall vision of the LAWMS is:

In Hawke’s Bay, land and water are highly valued, used wisely and sustainably managed – by all, for all.

25. The LAWMS is based on four themes. These are outlined in the LAWMS’s Executive Summary as below:

Planning and Governance focuses on collaboration, strategic prioritisation of resources, enabling decision-making to occur at appropriate levels, transparency of cost distribution and ensuring adequate transition processes.

Sustainable Land Use focuses on utilising good industry practice based on site specific knowledge and conditions to improve productivity and profitability while reducing the environmental footprint. Re-vegetation of erosion prone land, retention of water in the landscape and recognising the ecological services provided by indigenous vegetation and wetlands are key elements.

Sustainable Water Use recognised that forward thinking decisions that provide for long term environmental, economic, social and cultural wellbeing are important. The Sustainable Use of Water theme considers water quantity management and water quality management.

Elements of the water management framework are set out and efficient water use is paramount. It is recognised that users need to move from a position of self interest to

⁴ Heretaunga includes Karamu, Clive, Ngaruroro, Tukituki River catchments, Ahuriri Estuary and the Heretaunga Plains aquifer.

collective interest in order to gain efficiencies and make the best use of available water. Measuring, recording and reporting water use, so that there is transparency about how much is used and when, is a critical element for improved water management.

Setting of water quality limits is a requirement of the National Policy Statement for Freshwater Management (NPSFM) and the implementation of the NPSFM is reflected in the Strategy. The Strategy also seeks active exclusion of stock from water bodies where practicable. Riparian fencing and planting and other initiatives associated with managing farming systems for a reduced environmental footprint are duplicated here from the Sustainable Use of Land theme recognising the impacts of land use on water quality.

Information and Communication focuses on making information and research findings more readily available to the public, land managers and water users. It also highlights the need for improved community understanding of values and the importance of water through water action campaigns.

26. A range of outcomes are anticipated from implementation of the LAWMS. Plans and policies prepared under the RMA are an important means to implement the LAWMS, albeit they are not the only tools to be used to implement the strategy.
27. However, the LAWMS is not a “strateg[y] prepared under other Acts” in terms of s61(2)(i) of the RMA and so is not a mandatory consideration under that section. Local authorities may have regard to the LAWMS when preparing plans and making decisions on resource consent applications under the RMA – being a document relevant to land and water management decisions. But having regard to the LAWMS does not imply that the RPS, regional plans, or resource consent decisions should necessarily incorporate or give effect to all or any of its content.
28. In order to give the LAWMS statutory weight for RMA decision-making purposes, its provisions need to be embedded into the RPS and regional plans.
29. In early 2012, the Council considered a range of options (particularly relating to process, timing and scope matters) to:
 - (a) explore different process models for integrating the LAWMS into the RPS to then inform catchment-based strategies and plan changes; thus providing the framework for implementing the NPSFM; and
 - (b) identify the approach which enables timely, efficient and integrated decision-making across any changes to the RPS, the regional plan with respect to Tukituki freshwater objectives and limit setting, and for any application for the Ruataniwha Water Storage project.

Purpose of Change 5

30. In the public notice given of Change 5’s notification, a brief description of Change 5’s purpose was given. It read as follows:

Change 5 proposes to introduce new provisions relating to the integrated management of water and land into the Regional Policy Statement parts of the Hawke’s Bay Regional Resource Management Plan. ... Change 5 assists in the implementation the National Policy Statement for Freshwater Management (NPSFM) and the 2011 Hawke’s Bay Land and Water Management Strategy. To do this, Change 5 proposes a number of new policies intended to provide guidance and direction about how multiple values and uses of fresh water and land uses ought to be managed. Several objectives and policies already in the Regional Policy Statement are also proposed to be amended to implement the NPSFM, the Land and Water Management Strategy or to make continuous improvements to regional planning documents...

31. Preparation of Change 5 did not start with a blank canvas – the existing RPS already contains provisions relating to matters such as surface and ground water quality, surface and groundwater quantity and matters of significance to iwi/hapu. As noted above, Change 5 is one of several changes to policy statements and regional plans currently underway. Change 5 does not represent or intend to be a complete review of the RPS.
32. An information sheet published as a companion document to Change 5 elaborated on the purpose and reasons for Change 5. The Information Sheet, inter alia, stated:

There are three principal reasons for the proposed amendments:

- 1. Changes are required arising from the 2011 Hawke's Bay Land and Water Management Strategy (LAWMS);*
- 2. Implement relevant provisions of the National Policy Statement for Freshwater Management (NPSFM); and*
- 3. Continual improvement to planning documents.*

Hawke's Bay Land and Water Management Strategy (LAWMS)

The 2011 LAWMS provides a non-statutory overarching direction for the management of land and water in the region. LAWMS was developed through a multi-party reference group process reflecting that there are many agencies that have a role to play in achieving the desired environmental and economic outcomes. LAWMS has a focus on future viability and resilience of the region's land and the regional long-term prosperity through sustainable land use and water management at the same time as maintaining overall quality of freshwater and freshwater ecosystems for agreed management objectives.

LAWMS also lists a number of priority actions that the Regional Council is undertaking in the Tukituki catchment, the Heretaunga Plains/Ngaruroro catchments and the Mohaka River catchment. LAWMS was adopted by the Regional Council in November 2011.

A number of the LAWMS policies need to be embedded into the RPS in order to provide decision-makers with context to the catchment-specific objectives and limits setting. By embedding relevant LAWMS policies in the RPS, this ensures those policies are contained in an influential statutory planning document (i.e. the RPS) that guides not only Regional Council decision-making, but also decisions made by city and district councils when preparing district plans and considering resource consent applications.

One of the more notable LAWMS policies to be embedded in the RPS is that "land and water management is tailored and prioritised to address the key values and pressures of each catchment" [LAWMS Policy 1.5].

National Policy Statement for Freshwater Management (NPSFM)

The Government has released several National Policy Statements in recent years, including the NPSFM in May 2011. The RMA requires councils to amend their plans and RPSs to action these National Policy Statements. The NPSFM does not specify exactly how RPSs need amending as that is for each regional community to determine for themselves.

This RPS Change is not intended to comprehensively implement the NPSFM. For Hawke's Bay, that can only be done by through a series of changes to regional plans in addition to this RPS change.

In September 2012, the Regional Council adopted a programme of work that will progressively implement the NPSFM. Regional plan changes are intended to be prepared on a catchment-by-catchment basis over the coming years.

Continuous improvement of the RPS

The RPS is a key planning document for managing the region's natural and physical resources. The current RPS was wholly rewritten in the early 2000s and finalised in 2006.

The current RPS already contains many policies for air, land and water resources and management of natural hazards. Most of the policies relating to water resources adequately deal with point-source discharges of contaminants, but policies managing

diffuse discharges (such as runoff and contaminants leaching from productive land uses) are under-represented.

33. The s32 Report contains additional background discussion of the purpose and rationale for Change 5.

National Policy Statement for Freshwater Management (NPSFM)

34. The NPSFM came into effect on 1 July 2011. The NPSFM sets a new direction for management of New Zealand's freshwater resources. For the most part, it is the Regional Council's responsibility to implement the NPSFM as it relates to the Hawke's Bay region. Section 62(3) of the RMA requires RPSs to give effect to the NPSFM.
35. Under the NPSFM, each council must determine the most appropriate freshwater management and regulatory regime for its region. The NPSFM enables councils to set broad objectives and apply corresponding limits/levels to types of water bodies or large areas of its region. Under the NPSFM, it is also appropriate to have catchment and sub-catchment specific objectives and limits/levels, where the characteristics of catchments and sub-catchments demand different priorities.
36. The NPSFM provides for the concept of maintaining or improving the overall quality of freshwater within a region.
37. The Ministry for the Environment has released an implementation guide for local authorities and it provides some useful commentary on the interpretation of the NPSFM's objectives and policies.
38. The commentary to Objective A1 refers to the setting of an environmental bottom-line that water quality should be maintained or improved within a region while providing for activities to be undertaken in a sustainable way as a necessary part of the economic, social and cultural wellbeing of people and communities. It notes that the word 'safeguard' requires a proactive response by local authorities but that the objective does not imply there would never be any change to or adverse effects in a water body. Rather it requires proactive management to ensure the defined objective continues to be met.
39. Perhaps most importantly, the commentary to Objective A2 states that the objective
- recognises that a bottom line of at least maintaining all aspects of water quality everywhere is not possible. It does not require every degraded water body to be cleaned up...*
40. This allows for some spatial and temporal variability in terms of water quality as long as the overall water quality is maintained in the region.
41. The NPSFM's preamble lists national values for freshwater in two categories; first those providing for the wellbeing and amenity of people and communities, and second those recognising and respecting fresh water's intrinsic values. The commentary in the implementation guide emphasises that the stated national values are not prioritised and that:
- ...it is for regional communities, facilitated by regional councils, to consider values and priorities locally and determine how to respond to those at a local level in implementing the policies of the NPSFM.*
42. Therefore, it is incumbent on the Regional Council to identify and determine:
- (a) the values associated with the region's water resources
 - (b) which values might have priority within each catchment and across the region

- (c) the appropriate freshwater management objective given the predominant value(s) and
- (d) the different levels of use or protection that are appropriate to achieve the freshwater management objective.

NPSFM Implementation Programme for Hawke's Bay Regional Council (NPSFMiP)

43. Every regional council must implement Policy E1 of the NPSFM as promptly as is reasonable in the circumstances, and so it is fully completed by no later than 31 December 2030. Where a regional council is satisfied that it is impracticable for it to complete implementation of a policy fully by 31 December 2014, the council may implement it by a programme of defined time-limited stages subject to the requirement of full implementation by 31 December 2030. Any programme of time-limited stages is to be formally adopted by the council within 18 months of the NPSFM's gazettal (i.e. before 12 November 2012), and publicly notified.
44. As noted above, the NPSFM itself does not specify exactly how it should be implemented, nor how policy statements and plans should be amended, as that is for regional councils to determine. In early 2012, council staff reviewed the RRMP's objectives and policies and assessed them in terms of the degree to which they give effect to the NPSFM. It was noted that while the RRMP contains broad freshwater management objectives, water quality guidelines (both at a regional and catchment specific level for a number of parameters) and water allocation limits and minimum flows for specific reaches of river in a number of catchments, these needed to better align with the NPSFM while at the same time having more appropriate regard to the LAWMS. The assessment of the RRMP against the NPSFM is included as Appendix 1 of the Change 5 s32 Report.
45. The Regional Council adopted its progressive implementation programme (NPSFMiP) on 26 September 2012. Annual reporting on Programme Implementation is required by Policy E1(e) of the NPSFM. The Regional Council intends to report annually on Programme implementation progress in its Annual Report. Because the Programme is highly contingent upon funding priorities and resource allocation decisions made by the Council as part of Annual Plan and Long Term Plan processes, the NPSFMiP may need to be reassessed and revised over time.
46. Over the past few years, the Council has been advancing a catchment-based approach to RRMP plan changes to address specific resource management issues in the region. The NPSFMiP continues that approach, as does the 2012-22 Long Term Plan.
47. Change 5 is the lead initiative of the Regional Council's NPSFMiP. Change 5 dovetails with preparation of a regional plan change for the Tukituki Catchment Area (Plan Change 6) which the Council adopted on 27 February 2013 and will publicly notify on 4 May 2013. Change 6 will be followed by plan changes for the Mohaka River catchment⁵, for the Greater Heretaunga / Ahuriri catchment⁶, and for the rest of the region (in 2017). Changes to the RPS are currently scheduled to be notified in mid 2014 in respect of biodiversity and outstanding freshwater bodies. At the same time, a plan change is scheduled to be notified dealing with urban stormwater.

5 2012-2022 Long Term Plan stated notification as February 2013, but subsequent Council decisions to date have re-scheduled notification for end of 2013.

6 2012-2022 Long Term Plan stated notification as July 2014.

48. To avoid doubt, the NPSFM's 2011 implementation guide noted that timelines in NPSFM Policy E1 relate to putting in place the necessary policies, plans and/or methods. The physical improvements in water quality and the phasing out of any over-allocation are not required to be met by the times stated in Policy E1.
49. The Implementation Guide also notes that implementation programmes will need to be flexible, and accepts that dates may change. For this reason, there are advantages in keeping the NPSFMiP separate from the RPS and regional plans, so that timeframes can be adapted more easily.

Development of Change 5

50. Change 5 was adopted by Council on 26 September 2012 for public notification as a proposed change. The Council's Regional Planning Committee was responsible for overseeing pre-notification drafting and preparation of Change 5 during 2012.

Regional Planning Committee

51. Through its Treaty of Waitangi settlement negotiations with the tangata whenua of the Hawke's Bay, in conjunction with the Council, the Crown has committed to introduce legislation to establish a permanent Regional Planning Committee.
52. The Committee's role is to develop, oversee and recommend to Council for final approval, RMA policies and plans that affect the management of natural and physical resources in the Hawke's Bay region. The Committee's role does not include resource consent matters.
53. Membership of the Committee comprises equal numbers of Councillors and Tangata Whenua representatives. All Committee members are to make best endeavours to achieve decisions on a consensus basis. It is not intended that the participation of Tangata Whenua representatives on the Committee be a substitute for any consultation with iwi required under Schedule 1 of the RMA.
54. A key driver for establishment and operation of the Regional Planning Committee is to provide a co-governance arrangement to ensure involvement of mana whenua in the plan and policy making phases as opposed to solely responding to resource consenting proposals and processes.

Pre-notification drafting

55. The Regional Planning Committee's responsibility for Change 5's preparation involved a series of workshops with Committee members on the scope, direction and of course content of Change 5. In early 2012, the Committee and Council endorsed the need for an overarching policy framework to be incorporated into the RPS that would assist informing the scope and direction of the Council's regional plan changes then underway for the Mohaka, Tukituki and Heretaunga catchment areas. This recognised two principal matters:
 - (a) that LAWMS's high-level non-statutory policies needed to be embedded in an influential statutory planning document such as the RPS if they were to give direction to future policy making. In the RPS, the provisions would guide not only regional council decision-making, but also decisions made by city and district councils when preparing district plans and considering resource consent applications.
 - (b) that in the absence of an overarching statutory policy framework, catchment-based regional plan changes would likely fail to deliver a high-level integrated management approach to land and water management across the whole region.

Draft Change 5 for public comment

56. In August 2012, a draft version of Change 5 was endorsed by the Regional Planning Committee and subsequently released for discussion purposes and informal public comment. The main purpose of this feedback opportunity was to identify:
- (a) any key gaps in the draft proposal perceived by groups and individuals with interests in management of the region's land and freshwater resources;
 - (b) any key issues that encountered consistently strong opposition (or equally support) that might mean reconsidering the intent of the Change; and
 - (c) any matters that needed improvement or amendment to provide clarity and better understanding.
57. Thirty one groups and individuals provided written feedback on (the then) Draft Change 5. A range of matters were raised – some clearly linked to the draft change, while others remarked on unrelated themes and council activities. In a number of instances, Council officers met with some of the people who had provided written comments. Those discussions proved useful to clarify certain parts of the comments and enabled staff to provide clearer advice to the Regional Planning Committee about what refinements should be made to the then draft Change 5.
58. For the avoidance of doubt, the draft version of Change 5 and any comments received have no legal status or standing in the current proceedings.
59. It is worth noting that the draft version of Change 5 included a policy listing a handful of waterbodies that were initially suggested as being 'outstanding' as defined in the NPSFM. A 'placeholder' for criteria to assess 'outstanding-ness' was also mooted in the Draft. However having considered written feedback on the then Draft Change 5, in September 2012, the Council agreed a more considered and better informed approach was warranted in terms of assessing and identifying outstanding freshwater bodies in Hawke's Bay. That work is now currently scheduled to be undertaken over the next few years as part of the NPSFMiP. That project will inevitably involve opportunities for stakeholder engagement and further analysis to determine appropriate assessment criteria for outstanding waterbodies. The NPSFMiP signals that the relevant sections of the RPS and regional plans would then be amended via the Schedule 1 RMA process.
60. This ensures the process for firstly developing the criteria and, secondly assessing any potential regionally outstanding freshwater bodies is done in a fully considered manner at a regional level by way of a collaborative process. It is important that the local community and its stakeholder groups are provided with an opportunity to be involved in assessments of outstanding freshwater bodies.

Change 5 post-notification

61. Change 5 was publicly notified (i.e. released and submissions invited) on 2nd October 2012. The s32 Report was made available at the same time as Change 5 was publicly notified. The deadline for submissions on Change 5 was 5pm 5th November 2012. 29 submissions were received. No late submissions were received.

62. Council officers prepared a Summary of Decisions Requested in those 29 submissions received. The Summary was notified on 1 December 2012 and further submissions were due by 5pm 17th December 2012. Nine further submissions were received. No late further submissions were received.

Statutory and legal context for Change 5

63. This section provides an overview of the statutory context within which Change 5 fits. Relevant provisions of the RMA together with relevant case law are addressed, but this is intended as an overview – not a comprehensive statement of each and every law, statutory instrument or planning document and provision therein. Comprehensive extracts from the referenced statutory documents are not included in this report. Instead, readers are encouraged to refer to the relevant documents in full.
64. This section also addresses a number of the legal issues which have arisen through our assessment of the submissions. Further issues may arise during the presentation of submissions at the hearing. Our response to any such issues will be addressed during the reporting officers' 'reply' following submitters' presentations.
65. Change 5 is a proposed change to the RPS (and some consequential amendments to a limited number of regional plan objectives elsewhere in the RRMP). The statutory context and procedural requirements of the RMA apply to the Change in the same manner as they would to an entirely new RPS.

Purpose of regional policy statements

66. The purpose of the RPS is to achieve the purpose of the RMA by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.⁷ It is the heart of resource management in a region.⁸
67. Section 61(1) of the RMA provides that a regional council shall change its RPS in accordance with its functions under section 30, the provisions of Part 2, its duty under section 32, and any regulations.
68. The purpose of the RMA is to promote the sustainable management of natural and physical resources.⁹ Sections 6, 7, and 8 of the RMA (which list matters of national importance to be recognised and provided for, other matters to which particular regard must be had and the principles of the Treaty of Waitangi which must be taken into account) inform the decision as to how sustainable management of resources is to be achieved.
69. 'Sustainable management' is defined in s5(2) of the RMA as:
- 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 wellbeing and for the health and safety while –*
- (a) *Sustaining the potential of natural and physical resources... 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.*

7 Section 59 RMA.

8 *North Shore City Council v Auckland Regional Council* [1994] NZRMA 521.

9 Section 5(1) RMA.

70. The application of s5 involves a broad overall judgment of whether a proposal will promote the sustainable management of natural and physical resources. That approach recognises that the RMA has a single purpose and such a judgment allows for comparison of conflicting considerations and the scale or degree of them and their relevant significant or proportion in the final outcome.¹⁰
71. Change 5 seeks to promote the sustainable management of the region's natural and physical resources by managing fresh water and land use and development in an integrated (and sustainable) manner. The 'balancing exercise' required by Part 2 of the RMA is particularly important.
72. HBRC's functions (as set out in s30(1) RMA) relevant to Change 5 include:
- (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region;*
73. Section 32 of the RMA requires the local authority responsible for a change to a regional planning document to carry out an evaluation that examines:
- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the RMA; and
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.
74. The evaluation must take into account:
- (a) the benefits and costs of policies, rules, or other methods; and
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.¹¹
75. The evaluation must be carried out before notification (and this has been done¹²) and before making a decision under clause 10 of Schedule 1.¹³ A further evaluation must be therefore be carried out by the hearing commissioners before recommending the decisions to be made and issued by the Council under clause 10.

Content of regional policy statements

76. RPSs are distinct from regional and district plans and the regional council's duties are different when preparing a RPS as opposed to a regional plan. Section 62(1) sets out contents of RPSs, while sections 67 and 75 set out the contents of regional and district plans respectively. The s62(1) contents relevant to Change 5 are the statement of the significant resource management issues for the region; the objectives sought to be achieved; the policies for those issues and objectives and an explanation of those policies; the methods to be used to implement the policies; the principal reasons for adopting the objectives policies and methods set out in the statement; and the environmental results anticipated from implementation of those policies and methods.

¹⁰ *North Shore City Council v Auckland Regional Council (Okura)* [1997] NZRMA 59.

¹¹ Section 32(4) RMA.

¹² See section 32 Evaluation Summary Report dated 26 September 2012.

¹³ Section 32(2)(a) RMA.

77. In simple terms, an RPS provides high level direction for resource management within the region in the form of objectives and policies and is relevant to both territorial authority and regional council functions. The RPS does not contain rules and therefore does not control activities and their effects directly. That control is exercised through regional and district plans which are responsible for the development of methods (including rules) following the direction set in the RPS.
78. Section 62(1) sets out the mandatory content of a RPS. The current RPS included within the RRMP already contains content to satisfy requirements of s62(1). However, Change 5 is proposed to revise and improve existing RPS content insofar as it presents stronger provisions for the integrated management of land and freshwater resources within the Hawke's Bay region.
79. Change 5 proposes a new chapter (titled "Chapter 3.x") containing objectives and policies to be inserted into Part 3 of the RPS. Having assessed the submissions and given our recommended amendments to proposed Change 5, we consider that Change 5's new chapter should be inserted as Chapter 3.1A in the RPS part of the RRMP.
80. ISS LW1 of Change 5 identifies as an issue for the region the potential for ongoing conflict between multiple, sometimes competing, values and uses of fresh water and limited integration in management of land and water both of which affect the achievement of the sustainable management of the region's natural and physical resources.
81. The objective, supporting policies and methods set out a framework within which catchment-based approaches to land use and fresh water resource management should be implemented. The key planning instrument for implementing a catchment-based approach is through changes to the regional plan part of the RRMP.
82. A RPS must not be inconsistent with any water conservation order and must give effect to a national policy statement.¹⁴ The national policy statements potentially relevant to Change 5 are:
- (a) National Policy Statement on Electricity Transmission 2008
 - (b) National Policy Statement for Freshwater Management 2011 and
 - (c) National Policy Statement for Renewable Electricity Generation 2011.
83. In the Hawke's Bay region, there is one water conservation order of potential significance. By virtue of the approach taken in Change 5, we consider the proposed change is not inconsistent with the Mohaka River Water Conservation Order.
84. Finally, a RPS must give effect to the New Zealand Coastal Policy Statement. No issues arise here.

Managing and controlling land use under the RMA

85. Under the RMA, regional councils' functions include, but are not limited to, regulatory functions (i.e. ability to exercise control) in relation to land. Specifically, these regulatory functions are set out in section 30(1) and (f) as follows (emphasis added):

The control of the use of land for the purpose of—

- (i) *Soil conservation:*

¹⁴ Section 62(3) RMA.

- (ii) *The maintenance and enhancement of the quality of water in water bodies and coastal water:*
- (iii) *The maintenance of the quantity of water in water bodies and coastal water:*
- (iiia) *The maintenance and enhancement of ecosystems in water bodies and coastal water:*
- (iv) *The avoidance or mitigation of natural hazards:*
- (iv) *The prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances:*

and...

The control of discharges of contaminants into or onto land, air, or water and discharges of water into water:

86. Further, sections 9 and 15 sets out restrictions in relation to the use of natural and physical resources. Section 9(2) states:

No person may use land in a manner that contravenes a regional rule unless the use—

- (a) *is expressly allowed by a resource consent; or*
- (b) *is an activity allowed by section 20A.*

87. S15(1) states:

No person may discharge any—

- (a) *Contaminant or water into water; or*
- (b) *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; or*
- (c) *Contaminant from any industrial or trade premises into air; or*
- (d) *Contaminant from any industrial or trade premises onto or into land— unless the discharge is expressly allowed by a national environmental standard or other regulations, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.*

88. In contrast, section 31(1)(b) states one of the functions of district councils as follows:

- the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—

- (i) *the avoidance or mitigation of natural hazards; and*
- (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
- (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
- (iii) *the maintenance of indigenous biological diversity:*

89. The RMA clearly provides for the Regional Council to control the use of land (provided the controls are for one or more of the purposes specified in s30(1)(c)) as opposed to territorial authorities which control the effects of the use of land. We note that some regional council functions (e.g. s30(1)(b)) do refer to focussing on the effects of land use and some other functions do not. Nevertheless, we consider there is no need to amend provisions in Change 5 to include the words “the effect of” (for example, in OBJ LW1 and POL LW3) as requested in some submissions.

90. Similarly, a few submitters requested references in provisions to ‘managing’ land use be replaced with references to ‘controlling’ land use activities. The presumption in s9(2) of the RMA is that if there is no regional rule which restricts the use of land, then the use of land is allowed, i.e. not restricted. This means the Council has discretionary powers whether or not to control the use of land through section 9. We have taken the use of the term ‘manage’ to cover both regulatory and non-regulatory elements. Consequently, we consider references in Change 5 to ‘managing’ land use and other resource use, are appropriate and should not simply be replaced with references to ‘control’ as the two terms and actions are distinctly different.

91. In relation to the use of land and discharges from production land, there is another distinction to be made. The term 'discharge' is pertinent to s15 of the RMA where it refers to discharges of water or contaminants to the environment. These are generally point source discharges which are under the control of a person. This contrasts with the mechanisms by which contaminants from the use of production land may reach surface water and groundwater (e.g. leaching through the soil, overland flow, soil and stream bank erosion processes). We recommend POL LW3 be amended to provide greater clarity around the distinction of using land and any discharges from production land (see Theme #107).
92. This matter is of considerable concern to one of the territorial authority submitters. Given the complementary roles and responsibilities the local authorities have, it is important that there is no confusion as to what the Regional Council is proposing through Change 5, in relation to controls on land use activities.
93. The territory authority submission refers to the LAWMS and recognises that it was developed through a series of robust and informed discussions with key stakeholders. The submitter refers to a number of policies contained in the LAWMS and concludes that the approach in it was to address land and water management challenges through good management, innovation and better use of technologies; and that it did not include 'control over the use of land'.
94. The submitter's interpretation of Change 5 is that the regional council intends to control the use of land, rather than managing land use practices or effects of land use.
95. While the words in sections 30, 15 and 9 of the RMA differentiate between control of the use of land and the effects of land use, the regional council recognises that managing the effects of activities is what it is aiming to do.
96. The reader is referred to Policy LW3 with the amendments proposed by officers which makes the distinction between s15 discharges and nitrogen loss from the root zone resulting from whatever land use or farming practice is occurring on the land above. Policy LW4 addresses the non-regulatory approach which is consistent with LAWMS.
97. Use of the phrase 'managing land use and development' in policy headings or in policies themselves, does not imply an activity based, input driven regulatory environment, but the phrase 'use of land' or 'use of production land' is the necessary legal foundation for any permitted activity rules under section 9. The conditions on such permitted activity rules would be derived from the effects that are to be managed.
98. To use the Council adopted Tukituki Plan Change 6 as an example, Rule TT1 is for the use of production land pursuant to s9(2) of the RMA. Conditions are necessarily prescriptive to provide certainty such as the conditions for stock exclusion from water (which is controlling land use) but they seek to avoid the effects that derive from stock being in water.
99. We hope this explanation allays the concerns expressed by the submitter.

Scope of submissions

100. There are two aspects of 'scope' which we address in this section. The first is the case law which addresses whether a particular submission can be said to be 'on' a change. The second is whether any amendment made to a change goes beyond what was fairly raised in submissions on the change.

101. Clause 6(1) of Schedule 1 provides that:

Once a proposed policy statement or plan is publicly notified under clause 5, the persons described in subclauses (2) to (4) may make a submission on it to the relevant local authority.

102. That begs the question then of whether the resulting submission can be said to be “on” the change. There are two High Court authorities on this point.

103. In *Clearwater Resort Limited & Anor v Christchurch City Council*¹⁵ William Young J (as he then was) considered the permissible scope of submissions (and references) on Variation 52 to the Christchurch City Council’s proposed district plan in respect of an airport noise policy. Variation 52 altered a policy in the proposed plan but left unaltered the location of noise contour lines to which the relevant policies (including the altered policy) related. The appellant’s submission challenged the location of the noise contour lines, which had not been altered by the variation, therefore requiring consideration of whether that challenge was fairly on the variation.

104. William Young J observed:

Whether a submission is “on” a variation poses the question of apparently irreducible simplicity but which may not necessarily be easy to answer in a specific case.

How should the Courts approach such a question?

Obviously, such a question can only be answered by a Court as a matter of judicial assessment made in the general context of the scheme and purpose of the Resource Management Act.

In the course of this dispute, three possible general approaches have been suggested:

- 1. A literal approach in terms of which anything which is expressed in the variation is open for challenge.*
- 2. An approach in which “on” is treated as meaning “in connection with”.*
- 3. An approach which focuses on the extent to which the variation alters the proposed plan.”¹⁶*

105. His Honour then expressed what he described as his “preferred approach” in the following way:¹⁷

A submission can only fairly be regarded as “on” a variation if it is addressed to the extent to which the variation changes the pre-existing status quo.

But if the effect of regarding a submission as “on” a variation would be to permit a planning instrument to be appreciably amended without real opportunity for participation by those potentially affected, this is a powerful consideration against an argument that that submission is truly “on” the variation.

106. His Honour went on to say, in respect of the second consideration quoted above:¹⁸

It is common for a submission on a variation or proposed plan to suggest that the particular issue in question be addressed in a way entirely different from that envisaged by the local authority. It may be that the process of submissions and cross-submissions will be sufficient to ensure that all those likely to be affected by or interested in the alternative method suggested in the submission have an opportunity to participate. In a situation, however, where the proposition advanced by the

¹⁵ HC, Christchurch AP34/02, 14 March 2003, William Young J.

¹⁶ Ibid at [56] – [59].

¹⁷ Ibid at [66].

¹⁸ Ibid at [69].

submitter can be regarded as coming of "left field", there may be little or no real scope for public participation. Where this is the situation, it is appropriate to be cautious before concluding that the submission (to the extent to which it proposes something completely novel) is "on" the variation.

107. William Young J held that it was not open to Clearwater to challenge the location of the various noise contour lines and that its submission seeking to have those contour lines redrawn was not "on" Variation 52.
108. The *Clearwater Resort* case was followed in *IHG Queenstown Limited & Carter Queenstown Limited v Queenstown Lakes District Council*.¹⁹ The Environment Court observed:²⁰

We are content simply to observe that the wider the extent to which a change or variation changes the pre-existing status quo, the wider will be the scope for a submission to be made "on" the change or variation. But whatever the breadth of the change or variation may be, a submission needs to stay within the ambit of the change or variation as indicated or deducible by the extent of alteration to the pre-existing status quo. And as William Young J went on to hold in Clearwater, if the effect of upholding a submission which is alleged to be "on" a change or variation would permit a plan to be "appreciably amended without real opportunity for participation by those potentially affected", that is a powerful consideration against the allegation.

We are well aware that submitters often suggest quite wide-ranging modifications to the contents of a change or variation – modifications that collectively in some instances can be said potentially to alter the thrust or tenor of what the council is proposing in a fundamental way. While it may argued that in such cases the submission is "on" the change or variation, inasmuch as it cites important parts of it and expresses adamant dissent, if the effect of allowing the relief sought would be to result in the district plan being "appreciably amended without real opportunity for participation by those potentially affected" (to use William Young J's words), then the result is very likely to be that the decision-maker will conclude that the outcome sought by the submission is not "on" the change but a request for something that is different in kind or substance from what the change is directed to. In shorter vein, does the submission in effect seek an outcome from "left field" (to again use William Young J's expression) having regard to what the change or variation is really dealing with? In such a case the submitter is propounding something that is so at variance with the change or variation by way of relief sought, as to render it unreasonable for others who may be affected to anticipate, let alone contest, the issues that stem from what the submitter is seeking.

109. In *Option 5 Inc v Marlborough District Council*,²¹ the High Court considered whether a submission which involved rezoning four blocks of land, was beyond the intention of Variation 42, which was to support the Central Blenheim CBD.
110. The High Court held that the submission was not "on" the variation. Influential in that decision was the fact that the statutory processes the council was obliged to follow on receipt of such a submission would not have alerted potentially affected property owners to the fact that the zoning of their land might change.
111. This case law is relevant because submissions have been lodged which (in no particular order):
 - (a) seek the inclusion of policies which list the criteria for the identification of outstanding fresh water bodies²².

¹⁹ C078/2008.

²⁰ Ibid at [32] – [33].

²¹ (2009) 16 ELRNZ 1.

- (b) identify certain bodies of water as outstanding fresh water bodies or as water bodies of national significance²³.
 - (c) seek additional objectives which recognise that the whole of the coastal marine area is significant to Ngāti Kahungunu, including adding those words to the section of the RPS dealing with water bodies of national significance²⁴.
 - (d) modify Change 5 to include new provisions that specifically recognise Māori rights and interests in water²⁵.
 - (e) amend existing provisions within the RPS to recognise and provide for Mātauranga Māori and tikanga Māori interests²⁶.
 - (f) modify existing provisions within the RPS to include additional matters when the only amendment to those provisions proposed by Change 5 purely were the addition of the words “subject to OBJ LW1.”²⁷
112. In our opinion, these submissions are not “on” the Change. They request something different in kind or substance to what Change 5 is directed to. They each request something completely novel such that making the amendments sought could exclude participation by those potentially affected.
113. Accordingly, the following are what we consider to be some of the more substantive matters where submissions are not “on” Change 5. There are others (refer Appendix 2, under Theme #101).
- (a) The suggestion by Friends of the Tukituki that the Regional Council would avoid expensive and time consuming legal action if additional values identified by the submitter be incorporated into the RPS.
 - (b) The request by the Green Party for a new Policy LW1A on outstanding water bodies.
 - (c) Fish & Game Hawke's Bay et al's requests for:
 - (i) new policies defining outstanding freshwater bodies and listing waterbodies that meet those criteria
 - (ii) an entirely new definition of ‘wetland’ in the RRMP's Glossary.
 - (d) Ngāti Kahungunu Iwi Inc's request for the addition of a new objective (34A) to Chapter 3.14 of the RPS recognising that the whole of the coastal marine area is of significance to Ngāti Kahungunu and requiring that significance to be reflected in policies and plans.²⁸
 - (e) Hawke's Bay Forestry Group and Pan Pac's requests for OBJ 29 to recognise economic necessity of riverbed gravel resource when Change 5 proposes to make OBJ 29 read ‘subject to OBJ LW1.’

