

25 October 2022

Ref: CORRECMA251022

The Registrar
Environment Court
P O Box 5027
Lambton Quay
Wellington

To the Presiding Judge, Tēnā koe,

**RE: A Notice of Appeal under Clause 14 to the Resource Management Act, 1991
Te Taiwhenua o Heretaunga v Hawke's Bay Regional Council**

We enclose for filing, the following documents:

- A signed hard copy of our Form 7 appeal to the Environment Court, containing the Advice Note informing recipients of the appeal, of how to become parties to the appeal if they so wish
- A copy of our original submissions
- A copy of our further submissions including relevant submission points from other submitters and our statements either in support or opposition to these.
- The decisions of the Hawke's Bay Regional Council, plus a copy of Proposed Plan Change 9 as amended by those decisions
- A List of parties to be served, and
- Two additional copies of all those documents listed above.

I can also confirm that copies of the Notice of Appeal, plus the attachments outlined above have been supplied via email to all submitters to Proposed Plan Change 9 today, 25th October 2022.

There are two exceptions to this being Submitter 234 on the List of Parties, Mr Stephen Randall who is deceased, and Mr David Renouf who does not have an email address. Hard copies of the documents will be delivered by surface mail to Mr Renouf this week.

Nāku noa



Marei Apatu
Te Kaihautū

Form 7

**Notice of appeal to Environment Court against decisions on
proposed policy statement, plan change or variation**

In the Environment Court of New Zealand

I Te Kooti Taiao o Aotearoa

Wellington Registry

Whanganui a Tara

ENV 2022 /

Under the Resource Management Act 1991 (RMA)

In the matter of an appeal under Clause 14 of the First Schedule of the Act

Between Te Taiwhenua o Heretaunga

Appellant

And Hawke's Bay Regional Council

Respondent

Notice of Appeal by Te Taiwhenua o Heretaunga on decisions made concerning
Proposed Plan Change 9 to the Hawkes Bay Regional Resource Management Plan

Filed by

Te Taiwhenua o Heretaunga

P O Box 718

HASTINGS

Marei.Apatu@ttoh.iwi.nz

To

The Registrar
Environment Court
SX10044
Wellington
6145

1. Te Taiwhenua o Heretaunga (**TTOH**) appeals against decisions on Proposed Plan Change 9 (**PC9**) to the Hawke's Bay Regional Resource Management Plan, August 2006 (**RRMP**).
2. The decisions were made:
 - a) by Hawke's Bay Regional Council (**HBRC** or **Council**) on specific processes leading up to and including the public notification of PC9, and
 - b) by an Independent Hearing Panel (**IHP**) acting under delegated authority for the Council.
3. Due to the complexity of PC9, an extension of 4 months was granted to the IHP for making and writing up their decisions.
4. TTOH received notice of the PC9 decisions on 9th September 2022.
5. TTOH made submissions (**#132**) and further submissions to PC9 and presented evidence in support of those submissions at the relevant hearings.
6. We are not a trade competitor for the purposes of section 308D of the Resource Management Act, 1991.
7. The proposed plan provisions TTOH appeal against, the relevant relief sought and the reasons for that relief are set out below.

Background

8. PC9 has been in process for 10 years, commencing in October 2012 with the formation of a 'TANK Stakeholder Group' (SHG). During the preliminary stages of consultation, HBRC promoted the plan as 'starting with a blank sheet of paper.'
9. This approach meant the usual rigour and requirements for statutory processes and drafting of regional plans, the hierarchy¹ for regional planning documents under the Resource Management Act, 1991 (RMA), and the National Policy Statement for Freshwater Management (NPSFM) were not given the appropriate level of consideration.
10. The SHG were informed that due to the connection between freshwater resources in the four TANK catchments and their estuarine environments and the need for integrated management, a parallel plan change to the Hawke's Bay Coastal Environment Plan (RCEP) would be progressed alongside the PC9². This however did not eventuate.
11. Unlike other collaborative planning processes throughout the country (e.g., those run by Greater Wellington and Auckland Regional Councils), the SHG did not have a chairperson to manage the running of meetings.
12. The planning process for PC9 was subject to a research project³ with research staff participating and guiding the SHG for a number of years, purportedly to help streamline the collaborative planning process.
13. PC9 was held up at the Regional Planning Committee (RPC) of HBRC for several months, as some members of the RPC were not satisfied with its content, then publicly notified in May 2020.

¹ National Policy Statements, National Environmental Standards and the operative Regional Policy Statement.

² Personal comment, HBRC facilitator Tim Sharpe at TANK SHG Meeting 3

³ The Values, Monitoring and Outcomes project involving Manaaki Whenua Landcare Research, National Institute of Water and Atmospheric Research (NIWA) and the Cawthron Institute

14. While PC9 was still subject to submissions and further submissions, the NPSFM 2020 became operative (September 2020).
15. A previous plan change (Change 5 to the Hawke’s Bay Regional Policy Statement) was made operative 24 August 2019. Amongst other matters, Change 5 prescribes processes for proposed regional plans, so as to give effect to the NPSFM. The content of Change 5 was originally drafted with reference to the NPSFM 2011.
16. On 31 August 2019, an Outstanding Water Bodies (**OWB**) plan change was publicly notified (**PC7**). PC7 amended parts of Change 5 made operative the week prior.
17. When notified PC7 contained Schedule 25, listing those water bodies identified as outstanding in accordance with a process agreed through a previous Environment Court fixture⁴ and included in RPS Policy LW1A.
18. PC7 is currently subject to Environment Court’ appeals involving several rivers and groundwater resources located within the four catchments subject to PC9⁵.
19. Although deleted from Schedule 25 through HBRC decisions, appellants to PC7 decisions seek the re-instatement of several water bodies along with their outstanding values and significant values. Those water bodies within the TANK catchments are:
 - a) Ngaruroro River from Whanawhana to Chesterhope Bridge
 - b) The Heretaunga Plains Aquifer System
 - c) The Karamū River
 - d) Lake Oingo and Lake Runanga
 - e) Lake Poukawa and Pekapeka Swamp
 - f) Waitangi Estuary

⁴ ENV-2013-WLG-000050: *Ngāti Kahungunu Iwi Incorporated v Hawke’s Bay Regional Council*.

⁵ The Ngaruroro River, the Heretaunga Plains Aquifer System, the Karamu River, and the Waitangi Estuary – this estuary being common to the Tūtaekurī, Ngaruroro and Karamū/Clive Rivers.

The NPSFM 2020 and PC9

Relief sought

- 1 20. Amend PC9 to give effect to the priority setting under Te Mana o te Wai contained in the NPSFM objective at Section 2.1, and to the remainder of the NPSFM in general.
- 2 21. Amend the maps, schedules, objectives and policies where relevant, so they refer to freshwater management units instead of 'management areas.'
- 3 22. Add a new table of outstanding water bodies to PC9 that specifies their significant cultural/spiritual, hydrological, ecological and landscape values for each water body' or part thereof. Include the Karamū River, the Ngaruroro River headwaters and main stem down to Fernhill, the Heretaunga Plains Aquifer System, Lake Oingo and Lake Runanga in the table.
- 4 23. Amend the wording in water quality and water quantity objectives, policies, methods, and in relevant schedules, so they apply to catchments, sub-catchments and management units.
- 5 24. Amend PC9 so the Management Areas in the maps, and referred to in PC9 schedules, objectives, policies and rules, are divided into 12 Freshwater Management Units to promote more effective management of land use, water quantity and water quality.
25. Consequential relief necessary to ensure PC9 is coherent with and supportive of the relief above.

Reasons

26.
 - a) During the time it has taken for PC9 to go from concept to the decisions on PC9 being notified, the **NPSFM** has been amended 3 times.

- b) There is only one operative version - the NPSFM 2020, which became operative within the statutory timeframe for HBRC to receive submissions on PC9.
- c) The IHP made a discretionary judgment to give effect to parts of the NPSFM 2020, purportedly to the extent that submissions raised specific points in relation to it (Decisions Combined at 1.10).
- d) PC9 is required to give effect to the NPSFM 2020 to the fullest extent practicable, particularly to assist in giving effect to Te Mana o te Wai.
- e) Delaying giving effect to the NPSFM until a future plan change would mean that submitters who have already raised issues related to PC9 and the NPSFM 2020, and presented evidence in support of those submissions, would have to go through a similar process again to present similar evidence in support, and to achieve an outcome that can be dealt with through the current proceedings.
- f) The IHP decisions in this regard are inconsistent with Section 18A (a) RMA, requiring
“the taking of all practicable steps to use timely, efficient, consistent, and cost-effective processes when exercising powers and performing functions under the Act.”
- g) The degree to which PC9 does not give effect to the NPSFM 2020 is a critical point in terms of the structure and content of PC9, as it influences (amongst other matters):
 - i. The application of Te Mana o te Wai through PC9 due to the priority setting in the NPSFM objective at section 2.1;
 - ii. The manner in which the spatial definition, spatial extent and use of Freshwater Management Units (**FMU**) has been omitted from PC9 and deferred until a future plan change in December 2024⁶;
 - iii. The lenient provisions and methods in the proposed plan relating to water quality and water quantity matters in ‘water management areas’ thereby rendering these areas not subject to requirements for FMU in the NPSFM;

⁶ The ‘Kotahi Plan’ currently being drafted by HBRC

- iv. The implication by design or omission, whereby decisions on PC9 enable the decline or degradation of water quality, or the unsustainable abstraction of water in management areas or zones, contrary to the duties of Council under section 30(1)(c), RMA;
- v. The articulation of and protection for the significant values of OWB in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, and the degree of protection or lack thereof provided for these values within PC9⁷, and
- vi. How the objectives are promoted or delayed, and the policies and methods in PC9 are applied, through:
 - Schedule 26: Freshwater Quality Objectives;
 - Schedule 27: Priority Catchments;
 - Schedule 28: Land Use Change;
 - Schedule 29: Catchment Collective, Industry Programme and Freshwater Farm Plans;
 - Schedule 30: Flows, Levels and Allocation Limits (and water quantity areas);
 - Schedule 31: High Flow Allocation;
 - Schedule 32: Water Permit Expiry Dates - Heretaunga Plains Groundwater Quantity Area;
 - Schedule 33: Stormwater Management;
 - Schedule 34: Source Protection Zones for Drinking Water Supplies, and
 - The planning maps in PC9

h) HBRC were aware of the NPSFM 2020, its pending operative date and its requirements. Prior to public notification of PC9, HBRC sought a fast-track planning process from the Ministry for the Environment, but were turned

⁷ The Karamū and Ngaruroro Rivers, the Heretaunga Plains Aquifer System, Lake Poukawa and the Ngaruroro Estuary (Waitangi) were deleted from Schedule 25 of PC7 by decision. Appeals seeking their re-instatement are currently before the Environment Court.

down due to PC9 not substantially giving effect to Te Mana o te Wai and the 2020 version of the NPSFM.

- i) HBRC had the opportunity to amend the proposed plan to make it more compliant with the 2020 version of the NPSFM but chose not to do so.
- j) The NPSFM has directive provisions that all water management must apply the hierarchy set out in 1.3(5) NPSFM. Delaying this priority setting until a future date, is not an efficient way to implement the NPSFM.
- k) Postponing the implementation of the NPSFM will lead to unnecessary costs.
- l) The water management areas in PC9 are excessively large with some incorporating numerous sub-catchments within one management area. This impinges on the ability to manage land use and its effects on freshwater, in a sustainable manner.
- m) Some management areas encompass the rohe of several different hapū, each with mana whenua rights and interests, and variations in how tikanga/kawa are expressed. FMU delineation at sub-catchment scale will be more appropriate for the mana of hapū and to enable their cultural/environmental values to be upheld.
- n) Large management areas inhibit the expression of mana motuhake and the ability for HBRC to actively protect hapū in the use of their lands, water and other protected taonga, to the fullest extent practicable⁸.
- o) FMU delineation provides more efficient management of and consideration for the interconnections between water resources in sub-catchments.
- p) Effective management of water quality (discharges, contaminants, nutrient inputs, stream depletion) and water quantity issues (abstraction rates, limits and volumes, stream depletion) is more achievable at a sub-catchment scale, and through smaller management units.
- q) A regional plan is required to give effect to the NPSFM under section 67(3)(a) RMA. This duty is not optional. There is only one relevant NPSFM which is the NPSFM 2020.

⁸ RRMP at Schedule 1 – Principles of the Treaty of Waitangi, and Objective LW3(a) – 3(c).

Operative Regional Policy Statement and PC9

Relief sought

- 6 27. Amend PC9 so as to give effect to the operative Regional Policy Statement, particularly to prevent the proposed plan enabling degradation of groundwater in the Heretaunga Plains Aquifer System.
- 7 28. In PC9 rules, ensure that the relevant objectives, policies and schedules in the RPS (and RRMP) are referenced in the rules.
- 8 29. Amend PC9 rules so that for controlled, restricted discretionary and discretionary activities that have actual and potential adverse effects on freshwater bodies, tangata whenua are notified as affected parties. Ensure that their relationships and values associated with the respective water bodies, and those values expressed in the RPS and RRMP/PC9 Schedules, are considered through part the activity assessment criteria.
- 9 30. Amend Policy TANK 34 (and other parts of PC9) to replace '90 Million cubic metres' is replaced with '70 Million cubic metres' and include all quantities of groundwater used for stream or flow mitigation (renamed from flow augmentation or flow enhancement) within this limit.
- 10 + 11 31. Remove Managed Aquifer recharge from Policy TANK 41 d)) and Rule TANK 10 b)(ii).
- 12 32. Acknowledge surface water depletion effects on groundwater quality within water quality objectives and policies for TANK catchments
33. Such other amendments to PC9 necessary to provide clarity and coherence with the above relief.

13

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34. Utilise the Summer 7-day Q95 for determining surface water allocation, as this was the basis for water allocation for existing consents. Provide for a parallel rate of take limit in litres per second, derived from Q95 quantities.

Reasons

35.

- a) The regional policy statement and regional plan were originally drafted concurrently and became operative in 2006. They were integrated in a way where rules that manage water quantity and water quality, refer to relevant schedules, policies and objectives, in both the RPS and regional plan.
- b) Many existing consents to abstract surface water from within the TANK catchments were issued/renewed under this regime and pursuant to allocation based partly on the RPS provisions for water allocation including the Summer 7-day Q95 (Policy 40), and pre-existing regional plan provisions.
- c) PC9 is required to give effect to the operative Regional Policy Statement (RPS). By taking a more lenient approach towards water quantity and water quality management, the result is that PC9 does not give effect to the operative RPS.
- d) By amending regional plan provisions without due consideration for the pre-existing coherence and integration between the RPS and the regional plan, PC9 dilutes the RPS provisions that apply to environmental protection.
- e) The operative RPS requires through Objective 21, *“No degradation of existing groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems”*.
- f) PC9 supports water abstraction volumes that induce lower quality surface water to enter groundwater through surface water depletion. This results in degradation of the Heretaunga Plains aquifer system contrary to Objective 21.
- g) Degradation of groundwater is also enabled through the source protection provisions in PC9 which discriminate between groundwater in source protection zones (Schedule 34, Maps 1 and 2), and other groundwater within the same aquifer system.

- h) RPS Objectives 21 and 22 require no degradation of existing water quality and natural water quality, while the source protection zones imply lowering of the bar for groundwater quality outside of the designated zones.
- i) These two objectives have been in the RPS since it became operative in August 2006. They were reaffirmed in 2015 through the PC5 decision (ENV-2013-WLG-000050). The existing water quality that the 'no degradation' applies to, is the water quality of the whole Heretaunga Plains Aquifer System, which existed in August 2006.
- j) The promotion of Managed Aquifer Recharge (Policy TANK 41 d)) and Rule TANK 10 b)(ii), does not address the actual and potential adverse effects from use of this technology.
- k) The application of the 90 Million m³ interim limit for groundwater abstraction, when abstraction totals of 78 Million m³ and less (plus permitted activity volumes), already cause decline in groundwater storage and lowest monthly levels ever recorded in the Heretaunga Plains Aquifer System⁹. These do not always recover before the onset of the next irrigation season.
- l) For water allocation and regional plans, objectives and policies in the RPS direct specific criteria and considerations when assessing water takes so they:
 - i. Require the avoidance of significant adverse effects on the long-term quantity of groundwater and surface water (Objective 23), and reductions in groundwater levels (Policy 29);
 - ii. Allow for pro-rata reductions in surface water allocation amounts where allocations exceed plan limits, (Policy 39);
 - iii. Require the water in rivers and lakes to be suitable for sustaining or improving aquatic ecosystems (Objectives 25 and 27);
 - iv. Enable water to be allocated over and above the allocable amounts, provided they are subject to a substantially higher cut-off level, while taking into account the cumulative rate of take limits;
 - v. Protect the significant values of outstanding water bodies, and

⁹ HBRC's State of the Environment reporting on groundwater levels in council's monitoring wells.

- vi. Require recognising and providing for the mana of hapū and iwi when setting freshwater values, limits and targets. PC9 value setting and the articulation of values, does not do this.

- m) PC9 decisions do not give effect to any of the above RPS provisions, with the exception of the irrigation season, and the higher cut-off provisions for the Ngaruroro and Tūtaekurī Rivers.
- n) For water abstraction from the Karamū River, and its tributaries, the higher cut-off provisions were not applied when consents were issued or renewed, and PC9 does not provide for these mitigation measures. Karamū tributaries are subject to long periods of irrigation bans as a consequence.
- o) The decisions enable substantially more surface and groundwater to be allocated over and above volumetric and allocation rate limits (in Schedule 30), for flow augmentation from groundwater, managed aquifer recharge, frost protection and stock water provision. This means that the allocation 'limits' are not limits in fact.
- p) Managed aquifer recharge discharges lower quality water into the aquifer containing nutrients and contaminants. This risks degrading groundwater, and is contrary to RPS Objectives and HBRC's statutory functions under section 30(1)(c) RMA.
- q) The decisions on PC9 do not take into account the Principles of the Treaty of Waitangi that HBRC acknowledges through the RPS and Schedule I of the RRMP.

Actual and Reasonable (Use)

- 36. PC9 uses 'actual and reasonable use' as a descriptor and method for allocating water (Chapter 9 Glossary), and as criteria for the renewal or replacement of existing consents to abstract water. It has also been added to the assessment criteria for Rules TANK 8 to TANK 11 for groundwater abstractions, and Rules TANK 9, 10 and 13 for surface water abstractions.

37. As a consequential amendment the 'actual and reasonable use' method has been made applicable to Rule 55 through section 7.7.1 of the RRMP, where its use as part of the assessment criteria for resource consents will apply generally across all other catchments in the region, with the exception of the Tukituki catchment.
38. Actual and reasonable is more about catering for water demand and embedding existing use into future management through the grandparenting of consents, whether the water abstraction they enable both singularly and cumulatively, causes adverse effects or not.

Relief sought

- 15 39. Delete the term 'actual and reasonable' from the glossary and from objectives, policies, rules, schedules and assessment criteria in PC9, and from any 'consequential' changes to other parts of the RRMP.
- 16 40. Delete the term actual and reasonable from applying to section 7.7.1 in reference to Rule 55, where it supports unsustainable allocation in catchments other than the four TANK catchments.
- 17 41. Account for all stream-depleting groundwater takes that cause depletion of 0.5 L/s up to 2.0 L/s or greater, in surface water allocation limits and amend the delineation of Zone 1 in PC9 Maps to cater for this.
- 42.

Reasons

- a) Actual and reasonable is not based on sustainable management as prescribed in section 5(2) RMA. nor does its use promote the purpose of the Act.
- b) Although it implies a limit, PC9 policies and methods enable more water to be allocated outside of the actual and reasonable method.
- c) The inclusion of 'actual and reasonable use' in Rule 55, has been done without consultation with or involvement of people outside of the four TANK catchments, creating a risk that persons potentially affected by these consequential changes have been denied an effective opportunity to participate in the plan change process.

- d) Application of the term so it is used in catchments other than the four TANK catchments, is not a consequential change for PC9 which has been drafted and prepared to manage land use and water management within the four TANK catchments.
- e) The interim allocation limit for the 'Heretaunga Groundwater Management Area' is derived from water demand, and not based on sustainable yield, catering for adverse effects that are more than minor (including cumulative adverse effects), nor on a robust method for managing groundwater abstraction limits to promote sustainable management.
- f) For groundwater, PC9 does not address the significant adverse effects of stream depletion on surface water quantity or groundwater quality.
- g) Use of the term 'interim' indicates uncertainty whether this amount is sustainable or not, and a precautionary approach is more suitable.
- h) The fact that managed aquifer recharge is being considered indicates that groundwater is being mined. Loss of long-term groundwater storage is implied through HBRC's promotion of managed aquifer recharge.
- i) The decisions on groundwater abstraction did not give adequate weighting to the Appendix 11 technical memo presented as evidence in the s42A report.
- a) The spatial extent of the Heretaunga Plains Aquifer System is diminishing around the southern and eastern perimeters and does not always recover to pre-irrigation season extent before the onset of the next irrigation season.
- b) The IHP did not consider or give appropriate consideration to sustainable management principles or give effect to provisions (including directive provisions) in the operative RPS.
- c) Quantities of Heretaunga Plains groundwater have already been allocated through the Tukituki plan change (PC6), and through the Coastal Environment Plan, and these need to be accounted for when setting groundwater abstraction limits for PC9.
- j) The amounts of recharge to the Heretaunga Aquifer System are far less than what the groundwater model predicts.

Surface water quantity

Relief sought

- 18 43. Change the 'Ngaruroro Water Quantity Area' in Map 3 to specify 3 Freshwater
19 Management Units as shown in Figure 5 of the Ngaruroro Values and Attributes
report, and change the 'Karamū Water Quantity Area' in Map 4 to Karamū
Freshwater Management Unit.
- 20 44. Specify surface water takes for irrigation as discretionary activities in PC9, and
21 require the renewal of existing consents for irrigation upon current consent expiry,
or by 30 June 2025, whichever occurs first.
- 22 45. For each river - prescribe an allocation volume limit and cumulative rate of take
limit based on a scientific method that promotes sustainable management. Ensure
such limits are applied to tributaries, with these included in cumulative allocation
volumes and rates for the main river they discharge into¹⁰.
- 23 46. Include all rates of take applicable to resource consents to abstract surface water
(including those restricted by flows higher than the minimum flow but below
median flow), within the cumulative allocation rate for each river.
- 24 47. Account for stream depleting groundwater takes that result in 150 cubic metres
per week or more of depletion, within the relevant surface water body's
abstraction volume limits¹¹.
- 25 48. Amend rules for groundwater takes/permits to ensure that stream depletion rates
of 0.5 L/s up to 2.0 L/s in surface water quantity limits for the relevant surface
water body.

¹⁰ With the exception of the Mangatutu River – retain 3,800 L/s restriction at Puketapu.

¹¹ 150 m³ per week over the 26 week irrigation season equates to 3,900 m³ per season - calculated from 12 hours pumping per day.

- 26 49. Add a new restricted discretionary Rule TANK 8A for groundwater takes of above 60 m³ per week and up to 150 m³ per week that take from within water short areas (as prescribed in Schedule V1). Include rule criteria as in TToH's original submission at para 59.
- 27 50. Expand cross-hatching of Zone 1 areas in Maps to include those areas where surface water depletion of 0.5 L/s or greater, occurs during the irrigation season for individual consents that abstract groundwater
- 28 51. Consequently amend the criteria and rules for stream depletion for the Tūtaekurī, Ngaruroro and Karamū Rivers to include these stream depletion volumes in surface water allocation provisions, schedules and rules.
- 29 52. Specify abstractions of stock water from the TANK rivers or their tributaries of 150 cubic metres per week or more as controlled activities, and account for these volumes within allocation limits.
- 30 53. Within catchments, prohibit water takes outside of the cumulative volume and rate of take limits for each river (and for groundwater), except for household domestic use, stock water uses below the 150 m³ per week threshold, and emergency uses.
- 31 54. Retain a 6-month irrigation season of 01 November to 30 April within PC9 for surface water takes for irrigation, and upon consent renewal or review, include this in consent conditions.
- 32 55. Provide for pro-rata reductions in both volumes and rates of abstraction for surface water (in accordance with RPS Policy 39), for direct takes and for stream depleting groundwater takes, upon consent expiry or by June 2025, whichever occurs first, to bring total allocations and rates within sustainable limits.
- 33 56. Retain the cumulative rates of take from the Ngaruroro River of 1300 L/s, and 36 L/s for the Maraekākaho River, inclusive of Zone 1 groundwater.

- 34 57. Amend the cumulative rates of take from the Tūtaekurī and its tributaries at 1400 L/s inclusive of Zone 1 groundwater.
- 35 58. Provide for staged increases to the minimum flow for the Ngaruroro River up to 4200 L/s by 01 July 2029.
- 36 59. Retain a minimum flow of 2500 L/s for the Tūtaekurī River at Puketapu, and include a target minimum flow of 3,300 lps for the Tūtaekurī River by 01 June 2029.
- 37 60. Provide for staged increases to the minimum flow for the Karamū River to 1,600
38 L/s by 01 July 2029, and provide a new minimum flow site for the Paritua at Raukawa Road with a minimum flow of 100 L/s, increasing to 150 L/s by 01 July 2029.
- 39 61. In PC9, amend Schedule 30 – Flows, Levels and Allocation Limits to reflect the column headings, flow minima and flow targets attached herein as Appendix 1.
- 40 62. Introduce elevated minimum flow limits and targets that ultimately result in 90% habitat protection/provision for torrentfish and for trout during the irrigation season by June 2029 (Details provided in Appendix 1).
- 41 63. Include a table of outstanding water bodies located in the Tūtaekurī, Ngaruroro and Karamū catchments in PC9 and list their outstanding values and significant values. In the table include:
- a) The Ngaruroro River down to Fernhill Bridge;
 - b) The Heretaunga Plains Aquifer System;
 - c) Lakes Oingo and Runanga;
 - d) Lake Poukawa and Pekapeka Wetland
 - e) The Karamū River, and
 - f) The Tūtaekurī River down to Puketapu Bridge.

- 42 64. Ensure that PC9 protects their outstanding values and significant values through plan implementation.
- 43 65. Take into account a 2 million m³ annual groundwater allocation total from the HPAS, for use in the landward margin of the coastal environment, and Lower Tukituki groundwater allocations¹².
- 44 66. Include volumetric limits for Heretaunga Plains Groundwater and Tūtaekurī Groundwater in Schedule 30: Flows, Levels and Allocation Limits. Ensure the limits are aligned with a 70 Million m³ per year limit for Heretaunga Plains Groundwater (Quantity Area) shown in Map 5.
- 45 67. Restrict high flow abstractions in Schedule 31 to the period 01 May – 30 October in any year and:
- 46 a) For the Ngaruroro River at Fernhill, amend the trigger flow to 25 m³/sec, the high flow allocation rate to 6,000 L/s (inclusive of 2 m³/sec already allocated by 2 May 2020), and provide for a 50/50 flow share regime with the river.
- 47 b) Retain the prohibited status for damming on the Ngaruroro mainstem and the tributaries listed by IHP decision.
- 48 c) Clearly identify, that the 400 L/s currently available to be discharged into the Paritua Stream, is on a temporary basis only.
- 49 + 50 d) For the Ngaruroro and Tūtaekurī tributaries, in column C, clearly stipulate what the median flows are for each of the rivers listed.
- 51 68. Account for total stream depletion volumes for controlled, restricted discretionary, and discretionary activity consents in surface water allocation limits.
- 52 69. Impose a management charge of \$0.10 per cubic metre on water abstracted from The Tūtaekurī, Ngaruroro and Karamū catchments for irrigation,, and utilise for monitoring (including cultural monitoring) of these rivers.

¹² Some of the Lower Tukituki groundwater takes intercept groundwater that interacts with the Karamū and Clive Rivers.

- 53 70. Require applications for existing and new consents to take water for irrigation, to be assessed as discretionary activities, tāngata whenua parties to be notified as affected parties, and impose a ten year consent duration limit. Remove any constraints from PC9 that restrict whānau/hapū from taking part in decision-making processes for water resources¹³.
71. Make any consequential amendments to PC9 and its objectives, policies, schedules and methods (including rules) to enable the above relief for management of surface water management.

Reasons

- a) The Ngaruroro Water Quantity Area is too large to provide for effective management of water quantity.
- b) As PC9 decisions do not link this area to the restrictions and requirements for FMU prescribed in the NPSFM 2020, consents and their effects can be transferred to another part of the catchment.
- c) PC9 decisions allow this to occur across hapū boundaries, and could result in the transfer and spread of nutrients, contaminants (quantity, concentrations) into another rohe.
- d) The decisions relating to water quantity, promote unsustainable abstraction of surface water through disregarding adverse effects from current abstraction and use, and postponing resource consent renewals for ten years or more, effectively embedding existing adverse effects into policy and the regional plan.
- e) A precedent was set in the Tukituki catchment whereby, 90% of habitat protection at MALF was provided for the rivers. A similar level of habitat protection for the Ngaruroro, Tūtaekurī and Karamū would provide consistency across the RRMP.

¹³ Excluding permitted activities for domestic uses.

- f) The resource consent criteria and rules in PC9 decisions version, restrict hapū / whanau from influencing decision-making for surface water abstraction from, and its adverse effects on, their ancestral rivers.
- g) PC9 presents an opportunity to reduce allocations of surface water on a pro-rata basis to a more sustainable level (RPS Policy 39), and restore instream habitat and aquatic ecosystem health. These parameters are part of the first priority under Te Mana o te Wai.
- h) Ecosystem health was part of the rationale for setting minimum flows and allocatable volumes when drafting the RRMP in the late 1990's and consents to abstract surface water were granted subject to protecting aquatic ecosystems. PC9 allocation does not adequately provide for ecosystems currently.
- i) Surface water has historically been allocated based on a scientific process that allowed for abstraction within limits, but with a known level of risk whereby water takes would be restricted on average, for 5% of the time during the irrigation season¹⁴.
- j) Since it became operative, the RPS and RRMP and their objectives and policies that were intended to promote sustainable management and restrict water allocation so as to protect aquatic ecosystems, have not been given appropriate weighting within Council decision-making processes. The drying up of rivers and streams has become more common over the last 20 years.
- k) Allocation above the limits in the Karamū catchment (18,023 cubic metres per week in operative Table 9) can be enabled, provided a higher cutoff flow is adhered to for resource consents (RPS Policy 39). This mechanism has been used for the Ngaruroro and Maraekākaho Rivers, but not for the Karamū.
- l) Consequently we have over 200,000 cubic metres per week allocated from the Karamū (including stream depleting groundwater takes), and the river is the most polluted river in the region. Tangata whenua no longer harvest kai from it due to its condition.

¹⁴ Defined as the period from 1st November to the 30th of April the following year.

- m) The stream depletion tool is based on old data, some derived from pump tests and well recovery conducted during late autumn and winter, so not reflective of groundwater conditions during the irrigation season.
- n) You can't manage what isn't counted, and PC9 decisions leave numerous amounts of water quantity outside of the management regime with stream depletion amounts of between 0.5 and 1.5 L/s for individual consents considered de minimis.
- o) This means that amounts from 1,209 m³ per month (0.5 L/s depletion) to 3,627 m³ per month (1.5 L/s depletion) for an individual consent to abstract groundwater, is not being accounted for in surface water or groundwater management.
- p) Stream depletion effects on the Karamū River and its tributaries and range from 38% to 93% of natural flow (February 2013).
- q) Priority for the recharge of depleted groundwater, the health and well-being of the river, and retention of ability to mimic the natural fluctuations in river flows should be prioritised when considering high-flow allocations.
- r) A water take was transferred for a temporary period to augment flows in the Paritua-Karewarewa, but tangata whenua have advised they prefer the stream flows and streambed sealing to be restored through natural means.

Groundwater quantity

Relief sought:

- 54 72. For management purposes for the HPAS, specify separate quantities/limits for abstraction from the unconfined aquifer, from quantities/limits for water abstraction from the confined parts of the aquifer.
- 55 73. Restrict all irrigation takes from groundwater within TANK catchments to a specific irrigation season of 01 November to 30 April each year.

- 56 74. Include volumes approved for abstraction as controlled and restricted
57 discretionary activities, in allocation limits. Amend PC9 rules so pumped drainage
water (that dewater part of the HPAS) is included in allocation limits.
- 58 75. Specify the discharge of pumped sub-surface drainage water, as a restricted
59 discretionary activity in PC9, but where it has been stored in a reservoir or tank,
categorise the discharge of drainage water from storage, as a discretionary
activity.
- 60 76. Amend PC9 so that all proposed provisions in PC9 that enable, or are associated
with flow enhancement, stream augmentation, or groundwater enhancement
(mitigation) schemes, are deleted, apart from existing schemes at Twyford.
- 61 77. Mark the water-short areas from Schedule VI on Maps 4 and 5 and provide limits
and assessment criteria in PC9 for resource consent applications, renewals, or
62 extensions to take groundwater from these groundwater management zones.
Apply restricted discretionary activity status for relevant rules for abstraction, with
tangata whenua notified as affected parties.
- 63 78. Ensure water abstraction for irrigation is required to cease when flows in
rivers/streams are at or fall below their minimum flow. Make amendments to
64 Schedule 30 and assessment criteria to stipulate this. Allow for abstraction to
continue for domestic household use and firefighting (below minimum flow), but
restrict stock water use.
- 65 79. Expand cross-hatching in Schedule 30, Map 3 'Ngaruroro Water Quantity Area', to
include stream-depletion amounts of 150 m³ per week or greater¹⁵ as part of Zone
1 groundwater.
- 66 80. Acknowledge and include area of aquifer extension into the coastal Environment
in Schedule 30 Map 5.

¹⁵ Applicable to individual consents to take groundwater.

- 67 81. Include the clauses *"To manage takes of groundwater to ensure abstraction does not exceed the rate of recharge"* and *"To manage takes of groundwater to ensure abstraction does not have an adverse effect on rivers, lakes, springs, or wetlands"* in groundwater allocation policies in PC9.
- 68 82. Remove all references and criteria relating to "efficient well" from applying to domestic wells in TANK catchments, as the term requires an efficient well to draw water from below the level of seasonal fluctuations.
- 69 83. Require the renewal of existing consents to abstract water for irrigation, and applications for new consents to take water for irrigation, to be assessed as discretionary activities in PC9, for tāngata whenua to be notified as affected parties, and restrict consent durations to ten years.
- 70 84. Amend Rule TANK 6 so the taking of groundwater under this rule does not occur within the water-short areas specified in Schedule VI, and amend the quantity in clause b) iv) to 150 cubic metres per week.
- 71 85. Delete 'existing use' for the Ngaruroro, Tūtaekurī and Heretaunga Groundwater rows in Schedule 30, and ensure that total groundwater allocations for the Heretaunga Groundwater are within a 70 Million m³ limit.
- 72 86. Delete the Moteo and Omahu section from Map 5.
- 73 87. Terminology –
Change the 'Heretaunga Plains Groundwater Quantity Area' in Map 5 to the 'Heretaunga Plains Groundwater Freshwater Management Unit'.
- 74 88. Amend PC9 so that all proposed provisions in PC9 that enable, or are associated with flow enhancement, stream augmentation, or groundwater enhancement schemes, are deleted from PC9. Reference these activities as 'flow mitigation' or 'groundwater mitigation.'

- 75 89. Protect the integrity of aquifer recharge volumes and rates from interference from activities requiring resource consent.
- 76 90. Apply a substantially reduced rate of take limit and volumetric limit for abstraction from Heretaunga Groundwater, to apply outside of the 'irrigation season.'
- 77 91. Specify restrictions in PC9 to prevent the transfer of surface water into the HPAS through artificial means to prevent degradation of this valuable water resource.
- 78 92. Prohibit the transfer of consents and water abstraction permits from the confined aquifer to the unconfined aquifer, and vice versa, and from the main part of the aquifer up to Moteo and vice versa.
- 79 93. Impose a management charge of \$0.10 per cubic metre on water abstracted for irrigation from Heretaunga groundwater (and from surface water in the TANK catchments), to assist with the management and monitoring of adverse effects¹⁶.
- 80 - 85 94. Remove the clause "10 years after the operative date of PC9" and similar clauses from PC9 Policies 25, 35, 36 and 39, Rule 32 and Schedule 27.
95. Make consequential changes to other relevant parts of PC9 for consistency with the above relief.

Reasons

- a) Seasonal restrictions for groundwater abstraction will enable groundwater levels and pressures in the aquifer to recover prior to the next irrigation season.
- b) Conclusions drawn by HBRC from the Heretaunga Groundwater model, that inputs are in the realm of 267 Million m³ per year are unproven, especially when total abstractions of between 60 and 78 Million m³ per year consistently cause groundwater levels to decline to some of the lowest ever recorded.

¹⁶

- c) The amounts presumed to be discharged from the Heretaunga Aquifer System to the coastal marine area have not been proven or quantified.
- d) It is logical to conclude that with the substantial increases in groundwater allocation since the 1997 Heretaunga Plains Groundwater Study was published, that any discharge from the HPAS to the coastal marine area would now be substantially less.
- e) Under the current groundwater allocation regime, the spatial extent of the HPAS decreases each year, and does not always fully recover before the start of the next irrigation season.
- f) The use of FMU terminology will link the management of Heretaunga groundwater to the NPSFM 2020 and its protective provisions.
- g) Groundwater levels in HBRC's State of the Environment monitoring wells are consistently recording lowest levels ever, due to overall mining of groundwater.
- h) Groundwater that is not abstracted from the Moteo to Omaha area (shown in Map 5) joins the flow leaving the Ngaruroro River from the true left bank that trends towards the Tūtaekurī -Waimate Stream where much of it re-emerges as springs.
- i) The transfer of consents to take groundwater across too wide an area or from one sub-catchment to another, is not conducive to sustainable management of the resource. It can also lead to the transfer of effects from the land use that the water was originally used for, into a different sub-catchment, and may interfere with the timely achievement of limits and targets.
- j) Some areas of the HPAS have higher concentrations of nitrate than others. Enabling the transfer of water between surface water and the unconfined or confined aquifers can facilitate the transfer of contaminants and nutrients.
- k) The water quality in the HPAS is protected from degradation through RPS Objective 21 while the quality of other groundwater in the TANK catchments is protected through Objective 22. Stream depletion caused by groundwater abstraction induces surface water and the nutrients/contaminants/pathogens it contains, to enter the HPAS.