22 Fish & Game; Green Party of Aotearoa (Hawke's Bay Branch).

23 Fish & Game; Green Party of Aotearoa (Hawke's Bay Branch).

24 Ngāti Kahungunu Iwi Inc and Te Taiwhenua o Heretaunga

25 Ngāti Kahungunu Iwi Inc and Te Taiwhenua o Heretaunga

26 Te Taiwhenua o Heretaunga

27 Hawke's Bay Forestry Group, Ivan Knauf, and Pan Pac Forest Products Ltd

28 We do note that statements to this effect or similar are already made in the RRMP (i.e. Chapter 3.2) and RCEP (Chapter 6).

- (f) Ivan Knauf's request for OBJ 29 to refer to risk of flooding areas of ecological value, again, when Change 5 proposes to make OBJ 29 read 'subject to OBJ LW1.'
- (g) Te Taiwhenua O Heretaunga's request for:
 - (i) amendments to state that the whole of the region's CMA is of significance to Ngāti Kahungunu;
 - (ii) the inclusion of a narrative in relation to co-governance and the engagement methodology for Treaty claimant groups;
 - (iii) the addition of a preliminary statement recording that whanau, iwi and hapu have never relinquished their rights and interest in water;
 - (iv) the identification of waterbodies listed in the submission as outstanding waterbodies of national and regional significance.

114. The above submitters may wish to contest our view and explain to the hearing commissioners why they consider their submissions to be within scope. The commissioners will need to consider representations submitters make on scope issues (if any) and satisfy themselves that submissions are 'on' Change 5 before proceeding to consider the merits of the relief sought.

115. For those submissions which are "on" the change, the hearing commissioners may find themselves in the position of having to decide whether an amendment to the Change recommended by officers or sought by submitters in their presentations to the Panel goes beyond what has been reasonably and fairly raised in submissions on the Change.

116. In *Countdown Properties (Northland) Limited v Dunedin City Council*,²⁹ the High Court stated:

The local authority or Tribunal must consider whether any amendment made to the plan change as notified goes beyond what is reasonably and fairly raised in submissions on the plan change... it will usually be a question of degree to be judged by the terms of the proposed change and the content of the submissions.

117. In *Royal Forest and Bird Protection Society Inc v Southland District Council*,³⁰ Justice Pankhurst stated:³¹

... It is important that the assessment of whether any amendment was reasonably and fairly raised in the course of submissions, should be approached in a realistic workable fashion rather than from the perspective of legal niceties.

118. In *Re Vivid Holdings Limited*³², the Environment Court considered the scope of an appeal under clause 14 of Schedule 1 of the RMA, stating³³:

... in order to start to establish jurisdiction a submitter must raise a relevant 'resource management issue' in its submission in a general way. Then any decision of the Council, or requested of the Environment Court in a reference, must be:

- (a) *fairly and reasonably within the general scope of:*
 - (i) *an original submission; or*
 - (ii) *the proposed plan as notified; or*
 - (iii) *somewhere in between.*

²⁹ *Countdown Properties (Northland) Limited v Dunedin City Council* [1994] NZRMA 145.

³⁰ *Royal Forest and Bird Protection Society Inc v Southland District Council* [1997] NZRMA 408.

³¹ *Ibid* at p. 413.

³² (1999) 5 ELRNZ 264

³³ *Ibid* at [19].

Provided that:

(b) the summary of the relevant submissions was fair and accurate and not misleading.

Accuracy of summary of decisions requested in submissions

119. In relation to Change 5, Council planning staff are not aware of any person having expressed the view that the Summary of Decisions Requested document contained any inaccuracies.
120. It is noted that a number of submissions did not adhere to the legal requirements of Form 3 (as set out in the submission form) and did not provide the information specified. Where possible, council officers interpreted those submissions to the best of their ability to identify the decision being sought or implied. Nevertheless, the Summary did include items that were not strictly speaking describable as a decision the submitter was requesting the Council make.
121. The Summary of Decisions Requested document did note that:

Some submitters have made comments on matters that are not part of Change 5 (i.e relating to procedural matters, research and investigations etc, or beyond the scope of the Change). Change 5 can only cover matters relating to the Regional Council's functions under the Resource Management Act and the integrated management of the region's land and freshwater resources...

Part 3 – Officers’ evaluations

Theme # 101 Preliminary matters

Officers’ overall analysis

122. A large number of submissions have been received seeking additional material, provisions or recognition in the RRMP. Many of these we consider to be outside the scope of Change 5 (for the reasons discussed in Part 2 of our report), are better addressed through other mechanisms, including regional plans, or are not consistent with the policy direction of the existing RPS and/or Change 5.
123. A number of submitters seek specific additional material be included in Change 5. For reasons we have outlined in paragraphs 100-118 we recommend rejecting these submissions as we consider them to be outside the scope of Change 5. As our reasons for rejecting these submissions relate to questions of scope, rather than questions of merit about the submissions, our responses to the acceptance, acceptance in part, and rejection of corresponding further submissions does vary in this Theme compared to other Themes.
124. Notwithstanding our conclusion above, in the event that the hearing commissioners disagree with our conclusion about the ‘scope’ of these submissions, the submitters’ requests are generally and briefly commented on below.

Outstanding freshwater bodies

125. Several submitters requested the inclusion of criteria for assessing outstanding freshwater bodies, and several more submitters requested certain freshwater bodies to be classified as ‘outstanding.’ We do not consider that the inclusion of criteria and the identification of outstanding freshwater bodies in Hawke’s Bay, falls within the scope of Change 5 as notified. As noted in Part 2 of our report (paragraphs 56-60) a draft version of Change 5 was released for public comment in August 2012. We suspect that some content of that draft version may have unintentionally raised expectations that Change 5 would unquestionably be publicly notified with both criteria and lists of outstanding freshwater bodies within the region. As previously noted in our report, we consider that nothing in the earlier draft versions of Change 5 committed the Regional Council to including (or excluding for that matter) any specific provision(s) in the publicly notified version of Change 5.
126. We note that at least one submitter has suggested criteria for the assessment and classification of outstanding freshwater bodies. Even if the criteria were appropriate (and note, we have not evaluated the merits of the suggested criteria), the amendments sought are likely to be perceived as ‘coming from left field’ subsequent to notification of Change 5. We therefore do not recommend Change 5 be amended to include criteria nor a list of outstanding freshwater bodies at this time.

Māori rights and interests

127. Several submitters requested Change 5 be amended to include reference to Māori rights in relation to land, water and geothermal resources, and the co-governance role and engagement methodology for Treaty claimant groups. We consider these requests to be outside the scope of Change 5. Nevertheless, as we noted in Part 2 of our report, the Council’s Regional Planning Committee (a co-governance entity which has emerged from Treaty Settlement negotiations) had responsibility

for drafting and preparation of Change 5. In addition to the establishment and operation of the Regional Planning Committee, the Regional Council has a variety of initiatives underway that are separate from the content of RPSs and regional plans (for example, ongoing liaison and participation as stakeholders in collaborative catchment process projects).

128. In Part 2 of our report, we noted that Change 5 does not start with a 'blank canvas' for regional planning provisions. The relationship between Māori and the sustainable management of the region's natural and physical resources is already dealt with in some detail in the RRMP. The recently adopted Regional Coastal Environment Plan sets out further details of that relationship insofar as the coastal environment is concerned.
129. Chapters 1.5 and 1.6 of the current RRMP discuss iwi resource management values and principles, and their role in the RPS. Chapter 3.2 contains provisions for protection of coastal characteristics of special significance to Māori, while Chapter 3.14 contains objectives and policies which recognise Māori values and the contribution they make to sustainable development of the region's resources. Schedule 1 discusses the background to the Māori dimension.
130. Change 5 further addresses (i.e. in OBJ LW1.10) Māori values, by ensuring the management of fresh water and land use is undertaken in a manner which recognises and provides for the wairuatanga and mauri of fresh waterbodies in accordance with the values and principles expressed in these sections of the RPS. Elsewhere in our recommended amendments to Change 5, we suggest the addition of Policy LW1B, modification of Policy LW1(b) and other amendments which would assist in setting some clear parameters for decision-making to consider actual or potential impacts on mauri and other Māori values in terms of freshwater management. Making substantive amendments to Chapter 3.14 could alter the overall direction and management approach applied in terms of managing all natural and physical resources within the region. This is not what Change 5 was crafted to do.

Prescribing process and timelines for future plan changes

131. A few submitters seek amendment of Change 5 to establish a framework and policy context for promulgation of future plan changes and timeframes for those plan changes.
132. In Part 2 of our report, we have discussed the NPSFM and NPSFMiP, as well as the background to Change 5. Change 5 alone does not fully implement the NPSFM. We consider the Council's NPSFMiP to be the most appropriate document (along with Annual plans and Long Term Plans) to identify the respective timeframes for future plan changes in relation to freshwater management. We do not recommend timeframes be included in the RPS via Change 5.
133. Elsewhere in our report, we recommend amendments to OBJ LW1 and its associated policies. Those amendments will provide a clearer framework for the preparation of relevant catchment-based regional plan changes over time. We consider it unnecessary for the RPS to prescribe a particular process that would apply for preparation of every regional plan change in the future. Similarly, while a series of separate catchment-based plan changes may require a reasonable degree of input from many similar stakeholders, bundling all those catchment-based changes into a single process is not recommended.

Methods to deal with over-allocation

134. One submitter has suggested addition of policies to deal with over-allocation. We briefly discuss the issue of over-allocation in Theme #103. We consider it is appropriate for the RPS to establish a policy framework within which the Council can address, in collaboration with stakeholder interests, specific methods to deal with over-allocation in terms of water quantity and quality following a process of value identification, defining objectives and targets, and setting limits. It would be premature for Change 5 to prescribe a method (or combination of methods) that would suit all spatial and temporal instances of water resources being over-allocated in the Hawke's Bay region.

Amendments to other provisions in RRMP

135. A number of submissions have requested amendments to the current wording of objectives and policies in the RRMP. In virtually all instances, Change 5 proposed amending those provisions only insofar as adding the words 'subject to OBJ LW1' or similar (for example, OBJ 29, OBJ 30, POL 53 and others). In Theme #102, we recommend deleting all references to provisions being 'subject to OBJ LW1'. Aside from that, many of the submitters' wording alterations would also seem to alter the intent of the provision, rather than just re-wording something for the sake of extra clarity, and are therefore considered beyond the scope of Change 5.

Theme # 101 Preliminary matters

Officers' Recommendation

136. No amendments to Change 5 are recommended arising from submissions specifically in this Theme, but it should be noted amendments arising from other submissions may also be of relevance (refer to Appendix 1 for a version of Change 5 as annotated by recommended amendments).

137. Submissions have requested a variety of alterations to OBJ LW1 – everything from slight wording changes, to adding and deleting specific clauses, and also replacing it with entirely new objectives. Some submitters are concerned that the current form and content of OBJ LW1 creates ambiguity as to the objective's intention and operation. At a general level, many submissions seek a somewhat different 'balance' between the use of natural resources, the social, economic and cultural wellbeing of people and communities and environmental values.
138. Our analysis covers the objective's associated provisions such as the issue statement and the AERs proposed in the new Chapter 3.1A. The analysis is also inherently linked to analyses of policies proposed in Chapter 3.1A, plus the alterations we recommend to policies in that new chapter.
139. While there is temptation to break the objective into its component clauses and analyse submissions accordingly, we consider that the objective maintains its strength and interpretive value when read as a whole as no sub-clause has more or less importance than another.

Objective LW1 – a broad framework

140. As has been stated in Part 2 of this report (background and context), the original goals with respect to drafting Change 5 were to have objectives and policies that provided an overall policy framework for assisting integrated management of the region's land and freshwater resources as a whole.
141. We have considered the submissions generally and reached the conclusion that OBJ LW1 is not as clear as it needs to be to provide a framework for RPS policies and subsequent content of regional plans. Without significantly altering its intent, we recommend that OBJ LW1 be amended so it forms a much clearer basis and framework for integrated management of land and water resources. To do this, the recommended amendments are intended to present a range of 'principles' and matters to be considered when, in particular, reviewing and preparing regional plans.
142. OBJ LW1 should create an overarching set of matters to ensure the integrated management of land and freshwater resources within the Hawke's Bay region. It is in direct response to an assessment which identified short-comings with the issue/resource-type approach in the current RPS where different chapters contain different sets of objectives and policies related to that subject matter. OBJ LW1 is also consistent with OBJs 1, 2 and 3 in Chapter 2 of the RRMP. Paragraphs 2.2.2 and 2.2.3 of the RRMP explain that (emphasis added):

...In order to work towards integrated management of the region's natural and physical resources, HBRC has identified the need to:

- *Firstly, integrate its resource management documents as far as is practicable*
- *Secondly, **express its general approach to the management of natural and physical resources, before focussing on the specific.***

Accordingly, Chapters 2 and 3 of this Plan contain the regionally significant issues, objectives and policies which apply across the whole region. The objectives and policies set out in Chapter 5 of this Plan have been developed in accordance with section 67(1) of the RMA and are applied as appropriate to the use of a particular resource.

143. Generally, submissions which have requested watering down or repeating of the higher order planning documents (such as from the RMA or NPSFM), are not supported in the recommendations. A number of submissions requested

recognition of some of the matters in s6 of the RMA. We consider it is unsafe to paraphrase or 'cherry-pick' s6 matters. We consider it would be safer and more appropriate for OBJ LW1 to be read and applied "subject to Part 2 of the RMA" for completeness and for avoidance of any doubt of these sections' relevance in policy making. We also recommend amending clause 4 to place particular emphasis on indigenous species, without excluding non-indigenous species if appropriate.

144. On the basis that OBJ LW1 ought to present a range of 'principles' and matters to be considered when, in particular, reviewing and preparing regional plans, we consider the objective itself does not need to specify any relative preferences or prioritisation of multiple values and uses, although several submitters have requested the objective be amended to do this.
145. Certainly, implementation of our recommended amended policies would ensure any such prioritisation or statement of preference happens through regional plans and resource consent processes. To this end, we specifically recommend slight alterations to clauses 1.5, 1.6 and 1.7. It should be noted we do recommend amendments to the policies in Chapter 3.1A to also provide for those values of regional importance and national importance (as is noted in the NPSFM's preamble). In Theme #103, we recommend various amendments to POL LW1 and the addition of Policies LW1A and LW1B which will provide a clearer framework for the identification of freshwater values, establishing freshwater objectives, setting water quality limits and targets and water allocation limits, and methods and timeframes to implement those limits. We consider that policies are the most appropriate form for outlining that framework, rather than in objectives as requested by some submitters.
146. One submitter requested the addition of a new clause in OBJ LW1 to recognise the need for freshwater quality to be maintained and enhanced. Instead, we recommend amending clause 2 and adding clause 2B. Consequently, and having regard to the amended policies in Chapter 3.1A and the other policies elsewhere in the RRMP, we do not consider it is necessary for another separate clause as requested.
147. We agree that the roles of afforestation and river management/flood protection activities need to be recognised as part of the broad overall judgements involved in managing the region's land and fresh water resources. Consequently, we recommend the addition of clauses 8A and 10A respectively.

"Subject to OBJ LW1..."

148. As stated in Part 2 of this report, all objectives in the RPS need to be considered together which will provide the required balance in decision-making. In any particular case, some RPS provisions may have more or less relevance than others.
149. As notified, OBJ LW1 was framed as a 'process-oriented' objective, and so it was appropriate for other relevant 'outcome' oriented provisions in the RPS to be dependent on, or 'subject to' OBJ LW1's process. With the amendments we are now recommending to OBJ LW1 and the associated policies in Chapter 3.1A, we consider it is no longer necessary for other provisions in the RPS to explicitly state they are 'subject to' OBJ LW1. The policies now being recommended will provide greater clarity about how OBJ LW1 is to be implemented, particularly regarding the framework of identifying values, establishing objectives, setting limits etc.
150. One submitter requested that OBJ 1.11 be amended so protection and enhancement of mauri is always the top priority. We do not agree. OBJ LW1 (and now also OBJ LW2) require a broad overall balancing of values. In Theme #103,

we recommend the addition of POL LW1B. We consider the approach laid out in that policy, plus the other policies in Chapter 3.1A is more appropriate than amending OBJ 1.11 in the manner requested by the submitter.

151. Even a goal as important in the national context as renewable electricity generation will not necessarily prevail over any other consideration. As with all RMA decisions involving benefits and disbenefits, it will be a question of deciding where the balance between them should lie, having regard to the factors and criteria set out in the legislation and relevant planning documents. More specifically in terms of renewable electricity generation, we recommend the addition of clause iD) in Policy LW1 (see Theme #103) and the identification of water use for renewable electricity generation as a secondary value in Policy LW2 Table 1 (see Theme #105).

OBJ LW1.11

152. It is acknowledged that there will always be alternative ways to draft a RPS or proposed Change thereto. Aside from several minor wording alterations, we consider OBJ 1.11 is better presented as a separate objective. In this way, the desired outcome of managing competing freshwater values is clearly articulated, being something which emerged from the LAWMS. We note the submission by Horticulture NZ requested something similar.
153. One submitter had requested the addition of a new objective regarding adequacy of information available to establish water quality and quantity limits. In Theme #103, we recommend amongst other things, the addition of new clauses gA and gB to POL LW1. With these new clauses, we do not consider it is necessary for a new objective to be inserted as requested.

Distinction between ‘managing’ land use and ‘managing the effects of’ land use

154. In Part 2 of our report (paragraphs 85-99) we discussed the use of the terms ‘use of land’, ‘discharges’ to or from production land and the ‘effects of use’ of production land. That discussion applies to some submissions in respect of OBJ LW1. Also of relevance is the distinction between ‘discharges’ and ‘loss’ of contaminants.

Efficient allocation

155. A few submitters have requested amending OBJ LW1.9 to include some clarity around what ‘efficient allocation’ means. POL LW1(j) also refers to adopting an integrated management approach that “ensures efficient allocation and use of fresh water within limits...” Having broadly evaluated submissions on, and intent of, OBJ LW1 as noted above, we recommend deleting clause 1.9 knowing that Policy LW1(j) and other provisions in the RRMP will still require consideration of efficient allocation matters.
156. We note that the NPSFM provides a meaning of ‘efficient allocation’. There are other terms defined in the NPSFM that are used in Change 5. We consider that a greater level of clarity and certainty could be provided to Plan users if the RRMP’s Glossary included cross-references to the NPSFM’s interpretation section. This would avoid the need for individual provisions to be amended to state what, for example, is included within the meaning of ‘efficient allocation’.

RiVAS

157. It is noted that one submission does not support the use of, or reference (in OBJ LW1’s explanation) to RiVAS as a method of ascertaining values because it is not objective in the selection of values, it has not been completed as an assessment tool and the expert selection panel process is not supported. Another submission

supported its use. RiVAS is a useful source of collated information available to the Council to consider, provided that it is applied in an appropriate manner. We do not recommend deletion of references to RiVAS given how it has been referenced in this case.

Ch 3.1A Issue statement

158. Having considered the submissions generally as noted above, we consider it is appropriate that the Issue statement be altered to better express the ‘problem’ or issue needing to be addressed. To do this, we recommend that the Issue statement be split into two statements. The first regarding the multiple and often competing values associated with freshwater resources, and the second, regarding the need for better integration, or ‘joined-up-thinking’ and decision-making about the interactions between the use of land and water. We note that chapters elsewhere in the RRMP already provide brief descriptors of the Issue on actual and potential ‘state’ of the region’s land and freshwater resources. Similar statements need not be included in Chapter 3.1A’s Issues.

Ch 3.1A anticipated environmental results

159. AERs are descriptors and indicators to be used to assess whether the policies and methods being implemented are achieving the stated objectives. The RPS already contains a number of AERs under each of the resource and issue-related chapter headings. The AERs in Chapter 3.1A should relate to assessing the achievement of the objective(s) in Chapter 3.1A, although naturally some AERs will also be relevant to objectives in other chapters of the RRMP and vice versa.
160. One submitter refers to the AERs in Chapter 3.1A having a basis on sound information, value identification and support for water storage projects. We do not consider the AERs themselves need amending for these matters, but we do note that elsewhere in our report, we have recommended a number of amendments that would establish a clearer policy framework for decisions being based on best available scientific information and values of catchment communities.
161. We consider AER 3.1A.7 should be amended to remove reference to ‘community’ water storage projects so it aligns with POL LW1(k).
162. We recommend amending AER 3.1A.6 to refer to overall water quality within the region being maintained or improved. This would be consistent with the NPSFM.

Theme # 102	Ch 3.1A Issue, Objective and AERs	Officers’ Recommendation
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|------|---|--|
| 163. | Amend Issue statement in Chapter 3.1A so it is recast as two issues as set out below. | |
| 164. | Amend OBJ LW1 and add a new OBJ LW2 as set out below. | |
| 165. | Amend the AERs in Chapter 3.1A as set out below. | |
| 166. | Amend the following provisions by deleting the words “subject to OBJ LW1”:
OBJ 22; OBJ 43; OBJ 25; OBJ 27; OBJ 27A; POL 47; POL 47A; OBJ 29; OBJ 30; and POL 53. | |
| 167. | Amend Policy 50(b) as set out below. | |
| 168. | Amend RRMP Glossary by adding definition of ‘NPSFM’ to mean “National Policy Statement for Freshwater Management 2011.” | |

169. Amend RRMP Glossary by adding definitions of the following terms being that they have “the same meaning as given in the NPSFM’s interpretation section”:
- efficient allocation; freshwater objective; limit; outstanding freshwater body; and target.

170. Further amend meaning of ‘efficient allocation’ by adding the words:

“Efficient allocation means ... for the purposes of this Plan, economic efficiency means water use which results in the optimum outcome for the environment and community; technical efficiency means the amount of water beneficially used in relation to that taken; and dynamic efficiency means the adaptability of water allocation to achieve ongoing improvements in efficiency.”

ISSUE LW 1

Potential for ongoing conflict between multiple, and often competing, values and uses of fresh water can create conflict in the absence of clear and certain resource management policy guidance and limited integration in management of land and water to promote sustainable management of the region’s natural and physical resources.

ISSUE LW 2

Limited integration of the management of land use and water quality and quantity reduces the ability to promote sustainable management of the region’s natural and physical resources.

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

The management of fresh water and land use and development is managed in an integrated and sustainable manner ~~that~~ which includes (in no particular order), subject to Part 2 of the RMA:

1. *identifying ~~ies~~ outstanding freshwater bodies in Hawke’s Bay region and protecting ~~ing~~s their water quality;*
 - 1A. *protecting the significant values of wetlands;*
 - 1B. *identifying values and uses of freshwater and establishing objectives for those values;*
2. *specifying ~~ies~~ limits and targets for water quality, and implementing ~~ing~~s methods to assist with the improvement of water quality in over-allocated catchments to meet ~~those any~~ targets within specified timeframes;*
 - 2B. *identifying limits for the taking and use of freshwater resources, avoiding over-allocation of freshwater where limits are not currently exceeded and phasing-out over-allocation over time;*
3. *recognising ~~ing~~s that the effects of land uses, freshwater quality and surface water flows can impact on the receiving coastal environment;*
4. *safeguarding ~~ing~~s the life-supporting capacity and ecosystems of fresh water, including with a priority for indigenous species in particular;*
5. *recognising ~~ing~~s the significant national and regional value ~~importance~~ of fresh water for human drinking, and animal drinking uses and for municipal water supply;*
6. *recognising ~~ing~~s the significant regional and national value ~~importance~~ of fresh water use for beverages, food and fibre production and processing;*
7. *recognising ~~ing~~s the potential for significant regional and national value arising from the non-consumptive use of water for renewable electricity generation;*
8. *promoting ~~ing~~s and enabling ~~ing~~s the adoption and monitoring of industry good practice for land and water management ~~practices~~;*
 - 8A. *recognising the role of afforestation in sustainable land use and improving water quality;*
 9. ~~ensures efficient allocation and use of water;~~
10. *recognising ~~ing~~s and providing ~~ing~~s for wairuatanga and the mauri of fresh water bodies in accordance with the values and principles expressed in Chapter 1.6, Schedule 1 and the objectives and policies in Chapter 3.14 of this Plan; and*
 - 10A. *recognising and providing for river management and flood protection activities.*
 11. *recognises the differing demands and pressures on freshwater resources within catchments across the Hawke’s Bay region, and where significant conflict exists*

between competing values, the regional policy statement and regional plans provide clear priorities for the protection or use of those freshwater resources.

OBJECTIVE LW 2 Integrated management of freshwater and land use and 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 exists between competing values or uses, the regional policy statement and regional plans provide clear priorities for the protection or use of those freshwater resources.

Principal reasons and explanation

Objectives LW1 and LW2 (and associated policies) assist HBRC to give effect to the 2011 National Policy Statement for Freshwater Management *by setting out a broad overall framework (in parallel with other objectives) for improving integrated management of the region’s freshwater and land resources.* These RPS provisions only partly implement the NPS for Freshwater Management. Regional plan policies and methods (including rules) also assist in giving effect to the NPS for Freshwater Management.

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

OBJ LW1 and OBJ LW2 are intended to outline the broad principles for policy-making and regional plan preparation to improve integrated decisions being made about the way the region’s land and freshwater resources are used, developed or protected across the region’s varying catchments and sub-catchments.

As well as different pressures in different catchments, freshwater values in Hawke’s Bay also vary spatially. In addition to the national values of fresh water identified in the NPSFM’s Preamble, HBRC has undertaken a process to assess freshwater values in Hawke’s Bay. This included beginning with a Regional Water Symposium in 2010, followed by a process involving stakeholder representatives to develop the Hawke’s Bay Regional Land and Water Management Strategy and a second Land and Water Symposium in 2011. This process helped HBRC to understand how to prioritise and strengthen policy options and management decisions for the different catchments. HBRC has also applied the River Values Assessment System (RiVAS)³⁴ to assess values of rivers in the region. The results of the RiVAS assessments for Hawke’s Bay reinforced the values identified at the symposiums and by the stakeholder reference group.

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

Anticipated Environmental Results

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

Anticipated Environmental Results	Indicator(s)	Data Source(s)
1. Land and water management is tailored and prioritised to address the key values and pressures of each catchment	Freshwater objectives, targets and limits for catchments and/or groups of catchments are identified in regional plans for catchments	Regional plans and changes to regional plans HBRC’s NPSFM Implementation Programme

³⁴ RiVAS, developed by Lincoln University, provides a standardised method that can be applied to multiple river values. It helps to identify which rivers are most highly rated for each value and has been applied in several regions throughout the country.

2. Primary values and uses identified in POL LW2 Table 1 are maintained and enhanced.	Freshwater objectives, targets and limits for catchments and/or groups of catchments are included in regional plans for catchments. Physical and biological parameters Social, cultural and economic indices	SOE monitoring and reporting Local authority records User surveys Catchment-specific monitoring programmes
3. Significant adverse effects on secondary values and uses identified in POL LW2 Table 1 are avoided.	Freshwater objectives, targets and limits for catchments and/or groups of catchments are included in regional plans for catchments. Physical and biological parameters Social, cultural and economic indices	SOE monitoring and reporting Local authority records User surveys Catchment-specific monitoring programmes
4. Regional economic prosperity is enhanced	Regional GDP trends and unemployment trends for primary sector and associated manufacturing and processing	Statistics NZ Economic activity surveys Employment records by sector
5. Water is efficiently allocated	Level of allocation Catchment contaminant load modelling and monitoring Water use restriction timings and durations	SOE monitoring HBRC Consents records Compliance records Catchment-specific monitoring reports Water-supply management plans
6. Quality of fresh water in region overall is <u>maintained or improved</u> .	Catchment targets are met and limits in regional plans are not exceeded Catchment contaminant load modelling and monitoring	SOE monitoring Compliance records Catchment-specific monitoring reports
7. Community w Water storage infrastructure projects are developed in water scarce catchments to provide increased water availability and security for water users	Commissioning of large-scale water storage feasibility reports Consents issued for water storage projects	Strategic partners and funding agencies for large-scale water storage feasibility projects HBRC consent records Building consent authority records

POL 50 To assess the availability of river bed gravel by: ...

(b) ensuring that as far as practicable, long term gravel extraction is undertaken at a level consistent with maintaining the rivers close to their design profiles, while maintaining compatibility with other resource management and environmental values, particularly ~~those any~~ values and uses ~~identified described in Objective LW1~~ Policy LW1, Policy LW1A, Policy LW1B and Policy LW2.

171. This section deals with submissions on Policy LW1 and should be read in conjunction with the analysis in Theme #105 regarding Policy LW2 (Prioritising Values).
172. Some submissions seek to delete these policies in their entirety and to replace them with broader policies reflecting the NPSFM and a detailed schedule of values for each catchment down to the level of water body, reach and zone; others seek amendments to the policies as currently framed; while others support the intent of the policies.
173. In conjunction with our recommended amended Objective LW1, Policy LW1 provides a 'default' catchment-based integrated management framework, while Policy LW2 prioritises some values in three catchments that have foreseeable multiple and conflicting values and uses.

Policy LW1

174. The intent of this policy is to give direction for the preparation of regional plans, specifically catchment-based plans. To make that clear, it is recommended to start the policy with "When preparing regional plans, ..."
175. Some submissions did not consider that Policy LW1 provided a complete integrated management framework for catchment-based plans, so within the scope of the submissions we have sought to rectify that by adding some additional policies (i.e. POL LW1A and POL LW1B) along the lines suggested by some submitters.
176. We recommend deletion of clause d) as the matter is now covered in OBJ LW1 and also the NPSFM itself. We do not recommend inclusion of water quantity-related matters as the NPSFM provision regarding outstanding water bodies requires only protection of water quality of outstanding water bodies.
177. No changes are recommended to clause f) as 'values and uses of water resources' are considered to include aggregate supply so the request to amend to 'water and water based resources' is not necessary.
178. One submission was concerned that 'reasonable' timeframes in clause i) could be interpreted in conjunction with clause f) to be 50 years. Another submission was concerned that imposing regulation for short term or medium gain will have adverse economic effects. Another sought recognition of existing sunk investment. Obviously there is a balance to be determined in setting a transition timeframe between socio-economic outcomes and environmental outcomes (as referred to in Clause i)). The assessment needs to recognise the value of investment of existing users as well as the practicality of implementing new limits for example. In some cases, new water quality limits may take several decades to achieve; for increased minimum flows it may be about providing sufficient time to alter farming systems or organise alternative supplementary water supplies. For the avoidance of doubt, amendments are recommended to clause i).
179. Another submission sought the deletion of 'and pathways' from clause i). This is not recommended as there may be other ways to transition towards meeting water quality and water allocation limits, other than setting a timeframe. For example, a stepped increase in minimum flow limits.

180. Some of the additional clauses we recommend (i.e. iA, iB, iC and iD) have come from OBJ LW1 following the reframing of that objective in response to submissions. Clauses iA), iC) and iD) are also supported by recent decisions on Change 4 ('Managing the built environment'), where in particular, reverse sensitivity is specifically addressed in Chapter 3.5 of the RPS - where objectives and policies aim to avoid or mitigate the nuisance effects arising from conflicting land uses being located in close proximity to each other. Reverse sensitivity on strategic infrastructure (including renewable electricity generation activities) is further addressed in RPS Chapter 3.13, where Objective 33A aims to avoid or mitigate adverse effects from the location of sensitive land use activities near physical infrastructure.
181. A new clause (gA) is recommended to acknowledge that working collaboratively with the catchment community in developing catchment-based regional plans, and particularly in the implementation of Policies LW1, LW1A, LW1B and LW2, is important. This supports clause e) and is consistent with the LAWMS.
182. A new clause (gB) is recommended acknowledging the need for policy being developed under Policies LW1, LW1A, LW1B and LW2 to be informed by best available scientific and socio-economic information and having a clear understanding of the costs and benefits of different management options. This is further discussed below in the context of water allocation.
183. A number of different requests have been made in relation to clause k) including deletion, retention and amendment. There is little justification presented to delete the clause in its entirety. One submission indicated that the current wording implies that 'benefits will accrue and the effects will be appropriate, when in fact this is only true if the infrastructure and any associated land uses are appropriately located, designed and managed and the effects including the cumulative effects are avoided, remedied or mitigated.' This was not the intended implication of clause k) as notified so we recommend this clause be amended accordingly. We also recommend that clause k) be amended to reflect that such schemes should also increase availability of new water in addition to improving security of supply to existing water users.
184. A new policy (POL LW1A) is recommended setting out the process for identifying values, establishing objectives and setting resource limits accordingly together with a new policy (POL LW1B) that sets a regional objective for safeguarding ecosystems and managing activities that impact on the mauri of water bodies. It is not considered necessary to simply list values and uses to support this new Policy LW1A, however a new paragraph has been added to the explanation giving examples of values as described in some submissions and referring to the list of national values contained in the preamble of the NPSFM and in the LAWMS.

Safe contact recreation

185. Some submitters sought amenity for contact recreation to apply to all of the Tukituki River and catchment. There is a distinction between water quality being for contact recreation (amenity) and for contact recreation (health). The latter ensures that microbiological water quality is safe to swim in. For clarity, we recommend water quality for safe contact recreation be added in POL LW1B.