- l) PC9 decisions on groundwater and resource consents support degradation of the HPAS particularly where it removes RRMP Objectives 42 and 43 from applying in TANK catchments.
- m) PC9 is inconsistent with the operative HBCEP. A proposed plan must not be inconsistent with an operative regional plan (RMA s67(4)).
- n) Stored drainage water from beneath horticultural land can contain a range of nutrients and agrichemicals, including hazardous substances in concentration. The discharge of these into surface water can cause adverse effects on aquatic life and habitat.
- o) The clause '10 years after the operative date' and similar clauses in PC9 Policies (TANK 25, 35, 36 and 39), Rule 32 and Schedule 27 is unachievable or ultra vires as PC9 may never become operative. HBRC has already drafted chapters for the Kotahi Plan which is due to be notified in just over 2 years (December 2024).
- p) Enabling continued degradation of the HPAS (through decisions on water quantity and water quality in PC9) is contrary to the outcome of the Environment Court decision on PC5 (RPS), and s67(4) of the RMA.
- q) Flow or groundwater mitigation is being investigated due to stream depletion effects not being appropriately addressed, or the abstraction of groundwater not being managed sustainably. Flow mitigation schemes are not at the stage where they can reasonably be assessed as to their efficacy, or likely success.
- r) Stream augmentation may require consents for land use from territorial authorities, and easements from private landowners to convey water across private land for such schemes. They are experimental and not at the stage where they can be assessed and granted consent.
- s) The only stream flow augmentation scheme in operation (Twyford) supplies groundwater low in dissolved oxygen for the Raupare Stream. Methods to oxygenate the water are still in the experimental phase.
- t) The stream depletion calculator uses data and extrapolations of data from surface water depletion effects acquired during the late autumn and winter when stream flows and groundwater levels are typically greater than during

the irrigation season. Stream depletion effects are therefore likely to be higher than those predicted using the current version of the calculator.

- u) Water allocation in the Karamū catchment does not give effect to or appropriately consider RPS Policy 39, which enables pro rata reductions in abstraction volumes to restrict adverse effects.
- v) In the Karamū catchment irrigation bans occur for over 50% of the irrigation season for some streams - Louisa, Irongate, Karewarewa Streams. Although Hawke's Bay experiences droughts as a normal part of prevailing weather patterns, excessive abstraction from smaller streams contributes to extending low flow periods and their adverse effects.
- w) The inclusion of the term "interim" for allocation implies uncertainty. A precautionary approach would be more in line with NPSFM directives.
- x) The allocation method of "actual and reasonable use" is predicated mainly on economic parameters, rather than sustainable management principles as prescribed by the Act, or articulated in Te Mana o te Wai.
- y) Expert evidence provided by HBRC as part of the s42A report, was amended by council staff who were not the authors. The amendments then influenced the decisions on PC9 water quantity provisions

Groundwater and Surface Water Quality

Relief sought:

- 86 96. Prohibit or prevent the transfer of consents to abstract water from surface water to ground water takes and vice versa.
- 87 97. Prevent or reduce the ingress/inducement of lower quality water from entering unconfined and confined aquifers.
- 88 98. Expand the source protection zone in Schedule 34 Map 1 to cover the area to the north including Omahu, Pakowhai Whakatu and Clive. Expand the zone southwards to include the southern side of SH50 near Bridge Pa and eastwards to include Longlands, Pukahu and the southern edge of Havelock North.

- 89 99. For groundwater abstraction and assessment criteria for rules, policies and resource consent applications, include nitrate concentrations in abstracted groundwater and its effects, as a matter for discretion.
- 90 100. Consequentially amend Schedule Va in the RRMP so that water quality rules and policies, and decision-making processes for groundwater takes and land use activities in Heretaunga Groundwater that apply to the unconfined aquifer and land above it, are referenced in this schedule.
- 91 101. Ensure that operative provisions in the RPS and RRMP that are not being amended by PC9 but also apply to the unconfined part of the Heretaunga Plains Aquifer System, are integrated with provisions in PC9.
- 92 102. Impose a management charge of 0.50 cents per kg for any nitrogen leaching to groundwater above a 16 kg/ha/yr threshold, for land use activities. Use accumulated resources to supplement groundwater and surface water management and monitoring costs.
- 93 103. Include in PC9, objectives with like meaning and intent to operative objectives 42 and 43 in the RRMP, requiring no degradation of water quality for the HPAS.
- 94 104. Ensure water quality in the HPAS System is protected from degradation through PC9 policies and methods.
- 95 105. Provide more specific management of point source discharges to water and to land
96 where they may enter water. Include point source discharges of stormwater to surface water, and/or to land where they may enter water (including groundwater) as discretionary activities in PC9.
- 97 106. Set and apply a limit for land uses involving the use, application or discharge of fertilisers, soil conditioners, composted materials and animal effluent within

sensitive catchments so that total nitrogen applications do not exceed 80 kgs/ha/year from all sources, within these areas.

- 98 - 101 107. Make consequential amendments to operative Schedules Va, VI, VIa and VIb, and include consideration for their content in proposed PC9. Specifically include sensitive catchment criteria in PC9 schedules and rules, overlays of the mapped areas from the above schedules, in PC9 maps.
- 102 108. Ensure these operative schedules are taken into account in the criteria for assessing resource consents for water abstraction and its use, the discharge of contaminants and the use of fertilisers, within sensitive catchments.
- 103 109. Delete any reference to “productive” in relation to the HPAS and other aquifers in the TANK catchments. HBRC’s s(30) roles and responsibilities apply to all freshwater, not just “productive” freshwater resources.
- 104 110. Either include in a table, or within a proposed schedule for water quality, the parameters and limits within operative Table 8 that apply to water bodies in TANK catchments.
- 105 111. In Schedule 26, make substantial changes to ensure that Lakes Oingo and Runanga are included, and for the Ngaruroro and Tūtaekurī Ngaruroro and Karamū Rivers, and for Lakes Oingo and Runanga:
- a) Mauri, Mahinga kai and Uu are included as critical values across all parameters for Ecosystem Health (water quality), Ecosystem Health (ecosystem processes), and for Human Contact;
 - b) References to Kotahi Plan review are removed;
 - c) Target dates of 2040 are amended to 2030 for all rivers except for the Karamū River.
- 106 112. Provision for catchment load limits for nitrogen applications to land so that DIN limits and targets are more readily achieved.

113. The requirement for Freshwater Farm Plans where properties include 5 hectares or more of intensive vegetable or orchard production.
114. Any consequential amendments to PC9 to ensure consistency with the above relief.
- 115.

Reasons

- a) Parts of the HPAS extend outside of the TANK catchments, into the lower Tukituki catchment and the coastal environment. Water quality in these parts of the HPAS are regulated under the provisions in the RCEP (Objective 11.1) which requires *“No degradation of water quality in the Heretaunga Plains Aquifer System.”*
- b) There is no barrier preventing the transmission of degraded groundwater from the HPAS and being managed within the scope of PC9, from entering the parts of the HPAS managed under the RCEP with higher quality groundwater.
- c) PC9 Source Protection Zone decisions do not protect water supplies for the smaller communities around the edges of the Heretaunga Plains. Clive, Whakatu, Haumoana, Pakipaki, Omahu-Fernhill, Mangateretere, parts of Bridge Pa and the outskirts of Havelock North – are not currently included in the source protection zones.
- d) Eastbourne Street wells that abstract water from the aquifer for domestic supply draw water in from the north. The expansion of the Hastings SPZ to the north will ensure better protection of water quality within these areas.
- e) Although the NZDWS have population thresholds, a regional plan can be stricter than a regulation or standard, but not more lenient.
- f) Use of FMU terminology in PC9 will link groundwater management to the NPSFM 2020.
- g) The absence of FMU in PC9 in combination with other proposed provisions, can lead to outcomes that do not promote the purpose of the RMA, and detract from HBRC’s ability to undertake their statutory functions under s30

RMA, inter alia; the maintenance and enhancement of water quality, the maintenance of water quantity in water bodies and coastal water, and the maintenance and enhancement of ecosystems in water bodies and coastal water.

- h) Much of the need for stream 'enhancement' is due to council processes for groundwater abstraction not taking into account the individual and cumulative stream depletion effects caused by such abstraction(s).
- i) Water quantity and water quality management is more effective at the sub-catchment scale, particularly for managing nutrient inputs, rostering of water takes to align with cumulative rate of take and volume limits, and identifying sources of nutrient exceedances.
- j) Stormwater discharges contain hazardous substances including heavy metals, PAHs and endocrine disrupting chemicals. Their effects on aquatic ecosystems and water quality detract from ecosystem, environmental and cultural values.
- k) Nitrate concentrations in groundwater are a health risk. Prevention at source is more effective than attempting to mitigate after the fact.
- l) Schedule 26 presumes that Māori values in the 10th column can be upheld by or enabled through the current critical values in the schedule, which is incorrect.
- m) The content of Schedule 26 as amended by decisions impedes the achievement of RPS Objectives LW1 – LW3, and fails to give effect to the RPS as it does not provide for mātauranga-a-hapū and local tikanga Māori values and uses (RPS POL LW1 a).

Concluding Statements and Additional Relief

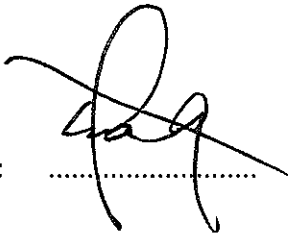
116. Apart from a few instances, PC9 takes a lenient approach towards the management of adverse effects. The premise appears to be that existing activities and the expansion of these is justified despite the adverse effects, including cumulative adverse effects they generate.

117. Despite the ten years it has taken to progress PC9 to its current status, there is still a reliance within the plan on undertaking further research, meetings and discussions, and increased monitoring to quantify the level or degree of adverse effects.

118. Reliance on the Kotahi Plan in Schedule 26 to address some of the pertinent issues may not be justified given communications from HBRC that no further science will be done for the Kotahi plan. In the interim, TToH seek a more precautionary approach in PC9 to help restrict the severity of adverse effects from land use and water abstraction, and from discharges into our rivers, streams and groundwater.

108 - 116

119. TToH appeal decisions on all the rules apart from TANK Rules 1, 2 and 3. The relief we seek is to amend the TANK rules to align them with the amendments to the policies and schedules sought in the above sections of our appeal. We also ask that changes are made to the activity status for a number of the TANK rules. These are specified in Appendix 3 of our appeal.

Signed: 

Marei Apatu

Te Kaihautū
For Te Taiwhenua o Heretaunga

Date: 25th October 2022

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Advice Note to recipients

How to become party to proceedings.

Advice to recipients of copy of notice of appeal.

How to become party to proceedings.

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

To become a party to the appeal, you must,—

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

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice

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

Web-Link: <https://environmentcourt.govt.nz/contact-us/>

Te Taiwhenua o Heretaunga Appeal

Appendix 1: - Irrigation Season minimum flow limits and targets

Surface Water Body	Minimum Flow Site	Minimum flow for PC9 (l/s)	Minimum flow 01 July 2025	Minimum flow 01 July 2029	Total Allocation Rate Limit (l/s)†
Ngaruroro River	At Fernhill Bridge	2,800 (previously 2,400)	3,400	4,200	1,300
Marakākaho River	At Tait Road	100	130	150	36
Tūtaekurī River	At Puketapu	2,500	3,000	3,300	1,300
Tūtaekurī-Waimate	At Goods Bridge	1,200	1,500	1,500	607
Karamū River*	At Floodgates	1,100	1,400	1,600	36*
Awanui Stream*	At The Flume	150	150	150	
Awanui Stream*	At Pakipaki Culvert	50	50	50	
Karewarewa River*	At Turamoe Road	75	100	100	
Irongate Stream*	At Clarks Weir	100	125	125	
Louisa Stream*	At Te Aute Road	30	45	45	
Mangateretere Stream*	At Napier Road	100	125	125	
Te Waikaha Stream*	At Mutiny Road	25	35	35	
Paritua Stream*	At Raukawa Road	100 (new)	150	150	
Poukawa Inflow	At Site No. 1 d/s Dam	10	15	15	
Poukawa Inflow	At Site No. 1a u/s Dam	10	15	15	
Poukawa Stream	At Site No. 6	3	10	10	
Poukawa Stream	At Allen's Bridge	20	30	30	
Raupare Stream	At Ormond Road	300	300	300	70

#Applicable for all abstractions tagged to the minimum flow.

*The rate of take for the Karamū of 36 l/s, includes the rates of take for all Karamū tributaries except for the Poukawa and Raupare Streams

Te Taiwhenua o Heretaunga Appeal

Appendix 2: Table of Outstanding water bodies and their values

Outstanding Water Body	Outstanding Regional Values	Significant Regional Values
Heretaunga Plains Aquifer System	Cultural-Whakapapa o te wai, Whakapapa o te tāngata, Mauri Wairātahi, Waiū, Puna aroha Life-supporting capacity	Hydrological – Ki Uta ki Tai, Recharge integrity Cultural - Papatūānuku cleansing, Puna aroha Ecological - Indigenous fish habitat and recruitment (springs)
Ngaruroro River Headwaters including Taruarau	Cultural-Whakapapa o te wai, Whakapapa o te tāngata, Mauri, Wairātahi, Waiū, Ki Uta ki Tai continuum Ecology-Indigenous fish habitat and recruitment Life-supporting capacity	Cultural - Cultural connections - between the river, the HPAS and Heretaunga hapū Ecological - Indigenous fish populations, habitat and recruitment, Birdlife
Ngaruroro River down to Fernhill	Cultural-Whakapapa o te wai, Whakapapa o te tāngata, Mauri, Puna aroha Wairātahi, Waiū, Historic, Scenic, Landscape Ecology - Life-supporting capacity, Indigenous fish habitat, populations and recruitment	Hydrological – Recharge of HPAS Integrity of aquifer recharge – quality Integrity of aquifer recharge - quantity Ecological - Life-supporting capacity Indigenous fish habitat and recruitment, Life-supporting capacity
Karamū River	Hydrological – Recharge from HPAS Cultural/Spiritual - Puna aroha, Whakapapa - Whakapapa o te wai, Waiū, Mauri	Hydrological - Ki Uta ki Tai Ecological - Indigenous fish habitat and recruitment, Birdlife
Tūtaekurī River headwaters Tūtaekurī River down to Puketapu	Cultural-Whakapapa o te wai, Whakapapa o te tāngata tangata Mauri, Mauri, Life-supporting capacity, Wairātahi, Waiū,	Hydrological – Ki Uta ki Tai Ecological – Indigenous fish habitat and recruitment, Birdlife
Lake Oingo	Cultural – Whakapapa o te Wai, Wairātahi,	Mahinga kai
Lake Runanga	Cultural – Whakapapa o te Wai, Wairātahi,	Mahinga kai

Te Taiwhenua o Heretaunga Appeal - Appendix 3:

Chapter 6 New Regional Rules

Amend Summary of Existing Rules to insert a new Section 6.10:

	6.10 TANK Catchments specific rules	Classification	Page [TBC]
	6.10.1 Use of Production Land		
	Rule TANK 1 Use of Farm Land	Permitted	0
	Rule TANK 2 Use of Farm Land	Controlled	0
	Rule TANK 3 Use of Production Land	Permitted	0
108	Rule TANK 4 Use of Production Land (land use change)	Controlled <u>Restricted Discretionary</u>	0
	Rule TANK 5 Use of Production Land (land use change)	Restricted Discretionary	0
	6.10.2 Take and Use of Water		
	Rule TANK 6 Take and use of surface water	Permitted	0
109	Rule TANK 7 Take and use of groundwater	Permitted <u>Controlled</u>	0
110	Rule TANK 8 Take and use groundwater (Heretaunga Plains)	Restricted Discretionary	0
111	Rule TANK 9 Take and use ground or surface water	Restricted Discretionary	0
	Rule TANK 10 Take and use water	Discretionary	0
	Rule TANK 11 Take and use water	Non-complying	0
	Rule TANK 12 Take and use water	Prohibited	0
	Rule TANK 13 Take and use water (high flow)	Discretionary	0
	Rule TANK 14 Damming water	Discretionary	0
112	Rule TANK 15 Take and use water (from an impoundment)	Restricted Discretionary	0
	Rule TANK 16 Take and use water	Discretionary	0
	Rule TANK 17 Take and use water (from an impoundment)	Non-complying	0

	Rule TANK 18 Damming water	Prohibited	0
113	Rule TANK 19 Stream flow maintenance mitigation	Restricted Discretionary	0
114	Rule TANK 20 Stream flow maintenance mitigation	Discretionary	0
	6.10.3 Discharge of Stormwater		
	Rule TANK 21 Stormwater	Permitted	0
	Rule TANK 22 Stormwater	Restricted Discretionary	0
115	Rule TANK 23 Stormwater	Controlled <u>Restricted</u> <u>Discretionary</u>	0
116	Rule TANK 23 Stormwater	Restricted Discretionary	0
	Rule TANK 25 Stormwater	Discretionary	0

IN THE MATTER OF THE RESOURCE MANAGEMENT ACT

***AND IN THE MATTER OF
PROPOSED PLAN CHANGE 9***

***A SUBMISSION FROM
TE TAIWHENUA O HERETAUNGA***

Submitter:

Te Taiwhenua O Heretaunga

Address for Service:

Te Manaaki Taiao
Te Taiwhenua o Heretaunga
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HASTINGS

Att: Marei Apatu

Te Kaihautū – Te Manaaki Taiao

Phone: (06) 871 5350 **Ext:** 7887

Cell: 0274 304 282

Email: marei.apatu@ttoh.iwi.nz

He Mihi

*Te Waiora Wairātahi Rongomai Tūwaho mauri ora ki te rangi
Te Waiora Wairātahi Rongomai Tūwaho mauri ora ki te whenua
Ko Heretaunga haukunui, ararau, haaro te kaahu, takoto noa, Ringahora
Te haukunui o ngā mokopuna
Ngā ararau o ngā rangatahi
Te haaro o te kaahu o ngā kaumatua
Te whenua takoto noa o ngā tipuna
Te mana motuhake o ngā whānau, ngā hapū marae
O Ngāti Kahungunu ki Heretaunga
Whano whano, haramai te toki, haumi e hui e tāiki e!
Tihei mauri ora!*

1. Preliminary Statements

- 1.1** Te Taiwhenua o Heretaunga is one of six taiwhenua established under Ngāti Kahungunu iwi Incorporated (NKII). Although we have representation on the NKII Board, we operate autonomously through our own Board of Directors (Te Haaro) and have a specific environmental unit – Te Manaaki Taiao, who oversee resource management and planning issues and assist hapū and marae to build capacity within this area. Te Manaaki Taiao reports back to Te Rūnanganui o Heretaunga – which has representatives from each of the marae in Heretaunga, as well as to Te Haaro. At times we collaborate with the Natural Resources Unit at NKII on matters of mutual interest.
- 1.2** This submission is to proposed Plan Change 9 (PC9 or proposed plan), a change to the Hawke’s Bay Regional Resource Management Plan (RRMP). In terms of clauses 6(3) and 6(4) of the First Schedule to the Resource Management Act, Te Taiwhenua o Heretaunga are not a person or organisation that could gain an advantage in trade competition through our submissions.
- 1.3** We oppose many aspects of PC9 in its notified form, and ask for it to be substantially amended as outlined in our submissions, primarily to:
- Achieve better alignment with provisions in the RRMP that are not being amended
 - Give effect to the National Policy Statement for Freshwater Management (NPS-FM 2017), in particular Objectives AA, A1, A2, B1, B2 and B4

- Give effect to the operative Regional Policy Statement (RPS) and the specific directions therein for the preparation and drafting of regional plans – Objectives LW1 -LW3, and Policies LW1A through to LW4
- Take into account the NPS-FM 2020 in terms of further amendments required to be inserted into regional plans
- Provide a more logical and sequential pathway towards a sustainable management regime for the freshwater resources in Heretaunga
- Protect the values of outstanding water bodies
- Better enable the recognition of, and provision for Māori relationships with their traditional lands, fisheries, waters and other taonga, pursuant to s(6)(e) of the Act
- Take into account the principles of the Treaty of Waitangi - as acknowledged by regional council in Schedule 1 of the RRMP, in particular the principle of active protection, and
- For regional council to make consequential amendments to proposed PC9 and related schedules/maps to enable alignment with the content, nature and intent of our submissions.