Water allocation and over-allocation

186. A small number of submissions sought that a provision be included that provides how the phasing out of over-allocation, presumably both in terms of water quantity and quality, will be achieved.
187. Existing RRMP Policy 39 outlines the current approach where the volume of consented takes exceed the allocation limits in the RRMP. There are no similar provisions for water quality because there were no water quality limits set in the RRMP – it only contains water quality guidelines in a policy context.
188. A number of submissions sought additional provisions to address the processes for dealing with water allocation and over-allocation from a quantity perspective, some seeking considerable detail in relation to dates by which things should be done, particularly for the Greater Heretaunga /Ahuriri Catchment Area. One submission is seeking an additional issue, objective and suite of policies associated with the need to have adequate information on which to base any limit setting. It is unclear whether those new provisions requested would apply across the region or just to the Heretaunga catchment.
189. The NPSFM requires regional councils to set a defined timeframe and methods in regional plans by which over-allocation must be phased out to give effect to Policy B1 of the NPSFM. As the NPSFM states, the regional plan is the more appropriate planning document to define that process as it is first necessary to determine the limits that are appropriate for the freshwater objectives and then assess what the state of allocation is.
190. As we previously noted in Part 2 of our report, the Regional Council has identified a programme of activities for the development of regional plans and the associated resource investigations in its 2012-22 Long Term Plan and has adopted an Implementation Programme as required by the NPSFM (i.e. the NPSFMiP). This places the priorities on the catchments which are currently facing considerable resource pressure being the three catchment areas listed in Policy LW2.1 and subsequently expanded upon further in Table 1 of Policy LW2.
191. We acknowledge that resource management frameworks should be based on sound scientific information. This information is available for the Tukituki Catchment. More detailed groundwater modelling is required to improve our understanding of the interaction between the Heretaunga Plains aquifer and the associated surface water resources and this is programmed. However, it must be acknowledged that scientific information is rarely complete or certain and at times, resource management decisions do need to be made based on the best information that is currently available.
192. Therefore it is not necessary or appropriate for regional planning documents (i.e. RPSs and regional plans) to timetable investigations and the setting of groundwater and surface water allocation limits and water quality limits as requested by the submitter. We consider it unnecessary to repeat the NPSFM in the RPS. Furthermore, even if it were desirable to do so, we do not consider the new RPS Chapter 3.1A as the appropriate location for that. These timetabling and resourcing decisions should remain the focus of the Regional Council's Annual Plan and Long Term Plan processes. We do not consider a proposed new issue and objective around timetabling and decision-making necessary relating to the absence of, and the need for adequate information. However, the recommended additional clause gB) is considered to adequately address the matter raised.
193. One submission raises a number of other matters associated with water quantity including the identification of water management zones, developing transitional

allocations based on existing consented allocations, developing priorities for restrictions and developing methods for managing over-allocation once a limit has been established.

194. Existing RRMP Policy 39 sets out a series of steps to address allocation at a general level. Because of the economic impact of reducing water takes to meet any new allocation limits that might be imposed in a regional plan, it is appropriate that the methods and timeframes for achieving compliance with the new limits are developed as part of the s32 evaluation for that plan change.
195. These elements are included in the catchment-based regional plan for the Tukituki Catchment as contained in Plan Change 6. It identifies surface water and groundwater management zones and allocation limits for those zones, sets out how and when minimum flow restrictions will be imposed, and provides a timeframe for imposing increased minimum flows. Plan Change 6 does not address the issue of over-allocation in terms of water quantity as the allocation has been based on consented allocations and so no over-allocation arises.
196. It is not considered necessary to set transitional allocations in the RPS given that there is already a process underway for developing a catchment-based regional plan for the Greater Heretaunga / Ahuriri catchment and there are no over-allocation issues in any other parts of that catchment area.
197. The proposed new Policy LW1A is considered sufficient to provide the framework.

Theme # 103 POL LW1 Catchment-based integrated management

Officers' Recommendation

198. Amend POL LW1 and its associated reasons and explanation as set out below.
199. Insert new Policies LW1A and LW1B as set out below.

POL LW1 Problem solving approach - Catchment-based integrated management

When preparing regional plans, ~~to~~ adopt an integrated management approach to a whole-of-catchment approach to managing fresh water and land use and development within each catchment area, that (in no particular order):

- a) is consistent with ~~the integrated management approach outlined in~~ OBJ LW1 and OBJ LW2*
- b) provides for mātauranga a hapu o Ngāti Kahungunu and local tikanga Māori values and uses of the catchment in accordance with tikanga Māori*
- c) recognises the inter-connected nature of natural resources within the catchment area, including the coastal environment*
- ~~d) protects water quality of outstanding freshwater bodies~~*
- e) promotes collaboration and information sharing between relevant management agencies, iwi, landowners and other stakeholders*
- f) takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water resources for future generations*
- g) aims to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible and in accordance with POL LW2*
- gA) involves working collaboratively with the catchment community to implement POL LW1, POL LW1A, POL LW1B and POL LW2*
- gB) ensures the implementation of POL LW1, POL LW1A, POL LW1B and POL LW2 is informed by the best available information and scientific and socio-economic knowledge and by a clear understanding of the options including their achievability, costs, benefits and consequences*

- h) ensures the timely use and adaptation of statutory and non-statutory measures to respond to any significant changes in resource use activities or the state of the environment
- i) notwithstanding clause (f) above, provides ~~allows~~ reasonable transition times and pathways to meet any new water quantity limits or new water quality limits ~~included~~ in regional plans taking into account environmental (including socio-economic) costs and benefits
 - iA) recognises the regional value of fresh water for human drinking and animal drinking purposes while ensuring development of land takes into account water short areas that may affect the provision of adequate water supply (POL UD2(h)(ix))
 - iB) recognises the significant regional and national value of freshwater use for beverages, food, fibre and forestry production and processing
 - iC) avoids development that limits the use or maintenance of existing electricity generating infrastructure or restricts the generation output of that infrastructure
 - iD) recognises and provides opportunities for new renewable electricity generation infrastructure where the adverse effects on the environment can be appropriately managed and do not compromise the primary values identified in POL LW2 Table 1
- j) ensures efficient allocation and use of fresh water within limits to achieve freshwater objectives
- k) enables water storage infrastructure ~~which~~ where it can provide increased water availability and security for water users ~~in water scarce catchments~~ while avoiding, remedying or mitigating adverse effects on freshwater values

POL LW1A

When preparing regional plans:

- a) identify the values for freshwater, taking into account POL LW2 and Table 1
- b) establish freshwater objectives having regard to the priority afforded to the values and the requirements of POL LW1 as appropriate
- c) set water quality limits and targets, minimum flows and water quantity allocation limits so as to achieve those objectives, and
- d) set out how the water quality and quantity limits and targets will be implemented through regulatory or non-regulatory methods including specifying timeframes for meeting water quality and allocation targets.

POL LW1B

When setting the values and objectives referred to in POL LW1A, ensure:

- a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water are safeguarded;
- b) adverse effects on aspects of water quantity and water quality that contribute to mauri are avoided, remedied or mitigated; and
- c) the microbiological water quality in rivers and streams is safe for people to swim during the bathing season (November to April inclusive).

Principal reasons and explanation

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

catchment-based planning have emerged from the 2011 Hawke's Bay Land and Water Management Strategy.

Values include ecosystem values such as natural state, life-supporting capacity, aquatic habitats and biodiversity, recreational and cultural values such as contact recreation, amenity, mauri, shell fish gathering, water use values such as water supply for a range of purposes and social and economic values including the capacity to assimilate pollution, flood control and drainage and to the operation of existing infrastructure. National values of freshwater have been listed in the NPSFM preamble and values have also been identified in the Hawke's Bay LAWMS.

Approaches to issues, values and uses of catchments will vary so POL LW1, POL LW1A and POL LW1B does not prescribe a one-size-fits-all approach for all catchments in Hawke's Bay. Each catchment-based process will need to be tailored for what is the most appropriate approach for that catchment (or grouping of catchments). Regional plans and changes to regional plans will be the key planning instrument for implementing catchment-based approaches to land use and freshwater resource management.

200. A number of submissions sought clarification as to how this policy is to be applied and whether it is appropriate to prioritise values in the RPS pre-empting a catchment-based regional plan approach.

Prioritising values in the RPS undermines collaborative approach

201. Concern has been expressed that prioritising values in the three catchments, undermines the collaborative catchment-based approach. We acknowledge that tension, particularly in relation to the Greater Heretaunga and Ahuriri Catchment Area.
202. Change 5 has made use of various community engagement opportunities over recent years to identify important values and uses in different catchments but stakeholders are naturally reluctant to rank them and address the conflicts that exist between some uses and values. In Change 5, the Regional Council has made that call, as detailed in Policy LW2 Table 1, in relation to the three catchments which have significant existing pressures and conflicts.
203. Change 5 has gone through a formal consultative process (i.e. this one) and submissions can and have been made. Any decision will provide clearer direction for land and water management approaches in those catchments and make that process more efficient. Any submitters unhappy with the Council's final decisions on the setting of priorities can appeal those decisions to the Environment Court. This is a robust process which allows all parties to participate and express their views.

Additional values to be added to Table 1

204. Some submissions have requested other values and uses be added to the primary values and uses in all three catchments or to move values and uses that are currently in the secondary list to the primary list.
205. For clarity, some amendments to Table 1 are recommended to the primary values list as discussed further below. These include:
- a) individual domestic needs and stock drinking water needs (all three catchments);
 - b) natural character in the areas identified as being high. These have been identified as Tukituki River above the end of Tukituki Road, in the Waipawa River above the confluence with the Makaroro River, including the Makaroro River, whole of the Mohaka, Tutaekuri subcatchment above and including the Mangatutu River;
 - c) native fish habitat in the Ngaruroro and Tutaekuri Catchments (from secondary values and uses list).

Domestic needs and stock drinking water needs (all three catchments)

206. The value of water for a number of activities has been recognised in OBJ LW1 and POL LW1 some of which have been contained in Table 1. For completeness, it is appropriate to include individual domestic needs and stock drinking needs in Table 1 for all catchment areas.

Natural character

207. The preservation of the natural character of wetlands, lakes, rivers and their margins and their protection from inappropriate use and development must be recognised and provided for under RMA s6(a). The appropriateness of use and development is related, amongst other things, to the degree of natural character. Consequently, it is useful for the RPS to identify parts of a catchment that have been assessed as having high natural character values when compared to the rest of the catchment.
208. Natural character is one of the values that has been assessed as part of the RiVAS programme. It is noted that one submission does not support the use of, or reference to RiVAS as a method of ascertaining values because it is not objective in the selection of values, it has not been completed as an assessment tool and the expert selection panel process is not supported. Another submission supported its use. Nevertheless, it is a source of collated information available to the Council to consider, provided that it is applied in an appropriate manner.
209. In terms of natural character, the report recognised that this was the first application of the natural character criteria in the RiVAS framework in the country and was therefore something of a trial. Of the 46 river management units, 14 were assessed as high natural character value. For the purpose of Change 5, only the reaches relevant to the three catchments listed in Table 1 were reviewed.
210. The Mohaka River was assessed as a single unit and scored 'high' for natural character. This is supported by the Water Conservation Order. A score of 'high' is considered an appropriate assessment for this catchment.
211. The RiVAS assessment for the Ngaruroro River is consistent with Table 1 in that it is scored 'high' for the catchment area above the Whanawhana Cableway, including the Taruarau River. The upper part of the Tutaekuri River above and including the Mangatutu River also scored 'high' and is considered an appropriate assessment.
212. The Tukituki Catchment scored 'high' above SH50 including the Makaroro River, in the RiVAS assessment. In a more detailed study of the landscape undertaken as part of the assessment of the feasibility of the Ruataniwha Water Storage Scheme, natural character values were described for the Makaroro and Waipawa Rivers (Lister 2012)³⁵. It noted that the Waipawa River has moderately high natural character values for a short distance downstream of its confluence with the Makaroro River, but downstream of about Alderwood Farm, it has only a moderate degree of natural character.
213. The aerial observations of the Tukituki River using Google Earth imagery indicates a transition to a gorge river system in the vicinity of the end of Tukituki Road.
214. The terrestrial ecology characterisation (Forbes 2011)³⁶ did not indicate any major area of indigenous vegetation cover when headwaters are compared to the Waipawa River. The demarcation in natural character values for the Waipawa River and at the Makaroro confluence, the Tukituki River near the end of Tukituki Road, is consistent with the lower boundary of 'Water Management Zone 4' in proposed Tukituki Plan Change 6.

35 Lister, G (2012): Ruataniwha Water Storage Project landscape and visual assessment. W112/11 HBRC Plan #4384.

36 Forbes, A (2011): Tukituki Catchment Terrestrial Ecology Characterisation. EMT 11/12 HBRC Plan #4294.

Māori values

215. Initial drafting of POL LW1 and Table 1 specifically excluded values and uses that were identified in OBJ LW1 and/or POL LW1. The intent of this was to indicate a hierarchy and also to minimise duplication. However, more clarity and certainty has been sought by some submitters.
216. Recommended POL LW1B ensures adverse effects on mauri are avoided, remedied and mitigated and it is subsequently recommended that POL LW2.3 starts with "Subject to POL LW1A and POL LW1B, ..."

Native habitat

217. The RiVAS evaluation for native fish values considered ten indicators, nine of which were provided from modelling undertaken by Cawthron Institute using a variety of databases with the expert panel checking the modelling results and adjusting where necessary based on local knowledge. Barriers to fish passage is one of the ten indicators for predicting likely species and habitat values.
218. Of the ten indicators, the key ones were the presence of declining or threatened populations and the importance of the catchment as a stronghold habitat.
219. Tukituki, Ngaruroro and Tutaekuri catchments all scored high for large numbers of declining species, as did the Wairoa catchment.
220. Mohaka had a lesser score because natural barriers limited the diversity of native fish species in that catchment.
221. Hence it is recommended to move native fish habitat from a secondary value in the greater Heretaunga / Ahuriri catchment to a primary value in the Ngaruroro and Tutaekuri catchments.
222. It is not considered necessary to add fish passage to the current references to native fish habitat as this is already specifically addressed in Chapter 5.8, Table 12. The application of Table 1 means that where some primary values and uses are in conflict, regional plans must establish objectives that best meet the conflicting values and uses.

Other values and uses

223. One submission requested 'water use for renewable electricity generation' be included in Table 1 as a secondary value. While this is not a current conflicting use, it is an activity that is the subject of a national policy statement that requires local authorities to recognise and provide for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities. By including this use as a secondary value, alongside existing provisions in the RPS, we consider Change 5 would give greater effect to the NPSREG than the current RRMP.
224. Freshwater use for beverages, food, fibre production and processing is considered to be covered under industrial and commercial use.
225. Submissions from the forestry sector requested that forestry be specifically mentioned as a value in the three identified catchments and as a tool to improve resilience and water quality. This point has been addressed in Theme #102 with the inclusion of clause 8A in OBJ LW1. As a primary production land use, forestry is covered by the primary value of 'water use associated with maintaining or enhancing land-based primary production'. An addition is proposed to the urban water supply clause in Table 1 as follows '...and water supply for key social infrastructure facilities.'

226. One submitter sought clarification as to whether urban water supply included water used for irrigating parks and sports fields. While the intent was to cover water for people's needs, territorial authorities' water takes do include such irrigation supplies and these are covered by the term 'urban'. However, such takes would still be subject to minimum flow restrictions and water conservation measures in drought conditions.
227. Another submitter sought to recognise the 'non-rural' location of some social infrastructure such as prisons. We propose an addition to the urban water supply clauses in Table 1 to refer to 'water supply for key social infrastructure facilities.'

Potential inconsistency between catchment-based regional plans and the provisions of Table 1

228. The hierarchy of planning documents means that any regional plan must give effect to provisions of the RPS. If an objective in a catchment-based regional plan elevates a particular listed secondary value or use to a higher level of protection and at the same time still ensures the objectives for the primary values or uses are met, the regional plan could still be said to give effect to Change 5.
229. The same could not be said however if a freshwater objective in a catchment-based regional does not provide primary values with the appropriate level of protection. The RPS is giving direction as to what the primary value or use is and the regional plan must give effect to it.
230. Nevertheless, the protection of the primary values cannot be considered in absolute terms because there are some primary values and uses listed in Table 1 which can potentially be in conflict. A collaborative process is still required to find objectives that best meet both the conflicting values.
231. In summary, Policy LW2 and Table 1 can be seen as a bottom-line and should not necessarily hinder collaboration to achieve the best outcome possible for all values.

Geographical extent of the values and uses identified in Table 1

232. The description of primary and secondary values in the Table 1 sometimes applies to the whole catchment area and sometimes is limited to a defined reach or area within the catchment. This has been noted in at least one submission. This reflects the scale of the information on which the values have been assessed. For example, the reach-specific values in the Mohaka catchment reflect the Water Conservation Order. Aggregate supply is limited to downstream of the general vicinity of Maraekakaho as that is where the build-up occurs and management is needed to maintain flood capacity within the flood scheme. A clearer description of this area would be a reference to downstream from the confluence with the Mangatahi Stream as there is some aggregate extraction slightly upstream of Maraekakaho settlement.
233. Where the value is generally applied, there is scope through the catchment process for more refined application of the values. This may mean that objectives that reflect values and uses which are listed as secondary values may be able to reflect a higher threshold in some areas of the catchment provided that it is consistent with Policy LW2.3.
234. We agree that ultimately, regional planning documents should identify specific values for different catchments and for different zones within those catchments

across the region if they are to be consistent with the NPSFM. The NPSFM gives councils time to fully implement it via a programme of time-defined stages.³⁷

Values and uses not listed in Table 1

235. A question has been raised as to how values and uses that are not listed in Table 1 will be managed. Absence of a value or a use does not preclude it from consideration. A range of values and uses will be identified through the processes outlined in Policy LW1 and LW1A and these will be considered alongside the values in Table 1 for the specified catchments. An additional clause is proposed to Policy LW2 to make that clear.

Theme # 105	POL LW2 Prioritising values	Officers' Recommendation
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236. Amend Policy LW2, including Table 1 as set out below:

POL LW2 Problem solving approach - Prioritising values

1. Subject to Objective LW1.1 to 1.10, When preparing regional plans, or considering applications for resource consents for activities where catchment-based regional plans for the catchments specified in Table 1 have not been prepared, recognise and give priority to maintaining ~~or and~~ enhancing the primary values and uses of freshwater bodies shown in Table 1 for the following catchment areas³⁸ in accordance with Policy LW2.3:
 - a) Greater Heretaunga / Ahuriri Catchment Area;
 - b) Mohaka Catchment Area; and
 - c) Tukituki Catchment Area.
2. *In relation to catchments not specified in POL LW2.1 above, the management approach set out in POL LW1, POL LW1A and POL LW1B will apply.*
- 2A. In relation to values not specified in Table 1, the management approach set out in POL LW1, POL LW1A(b), (c) and (d) and POL LW1B will apply.
3. Subject to POL LW1A and POL LW1B Subject to Objective LW1.1 to 1.10, manage the fresh water bodies listed in Policy LW2.1 in a manner that:
 - a) recognises and gives priority to maintaining ~~or and~~ enhancing primary values and uses identified in Table 1; and
 - b) avoids, as far as is reasonably practicable, significant adverse effects on secondary values and uses identified in Table 1; and
 - c) uses an integrated catchment-based process in accordance with POL LW1, POL1A and POL LW1B to evaluate and determine the appropriate balance between any conflicting primary values and uses in Table 1.

³⁷ See discussion on the NPSFMiP in Part 2 of this report.

³⁸ A map illustrating the indicative location of these Catchment Areas is set out in Appendix 'A'.

TABLE 1:

Catchment Area	Primary Value(s) and Uses – in no priority order	Secondary Value(s) and Uses – in no priority order
<p>Greater Heretaunga / Ahuriri Catchment Area</p>	<ul style="list-style-type: none"> • Individual domestic needs and stock drinking needs • Industrial & commercial water supply • Native fish habitat in the Ngaruroro River and the Tutaekuri River catchments • The high natural character values of the Ngaruroro River and its margins sub-catchments 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 • Urban water supply for cities and townships and water supply for key social infrastructure facilities • Water use associated with maintaining or enhancing land-based primary production 	<ul style="list-style-type: none"> • Aggregate supply and extraction in Ngaruroro River downstream of Marakakaho confluence with the Mangatahi Stream • Amenity for contact recreation (including swimming) in lower Ngaruroro River, Tutaekuri River and Ahuriri Estuary • Native fish habitat, notwithstanding native fish habitat as a primary value and use in the Ngaruroro River and the Tutaekuri River catchments • Recreational trout angling • Trout habitat
<p>Mohaka Catchment Area</p>	<ul style="list-style-type: none"> • Amenity for water-based recreation between State Highway 5 bridge and Willowflat • Individual domestic needs and stock drinking needs • Long-fin eel habitat and passage • Recreational trout angling in Mohaka River and tributaries upstream of State Highway 5 bridge • Scenic characteristics of Mokonui and Te Hoe gorges • The high natural character values of the Mohaka River and its margins 	<ul style="list-style-type: none"> • Aggregate supply and extraction in Mohaka River below railway viaduct • Native fish habitat below Willowflat • Water use associated with maintaining or enhancing land-based primary production • Water use for renewable electricity generation in areas not restricted by the Water Conservation Order
<p>Tukituki Catchment Area</p>	<ul style="list-style-type: none"> • Individual domestic needs and stock drinking needs • Industrial & commercial water supply • Native fish and trout habitat • The high natural character values of: <ul style="list-style-type: none"> ○ The Tukituki River upstream of the end of Tukituki Road; and ○ The Waipawa River above the confluence with the Makaroro River, and including the Makaroro River • Urban water supply for towns and settlements and water supply for key social infrastructure facilities • Water use associated with maintaining or enhancing land-based primary production 	<ul style="list-style-type: none"> • Aggregate supply and extraction in lower Tukituki River • Amenity for contact recreation (including swimming) in lower Tukituki River. • Recreational trout angling in: <ul style="list-style-type: none"> ○ middle Tukituki River and tributaries between SH50 and Tapairu Road; & ○ middle Waipawa River and tributaries between SH50 and SH2 • Water use for renewable electricity generation in Tukituki River (mainstem) and Waipawa River above SH50 including Makaroro River

Principal reasons and explanation

Policy LW2.1 and 2.3 prioritises values of freshwater in three Catchment Areas where significant conflict exists between competing values. Clearer prioritised values in ‘hotspot’ catchments where significant conflicts exist was an action arising from the 2011 Hawke’s Bay Land and Water Management Strategy. POL LW2 implements OBJ [LW1.11-LW2](#) in particular insofar as explicit recognition is made of the differing demands and pressures on freshwater resources, particularly

within the three nominated 'hotspot' catchment areas. In relation to the remaining catchment areas across the region, Policy LW2 does not pre-define any priorities, thus enabling catchment-based regional plan changes (refer POL LW1) for those areas to assess values and prioritise those values accordingly.

The primary and secondary values in Table 1 are identified to apply to the catchment overall, or to sub-catchments *or reaches* where stated. ~~When read subject to OBJ LW1.1 to 1.10, the values and uses in~~ Table 1 recognises that not all values are necessarily equal across every part of the catchment area, and that some values in parts of the catchment area can be managed in a way to ensure, overall, the water body's value(s) is appropriately managed. *With catchment-based regional planning processes it is potentially possible for objectives to be established that meet the primary values and uses at the same time as meeting the secondary values.*

[Refer also:

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

Theme # 106 Setting limits

Officers' overall analysis

- 237. A small number of submissions sought that a provision be included that establishes water quantity and water quality limits that will achieve freshwater objectives for all water bodies in each catchment.
- 238. The NPSFM requires regional councils to establish freshwater objectives and set freshwater quality limits for all water bodies in the region.
- 239. Change 5 goes some way to inform the establishment of freshwater objectives by setting out a framework within which values, objectives and limits can be developed and included in regional plans. We have recommended a number of amendments to OBJ LW1 and OBJ LW2 and their associated policies in Chapter 3.1A to provide greater clarity for the process and basis for limit-setting. These can guide the establishment of freshwater objectives on a catchment by catchment basis and then water quantity and water quality limits can be determined and set in regional plans which we consider are the more appropriate planning document to contain such limits.
- 240. Tukituki Plan Change 6 has recently been adopted by Council for public notification in May 2013. Change 6 is the first of the catchment-based regional plan changes to be developed. It contains freshwater objectives and water allocation limits and water quality limits.
- 241. Some requests also sought that limits should not allow further degradation or should maintain the current water quality state. However, such a blanket approach is not appropriate, as it might unnecessarily hinder resource use. It is more appropriate that freshwater objectives are defined and then limits or targets are set, having regard to current water quality.

Theme # 106 Setting limits

Officers' Recommendation

- 242. No amendments to Change 5 arising from submissions specifically in this Theme, but it should be noted amendments arising from other submissions may also be of relevance (refer to Appendix 1 for a version of Change 5 as annotated by recommended amendments).

243. In the context of this new Integrated Land Use and Freshwater Management chapter of the RPS, POL LW3 and POL LW4 address the approach to be taken in relation to land use.
244. Many of the amendments requested by submitters related to the use of the words in the title of Policy LW3 'Managing use of production land use' and the leading clause "To manage the use of, and discharges from, production land..."
245. In Part 2 of this report (i.e. at paragraphs 85-99), we discuss the Regional Council's powers under the RMA in respect of 'managing' land use, 'controlling' land use as compared to 'controlling the effects of land use', and controlling discharges of contaminants. We do not repeat that analysis here, but in short, we consider the use of the term 'manage' is a more appropriate broader term in the context of POL LW3 which covers both regulatory and non-regulatory elements.
246. Further to our discussion in Part 2 about distinctions between the use of land and discharges from production land, we regard the most common contaminants from the use of production land as being nitrogen, phosphorus, sediment and bacteria and pathogens. In terms of nitrogen and phosphorus, these are commonly referred to as nitrogen or phosphorus losses or loads. For nitrogen, this is to be managed where it leaves the rootzone, as opposed to managing it as an input to the farming system such as a set amount able to be applied to the land per hectare per year. Making this distinction in clause (a) would be helpful for clarity.
247. Clauses (a) and (c) refer to nitrogen and phosphorus limits being set in regional plans signalling a regulatory approach and an approach consistent with the NPSFM. Having regard to the Tukituki Plan Change 6 recently adopted by the Council on 27 February 2013 - but not yet notified, and the use of regulation through a permitted activity rule for managing both nitrogen and phosphorus loss from production land, some further clarity is considered necessary in clause (c) which might imply that a solely non-regulatory method is anticipated. One submitter has sought a change to this effect.
248. The intent of clause (b) is to address the bacteria and pathogens from faecal matter and signals that these contaminants should not cause human consumption and irrigation guidelines for water quality to be exceeded. It should also include reference to faecal indicator limits, not just guidelines.
249. One submitter requests that POL LW3 should be broadened to include other land uses. The discharges from other land uses are generally related to RMA s15 discharges and there is adequate provision in other parts of the RPS to address those activities and effects. We consider it is appropriate for POL LW3 to focus on the use of production land as it has distinct non-point source discharges which require different management approaches. We note the RMA refers to and defines 'production land' already.
250. We consider the process for setting water quality limits is more appropriately done at a regional plan level and on a catchment basis. The LAWMS also noted this approach as one of many actions to implement that strategy. Review and preparation of regional plan provisions for catchments is also where decisions should be made regarding appropriate time frames and mechanisms for dealing with over-allocation in terms of nutrients. This enables the assessment of environmental, economic social and cultural benefit and cost implications of any

approach. We have recommended that this be made more explicit by our recommended amendments to POL LW1(i) under Theme #103.

251. As a result of the submissions, we recommend amendments to Policy LW3 to ensure the policy is focused on the underpinning regulatory approach for managing the use of production land while Policy LW4 continues to address the complementary non-regulatory approaches.
252. In particular, we recommend moving clause (d) from POL LW4 and inserting it into POL LW3 (in a slightly amended form) as clause (d) deals with regional plan changes which are primarily regulatory tools.

Theme # 107	POL LW3 Managing use of production land	Officers' Recommendation
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253. Amend POL LW3 and its associated reasons and explanation as follows:

POL LW3 Problem solving approach – Managing use of production land ~~use~~

1. To manage the use of, and discharges from, production land in specified catchments so that:

- a) the ~~loss discharge~~ of nitrogen ~~from the root zone of production land to land~~, and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded;
- b) the discharge of faecal matter from livestock to land, and thereafter to groundwater and surface water, does not cause ~~faecal bacteria indicator water quality limits for~~ human consumption and irrigation ~~purposes guidelines for water quality~~ set out in regional plans to be exceeded;
- c) the ~~loss of phosphorus from production land into groundwater or surface water does not cause limits or targets set out in regional plans to be exceeded. any monitored exceedence of soluble reactive phosphorus limits set out in Policy 71 of this Plan is used to target and prioritise the Regional Council's non-regulatory methods.~~

2. To review regional plans and prepare changes to regional plans to promote integrated management of land use and development and the region's water resources.

Principal reasons and explanation

Policy LW3 makes it clear that HBRC will manage the loss of contaminants (nitrogen, phosphorus and faecal indicator bacteria) from production land ~~use activities leaching nitrogen and faecal coliform bacteria~~ to groundwater and surface water under section 9 of the RMA in order to ensure that groundwater and surface water objectives and limits ~~values~~ identified in specified catchment areas are ~~achieved maintained or enhanced where necessary.~~ This will require as a minimum a permitted activity rule for production land under section 9 of the RMA. Restrictions under section 15 of the RMA may also be ~~apply to production land use activities applied.~~ Phosphorus leaching and run-off will be primarily managed by non-regulatory methods as it is primarily caused by soil loss and cannot be practicably controlled by way of permitted activity conditions or consent conditions. This approach will be complemented by industries' implementation of good agricultural practices.

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

Theme # 108 POL LW4 Non-regulatory methods

Officers' overall analysis

254. Submissions on this policy sought the deletion of the reference to regional plans (clause d) or alternatively including regulatory methods in the titles. Other submissions sought the inclusion of a reference to industry good practice and incorporating some of the themes from the LAWMS.
255. Given the evaluation undertaken for Policy LW3 (Theme #107) which now focuses on regulatory methods, we consider Policy LW4 should now equally focus on non-regulatory methods. Therefore it is proposed that clause d is removed from POL LW4 and inserted into POL LW3 as indicated in Theme #107.
256. It is also appropriate that Policy LW4 is more explicit in relation to the role of industry good practice and catchment-based management plans.

Theme # 108 POL LW4 Non-regulatory methods

Officers' Recommendation

257. Amend Policy LW4 as follows:

POL LW4 Role of non-regulatory methods

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

a) industry good practice – HBRC will strongly encourage industry and/or catchment-based industry good practices for production land uses along with audited self-management programmes as a key mechanism for achieving freshwater objectives at a catchment or sub-catchment level. HBRC will also strongly encourage collaborative partnership initiatives through the Pan Sector Group³⁹ for the effective and efficient delivery of industry good practice programmes and for monitoring and evaluating the effectiveness of such programmes.

*a) **research, investigation and provision of information and services** – HBRC has in place a programme of research, monitoring and assessment of the state and trends of Hawke's Bay's natural resources. That programme will continue to be enhanced to assist HBRC implement the NPSFM and Hawke's Bay Land and Water Management Strategy.*

*b) **advocacy, liaison and collaboration** – HBRC will promote a collaborative approach to the integrated management of land use and development and the region's freshwater resources.*

*c) **land and water strategies** – the 2011 Hawke's Bay Land and Water Management Strategy contains a variety of policies and actions. A range of agencies and partnerships will be necessary to implement the actions and policies in the Strategy.*

*~~d) **regional plan provisions** – HBRC will review regional plans and prepare changes to those regional plans to promote integrated management of land use and development and the region's water resources. Most regional plan changes will be on a catchment basis, although some changes may be prepared for specific issues that apply to more than one catchment. HBRC has prepared a NPSFM Implementation Programme that outlines key regional plan and policy statement change processes required to fully implement the NPSFM by 2030.~~*

³⁹ *The Pan Sector Group was officially formed at the beginning of 2012, in recognition of the need to work collaboratively to drive continued investment into research and development of regional initiatives around best practice and farm profitability. The Group includes regional and national representatives of the leading primary sector industry organisations and research agencies. The initial focus was on realising the potential benefits socially, economically and environmentally of the Ruataniwha Water Storage Scheme but the group has increasingly had a role in assisting shaping policies, rules and regulations within the proposed Regional Plan Change 6 for the Tukituki catchment.*

Principal reasons and explanation

Policy LW4 sets out the role of HBRC's non-regulatory methods in supporting regional rules and other regulatory methods to assist management of freshwater and land use and development in an integrated manner. This policy (and POL LW1) recognises the need for a collaborative approach as an important means of minimising conflict and managing often competing pressures for the use and values of fresh water. The benefits of collaboration include sector and landholder buy-in, minimising transaction costs and recognising the public and private benefits from shared initiatives.

258. This Theme deals with submissions on groundwater quality Objectives 21 and 22 and consequential amendments to duplicate objectives in the regional plan Objectives 42 and 43. It also deals with submissions on Policy 16.

Objectives

259. The RMA is not a no-risk statute. Specifying a policy outcome that requires “no degradation” of the Heretaunga Plains and Ruataniwha Plains aquifer systems is unworkable as it precludes even minor changes to water quality and aquifer levels. It is nowadays commonly accepted that policy drafting should avoid the use of such absolute and unachievable statements. Further, it provides no guidance as to the spatial and temporal water quality state against which ‘no degradation’ is to be measured. A more robust process is to establish the freshwater objectives for the waterbody (which can be inclusive of appropriate use and development), and then set water quality limits or targets accordingly as promoted by the NPSFM.
260. The amendment reconfigures OBJ 22 and clearly identifies the freshwater objective. The s32 Report concludes that the amended objectives (as notified in Change 5) are more appropriate than the status quo for achieving the RMA’s purpose. We agree with the s32 Report’s conclusion in this regard.
261. One submitter sought the addition of ‘as determined by Ministry of Health Standards’ to better clarify how natural water quality will be defined. While we do not consider this is necessary for the objectives’ implementation, the hearing commissioners may consider that it does provide clarity and is appropriate to include in these objectives.
262. As stated in Part 2 of this report, all objectives in the RPS need to be considered together which will provide the required overall judgement in decision-making. In any particular case, some RPS provisions may have more or less relevance than others. Consequently in Theme #102, we are recommending removing references to provisions being “subject to OBJ LW1.” This will assist implementing OBJ 22 in a manner consistent with the broad overall management approach (as outlined in OBJs LW1 and LW2), while also ensuring that other objectives in the RPS are considered as part of an integrated land and water management process.

Regional plan objectives to give effect to RPS objectives

263. One submitter has raised a question about the validity of the public notice published when Change 5 was publicly notified. The submitter observes that the public notice referred to only the RPS and did not specify that any regional plan provisions in the RRMP were proposed to be amended as part of Change 5.
264. It should be noted that in the RRMP, Objective 42 is an exact replica of RPS Objective 21, and Objective 43 is an exact replica of RPS Objective 22. Section 65(6) of the RMA requires regional plans to give effect to RPSs. Section 65(7)(b) adds that where a regional plan does not give effect to a RPS, then the local authority must amend the regional plan as soon as reasonably practicable.
265. We consider the adequacy of the public notice to be a technical argument that at the end of the day, would not alter the need for OBJs 42 and 43 in the regional plan to be amended so they give effect to RPS OBJs 21 and 22. It would seem to be a pragmatic approach that OBJs 42 and 43 are amended now as part of Change 5 in an identical fashion to RPS OBJs 21 and 22 which are also proposed to be amended by Change 5.

266. The alternate scenario is for RPS OBJs 21 and 22 to be amended as part of Change 5 (as we have assessed earlier in this section). Then, as soon as reasonably practicable, the Regional Council would have to publicly notify changes to regional plan Objectives 42 and 43 that give effect to RPS OBJs 21 and 22. With the wording of these objectives being identical, albeit located within different regional planning documents within the RRMP, any such future regional plan change would almost certainly propose identical wording to the amended words of OBJs 21 and 22 – whatever they may be as an outcome of Change 5’s process. There is little if any public policy merit in avoiding the use of the Change 5 process to amend Objectives 42 and 43 and no evidence that any potential submitters were misled by the public notice. It is our view that acceptance of this purely technical submission would not represent an efficient use of Council’s (or indeed submitters’) resources.

Policy 16

267. In Part 2 of this report (i.e. at paragraphs 85-99), we discuss the Regional Council’s powers under the RMA in respect of ‘managing’ land use, ‘controlling’ land use as compared to ‘controlling the effects of land use’, and controlling discharges of contaminants. The discussion presented in Part 2 applies to some submissions in respect of Policy 16. Also of relevance is the distinction between ‘discharges’ and ‘loss’ of contaminants.
268. The purpose of Policy 16 is to signal that certain activities (discharges) will not be allowed as permitted activities and will therefore be subject to a resource consent process if the discharge could cause contamination of the unconfined aquifer systems in the Heretaunga Plains and Ruataniwha Plains. It means that for the activities listed in this policy, the permitted activity rule will have a condition which excludes the application of that rule where the activity is over the unconfined aquifers of the Heretaunga Plains and Ruataniwha Plains.
269. With the benefit of hindsight (and with Council having now adopted Change 6 for the Tukituki catchment) it is clear that it is not appropriate to refer to land use matters in Policy 16 as that policy deals with point source discharges – a RMA s15 matter. As discussed previously in Part 2 of this report, Council is managing the effects of land use through a mix of section 9 land use rules and non-regulatory initiatives. Consequently, it is recommended that the last bullet point be deleted from Policy 16.
270. It should be noted that the scope of submissions range from deletion to amendments to including an appropriate qualification.

Theme # 109 Objectives 21, 22, 42, 43 and Policy 16

Officers’ Recommendation

271. Retain Objectives 21 and 22 as notified in Change 5, albeit that the words “subject to Objective LW1” in OBJ 22 is removed.
272. Retain Objectives 42 and 43 as notified in Change 5, albeit that the words “subject to Objective LW1” in OBJ 43 is removed.
273. Amend Policy 16 by deleting proposed bullet point as set out below.
274. Amend AERs in Chapter 3.8 as set out below.

POL 16

To regulate the following activities involving the discharge of contaminants onto or into land over the Heretaunga Plains unconfined aquifer area (as shown in Schedule

Va) or Ruataniwha Plains unconfined aquifer area (as shown in Schedule IV) at a rate that may cause contamination of the aquifer systems:

- The storage of stock feed
- The use of compost, biosolids, and other soil conditioners
- Animal effluent discharge
- Management of solid waste
- Existing domestic sewage disposal systems
- New domestic sewage disposal systems
- Stormwater discharges
- Discharges to land that may enter water
- ~~[The effects of land use activities on production land.](#)~~

Anticipated Environmental Result	Indicator	Data Source
<p>No degradation of existing groundwater quality in confined productive aquifers <u>beyond a level suitable for human consumption and irrigation without treatment</u></p>	<p>Nitrate levels</p> <p>Organic and inorganic determinands of significance in NZ Drinking Water Standards</p> <p>E.coli levels</p> <p>Pesticides and herbicides</p>	<p>Ministry of Health</p> <p>Council monitoring</p>

275. This section deals with submissions on Change 5's proposals regarding the Issue statement, OBJ 25, OBJ 27, OBJ 27A, POL 47 and POL 47A in Chapter 3.10 of the RRMP.

Issue statement

276. Two submitters requested additional clauses highlighting the contamination of aquifers and consequential degradation of surface water. Chapter 3.8 separately deals with activities and effects that impact on groundwater resources.

277. One submitter requested deleting references to production land use activities. In Part 2 of our report (at paragraphs 85-99), we discuss distinctions between the use of land and discharges from activities occurring on production land. We consider the reference to production land use activities in the Issue statement are appropriate and should not be removed.

278. We do not recommend any amendments to the Issue statement in Chapter 3.10.

Objectives 25, 27 and 27A

279. As stated in Part 2 of this report, all objectives in the RPS need to be considered together which will provide the required broad judgement in decision-making. In any particular case, some RPS provisions may have more or less relevance than others. Consequently in Theme #102, we recommend removing references to provisions being "subject to OBJ LW1." This, together with our amendments to policies in Chapter 3.1A, will assist implementing Objectives 25, 27 and 27A in a manner consistent with the broad overall management approach (as outlined in OBJs LW1 and LW2), while ensuring that other objectives in the RPS are considered as part of an integrated land and water management process.

280. A few submissions request reinstating the reference to the maintenance or enhancement of surface water. We consider Change 5's amendments to OBJ 25 do not weaken its intention and scope insofar as maintaining or enhancing the quantity of water in rivers, lakes and wetlands. Rather, the amendments make the objective clearer with the baseline still being that aquatic ecosystems are sustained and other values and uses such as irrigation (as identified through a catchment community process or identified in POL LW2) are appropriately provided for.

281. Two submitters seek clarification of the reference in Objective 27A to 'remnant indigenous vegetation.' The scarcity of indigenous vegetation and wetlands is already featured in RRMP Ch 3.4. In that chapter, provisions refer to preserving and enhancing "remaining areas of significant indigenous vegetation." It would be useful to import this wording into OBJ 27A to replace uncertain reference to 'remnant' indigenous vegetation.

282. One submitter requests rewording of OBJ 27A to recognise the benefits of non-indigenous riparian vegetation. The Explanation and Reasons currently in RRMP Chapter 3.10 already refer to the management of riparian margins, including riparian vegetation. We do not consider OBJ 27A needs to be further amended to recognise the benefits of maintaining and enhancing non-indigenous vegetation.

283. One submitter has requested a new clause be added to OBJ 27A to recognise indigenous vegetation on water body margins can support use of natural

resources in accordance with tikanga Māori. We agree and accordingly recommend addition of new clause (c).

Policies 47 and 47A

284. In Part 2 of this report (i.e. at paragraphs 85-99), we discuss the Regional Council's powers under the RMA in respect of 'managing' land use, 'controlling' land use as compared to 'controlling the effects of land use', and controlling discharges of contaminants. The discussion presented in Part 2 applies to some submissions in respect of Policy 47. We consider reference to 'managing' activities in this context is appropriate and should not be replaced with reference to 'controlling' activities.
285. Two submitters suggest different amendments in relation to POL 47A(a)'s reference to adverse effects being "avoided as far as practicable." The intent of clause (a) in POL 47A is to place greater emphasis on the avoidance of adverse effects where it is practicable in the circumstances to do so. This emphasis is deliberate rather than simply repeating the RMA's non-preference of avoidance over remediation or mitigation, or vice versa. We consider clause (a) appropriately acknowledges that it will not be possible to avoid adverse effects in every circumstance. For clarification, we recommend addition of clause (aA) so adverse effects are expected to be remedied or mitigated where avoidance is not practicable.
286. One submitter suggests POL 47A(b) should be amended so wastewater, solid waste and other waste products would be disposed into surface water or coastal water only in emergency situations, while another suggests the disposal should be prohibited. In the NPSFM's preamble, one of the national values of freshwater was identified as being the use for "cleaning, dilution and disposal of waste." Clause b) refers to disposal of waste to water only occurring when it is the best practicable option. The RMA itself and a significant body of case law exists to define and interpret 'best practicable option' as it may relate to a variety of circumstances. We consider amending clause b) to be limited to emergency situations only, or as a prohibition, is unnecessary and disregards one of the national values of water as noted in the NPSFM's preamble.
287. One submitter refers to the need to define 'contaminant' in the context of POL 47A. The RRMP's glossary already defines this term as does the RMA itself. Further definition in the policy is considered unnecessary.

Central Hawke's Bay township wastewater

288. CHBDC make references to their investment in existing and new proposals to collect, treat and dispose of wastewater from townships. No specific decisions are requested as to how provisions in Change 5 might be amended. On this basis, it is difficult to assess the merits of that submission. What we can suggest is that with the amendments we are now recommending to OBJ LW1 and the associated policies in Chapter 3.1A, due regard will be had to, amongst other matters, the benefits and costs of CHBDC's wastewater proposals when (a) preparing and reviewing regional plan provisions, and (b) assessing any resource consent applications for the townships' wastewater projects.
289. We do not recommend any specific amendments to Change 5 in response to CHBDC's submissions.

290. Amend OBJ 25, OBJ 27, OBJ 27A, POL 47 and POL 47A by removing references to 'subject to OBJ LW1'.
291. Amend OBJ 27 as set out below.
292. Amend OBJ 27A as set out below.
293. Add a new clause (aA) to Policy 47A as set out below.

OBJ 27 ~~Subject to Objective LW1, The maintenance or enhancement of~~ The water quality of in rivers, lakes and wetlands in order that it is suitable for sustaining or improving aquatic ecosystems in catchments as a whole, and for other freshwater values identified in accordance with a catchment-based process as set out in POL LW1A, POL LW1B and POL LW2, including contact recreation purposes where appropriate.

OBJ 27A ~~Subject to Objective LW1, remnant~~ Remaining areas of significant indigenous riparian vegetation on the margins of rivers, lakes and wetlands is maintained or enhanced in order to:

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

POL 47A Decision-making criteria - Land-based disposal of contaminants

~~Subject to Objective LW1, p~~ Promote land-based disposal of wastewater, solid waste and other waste products so that:

- a) the adverse effects of contaminants entering surface waterbodies or coastal water are avoided as far as practicable; and
- aA) where it is not practicable to avoid any adverse effects of contaminants entering surface waterbodies or coastal water, then adverse effects are remedied or mitigated; and
- b) any disposal of wastewater, solid waste or other waste products to a surface waterbody or coastal water occurs only when it is the best practicable option.

Objective 15 and Objective 15A

294. Several submitters have suggested that the proposed amendments to Objectives 15 and 15A could potentially weaken the protection given to wetlands, in particular the habitats of indigenous vegetation and fauna which is often contained in wetlands.
295. Preserving the natural character of wetlands and their margins, and the protection of significant habitats of indigenous vegetation and fauna, are matters of national importance under s6 of the RMA, and must be recognised and provided for in regional planning documents. Change 5 proposes amendments to the RPS to ensure land use and development is undertaken in a manner which protects the significant values of these wetlands (i.e. to give effect to NPSFM Objective A2 in particular).
296. It is recognised that deleting the reference to 'ecologically significant wetlands' in Objective 15 and relying on the protection of significant values of wetlands through Objective 15A could have adverse implications on the biodiversity of those wetlands which are 'ecologically significant' and need to be considered as whole. This is not consistent with s6 of the RMA.
297. Consequently, we recommend reinstating Objective 15 to ensure that habitats of 'ecologically significant wetlands' are preserved and enhanced, irrespective of any such wetland's significance for other values.
298. Earlier, we recommended recasting OBJ LW1 (refer Theme #102). In our recommended revision of OBJ LW1, we incorporate references to protecting the significant values of wetlands. Subsequently, we consider OBJ 15A largely redundant and now recommend that OBJ 15A and its associated explanation be deleted from Change 5.
299. Our recommended amendments to incorporate reference to significant values of wetlands in OBJ LW1 will still assist in giving effect to the NPSFM.

Policy 4A

300. Policy 4A ensures that a range of regulatory and non regulatory methods can be used to meet our recommended amended Objective LW1(b) relating to the significant values of wetlands.
301. We consider it is appropriate for both regulatory and non-regulatory methods to be used to protect the significant values of wetlands. Following steps referred to in our recommended Policies LW1, LW1A, LW1B and LW2 to determine the values of water bodies (including wetlands) across catchments, regulatory tools may need to be used to ensure that the significant values of a particular wetland are protected. This is in accordance with Policy B1 of the NPSFM.
302. Exactly what tools will be used to protect the identified significant values of wetlands, will be determined at a later date, via a collaborative community and stakeholder process (i.e. as set out in our recommended Policies LW1, LW1A, LW1B and LW2). Policy 4A simply enables both regulatory and non-regulatory tools to be used if necessary and where appropriate.
303. We recommend Policy 4A should be adopted as notified in Change 5.

Policy 4

304. Policy 4 ensures that the primary approach used to meet Objective 15 (and other associated objectives) will be via non-regulatory methods. In light of the amendments to Objective 15 in paragraph 297, it recommended that Policy 4 is amended to reinstate the reference to 'ecologically significant wetlands'.
305. For avoidance of doubt, we recommend the amendments to Policy 4(b) and the associated footnote be adopted as notified in Change 5.

Protecting all wetlands

306. The NPSFM's Objective A2 expects that the significant values of wetlands are to be protected. The NPSFM is clear in that it is the values, not the wetlands themselves that are to be protected.
307. The RRMP already contains a number of provisions that will assist the Regional Council to give effect to the NPSFM in relation to wetlands. The amendments to Objective 15, OBJ LW1 and others will give further effect to the NPSFM in regard to protecting the significant values of wetlands in our region.
308. Case law makes it clear that the rarity of wetlands nationally does not necessarily make all wetlands significant⁴⁰. Identifying the significance of values held for a particular wetland and how to protect those values is, we consider, best determined in a collaborative process where community and stakeholder groups can take part in the process. This type of process is what Policies LW1, LW1A, LW1B and LW2B create a framework for.
309. Further work to determine the values of different wetlands within the region, and their appropriate level of protection is scheduled to take place in the next few years according to the Regional Council's NPSFMiP. It would be inappropriate for Change 5 to pre-determine that all wetlands in Hawke's Bay are significant and therefore apply a high level of protection without fuller stakeholder input and scientific assessment taking place.
310. We do not recommend Change 5 be altered to identify and protect all wetlands in Hawke's Bay.

Wetland – definition

311. Change 5 proposes an amendment to the RRMP's current meaning of 'wetland' stated in the Glossary. The need for consistency in interpretation of the RRMP was a key driver for that proposal. Currently, there are several variations of the 'wetland' definition contained in the RRMP (i.e. in the Glossary and in several footnotes elsewhere in the RRMP).
312. One submitter suggested an entirely new meaning of 'wetland' to be included in the Glossary. We consider that request to go beyond the scope of Change 5 (for reasons we refer in Part 2 paragraphs 100-118). There has been no evidence presented that the RRMP's current definition of 'wetland' is so ineffective and problematic that a wholesale replacement of the definition is warranted. We are not convinced that wholesale replacement of the 'wetland' definition as sought by one submitter would not create ambiguity or problems with the interpretation and implementation of the RRMP's numerous references to wetlands in a various provisions and contexts.

40 *Minister for Conservation v Western Bay or Plenty DC A071/01 and Mighty River Power Ltd v Waikato RC A146/01.*

313. Several submitters have raised concerns around the exclusion of ‘wet production land’ (i.e. clause a)) from the definition of wetland in Change 5, and have indicated a preference for wording ‘wet pasture land’ as currently contained in the RRMP. One submitter raised concerns about the exclusion of artificial wetlands only for beautification purposes.
314. It is recognised that by excluding ‘wet production land’ from being defined as a wetland, rather than ‘wet pasture land’ has potential unintended consequences, (for example, areas with high biodiversity values that are occasionally grazed by animals could be excluded from being defined as a wetland). We recommend clause a) be amended to refer to wet pasture land.
315. The definition of wetland as contained in several footnotes in the RRMP excludes artificial wetlands created for beautification purposes or for wastewater or stormwater treatment. This is more appropriate than excluding all artificial wetlands some of which may be valued by the community. We therefore recommend clause g) be retained as notified in Change 5.

Theme # 111	Wetlands	Officers’ Recommendation
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316. Amend Objective 15 as set out below.
317. Delete Objective 15A and its associated explanation, furthermore, amend Objective LW1 to include reference to protecting the significant values of wetlands.
318. Amend the definition of ‘wetland’ as set out below, and consequentially delete footnotes stating similar elsewhere in the RRMP.
319. Amend Policy 4 as set out below.
320. Retain Policy 4A and associated reasons and explanation as notified in Change 5.

OBI 15 *The preservation and enhancement of remaining areas of significant indigenous vegetation, ~~and~~ significant habitats of indigenous fauna and ecologically significant wetlands ~~and ecologically significant wetlands~~.*

~~**OBI 15A** *The management of fresh water and land use and development in a manner which protects significant values of wetlands.*~~

~~*Objective 15A assists in giving effect to Objectives A1 and B4 of the 2011 National Policy Statement for Freshwater Management. Objective 15A also closely mirrors similar provisions relating to freshwater bodies (eg: Objective LW1) in relation to protection of ‘outstanding’ freshwater bodies.*~~

POL 4A *To use non-regulatory methods, as set out in Chapter 4 and in Policy 4(a) to (d) below, in support of regulatory methods for protecting significant values of wetlands.*

POL 4 *To use non-regulatory methods, as set out in Chapter 4, as the primary means for achieving the preservation and enhancement of remaining areas of significant indigenous vegetation and ecologically significant wetlands ~~and ecologically significant wetlands~~, in particular: ...*

(b) Works and services - *Providing works and services, or financial support, for the preservation of remaining ecologically significant indigenous wetlands at a level of funding as established in the HBRC’s Annual Plan, subject to a management plan or statutory covenant being established for each wetland receiving assistance. Priority for Council’s works and service-related projects will be given to the following wetlands⁴ (see Figure 4): ...*

⁴ Priority wetlands for works and services - Note that some of these wetland areas are located within the coastal marine area (and therefore fall under the provisions of the Regional Coastal Plan rather than this Plan). However, the full list of priority wetlands for works and services has been included for the sake of completeness.

These non-regulatory methods will assist HBRC in protecting the significant values of wetlands in accordance with Objective A2(B) of the 2011 National Policy Statement for Freshwater Management. These methods will complement regional rules that are included elsewhere in this Plan and the Regional Coastal Environment Plan. Significant values of wetlands can include nutrient filtering, flood flow attenuation, sediment trapping, habitats for flora and fauna, recreation, cultural values and educational value.

Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. For the purposes of this Plan, a wetland is not:

- a) wet ~~production~~-pasture land
- b) artificial wetlands used for wastewater or stormwater treatment
- c) farm dams and detention dams
- d) land drainage canals and drains
- e) reservoirs for fire fighting, domestic or municipal water supply
- f) temporary ponded rainfall
- g) artificial wetlands created for beautification purposes.

Requests to withdraw Change 5

321. Two submitters requested that Change 5 be withdrawn. In the event that Change 5 is not withdrawn, those submissions went on to set out alternative amendments that would satisfy those submitters' concerns. We presume these submitters seek withdrawal of Change 5, but with a revised version of Change 5 being notified at some unspecified time in the future.
322. It is certainly lawful for a council to withdraw a change or part of a change after it has been publicly notified. Nevertheless, it is not an action to be taken lightly for it could have significant implications for programming and resourcing of a council's many projects. In relation to Change 5, we acknowledge that Change 5 is an important piece of the Regional Council's overall work programme to (a) embed key elements of the LAWMS into statutory planning documents, and (b) implement relevant aspects of the NPSFM. In terms of the latter, Change 5 is a pre-cursor to several catchment-based regional plan change initiatives currently being prepared by the Council which are at varying stages of development.
323. We do not consider it is necessary or appropriate that the Council withdraw Change 5 in its entirety. We have come to this conclusion having considered all written submissions and having recommended a number of improvements to Change 5's provisions as originally notified.

Generality of submissions

324. A number of submissions grouped in this reporting 'cluster' are those which do not necessarily have a 'neat' fit within any other of the other particular 'topic' or 'provision' related analyses in our report.
325. It is questionable whether some such submissions are indeed 'on' Change 5. In Part 2 of our report (refer paragraphs 100-118), we outlined legal considerations regarding the scope of submissions and jurisdiction of the Council to accept submissions referring to amendments that are primarily incidental to Change 5's proposed amendments. For example, several submissions refer to making substantive amendments to objectives and policies in addition to Change 5's proposed addition of words "subject to OBJ LW1..." In relation to this example, it should be noted that we recommend (in Theme #102) removing references to the words "subject to OBJ LW1" as a consequence of our recommended amendments to OBJ LW1 itself and associated policies in Chapter 3.1A.
326. There is no general overall theme to these submissions as they traverse a reasonably broad range of matters. As noted in Part 2 of this report, a number of submissions did not adhere to the legal requirements of Form 3 (ie: details to be specified in a submission). This analysis attempts to go over many of the non-specific references made by submitters which might imply a decision or other action to be taken.
327. A number of submissions refer to the need for Change 5 to give greater recognition to some values and general matters (for example, the contribution of water to social and economic wellbeing, and guidance for decision-making for example). Typically, these general references are incorporated into Change 5 as notified, or our recommended amendments provide greater clarity around the broad matters for consideration in preparing and implementing regional planning documents. Another example is the call for provisions to require that resources can only be used when necessary, the use is reasonable, and use is efficient.

328. Consequently many of these submissions are recommended to be accepted in part because of their non-specific request's relevance to the overall package of provisions we are now recommending throughout our report.
329. We acknowledge that part of one submission supported Change 5 in principle insofar as it introduces objectives, policies and other provisions to give effect to the NPSFM.
330. One submission specifically refers to the need for cross-referencing of provisions in the new Chapter 3.1A and existing RRMP provisions. This is the sort of amendment anticipated under the 'consequential amendments' banner in Change 5 (along with numbering and re-numbering alterations etc). While some form of consequential minor amendments to the RRMP were always anticipated arising from Change 5, we think it would be useful to identify two particular locations in the RRMP where additional cross-referencing would be beneficial. These are Tables 1 and 2 in RRMP chapters 2.3 and 3.1 respectively.

Theme # 120 Miscellaneous matters 'on' Change 5

Officers' Recommendation

331. Do not withdraw Change 5.
332. Amend Table 1 in RRMP Chapter 2.3 by adding new row as set out below.
333. Amend Table 2 in RRMP Chapter 3.1 by adding new row as set out below.
334. No other amendments to Change 5 arising from submissions specifically in this Theme, but it should be noted amendments arising from other submissions may also be of relevance (refer to Appendix 1 for a version of Change 5 as annotated by recommended amendments).

Table 1. Regional Policy Statement Objectives and Regional Plan Objectives

OBJECTIVE	TOPIC	LOCATION
Objectives LW1 – LW2	Integrated land use and freshwater management	REGIONAL POLICY STATEMENT
...

Table 2. Summary of Objectives, Policies and Methods in Chapters 3 and 5

Objective	Policies	Rule Number	Non Regulatory Methods
Objectives LW1 – LW2	LW1, LW1A, LW1B, LW2, LW3, LW4		Refer Policy LW4
...

APPENDICES



APPENDIX 1

Recommended amendments to Change 5 with 'tracked changes'

Proposed Change 5 to the Hawke's Bay Regional Resource Management Plan - *Land use and freshwater management*

NOTE to readers: In this annotated version of Change 5, additions recommended in response to submissions are shown double underlined and deletions are shown as double ~~struck out text~~. Other than the text proposed to be added as a new Chapter 3.x, text elsewhere in the RRMP proposed for amendment by Change 5 but unaltered (and endorsed) by recommendations is shown with single underline or ~~strikeout~~.

3.1A Integrated Land Use and Freshwater Management

ISSUES

ISS LW 1 ~~Potential for ongoing conflict between multiple, and often competing, values and uses of fresh water can create conflict in the absence of clear and certain resource management policy guidance and limited integration in management of land and water to promote sustainable management of the region's natural and physical resources~~

ISS LW 2 Limited integration in the management of land use and water quality and quantity reduces the ability to promote sustainable management of the region's natural and physical resources.

OBJECTIVES

OBJ LW 1 **Integrated management of fresh water and land use and development**
~~The management of fresh water and land use and development is managed~~ in an integrated and sustainable manner ~~that~~ which includes (in no particular order), subject to Part 2 of the RMA:

1. ~~identifying~~ identifies outstanding freshwater bodies in Hawke's Bay region and ~~protecting~~ protects their water quality;
1A. protecting the significant values of wetlands;
1B. identifying values and uses of freshwater and establishing objectives for those values;
2. ~~specifying~~ specifies limits and targets for water quality, and ~~implementing~~ implements methods to assist with the improvement of water quality in over-allocated catchments to meet ~~those~~ any targets within specified timeframes;
2B. identifying limits for the taking and use of freshwater resources, avoiding over-allocation of fresh water where limits are not currently exceeded and phasing-out over-allocation over time;
3. ~~recognising~~ recognises that the effects of land uses, freshwater quality and surface water flows can impact on the receiving coastal environment;
4. ~~safeguarding~~ safeguards the life-supporting capacity and ecosystems of fresh water, ~~including with a priority~~ including with a priority for indigenous species in particular;
5. ~~recognising~~ recognises the ~~significant national and regional value importance~~ value importance of fresh water for human drinking, ~~and animal drinking uses~~ and for municipal water supply;
6. ~~recognising~~ recognises the significant regional and national ~~value importance~~ value importance of fresh water use for beverages, food and fibre production and processing;

7. recognises the potential for ~~significant regional and national value arising from the non-consumptive use of water for~~ renewable electricity generation;

8. promotes and enables the adoption and monitoring of industry good practice for land and water management ~~practices~~;

8A. recognising the role of afforestation in sustainable land use and improving water quality;

~~9. ensures efficient allocation and use of water;~~

10. recognises and provides for wairuatanga and the mauri of fresh water bodies in accordance with the values and principles expressed in Chapter 1.6, Schedule 1 and the objectives and policies in Chapter 3.14 of this Plan; and

10A. recognising and providing for river management and flood protection activities.

~~11. recognises the differing demands and pressures on freshwater resources within catchments across the Hawke's Bay region, and where significant conflict exists between competing values, the regional policy statement and regional plans provide clear priorities for the protection or use of those freshwater resources.~~

OBJ LW 2 Integrated management of fresh water and land use and 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 exists between competing values or uses, the regional policy statement and regional plans provide clear priorities for the protection or use of those freshwater resources.

Principal reasons and explanation

Objectives LW1 and LW2 (and associated policies) assist HBRC to give effect to the 2011 National Policy Statement for Freshwater Management by setting out a broad overall framework (in parallel with other objectives) for improving integrated management of the region's freshwater and land resources. These RPS provisions only partly implement the NPS for Freshwater Management. Regional plan policies and methods (including rules) also assist in giving effect to the NPS for Freshwater Management.

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

OBJ LW1 and OBJ LW2 are intended to outline the broad principles for policy-making and regional plan preparation to improve integrated decisions being made about the way the region's land and freshwater resources are used, developed or protected across the region's varying catchments and sub-catchments.

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

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

assessments for Hawke's Bay reinforced the values identified at the symposiums and by the stakeholder reference group.

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

POLICIES

POL LW1 Problem solving approach - Catchment-based integrated management

When preparing regional plans, to adopt a whole-of-catchment integrated management approach to managing fresh water and land use and development within each catchment area, that (in no particular order):

- a) is consistent with ~~the integrated management approach outlined in~~ OBJ LW1 and OBJ LW2
- b) provides for mātauranga a hapu o Ngāti Kahungunu and local tikanga Māori values and uses of the catchment in accordance with tikanga Māori
- c) recognises the inter-connected nature of natural resources within the catchment area, including the coastal environment
- ~~d) protects water quality of outstanding freshwater bodies~~
- e) promotes collaboration and information sharing between relevant management agencies, iwi, landowners and other stakeholders
- f) takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water resources for future generations
- g) aims to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible and in accordance with POL LW2
 - gA) involves working collaboratively with the catchment community to implement POL LW1, POL LW1A, POL LW1B and POL LW2
 - gB) ensures the implementation of POL LW1, POL LW1A, POL LW1B and POL LW2 is informed by the best available information and scientific and socio-economic knowledge and by a clear understanding of the options including their achievability, costs, benefits and consequences
- h) ensures the timely use and adaptation of statutory and non-statutory measures to respond to any significant changes in resource use activities or the state of the environment
- i) notwithstanding clause (f) above, provides allows reasonable transition times and pathways to meet any new water quantity limits or new water quality limits ~~included~~ in regional plans taking into account environmental (including socio-economic) costs and benefits
 - iA) recognises the regional value of fresh water for human drinking and animal drinking purposes while ensuring development of land takes into account water short areas that may affect the provision of adequate water supply (POL UD2(h)(ix))
 - iB) recognises the significant regional and national value of freshwater use for beverages, food, fibre and forestry production and processing

- iC) avoids development that limits the use or maintenance of existing electricity generating infrastructure or restricts the generation output of that infrastructure
- iD) recognises and provides opportunities for new renewable electricity generation infrastructure where the adverse effects on the environment can be appropriately managed and do not compromise the primary values identified in POL LW2 Table 1
- j) ensures efficient allocation and use of fresh water within limits to achieve freshwater objectives
- k) enables water storage infrastructure ~~which~~ where it can provide increased water availability and security for water users ~~in water scarce catchments~~ while avoiding, remedying or mitigating adverse effects on freshwater values.

POL LW1A

When preparing regional plans:

- a) identify the values for freshwater, taking into account POL LW2 and Table 1
- b) establish freshwater objectives having regard to the priority afforded to the values and the requirements of POL LW1 as appropriate
- c) set water quality limits and targets, minimum flows and water quantity allocation limits so as to achieve those objectives, and
- d) set out how the water quality and quantity limits and targets will be implemented through regulatory or non-regulatory methods including specifying timeframes for meeting water quality and allocation targets.

POL LW1B

When setting the values and objectives referred to in POL LW1A, ensure:

- a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water are safeguarded;
- b) adverse effects on aspects of water quantity and water quality that contribute to mauri are avoided remedied or mitigated; and
- c) the microbiological water quality in rivers and streams is safe for people to swim during the bathing season (November to April inclusive).

Principal reasons and explanation

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

Values include ecosystem values such as natural state, life-supporting capacity, aquatic habitats and biodiversity, recreational and cultural values such as contact recreation, amenity, mauri, shell fish gathering, water use values such as water supply for a range of purposes and social and economic values including the capacity to assimilate pollution, flood control and drainage and the operation of existing infrastructure. National values of freshwater have been listed in the NPSFM preamble and values have also been identified in the Hawke's Bay LAWMS.

Approaches to issues, values and uses of catchments will vary so POL LW1, [POL LW1A](#) and [POL LW1B](#) does not prescribe a one-size-fits-all approach for all catchments in Hawke's Bay. Each catchment-based process will need to be tailored for what is the most appropriate approach for that catchment (or grouping of catchments). Regional plans and changes to regional plans will be the key planning instrument for implementing catchment-based approaches to land use and freshwater resource management.

POL LW2 Problem solving approach - Prioritising values

1. ~~Subject to Objective LW1.1 to 1.10~~ [When preparing regional plans, or considering applications for resource consents for activities where specific catchment-based regional plans for the catchments specified in Table 1 have not been prepared,](#) recognise and give priority to maintaining ~~and/or~~ enhancing the primary values and uses of freshwater bodies shown in Table 1 for the following catchment areas² in accordance with Policy LW2.3:
 - a) Greater Heretaunga / Ahuriri Catchment Area;
 - b) Mohaka Catchment Area; and
 - c) Tukituki Catchment Area.
2. In relation to catchments not specified in POL LW2.1 above, the management approach set out in POL LW1, [POL LW1A](#) and [POL LW1B](#) will apply.

[2A. In relation to the values not specified in Table 1, the management approach set out in POL LW1, POL LW1A\(b\), \(c\) and \(d\), and POL LW1B will apply.](#)
3. ~~Subject to Objective LW1.1 to 1.10~~ [Subject to POL LW1A and POL LW1B](#), manage the fresh water bodies listed in Policy LW2.1 in a manner that:
 - a) recognises and gives priority to maintaining ~~and/or~~ enhancing primary values and uses identified in Table 1; and
 - b) avoids, as far as is reasonably practicable, significant adverse effects on secondary values and uses identified in Table 1; and
 - c) uses an [integrated](#) catchment-based process in accordance with POL LW1, [POL LW1A](#) and [POL LW1B](#) to evaluate and determine the appropriate balance between any conflicting primary values and uses in Table 1.

TABLE 1:

Catchment Area	Primary Value(s) and Uses – in no priority order	Secondary Value(s) and Uses – in no priority order
Greater Heretaunga / Ahuriri Catchment Area	<ul style="list-style-type: none"> • Individual domestic needs and stock drinking needs • Industrial & commercial water supply • Native fish habitat in the Ngaruroro River and the Tutaekuri River catchments • The high natural character values in sub-catchments 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 • Urban water supply for cities and townships and water supply for key social infrastructure facilities 	<ul style="list-style-type: none"> • Aggregate supply and extraction in Ngaruroro River downstream of Maraekakaho confluence with the Mangatahi Stream • Amenity for contact recreation (including swimming) in lower Ngaruroro River, Tutaekuri River and Ahuriri Estuary • Native fish habitat, notwithstanding native fish habitat as a primary value and use in the Tutaekuri River and the Ngaruroro River catchments • Recreational trout angling • Trout habitat

² A map illustrating the indicative location of these Catchment Areas is set out in Appendix 'A'.