1.4 Our submission is drafted in like manner to Form 5 – Resource Management (Forms, Fees and Procedure) Regulations, 2003. We wish to be heard at any pre-hearing or hearing convened to consider our submission and are amenable to joining with others who make submissions on similar matters as those contained herein. We also ask for tāngata whenua submissions to be heard on a marae within Heretaunga, so that our kōrero is heard before our tupuna.

2. Introduction

General comments

2.1 The demand for water throughout the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments has led to the situation where it exceeds the sustainable supply. In some catchments, the quantities enabled for abstraction through the issuing of resource consents, greatly exceeds the allocation limits in the operative plan. Regional council has also adopted allocation methods that sit outside of the statutory planning framework, where they are not visible or certain to regional plan users, including tāngata whenua. In addition, for consents to abstract groundwater from the Heretaunga Plains Aquifer System (HPAS), public input to the allocation process has been curtailed, to the extent that tāngata whenua in Heretaunga have had little opportunity to contribute to decision-making around groundwater abstraction for many consents.

- 2.2** With the growth in demand for groundwater and surface water, water resources in TANK catchments have come under stress, with several waterways now going dry for much of the year. Some of this is due to the failure of water managers, to restrict water abstraction through implementation of operative RPS and RRMP policies and methods, preferring instead to give priority to economic development over aquatic ecosystem health and tikanga Māori values and interests. Another cause is the cumulative influence of groundwater abstractions on surface water depletion, and this not being fully taken into account in decision-making processes for resource consents.
- 2.3** The NPS-FM 2017 expresses the national priorities for freshwater, including Te Mana o Te Wai, Te Hauora o Te Taiao, Te Hauora o te Wai and Te Haora o te Tāngata. Although PC9 mentions Te Mana o te Wai in the background and introduction, it is relatively silent on how these specific elements will be achieved or upheld within the four TANK catchments within the policies and methods. One noticeable omission in PC9 is provision for *“the safeguarding of life-supporting capacity of water and associated ecosystems”*. This is expressly recognised in section 5(2)(b) of the Resource Management Act (RMA), and part of the foundation that supports *“sustainable management of natural and physical resources”*. It is also a requirement through Objective A1 of the NPS-FM. PC9 does not refer to life-supporting capacity at all and seeks to remove it from consideration in PC9. PC9 does not give effect to Objectives AA1, A1, A2, B1, B2 and B4 of the NPS-FM 2017.
- 2.4** An updated NPS-FM (2020) has been gazetted and will become operative on 3rd September 2020. This version prescribes the priority order for management of water, elevating Te Mana o te Wai and the health and well-being of water bodies. The health and well-being of people comes second, with economic considerations third. This priority setting is more reflective of tikanga Māori, than the predominant economic emphasis in the proposed plan. The NPS-FM 2020 also changes the nomenclature in terms of *“outstanding freshwater bodies”*, amending this to *“outstanding water bodies”*. Although, PC9 was drafted before the new NPS-FM became operative, it would be prudent to amend PC9 to conform with the latest NPS-FM where relevant, as this would save time and considerable expense associated with future plan changes.
- 2.5** Several RPS provisions provide clear direction on process for the preparation and drafting of regional plans in Hawke’s Bay, along with definitive objectives and policies for what regional plans must include. For PC9 these provisions have largely been ignored, with Hawke’s Bay Regional Council (HBRC) signalling during TANK Stakeholder Group (SHG) meetings, that the TANK plan was starting with *“a clean sheet of paper”*. For some RPS objectives that are clear in intent, PC9 seeks to undermine their relevance and achievement and in this regard, does not give effect to the RPS.

- 2.6** *We ask for the priority setting in PC9 rules, schedules and decision-making processes, to reflect the upholding of Te Mana o te Wai, and the health and well-being of water bodies as a first priority¹, the health and well-being of people and communities (including Māori communities), as a second priority, with all other considerations coming after these.*

Proposed plan structure

- 2.7** The commentary in the “Background” section of PC9 seeks to justify the content of the plan through explaining the more than six years of engagement that occurred within the TANK SHG, and specific elements of that. Parts of this section seem superfluous and the section contains several inaccuracies and misleading statements. The “TANK VALUES Attributes for water quality” diagram places values and attributes into compartments that do not align with tikanga Māori concepts or principles and implies that human health is not related to or inclusive of mauri. There is no acknowledgment of any tāngata whenua defined attributes in the diagram.
- 2.8** *Te Taiwhenua o Heretaunga asks that this diagram be deleted, as it is misleading, and having it near the front of the plan implies direction and basis for objectives, policies and methods in PC9, without inclusion of tāngata whenua defined values, related attributes or aspirations for freshwater resources, at an appropriate level or scale.*
- 2.9** The interwoven nature of the wāriu/values in Figure 2 emerged as a result of mahi involving Te Taiwhenua o Heretaunga and hapū representatives, however the interpretation part of the diagram has been added from another source. It has narrow definitions for tikanga Māori concepts and terminology and fails to address different aspects of the wāriu in the main diagram. As an example, whakapapa has been interpreted as genealogy by the plan writers. Genealogy is an important aspect of whakapapa, but generally applies to humans, or the evolution of animals. Restricting whakapapa to “genealogy” omits the broader application of the concept – whakapapa o te wai, whakapapa o te whenua, or the different life stages of living taonga tuku iho, including ngā ika (fish).
- 2.10** *We ask for the interpretation part of this diagram to be deleted or amended so as to express the broader aspects of each wāriu in the main diagram, in particular those aspects related to freshwater resources, aquatic species, mana and mauri. It would be clearer to plan users, tāngata whenua and decision makers if PC9 included a Schedule of values in PC9, with accurate and correct definitions and delineation of where the values apply. Plan provisions could then directly reference the Schedule of values relevant to each waterbody.*

¹ The priority setting requested here acknowledges the needs of water use for emergencies, and for s(14)(3)(b) takes within limits - such that they do not cause an adverse environmental effect.

- 2.11** The RMA, 1991 requires sustainable management of natural and physical resources, but the resource consent assessment and decision-making processes and HBRC's interpretation and implementation of the RPS and RRMP has allowed the restrictions within the Act to be circumvented, and significant adverse effects on freshwater resources to occur. PC9 continues with this permissive approach and is at odds with the call for greater prescription and control around freshwater management in the NPS-FM 2017 and the latest 2020 version. PC9 seeks to embed over-allocation, over-abstraction and degraded water quality, and fails to address the key issues that cause them.
- 2.12** If definitive objectives and pathways towards their achievement in the operative RPS and RRMP are not being enabled through HBRC's implementation of their own plan, then to bring about positive change for the four TANK catchments will require a paradigm shift in attitude and a serious re-calibration of management constructs for freshwater resources and the adverse effects of their use and development.
- 2.13** As notified, PC9 does not deliver this, hence Te Taiwhenua o Heretaunga's submissions for numerous changes to the proposed plan. At time of writing, emerging trends from within the Tukituki catchment are showing significant increases in nitrate concentrations, some which are substantially higher than ANZECC guidelines, posing a risk to human health. Te Taiwhenua o Heretaunga and our hapū/marae, do not want to see a similar situation develop for the awa and aquifers in Heretaunga.
- 2.14** PC9 appears disjointed and lacks clear direction. In some instances, issue statements encompass too many issues under the one statement and the issues are not clearly stated. Several objectives are written more like policies which then lead to uncertainty of outcome. Other objectives and policies are reliant on activities that may or may not occur at future dates and rely on third-parties, e.g. the formation of catchment, stakeholder or industry groups, the drafting of industry protocols or management agreements. The roles for some groups specified in proposed schedules appear to be management functions that are the statutory duties of regional councils and may be ultra vires. We agree these groups can inform management responses, but they should not have a regulatory function themselves. It is unclear whether these provisions intend a transfer of powers or delegated authority from HBRC or not. It would be better if such provisions were in a non-regulatory section of PC9 and that the duties and functions of HBRC are clearly met within the plan provisions.
- 2.15** NPS-FM 2017 provisions that have been given little consideration and are not given effect to in PC9 include:
- *Te Mana o Te Wai - Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te tāngata;*

- *Water Quality Objective A1 - To safeguard:*
 - a) *the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water;*
- *Objective A2 – The overall quality of fresh water within a freshwater management unit is maintained or improved while:*
 - a) *protecting the significant values of outstanding freshwater bodies;*
- *Water Quantity - Objective B1 - To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming, or diverting of fresh water.*
- *Objective B2 – To avoid further over-allocation of freshwater and phase out existing over-allocation.*

2.16 Overall PC9 in our view, does not go far enough to enable the sustainable management of freshwater resources in the TANK catchments, or to address tāngata whenua values, concerns, interests, and aspirations for freshwater resources. Neither does it recognise and provide for Māori relationships with their taonga. Consequently, PC9 requires substantial redrafting to incorporate specific provisions as directed by the NPS-FM 2017 and the operative RPS, and to fulfil regional council’s roles and responsibilities under RMA sections 30 (1) (c), (ca), (e), (f), (fa), (g) and (ga).

3. Proposed plan content

Issue statements

3.1 PC9 contains eight Issue Statements and several of these comment on multiple issues, so it is difficult to clearly identify which specific objectives, policies or methods will address each of the issue statements. Some values or attributes are contained in two or more issue statements, and although this may be of relevance for some due to identified issues applying to both groundwater and surface water, or to water quantity and water quality, the rationale for including several others within one issue statement is not clear. It would be clearer if the Plan provisions could be referenced to a Schedule of values as described above.

3.2 Issue Statement 1 contains 388 words, and refers to rivers, groundwater, mana, mauri, ecosystems, communities, future generations, water quantity, water quality, health and well-being, social and economic needs, water abstraction, flood and drainage, land use, landscape, vegetation, cultural practices, principles, kaitiakitanga, fish spawning, fish passage, indigenous plants and animals and biodiversity. In contrast, issue statements in the operative RPS and RRMP are clear and concise and refer to one or two matters

only. In our view, the issue statements in PC9 should be brief and clear in terms of what the issue is and what needs to be done to address the issue.

3.3 Proposed issue statements in PC9 are isolated from the objectives, which all sit together in a different part of the plan, as do proposed policies. It would be helpful for plan users if PC9 had clear, concise issue statements followed by one or two objectives that express the expected outcome(s), then the policies aligned with each of the objectives. This would provide a logical sequence for plan users with - Issue statement - Objective – Policies, and easy reference points for each topic or theme they may wish to refer to in the plan. PC9 would then be more coherent when made operative and merged with the RRMP.

3.4 *We ask that the proposed plan be restructured to reflect this more logical sequence.*

- *Re-organise Issue statements so that the environmental and biodiversity aspects are separated into one issue statement, and the tikanga Māori and cultural factors are contained in another - while acknowledging the linkages to ecosystem health.*
- *Separate and prescribe water quantity issues*
- *Separate and prescribe water quality issues while acknowledging the effects of discharges, run-off and leaching of nutrients/contaminants.*
- *Have land use within its own issue statement but aligned with food production and economically focussed aspects in another.*
- *Put each of water supply for domestic and reticulated uses, climate change issues, and the need to manage water sustainably, in their own specific issue statement.*
- *Acknowledge the link between water abstraction and the elevated risk to water quality and ecosystems in groundwater.*
- *Alternatively, draft clear objectives, policies and rules to address the significant resource management issues in the TANK catchment and to remove the issue statement from PC9 altogether.*

Proposed Objectives

3.5 PC9 contains 18 objectives. Some are reliant on agreement from multiple parties for them to be achieved and commit such parties to working together in future to discuss issues, collect data and reach consensus (e.g. Objective 1). This objective and others of a similar nature are connected to specific schedules in the plan, but these provisions would be better located in a non-regulatory section of PC9.

3.6 An example is Objective 18, which is somewhat reliant on future activities that may or may not occur, on infrastructure yet to be built that is reliant on gaining approval/consent from other parties, and that requires further geotechnical research and validation, so is somewhat premature in nature (aquifer recharge, flow enhancement, etc). PC9 while seeking to enable these types of activities, lacks rigorous

appraisal and assessment processes to deal with their effects. Objective 2 partly directs how to set objectives which is unusual (as water quality objectives are already set in Schedule 26). Parts of Objective 10 address issues in the Ahuriri Estuary, which is located within the coastal environment, and therefore regulated through the Regional Coastal Environment Plan (RCEP). No consequential amendments to the RCEP are proposed in PC9.

- 3.7** The structure of PC9 objectives differs greatly from objectives in the RPS and RRMP that regulate activities in TANK catchments. Where RPS objectives are succinct and clear in intent and outcome, PC9 objectives are long, lack clear environmental goals or outcomes, and several are written more like policies (e.g., ‘how to’ achieve objectives). In places, their content is confusing and the expected plan outcomes are uncertain. In our submissions we seek new additional objectives which reinforce or help give effect to the NPS-FM and the operative RPS – in particular the directives relating to regional plans and catchment-based plan changes².
- 3.8** Some proposed water quality objectives in PC9 are inconsistent with objectives and plan provisions in the operative Regional Coastal Environment Plan (RCEP), that apply to and regulate the same resource. The Heretaunga Plains Aquifer System (HPAS) is included in Schedule 31-E of PC9, as “the Heretaunga Plains Groundwater Management Unit”. The water quality in the HPAS is protected from degradation through both the RPS and RCEP. Parts of the HPAS extend outside of the TANK catchments (e.g., into the lower Tukituki catchment), into the coastal environment, and under the sea out into Hawke’s Bay. These latter parts of the aquifer system come under the provisions in the RCEP, that contains Objective 11.1 which requires “*No degradation of water quality in the Heretaunga Plains Aquifer System*”. PC9 appears to support degradation, particularly as it proposes removal of RRMP Objectives 42 and 43 from applying in TANK catchments. This makes PC9 inconsistent with the operative HBCEP, the outcome of the Environment Court decision on PC5 (RPS), and s67(4) of the RMA.
- 3.9** Parts of Objective 10 address issues in the Ahuriri Estuary, which is located within the coastal environment, and therefore regulated through the RCEP. Despite assurances given at TANK Stakeholder hui that a concurrent change to the RCEP would occur alongside PC9, this has not eventuated.
- *Reinstate Objectives 42 and 43 as being applicable to PC9 in relation to no degradation of the HPAS and any other aquifers (groundwater), or include in PC9 an alternative objective with like meaning and intent.*

² See “Relief sought” section on page X

- *Ensure water quality in the HPAS System is protected from degradation through PC9 policies and methods.*
- *Remove any water quality limits and protocols that enable water quality to decline.*
- *Further relief in terms of PC9 objectives is prescribed in section 8 and of our submission.*

Proposed Policies

3.10 There are 60 proposed policies and similar to several objectives, some are better suited for a non-regulatory section of the plan while others appear to be *ultra vires*. It is difficult to reconcile some of these policies with council's functions/duties under section 30 of the Act, particularly where they seek to:

- enable the status quo to continue through the grandparenting of existing consents for water abstraction,
- provide a platform for not addressing adverse effects on consent expiry and renewal, and
- increase the potential for further water quality decline.

3.11 Several proposed policies focus on procedural matters, and not on achievement of outcomes. Like the objectives, the policies seem too long and there are some that could be reworded so they apply to multiple catchments, rather than repeating similar policies for each of the four TANK catchments. Neither is there is a clear line of sight or connection in terms of giving effect to directive provisions in the NPS-FM or the RPS.

3.12 HBRC have drafted policies to support existing/expired consents and activities, which perpetuates unsustainable over-abstraction of surface water and groundwater, that is inconsistent with Te Mana o te Wai. Other provisions enable future actions/activities that may not avoid, remedy or mitigate existing adverse effects. The resource consent aspects related to these – building or extension of dams, allocation of high flow water takes, construction and placement of infrastructure, geotechnical investigations required before dam construction, and the viability of such mitigation, requires substantially more inquiry with some of this outside the scope of PC9. In our view, these matters have not been adequately addressed at this stage, and rules relating to them should be non-complying activities.

- *Amend PC9 so that all proposed provisions in PC9 that enable or that are associated with flow enhancement³, stream augmentation, groundwater enhancement schemes, are deleted from PC9, and prescribe construction of dams larger than 250,000 m³ as non-complying activities.*

³ With the exception of existing consented flow enhancement activities, and enhancement of the Paritua Stream.

3.13 Some operative policies in the RPS have been ignored during proposed plan drafting, and existing connections to operative regional plan provisions broken, so that they no longer apply in the four TANK catchments⁴. This is particularly relevant where such provisions currently enable an element of environmental protection for TANK freshwater resources and their ecosystems. The requirement to protect outstanding water bodies receives scant attention in the proposed plan. This leaves outstanding water bodies, already identified and included in a previously notified plan change (PC7), and located within the TANK catchments, vulnerable to over-abstraction and/or further contamination.

3.14 Proposed Policy 43 surmises that the objectives for ecosystem health, mauri, tikanga Māori values and other instream values are met by maintaining existing minimum flows. This is misleading as ecosystem health, mauri and other tikanga Māori values, are not included at a level or hierarchy in PC9, sufficient to provide for them or to reduce/prevent adverse effects on them. The minimum flow of 2400 lps for the Ngaruroro at Fernhill Bridge, only provides around 44% habitat for some fish species, including fish species with a conservation threat status of at risk and nationally declining, and leads to diminished mauri and life-supporting capacity within the river. Flow losses below the Fernhill minimum flow site, including induced flow losses to groundwater from abstraction pressure, mean substantially less than 2400 lps remaining in the river in this reach. We have drafted additional objectives and a Table with elevated flows to be included in the proposed plan to address these matters.

Security of supply

3.15 The security of supply provisions in PC9, should relate directly to sustainable amounts of abstraction for groundwater and surface water, be based on a sound methodology and reliable research, take into account the effects and constraints due to climate change, and be drafted so as to promote the purpose of the Act and give effect to the NPS-FM (2017). PC9 relies on “*actual and reasonable use*” as a method for assessing/approving water allocation, and then future infrastructure to somehow address mitigating adverse effects that are already occurring. This is back-to-front, given the requirement in the RMA to avoid, remedy or mitigate adverse effects of activities. Where unsustainable abstraction is already occurring, the priority focus should be on avoidance and remediation of adverse effects.

- *Te Taiwhenua o Heretaunga seek the avoidance of adverse effects where these are occurring such that limits are not being achieved, particularly when consents have expired or are due for renewal.*

⁴ Chapters 5.4, 5.5, 5.6 and 5.7 have proposed amendments that render them non-applicable in the four TANK catchments.