	<ul style="list-style-type: none"> Water use associated with maintaining or enhancing land-based primary production 	
Mohaka Catchment Area	<ul style="list-style-type: none"> Amenity for water-based recreation between State Highway 5 bridge and Willowflat Individual domestic needs and stock drinking needs Long-fin eel habitat and passage Recreational trout angling in Mohaka River and tributaries upstream of State Highway 5 bridge Scenic characteristics of Mokonui and Te Hoe gorges The high natural character values of the Mohaka River and its margins 	<ul style="list-style-type: none"> Aggregate supply and extraction in Mohaka River below railway viaduct Native fish habitat below Willowflat Water use associated with maintaining or enhancing land-based primary production Water use for renewable electricity generation in areas not restricted by the Water Conservation Order
Tukituki Catchment Area	<ul style="list-style-type: none"> Individual domestic needs and stock drinking needs Industrial & commercial water supply Native fish and trout habitat The high natural character values of: <ul style="list-style-type: none"> the Tukituki River upstream of the end of Tukituki Road; and the Waipawa River above the confluence with the Mākaroro River, including the Mākaroro River Urban water supply for towns and settlements and water supply for key social infrastructure facilities Water use associated with maintaining or enhancing land-based primary production 	<ul style="list-style-type: none"> Aggregate supply and extraction in lower Tukituki River Amenity for contact recreation (including swimming) in lower Tukituki River. Recreational trout angling in: <ul style="list-style-type: none"> middle Tukituki River and tributaries between SH50 and Tapairu Road; & middle Waipawa River and tributaries between SH50 and SH2. Water use for renewable electricity generation in the Tukituki River (mainstem) and the Waipawa River above SH50 including the Mākaroro River

Principal reasons and explanation

Policy LW2.1 and 2.3 prioritises values of freshwater in three Catchment Areas where significant conflict exists between competing values. Clearer prioritised values in ‘hotspot’ catchments where significant conflicts exist was an action arising from the 2011 Hawke’s Bay Land and Water Management Strategy. POL LW2 implements OBJ ~~LW2-LW4-14~~ in particular insofar as explicit recognition is made of the differing demands and pressures on freshwater resources, particularly within the three nominated ‘hotspot’ catchment areas. In relation to the remaining catchment areas across the region, Policy LW2 does not pre-define any priorities, thus enabling catchment-based regional plan changes (refer POL LW1) for those areas to assess values and prioritise those values accordingly.

The primary and secondary values in Table 1 are identified to apply to the catchment overall, or to sub-catchments [or reaches](#) where stated. ~~When read subject to OBJ-LW1.1 to 1.10, the values and uses in~~ Table 1 recognises that not all values are necessarily equal across every part of the catchment area, and that some values in parts of the catchment area can be managed in a way to ensure, overall, the water body’s value(s) is appropriately managed. [With catchment-based regional planning processes, it is potentially possible for objectives to be established that meet the primary values and uses at the same time as meeting the secondary values.](#)

[Refer also:

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

POL LW3 Problem solving approach – Managing use of production land ~~use~~

1. To manage the use of, and discharges from, production land in specified catchments so that:

- a) the ~~discharge loss~~ of nitrogen ~~to land~~ from the rootzone of production land, and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded;
- b) the discharge of faecal matter from livestock to land, and thereafter to groundwater and surface water, does not cause faecal indicator water quality limits for human consumption and irrigation ~~guidelines for water quality purposes~~ set out in regional plans to be exceeded;
- c) ~~any monitored exceedence of soluble reactive phosphorus limits set out in Policy 71 of this Plan is used to target and prioritise the Regional Council's non-regulatory methods~~ the loss of phosphorus from production land into groundwater or surface water does not cause limits or targets set out in regional plans to be exceeded.

2. To review regional plans and prepare changes to regional plans to promote integrated management of land use and development and the region's water resources.

Principal reasons and explanation

Policy LW3 makes it clear that HBRC will manage the loss of contaminants (nitrogen, phosphorus and faecal indicator bacteria) from production land ~~use activities leaching nitrogen and faecal coliform bacteria~~ to groundwater and surface water ~~under section 9 of the RMA in order~~ to ensure that groundwater and surface water ~~values objectives and limits~~ identified in specified catchment areas are ~~maintained or enhanced where necessary~~ achieved. This will require as a minimum a permitted activity rule for production land under section 9 of the RMA. Restrictions under section 15 of the RMA may also ~~be applied~~ apply to production land use activities. Phosphorus leaching and run-off will be primarily managed by non-regulatory methods as it is primarily caused by soil loss and cannot be practicably controlled by way of permitted activity conditions or consent conditions. This approach will be complemented by industries' implementation of good agricultural practices.

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

POL LW4 Role of non-regulatory methods

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

- aA) industry good practice – HBRC will strongly encourage industry and/or catchment-based good practices for production land uses along with audited self management programmes as a key mechanism for achieving freshwater objectives at a catchment or sub-catchment level. HBRC will also strongly encourage collaborative partnership initiatives through the Pan Sector Group³ for the effective and efficient delivery of industry good practice programmes and for monitoring and evaluating the effectiveness of such programmes.

³ The Pan Sector Group was officially formed at the beginning of 2012, in recognition of the need to work collaboratively to drive continued investment into research and development of regional initiatives around best practice and farm profitability. The Group includes regional and national representatives of the leading primary sector industry organisations and research agencies. The initial focus was on realising the potential benefits socially, economically and environmentally of the Ruataniwha Water Storage Scheme but the group has increasingly had a role in assisting shaping policies, rules and regulations within the proposed Regional Plan Change 6 for the Tukituki catchment.

- a) **research, investigation and provision of information and services** – HBRC has in place a programme of research, monitoring and assessment of the state and trends of Hawke's Bay's natural resources. That programme will continue to be enhanced to assist HBRC implement the NPSFM and Hawke's Bay Land and Water Management Strategy.
- b) **advocacy, liaison and collaboration** – HBRC will promote a collaborative approach to the integrated management of land use and development and the region's freshwater resources.
- c) **land and water strategies** – the 2011 Hawke's Bay Land and Water Management Strategy contains a variety of policies and actions. A range of agencies and partnerships will be necessary to implement the actions and policies in the Strategy.
- ~~d) **regional plan provisions** – HBRC will review regional plans and prepare changes to those regional plans to promote integrated management of land use and development and the region's water resources. Most regional plan changes will be on a catchment basis, although some changes may be prepared for specific issues that apply to more than one catchment. HBRC has prepared a NPSFM Implementation Programme that outlines key regional plan and policy statement change processes required to fully implement the NPSFM by 2030.~~

Principal reasons and explanation

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

Anticipated Environmental Results

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

Anticipated Results	Environmental Indicator(s)	Data Source(s)
<u>1.</u> Land and water management is tailored and prioritised to address the key values and pressures of each catchment	Freshwater objectives, targets and limits for catchments and/or groups of catchments are identified in regional plans for catchments	Regional plans and changes to regional plans HBRC's NPSFM Implementation Programme
<u>2.</u> Primary values and uses identified in POL LW2 Table 1 are maintained and enhanced.	Freshwater objectives, targets and limits for catchments and/or groups of catchments are included in regional plans for catchments. Physical and biological parameters Social, cultural and economic indices	SOE monitoring and reporting Local authority records User surveys Catchment-specific monitoring programmes
<u>3.</u> Significant adverse effects on secondary values and uses identified in POL LW2 Table 1 are avoided.	Freshwater objectives, targets and limits for catchments and/or groups of catchments are included in regional plans for catchments. Physical and biological parameters Social, cultural and economic indices	SOE monitoring and reporting Local authority records User surveys Catchment-specific monitoring programmes

<p><u>4.</u> Regional economic prosperity is enhanced</p>	<p>Regional GDP trends and unemployment trends for primary sector and associated manufacturing and processing</p>	<p>Statistics NZ Economic activity surveys Employment records by sector</p>
<p><u>5.</u> Water is efficiently allocated</p>	<p>Level of allocation Catchment contaminant load modelling and monitoring Water use restriction timings and durations</p>	<p>SOE monitoring HBRC Consents records Compliance records Catchment-specific monitoring reports Water-supply management plans</p>
<p><u>6.</u> Quality of fresh water in region overall is <u>maintained or improved</u>.</p>	<p><u>Catchment targets are met and</u> limits in regional plans are not exceeded <u>Catchment contaminant load modelling and monitoring</u></p>	<p>SOE monitoring Compliance records Catchment-specific monitoring reports</p>
<p><u>7.</u> Community <u>water storage infrastructure</u> projects are developed in water scarce catchments <u>to provide increased water availability and security for water users</u></p>	<p>Commissioning of large-scale water storage feasibility reports Consents issued for water storage projects</p>	<p>Strategic partners and funding agencies for large-scale water storage feasibility projects HBRC consent records Building consent authority records</p>

Amendments to other chapters in Part 3 (RPS) of HB Regional Resource Management Plan

NOTE: In the following section, additions recommended in response to submissions are shown double underlined and deletions are shown as double ~~struck-out text~~. Text proposed for amendment by Change 5 but unaltered (and endorsed) by recommendations is shown with single underline or ~~strikeout~~.

→ Amend Objective 15 and insert new Objective into Chapter 3.4 (Scarcity of indigenous vegetation and wetlands) as follows:

OBJ 15 The preservation and enhancement of remaining areas of significant indigenous vegetation, and significant habitats of indigenous fauna ~~and ecologically significant wetlands~~ and ecologically significant wetlands.

~~**OBJ 15A** The management of fresh water and land use and development in a manner which protects significant values of wetlands.~~

~~→ Insert following as explanation of new Objective 15A into Chapter 3.4:~~

~~Objective 15A assists in giving effect to Objectives A1 and B4 of the 2011 National Policy Statement for Freshwater Management. Objective 15A also closely mirrors similar provisions relating to freshwater bodies (eg: Objective LW1) in relation to protection of 'outstanding' freshwater bodies.~~

→ Amend Policy 4 and insert a new policy into Chapter 3.4 (Scarcity of indigenous vegetation and wetlands) as follows:

POL 4A To use non-regulatory methods, as set out in Chapter 4 and in Policy 4(a) to (d) below, in support of regulatory methods for protecting significant values of wetlands.

POL 4 To use non-regulatory methods, as set out in Chapter 4, as the primary means for achieving the preservation and enhancement of remaining areas of significant indigenous vegetation ~~and ecologically significant wetlands~~ and ecologically significant wetlands, in particular: ...

(b) Works and services - Providing works and services, or financial support, for the preservation of remaining ecologically significant indigenous wetlands at a level of funding as established in the HBRC's Annual Plan, subject to a management plan or statutory covenant being established for each wetland receiving assistance. Priority for Council's works and service-related projects will be given to the following wetlands⁴ (see Figure 4): ...

→ plus consequentially amend footnote 4 to read:

⁴ Priority wetlands for works and services - Note that some of these wetland areas are located within the coastal marine area (and therefore fall under the provisions of the Regional Coastal Plan rather than this Plan). However, the full list of priority wetlands for works and services has been included for the sake of completeness.

→ Insert following as new part of explanation for Policy 4A and Policy 4:

These non-regulatory methods will assist HBRC in protecting the significant values of wetlands in accordance with Objective A2(B) of the 2011 National Policy Statement for Freshwater Management. These methods will complement regional rules that are included elsewhere in this Plan and the Regional Coastal Environment Plan. Significant values of wetlands can include nutrient filtering, flood flow

attenuation, sediment trapping, habitats for flora and fauna, recreation, cultural values and educational value.

→ Delete Objective 21 and amend Objective 22 in Chapter 3.8 (Groundwater quality) as follows, and consequentially amend duplicate objectives OBJ 42 and OBJ 43 in Chapter 5.6 to read the same:

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

OBJ 22 ~~Subject to Objective LW1, the~~ The maintenance or enhancement of groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems and in unconfined or semi-confined productive 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.

→ ~~Amend Policy 16 by adding the following to bulleted list of activities:~~

- ~~the effects of land use activities on production land~~

→ Amend Anticipated Environmental Result in Ch 3.8 (Groundwater quality) to read:

Anticipated Environmental Result	Indicator	Data Source
No degradation of existing groundwater quality in confined productive aquifers <u>beyond a level suitable for human consumption and irrigation without treatment</u>	Nitrate levels <u>Organic and inorganic determinands of significance in NZ Drinking Water Standards</u> <u>E.coli levels</u> Pesticides and herbicides	Ministry of Health Council monitoring

→ Amend Issue statement in Chapter 3.10 (Surface water resources) to read:

The potential degradation of the values and uses of rivers, lakes and wetlands in Hawke's Bay as a result of:

- The taking, use, damming and diversion of water, which may adversely affect aquatic ecosystems and existing lawfully established resource users, especially during droughts.
- ~~Non-point source discharges and~~ Stock access to water bodies and non-point source discharges (including production land use activities), which cause contamination of rivers, lakes and wetlands, and degrade their margins.
- Point source discharges which cause contamination of rivers, lakes and wetlands.

→ Amend Objective 25 in Chapter 3.10 (Surface water resources) to read:

OBJ 25 ~~Subject to Objective LW1, the~~ The maintenance of the water quantity of water in the wetlands, rivers and lakes in order that it is suitable for sustaining aquatic ecosystems in catchments ~~as a whole,~~ and ensuring resource availability for a variety of purposes across the region, while recognising the impact caused by climatic fluctuations in Hawke's Bay.

→ Amend Objective 27 in Chapter 3.10 (Surface water resources) to read:

OBJ 27 ~~Subject to Objective LW1,~~ The maintenance or enhancement of ~~the~~ the water quality of ~~in~~ rivers, lakes and wetlands in order that it is suitable for sustaining or improving aquatic ecosystems in catchments ~~as a whole~~, and for other freshwater values identified in accordance with a catchment-based process as set out in POL LW1A, POL LW1B and POL LW2, including contact recreation purposes where appropriate.

→ Insert new objective into Chapter 3.10 (Surface water resources) to read:

OBJ 27A ~~Subject to Objective LW1, remnant~~ Remaining areas of significant indigenous riparian vegetation on the margins of rivers, lakes and wetlands is maintained or enhanced in order to:

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

→ Amend Policy 47 in Chapter 3.10 (Surface water resources) to read:

POL 47 ~~Subject to Objective LW1, to~~ To manage activities affecting the quality of water in wetlands, rivers and lakes in accordance with Objectives 25 and 27 and the environmental guidelines and implementation approaches set out in Chapter 5 of this Plan.

→ Insert new policy into Chapter 3.10 (Surface water resources) to read:

POL 47A Decision-making criteria - Land-based disposal of contaminants

~~Subject to Objective LW1, promote~~ Promote land-based disposal of wastewater, solid waste and other waste products so that:

- a) the adverse effects of contaminants entering surface waterbodies or coastal water are avoided as far as practicable; and
- aA) where it is not practicable to avoid any adverse effects of contaminants entering surface waterbodies or coastal water, then adverse effects are remedied or mitigated; and
- b) any disposal of wastewater, solid waste or other waste products to a surface waterbody or coastal water occurs only when it is the best practicable option.

→ Amend Objective 29 in Chapter 3.11 (River bed gravel extraction) to read:

OBJ 29 ~~Subject to Objective LW1, the~~ The facilitation of gravel extraction from areas where it is desirable to extract excess gravel for river management purposes and the minimisation of flood risk, or to maintain or protect the functional integrity of existing structures, whilst ensuring that any adverse effects of gravel extraction activities are avoided, remedied or mitigated.

→ Amend Objective 30 in Chapter 3.11 (River bed gravel extraction) to read:

OBJ 30 ~~Subject to Objective LW1, the~~ The maintenance of the use and values of the beds of rivers and the avoidance of any significant adverse effects on the river bed resulting from the extraction of gravel.

→ Amend Policy 50(b) in Chapter 3.11 (River bed gravel extraction) to read:

POL 50 To assess the availability of river bed gravel by:

- (a) ...
- (b) ensuring that as far as practicable, long term gravel extraction is undertaken at a level consistent with maintaining the rivers close to their design profiles, while maintaining compatibility with other resource management and environmental values, particularly these any values and uses identified described in Objective LW1 Policy LW1, Policy LW1A, Policy LW1B and Policy LW2.

→ Amend Policy 53 in Chapter 3.11 (River bed gravel extraction) to read:

POL 53 In considering consent applications for the extraction of river bed gravel, to have regard to the following criteria, subject to Objective LW1: ...

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

→ Amend Glossary by adding new definition to read:

Catchment area

For the purpose of this Plan, means a grouping of surface water catchments and groundwater catchments. Indicative location of each Catchment Area is set out in Appendix A.

Efficient allocation

has the same meaning as given in the NPSFM's interpretation section. For the purposes of this Plan, economic efficiency means water use which results in the optimum outcome for the environment and community; technical efficiency means the amount of water beneficially used in relation to that taken; and dynamic efficiency means the adaptability of water allocation to achieve ongoing improvements in efficiency.

Freshwater objective

has the same meaning as given in the NPSFM's interpretation section.

Greater Heretaunga / Ahuriri Catchment Area

Means a catchment area including the Ahuriri Estuary, Karamu Stream, Ngaruroro River, Tutaekuri River, their tributaries, plus associated Heretaunga Plains groundwater catchments. Indicative location of the Greater Heretaunga / Ahuriri Catchment Area is set out in Appendix A.

Limit

has the same meaning as given in the NPSFM's interpretation section.

Mohaka Catchment Area

Means a catchment area including the Mohaka River, its tributaries, plus associated groundwater catchments. Indicative location of the Mohaka Catchment Area is set out in Appendix A.

NPSFM

National Policy Statement for Freshwater Management 2011.

Outstanding freshwater body

has the same meaning as given in the NPSFM's interpretation section.

Target

has the same meaning as given in the NPSFM's interpretation section.

Tukituki Catchment Area

Means a catchment area including the Waipawa River, Tukituki River, Makaretu River, Makaroro River, Makara Stream, Omakere Stream, their tributaries, plus associated groundwater catchments. Indicative location of the Tukituki Catchment Area is set out in Appendix A.

→ Amend definition of 'wetland' as follows in Chapter 9 and consequentially delete footnotes⁴ stating similar elsewhere in Plan:

Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. For the purposes of this Plan, a wetland is not:

- a) wet ~~production-pasture~~ land
- b) artificial wetlands used for wastewater or stormwater treatment
- c) farm dams and detention dams
- d) land drainage canals and drains
- e) reservoirs for fire fighting, domestic or municipal water supply
- f) temporary ponded rainfall
- g) artificial wetlands created for beautification purposes.

And make any other consequential amendments to the Regional Resource Management Plan, including

→ Amend Table 1 (RPS objectives and regional plan objectives) in Chapter 2.3 by adding the following row:

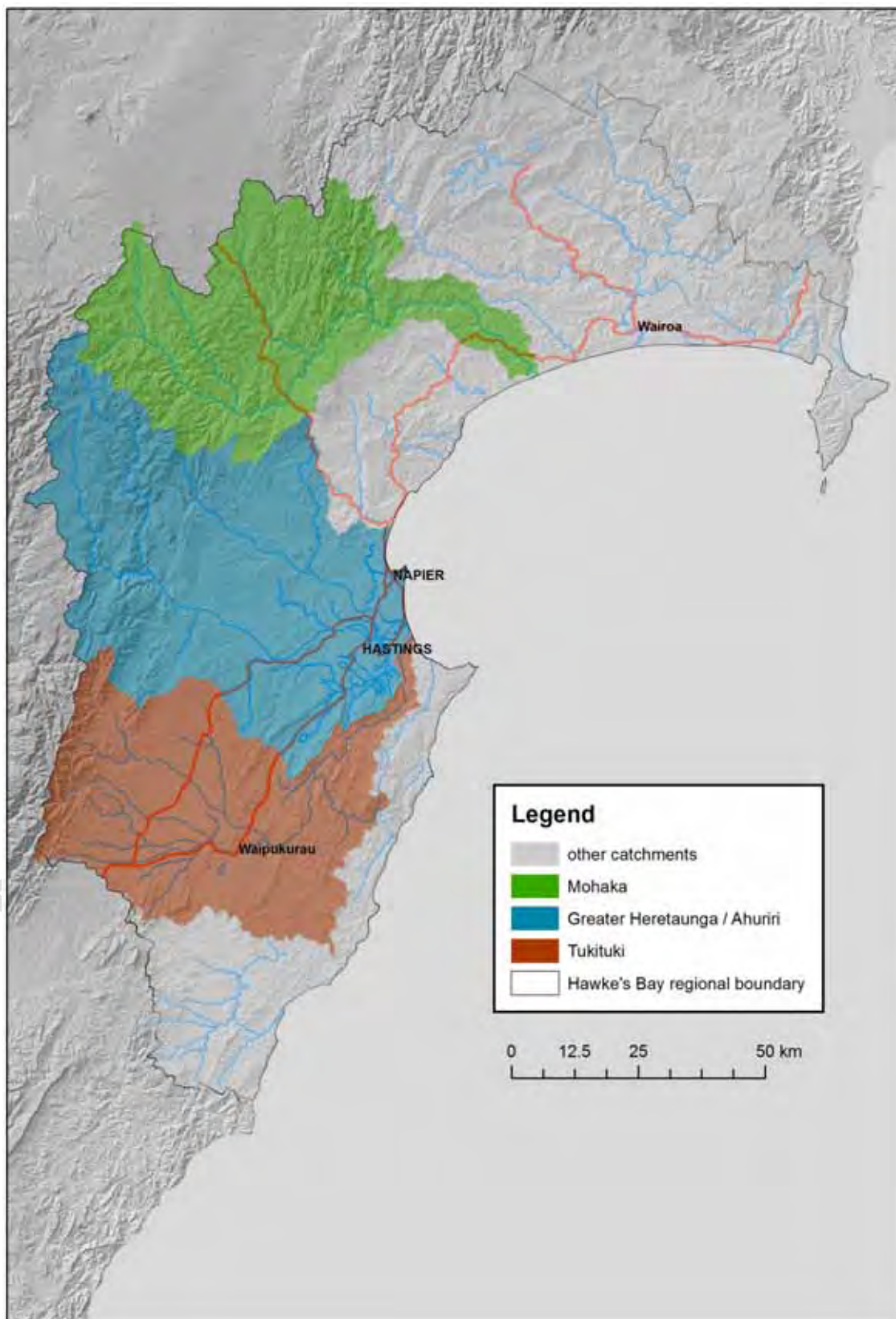
OBJECTIVE	TOPIC	LOCATION
<u>Objectives LW1 – LW2</u>	<u>Integrated land use and freshwater management</u>	<u>Regional Policy Statement</u>

→ Amend Table 2 (Summary of objectives, policies and methods in Chapters 3 and 5) in Chapter 3.1 by adding the following row:

Objective	Policies	Rule Number	Non Regulatory Methods
<u>Objectives LW1 – LW2</u>	<u>LW1, LW1A, LW1B, LW2, LW3, LW4</u>		<u>Refer Policy LW4</u>

4 Examples of such footnotes are those associated with Chapter 3.4.7 and Rule 10(g).

Appendix A – Indicative locations of 'Catchment Areas' in POL LW2



C5 General		General comments on Change 5		
Sub#: 6	Friends of the Tukituki			
1	No specific decision requested, but refers to HBRC avoiding expensive and time consuming legal action if HBRC incorporates submitter's values into RPS.			Reject
	F 36 / 1 Holcim (NZ) Ltd	Support		R
6	No specific decision requested, but refers to RPS needing to protect waterbodies, otherwise HBRC will inevitably end up with expensive and time consuming legal action.			Reject
8	No specific decision requested, but refers to Submitter's preference to negotiate (rather than via protracted legal challenges) with HBRC an agreement on the following matters: 1. water quantity; 2. water quality; 3. property rights; 4. Tukituki River recognised as significant; 5. wetland protection; 6. trout habitat & spawning; 7. waterbody values for contact recreation, trout fishing, trout spawning, amenity, aesthetic, and existing property rights.			Reject
Sub#: 28	Te Taiwhenua o Heretaunga			
40	No specific decision requested, but refers to RPS needing to include the following acknowledgement: " <u>The whole of the coastal marine area is of significance to Ngati Kahungunu.</u> "			Reject
C5 Gen Process		Process and timing of Change 5		
Sub#: 23	Ngati Kahungunu Iwi inc.			
4	No specific decision requested, but refers to potential for combining similar plan changes into one major plan change due to the length and expense of statutory processes.			Reject
C5 New		New provision in Change 5		
Sub#: 8	Green Party of Aotearoa (HB Branch)			
5	Add the following as a new policy to Ch 3.x: <u>"1: To apply the following criteria to identify outstanding freshwater bodies in the Hawke's Bay region as one which has:</u> <u>a) Superior water quality where impacts of human activities are absent or minimal, or</u> <u>b) Outstanding value as an aquatic habitat, or</u> <u>c) Outstanding fishery value, or</u> <u>d) Outstanding wild, scenic or other natural characteristics, or</u> <u>e) Outstanding scientific or ecological values, or</u> <u>f) Outstanding recreational, historical, spiritual or cultural purposes.</u> <u>2: To protect the water quality of the following Outstanding Freshwater Bodies in the region:</u> <u>a) Lake Waikareti</u> <u>b) Lake Waikaremoana</u> <u>c) Lake Tutira</u> <u>d) Mohaka River catchment above 'Willowflat'</u> <u>e) Ngaruroro River, Taruarau River and their tributaries above Whanawhana cableway</u> <u>f) Tukituki River catchment</u> <u>3: In relation to an Outstanding Freshwater Body identified in policy LW1A .2, to manage activities discharging contaminants, or taking, using, damming or diverting water, and- land use activities in a manner which avoids adverse effects on the water quality of the Outstanding Water Body."</u>			Reject
	F 32 / 1 Fonterra Co-operative Group Ltd	Oppose		P
	F 34 / 1 HB Federated Farmers	Oppose		P
	F 37 / 1 Horticulture NZ	Oppose		P
Sub#: 13	HB Fish & Game Council et al			

49 Add new provisions as follows (or similar) in RPS that identify criteria for recognition of freshwater bodies as outstanding; identify waterbodies that currently meet that criteria; and provide for the protection of water quality and other values within those waterbodies...
 "POL 1 Outstanding freshwater bodies are those freshwater bodies that:
 (1) Are in their natural state; or
 (2) Are no longer in their natural state, but that support one or more of the following values and characteristics that stand out on a national or regional comparative basis:
 a. Biodiversity
 b. Habitat for indigenous fauna, wildlife, trout or salmon
 c. Values to tangata whenua
 d. Spiritual and cultural
 e. Recreation and amenity
 f. Community
 g. Landscape
 h. Natural character
 i. Scientific
 j. Historical

Reject

or
 (3) are the best remaining example of a particular freshwater environment type remaining within the Region, as defined using the FWENZ data set.

POL 2 The following waterbodies have been identified as outstanding in accordance with the criteria set out in Policy 2:

- a. Lake Waikareiti
- b. Lake Waikaremoana
- c. Mohaka River catchment above Willowflat
- d. Ngaruroro, Taurarau River and their tributaries above Whanawhana cable way
- e. Tukituki River
- f. Tutaekuri River
- g. Maraetotara River
- h. Ruakituri River
- i. Waiau River
- j. Waikaretaheke River
- k. Hopuruahinem River
- l. Lake Whakaki complex
- m. Opoutama Swamp
- n. Maungawhio Lagoon
- o. Lake Poukawa
- p. Pekapeka Swamp
- q. Lake Hatuma
- r. Lake Runanga
- s. Lake Oingo
- t. Waitangi wetland
- u. Ngamotu Lagoon
- v. Whakamahia Lagoon

POL 3 To protect the water quality in waterbodies that meet the criteria for outstanding freshwater bodies set out in Policy 1 and listed in Policy 2 and to recognise and provide for the other values that contribute to the outstanding nature of that waterbody."

F	30 / 6	Brownrigg Agriculture Ltd	Oppose	P
F	31 / 22	Environmental Defence Society Inc.	Support	R
F	32 / 2	Fonterra Co-operative Group Ltd	Oppose	P
F	34 / 2	HB Federated Farmers	Oppose	P
F	37 / 12	Horticulture NZ	Oppose	P

Sub#: 23 Ngati Kahungunu Iwi inc.

6 No specific decision requested, but refers to need for a specific objective and associated policies that relate specifically to Maori interests in land and water and references to these should be included where relevant throughout the proposed plan. Reject

Sub#: 28 Te Taiwhenua o Heretaunga

1 No specific decision requested, but refers to adding an objective that identifies and promotes matauranga Maori and tikanga Maori interests. Reject

2 No specific decision requested, but refers to strengthening RPS's current objectives and policies relating to Maori/tangata whenua. Reject

18 No specific decision requested, but refers to including a statement regarding Maori rights and interests in water. Reject

20 No specific decision requested, but refers to including a narrative regarding co-governance role and engagement methodology for Treaty claimant groups. Reject

21 No specific decision requested, but refers to identification and provision for outstanding waterbodies of national significance. Reject

F	35 / 81	HB Fish & Game Council et al	Support in Part	R
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22 No specific decision requested, but refers to the Ahuriri Estuary being included as an outstanding waterbody of national significance. Reject

F	35 / 82	HB Fish & Game Council et al	Support in Part	R
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23 No specific decision requested, but refers to Tukituki, Ngaruroro, Mohaka and Tutaekuri rivers being included as outstanding waterbodies of national significance. Reject

F	35 / 83	HB Fish & Game Council et al	Support in Part	R
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F	37 / 15	Horticulture NZ	Oppose	P
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24 No specific decision requested, but refers to the Heretaunga and Ruataniwha aquifer systems being included as outstanding waterbodies of national significance. Reject

	F 35 / 84	HB Fish & Game Council et al	Support in Part	R	
	F 37 / 16	Horticulture NZ	Oppose	P	
25	Add a map showing location of outstanding waterbodies of national significance as requested elsewhere in submission.				Reject
	F 35 / 85	HB Fish & Game Council et al	Support in Part	R	
C5 Ch3.x Gen Change 3.x in General					
Sub#: 28 Te Taiwhenua o Heretaunga					
5	No specific decision requested, but refers to OBJ LW1 and POL LW1 being read subject to the submitter's new Maori objective, amended OBJ 34 and RRMP Schedule 1.				Reject
C5 OBJs 21 & 22 Objectives 21 & 22 in Ch 3.8					
Sub#: 23 Ngati Kahungunu Iwi inc.					
21	Amend explanation and reasons para 3.8.2 by adding: " <u>The Heretaunga Plains aquifer system is one of the region's outstanding freshwater bodies (see Policy LW1). Objective A2(a) of the 2011 National Policy Statement for Freshwater Management expects that the overall quality of freshwater within the region is maintained or improved while protecting the quality of outstanding freshwater bodies.</u> "				Reject
C5 OBJ 29 Objective 29 in 3.11					
Sub#: 14 HB Forestry Group					
4	Amend OBJ 29 to include reference to recognising the economic necessity of the riverbed gravel resource.				Reject
	F 35 / 48	HB Fish & Game Council et al	Oppose	P	
Sub#: 19 Knauf, Ivan (Wairua Farms)					
4	Amend OBJ 29 to read: "Subject to Objective LW1, the facilitation of gravel extraction from areas where it is desirable to extract excess gravel for river management purposes and the minimisation of flood risk (<u>including the risk of flooding areas of ecological value</u>) or to maintain ..."				Reject
	F 35 / 68	HB Fish & Game Council et al	Support in Part	P	
	F 36 / 9	Holcim (NZ) Ltd	Support in Part	P	
Sub#: 24 Pan Pac Forest Products Ltd					
4	Amend OBJ 29 to include reference to recognising the economic necessity of the riverbed gravel resource.				Reject
C5 Misc Miscellaneous / Beyond scope of Change 5					
Sub#: 23 Ngati Kahungunu Iwi inc.					
1	No specific decision is requested, but refers to need for Change 5 and HBRC's actions to avoid any prejudice of Ngati Kahungunu's rights and interests of freshwater and geothermal resources.				Reject
	F 35 / 74	HB Fish & Game Council et al	Support	R	
8	Amend RRMP Ch 3.14 (Recognition of Matters of Significance to Iwi/Hapu) by adding a new objective to read: " <u>OBJ 34A: To recognise that the whole of the coastal marine area is of significance to Ngati Kahungunu and to reflect this significance in policies and plans.</u> "				Reject
Sub#: 28 Te Taiwhenua o Heretaunga					
28	No specific decision requested, but refers to need to address cross-boundary issues and consistent approaches for Manawatu River's source in Hawke's Bay.				Reject

C5 General		General comments on Change 5			
Sub#: 10	Hastings/Havelock North Forest & Bird Branch				
6	Amend Change 5 so that provisions are included in RPS to ensure that the life supporting capacity of water, soil and ecosystems are safeguarded.				Accept
	F 35 / 36	HB Fish & Game Council et al	Support	A	
7	Amend Change 5 so the provisions are included in the RPS to preserve the natural character of the coastal environment, lakes, rivers and their margins and the protection of them from inappropriate subdivision, use and development.				Accept
	F 35 / 37	HB Fish & Game Council et al	Support	A	
Sub#: 13	HB Fish & Game Council et al				
2	No specific amendments requested, but requests that provisions are included which ensure that the life supporting capacity of water, soil and ecosystems are safeguarded.				Accept
	F 31 / 6	Environmental Defence Society Inc.	Support	A	
3	No specific amendments requested, but requests that provisions are included in the RPS to preserve the natural character of the coastal environment, wetlands, lakes and rivers and their margins and the protection of them from inappropriate subdivision, use and development.				Accept
	F 31 / 7	Environmental Defence Society Inc.	Support	A	
37	Amend Change 5 to remove all references to provisions being made "Subject to OBJ LW1..." OR amend OBJ LW1 to address issues raised elsewhere in submission; OR amend OBJ LW1 to ensure it refers to only those relevant parts of the objective in any cross-reference.				Accept
Sub#: 18	Kelly, Terry				
3	No specific decision requested, but refers to opposing proposed amendments throughout Change 5 for various provisions to be "subject to OBJ LW1"				Accept
Sub#: 28	Te Taiwhenua o Heretaunga				
30	No specific decision requested, but refers to proposed new Ch 3.x appearing to impose priority over other existing RPS chapters.				Accept in Part
39	No specific decision requested, but refers to deleting references to "subject to Objective LW1..." OR amend to read "Subject to Objective LW1 and Objective LW2 (the new Mana whenua objective) and Schedule 1..."				Accept in Part
	F 37 / 10	Horticulture NZ	Oppose	P	
C5 New	New provision in Change 5				
Sub#: 16	Horticulture NZ et al				
2	Add: 1. a new objective to read: " <u>OBJ LW2 The management of land and water use that balances the multiple and competing values and uses of those resources on a catchment basis, including establishing priorities of the use of the resources.</u> " 2. principal reasons and explanation for new objective to read: " <u>The values and uses of resources vary between catchments and so there are different pressures between catchments. The approach to managing potentially competing values and uses will be through the development of catchment plans which recognise the differing demands and pressures on resources within the catchments address the issues and establish priorities.</u> "				Accept in Part
	F 36 / 2	Holcim (NZ) Ltd	Support in Part	P	
18	Add the following in Ch 3.x: 1. a new objective to read: " <u>Ensure that there is adequate information available to establish limits for water quantity and water quality.</u> " 2. associated principal reasons and explanations to read: " <u>Establishing limits for waterbodies is dependent on adequate and robust information. Currently there is a lack of information, particularly on groundwater models and allocation volumes and methods for assessing the nature of takes, or their contribution to established limits. There is pressure on resources and the information is required to enable resource allocation decisions to be made.</u> "				Accept in Part
	F 34 / 3	HB Federated Farmers	Support	P	
	F 35 / 61	HB Fish & Game Council et al	Oppose	P	
C5 ISS LW1	Issue LW1				
Sub#: 4	Fertiliser Assoc. of NZ Inc.				
1	Retain Issue LW1 as notified.				Reject
	F 35 / 4	HB Fish & Game Council et al	Oppose	A	
Sub#: 9	Hastings District Council				
1	Delete and replace Issue LW 1 with two issues to read as follows: "ISS LW 1 Multiple and often competing values and uses of fresh water have the potential for ongoing conflict," and "ISS LW 2 Limited integration in the management of land and water uses reduces the ability to promote sustainable management of the region's natural and physical resources." and add explanation of these issue statements.				Accept in Part
	F 35 / 24	HB Fish & Game Council et al	Support	P	
	F 37 / 17	Horticulture NZ	Support in Part	P	
Sub#: 12	HB Federated Farmers				

1	Delete and replace Issue LW1 to read: " <u>Provide a management framework that enables water to contribute both to Hawke's Bay's economic growth and environmental integrity.</u> "			Reject
	F 31 / 2	Environmental Defence Society Inc.	Oppose	A
	F 35 / 39	HB Fish & Game Council et al	Oppose	A
	F 37 / 18	Horticulture NZ	Support	R
Sub#: 13	HB Fish & Game Council et al			
20	Amend Issue LW1 to more coherently express the significant resource management issue the region faces in respect of achieving integrated management of freshwater and land use and development.			Accept in Part
	F 31 / 17	Environmental Defence Society Inc.	Support	P
Sub#: 16	Horticulture NZ et al			
1	Amend Issue LW1 to read: " <u>There is potential for ongoing conflict between multiple, and often competing, values and uses of fresh water [and limited integration in management of land and water to promote sustainable management of the region's natural and physical resources] which can impact on the ability to provide for existing or new economic activity. To ensure that economic and social wellbeing is provided for, there will be greater integration in the management of land and water and the region's other natural and physical resources with the overall goal of providing for community wellbeing.</u> " OR Add another Issue to address economic wellbeing and social development.			Reject
	F 32 / 4	Fonterra Co-operative Group Ltd	Support	R
	F 34 / 4	HB Federated Farmers	Support	R
	F 35 / 52	HB Fish & Game Council et al	Oppose	A
Sub#: 17	Irrigation NZ Inc.			
1	Amend Issue LW1 to read "Potential for ongoing conflict between the multiple, and often competing, values and uses of freshwater, and limited integration [<i>in management of land and water to promote sustainable management of the region's natural and physical resources</i>] of the region's land, water and other natural and physical resource management, to allow for community well-being."			Reject
Sub#: 18	Kelly, Terry			
1	Amend Issue LW1 to read: " <u>The lack of integrated approach to land and water management based on strong sustainability (SS) principles, leading to the potential for ongoing conflict between multiple, and often competing, values and uses of freshwater [and limited integration in management of land and water to promote sustainable management of the region's natural and physical resources].</u> "			Reject
Sub#: 25	Silver Fern Farms Ltd			
1	Retain Issue LW1.			Reject
Sub#: 29	TrustPower Ltd			
1	Retain Issue LW1 as notified. or similar and consequential amendments.			Accept in Part
C5 OBJ LW1 Objective LW1				
Sub#: 1	Belford, Tom			
1	No specific decision requested, but refers to opposing OBJ LW1 insofar as it fails to give adequate priority to aesthetic, recreation, amenity and natural character values of water ways in Hawke's Bay.			Accept in Part
	F 35 / 1	HB Fish & Game Council et al	Support	P
Sub#: 3	Department of Corrections			
1	Amend OBJ LW1.5 to read "recognises the significant national and regional value of fresh water for human drinking and animal drinking uses <u>and for municipal water supply</u> "			Accept in Part
	F 37 / 19	Horticulture NZ	Oppose in Part	P
Sub#: 4	Fertiliser Assoc. of NZ Inc.			
2	Amend OBJ LW1 to read: " <u>To control [The management of] fresh water and land use and development in an integrated and sustainable manner that:</u> 1) identifies outstanding freshwater bodies in Hawke's Bay region and <u>maintains, and where necessary enhances [protects] their water quality;</u> 2) [<i>specifies targets and</i>] implements <u>regulatory and non-regulatory methods to achieve [assist improvements of] water quality targets in degraded catchments [to meet those targets]</u> within specified timeframes; 3) recognises that land use, freshwater quality and surface water flows <u>can have adverse effects [will impact]</u> on the receiving environment..."			Reject
	F 34 / 9	HB Federated Farmers	Oppose	A
	F 35 / 5	HB Fish & Game Council et al	Support in Part	P
	F 35 / 11	HB Fish & Game Council et al	Support in Part	P
	F 35 / 12	HB Fish & Game Council et al	Support in Part	P
	F 37 / 20	Horticulture NZ	Support in Part	P
3	Retain OBJ LW1.6 as notified.			Accept in Part
Sub#: 5	Fonterra Co-operative Group Ltd			
2	No specific decision requested, but refers to support for: 1. recognition of social and economic values in the sustainable management of the region's water resources. 2. recognition of stock water supplies for animal welfare purposes and as a significant national and regional use value. 3. integrated management which promotes and enables adoption of good land and water management practices.			Accept in Part
Sub#: 8	Green Party of Aotearoa (HB Branch)			

1	Amend OBJ LW1.5 to read: “[Recognises] <u>Safeguards</u> the significant national and regional value of freshwater for human drinking and animal drinking uses”				Reject
2	Delete OBJ LW1.7 in its entirety.				Accept in Part
	F 35 / 19	HB Fish & Game Council et al	Support	P	
	F 38 / 2	TrustPower Ltd	Oppose	P	
3	Amend OBJ LW1.11 to read: “Recognises the differing demands and pressures on freshwater resources within catchments across the Hawke’s Bay region[, and where significant conflict exists between competing values, the regional policy statement and regional plans provide clear priorities for the protection or use of those freshwater resources].”				Accept in Part
	F 37 / 21	Horticulture NZ	Oppose in Part	P	
Sub#:	9	Hastings District Council			
2	Retain OBJ LW 1.3 as notified.				Accept
3	Amend OBJ LW1.5 to read: “recognises the significant national and regional value of fresh water for human drinking water [and animal drinking water].” and consequentially add a new point 6 to read: “ <u>recognises the significant national and regional value of freshwater for animal drinking uses</u> ”				Reject
	F 35 / 25	HB Fish & Game Council et al	Support	R	
4	Amend OBJ LW1.6 to read: “recognise the significant regional and national value of fresh water use for beverage[s]/ production, irrigation for food and fibre production and industrial process[ing] water;”				Reject
	F 35 / 26	HB Fish & Game Council et al	Support in Part	P	
	F 37 / 22	Horticulture NZ	Oppose	A	
5	Add new OBJ LW1.12 to read: “ <u>recognises and provides for the recreational and conservation values of fresh water bodies within catchments across the Hawke’s Bay region.</u> ”				Reject
6	Amend OBJ LW1.9 to read: “ensures efficient <u>and sustainable</u> allocation and use of water;”				Reject
	F 35 / 27	HB Fish & Game Council et al	Support in Part	P	
	F 37 / 23	Horticulture NZ	Oppose	A	
7	Amend 2nd para of OBJ LW1’s reasons and explanations to read: “...while forestry and fibre (eg: wool and [leather] timber) is typically...”				Accept in Part
Sub#:	10	Hastings/Havelock North Forest & Bird Branch			
8	Opposes OBJ LW1 and requests it be amended to provide for: a) identification of freshwater values for all water bodies in each catchment; b) establishment of freshwater objectives to be set in the Plan which provide for these values; c) setting of water quality limits which when met will achieve the freshwater objectives; and d) identification of the process by which these values, objectives, limits and targets would be developed, and a timeframe for doing so.				Accept in Part
	F 37 / 24	Horticulture NZ	Support in Part	P	
Sub#:	11	HB Environmental Water Group			
1	Amend OBJ LW1 by adding a new clause to read: “ <u>recognises the need for freshwater quality to maintained and enhanced.</u> ”				Reject
Sub#:	12	HB Federated Farmers			
2	Amend OBJ LW1 to read: “The management, of fresh water and <u>the effects of</u> land use and development in an integrated and sustainable manner...”				Reject
	F 32 / 5	Fonterra Co-operative Group Ltd	Support	R	
	F 35 / 40	HB Fish & Game Council et al	Oppose	A	
	F 37 / 25	Horticulture NZ	Support	R	
Sub#:	13	HB Fish & Game Council et al			
21	Retain OBJ LW1.1 as notified.				Accept
	F 33 / 1	Forest and Bird Society Inc.	Support	A	
22	Amend OBJ LW1.2 [sic, 1.4] to remove implication that life-supporting capacity and ecosystems of freshwater only need be safeguarded where they are for indigenous species.				Accept in Part
	F 31 / 18	Environmental Defence Society Inc.	Support	P	
	F 33 / 2	Forest and Bird Society Inc.	Support	P	
23	Delete OBJ LW1.5.				Accept in Part
	F 32 / 6	Fonterra Co-operative Group Ltd	Oppose	P	
	F 33 / 3	Forest and Bird Society Inc.	Support	P	
	F 34 / 5	HB Federated Farmers	Oppose	P	
	F 37 / 26	Horticulture NZ	Oppose	P	
24	Delete OBJ LW1.6.				Accept in Part
	F 33 / 4	Forest and Bird Society Inc.	Support	P	
	F 34 / 6	HB Federated Farmers	Oppose	P	
	F 37 / 27	Horticulture NZ	Oppose	P	
25	Delete OBJ LW1.7.				Accept in Part
	F 33 / 5	Forest and Bird Society Inc.	Support	P	
	F 38 / 3	TrustPower Ltd	Oppose	P	
26	Amend OBJ LW1.11 so it is a stand-alone objective in Ch 3.x.				Accept
	F 33 / 6	Forest and Bird Society Inc.	Support	A	

	F 36 / 3	Holcim (NZ) Ltd	Support in Part	P	
	F 37 / 28	Horticulture NZ	Support in Part	P	
27	Amend OBJ LW1 to add a clause ensuring life-supporting capacity and ecosystem processes of freshwater are safeguarded.				Accept in Part
	F 33 / 7	Forest and Bird Society Inc.	Support	P	
28	Amend OBJ LW1 to add a clause ensuring that the natural character of wetlands, rivers and lakes is protected.				Accept in Part
	F 33 / 8	Forest and Bird Society Inc.	Support	P	
29	Amend OBJ LW1 to add a clause that provides for the management of freshwater and land use and development that protects life supporting capacity, recognises or provides for the natural character of wetlands, rivers, lakes and the coastal environment, and recognises and provides for the values of freshwater.				Accept in Part
	F 33 / 9	Forest and Bird Society Inc.	Support	P	
30	Amend OBJ LW1 to add a clause that recognises or provides for the role of river management and flood protection in the integrated and sustainable management of freshwater and land use and development.				Accept
	F 33 / 10	Forest and Bird Society Inc.	Support	A	
32	Amend OBJ LW1.9 to enable an assessment as to whether resource use and allocation is necessary, reasonable, justifiable, and if it meets these criteria, is efficient.				Reject
	F 33 / 12	Forest and Bird Society Inc.	Support	R	
	F 37 / 29	Horticulture NZ	Oppose in Part	P	
33	No specific amendment requested, but refers to removing references to some values and not others.				Accept in Part
	F 33 / 13	Forest and Bird Society Inc.	Support	P	
34	Amend OBJ LW1 to provide a framework for implementation of the NPSFM including identification of values, limits, targets and addressing over-allocation.				Accept in Part
	F 33 / 14	Forest and Bird Society Inc.	Support	P	
35	Amend OBJ LW1 to specify clear goals including environmental bottom lines.				Accept in Part
	F 33 / 15	Forest and Bird Society Inc.	Support	P	
36	Either amend OBJ LW1 as set out elsewhere in submission (refer points 21-35), OR replace with objectives that address issues raised by submitter, such as: "OBJ 1. That integrated management of freshwater resources and land use and development will be achieved by: a) <u>Setting values for freshwater;</u> b) <u>Setting freshwater objectives and freshwater quality limits for all bodies of freshwater;</u> c) <u>Setting environmental flows and/or levels for all bodies of freshwater;</u> d) <u>Ensuring that limits will be implemented through targets and necessary plan provisions.</u> " and "OBJ 2. In setting values and objectives for the region's fresh water resources, a) <u>the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water; and</u> b) <u>the mauri of the fresh water shall be safeguarded.</u> "				Accept in Part
	F 33 / 16	Forest and Bird Society Inc.	Support	P	
	F 37 / 30	Horticulture NZ	Oppose in Part	P	
Sub#: 15	Holcim (NZ) Ltd				
1	That HBRC adopt OBJ LW1, in particular OBJ LW1.11 as proposed in Change 5.				Accept in Part
	F 35 / 49	HB Fish & Game Council et al	Oppose	P	
Sub#: 16	Horticulture NZ et al				
3	Amend OBJ LW1 by adding a new clause to read: " <u>recognise and provide for the use of audited self-management to measure and validate the uptake of good and best management practice.</u> "				Reject
	F 34 / 7	HB Federated Farmers	Support	R	
4	Amend OBJ LW1.9 to read: "ensures efficient allocation and use (<u>including technical, economic and dynamic efficiency</u>) of water" OR Add definition of 'efficient allocation and use' in the Glossary.				Accept in Part
5	Amend OBJ LW1.2 to read: "specifies targets and implements methods to assist improvement of <u>water quantity and</u> water quality in catchments to meet those targets within specified timeframes" OR Add a new objective relating to water quantity as requested elsewhere in submission (refer point #18).				Accept in Part
6	No specific decision requested, but refers to amending principal explanation and reasons for OBJ LW1 to add an explanation about how OBJ LW1 will be used, insofar as it does not establish priorities and not all matters need to be met when assessing resource consent applications.				Accept in Part
7	Amend principal explanation and reasons for OBJ LW1 by deleting references to RiVAS.				Reject
Sub#: 17	Irrigation NZ Inc.				
2	Amend OBJ LW 1.2 to read: "specifies targets and implements methods to assist improvement of water quality <u>and water quantity</u> in catchments to meet those targets within specified timeframes"				Accept in Part
3	Amend OBJ LW 1.7 to read: "recognises the potential for significant regional and national value arising from the <u>[non-consumptive]</u> use of water for renewable electricity generation"				Reject
	F 38 / 7	TrustPower Ltd	Support	P	
4	Amend OBJ LW 1.8 to read: "promotes and enables the adoption of good land and water management practices <u>including audited self management.</u> "				Reject
	F 34 / 8	HB Federated Farmers	Support	R	
5	Amend OBJ LW 1.9 to read: "ensures efficient allocation (<u>technical, dynamic and economic</u>) and use of water" OR Amend glossary to include definition of efficient allocation to include all of its aspects (ie: technical, dynamic and economic).				Accept in Part
Sub#: 18	Kelly, Terry				

2	Amend OBJ LW1.11 to reflect that protection and enhancement of mauri should always be top priority, and other priorities may vary within this overriding constraint.				Reject
	F 36 / 4	Holcim (NZ) Ltd	Support in Part	P	
	F 37 / 31	Horticulture NZ	Oppose in Part	P	
Sub#: 21	Maori Trustee for Poukawa 13B Ahu Whenua Trust				
2	No specific decision requested, but refers to clauses 1 to 11 in OBJ LW1 (1 to 11) not being prioritised and therefore unclear how these will be applied at individual locations and whether some locations will take precedence over others.				Accept in Part
Sub#: 23	Ngati Kahungunu Iwi inc.				
2	No specific decision requested, but refers to amending OBJ LW1 into two separate parts - one of land and another for water to provide improved direction for subsequent regional and district plan preparation/review processes.				Reject
3	Amend OBJ LW 1 as follows: 1.5 to read: "recognise the significant [<i>national and</i>] regional value of freshwater for human drinking and animal drinking uses;" 1.6 to read: "recognises the significant regional [<i>and national</i>] value of freshwater use for beverages, food and fibre;" 1.7 to read: "recognises the potential for significant regional [<i>and national</i>] value arising from the non-consumptive use of water for renewable electricity generation;"				Accept in Part
	F 38 / 10	TrustPower Ltd	Oppose	P	
Sub#: 25	Silver Fern Farms Ltd				
2	Retain OBJ LW 1.6.				Accept in Part
3	Retain OBJ LW 1.11 and ensure appropriate mechanisms are implemented to assess priorities.				Accept in Part
	F 36 / 5	Holcim (NZ) Ltd	Support in Part	P	
Sub#: 29	TrustPower Ltd				
2	Retain OBJ LW1 as notified, particularly clause 7, or similar and consequential amendments.				Accept in Part
C5 Policies Gen Ch 3.x Policies in General					
Sub#: 5	Fonterra Co-operative Group Ltd				
4	No specific decision requested, but refers to support for policies which take a strategic long-term approach and allow for reasonable transition times and pathways to meet agreed limits.				Accept in Part
C5 POL LW2 Policy LW2 (Prioritising values)					
Sub#: 13	HB Fish & Game Council et al				
51	Amend POL LW2.1 to read: "[<i>Subject to Objective LW1.1 to 1.10,</i>] recognise and..."				Accept
	F 33 / 18	Forest and Bird Society Inc.	Support	A	
52	Amend POL LW2.3 to read: "[<i>Subject to Objective LW1.1 to 1.10,</i>] manage..."				Accept
	F 33 / 19	Forest and Bird Society Inc.	Support	A	
Sub#: 16	Horticulture NZ et al				
10	Amend POL LW2.1 to read: "[<i>Subject to OBJ LW1.1 to LW1.10,</i>] recognise and give..." and Amend POL LW2.3 to read: "[<i>Subject to OBJ LW1.1 to LW1.10,</i>] manage..."				Accept
	F 38 / 5	TrustPower Ltd	Oppose	R	
Sub#: 17	Irrigation NZ Inc.				
8	Amend POL LW2.1 to read: "[<i>Subject to OBJ LW1.1 to LW1.10,</i>] recognise and give..." and Amend POL LW2.3 to read: "[<i>Subject to OBJ LW1.1 to LW1.10,</i>] manage..."				Accept
C5 AERs Gen Ch 3.x Anticipated Environmental Results					
Sub#: 4	Fertiliser Assoc. of NZ Inc.				
8	Retain AERs in Ch 3.x as notified.				Accept in Part
Sub#: 12	HB Federated Farmers				
7	Amend AERs in Ch 3.x to read: "Quality of fresh water in region overall is <u>maintained or</u> improved."				Accept
8	Amend AERs indicator(s) to move "catchment contaminant load modelling and monitoring" from AER "Water is efficiently allocated" to AER "Quality of fresh water in region overall is improved."				Accept
9	Amend AERs quality indicator to read: " <u>catchment objectives are met and</u> limits in regional plans are not exceeded."				Accept in Part
Sub#: 13	HB Fish & Game Council et al				
62	Delete AERs and replace with AERs consistent with submitter's requests elsewhere in submission.				Accept in Part
	F 37 / 55	Horticulture NZ	Oppose in Part	P	
Sub#: 19	Knauf, Ivan (Wairua Farms)				
2	Amend AER 3.x.7 to read: "[<i>Community</i>] water storage projects are developed [<i>in water-scarce catchments</i>]."				Accept in Part
	F 35 / 70	HB Fish & Game Council et al	Oppose	P	
Sub#: 23	Ngati Kahungunu Iwi inc.				
15	Amend AERs in Ch 3.x to include: " <u>tikanga Maori and the values therein are taken into account when managing freshwater</u> " or similar.				Reject

	24	No specific decision requested, but refers to amendments to AERs promoting degradation of existing good water quality.	Reject
Sub#:	25	Silver Fern Farms Ltd	
	11	No specific decision requested but refers to targets, limits and rules being based on sound technical information including a transparent assessment of the four wellbeings (cultural, economic, environmental and social).	Accept in Part
	12	No specific decision requested but refers to the framework for water allocation needing to adequately provide for the identified values; and refers to support for water storage projects.	Accept in Part
Sub#:	28	Te Taiwhenua o Heretaunga	
	19	No specific decision requested, but refers to adding new AERs that reflect the new Maori objective and policy requested elsewhere in submission.	Reject
C5 OBJ 25	Objective 25 in Ch 3.10		
Sub#:	13	HB Fish & Game Council et al	
	74	Amend OBJ 25 to read: "[Subject to Objective LW1,] the..."	Accept
C5 OBJ 29	Objective 29 in 3.11		
Sub#:	12	HB Federated Farmers	
	22	Supports Change 5's amendment to Objective 29.	Reject
Sub#:	13	HB Fish & Game Council et al	
	79	Amend OBJ 29 to read: "[Subject to Objective LW1,] the facilitation..."	Accept
Sub#:	15	Holcim (NZ) Ltd	
	4	That HBRC adopt OBJ 29 as proposed in Change 5.	Reject
C5 OBJ 30	Objective 30 in Ch 3.11		
Sub#:	12	HB Federated Farmers	
	23	Supports Change 5's amendment to Objective 30.	Reject
Sub#:	13	HB Fish & Game Council et al	
	80	Amend OBJ 30 to read: "[Subject to Objective LW1,] the maintenance..."	Accept
C5 POL 50	Policy 50 in Ch 3.11		
Sub#:	12	HB Federated Farmers	
	24	Supports Change 5's amendment to Policy 50(b).	Accept in Part
Sub#:	13	HB Fish & Game Council et al	
	81	Amend Policy 50(b) to remove references to Objective LW1 and Policy LW2.	Accept in Part
C5 POL 53	Policy 53 in Ch 3.11		
Sub#:	12	HB Federated Farmers	
	25	Supports Change 5's amendment to Policy 53.	Reject
Sub#:	13	HB Fish & Game Council et al	
	82	Amend POL 53 to read: "...to have regard to the following criteria [, subject to Objective LW1]:..."	Accept
C5 Glossary Gen	Glossary in general		
Sub#:	16	Horticulture NZ et al	
	21	Either 1. Add definition of 'efficient allocation and use' in the Glossary; OR 2. Amend OBJ LW1.9 to read: "ensures efficient allocation and use (<u>including technical, economic and dynamic efficiency</u>) of water."	Accept in Part
Sub#:	17	Irrigation NZ Inc.	
	16	Either 1. Amend Glossary to include definition of 'efficient allocation' to include all of its aspects (ie: technical, dynamic and economic); OR 2. Amend OBJ LW 1.9 to read: "ensures efficient allocation (<u>technical, dynamic and economic</u>) and use of water."	Accept in Part

C5 General		General comments on Change 5		
Sub#: 10	Hastings/Havelock North Forest & Bird Branch			
4	Amend Change 5 so the RPS identifies a process by which freshwater values, objectives, limits and targets would be developed, and a timeframe for doing so.			Accept in Part
	F 35 / 34	HB Fish & Game Council et al	Support	P
5	Amend Change 5 so the RPS includes provisions to allow for improvement of quality of freshwater in water bodies that have been degraded by human activities to the point of being 'over-allocated,' particularly for nutrient concentrations in ground and surface water bodies.			Accept in Part
	F 35 / 35	HB Fish & Game Council et al	Support	P
	F 37 / 3	Horticulture NZ	Oppose in Part	P
Sub#: 13	HB Fish & Game Council et al			
17	Identify the process by which freshwater values, objectives, limits and targets would be developed, and a timeline for doing so.			Accept in Part
Sub#: 20	Lowe Corporation Ltd			
2	No specific decision requested, but refers to Change 5's express reference to 50-year focus (in POL LW1(f)) and suggests care must be taken so that any resulting regulatory framework does not lose sight of the long-term goals for short to medium term gains.			Accept in Part
C5 New		New provision in Change 5		
Sub#: 13	HB Fish & Game Council et al			
55	Add a new policy which specifies how the RPS and regional plan will avoid over-allocation of resources beyond sustainable limits set in the plan.			Accept in Part
	F 31 / 23	Environmental Defence Society Inc.	Support	P
56	Add a new policy which specifies how the RPS and plan will provide for instances of over-allocation, consistent with NPSFM. This could include, the following wording or similar: "Where the quality and quantity of freshwater in a waterbody is being used beyond the limits set in the Plan, Council will: a) prevent any additional allocation of water for abstraction or the site-to-site transfer of allocated but unused water, from that water body; and b) prevent any additional discharge permits being granted in the catchment which may cause the water quality to further decline; and c) identify the actions to be taken within an appropriate timeframe, to address any adverse effects of over-allocation, including the management of production land use as specified in POL LW3."			Accept in Part
	F 31 / 24	Environmental Defence Society Inc.	Support	P
	F 37 / 13	Horticulture NZ	Oppose	P
Sub#: 16	Horticulture NZ et al			
17	Add the following as a new Issue in Ch 3.x: " <u>ISS LWX1 Management decisions are being made under assumptions that some waterbodies are over-allocated, in the absence of completed water balance models, established limits for groundwater resources, established abstractive limits and methods for assessing the nature of takes, or their contribution to established limits.</u> "			Accept in Part
	F 35 / 60	HB Fish & Game Council et al	Oppose	P
19	Add the following as a new Policy in Ch 3.x: " <u>POL LW X1 Resource assessment</u> 1. Develop discrete water management zones or units and assign existing takes and uses to the appropriate water body management unit by 2013. 2. Prioritise completion of resource assessments for the Heretaunga Plains, to aid the establishment of limits and to determine the allocation status for the Heretaunga Plains water management zones by 2025. 3. Develop transitional allocation limits not less than the sum of paper allocation (consents), and modelled abstractions (permitted activities and other existing takes) for Heretaunga Plains water bodies by the dates specified in the Objective above. 4. Develop limits for water quality resources that provide for existing primary production activities. 5. Take a whole-of-catchment approach when establishing limits, to ensure that existing land use activities are not compromised by new or proposed land use activities. 6. Provide for transition to the limits-based approach, by establishing transitional limits that protect efficient existing investment in the short term. 7. Develop priorities for management of water in times of restriction, including allowance for drought intolerant crops, water for production and processing of food post-harvest, stock drinking water and human health and sanitation requirements. 8. Develop methods for managing within limits, to detail how over-allocation will be managed once a limit has been established."			Accept in Part
C5 OBJ LW1		Objective LW1		
Sub#: 13	HB Fish & Game Council et al			
31	Amend OBJ LW1 to add a clause that provides for phasing out of over-allocation of freshwater resources.			Accept in Part
	F 33 / 11	Forest and Bird Society Inc.	Support	P
C5 POL LW1		Policy LW1 (Catchment-based integrated management)		
Sub#: 4	Fertiliser Assoc. of NZ Inc.			

4	Amend POL LW1 to read: "To adopt <u>[a whole catchment] an integrated management</u> approach to <u>[managing] fresh water and land use and development within each catchment area, that (in no particular order):</u> a) <u>is consistent with [the integrated management approach outlined in] OBJ LW1</u> b) <u>recognises and provides for Maori values and uses of the catchment in accordance with tikanga Maori</u> c) ... d) <u>[protects] maintains and where necessary enhances water quality of outstanding freshwater bodies.</u> e) ..."				Accept in Part
	F 35 / 6	HB Fish & Game Council et al	Support in Part		P
	F 35 / 13	HB Fish & Game Council et al	Support in Part		P
Sub#: 5	Fonterra Co-operative Group Ltd				
3	No specific decision requested, but refers to support for: 1. enabling of water storage infrastructure which can provide increased security for water users. 2. a whole of catchment approach to policies relating to values outlined in the RPS's objectives.				Accept in Part
Sub#: 7	Genesis Power Ltd				
1	Amend POL LW1 by adding the following new clauses: " <u>(l) that avoids development that limits the use or maintenance of existing electricity generating infrastructure or restricts the generation output of that infrastructure.</u> " and " <u>(m) recognises and provides opportunities for new renewable electricity generation infrastructure where the adverse effects on the environment can be appropriately managed.</u> "				Accept in Part
	F 35 / 18	HB Fish & Game Council et al	Oppose		P
	F 37 / 32	Horticulture NZ	Oppose in Part		P
	F 38 / 1	TrustPower Ltd	Support		P
Sub#: 8	Green Party of Aotearoa (HB Branch)				
4	Delete POL LW1(k) in its entirety.				Reject
	F 32 / 7	Fonterra Co-operative Group Ltd	Oppose		A
	F 34 / 10	HB Federated Farmers	Oppose		A
	F 37 / 33	Horticulture NZ	Oppose		A
Sub#: 9	Hastings District Council				
12	Amend POL LW1 to read: "To adopt a whole-of-catchment approach to managing fresh water and <u>the effects of land use practices [and development]</u> within each catchment area."				Reject
	F 34 / 11	HB Federated Farmers	Support		R
	F 35 / 28	HB Fish & Game Council et al	Support in Part		P
Sub#: 12	HB Federated Farmers				
3	Amend POL LW1 to read: "To adopt a whole-of-catchment approach to managing fresh water and <u>the effects of land use and development within each catchment area...</u> "				Reject
	F 32 / 8	Fonterra Co-operative Group Ltd	Support		R
	F 37 / 34	Horticulture NZ	Support		R
4	Amend POL LW1 by adding new clauses as follows: <u>(l) work collaboratively with the catchment community in setting targets, timeframes and methods at a catchment level.</u> <u>(m) ensure that the process for setting catchment targets, timeframes and methods is informed by the best available information and scientific and socio-economic knowledge; and by a clear understanding of the options including their achievability, costs, benefits and consequences.</u> <u>(n) facilitate the establishment of water user groups and self-empowering catchment groups for local land and water management initiatives.</u>				Accept in Part
	F 35 / 42	HB Fish & Game Council et al	Support in Part		P
	F 37 / 35	Horticulture NZ	Support in Part		P
Sub#: 13	HB Fish & Game Council et al				
39	Delete POL LW1(a) and replace with an overall goal relating to the maintenance and enhancement of water quality and the achievement of some bottom lines, such as life supporting capacity and ecosystem processes.				Accept in Part
	F 37 / 37	Horticulture NZ	Oppose		P
40	Retain POL LW1(b), or incorporate into a revised policy consistent with other points in submission				Accept in Part
41	Retain POL LW1(c), or incorporate into a revised policy consistent with other points in submission				Accept in Part
43	Retain POL LW1(e), or incorporate into a revised policy consistent with other points in submission.				Accept
44	Delete POL LW1(g).				Reject
	F 30 / 5	Brownrigg Agriculture Ltd	Oppose		A
	F 31 / 20	Environmental Defence Society Inc.	Support		R
	F 37 / 39	Horticulture NZ	Oppose		A
45	Delete POL LW1(h).				Reject
	F 37 / 40	Horticulture NZ	Oppose		A
46	Delete POL LW1(i)				Reject
47	Retain POL LW1(j), or incorporate into a revised policy consistent with other points in submission.				Accept
48	Delete POL LW1(k) OR amend to read: " <u>consider water storage infrastructure where it can provide increased security for water users in water-scarce catchments and any resulting adverse effects on freshwater values are avoided, remedied or mitigated in accordance with other policies of this Plan</u> " OR amend wording to reflect requirements of Part 2 RMA and ensure that objectives in OBJ LW1 are achieved.				Accept in Part
	F 31 / 21	Environmental Defence Society Inc.	Support		P

	F 32 / 9	Fonterra Co-operative Group Ltd	Oppose	P
	F 37 / 41	Horticulture NZ	Oppose	P
Sub#: 15	Holcim (NZ) Ltd			
2	Amend POL LW1(f) to read: "takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water <u>and water-based</u> resources for future generations."			Reject
	F 35 / 50	HB Fish & Game Council et al	Oppose in Part	P
Sub#: 16	Horticulture NZ et al			
8	Amend POL LW1 by adding two new clauses to read: " <u>(l) recognise and provide for existing use and investment including the production of food, fibre, aggregates and wine.</u> " and " <u>(m) recognise and provide for entities meeting industry identified standards for good management practice.</u> "			Accept in Part
	F 35 / 53	HB Fish & Game Council et al	Oppose	P
	F 36 / 6	Holcim (NZ) Ltd	Support in Part	P
9	Amend POL LW1(i) to read: " <u>[allows] provides for limits that recognise spatial variation in values and allow the negotiation of reasonable transition times and pathways to meet any new water quantity limits or new water quality limits [included in regional plans].</u> "			Accept in Part
	F 35 / 54	HB Fish & Game Council et al	Oppose	P
Sub#: 17	Irrigation NZ Inc.			
6	Amend POL LW1(i) to read: " <u>[allows] recognises and provides for existing sunk investment in the implementation of reasonable transition time and pathways to meet any new water quantity limits or new water quality limits included in regional plans.</u> "			Accept in Part
	F 35 / 62	HB Fish & Game Council et al	Oppose	P
7	Amend POL LW1 by adding new clause to read: " <u>(l) recognises the existing sunk investment for the production and processing of food, fibre and beverages.</u> "			Accept in Part
	F 35 / 63	HB Fish & Game Council et al	Oppose	P
Sub#: 19	Knauf, Ivan (Wairua Farms)			
1	Amend Policy LW1(k) to read: "enables water storage [<u>infrastructure</u>] which can provide <u>increased availability of water</u> and increased security for water users [<u>in water-scarce catchments</u>] while avoiding, remedying or mitigating adverse effects on freshwater values."			Accept in Part
	F 35 / 69	HB Fish & Game Council et al	Oppose	P
	F 37 / 42	Horticulture NZ	Support	P
Sub#: 23	Ngati Kahungunu Iwi inc.			
10	Amend POL LW1(d) to read: "protects water quality <u>and water quantity</u> of outstanding freshwater bodies identified in Policy LW1."			Reject
	F 35 / 75	HB Fish & Game Council et al	Support in Part	P
25	Amend POL LW1(i) to read: "allows reasonable transition times [<u>and pathways</u>] to meet any new water quantity reductions or new water quality limits in regional plans."			Reject
26	Amend POL LW1(k) to read: "allows for large-scale community water storage infrastructure [<u>which can</u>] to provide increased security for water users in [<u>water scarce</u>] <u>over-allocated</u> catchments while avoiding, remedying or mitigating adverse effects on [<u>fresh</u>]water resources, associated ecosystems, environments and tikanga Maori values"			Reject
	F 37 / 43	Horticulture NZ	Oppose in Part	P
27	Amend POL LW1 by adding a new clause to read: " <u>takes into account cumulative adverse effects when managing water quantity and quality.</u> "			Reject
Sub#: 25	Silver Fern Farms Ltd			
4	Retain POL LW1(e) and ensure parties with multiple interests are adequately provided for. Also ensure that any catchment groups/committees encompass all facets of the community, and that outcomes are consistent with the policy statement.			Accept in Part
5	Retain intent of POL LW1(f).			Accept
6	Retain intent of POL LW1(g).			Accept
7	Retain POL LW1(i).			Accept in Part
Sub#: 29	TrustPower Ltd			
3	Amend POL LW1 by adding a new clause to read: " <u>(l) recognises the national significance of the national, regional and local benefits from renewable electricity generation activities and provide for the establishment, operation, maintenance and upgrading of new and existing activities.</u> " or similar and consequential amendments.			Accept in Part
	F 35 / 86	HB Fish & Game Council et al	Oppose	P