- *Provide for pro-rata reductions in both volumes and rates of abstraction for surface water and groundwater, to bring total allocations and rates within more sustainable limits.*
- *Remove “actual and reasonable” from assessment criteria for resource consents to abstract water, and from consent renewal or extension processes.*

PC9 Schedules and operative schedules

3.16 PC9 contains 135 pages (pdf version), including schedules that relate to different provisions in the proposed plan. Other schedules are provided separate to PC9 and consist of maps of Freshwater Management Units and management zones/areas for water quantity and water quality. These connect to plan rules or policies and should be included in PC9. The management units should be clearly delineated and use consistent language throughout.

3.17 Some schedules are not included in the “Contents” part of PC9 (Schedules 26A to 26E and Schedules 31A to 31E). Consequently, it is uncertain whether these form part of PC9 or not. In addition, Schedule 27, which specifies limits for water quality/life-supporting capacity parameters like dissolved oxygen, MCI and temperature, states that it does not have a regulatory function. The parameters in Schedule 27 relate to matters central to how management within specific catchments, sub-catchments and/or FMUs should occur. The NPS FM (2017) does not provide an ‘optional’ pathway for objectives and targets for water quality.

- *Ensure that Schedules 26A to 26E, Schedule 27 relating to the Ngaruroro and Tūtaekurī catchments, and Schedules 31A to 31E are included as part of PC9 (but in amended form as requested in our submissions), with each having regulatory functions.*
- *Add a new schedule that specifies values for each water body within the TANK catchments, as described in section 8 of our submission.*
- *For decision-making processes which rely on or refer to these schedules, ensure they are considered in parallel with other schedules in the operative RRMP that inform management of the same catchment or sub-catchment.*

3.18 Some schedules in the RRMP that have a regulatory function within the four TANK catchments, should be referenced or integrated more with PC9. In particular, Schedules V, VI, VIa and VIb. Some of these are yet to be updated as their policy and rule references are incorrect. It logically follows that if a catchment or part of a catchment is considered “sensitive” to the discharge of animal effluent, as in operative Schedule VIb, then it would also be sensitive to the discharge or application of nitrogenous fertilisers.

- *Set and apply a limit for land uses involving the use, application or discharge of fertilisers, soil conditioners, composted materials and animal effluent within sensitive catchments so that total nitrogen applications do not exceed 80 kgs/ha/year total.*

3.19 In addition, Te Taiwhenua o Heretaunga seek:

- *The removal of Objectives 1, 2, 17 and 18 and associated schedules to a non-regulatory section of the proposed plan*
- *Merging of objectives where they seek to address the same or similar issues across the four TANK catchments.*
- *Redrafting of provisions in the objectives, policies and methods where they imply a management function for the Ahuriri Estuary or the Waitangi Estuary, as the RPS states that these are regulated through the RCEP.*
- *Accountability between effects generated from land use and water related activities within catchments regulated through the RRMP, and effects from these that occur in the coastal environment.*
- *Addition of new objectives, policies and methods as prescribed in the “Further relief sought” section of this submission.*

4. Section 32 analysis report

Structure and drafting

4.1 In our view, the section 32 report lacks robust analysis and clarity on whether the proposed objectives or policies promote the purpose of the Act, give effect to the NPS-FM or to the operative RPS. Statements claiming that PC9 does this, are not borne out or reflected in actual proposed plan provisions. The evaluation of matters of significance or interest to tāngata whenua did not occur until late in the evaluation process, when all other evaluations/assessments for the s32 report had been completed. This indicates that the consideration of tāngata whenua/Māori interests, issues, and relationships with freshwater resources were an afterthought, and were not being addressed throughout the TANK plan change process and/or in terms of the NPS-FM (Objective D1 and Policy D1).

4.2 The report reads as though it was written after PC9 had already been drafted, and is therefore seeking to justify PC9 content, rather than being written during the plan’s drafting as the evaluation of the most appropriate and effective methods (to achieve the purpose of the Act and the objectives) should have been undertaken. This leads to the impression that the proposed objectives may not have been assessed against other options for objectives, or methods which may have been more appropriate or effective. The report also contains statements that in our view are inaccurate or misleading.

- 4.3** A section 32 process requires an evaluation report that must—
- “(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) summarising the reasons for deciding on the provisions; and*
 - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.”*
- 4.4** In terms of clause (c) above, with the over-riding priority given by council to economic matters for approximately half of the TANK stakeholder meetings, and during the preparation for and drafting of the proposed plan, there has been a displacement or lack of consideration for cultural and environmental matters in terms of achieving the purpose of the RMA (1991). In our view, the s32 report has not addressed these matters, when assessing the objectives and whether these and associated provisions are the most appropriate way to achieve the purpose of the Act.
- 4.5** This is apparent where objectives and policies are reliant on actions of others sometime in the future, or on future research and plan changes while during the interim period, the community or council discerns whether the current allocations or limits for freshwater are sustainable or not. One would think that after more than six years of consultation and research, and a further year of redrafting with the Regional Planning Committee, Council would have the answer to some of these important considerations, The approach in PC9 signals a degree of uncertainty, which should result in a more precautionary approach towards managing effects, but the plan falls short in this regard. The result is a proposed plan that is not likely to achieve sustainable management of freshwater resources within the next ten years.
- 4.6** Detailed commentary and assessment on how PC9 provisions are expected to meet the requirements of the NPS-FM (2017) are lacking, particularly around the more permissive aspects of PC9 and how they expect to achieve or uphold Te Mana o te Wai, Te Hauora o te Taiao, Te Hauora o te Tāngata, safeguard life-supporting capacity, prevent degradation of freshwater or protect the values of outstanding water bodies.
- 4.7** This also applies to identifying all the relevant issues, then looking into alternative options other than the chosen objectives and policies, to assess whether the chosen

method or alternative methods would be best for achieving the purpose of the Act - the s32 report does not delve into nor assess this in any substantive way.

- 4.8** For the evaluation of tāngata whenua Treaty rights and interests in terms of section 8 and how the principles of the Treaty of Waitangi are taken into account in PC9 – the section 32 report provides commentary on Treaty Claim processes, some specific discussion around how the Crown determined what the actual Treaty principles are through the courts, and on aspects of specific Treaty claims.
- 4.9** The report infers that some Treaty principles, e.g. the principle of partnership and reciprocity is upheld through the establishment and roles of the tāngata whenua members of the Regional Planning Committee as prescribed in the Hawke’s Bay Regional Planning Committee Act, 2015. It does not however, inquire into how the Treaty principles that HBRC have already acknowledged and which are articulated in Schedule 1 of the RRMP - were used to assist in the drafting of objectives, policies or methods for the management of freshwater taonga in proposed PC9. Nor how tikanga Māori values and Māori relationships with these taonga, are recognised and provided for in terms of active protection.
- 4.10** These Treaty principles in Schedule 1 are also referred to in Objective LW3 (c) of the Regional Policy Statement – which provides direction for planners when drafting regional plans.

“OBJ LW3 Tāngata whenua values in management of land use and development and freshwater

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

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

- 4.11** It is difficult to reconcile the active protection of taonga, which Schedule 1 acknowledges includes the spiritual beliefs and values of mauri, tapu, mana, tikanga and wairua, with a proposed plan that does not include these in any objective. In fact, an analysis of the Treaty principle of active protection is completely absent from the

section 32 Report. We disagree with the premise in the s32 report at Chapter 3.7, that PC9 gives effect to the RPS, specifically in light of the lack of regard given to RPS Objective LW3 and related RPS policies. The consideration for tāngata whenua/Māori interests, issues, and relationships with freshwater resources in the TANK catchments, appear to be subservient to, or given lower priority than other values in PC9. This is inconsistent with the requirements of Objective D1 and Policy D1 in the NPS-FM.

- 4.12** We also note that parts of the section 32 report relating to tāngata whenua/Maori, were provided to the Regional Planning Committee as an addendum on 18 September 2019, and not pre-circulated prior with the RPC agenda packs. This implies that the analysis of PC9 objectives, policies and methods occurred without due consideration of tāngata whenua values and priorities.

5. Other matters

- 5.1** Some objectives and outcomes in PC9 are reliant on other matters that sit outside of the usual regional planning framework under the RMA. The key issues to be addressed in a catchment-based plan change would usually be water quantity, water quality, discharges of nutrients and contaminants and the effects of land-use on these, the proposed plan contains provisions that are unrelated to these.

Ultra vires

- 5.2** Some proposed provisions may also be *ultra vires* where they seek to compel organisations to meet on a regular basis whether they wish to or not, or where they transfer a freshwater management responsibility to a group of persons or sector representatives, yet to be convened. The purpose appears to be to come to consensus over catchment issues at some time in the future, and to either manage effects collectively or undertake monitoring and further research to inform an environmental target or future plan change. This seems unusual given that almost eight years of stakeholder engagement and plan drafting for PC9 has already transpired, for a plan that is subject to review after 10 years.
- 5.3** It is also difficult to discern how proposed PC9 content addresses some of the agreements made at early TANK Stakeholder Group (SHG) meetings. One such agreement was that water augmentation was not part of the plan change. Another was for the total allocation rate of 1,581 litres per second to be applied for surface water takes from the Ngaruroro catchment. These matters have not been included in the proposed plan.

Access to TANK records

5.4 Despite the first TANK SHG meeting being held in October 2012, the TANK “portal” on the HBRC website only refers to SHG meetings and meeting outcomes from August 2016 onwards. Consequently, submitters cannot access minutes or agreements reached from the first 20 TANK SHG meetings, or the four Terms of Reference documents. There is also an anomaly in that on the HBRC website, where Regional Planning Committee meeting agendas are stored, the meeting for 5 June 2013 is missing, while the RPC agenda for the following RPC meeting on 07 August 2013 states that an update report on the TANK process was presented to the RPC on that date (Agenda page 87).

Operative plan provisions -

5.5 The operative RRMP contains both the RPS and the regional plan. Proposed PC9 tends to disregard the influence and direction from the RPS, with an exception for the promotion of economic activities. PC9 also seeks to make some operative plan provisions in the RRMP, no longer applicable to the four TANK catchments⁵. Some of these provisions were required to be inserted into the RRMP to ensure compliance with the NPS-FM (2014), and intended as an interim measure to:

- *Safeguard the life-supporting capacity of freshwater and any associated ecosystem from the adverse effects on water quality from discharges to water, and*
- *Safeguard the life-supporting capacity of water from adverse effects of water abstraction and use.*

5.6 These provisions were intended by the Ministry for the Environment as a “placeholder” to enable regional councils time to draft freshwater or catchment-based plan changes to address compliance with the NPS-FM in regional plans, particularly around the issues outlined above. Deletion of these provisions from Chapter 5, in terms of no longer applying “within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū River catchments” is premature, particularly as proposed PC9 does not mention life-supporting capacity at all⁶. Unless new provisions to safe-guard the life-supporting capacity of freshwater or their associated ecosystems are included within the proposed plan, PC9 will not give effect to parts of the current NPS-FM, to the new NPS-FM which becomes operative 03 September 2020, or to provisions in the operative RPS.

5.7 HBRC’s assessment methodology for water abstraction, does not all sit within the RRMP, with elements of it having led to the current declining trend for both security of supply and groundwater levels. PC9 seeks to impose security of supply provisions, that will then require reductions in flow minima in order to meet an “agreed” security of supply, or alternatively, the building of substantial water storage to mitigate existing

⁵ Objectives 72A, 74A, 76A and 78A – These objectives were inserted into the RRMP pursuant to directions in the NPS-FM.

⁶ Apart from quoting operative RRMP provisions that will not apply in TANK catchments.

adverse effects. The allocation method of “*actual and reasonable use*” is predicated mainly on economic parameters, rather than on sustainable management as prescribed by the Act, or Te Mana o te Wai as contained in the NPS-FM (2017 and 2020).

New Schedules

5.8 The maps in proposed Schedules are not detailed enough to show all water bodies affected by or included within the scope of PC9. The Tūtaekurī-Waimate is one such water body, and it would also be helpful if the demarcation line between the coastal environment and the rest of the TANK catchments was provided. Schedules 26 – A, B, C and D, and Schedules 31 – A, B, C, D and E, do not show these boundaries where the management of water resources in the TANK catchments changes from the RRMP over to the RCEP.

5.9 The schedules prescribe management zones or units, but not specifically Freshwater Management Units (FMUs). As the NPS-FM (2017) makes particular reference to Freshwater Management Units that are then required to have specific matters addressed for each, it would be helpful if the same terminology were used for within the TANK catchments. As notified, it is unclear whether the NPS-FM requirements for FMUs, are relevant or not for Water Management Units or parts thereof in proposed PC9.

5.10 A proposed plan is usually undertaken to change behaviours, following review of the operative plan (or the parts of the operative plan) that it amends or replace. Overall, PC9 seeks to embed current unsustainable practices into a new management regime. Although it proposes phasing out over-allocation, current resource consent holders that have consents that have not expired, can continue to use water up to the amounts of water stated in their consents, and subject to the same conditions. Proposed PC9 intends through policy to ‘roll over’ existing consents for “ten years after PC9 becomes operative”, which by definition will be when the plan provisions in PC9 will be required to be reviewed themselves. This seems rather odd, particularly where many consents for surface water were issued on a short-term basis to allow further research to be done to assess what any new management regime for minimum flows and allocatable volumes should be based on.

- *Provide more detail in PC9 maps and schedules to show the coastal environment boundary, the location of the Tūtaekurī-Waimate Stream, and of major tributaries of the major rivers.*
- *Show the spatial extent of the HPAS where it extends out into the coastal environment/Hawke Bay.*
- *Prescribe the HPAS in PC9 to prevent confusion and inconsistencies between the Heretaunga Plains Groundwater Management Unit and the HPAS.*

6. Water allocation

Surface Water

- 6.1** Prior to June 2000 when the RRMP was publicly notified, HBRC adopted a surface water management approach that calculated allocation volumes for Hawke’s Bay rivers and streams based on a Summer 7-day Q95⁷, which takes the amount of water available in a river or stream for 95% of the time during the summer irrigation season (1 November to 30 April) and compares it to an established minimum flow. The difference between the two flows was then used to specify the allocatable volume for each surface water body in cubic metres per week.
- 6.2** The allocation volumes in the RRMP for TANK rivers and tributaries, are derived from the Q95 including those for the three main rivers in the TANK catchments - the Tūtaekurī, Ngaruroro and Karamū. The Q95 allowed specific volumes to be abstracted while acknowledging the need to protect instream habitat and aquatic ecosystems. It also includes a level of surety for water abstractions, hence the use of the 95% threshold, while also acknowledging that there would be some years when abstractive uses would be restricted. These weekly volume limits are included in the RRMP and form the basis for surface water allocations.
- 6.3** Unfortunately, over time and through several rounds of resource consent renewal processes, HBRC decision-makers have chosen not to adhere to the weekly volume limits for some rivers, have worked around operative RPS and RRMP provisions and continued to allocate amounts of water that exceed the weekly limits. Numerous additional consents to abstract water have been granted over and above the volumetric limits in the RRMP, albeit at higher cut-off flows than the minimum flows expressed in the regional plan.
- 6.4** This has resulted in a large increase in total volumes abstracted from our major rivers and streams, plus an increase in total abstraction rates in litres per second. Although these additional allocations are provided for through RPS Policy 39, the proviso is that such takes should not have significant adverse environmental effects. The cumulative increases in both abstraction volumes, and total abstraction rates have resulted in more frequent irrigation bans over the irrigation seasons, and reduced security of supply. Subsequently low flow stress on aquatic life also occurs more frequently. The cumulative rates of abstraction have reached a level, that our surface waters can no longer sustain.

⁷ Summer 7-Day Q95 – See Appendix 1, an extract from the Karamū consent renewal hearings in

- 6.5 Where operative policies and methods in the RPS and the regional plan provide for more prescriptive management for surface water, processing of consents has tended to disregard these, in particular Policy 39 from the RPS, and Policy 73 from the RRMP. Most resource consents to abstract surface water from the Ngaruroro and Karamū catchments were renewed on a “short-term” basis due to council perceptions of uncertainty/validity for flow minima and allocatable volumes in the operative plan. Through PC9, HBRC now seeks to embed current over-allocation and excessive abstraction of surface water through disregarding adverse effects of resource consents, and postponing their renewals for ten years or more, effectively embedding existing adverse effects into policy and other plan provisions, and locking tāngata whenua out of influencing over-abstraction and its adverse effects. PC9 presents an opportunity to reduce allocations on a pro-rata basis and restore instream habitat and aquatic ecosystem health.
- 6.6 Decision-making around water quantity issues has not always taken due consideration of operative planning provisions. Consequently many consents to abstract surface water have been issued or renewed in conflict with existing policies. Although these provide for responsible management of water resources, they are not always given weight through decisions, and we now have the situation where surface water bodies are severely depleted during much of the year. One example is included below.

‘POL 39 DECISION-MAKING CRITERIA – WATER ALLOCATION

3.10.15 To allocate water from rivers in accordance with the following approach:

- (a) The water requirement for each resource consent applicant will be determined on the basis of reasonable needs and the efficiency of end use, requiring an applicant to determine how much water is required for their activity (for irrigation takes, see also Policy 42).*
- (b) Where the demand for water within a stream management zone¹¹ is greater than the allocatable volume as a result of a consent application for a new activity, a consent will not be issued except where it can be considered under (d).*
- (c) Where the demand for water within a stream management zone is greater than the allocatable volume as a result of a change to the minimum flow for that stream management zone the HBRC will adopt any or all of the following approaches:*
 - (i) Review all consented takes from that water body at the same time.*
 - (ii) Give preference to the renewal of existing resource consents, over the granting of new consents where it can be demonstrated that the allocation is still required.*
 - (iii) To encourage the establishment of user groups or the seasonal or long-term transfer of water permits in accordance with Policy 34.*
 - (iv) Where over-allocation still exists, to reduce the allocation on a pro-rata basis except that where the consent holder has been advised (e.g. in the*

consent document) that the water allocated may no longer be available for allocation at the time of consent renewal, in which case the consent may not be renewed.

(v) To encourage the use of alternative water sources.

(d) Water may be allocated over and above the allocatable volume, subject to a substantially higher cut-off level than that specified in Table 9 provided that any such additional allocations will not have any adverse effect on other lawfully established activities, nor any other significant adverse environmental effect and assuming allocation is subject to the implementation and/or consideration of (a), (b) and (c).'

(Submitter's emphasis)

6.7 In recent years we have experienced an increase in the number of irrigation bans in some catchments/sub-catchments, with several bans exceeding one month in duration. Occasionally, irrigation bans occur for over 50% of the irrigation season (Louisa, Irongate, Karewarewa Streams). Although Hawke's Bay experiences droughts as a normal part of prevailing weather patterns, over the last two decades they have become more common and the effects more severe and of longer duration.