C5 General		General comments on Change 5			
Sub#: 6 Friends of the Tukituki					
2	No specific decision requested, but refers to RPS protecting natural character of waterbodies and values as follows: contact recreation; trout fishing; trout spawning; amenity; aesthetic; existing property rights.				Accept in Part
	F 35 / 16	HB Fish & Game Council et al	Support		P
Sub#: 10 Hastings/Havelock North Forest & Bird Branch					
1	Amend Change 5 so the RPS identifies freshwater values for all water bodies in each catchment.				Reject
	F 35 / 31	HB Fish & Game Council et al	Support		R
	F 37 / 1	Horticulture NZ	Support		R
2	Amend Change 5 so the RPS establishes freshwater objectives to provide for values for all water bodies in each catchment.				Reject
	F 35 / 32	HB Fish & Game Council et al	Support		R
	F 37 / 2	Horticulture NZ	Support		R
Sub#: 13 HB Fish & Game Council et al					
4	No specific amendments requested, but requests that the values of waterbodies in the region are listed (in relation to the waterbody, reach, zone) within a schedule and include: trout fishery, and trout spawning values; natural state values; amenity values; aesthetic values; and contact recreation values.				Reject
	F 31 / 8	Environmental Defence Society Inc.	Support		R
	F 37 / 4	Horticulture NZ	Support in Part		P
5	No specific amendments requested, but requests that all rivers in the region are identified as being valued for contact recreation, and amenity value. Refers to access to healthy rivers being a birthright for all NZers and should be protected.				Reject
	F 31 / 9	Environmental Defence Society Inc.	Support		R
	F 37 / 5	Horticulture NZ	Oppose in Part		P
6	No specific amendments requested, but requests that provisions are included to ensure that the values of waterbodies are protected.				Accept in Part
	F 31 / 10	Environmental Defence Society Inc.	Support		P
14	Identify freshwater values for all waterbodies in each catchment, including trout fishery, trout spawning, contact recreation, amenity, aesthetic, and natural state values.				Reject
	F 37 / 7	Horticulture NZ	Oppose in Part		P
15	Establish freshwater objectives to be set in the RPS and RRMP which provide for freshwater values for each catchment.				Reject
18	Remove pre-emption of the identification of values at a catchment level by setting them in the RPS (as in Policy LW2).				Accept in Part
19	Remove the pre-emption of the prioritisation of freshwater values or the resolution of competing values to set a freshwater objective (as in Policy LW2).				Accept in Part
	F 37 / 9	Horticulture NZ	Oppose in Part		P
Sub#: 27 Te Taiao HB Environment Forum					
1	No specific decision requested, but refers to RPS stating and including values of waterbodies for protection.				Accept in Part
C5 POL LW1 Policy LW1 (Catchment-based integrated management)					
Sub#: 13 HB Fish & Game Council et al					
38	Delete POL LW1 and replace with a policy, linked to a schedule which identifies the values of waterbodies in the region, which includes the following matters: 1. For the purposes of achieving integrated management of the region's freshwater resources, identify where freshwater values may apply; 2. The values for which the region's freshwater bodies will be recognised and provided for include: a) Ecosystem values (e.g. natural state, life-supporting capacity, sites of significance – aquatic, sites of significance – riparian, native fish spawning); b) Recreational and cultural values (e.g. contact recreation, amenity, native fishery, maori, shellfish gathering, sites of significance – cultural, trout fishery, trout spawning, aesthetics); c) Water use values (e.g. water supply, industrial abstraction, irrigation, stockwater); and d) Social and economic values (e.g. capacity to assimilate pollution, flood control, drainage, existing infrastructure) 3. The process that will be used to identify values of freshwater bodies, and for setting limits and targets will be catchment based and will: a) Provide for Maori values and uses of the catchment in accordance with tikanga Maori; b) Recognise the inter-connected nature of natural resources within the catchment area, including the coastal environment; c) Protects water quality of outstanding freshwater bodies; d) Promotes collaboration and information sharing between relevant management agencies, iwi, landowners and others stakeholders; e) Takes a strategic long-term planning outlook to consider the future state, values and uses of water resources for future generations; and 4. such provisions as necessary to achieve the objective.				Accept in Part
	F 30 / 4	Brownrigg Agriculture Ltd	Oppose		P
	F 31 / 19	Environmental Defence Society Inc.	Support		P
	F 37 / 36	Horticulture NZ	Oppose		P

42	1. Delete POL LW2 entirely OR 2. Amend POL LW2 as requested elsewhere in submission; OR 3. Amend Table 1 to address issues identified in submission, including: a) define values with more precision as to location and aspect that is valued; b) ensure the values do not apply to future out-of-stream uses; c) better define and identify the instream fish values, including trout fishery and trout spawning values.			Accept in Part
	F 33 / 27 Forest and Bird Society Inc.	Support	P	
	F 37 / 38 Horticulture NZ	Oppose	P	
Sub#: 21	Maori Trustee for Poukawa 13B Ahu Whenua Trust			
3	No specific decision requested, but refers to need for clarification on how POL LW1 will be applied in the absence of prioritisation under POL LW2 and if a long-term planning perspective will also be applied to wetlands.			Accept in Part
C5 POL LW2 Policy LW2 (Prioritising values)				
Sub#: 3	Department of Corrections			
2	Amend POL LW2 Table 1 by adding the following as a Primary value/use for the Heretaunga Catchment Area, Mohaka Catchment Area and Tukituki Catchment Area: " <u>Water supply for key social infrastructure such as hospitals, schools and prisons.</u> "			Accept in Part
Sub#: 4	Fertiliser Assoc. of NZ Inc.			
5	Amend POL LW2 to read: "1. Subject to Objective LW1.1 to 1.10, recognise and give priority to maintaining and <u>where necessary</u> enhancing the primary values...." 2. In relation to catchments ... 3. Subject to Objective LW1.1 to 1.10, <u>[manage] control</u> the freshwater bodies listed in Policy LW2.1 in a manner that; a) recognises and gives priority to maintaining and <u>where necessary</u> enhancing primary values and uses identified in Table 1; and b) avoids as far as practicable, significant adverse effects on secondary values and uses identified in Table 1; and c) uses an <u>integrated</u> catchment-based process in accordance with POL LW1 to evaluate and determine the appropriate balance between any conflicting primary values and uses in Table 1."			Reject
	F 34 / 17 HB Federated Farmers	Oppose	A	
	F 35 / 7 HB Fish & Game Council et al	Support in Part	P	
	F 35 / 14 HB Fish & Game Council et al	Support in Part	P	
	F 37 / 44 Horticulture NZ	Oppose in Part	P	
Sub#: 5	Fonterra Co-operative Group Ltd			
5	No specific decision requested, but refers to support for: 1. certainty for water users through identifying priority catchments and prioritisation of uses and values set through collaborative stakeholder engagement. 2. priority status placed on land-based primary production for the Catchment Areas. 3. regional plan provisions that acknowledge voluntary catchment-based nutrient loss mitigation programmes (eg: Taharua and upper Mohaka).			Accept in Part
Sub#: 12	HB Federated Farmers			
27	Supports the clear strategic prioritisation of values as outlined in Policy LW2 and Table 1.			Accept in Part
Sub#: 13	HB Fish & Game Council et al			
50	Delete POL LW2 in its entirety OR amend as requested elsewhere in submission.			Accept in Part
	F 32 / 10 Fonterra Co-operative Group Ltd	Oppose	P	
	F 33 / 17 Forest and Bird Society Inc.	Support	P	
	F 34 / 12 HB Federated Farmers	Oppose	P	
	F 37 / 45 Horticulture NZ	Oppose	P	
53	1. Delete POL LW2 entirely OR 2. Amend POL LW2 as requested elsewhere in submission; OR 3. Amend Table 1 to address issues identified in submission, including: a) define values with more precision as to location and aspect that is valued; b) ensure the values do not apply to future out-of-stream uses; c) better define and identify the instream fish values, including trout fishery and trout spawning values.			Accept in Part
	F 33 / 20 Forest and Bird Society Inc.	Support	P	
	F 37 / 46 Horticulture NZ	Oppose	P	
54	No specific amendment requested, but refers to ensuring that catchment values identified during current and future catchment-based values identification processes can be incorporated into the RPS and regional plan without being inconsistent with the policy approach in POL LW2.			Accept in Part
	F 33 / 21 Forest and Bird Society Inc.	Support	P	
Sub#: 18	Kelly, Terry			
4	No specific decision requested, but refers to opposing Policy LW2.			Accept in Part
Sub#: 21	Maori Trustee for Poukawa 13B Ahu Whenua Trust			
4	No specific decision requested, but refers to need for clarification that Poukawa will be confirmed as an independent, high value ecosystem.			Reject
Sub#: 26	Taupo District Council			
2	Amend POL LW2.1 to read: "Subject to Objective LW1.1 to 1.10, recognise and give priority to maintaining <u>[and] or</u> enhancing the primary values and uses of freshwater bodies..."			Accept

3	Amend POL LW2.3(a) to read: "(a) recognise and gives priority to maintaining [and] or enhancing primary values and uses identified in Table 1; and"			Accept
C5 POL LW2 Table Table 1 in POL LW2				
Sub#: 2 Central HB District Council				
1	Amend POL LW2 Table 1 so bullet point for Primary value/use in Tukituki Catchment Area reads: "- urban water supply for towns and settlements, including <u>irrigation water for Council parks and reserves</u> "			Accept in Part
	F 37 / 47 Horticulture NZ	Oppose		P
Sub#: 8 Green Party of Aotearoa (HB Branch)				
6	Amend POL LW2 Table 1 by deleting "water use associated with maintaining or enhancing land based primary production" as a Primary value/use in the Tukituki Catchment Area.			Reject
	F 32 / 11 Fonterra Co-operative Group Ltd	Oppose		A
	F 34 / 13 HB Federated Farmers	Oppose		A
	F 35 / 20 HB Fish & Game Council et al	Support		R
	F 37 / 48 Horticulture NZ	Oppose		A
7	Amend POL LW2 Table 1 so bullet point for Secondary value/use in Tukituki Catchment Area reads: "amenity for contact recreation (including swimming) in <u>[lower]</u> Tukituki River."			Accept in Part
	F 35 / 21 HB Fish & Game Council et al	Support		P
Sub#: 11 HB Environmental Water Group				
2	Amend Table 1 by adding " <u>domestic water supplies</u> " as a Primary value for Greater Heretaunga / Ahuriri Catchment Area, Mohaka Catchment Area and Tukituki Catchment Area.			Accept in Part
3	Amend Table 1 by adding " <u>long-fin eel habitat and passage</u> " as a Primary value in the Greater Heretaunga/Ahuriri and Tukituki Catchment Areas.			Accept in Part
Sub#: 14 HB Forestry Group				
1	Amend Table 1 to specifically include 'forestry' as a value and use of freshwater.			Accept in Part
	F 34 / 14 HB Federated Farmers	Support in Part		P
2	No specific decision requested, but states opposition to splitting of primary and secondary values/uses of freshwater in Catchment Areas.			Reject
	F 35 / 46 HB Fish & Game Council et al	Support		R
Sub#: 15 Holcim (NZ) Ltd				
3	That HBRC adopt POL LW2 Table 1, particularly references to aggregate supply and extraction as a secondary value/use for the three catchment areas as proposed in Change 5.			Accept in Part
	F 35 / 51 HB Fish & Game Council et al	Oppose		P
Sub#: 16 Horticulture NZ et al				
11	Amend POL LW2 Table 1 by adding the following as a Primary value/use in the Greater Heretaunga/Ahuriri Catchment Area, Mohaka Catchment Area and Tukituki Catchment Area: 1. " <u>freshwater for human drinking and animal drinking uses</u> " 2. " <u>freshwater use for beverages, food and fibre production and processing</u> "			Accept in Part
	F 32 / 12 Fonterra Co-operative Group Ltd	Support		P
	F 34 / 15 HB Federated Farmers	Support		P
	F 35 / 55 HB Fish & Game Council et al	Oppose		P
12	Amend POL LW2 Table 1 by adding " <u>the non-consumptive use of water for renewable electricity generation</u> " as a Secondary value/use in the Mohaka Catchment Area and Tukituki Catchment Area.			Accept in Part
	F 35 / 56 HB Fish & Game Council et al	Oppose		P
	F 38 / 6 TrustPower Ltd	Oppose		P
Sub#: 17 Irrigation NZ Inc.				
9	Amend Table 1 by adding the following as a Primary value/use for the Greater Heretaunga/Ahuriri Catchment Area, Mohaka Catchment Area and Tukituki Catchment Area: 1. " <u>reasonable domestic and stockwater use</u> " 2. " <u>beverages, food and fibre production and processing</u> "			Accept in Part
	F 32 / 13 Fonterra Co-operative Group Ltd	Support		P
	F 35 / 64 HB Fish & Game Council et al	Oppose		P
10	Amend Table 1 by adding " <u>renewable electricity generation</u> " as a Primary value/use for Mohaka catchment.			Accept in Part
	F 35 / 65 HB Fish & Game Council et al	Oppose		P
	F 38 / 8 TrustPower Ltd	Support		P
11	Amend Table 1 by adding " <u>renewable electricity generation</u> " as a secondary value/use in the Tukituki catchment area.			Accept in Part
	F 35 / 66 HB Fish & Game Council et al	Oppose		P
	F 38 / 9 TrustPower Ltd	Support		P
Sub#: 19 Knauf, Ivan (Wairua Farms)				
3	Amend Table 1 Greater Heretaunga / Ahuriri Secondary value/use to read: "aggregate supply and extraction in the Ngaruroro River <u>[downstream of Maraekakaho]</u> "			Accept in Part
	F 36 / 7 Holcim (NZ) Ltd	Support in Part		P
Sub#: 22 Medical Officer of Health (HBDHB)				
2	Amend Table 1 to ensure protection of drinking water supplies is identified as a Primary value/use in all catchments.			Accept in Part

Sub#: 23	Ngati Kahungunu Iwi inc.			
11	Amend POL LW2 Table 1 to include as a 'priority', " <u>the relationship tangata whenua with the river be preserved and enabled.</u> "			Reject
	F 35 / 76	HB Fish & Game Council et al	Support	R
12	Amend POL LW2 Table 1 to separate the Catchment Area "Greater Heretaunga/Ahuriri Catchment Area" into separate parts, i.e. Karamu, Ngaruroro etc.			Reject
	F 35 / 77	HB Fish & Game Council et al	Support	R
13	Amend POL LW2 Table 1 by adding the following as Primary value/use for each of the Catchment Areas: " <u>tikanga Maori</u> ", " <u>Kaitiakitanga</u> ", " <u>natural character</u> " and " <u>aquifer recharge zones</u> " or cross reference values listed elsewhere in the RRMP.			Reject
	F 35 / 78	HB Fish & Game Council et al	Support	R
14	Amend POL LW2 Table 1 so the following are relocated from secondary value/use to Primary value/use for all catchment areas: "trout habitat", "native fish habitat" and "contact recreation"			Accept in Part
	F 35 / 79	HB Fish & Game Council et al	Support	P
16	Amend POL LW2 Table 1 to add " <u>water quality in the Heretaunga aquifer</u> " as a Primary value/use for Greater Heretaunga/Ahuriri Catchment Area.			Reject
17	Amend POL LW2 Table 1 to add " <u>water quality in the Ruataniwha aquifer</u> " as a Primary value/use for Tukituki Catchment Area.			Reject
18	Amend POL LW2 Table 1 so that 'stock water use' is a Secondary value/use in the Greater Heretaunga/Ahuriri Catchment Area.			Accept in Part
Sub#: 24	Pan Pac Forest Products Ltd			
1	Amend Table 1 to specifically include 'forestry' as a value and use of freshwater.			Accept in Part
2	No specific decision requested, but states opposition to splitting of primary and secondary values/uses of freshwater in Catchment Areas.			Reject
Sub#: 25	Silver Fern Farms Ltd			
8	Retain industrial and commercial water supply as a Primary value/use in Table 1.			Accept
Sub#: 28	Te Taiwhenua o Heretaunga			
6	Amend POL LW2 Table 1 to include Maori values as a Primary value/use.			Accept in Part
7	No specific decision requested, but refers to quoting RMA s6 matters for rationale.			Accept in Part
8	Amend POL LW2 Table 1 so 'urban water supply for towns and cities' is a Primary value/use.			Accept in Part
9	No specific decision requested, but refers to domestic supplies where houses do not have access to reticulated services.			Accept in Part
10	Amend POL LW2 Table 1 to include " <u>Ability to use water from the Heretaunga and Ruataniwha aquifers without treatment.</u> " as a Primary value/use.			Reject
11	Amend POL LW2 Table 1 so "land-based primary production" is a Secondary value/use rather than Primary value/use.			Reject
	F 32 / 14	Fonterra Co-operative Group Ltd	Oppose	A
	F 34 / 16	HB Federated Farmers	Oppose	A
	F 37 / 49	Horticulture NZ	Oppose	A
12	No specific decision requested, but refers to "stock water use" being a separate bullet point as a Primary value/use.			Accept in Part
13	Amend POL LW2 Table 1 so "stock water on irrigated pastures" is a Secondary value/use.			Reject
14	Amend POL LW2 Table 1 so ecosystem health of tributaries and main stems is identified as a Primary value/use.			Accept in Part
15	Amend POL LW2 Table 1 to add "natural character" as a Primary value/use.			Accept in Part
16	No specific decision requested, but refers to need to include aquifers in Table 1.			Reject
17	No specific decision requested, but refers to need to include 'health of coastal marine area' in Table 1.			Reject
Sub#: 29	TrustPower Ltd			
4	Amend POL LW2 Table 1 to include " <u>water use for renewable electricity generation</u> " as a Secondary value/use for the Mohaka Catchment Area, or similar and consequential amendments.			Accept in Part
	F 36 / 8	Holcim (NZ) Ltd	Support	P
5	Amend POL LW2 Table 1 to include " <u>water use for renewable electricity generation in upper Tukituki River tributaries</u> " as a Secondary value/use for the Tukituki Catchment Area, or similar and consequential amendments.			Accept in Part
C5 Glossary Gen	Glossary in general			
Sub#: 9	Hastings District Council			
11	'Catchment based process' - Add definition to Ch9 (Glossary).			Reject
	F 35 / 30	HB Fish & Game Council et al	Support	R
	F 37 / 66	Horticulture NZ	Oppose in Part	P
C5 Misc	Miscellaneous / Beyond scope of Change 5			
Sub#: 23	Ngati Kahungunu Iwi inc.			
7	Amend OBJ 34 in RRMP Ch 3.14 (Recognition of Matters of Significance to Iwi/Hapu) to read: "To recognise <u>and provide for matauranga a hapu o Ngati Kahungunu and local tikanga Maori values and interests</u> , and the contribution they make to sustainable [<u>development</u>] <u>management</u> and the fulfilment of HBRC's role [<u>as guardians</u>], as established under the RMA, and tangata whenua roles as kaitiaki [<u>in keeping with Maori culture and traditions</u>]."			Accept in Part

Sub#: 28 Te Taiwhenua o Heretaunga

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|---|--|----------------|
| 3 | Amend RRMP Objective 34 in Ch 3.14 (Recognition of Matters of Significance to Iwi/Hapu) to read: "To recognise <u>and provide for mātauranga Maori and tikanga Maori values and interests</u> and the contribution they make to sustainable <u>[development] management</u> and the fulfilment of HBRC's role <u>[as guardians,]</u> as established under the RMA, and tangata whenua roles as kaitiaki <u>[in keeping with Maori cultural and traditions]."</u> | Accept in Part |
| 4 | No specific decision requested, but refers to redrafting Change 5's relevant proposed Maori provisions and include references to 'taonga' and 'kaitiakitanga' in new policies. | Accept in Part |

C5 General		General comments on Change 5		
Sub#: 6	Friends of the Tukituki			
3	No specific decision requested, but refers to RPS needing to establish water quantity and water quality standards in agreement with the submitter.			Accept in Part
Sub#: 10	Hastings/Havelock North Forest & Bird Branch			
3	Amend Change 5 so the RPS sets water quality limits which when met, will achieve freshwater objectives for all water bodies in each catchment.			Reject
	F 35 / 33	HB Fish & Game Council et al	Support	R
Sub#: 13	HB Fish & Game Council et al			
7	No specific amendments requested, but requests that provisions are included to establish water quality and water quantity limits by which to protect the identified values of waterbodies.			Accept in Part
	F 31 / 11	Environmental Defence Society Inc.	Support	P
8	No specific amendments requested, but requests that provisions are included to ensure that water quality and water quantity in the region is maintained, and where degraded, is restored.			Accept in Part
	F 31 / 12	Environmental Defence Society Inc.	Support	P
9	No specific amendments requested, but requests that provisions are included to ensure that the impacts of land use on freshwater resources are managed to ensure that water quality and quantity is maintained or where degraded, restored.			Accept in Part
	F 31 / 13	Environmental Defence Society Inc.	Support	P
16	Set water quality and quantity limits which do not allow further degradation of freshwater, and restore water quality and water quantity where degraded such that when met will allow the freshwater values to be protected.			Reject
	F 37 / 8	Horticulture NZ	Oppose in Part	P
Sub#: 27	Te Taiao HB Environment Forum			
2	No specific decision requested, but refers to RPS establishing water quality and quantity limits to protect values of waterbodies.			Accept in Part
3	No specific decision requested, but refers to RPS establishing a framework to ensure water quality is maintained, or where degraded that such values are improved hydrology maintained or where degraded such that its values are improved.			Accept in Part
C5 New		New provision in Change 5		
Sub#: 11	HB Environmental Water Group			
11	Amend Change 5 so that guidance and direction signals the need for RRMP to include water quality classes as in RMA's Schedule 3.			Reject
Sub#: 23	Ngati Kahungunu Iwi inc.			
5	Add a new objective to align maximum water abstraction from the Ruataniwha and Heretaunga aquifer systems with 33% of their average annual recharge rates.			Reject
	F 32 / 3	Fonterra Co-operative Group Ltd	Oppose	A
	F 37 / 14	Horticulture NZ	Oppose	A

C5 General		General comments on Change 5		
Sub#: 28	Te Taiwhenua o Heretaunga			
41	No specific decision requested, but refers to RPS needing to quote potential for further degradation due to land use practices.			Reject
C5 POL LW3		Policy LW3 (Managing use of production land)		
Sub#: 4	Fertiliser Assoc. of NZ Inc.			
6	Amend POL LW3 so: 1. heading reads: "Problem solving approach - <i>[Managing] Controlling</i> use of production land use." 2. policy reads: "To <i>[manage] control</i> the use of <i>[and discharge from]</i> production land in specified catchments so that: <i>[a) the discharge of nitrogen to land, and thereafter to groundwater and surface water, does not cause catchment area or sub catchment area limits for nitrogen set out in regional plans to be exceeded;]</i> <i>a)the loss of contaminants to groundwater and surface water, does not cause:</i> <i>i) the catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded; or</i> <i>ii)the faecal matter limits in respect of human consumption and irrigation guidelines for water quality set out in regional plans to be exceeded;</i> <i>[b) the discharge of faecal matter from livestock to land, and therefore to groundwater and surface water, does not cause human consumption and irrigation guidelines for water quality set out in regional plans to be exceeded;]</i> <i>b) any monitored exceedence of soluble reactive phosphorous limits set out in Policy 71 of this Plan is used to target and prioritise the Regional Council's non-regulatory methods."</i>		Accept in Part	
	F 34 / 18	HB Federated Farmers	Oppose	P
	F 35 / 8	HB Fish & Game Council et al	Support in Part	P
	F 35 / 15	HB Fish & Game Council et al	Support in Part	P
	F 37 / 50	Horticulture NZ	Oppose in Part	P
Sub#: 9	Hastings District Council			
13	Amend POL LW3 so: 1. heading reads: "Problem solving approach – managing <i>[use of production land use] the effects of land management and land use practices.</i> " and 2. policy reads: "To manage the <i>[use of, and] discharges from, [production] productive land uses</i> in specified catchments so that:..."			Reject
	F 34 / 19	HB Federated Farmers	Support	R
	F 35 / 29	HB Fish & Game Council et al	Support in Part	P
Sub#: 11	HB Environmental Water Group			
6	Amend Policy LW3 to put more emphasis on addressing the cause of contamination, not the effect.			Accept in Part
	F 34 / 20	HB Federated Farmers	Oppose	P
10	Amend Policy LW3 to place more emphasis, provide guidance and direction to recognise the importance of managing and enhancing soil health humus.			Reject
Sub#: 12	HB Federated Farmers			
5	Amend POL LW3 so: 1. heading reads: "Managing <i>the effects of [use of production] land use to meet objectives and limits.</i> " 2. policy reads: "To manage the <i>effects</i> of use of, and discharges from, production, urban, industrial and other land use in specified catchments..." 3. clause (a) reads: "(a) the discharge of nitrogen to land, and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area <i>objectives or</i> limits for nitrogen set out in regional plans to be exceeded." 4. Clause (b) reads: "(b) the discharge of faecal matter <i>[from livestock]</i> to land, and thereafter to groundwater and surface water, does not cause <i>catchment area or sub-catchment area objectives or limits for relevant (bacterial) water indicators set out in regional plans to be exceeded [human consumption and irrigation guidelines for water quality set out in the regional plans to be exceeded].</i> " 5. Clause (c) is replaced to read: "(c) <i>the discharge of phosphorous to land, and thereafter to groundwater and surface water does not cause catchment area or sub-catchment area objectives or limits for phosphorous set out in regional plans to be exceeded [any monitored exceedances of soluble reactive phosphorous limits set out in Policy 71 of this plan is used to target and prioritise the Regional Council's non-regulatory methods].</i> " 6. Delete principal reasons and explanations for Policy LW3 and amend as consequence of the relief above.		Accept in Part	
	F 37 / 51	Horticulture NZ	Support	P
Sub#: 13	HB Fish & Game Council et al			
57	Amend POL LW3 so it provides a framework for identifying specified catchments; and Amend to read: " <i>Where current freshwater use exceeds set limits in the regional plan, [To manage] the use of, and discharges from, production land [in specified catchments] will be managed so that...</i> "			Reject
	F 31 / 25	Environmental Defence Society Inc.	Support in Part	P
	F 33 / 22	Forest and Bird Society Inc.	Support	R
	F 37 / 52	Horticulture NZ	Support in Part	P
58	Amend POL LW3(a) to recognise that the chief cause of nitrogen contamination of water caused by primary production activities is urine patches from animals, thus amend to ensure that nitrogen leaching will be managed to leaching standards set in regulation in order to ensure that water quality (groundwater and surface water) is maintained, or where degraded, restored.			Reject
	F 32 / 15	Fonterra Co-operative Group Ltd	Oppose	A
	F 33 / 23	Forest and Bird Society Inc.	Support	R
	F 34 / 21	HB Federated Farmers	Oppose	A

59	Amend POL LW3(b) so it: a) accurately characterises the pathways of contamination (ie: refers to these contaminants travelling directly from land to surface water by overland flow, rather than through groundwater to surface water); b) ensures best environmental management practice for reducing faecal runoff to surface water is set through regulation; c) provides for limits for faecal matter levels in water; d) provides for faecal matter limits to be set for contact recreation.			Accept in Part
	F 33 / 24	Forest and Bird Society Inc.	Support	P
60	Amend the following: a) POL LW3(c) so it includes the use of regulatory methods to manage the sources of phosphorous b) principal explanation and reasons for POL LW3 so it characterises the pathways for phosphorous contamination to water and to provide for the use of regulatory methods to manage the sources of phosphorous.			Accept in Part
	F 31 / 26	Environmental Defence Society Inc.	Support	P
	F 33 / 25	Forest and Bird Society Inc.	Support	P
	F 37 / 53	Horticulture NZ	Oppose in Part	P
Sub#:	16	Horticulture NZ et al		
13	Amend POL LW3 to read as follows: "To manage the <i>[use of, and]</i> discharges from, production land in specified catchments so that: (a) <u>[the discharge of nitrogen to land, and thereafter to groundwater and surface water does not cause catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded] to establish through the regional plan nitrogen limits for catchments, taking into account the existing investment (including investment in natural capital), and the ability of existing production land to meet those limits;</u> (b) ..." or Provide for the use of audited self-management programmes to achieve good management of production land.			Reject
	F 34 / 22	HB Federated Farmers	Support	R
	F 35 / 57	HB Fish & Game Council et al	Oppose	A
Sub#:	17	Irrigation NZ Inc.		
12	Amend POL LW 3 to read "To manage the <i>[use of, and]</i> discharge from production land in specified catchments..."			Reject
13	Amend POL LW 3 by adding a new clause to read: " <u>(a) industry and/or catchment based good management practice – audited self-management programmes are implemented as the preferred management approach for the achievement of the catchment or sub-catchment freshwater objectives.</u> " and consequentially amend numbering of existing clauses (a) to (c)			Reject
	F 35 / 67	HB Fish & Game Council et al	Oppose	A
14	Amend POL LW 3 by adding a new clause to read: " <u>(e) catchment wide mitigation options are explored and implemented as appropriate.</u> "			Reject
Sub#:	21	Maori Trustee for Poukawa 13B Ahu Whenua Trust		
5	No specific decision requested, but refers to need for nitrogen and phosphorus guidelines to be set for the Poukawa sub-catchment.			Accept in Part
	F 35 / 71	HB Fish & Game Council et al	Support	P
6	No specific decision requested, but refers to concerns that non-regulatory methods will be ineffective in balancing production 'wants' against environmental 'needs.'			Accept in Part
Sub#:	23	Ngati Kahungunu Iwi inc.		
22	Amend POL LW3 to read: "To manage the use of production land in specified catchments so that: (a) the discharge of nitrogen to land, and thereafter to groundwater <u>is restricted to minimise adverse effects on water quality [and thereafter to groundwater and surface water, does not cause catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded,];</u> (b) the discharge of animal faecal matter to land, and thereafter to groundwater and surface water, does not cause human consumption and irrigation guidelines for water quality set out in regional plans to be exceeded; (c) <u>[any monitored exceedence of] soluble reactive phosphorous limits set out in Policy 71 of this plan will be regulated through resource consent conditions [is used to target and prioritise the Regional Council's non regulatory methods]."</u>			Reject
	F 32 / 16	Fonterra Co-operative Group Ltd	Oppose	A
	F 34 / 23	HB Federated Farmers	Oppose	A
	F 37 / 54	Horticulture NZ	Oppose in Part	P
23	Amend reasons and explanations for POL LW3 to read: "Policy LW3 makes it clear that HBRC will manage production land use activities to <u>minimise the leaching of nitrogen, phosphorous and faecal coliform bacteria</u> to groundwater and surface water under section 9 of the RMA in order to ensure that groundwater and surface water values identified in specified catchment areas are maintained or enhanced where necessary <u>[phosphorous leaching and run off will be managed by non-regulatory methods as it is primarily caused by soil loss and cannot be practicably controlled by way of permitted activity conditions or consent conditions. This approach will complemented by industries' implementation of good agricultural practices]."</u>			Accept in Part
Sub#:	25	Silver Fern Farms Ltd		
9	No specific decision requested but refers to nitrogen limits being set using sound technical information.			Accept in Part

C5 POL LW4		Policy LW4 (Non-regulatory methods)		
Sub#: 4	Fertiliser Assoc. of NZ Inc.			
7	Amend POL LW4 and Ch 4 of RRMP to explicitly provide for industry good practice within the non-regulatory methods for supporting the Plan's objectives.			Accept
Sub#: 5	Fonterra Co-operative Group Ltd			
6	No specific decision requested, but refers to support for recognition of non-regulatory methods in meeting catchment and sub-catchment limits through on-farm best practice.			Accept in Part
Sub#: 7	Genesis Power Ltd			
2	Delete POL LW4 and include content as a method or methods elsewhere in Change 5.			Reject
Sub#: 12	HB Federated Farmers			
6	Amend POL LW4 and/or associated explanation so that it incorporates key themes from the Land and Water Management Strategy (in particular, the focus on partnership initiatives), and key principles that underpin HBRC's regulatory and non-regulatory programmes (in particular, the focus on efficient targeting of both rules and non-regulatory investments to minimise transaction costs, and to deliver best-bang-for-buck outcomes). Explanation should also record other benefits of the collaborative approach (eg: willing buy-in, minimising transaction costs and recognising public and private benefits from shared investments).			Accept in Part
	F 31 / 3	Environmental Defence Society Inc.	Support in Part	P
	F 32 / 17	Fonterra Co-operative Group Ltd	Support	P
Sub#: 13	HB Fish & Game Council et al			
61	Amend POL LW4 heading to read: "Role of non-regulatory <u>and regulatory</u> methods"			Reject
	F 32 / 18	Fonterra Co-operative Group Ltd	Oppose	A
	F 33 / 26	Forest and Bird Society Inc.	Support	R
	F 34 / 24	HB Federated Farmers	Oppose	A
Sub#: 16	Horticulture NZ et al			
14	Amend POL LW4(d) by deleting reference to regional plan provisions, or amend to only refer to non-regulatory methods in regional plans.			Accept in Part
	F 34 / 25	HB Federated Farmers	Support	P
Sub#: 17	Irrigation NZ Inc.			
15	Delete POL LW 4(d).			Accept in Part
	F 34 / 26	HB Federated Farmers	Support	P
Sub#: 25	Silver Fern Farms Ltd			
10	No specific decision requested but refers to adequate funding should be provided for non-regulatory methods and that any non-statutory recommendations integrated into regional planning documents follow due process in public notification and consultation.			Reject

C5 OBJs 21 & 22		Objectives 21 & 22 in Ch 3.8	
Sub#: 8	Green Party of Aotearoa (HB Branch)		
10	Do not delete OBJ 21 as proposed in Change 5, and retain original wording of OBJ 22 without Change 5's proposed amendments.		Reject
Sub#: 9	Hastings District Council		
9	Amend OBJ 22 to read: "Subject to Objective LW1, the groundwater quality in the Heretaunga Plains and Ruataniwha aquifer systems and in unconfined or semi-confined productive aquifers is suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality <u>as determined by Ministry of Health standards.</u> "		Accept
Sub#: 11	HB Environmental Water Group		
4	Do not delete OBJ 21 as proposed in Change 5, and retain original wording of OBJ 22 without Change 5's proposed amendments.		Reject
	F 31 / 1 Environmental Defence Society Inc.	Support	R
	F 34 / 29 HB Federated Farmers	Oppose	A
	F 35 / 38 HB Fish & Game Council et al	Support	R
5	Do not amend OBJ 22 as proposed. Retain reference to "maintenance and enhancement" of groundwater quality in OBJ 22.		Reject
Sub#: 12	HB Federated Farmers		
13	Supports Change 5's OBJ 22 and consequential amendment to AERs in Ch 3.8.		Accept
Sub#: 13	HB Fish & Game Council et al		
69	Do not delete OBJ 21 as proposed in Change 5 and retain OBJ 21 as in existing RPS.		Reject
	F 31 / 28 Environmental Defence Society Inc.	Support	R
	F 32 / 19 Fonterra Co-operative Group Ltd	Oppose	A
	F 34 / 30 HB Federated Farmers	Oppose	A
	F 37 / 58 Horticulture NZ	Oppose	A
70	Retain RPS's current wording of OBJ 22 without Change 5's proposed amendments.		Reject
71	Do not delete RRMP OBJ 42 as proposed in Change 5, and retain original wording of OBJ 43 without Change 5's proposed amendments (being a consequential amendment arising from proposals to amend OBJs 21 and 22).		Reject
Sub#: 18	Kelly, Terry		
7	No specific decision requested, but refers to opposing proposed deletion of Objective 21 and amendments to Objective 22.		Reject
Sub#: 21	Maori Trustee for Poukawa 13B Ahu Whenua Trust		
11	No specific decision requested, but refers to principles of OBJ 22 needing to be applied on a more widespread basis specifically that nutrient and hydrological loadings at Poukawa should be monitored.		Reject
	F 30 / 2 Brownrigg Agriculture Ltd	Oppose	A
Sub#: 22	Medical Officer of Health (HBDHB)		
1	Objective 21 be retained or modified to recognise the need for protection of groundwater dependent ecosystems which may ultimately impact on drinking water suitability and other uses.		Accept in Part
Sub#: 23	Ngati Kahungunu Iwi inc.		
19	Do not delete OBJ 21 as proposed in Change 5.		Reject
20	Amend OBJ 22 to read: "[Subject to Objective LW1, the] <u>The sustainable management [maintenance or enhancement] of groundwater [quality/quantity in the Heretaunga Plains and Ruataniwha Plains aquifer systems and unconfined or semi-confined [productive] 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].</u> "		Reject
Sub#: 28	Te Taiwhenua o Heretaunga		
26	Do not delete OBJ 21 as proposed in Change 5, and retain original wording of OBJ 22 without Change 5's proposed amendments.		Reject
27	1. Do not delete OBJ 42 as proposed in Change 5 (as a consequence of amending OBJs 21 and 22), 2. retain original wording of OBJ 43 without Change 5's proposed amendments; and 3. amend OBJ 42 and OBJ 43 to replace references to "aquifers" with "unconfined aquifers."		Reject
C5 POL 16		Policy 16 in Ch 3.8	
Sub#: 4	Fertiliser Assoc. of NZ Inc.		