Table 1: Allocation totals and comparisons of rates of take – TANK surface water

River name	Minimum Flow Site Name	Minimum Flow (l/s)	Allocatable Volume (m ³ week)	Rate of take equivalent l/s	Actual rate of take (approx) l/s
Awanui Stream	At The Flume	120	0	0	430 l/s total for Karamū, not including surface water depleting groundwater rates  Karamū River and tributaries
Awanui Stream	At Paki Paki	35	0	0	
Irongate Stream	At Clarks Weir	100	0	0	
Karamū River	At Floodgates	1,100	18,023	29.8	
Karewarewa River	At Turamoe Road	75	-	-	
Louisa Stream	At Te Aute Road	30	0	0	
Mangateretere Stream	At Napier Road	100	0	0	
Te Waikaha Stream	At Mutiny Road	25	-	-	
Ongaru Drain	Wenley Road	5	0	0	
Poukawa Inflow	Site No. 1 (d/s dam)	10	-	-	
Poukawa Inflow	Site No. 1a (u/s dam)	10	0	0	
Poukawa Inflow	Site No. 6	3	0	0	
Poukawa Stream	At Douglas Road	20	0	0	

Maraekakaho River	At Taits Road	100	5,443	63	180
Ngaruroro River	At Fernhill Bridge	2,400	956,189	1,581	>3,300
Raupare Stream	At Ormond Road	300	83,844	138.6	
Tūtaekurī River	At Puketapu	2,000	928,972	1,536	
Tūtaekurī-Waimate	At Goods Bridge	1,200	367,144	607	

Operative Policy 73 provides direction on how security of supply will be managed through providing for a known level of risk to resource users.

“POL 73 ENVIRONMENTAL GUIDELINES - SURFACE WATER QUANTITY

.....

(c) *To provide a known level of risk to resource users by ensuring that, for rivers with an established minimum flow, the total allocation authorised through the resource consent process does not result in authorised takes being apportioned, restricted or suspended for more than 5% of the time on average during November-April.”*

6.8 Rather than continuing to base surface water allocation on a logical scientific method and sustainable management principles and practices, HBRC has chosen a new methodology of “*actual and reasonable use*” which has nothing to do with sustainable management or avoiding, remedying or mitigating adverse effects. Existing adverse effects on flows are actively being supported through the plan and proposed consent renewal processes. In addition, policies that were based on or supported the Q95 have now been deleted from applying to the TANK catchments.

6.9 This creates the unique situation where the existing consents for surface water abstraction have had the rationale and basis for their original approval removed, and replaced with allocation and assessment methods, not based on sustainable management at all.

Groundwater

6.10 Groundwater has historically been allocated with minimal opportunity provided for tāngata whenua to take part in decision-making. The presumption has been that the groundwater resource within the Heretaunga Plains Aquifer System is huge, and consequently up until rather recently, most consents were allocated without public notification. Unfortunately, the total abstractions from the aquifer system have resulted in adverse effects on streams around the periphery of the aquifer, with lower quality surface water being drawn into the aquifers resulting in degraded groundwater quality, and streams drying up. There is also little acknowledgment in PC9 of the causal

link between excessive water abstraction (quantity issue) and its actual and potential effects on groundwater quality.

- 6.11** Another issue is where operative Schedule VI in the RRMP identifies groundwater management zones specified as water-short areas, that require more prescriptive management, yet large amounts of abstraction from these management zones have been enabled. Total groundwater abstractions are now causing decline in aquifer levels plus a seasonal decrease in areal extent of the Heretaunga Plains Aquifer System and groundwater dependent ecosystems.
- 6.12** Although the RMA does not restrict adverse effects that are permitted by a regional plan, or by resource consent conditions, we have the anomaly where the operative RPS and RRMP do provide for restrictions and controls around water abstraction and use, but the decision-making for resource consents for water abstraction tends to disregard these.

7. Regulatory and legal issues

- 7.1** The proposed plan fails to promote sustainable management as prescribed in section 5, of the Resource Management Act, and rather than follow clear directives in Plan Change 5⁸ for the drafting of proposed catchment-based plan changes, HBRC has chosen to ignore these, and prioritise economic development. For other parts of PC9, this has led to a bias, rather than using a judgement through Part II of the Act or subsidiary national policy (i.e., NPS-FM). Consequently, in drafting the proposed plan HBRC has not considered all the necessary issues it is required to, and therefore does not address them. Proposed PC9 is not clear on intent and does not give effect to the either the NPS-FM or the RPS, nor take into account the updated NPS-FM 2020.
- 7.2** The RRMP has undergone several changes since it became operative in 2006, however there are errors in some of the schedules, where they have not been corrected to align with the relevant plan provisions, as directed by the Environment Court for renumbering and consequential changes. Where operative schedules address management of specific matters or effects in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, some of the cross-referencing to other plan provisions is incorrect.
- 7.3** Where these schedules (outlined in Table 1) contain maps and water management zones relating to freshwater resources within the TANK catchments, introducing a proposed plan with new or amended planning provisions, without first checking the content and accuracy of operative plan provisions that apply to the same catchments,

⁸ Plan Change 5 was a change to the Hawke's Bay Regional Policy Statement. All of its provisions with the exception of 'wetland definition' were beyond challenge from 2015, and it became operative in August 2019.

risks confusion and inconsistency. PC9 does not propose deleting or amending these existing schedules in the RRMP, so they will continue to apply to TANK catchments.

7.4 For Policy 77 in the operative RRMP, proposed PC9 seeks to delete it from applying within TANK catchments, before HBRC have corrected the Schedule that partly gives effect to this policy. This creates the unique situation whereby HBRC has failed to follow a directive from the Environment Court to amend the numbering in the RRMP before making it operative, and now seek to delete the relevant policy from applying to freshwater resources in TANK catchments.

Table 2: Schedules/maps from the operative RRMP

Schedule in operative RRMP	Current references in Schedule	Correct references – TToH seeks specific relief to amend the operative references
Schedule VI Water Short Areas - Ground Water Management Zones (<i>Water Quantity</i>)	Delete RPS Policy 46 - non-regulatory methods and point source discharges; Delete Rule 49 – discharges to land that may enter water	Add - RPS Policy 24 Water Allocation; RPS Policy 33 Groundwater Takes within the Vicinity of Surface Water Bodies; RRMP Policy 77 Environmental Guidelines – Groundwater Quantity Rule 53 Minor takes and uses of groundwater
Schedule VIa Surface Water Management Zones (<i>Water Quantity</i>)	Retain RPS Policy 57 – Policy development and consideration of Māori concepts – Mauri, Noa, Rāhui and Tapu Delete Rule 50 – Riverbed and Lakebed disturbance by livestock	Add RPS Policy 35 Regulation – Water Allocation Add RPS Policy 43 Groundwater Takes within the Vicinity of Surface Water Bodies Add
Schedule VIb Catchments sensitive to animal effluent discharges	RPS Policy 20 – Decision making criteria – Agricultural Effluent Discharges Rule 15 – Discharge of animal effluent in sensitive catchments	Retain RPS Policy 20 Add Policies 8, 17, 19, and 47 to Schedule VIb Retain Rule 15

7.5 For operative Policy 57, which sits within the RPS section of the RRMP, the Māori concepts can apply to water management, but the policy states that they are to be used “*where policy is being developed*”, so Policy 57 is not likely to be applicable to Schedule VIa (but of relevance to the development of proposed PC9). Rule 50 is also an incorrect reference as the only reference to Schedule VIa (*Via*) in the operative RRMP rules in Chapter 6, is in Rule 54 – Minor takes and uses of surface water, wherein RPS Policy 35 Regulation – Water Allocation, and RPS Policy 43 are referred to.

- 7.6** It is logical to assume that before drafting PC9, all sections of the RRMP that apply to TANK catchments and their management and regulation, would have been covered extensively by council planners to assess their effectiveness, and these inconsistencies addressed, particularly when council staff had prior knowledge of them (TANK SHG discussions, Review of the draft TANK plan - Iwi rep and Council staff).
- 7.7** After PC9 was publicly notified, it was made available online, and copies were circulated to public libraries in Hastings and Napier. The usual practice for public notification of proposed regional plans has been to make them available throughout the region, as PC9 is a change to a regional plan. The communities of Central Hawke's Bay however, were not supplied with copies for their libraries. This meant that some people including tāngata whenua with whakapapa linkages to the four TANK catchments, and who live in Central Hawke's Bay, were not able to view a hard copy of the proposed plan. Not everybody has ready access to the internet, so this aspect of PC9 notification, created undue prejudice for some residents in Central Hawke's Bay.
- 7.8** Te Taiwhenua o Heretaunga seeks the following amendments/relief:
- *Deletion of introductory comments on TANK plan change processes that are superfluous and do not contribute anything meaningful or constructive to proposed PC9*
 - *Ensure operative RPS policies 35 and 43, are given effect to in PC9.*
 - *Corrections/amendments to operative Schedules Va, VI and VIa, and VIb and their inclusion in, and appropriate consideration for their content and intent, in proposed PC9 Schedules*
 - *Include overlays of the mapped areas from the above schedules in the PC9 schedules where relevant.*
 - *Retention of Policy 77, insofar as clauses a) and d) from Policy 77 are included in groundwater allocation policies in PC9.*
 - *Re-arrangement of the Issue statements so they precede specific Objectives and Policies that relate to each of the issues.*
 - *Delineate the coastal environment boundary on Schedule maps or draft separate maps to be included in PC9 showing the coastal environment boundary where PC9 regulation ends.*
- 7.9** ***For Surface Water Allocation***
- *Prescribe and introduce an 'irrigation season' from 01 November to 30 April each year for surface water and surface water depleting groundwater abstractions*

- *Enable a gradual reduction in allocations from the Ngaruroro River to 700,000 m³ per week total, and a cumulative allocation rate of 1,581 lps from the date PC9 becomes operative - as regulated from Fernhill Bridge.*
- *The 1,581 lps to be inclusive of rates of take and surface water depletion rates from Ngaruroro tributaries including from the Maraekākaho River and Kikowhero, Waitio, Ohiwia, and Mangatahi Streams.*
- *Provide for staged increases to the minimum flow for the Ngaruroro up to 4200 litres per second by 01 July 2029.*
- *Reduce allocations from the Tūtaekurī River to 626,572 m³ per week and increase the minimum flow to 2500 lps at Puketapu Bridge from PC9 operative date.*
- *Aim for target minimum flow of 3,300 lps for the Tūtaekurī River by 01 June 2029*
- *Reduce total allocation rate from the Tūtaekurī (inclusive of takes from its tributaries – Mangaone, Mangatutu, Waikonini and Otakarara) to 1036 lps total.*
- *Introduce elevated minimum flow limits and targets that ultimately result in 90% habitat protection/provision for trout/torrentfish during the irrigation season by June 2029, as in Table below.*
- *Reduce number of irrigation ban limits in catchments and include all limits used in water management and resource consent processes in PC9.*
- *Provide for 2 million m³ annual groundwater allocation total, for use in the coastal environment water allocations.*
- *Restrict high flow abstractions to 15 May – 15 October in any year*
- *Take into account total permitted, controlled and restricted discretionary volumes above 60 m³ per week in allocation limits/quantum.*
- *Require renewal of existing consents to take surface water upon current consent expiry, or when PC9 becomes operative, whichever occurs first.*
- *Require applications for existing and new consents to take water for irrigation, to be assessed as discretionary activities, tāngata whenua parties to be notified, and impose a ten year duration limit.*
- *Allow for 20 m³ per week allocation to continue for existing and new domestic use (houses) as permitted activities.*
- *Prohibit water takes outside of the allocation volume limits and cumulative rate limits, apart from emergency uses.*

7.10 Groundwater Allocation

- *Set total allocation volume limits from the Heretaunga Plains Aquifer System as regulated through the RRMP at 70 million m³ per year.*
- *For the management purposes for the HPAS, separate quantities/limits for abstraction from the unconfined aquifer, from quantities/limits for the abstraction from the semi-confined and confined aquifer.*

- *Restrict all irrigation takes from groundwater within TANK catchments to a specific irrigation season of 01 November to 30 April in any year⁹.*
- *Take into account total permitted, controlled and restricted discretionary volumes above 60 m³ per week in allocation limits/quantum*
- *Count surface-water depletion effects above 0.5 lps or greater in surface water allocations.*
- *Manage groundwater within the Moteo area separately from the remainder of the Heretaunga Groundwater, as a significant percentage of Moteo water surfaces as recharge to the Tutaekuri-Waimate and the Ngaruroro River.*
- *Prevent the transfer of consents/permits between the unconfined part of the HPAS and the confined aquifer*
- *Require renewal of existing consents and applications for new consents to take water for irrigation, to be assessed as discretionary activities, for tāngata whenua to be notified as affected parties, and impose a ten year duration limit.*
- *Take into account total permitted, controlled and restricted discretionary volumes above 60 m³ per week in allocation limits/quantum.*
- *Require the renewal of existing consents to take surface water upon current consent expiry, or when PC9 becomes operative, whichever occurs first.*
- *Allow for 20 m³ per week allocation to continue for existing and new domestic use (houses) as permitted activities.*
- *Prohibit water takes outside of the allocation volume limits and cumulative rate limits, apart from emergency uses.*
- *Include water-short areas from Schedule VI and appropriate limits and assessment criteria in PC9 for resource consent applications/renewals/extensions to take groundwater in these groundwater management zones.*
- *Superimpose above water short areas on HPWM Unit Schedule, and include water-short areas from Schedule VI as crosshatching.*
- *Rename Schedule 31-E as Heretaunga Plains ~~Groundwater~~-Freshwater Management Unit. Expand notified cross-hatching in schedule to include stream-depletion areas for amounts of 0.5 lps or above (as Zones 1 and 2)*
- *Acknowledge aquifer extension into Hawke Bay in proposed schedules.*
- *Remove all references to and criteria relating to “efficient well” from applying in TANK catchments.*
- *Prohibit takes of water outside of the allocation limits.*

7.11 Water Quality

- *Include sensitive catchment criteria in TANK provisions, and expand to include restrictions on fertiliser use and nutrient limits (80kg/ha/yr) from all sources*

⁹ Not including irrigation from offline water storage dams.

- *Delete any reference to “productive” in relation to the HPAS and other aquifers in the TANK catchments. HBRC’s s(30) roles and responsibilities apply to all freshwater, not just “productive” freshwater resources.*
- *Either include in a table, or within a proposed schedule for water quality, the parameters and limits within operative Table 8 that apply to water bodies in TANK catchments. .*

7.12 Outstanding water bodies

- *Include in PC9, a table of Outstanding Water Bodies that are located within the TANK catchments, and specify:*
 - *The Heretaunga Plains Aquifer System*
 - *The Ngaruroro River from sources and headwaters to Fernhill Bridge*
 - *The Taruarau River down to its confluence with the Ngaruroro*
 - *The Tūtaekurī River and major tributaries down to Waiohiki*
 - *The Karamū River*
 - *Lake Poukawa, Lake Oingo, Lake Runanga and the Kaweka Lakes.*
- *Add columns to above table listing outstanding value(s) and significant values for each as prescribed in Table 3B of our submissions.*
- *Provide for the protection of their water quality and their inherent significant values, in PC9 objectives, policies and methods.*
- *In particular, ensure protection of the water quality in the Heretaunga Plains Aquifer System and its recharge zones, and recharge quantities.*

Use of the Heretaunga Plains Groundwater Model

7.13 Te Taiwhenua o Heretaunga and Iwi representatives were involved in the very early stages of the groundwater model development (three meetings), but unfortunately during the crucial stages when model inputs were being decided, we were no longer included. Consequently, the model design and its outputs are not reflective of tāngata whenua priorities, values or aspirations associated with the Heretaunga Plains Aquifer System, nor in the conclusions reached and the use of the model for PC9.

7.14 The model has been relied on to inform management responses within PC9. The unconfined area used for the model is 239 square kilometres, when in reality the unconfined area is greater than 500 square kilometres (including Moteo). For some reason the model excludes shallow groundwater above the semi-confined layer, although this is where a significant amount of interaction occurs between the aquifer and surface water flows. This exclusion is unusual as the interface between the unconfined aquifer and surface water is the zone where more prescriptive management is required, particularly around quantifying surface water depletion effects of groundwater abstraction, better management of adverse effects on water quality and on groundwater dependent ecosystems.

7.15 HBRC has developed a Stream Depletion Calculator, with inputs derived from pump-tests, many which were undertaken during the autumn and winter months when groundwater levels and pressures, and aquifer storage are predominantly higher than during the irrigation season when the bulk of abstraction occurs. Others transpired decades ago when total groundwater abstraction was far less than what it is today. Surface water depletion increases markedly during the peak of the irrigation season, when the hydraulic gradient between surface water and groundwater levels is steeper. The calculations of depletion are therefore likely to be underestimated when using this tool.

- *Te Taiwhenua o Heretaunga seek the omission of the stream depletion tool from informing water management and resource consent processes until the tool is recalibrated using data and extrapolations of data from surface water depletion effects acquired during the irrigation season, and inclusion of depletion effects on surface water flows during low-flow events (at flows below MALF).*
- *Set separate allocation limits for the unconfined and confined parts of the Heretaunga Plains Aquifer System, and allow for separate management of Moteo groundwater as its hydraulic connections to the main part of the Heretaunga Plains Aquifer System is not constant.*
- *Prohibit the transfer of consents and water abstraction permits from the unconfined aquifer to the confined aquifer, and vice versa, and from the main part of the aquifer up to Moteo.*
- *Prohibit or prevent the transfer of consents to abstract water from surface water to ground water takes and vice versa.*
- *Prevent the input or inducement of lower quality water into the confined aquifer*

8. Further Relief Sought

General matters

- 1)** In general terms, Te Taiwhenua o Heretaunga opposes many of the proposed provisions in PC9. In particular where it fails to **give effect to** the NPS-FM and to the Regional Policy Statement, does not promote sustainable management as prescribed in the Act, or fails to address adverse effects of activities in the TANK catchments in an efficient and comprehensive manner.
- 2)** At this stage we oppose all of the proposed rules, as they are predicated on unsound, incomplete, or confusing objectives and policies, that do not enable sustainable and integrated management of freshwater resources. As currently drafted, they seek to embed over-abstraction of water, the associated adverse effects, enable further

abstraction, and are relatively silent on avoiding, remedying, or mitigating cumulative adverse effects.

Reasons:

- The proposed plan contains a lot of preamble that seeks to justify the approach taken in its drafting. Some statements are assumptions or the planners' view on past events, and others are incorrect.
- Proposed objectives, policies and methods do not promote the purpose of the Act with many enabling unsustainable practices to continue, rather than reviewing adverse effects and amending practices/consents accordingly.
- By not including the safeguarding of life-supporting capacity as a key focus towards helping to achieve sustainable management of water resources in the TANK catchments, the proposed plan is fatally flawed.
- In the submitter's view, there have been errors and omissions in the drafting of PC9 in terms of the statutory requirements of regional council as expressed in section 30 of the RMA, and the need for PC9 to uphold Te Mana o Te Wai, and give effect to the NPS-FM and the RPS.
- For PC9, not all relevant matters have been taken into account by HBRC, that are required to be taken into account by the Act.

Issue Statements

- 3) **Rearrange** the Issue Statements' content by specific topic or theme. Ensure that each statement is concise and only refers to one or two issues, so linkage to relevant objectives, policies and rules are clear. **Amend and condense** the content in the Issue Statements.
- 4) **Separate** Mauri and other tikanga Māori values and issues mentioned throughout the issue statements and combine them into two distinct issue statements. Include acknowledgment of the principles of the Treaty of Waitangi contained in Schedule 1.
- 5) **Move** the Issue statements so where they relate to a specific objective, each of the statements immediately precede the relevant objective and associated policies.

Reasons:

- Some issue statements are too long and seek to address multiple issues. Issue statement 1 contains 388 words and refers to rivers, groundwater, mana, mauri, ecosystems, communities, future generations, water quantity, water quality, health and well-being, social and economic needs, water abstraction, flood and drainage, land use, landscape, vegetation, cultural practices, principles, kaitiakitanga, fish spawning, fish passage, indigenous plants and animals and biodiversity. This creates confusion of intent and desired outcomes. In contrast,

issue statements in the operative RRMP are clear and concise and refer to one or two issues only.

- The issue statements as notified, lead on to complicated and lengthy objectives and policies, with some policies not looking to address matters raised in the issue statements until another plan change sometime in the future.
- Some issue statements would require multiple objectives to address the matters raised therein, which can potentially lead to difficulties in plan interpretation and implementation. In the past where plan provisions have not been clear in intent, regional council has broadened their discretion and tended to disregard them when making decisions.

Proposed plan objectives

- 6) Redraft the existing objectives so they are clearly stated outcomes which address the resource management issues. **Add** two new objectives so they apply across the four TANK catchments, and amend PC9 policies, methods and schedules where they are in conflict with these objectives:

“Objective TANK 1A – Water quality management: The maintenance and enhancement of the water quality of surface water bodies in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, and within the Heretaunga Plains Aquifer System, and in other groundwater is achieved through:

- i) safeguarding the life-supporting capacity of fresh water and associated ecosystems, including groundwater dependent ecosystems;*
- ii) protecting indigenous species, and their habitats and associated ecosystems – so they are sustained and improved¹⁰;*
- (iii) recognising and providing for the values in Schedule 26-F, and*
- iii) protecting the natural character of rivers, streams and aquifers, including natural aquifer recharge, from the adverse effects of activities on water quality.*

Objective TANK 1C: The management of water resources within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, recognises and gives effect to Te Mana o te Wai, restores the mana of hapū, and enhances the Wairua and Mauri within water bodies ki uta ki tai.”

- 7) **Add** further objectives

“Objective TANK 2A: The maintenance of the water quantity in surface water bodies in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, and the water quantity in

¹⁰ Indigenous species, their habitats and associated ecosystems will be maintained where limits are being met, or improved where specific limits will be met at a specific time in the future (target date).

the Heretaunga Plains Aquifer System and other groundwater systems so the values in Schedule 26-F are recognised and provided for, and Te Mana o te Wai and Te Mana o te Tāngata upheld.

Objective TANK 3A: The abstraction of surface water and groundwater from within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, and from the Heretaunga Plains Aquifer System, is sustainably managed so they provide for water abstraction within limits for a variety of purposes, while supporting healthy ecosystems and aquatic habitat, and the values within water bodies, including groundwater recharge.'

Objective TANK 6A: No degradation of water quality in the Heretaunga Plains Aquifer System, or in other aquifers and groundwater within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments.

Objective 6B: The potential for groundwater abstraction to have adverse effects on groundwater quality and surface water quality is acknowledged and takes of groundwater are managed to ensure abstraction does not have an adverse effect (including a cumulative adverse effect) on rivers, lakes, springs, or wetlands, or on groundwater dependent ecosystems.

- 8) Amend** proposed PC9 policies, rules, and schedules to promote the achievement of the above objectives.

Reasons:

- Safeguarding the life-supporting capacity of water and ecosystems is one of the tenets of “sustainable management” as prescribed in section 5(b) of the Act and is required to be given effect by councils under NPS-FM (2017) Objective A1
- The RPS at Objective LW1.4 requires “*safeguarding the life-supporting capacity and ecosystem processes of fresh water including indigenous species and their associated fresh water ecosystems.*”
- Maintaining, enhancing or restoring the Mauri of freshwater is of utmost importance to tangata whenua. PC9 provides the opportunity to accomplish this through statutory planning mechanisms.
- Objective LW3 in the RPS acknowledges the significance of Mauri and references the Treaty principles in Schedule I that HBRC aspire too. These include the Principle of Active Protection, and the statement:
“In the context of resource management, the various elements which underlie and are fundamental to a spiritual association with the environment (including mauri, tapu, mana, tikanga and wairua) may all fairly be described as taonga that have been retained by Māori in accordance with Article II of the Treaty. The principle of active protection therefore extends to the spiritual values and beliefs of Maori.”

- RPS Policy LW1.3 b) requires that when setting objectives (in regional plans) that “adverse effects on water quantity and water quality that diminish mauri are avoided, remedied or mitigated”. This should be acknowledged and provided for through PC9 objectives, and associated policies.
- The objectives above endorse promoting sustainable management of freshwater resources in the TANK catchments and help to recognise and provide for the relationships of Māori with their taonga.

Anticipated environmental results

9) **Add** Anticipated Environmental Results (AERs) following each group of policies that relate to specific objectives.

Reasons:

- The rationale for, and the outcomes expected from the objectives, policies and methods will be more clearly understood by plan users, decision-makers and resource consent applicants and assist monitoring of plan effectiveness.
- HBRC has not always been proactive in steering consent applicants and land uses towards achievement of plan objectives. With the addition of AERs the trajectory towards achieving limits and targets and sustainable outcomes from plan implementation, will be more clearly defined.
- It is difficult to reconcile sustainable management principles and practices, and improvement in environmental outcomes, with proposed objectives, policies and methods in PC9 given the uncertainty associated with reliance on further meetings and stakeholder forums, the collection of more data, the drafting of Farm Environmental Plans and Industry Collective Plans, and another plan change at a later date to address existing adverse effects of activities.

Operative and proposed schedules

10) **Amend Schedule Va** in the RRMP so that water quality rules and policies, and decision-making processes for groundwater takes and land use activities in PC9 that apply to the unconfined aquifer and land above it, are referenced in this schedule, and ensure that operative provisions in the RPS and RRMP that are not being amended by PC9 but that also apply to the unconfined part of the Heretaunga Plains Aquifer System, are integrated with provisions in PC9.

11) **Ensure** objectives, policies, methods and schedules in proposed PC9 that inform management, or control of the taking of groundwater and the effects of such taking from within the areas outlined in operative Schedule VI, are referenced in, or cognisant of, this schedule and associated rules/policies, and **superimpose** these water-short areas on the map in proposed Schedule 31-D Karamū Freshwater Management Unit – Quantity.

- 12) **Delete table in proposed Schedule 31** – Flows, levels and allocation limits and replace with content and structure as in Table 3A below.
- 13) Ensure **restrictions on water abstraction** in the operative RRMP, continue to apply through PC9 when flows in rivers/streams are at or fall below their minimum flow. Allow for abstraction to continue for domestic household use and firefighting, but restrict stock water use.
- 14) **Acknowledge the water-short areas** in Schedule VI in PC9 water allocation regimes, policies and methods for the Karamū catchment, and the lower Maraekakaho sub-catchment.
- 15) **Acknowledge in PC9** the engineering works that have occurred at the confluence of the Maraekakaho River with the Ngaruroro River, the gravel raking and changes to braided reaches of the Ngaruroro through modifications to the riverbed, and their subsequent effects on HPAS recharge rates/quantities, in the setting of allocation limits for the HPAS.
- 16) **Amend** the rule and policy references in Schedules VI and VIa in the operative RRMP as requested through these submissions so that the correct plan provisions are referenced in these schedules. Add new rules and policies from PC9 that apply a management function to these mapped areas, to these schedules.
- 17) **Add** Tūtaekurī headwaters to a **new version** of Schedule VIb. **Provide** spatial definition of the Tūtaekurī River headwaters as referred to in operative Rule 15 and New Rule 11A and specify where these are in proposed Schedule 26-A – Tūtaekurī Surface Water Management Unit.
- 18) **Include** new version of Schedule VIb in proposed PC9, with reference to PC9 objectives, policies and methods that manage nutrients, fertilisers, nitrogen (and nitrogen leaching), animal effluent and intensive grazing activities (including breakfeeding and winter grazing) in sensitive catchments.
- 19) **Superimpose** outlines of “*sensitive catchment*” areas from operative Schedule VIb, and of the Tūtaekurī headwaters (where relevant) onto proposed Schedules 26-C Ngaruroro, 26-D Karamū, 31-A Tūtaekurī, 31B - Ahuriri, 31-C Ngaruroro, 31-D Karamū, and 31-E Heretaunga Plains Groundwater MU - Quantity.
- 20) **Superimpose HPAS** spatial extension under the coastal marine area as shown in Figures 3-26 and 3-27 from the Heretaunga Aquifer Groundwater Model Scenarios Report (page 52). **Use different shading** to reflect where the aquifer is regulated under the RCEP.

- 21) **Provide a new schedule** that shows outstanding water bodies (as specified in Table 3B below) and strengthen the outstanding water body provisions in PC9 to promote better protection for their water quality and for their outstanding values and significant values. Acknowledge in provisions for managing water quality in outstanding water bodies, the linkage between groundwater abstraction, and potential decline in groundwater quality.
- 22) **Provide an updated** schedule or map for Drinking Water Source Protection Zones, and append a separate table and map identifying the townships/settlements of Omaha, Bridge Pa, Whakatu, Waipatu, Clive and Haumoana. Include elevated protection provisions in PC9 for domestic water supplies from groundwater in these communities. Extend the boundaries for Zone 3 to include substantially more area of the unconfined aquifer, and conjunctive and recharge zones.
- 23) **Clearly articulate** in PC9 that all the Schedules including the maps and water management zones form part of the proposed plan, and link them to objectives, policies, and methods.
- 24) **Add** references to proposed policies and rules that affect sensitive catchments, to each of the relevant schedules/maps.
- 25) **Require** properties within TANK catchments, including sensitive catchments¹¹, that are 4 hectares or larger, to develop and implement FEPs, and regulate productive land use where there are identified water quality issues or water quality objectives are not being met (i.e., targets apply).
- 26) **Amend** Schedule 27: Freshwater Quality Objectives so that the Schedule does have a regulatory function (e.g., include as objectives and targets in Schedule 26).

Reasons:

- The operative plan provisions which refer to animal effluent management posit that other nutrients also require careful management within sensitive catchments. Similar provisions need inclusion in PC9.
- Failure to comply with Environment Court directives and signed consent orders agreed between HBRC and appellants to the proposed RRMP, mean that some operative schedules require updating/correcting.

¹¹ Other than in the Heretaunga Plains unconfined aquifer area, where FEPs are required for intensive vegetable production on areas of 2 hectares or greater.

- The map in proposed Schedule 31-E and aligned management responses need to acknowledge the existence of other parts of the aquifer not regulated by the RRMP and PC9.
- Operative and proposed schedules should be better aligned where they inform management responses and actions for the same water bodies or parts thereof.
- Schedule VIb (sensitive catchments) includes the unconfined part of the Heretaunga Plains Aquifer System, and the headwaters of our major rivers, which are included within the spatial extent of PC9. If sensitive catchments are more susceptible to animal effluent discharges than other parts of the catchment, they will also be more sensitive to nutrient/contaminant discharges in general.
- The maps included in PC9 schedules do not include the parts of the aquifer that extend into the CMA.
- Outstanding freshwater bodies have already been identified by HBRC through proposed PC7, with submissions received on that plan change. There is potential that PC7 may not be heard before PC9 hearings. HBRC also have the option under the RMA, 1991 of withdrawing PC7, so there is no guarantee that it will be progressed.
- Although Te Taiwhenua o Heretaunga has requested in submissions to PC7, that a concurrent hearing be held for PC7 and PC9, there is no surety that this will occur despite the NPS-FM (2017) requiring the protection of outstanding freshwater bodies, and the RPS directing similar actions through regional plans.
- While we acknowledge the regulations relating to Drinking Water Source Protection Zones and the numerical threshold of 500 persons, other small communities, including Māori communities, should also have an element of protection for water supply sources used for households or marae, particularly protection from land use and over-abstraction of groundwater, which they have been restricted from having input to for numerous resource consent processes.
- It is unclear whether all schedules and maps which direct management approaches and methods for freshwater resources, are actually included within the proposed plan.
- The rule and policy references in some operative schedules are inaccurate in their current form and create confusion for freshwater management in the TANK catchments, or are ignored as they lack logic.
- Operative Rule 20 references the headwaters of the Tūtaekurī River as a sensitive catchment, yet Schedule VIb does not spatially define which parts of the Tūtaekurī River headwaters the rule applies to.
- HBRC's stated intent for PC9 (Advertisements in HB Today, Profit magazine etc) includes protection of freshwater resources in TANK catchments. This requires cohesion between proposed provisions and existing provisions in the RPS and RRMP. The relief sought herein will help achieve better integration between PC9 and other provisions in the RPS and RRMP.

Specification of values and attributes

- 27) Provide new Schedule 26-F** that includes detailed maps of all TANK catchments and sub-catchments. In part of the schedule specify all instream values/uses that apply, selected from sections 28 to 30 below, with a separate part for abstractive values/uses. List the catchments, all sub-catchments and aquifers/groundwater zones down the side, with the applicable values along the top of the columns.
- 28)** Indicate **which values/uses apply** to each sub-catchment, catchment, water body or FMU. **Include** the Taruarau, and other Ngaruroro River tributaries in their own right, as well as the Mangaone and Mangatutu Rivers, Kaweka Lakes, Lake Oingo, Lake Runanga, and Lake Poukawa. **Include** the Heretaunga Plains Aquifer System, the Karamū tributaries with the Paritua Stream separated from the Karewarewa Stream at Raukawa Road.
- 29) Prescribe** where the following values apply, in addition to the tikanga Māori values from the Ngaruroro Values and Attributes report:

Inherent values

Natural state - NS	Aquatic ecosystem - AE
Life-supporting Capacity - LSC	Contact recreation - CR
Whakapapa - W	Mana – MA
Sites of significance Cultural - SOS-C	Uu - UU
Sites of significance Aquatic – SOS-A	Mauri - MAU
Inanga spawning - IS	Īnanga Habitat - IH
Whitebait migration - WM	Wāhi Taonga - WT
Indigenous fish - IF	Nohoanga - NOH
Trout fishing - TF	Mahinga kai -MK
Trout spawning - TS	Amenity - AM
Outstanding water body - OWB	Groundwater dependent ecosystem - GDE

Abstractive/other values:

Irrigation - IR	Flood control and drainage - FCD
Industrial abstraction - IND	Reticulated water supply - RWS
Stock water supply - SWS	
Domestic water supply - DWS	

- 30) In Schedule 26-F, indicate** where the limits are not currently achieved, and where they are a target. Prescribe measurable attributes and limits, with numerical limits and targets from the NOF A and B bands for water quality where relevant. Where existing

water quality is lower than the equivalent B band for water quality, set a target in the B band, to be achieved within a reasonable timeframe.

- 31) Resource and enable the development of Mauri monitoring, assessment and reporting through PC9 implementation. **Include** a substantive definition for Mauri that applies within the Ngaruroro and Karamū catchments and include the following table or similar to assist with cultural monitoring.

Mauri State	Wairua / Mauri
Mauri ora	Vibrant, productive, vital, life sustaining, Wairua
Mauri tu	Upstanding, building resilience, productive
Mauri oho	Awakening, resurgence, improving, revitalising,
Mauri moe	Resting and recovery, building potential
Mauri pūwhenua	Degraded, threatened, losing potential
Mauri mate	Dead water, lacking in wairua,

Reasons:

- Each waterbody has its own mana and mauri which need to be improved or upheld
- Values should be more clearly articulated, and where they apply within sub-catchments and aquifers specified.
- Mauri is essential for sustaining life within each of the water bodies and connects to the mauri of tāngata whenua and Te Mana o te Wai.
- The RPS requires adverse effects on Mauri to be avoided, remedied, or mitigated, so Mauri within freshwater bodies will need to be monitored to help assess current state and inform subsequent management responses for improvement where required.
- Te Mana o te Wai, Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te Tangata are central to the NPS-FM, and HBRC should aspire to maintaining the existing Mauri state in freshwater bodies where it is healthy, and improving it over time where it is degraded.
- Attributes and limits for each value will inform desired state for each water body, and state of the environment and cultural monitoring, assessment and reporting for surface water and groundwater resources.
- Lakes sometimes get left out of planning constructs and their values and the attributes that support those values, get overlooked. Lakes and significant wetland systems warrant protection from adverse effects of land use activities, including the effects on groundwater ecosystems, on which they are often dependent.

- 32) In proposed schedules, **clearly delineate 12** separate Freshwater Management Units within the Ngaruroro catchment, the Tūtaekurī catchment and the Karamū catchment, in line with the Values and Attributes Report commissioned by HBRC and lodged as an Iwi Management Plan. Include in proposed plan provisions for the transfer of water permits to abstract water; *“The transfer will not result in an increase in the scale or intensity of adverse effects and will not occur in over-allocated catchments or aquifers”*.
- 33) Amend proposed objectives, policies, and methods to reflect these changes.

Reasons:

- It is unclear whether some water management zones or units in the proposed schedules/maps are FMUs or not, and therefore subject to NPS-FM requirements.
- Management of freshwater within the TANK catchments would be more effective with smaller FMUs so that cause/effect relationships between activities and adverse effects, are more easily identified, quantified and addressed.
- The use of the FMU terminology would more clearly align PC9 with the NPS-FM and the RPS and require specific management measures/responses to be undertaken by council, thus providing greater clarity for plan users, and more certainty of outcome.
- Some of the water management units are huge and with the RMA/NPS-FM allowing for the transfer of resource consents for water abstraction or transfer of permits for the discharge of contaminants within the same FMU, the use of large FMUs means that the effects of activities, once transferred, can increase the scale or degree of adverse effect.
- It is not tika or in accordance with tikanga Māori values to transfer adverse effects from within the rohe of one hapū or hapū group, into the rohe of another, or between catchments.
- The identification and quantification of the source of adverse effects is more suited to smaller FMUs, as they are more likely to be addressed, in terms of limits and targets.

Overseer use and outputs

- 34) **Where Overseer** or another council approved method is to be used as a tool to calculate nitrogen leaching in TANK catchments, and inform consent activity status and relevant rules, ensure the use of Overseer (or its equivalent) does not result in water quality decline such that limits are breached and targets not achieved within specific FMUs, management zones or timeframes.
- 35) Where Overseer or another HBRC approved system is used to assess/calculate nitrogen losses or nutrient leaching amounts, ensure the associated schedules and other plan provisions (including methods) clearly link the land use activities and LUC leaching rates

to achievement of groundwater quality and surface water quality objectives, limits and targets.

- 36) Remove any threshold allowance for or increase from nitrogen leaching calculations and LUC classes, from being applicable for TANK catchment rules.
- 37) Add Soluble Inorganic Nitrogen, Total Nitrogen and Soluble Reactive Phosphorus to provisions that regulate effects of land uses where Overseer or another approved system is used.
- 38) Impose a management/monitoring/mitigation charge of 0.50 cents per kg for any N leaching above a 12 kg/ha/yr threshold for land use activities where nitrogen is applied directly to land.

Reasons:

- Overseer has come under close scrutiny for its use as a management tool, however its outputs are reliant on accurate data entry, so there is a potential margin of error.
- There are fluctuations in outputs due to change in management practices, cropping areas and type, farm or property ownership, market trends and budgetary constraints. A regional plan requires certainty of outcome and a trajectory towards achieving limits in water quality parameters.
- Regional council has a role to manage adverse effects, including adverse effects of nitrogen inputs.
- There are excessive tonnages of nitrogen entering the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, that cause adverse effects on water quality and ecosystem health, both within the river channels and the Waitangi and Ahuriri Estuaries. Those who generate such effects and profit from causing them, should help to pay for the management, monitoring and mitigation of such effects, or avoid them where limits are exceeded.