11	Amend Policy 16 to read: "POL REGULATION - [DISCHARGES OVER] <u>LOSS OF CONTAMINANTS TO HERETAUNGA PLAINS AND RUATANIWA PLAINS AQUIFER SYSTEMS</u> 3.8.13 To regulate the following activities involving the [discharges] <u>loss</u> of contaminants <u>to</u> [onto or into land over] the Heretaunga Plains unconfined aquifer area (as shown in Schedule Va) or Ruataniwha Plains unconfined aquifer systems: [- <u>the effects of land use activities on production land</u>] - The storage of stock feed - The use of compost, biosolids, and other soil conditioners - Animal effluent discharge - Management of solid waste - Existing domestic sewage disposal systems - New domestic sewage disposal systems - Stormwater discharges - [<u>discharges to land</u>] <u>loss of contaminants</u> that may enter water."				Reject
	F 37 / 59 Horticulture NZ	Support in Part		P	
Sub#: 9	Hastings District Council				
14	Delete Change 5's proposal to add a new bullet point to POL 16 which reads "the effects of land use activities on production land."				Accept
Sub#: 12	HB Federated Farmers				
15	Amend the proposed new bullet point to read: " <u>significant adverse effects of the use of</u> [<u>the effects of land use activities on</u>] production land."				Reject
	F 31 / 5 Environmental Defence Society Inc.	Oppose		A	
Sub#: 13	HB Fish & Game Council et al				
72	Amend bullet point propose to be added to POL 16 to read: "the [<u>effects of land use activities on</u>] <u>use of</u> production land"				Reject
	F 37 / 60 Horticulture NZ	Oppose		A	
Sub#: 16	Horticulture NZ et al				
16	Amend new bullet point proposed by Change 5 to be added to POL 16 to read: " <u>[the effects of land use activities on] discharges from production land activities where required to meet nutrient discharge limits.</u> "				Reject
	F 35 / 59 HB Fish & Game Council et al	Oppose		A	
C5 AERs Ch 3.8 AERs in Ch 3.8					
Sub#: 8	Green Party of Aotearoa (HB Branch)				
11	Amend AERs in Ch 3.8 (Groundwater quality) to read: "No degradation of existing groundwater quality in confined productive aquifers [<u>beyond a level suitable for human consumption and irrigation without treatment</u>]."				Reject
	F 35 / 22 HB Fish & Game Council et al	Support		R	
Sub#: 12	HB Federated Farmers				
14	Supports Change 5's amendment to AERs in Ch 3.8 as consequence of amending OBJ 22.				Accept
Sub#: 28	Te Taiwhenua o Heretaunga				
31	Retain AER in Ch 3.8 without amendments as proposed in Change 5.				Reject
32	Amend AERs in Ch 3.8 by adding following as new indicators to be measured: " <u>soluble reactive phosphorus</u> " and " <u>soluble inorganic nitrogen</u> ."				Accept in Part
33	Amend AERs in Ch 3.8 by adding the following as a new data source: " <u>Cultural health monitoring</u> ."				Reject

C5 Ch 3.10 Issue		Issue in Ch 3.10		
Sub#:	4	Fertiliser Assoc. of NZ Inc.		
	12	Amend Issue statement in RRMP Ch 3.10 to read: "The potential degradation of the values and uses of rivers, lakes and wetland in Hawke's Bay as a result of: a) the taking, use, damming and diversion of water, which may adversely affect aquatic ecosystems and existing lawfully established resource users, especially during droughts. b) [Non point source discharges and] Stock access <u>to water bodies and non-point source discharges (including production land use activities)</u> , which <u>may</u> cause contamination of rivers, lakes and wetlands, and degrade their margins. c) point source discharges which <u>may</u> cause contamination of rivers, lakes and wetlands." F 37 / 62 Horticulture NZ	Support in Part	Reject
Sub#:	12	HB Federated Farmers		
	16	Amend Issue 3.10.1(b) to read: "(b) Stock access to water bodies and non-point source discharges [(including production land use activities),] which cause contamination of rivers, lakes and wetlands, and degrade their margins." F 35 / 45 HB Fish & Game Council et al	Oppose	Reject
Sub#:	13	HB Fish & Game Council et al		
	73	Retain proposed amendments to Issue statement in Ch 3.10.		Accept
Sub#:	18	Kelly, Terry		
	8	Supports proposed amendments to Issue statement in Chapter 3.10.		Accept
Sub#:	23	Ngati Kahungunu Iwi inc.		
	9	Amend Issue statement in RRMP Ch 3.10 (Surface Water Resources) by adding two new clauses to read: " <u>(d) The potential contamination of aquifers and consequential degradation of surface water</u> ", and " <u>(e) The relationship between ground water quality and surface water recharge</u> ." F 35 / 45 HB Fish & Game Council et al		Reject
Sub#:	28	Te Taiwhenua o Heretaunga		
	34	Amend Issue statement in RRMP Ch 3.10 by adding a new clause to read: " <u>(d) the potential contamination of aquifers and consequential degradation of surface water</u> ." F 35 / 45 HB Fish & Game Council et al		Reject
C5 OBJ 25		Objective 25 in Ch 3.10		
Sub#:	4	Fertiliser Assoc. of NZ Inc.		
	13	Retain amended OBJ 25 as proposed in Change 5.		Accept in Part
Sub#:	11	HB Environmental Water Group		
	8	Do not amend OBJ 25 as proposed in Change 5. Retain reference to "maintenance of the water" quantity in OBJ 25.		Reject
Sub#:	12	HB Federated Farmers		
	17	Supports amended OBJ 25 as proposed in Change 5.		Accept in Part
Sub#:	21	Maori Trustee for Poukawa 13B Ahu Whenua Trust		
	12	No specific decision requested, but refers to needing clarification that maintaining flows for sustaining aquatic ecosystems in priority wetlands will take precedence over development demands.		Accept in Part
Sub#:	28	Te Taiwhenua o Heretaunga		
	35	Amend OBJ 25 to read: "Subject to Objective LW1, the quantity of water in wetlands, rivers and lakes is suitable for sustaining <u>or enhancing</u> ecosystems in catchments, and ensuring resource availability for a variety of purposes across the region, while recognising the impact caused by climatic fluctuations in Hawke's Bay." F 35 / 45 HB Fish & Game Council et al		Reject
C5 OBJ 27		Objective 27 in Ch 3.10		
Sub#:	2	Central HB District Council		
	3	No specific decision requested, but refers to relevance of Objective 27 to CHBDC's investment in existing and new proposals to collect, treat and dispose of wastewater from townships (particularly new proposal for Takapau township). F 35 / 3 HB Fish & Game Council et al	Oppose	Accept in Part
Sub#:	4	Fertiliser Assoc. of NZ Inc.		
	14	Retain amended OBJ 27 as proposed in Change 5.		Accept in Part
Sub#:	9	Hastings District Council		
	10	Amend OBJ 27 to read: "Subject to Objective LW1, the water quality in rivers, lakes and wetlands is suitable for sustaining or improving aquatic ecosystems in catchments and for other freshwater values identified in accordance with a catchment-based process as set out in POL LW2, including contact recreation <u>and irrigation</u> purposes where appropriate." F 35 / 3 HB Fish & Game Council et al		Reject
Sub#:	11	HB Environmental Water Group		
	9	Do not amend OBJ 27 as proposed in Change 5. Retain reference to "maintenance or enhancement of" the water quality in OBJ 27.		Reject
Sub#:	12	HB Federated Farmers		

18	Supports amended OBJ 27 as proposed in Change 5.				Accept in Part
Sub#: 13	HB Fish & Game Council et al				
75	Amend OBJ 27 to read: "[Subject to Objective LW1, the] <u>The maintenance or enhancement of the water quality</u> in rivers, lakes and wetlands is suitable for sustaining or improving aquatic ecosystems in catchments, and for other freshwater values identified in accordance with a catchment-based process [as set out in POL LW2,] including contact recreation purposes where appropriate."				Reject
Sub#: 21	Maori Trustee for Poukawa 13B Ahu Whenua Trust				
13	No specific decision requested, but refers to need for water quality standards to be tailored to sustain an ecosystem as defined by an ecological survey.				Accept in Part
Sub#: 25	Silver Fern Farms Ltd				
13	Retain the reference in OBJ 27 to "...where appropriate..."				Accept
Sub#: 28	Te Taiwhenua o Heretaunga				
36	Amend OBJ 27 to read: "Subject to Objective LW1, the water quality in rivers, lakes and wetlands is suitable for sustaining or improving aquatic ecosystems in catchments and for other freshwater values identified in accordance with a catchment-based process as set out in POL LW2, including contact recreation purposes [where appropriate]."				Reject
C5 OBJ 27A Objective 27A in Ch 3.10					
Sub#: 12	HB Federated Farmers				
20	Supports intent of OBJ 27A in Change 5.				Accept
Sub#: 13	HB Fish & Game Council et al				
76	Amend OBJ 27A as follows: 1. to read: "[Subject to Objective LW1,] remnant indigenous..." and 2. reword to recognise benefits of non-indigenous riparian vegetation.				Accept in Part
Sub#: 14	HB Forestry Group				
3	No specific decision requested, but states opposition to OBJ 27A until further clarification can be given about meaning of references to "remnant" vegetation.				Accept in Part
	F 35 / 47	HB Fish & Game Council et al	Oppose		P
Sub#: 21	Maori Trustee for Poukawa 13B Ahu Whenua Trust				
14	No specific decision requested, but refers to need for amount and type of riparian vegetation to be tailored to a wetland type and to individual wetlands within a type.				Reject
Sub#: 24	Pan Pac Forest Products Ltd				
3	No specific decision requested, but states opposition to OBJ 27A until further clarification can be given about meaning of references to "remnant" vegetation.				Accept in Part
Sub#: 25	Silver Fern Farms Ltd				
14	No specific decision requested but refers to need for funds to be provided for maintenance and enhancement of remnant indigenous vegetation.				Reject
Sub#: 26	Taupo District Council				
5	Amend OBJ 27A to read: "Subject to Objective LW1, remnant indigenous riparian vegetation on the margins of rivers, lakes and wetlands is maintained or enhanced [in order to] for: (a) [maintain] biological diversity; and (b) [maintain and enhance] water quality and aquatic ecosystems."				Reject
Sub#: 28	Te Taiwhenua o Heretaunga				
37	Amend OBJ 27A by adding a new clause to read: "(c) support tikanga Maori and uses of natural resources."				Accept in Part
C5 POL 47 Policy 47 in Ch 3.10					
Sub#: 4	Fertiliser Assoc. of NZ Inc.				
15	Amend Policy 47 to read: "Subject to Objective LW1, [To manage] to control activities affecting the quality of water in wetlands, rivers and lakes in accordance with Objective 25 and 27 and the environmental guidelines and implementation approaches set out in Chapter 5 of this Plan."				Reject
	F 34 / 31	HB Federated Farmers	Oppose		A
	F 35 / 10	HB Fish & Game Council et al	Support in Part		P
	F 37 / 63	Horticulture NZ	Oppose in Part		P
Sub#: 12	HB Federated Farmers				
19	Supports Change 5's amendments to POL 47.				Accept in Part
Sub#: 13	HB Fish & Game Council et al				
77	Amend POL 47 to read: "[Subject to Objective LW1,] to manage..."				Accept
C5 POL 47A Policy 47A in Ch 3.10					
Sub#: 2	Central HB District Council				
2	No specific decision requested, but refers to relevance of Policy 47A to CHBDC's investment in proposal to collect, treat and dispose of wastewater from Waipawa and Waipukurau townships.				Accept in Part
	F 35 / 2	HB Fish & Game Council et al	Oppose		P

Sub#: 4	Fertiliser Assoc. of NZ Inc.			
16	Amend POL 47A(a) to read: "(a) the adverse effects of contaminants entering surface water bodies or coastal water are avoided, <u>remedied or mitigated</u> as far as practicable;"			Reject
Sub#: 8	Green Party of Aotearoa (HB Branch)			
12	Amend POL 47A(a) to read: "The adverse effects of contaminants entering surface waterbodies or coastal water are avoided <i>[as far as practicable].</i> "			Reject
	F 35 / 23 HB Fish & Game Council et al	Support	R	
13	Amend POL 47A(b) to read: "Any disposal of wastewater, solid waste or other waste products to a surface waterbody or coastal water <i>[occurs only when it is the best practicable option]</i> <u>is prohibited.</u>			Reject
Sub#: 12	HB Federated Farmers			
21	Supports Change 5's addition of POL 47A.			Accept in Part
Sub#: 13	HB Fish & Game Council et al			
78	Amend POL 47A as follows: 1. to read: " <i>[Subject to Objective LW1,]</i> promote land-based..." and 2. Reword to provide a framework by which land-based disposal and surface water disposal of contaminants can be managed.			Accept in Part
Sub#: 21	Maori Trustee for Poukawa 13B Ahu Whenua Trust			
15	No specific decision requested, but refers to term 'contaminant' needing to be defined in terms of the purpose and function of the water body into which it is discharged. Considers therefore that POL 47A reinforces OBJ 27 and this should be acknowledged in the POL 47A wording.			Reject
Sub#: 28	Te Taiwhenua o Heretaunga			
38	Amend POL 47A(b) to read: "(b) any disposal of wastewater, solid waste or other waste products to a surface waterbody or coastal water occurs <i>[only when it is the best practical option]</i> <u>in emergencies only.</u> "			Reject

C5 General		General comments on Change 5		
Sub#: 6	Friends of the Tukituki			
7	No specific decision requested, but refers to all remaining wetlands in Hawke's Bay being significant and should be protected.			Reject
	F 35 / 17	HB Fish & Game Council et al	Support	R
Sub#: 10	Hastings/Havelock North Forest & Bird Branch			
9	Amend Change 5 so the RPS includes provisions to identify and protect the natural character of all wetlands and their biodiversity in the Hawke's Bay region.			Reject
Sub#: 13	HB Fish & Game Council et al			
11	No specific amendments requested, but refers to provisions needing to be included which identify that all remaining wetlands in the region are significant (s6(c) habitats under the RMA) and should be protected.			Accept in Part
	F 31 / 15	Environmental Defence Society Inc.	Support	P
Sub#: 27	Te Taiao HB Environment Forum			
5	No specific decision requested, but refers to RPS needing to provide better protection for wetlands and biodiversity in the region.			Accept in Part
7	No specific decision requested, but refers to all HB wetlands, including ephemeral wetlands being significant and should be protected.			Reject
C5 OBJs 15 & 15A		Objectives 15 & 15A in Ch 3.4		
Sub#: 4	Fertiliser Assoc. of NZ Inc.			
9	Amend Objectives 15 and 15A as consequence of submitter's requested amendments to OBJ LW1.1. [refer Sub#4-2]			Reject
10	If OBJ 15 is retained, then amend OBJ 15A to read: " <i>The management of</i> <u>To control</u> fresh water and land use and development in a manner which <i>protects</i> <u>recognises and provides for the significant values of wetlands.</u> "			Reject
	F 34 / 27	HB Federated Farmers	Oppose	A
	F 35 / 9	HB Fish & Game Council et al	Support in Part	P
	F 37 / 56	Horticulture NZ	Oppose in Part	P
Sub#: 8	Green Party of Aotearoa (HB Branch)			
8	Amend OBJ 15A to read: "The management of fresh water and land use and development in a manner which protects <u>the significant values of wetlands.</u> "			Reject
Sub#: 9	Hastings District Council			
8	Amend OBJ 15A to read: "The management of fresh water, <i>and land use and development</i> <u>and the effects of land management and land use practices</u> in a manner which protects significant values of wetlands."			Reject
	F 34 / 28	HB Federated Farmers	Support	R
	F 37 / 57	Horticulture NZ	Support in Part	P
Sub#: 12	HB Federated Farmers			
10	Amend OBJ 15A to read: " <u>Subject to OBJ LW1</u> the management of freshwater and <u>the effects of</u> land use and development in a manner which protects significant values of wetlands."			Reject
	F 35 / 43	HB Fish & Game Council et al	Oppose	A
Sub#: 13	HB Fish & Game Council et al			
64	Either retain OBJ 15 without amendments proposed by Change 5; or Amend OBJ 15 to read: "...significant habitats of indigenous fauna, <u>including</u> <i>and ecologically significant</i> wetlands."			Accept in Part
65	No specific amendments requested but refers to amending OBJ 15A to be consistent with s6(c) of RMA by requiring protection of wetlands as areas of significant indigenous vegetation and significant habitats of indigenous fauna.			Accept in Part
	F 31 / 27	Environmental Defence Society Inc.	Support	P
Sub#: 16	Horticulture NZ et al			
15	Amend OBJ 15A to read: "The management of freshwater <i>and land use and development</i> in a manner which protects significant values of wetlands."			Reject
	F 35 / 58	HB Fish & Game Council et al	Oppose	A
Sub#: 18	Kelly, Terry			
5	No specific decision requested, but refers to opposing proposed amendments to Objective 15 to the extent that they weaken protection given to wetlands.			Accept in Part
Sub#: 21	Maori Trustee for Poukawa 13B Ahu Whenua Trust			
8	No specific decision requested but refers to general support for intention of OBJ 15.			Accept in Part
9	No specific decision requested, but refers to support for addition of OBJ 15A provided that priority wetlands have management priority over development activities; and requests that Poukawa is specified as a priority location.			Reject
	F 30 / 1	Brownrigg Agriculture Ltd	Oppose	A
Sub#: 26	Taupo District Council			
4	Amend proposed explanation para 3.4.6 in RPS for consistency with OBJs 15 and 15A.			Reject

C5 POLs 4 & 4A		Policies 4 & 4A in Ch 3.4	
Sub#:	8	Green Party of Aotearoa (HB Branch)	
	9	Amend POL 4A to read: "To use non-regulatory methods, as set out in Chapter 4 and in Policy 4(a) to (d) below, in support of regulatory methods for protecting <u>the</u> significant values of wetlands."	Reject
Sub#:	12	HB Federated Farmers	
	11	Amend POL 4A to read: "To use non-regulatory, methods, as set out in Chapter 4 and in Policy 4(a) to (d) below, <u>as the primary means [in support of regulatory methods]</u> for protecting significant values of wetlands."	Reject
		F 31 / 4 Environmental Defence Society Inc.	Oppose A
		F 35 / 44 HB Fish & Game Council et al	Oppose A
Sub#:	13	HB Fish & Game Council et al	
	66	No specific amendments requested but refers to amending POL 4A to be consistent with s6(c) of RMA.	Reject
	67	Amend POL 4 to read: "...significant indigenous vegetation, <u>including [and ecologically significant]</u> wetlands."	Accept in Part
	68	Amend principal reasons and explanations for Policies 4 and 4A to be consistent with amendments requested elsewhere in submission.	Reject
Sub#:	18	Kelly, Terry	
	6	No specific decision requested, but refers to opposing proposed amendments to Policy 4 to the extent that they weaken protection given to wetlands.	Accept in Part
Sub#:	21	Maori Trustee for Poukawa 13B Ahu Whenua Trust	
	10	No specific decision requested, but refers to preferring that Poukawa be listed as a priority site.	Accept in Part
C5 Glossary Gen		Glossary in general	
Sub#:	12	HB Federated Farmers	
	12	'Wetland' - amend definition to read: "... (g) artificial wetlands [<i>created for beautification purposes</i>]."	Reject
		F 37 / 64 Horticulture NZ	Support R
Sub#:	13	HB Fish & Game Council et al	
	63	'Wetland' - EITHER: 1. Retain definition of wetland in RPS without Change 5's proposed amendments; OR 2. Amend definition to read: " Wetland includes permanently or intermittently wet area, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. For the purposes of this Plan, a wetland is not/does not include: <u>a) damp gully heads, or paddocks subject to regular ponding, dominated by pasture or exotic species in association with wetland sedge and rush species; or</u> <u>b) ditches or drains supporting raupo, flax or other wetland species (eg., Carex sp., Isolepis sp.), or populations of these species in drains or slumps associated with road reserves or rail corridors; or</u> <u>c) areas of wetland habitat specifically designed, installed and maintained for any of the following purposes:</u> <u>i. stock watering (including stock ponds), or</u> <u>ii. water storage for the purposes of fire fighting or irrigation (including old gravel pits), or</u> <u>iii. treatment of animal effluent (including pond or barrier ditch systems), or</u> <u>iv. wastewater treatment, or</u> <u>v. sediment control, or</u> <u>vi. any hydroelectric power generation scheme, or</u> <u>vii. water storage for the purposes of public water supplies; or</u> <u>d) areas of wetland habitat maintained in relation to the implementation of any resource consent conditions or agreements relating to the operation of any hydroelectric power scheme currently lawfully established; or</u> <u>e) open water and associated vegetation created for landscaping purposes or amenity values where the planted vegetation is predominately exotic, or includes assemblages of species not naturally found in association with each other, on the particular landform, or at the geographical location of the created site."</u>	Reject
		F 30 / 7 Brownrigg Agriculture Ltd	Oppose A
		F 37 / 65 Horticulture NZ	Support in Part R
		F 38 / 4 TrustPower Ltd	Support R
Sub#:	21	Maori Trustee for Poukawa 13B Ahu Whenua Trust	
	16	'Wetland' - amend definition to read: "Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. For the purposes of this Plan, a wetland is not: [(a) <i>wet production land,</i>] (b)..."	Accept in Part
		F 30 / 3 Brownrigg Agriculture Ltd	Oppose P
		F 35 / 73 HB Fish & Game Council et al	Support P
Sub#:	27	Te Taiao HB Environment Forum	
	6	'Wetland' - No specific decision requested but refers to proposed exclusion of "production land" in wetland definition will impact significantly on ephemeral wetlands at sites like Poukawa and Whakaki.	Accept in Part
		F 35 / 80 HB Fish & Game Council et al	Support P

C5 General		General comments on Change 5		
Sub#: 5	Fonterra Co-operative Group Ltd			
1	No specific decision requested, but refers to recognition being needed that existing water takes contribute to social and economic wellbeing.			Accept in Part
Sub#: 6	Friends of the Tukituki			
4	No specific decision requested, but refers to RPS needing to reflect existing case law and statute law, especially to ensure that water quality is maintained and enhanced.			Accept in Part
5	No specific decision requested, but refers to RPS needing to include clear guidelines on resource use, including that resource use is necessary, reasonable and when it meets these criteria, it should be efficient.			Accept in Part
Sub#: 12	HB Federated Farmers			
26	No specific decision requested, but notes assessment of policy options in the s32 Summary Report and supports HBRC's position that further analysis and assessment be undertaken before amending RPS and/or regional plans to identify and address 'outstanding freshwater bodies.'			Accept in Part
	F 35 / 41	HB Fish & Game Council et al	Oppose	R
Sub#: 13	HB Fish & Game Council et al			
10	No specific amendments requested, but refers to provisions needing to be included to ensure that resource use (water and its assimilative capacity) is necessary, reasonable, and where it meets these criteria is efficient.			Accept in Part
	F 31 / 14	Environmental Defence Society Inc.	Support	P
	F 37 / 6	Horticulture NZ	Oppose in Part	P
12	No specific amendments requested, but requests that Change 5's proposals in their current form be withdrawn.			Reject
	F 31 / 16	Environmental Defence Society Inc.	Support	R
83	No specific decision requested, but refers to opposing any consequential amendments to RRMP arising from Change 5 that are not specifically identified in proposed Change 5.			Accept in Part
Sub#: 16	Horticulture NZ et al			
20	No specific decision requested, but refers to collaboration on consequential amendments that give effect to the intent of the submission, other wording other than the relief stated elsewhere in submission if it gives effect to the intent of the submitters.			Accept in Part
Sub#: 20	Lowe Corporation Ltd			
1	No specific decision requested, but refers to RPS needing to include specific objectives and policies that take specific account of the community's social, economic and cultural needs and balance these with protection of the environment.			Accept in Part
Sub#: 21	Maori Trustee for Poukawa 13B Ahu Whenua Trust			
1	No specific decision requested, but refers to need for further clarification on how Change 5 will increase the level of environmental protection currently afforded.			Accept in Part
17	Withdraw Change 5 until such time as there is full understanding of the issues raised by submitter, particularly with regard to the actual intent of the Change 5 and its overall effectiveness.			Reject
Sub#: 26	Taupo District Council			
1	No specific decision requested, but refers to: 1. in-principle support for Change 5's introduction of new objectives, policies and text into RPS to give effect to NPSFM; and 2. support for listing values and uses considered important to management of freshwater bodies.			Accept in Part
Sub#: 27	Te Taiao HB Environment Forum			
4	No specific decision requested, but refers to resource use should be first necessary, second reasonable and third where it meets these criteria it should be efficient.			Accept in Part
Sub#: 28	Te Taiwhenua o Heretaunga			
29	No specific decision requested, but refers to need for cross-referencing new RPS chapters to existing RRMP chapters.			Accept in Part
C5 New		New provision in Change 5		
Sub#: 11	HB Environmental Water Group			
7	No specific amendments requested, but refers to adding objectives and policies as necessary to provide direction to decision-makers so greater emphasis is placed on addressing causes of contamination, rather than the effects of contaminants.			Accept in Part
C5 POL LW4		Policy LW4 (Non-regulatory methods)		
Sub#: 21	Maori Trustee for Poukawa 13B Ahu Whenua Trust			
7	No specific decision requested, but refers to RPS needing to establish intermediate goals to ensure that the NPSFM's 2030 deadlines are met and to resolve ongoing development/conservation conflicts.			Reject
	F 35 / 72	HB Fish & Game Council et al	Support	R

Appendix 3 – Index of submitters and corresponding Theme number(s)

		Requested to be heard at hearing? ¹	Theme – Preliminary matters (incl. submissions outside C5 scope)	Ch 3.1A Issue LW1; OBJ LW1; and AERs etc	POL LW1 (Catchment-based mgmt)	POL LW2 (Prioritising values)	Theme - Limit setting	POL LW3 (Use of production land)	POL LW4 (Non-regulatory methods)	Objectives for groundwater and Policy 16	Ch 3.10 (Surface water resources)	Theme - Wetlands	Theme - Miscellaneous / General comments on Change 5
Sub#	Submitter Name		101	102	103	105	106	107	108	109	110	111	120
1	Belford, Tom	Y		✓									
2	Central Hawke's Bay District Council	N				✓					✓		
3	Department of Corrections	Y		✓		✓							
4	Fertiliser Association of NZ Inc.	Y		✓	✓	✓		✓	✓	✓	✓	✓	
5 & F32	Fonterra Co-operative Group Ltd	Y	✓	✓	✓	✓	✓	✓	✓	✓			✓
6	Friends of the Tukituki	NS	✓			✓	✓					✓	✓
7	Genesis Power Ltd	N			✓				✓				
8	Green Party of Aotearoa (HB Branch)	Y	✓	✓	✓	✓				✓	✓	✓	
9	Hastings District Council	Y		✓	✓	✓		✓		✓	✓	✓	
10	Hastings/Havelock North Forest & Bird	Y	✓	✓	✓	✓	✓					✓	
11	HB Environmental Water Group	NS		✓		✓	✓	✓		✓	✓		✓
12 & F34	HB Federated Farmers	Y	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓
13 & F35	HB Fish & Game Council et al	Y	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
14	HB Forestry Group	Y	✓			✓					✓		
15 & F36	Holcim (NZ) Ltd	Y	✓	✓	✓	✓							

¹ Y= Yes; N= No; NS = Not specified and as at report publication date, submitter has not replied to invitations to confirm interest in appearing at hearing.

		Requested to be heard at hearing? ¹	Theme – Preliminary matters (incl. submissions outside C5 scope)	Ch 3.1A Issue LW1; OBJ LW1; and AERs etc	POL LW1 (Catchment-based mgmt)	POL LW2 (Prioritising values)	Theme - Limit setting	POL LW3 (Use of production land)	POL LW4 (Non-regulatory methods)	Objectives for groundwater and Policy 16	Ch 3.10 (Surface water resources)	Theme - Wetlands	Theme - Miscellaneous / General comments on Change 5
Sub#	Submitter Name		101	102	103	105	106	107	108	109	110	111	120
16 & F37	Horticulture NZ et al	Y	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
17	Irrigation NZ Inc	NS		✓	✓	✓		✓	✓				
18	Kelly, Terry	Y		✓		✓				✓	✓	✓	
19	Knauf, Ivan (Wairua Farms)	Y	✓	✓	✓	✓							
20	Lowe Corporation Ltd	Y			✓								✓
21	Maori Trustee for Poukawa 13B ...	Y		✓		✓		✓		✓	✓	✓	✓
22	Medical Officer of Health (HBDHB)	Y				✓				✓			
23	Ngati Kahungunu Iwi Inc.	Y	✓	✓	✓	✓	✓	✓		✓	✓		
24	Pan Pac Forest Products Ltd	Y	✓			✓					✓		
25	Silver Fern Farms Ltd	N		✓	✓	✓		✓	✓		✓		
26	Taupo District Council	N				✓					✓	✓	✓
27	Te Taiao HB Environment Forum	Y				✓	✓					✓	✓
28	Te Taiwhenua o Heretaunga	Y	✓	✓		✓		✓		✓	✓		✓
29 & F38	TrustPower Ltd	Y		✓	✓	✓						✓	
F30	Brownrigg Agriculture Ltd	Y	✓		✓	✓				✓		✓	
F31	Environmental Defence Society Inc.	N	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
F33	Forest and Bird Society of NZ Inc.	Y		✓		✓		✓	✓				