Stream flow maintenance - augmentation

- 39) **Replace** “*stream flow maintenance*” and “*flow augmentation*” with “*surface flow mitigation*” within the proposed plan, and move any such provisions in proposed Policy 39 and schedules to a non-regulation section of the plan so that research, hui, meetings, formulation of ideas etc, can be undertaken outside of objectives and management methods. In proposed Policy 39, remove references to trigger flows, so they are no longer applicable to flow maintenance or flow augmentation, apart from for existing activities.

Reasons:

- The need for these arises from failure to address through resource consenting processes, the adverse effects from surface water depletion caused by groundwater takes and/or excessive surface water abstraction/over-allocation).
- The use of the term mitigation clearly links the need for a response to the causes of the adverse effects on flow – over-abstraction.
- A lot of proposed policy is about holding further meetings to decide what to do, undertake research and investigation etc. There is not enough certainty provided around the outcomes from these things at present.
- Flow mitigation requires substantially more research to determine its efficacy and viability before it is included in council’s programmes, or enabled through a regional plan.
- Mitigation methods should be clearly linked to the reason for it, with those accountable responsible for the costs of mitigation.

High flow takes/abstraction

- 40)** For the Ngaruroro River, impose the following restrictions for high flow allocations:
- a) Restrict high flow abstraction to flows above 24,000 litres per second, as measured at the Fernhill Bridge.
 - b) Provide a total instantaneous rate of take limit for high flow takes.
 - c) Limit the total amount of high flow take to 5 Million m³ per year, and to the periods 15 May to 15 October in any year.
 - d) Provide for additional flow for the river on a 1:1 ratio for high flow takes as identified in the MWH report, May 2010.
 - e) Do not allow high flow takes that are outside of allocation limits for any purpose.

Reasons:

- High flows in the mainstem of the river do not always indicate widespread rainfall, and higher flows in the mainstem can assist with natural recharge of flows/springs in tributaries and clean the bed of accumulated sediment and periphyton.
- Flow losses below Fernhill mean that flows in this reach can drop to 18,000 lps within the river channel if the high flow threshold were set at 20,000 lps.
- With the cumulative rates of abstraction from the Heretaunga Plains Aquifer System at over 30,000 lps, recharge of the aquifer should be a priority consideration.
- Enabling recharge of the HPAS through natural processes is more cost effective than abstracting water at high flows and using it later to transfer water into the aquifer.
- Natural recharge is provided for free. Other systems like Managed Aquifer Recharge using water from storage, will come at a high cost, and the general public should not have to pay to mitigate adverse effects caused by private enterprise and private profit.

- High flows and variations in flow are part of the mauri of the river, and the river's natural character. Water managers should seek to retain flow variability and include this in PC9 for the mainstems of the Ngaruroro and Tūtaekurī Rivers.

41) Require surface water depletion effects of 0.5 litres per second or greater, to be accounted for in water quantity allocations and consent limits for ground water abstractions, and subject to minimum flow restrictions and volume limits within FMUs and surface water management zones. Count surface water depletion rates in surface water abstraction rate limits, and depletion effects of more than 60 m³ per week in total abstraction volume limits for surface water bodies.

Reasons:

- The RMA requires the adverse effects of activities to be avoided, remedied, or mitigated. Adverse effects caused by over-abstraction of groundwater, were not addressed through the resource consenting process or consent conditions for the majority of consents to abstract groundwater.
- The proposed plan should prioritise avoidance of adverse effects as the first option for surface water depleting groundwater abstractions that have effects of 0.5 lps (equivalent to 1210 m³ per month) or more. Otherwise vast quantities of water are being used and unaccounted for in water management.
- The proposed plan while seeking to enable these amounts for irrigation to go uncounted, is simultaneously seeking to reduce takes for domestic household use to below 20 m³ per week, and prioritising irrigation use and stock water provision above human health and domestic water needs. This is inconsistent with Te Mana o te Wai (NPS-FM 2020).
- Regional councils have a statutory role under s30(1)(c) (ii) and (iii) to maintain both the quality and quantity of water in water bodies and have been remiss in the past for not actively promoting these through their water management processes.
- The stated aim in PC9, of rolling over existing consents to abstract water for 10 years after PC9 becomes operative, does not promote sustainable management, particularly when council is aware of the root causes of surface water depletion, the decrease in spatial extent of aquifers during irrigation seasons, and declining groundwater trends.

Stock water takes

42) Amend Rule 53 so takes for stock water purposes within the water-short areas in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, as specified in Schedule VI, are controlled activities and required to be 60 m³ per week or less. Above this limit require these to be assessed as Restricted Discretionary

- 43) Make concurrent amendments to Rules TANK 7 and TANK 8** so they prescribe the same 60 m³ per week limit (outside of water short areas) as permitted activities, and above this volume for stock water as restricted discretionary, and subject to zone or FMU limits.
- 44) Remove** the “*efficient taking*” proviso for wells, so it no longer applies for domestic takes within TANK catchments.

Reasons:

- Groundwater takes within the water short (groundwater) areas are resulting in a decrease in the spatial extent of the Heretaunga Plains Aquifer System i.e. the aquifer retreats due to groundwater pumping. This has significant adverse effects on spring-flows from the aquifers into streams around the periphery of the HPAS. Some of these streams are drying up more frequently, over greater lengths and for longer durations as a consequence.
- Stock water takes pursuant to s(14)(3)(b) are not restricted provided that they **do not have an adverse effect** on the environment. The assumption that **all** stock water takes, including for stock kept under intensive production and irrigated pasture/cropping regimes, can be granted as permitted activities under s(14)(3)(b), is incorrect.
- The requirement that groundwater taken for domestic use should be subject to the council’s definition of “*efficient taking*¹²” is unrealistic when there is a continual declining trend in groundwater levels (SOE reports) due to HBRC’s aquifer management practices, and their granting of numerous resource consents to take groundwater, without scrutiny from the general public or from tangata whenua.

Stormwater rules

- 45)** Elevate the activity status for stormwater discharges in the TANK catchments, to restricted discretionary where they are from an urban reticulated stormwater system or discretionary where they discharge to a site, river, or area of cultural significance.
- 46) Add new stormwater Rule 21A** – to manage stormwater discharges from tile drainage, Novaflow drainage systems (or similar), and farm drainage systems in the rural areas of the TANK catchments, and stormwater discharges from roadside drains into land or water, as a restricted discretionary activity. Add:
- a) *Adverse effects on surface water habitat and life-supporting capacity*
 - b) *The achievement of objectives and targets associated with the sub-catchment*

¹² For the purposes of this Plan "efficient taking" of groundwater means abstraction by a bore which penetrates the aquifer from which water is being drawn at a depth sufficient to enable water to be drawn all year (i.e. the bore depth is below the range of seasonal fluctuations in groundwater level).

- c) *The ability for receiving waters to assimilate stormwater contaminants*
- d) *Effects on Te Mana o te Wai, on Mauri, mahinga kai and sites of significance to tangata whenua in the affected surface water body*
- e) *Objectives and targets in Schedule 26 for the receiving freshwater management unit, sub-catchment, or management zone*
- f) *Seasonal fluctuations in surface water levels and flows, and*
- g) *The life-supporting capacity of surface water.*

as matters for discretion.

Reasons:

- These issues were raised at TANK SHG meetings but not addressed by council, despite repeated requests from tangata whenua.
- Stormwater rules in PC9 only seek to manage urban stormwater discharges, so ignore a large amount of point source discharges, and their effects.
- Tile drainage, Novaflow type systems and farm drainage provide a direct conduit for nutrients and other contaminants to enter surface and groundwater.
- Nutrient losses to groundwater and surface water through drainage systems are not usually addressed, avoided, or remedied through the use and influence of Overseer.
- Often categorised as “non-point source” many of these discharges actually have a point source location, where they enter surface water, or publicly owned land.

Water abstraction from the Heretaunga Plains Aquifer System

- 47) Reserve** a quantity of freshwater (both volume and total allocation rate) from the Heretaunga Plains Aquifer System (HPAS) for regulating under the HB Coastal Environment Plan, including for domestic uses, and acknowledge these amounts when setting total abstraction quantities for PC9 and the RRMP. Set this volume at 2 Million m³ per year.
- 48) Take a precautionary approach** for setting and managing the cumulative allocation volumes and rates, and abstraction from the HPAS, as the aquifer is being mined. Amend total abstraction volume from the HPAS, so that no more than 70 Million m³ abstraction per annum is allowed, inclusive of volumes regulated through the RCEP.
- 49) Include this limit and the criteria below** in Heretaunga Plains groundwater allocation policies, surface water allocation policies and align with relevant schedules:
 - *“Adverse effects on Mauri will be avoided, remedied or mitigated.*
 - *The restoration of groundwater in the Heretaunga Plains Aquifer System to sustainable levels, and the prevention of water mining and excessive abstraction and*

- *The protection of outstanding values and significant values within the Heretaunga Plains Aquifer System”*
- 50) **Require a financial contribution** from all those who use HPAS water for irrigation, of 10 cents per cubic metre to help pay for meetings, research, flow mitigations, oxygenation schemes and infrastructure, additional pumping capex and opex, and aquatic ecosystem enhancement, as well as any trials and experiments associated with these.
 - 51) **Apply** a total instantaneous rate of take limit in litres per second for water abstraction from the Heretaunga Plains Aquifer System during the irrigation season that does not exceed 12,500 lps and a substantially reduced allocation rate (and volume limit) for the other six months of the year.
 - 52) **Include** effects on Mauri, and on groundwater dependent ecosystems, in consent application criteria, consent renewal processes, and decision-making.
 - 53) **Prescribe** an irrigation season and seasonal constraints for groundwater use, to prevent unsustainable abstraction, excessive surface water depletion, and mining of the aquifer.
 - 54) **Delete all references** in PC9 provisions that enable, allow for, or infer that, degradation of water quality in the Heretaunga Plains Aquifer System, or in other groundwater/aquifers in the TANK catchments can occur. Delete Note 8 in Schedule 26.
 - 55) **Delete any reference to or prevent** the word “productive” from applying to aquifers and groundwater systems within TANK catchments.
 - 56) **Expand** the area of the Drinking Water Source Protection Zone (Zone 3) so it encompasses a larger area with one boundary extending generally from Maraekakaho along the southern bank of the Ngaruroro River to a point east of Twyford, then to the south towards the Tukituki River, then to a point near the intersection of Te Aute Road and St Georges Road, from there to a point southwest of Bridge Pā, and then back to Maraekakaho, upstream of Tait Road, then to the Ngaruroro River bank.
 - 57) **Prohibit any additional** consents to take water from the HPAS for bottling and exporting purposes.
 - 58) **Provide a definition** of “*water mining*” in a glossary specific to PC9 as – “*The abstraction of groundwater from an aquifer over a 12-month period, at a rate that exceeds the annual volume and rate of natural recharge*”.

Reasons:

- There are 221 consents to abstract groundwater from the HPAS, that expired in May 2019 (before PC9 was notified). More than 1240 are due to expire over the next 4 years. The cumulative adverse effects of these should be addressed concurrently.
- Allowing existing rates and volumes of abstraction to continue for another ten years while not addressing adverse effects that are more than minor, does not promote sustainable management as defined in the Act and renders any plan provisions to avoid or phase out over-allocation irrelevant.
- Objective 23 in the RPS requires *“The avoidance of any significant adverse effects of water takes on the long-term quantity of groundwater in aquifers and on surface water resources.”* This should be given effect to in management of groundwater.
- HBRC acknowledges uncertainty in proposed Policy 37, and a precautionary approach is more suitable than consent roll-overs that enable the same amount of allocation/abstraction, the same allocation rates as prescribed in existing and expired consents, and the continuation of their adverse effects in the face of uncertainty.
- 90 million cubic metres per year as proposed in PC9, will lead to record low levels continually being recorded in the HPAS, and further mining of the aquifer resource. This amount of abstraction increases potential for adverse effects on human health as it induces lower quality groundwater to enter the aquifer from surface water through the reversal of springs, and places Drinking Water Source Protection Zones and community health at risk.
- A prescribed irrigation season and reduced allocation amounts and rates will allow groundwater levels in the HPAS to recover during the non-irrigation season.
- There will be abstractions for domestic use, reticulated water supply, frost protection, industrial uses and food processing activities, that will continue during the non-irrigation season.
- There is no guarantee that existing consent holders will reduce the amounts of water they use, or are legally allowed to abstract for irrigation through continued operation of their existing consents, as they have a right to use water up to their full consent allocation, despite verbal agreements not to do so (TANK SHG meetings), unless consents are called in, reviewed and amended with reduced volumes.
- There are two plans that regulate the use of groundwater from the Heretaunga Plains Aquifer System. PC9 and the RRMP should not impinge on or cause adverse effects on existing water abstractions/users within the coastal environment’s landward margin.
- Records and research, including the Heretaunga Plains Groundwater Model, indicate a definite declining trend in groundwater levels in the HPAS, from existing

abstractions, but avoids specific use of the term “over-allocation”. Simply avoiding use of the word over-allocation does not mean the resource is sustainably allocated.

- Current allocations to abstract water from the Heretaunga Aquifer total 180 Million m³ and total instantaneous rates of abstraction can potentially reach >30,000 lps¹³. Average Annual Rates of recharge are far less than this.
- Tangata whenua and the general public had minimal input over the last two decades, into the granting of resource consents to take groundwater from within the Heretaunga Plains. Proposed PC9 provisions continue this restriction on public input.
- There is no guarantee that HBRC will reduce the total abstraction amounts and rates for current abstractions as PC9 promotes a continuation/rollover of approximately 1660 resource consents to abstract groundwater, for 12 – 13 years¹⁴.
- The current decline in groundwater storage is partly due to HBRC adopting a hands-off approach to groundwater consents. This has contributed to the retreat in spatial extent for the Heretaunga Aquifer, decreases in aquifer storage, and adverse effects on streams, springs and groundwater dependent ecosystems around the periphery of the aquifer.
- Statutory duties to maintain water quantity in water bodies as required by the Act at (s30(1)(c) (iii)), have not been upheld, and rather than continue with this approach, amendments to PC9 and decision-making processes need to discourage and prevent unsustainable abstraction (e.g. phase out over-allocation and avoid future over-allocation, NPS-FM Objective B2).
- HBRC has a duty to maintain or enhance water quality in all freshwater including in aquifers, whether they are productive or not.
- With abstraction of 78.1 Million m³ per annum, the groundwater levels in the Heretaunga Plains Aquifer System (HPAS) continue to show a declining trend. (Heretaunga Plains Groundwater Model).
- We need to allow sufficient time over the remainder of the year (outside of the irrigation season) for ecosystem recovery, aquifer contributions to the enabling of fish passage and fish migrations around the edges of the aquifer through spring flows, and sufficient time for groundwater/aquifer recharge and recovery.
- Other abstractive uses will continue throughout the non-irrigation part of the year including for domestic supply, urban water supply, industrial uses, dam filling and

¹³ HBRC files on groundwater consents abstracting from Heretaunga Aquifer total 39,000 lps, but some are for frost protection, industrial uses, food processing and reticulated supply. Others are stream depleting takes and the abstraction has a percentage coming from surface water – i. e. the total take rate isn't all from groundwater.

¹⁴ For ten years from the date that PC9 becomes operative – Proposed PC9, Policy 38 b).

stock water provision. Recovery of groundwater to pre-irrigation season levels will take some time to achieve.

- If actioned, the relief sought in clauses 48 to 58 above will help ensure Objective 23 in the RPS is given effect to – *“The avoidance of any significant adverse effects of water takes on the long-term quantity of groundwater in aquifers and on surface water resources.”*
- The exporting of our aquifer water is a contentious issue. Although a guarantee was given by HBRC that consents for water bottling and exporting would be publicly notified, their submissions to PC9 seek to circumvent this.
- It doesn't seem fair that domestic household uses are restricted while consents to abstract aquifer water for export are allowed to continue. This is inconsistent with the NPS-FM 2020 and Te Mana o Te Wai and Te Mana o te Tangata.

Water takes in water short areas

59) Add a new Rule TANK 8A for water takes within water short areas (as prescribed in Schedule V1) and in other TANK zones, water management areas and FMUs to prescribe takes for stock water and for other purposes, of above 60 m³ per week and up to 200 m³ per week, as restricted discretionary activities. Matters for control discretion to include:

- Avoidance and/or mitigation to address adverse effects on water takes/uses for domestic households, marae and communities, and for other purposes.*
- Adverse effects on stream flows including stream depletion effects above 0.5 litres per second or 200 m³ per week whichever is less, including fluctuations in percentage of flow depletion for tributaries during the irrigation season.*
- Effects on Te Mana o te Wai, on Mauri and on other tikanga Māori values and those values in Schedule 26-F and Table 3B.*
- Effects on groundwater dependent ecosystems and ecosystem health.*
- Total cumulative rates of take limits within the groundwater management unit and/or in the relevant surface water management unit where applicable.*
- Seasonal fluctuations in groundwater levels and pressures*
- The maintenance of the life-supporting capacity of water bodies.*

Reasons:

- Water short areas are under increasing stress with the diminishing of aquifer area over the irrigation season due to cumulative effects.
- Spring flows into streams have greatly diminished during the lifetime of the operative plan. This is inconsistent with directive RPS provisions and regional council's duties under section 30 of the Act.
- Tangata whenua and others have not had the opportunity to have input into numerous water takes and there has been an overall decline in aquifer storage.

Nutrients and fertilisers

60) Add new Rule 11A (restricted discretionary activity) to restrict fertiliser and nitrogen applications, nitrate-N leaching, intensive grazing, production landuse, landuse change (intensification), irrigation, and discharges of nutrients within sensitive catchments and those catchments, management zones or FMUs where water quality objectives are not being met. Apply a total limit of 80 kg/ha/year for nitrogen applications from all sources.

Add as “Matters for discretion:

- a) *Compliance with surface water objectives and targets in Schedule 26 within sub-catchment, zone and FMU*
- b) *Compliance with groundwater contaminant objectives and targets where applicable*
- c) *Acknowledgment whether there is adequate vertical separation from groundwater, such that the activity is consistent with Objectives 21 and 22 in the RPS, and parallel provisions in the regional plan*
- d) *The values in Schedule 26-F and Table 3B are upheld.*
- e) *There are no offensive or objectionable odours imposed on neighbouring properties,*
- f) *There is no direct application within 10 metres of, or runoff of nutrients into, surface water*
- g) *A requirement for FEPs and regulation of production landuse for properties greater than 4 hectares in area in TANK sensitive catchments¹⁵ and where water quality targets are not being achieved.” and*
- h) *For properties located above the Heretaunga unconfined aquifer, notification of tangata whenua as affected parties.*

61) For all other applications of nutrients within the TANK catchments, restrict applications of nitrogen from all sources to 120 kgs/hectare/year¹⁶. For intensive vegetable production restrict applications to 150kgs/hectare/per year. Impose a catchment load limit for Total Nitrogen within each of the four TANK catchments.

62) Add definition of hazardous substances to PC9 glossary, that includes the potential for nutrient concentrations in fresh water to have toxicity effects on aquatic life and on human health.

Reasons:

- Sensitive catchments are areas where nutrients, contaminants and contaminant losses are likely to cause more than minor adverse effects.

¹⁵ Other than within the Heretaunga Plains unconfined aquifer area.

¹⁶ Excludes intensive vegetable production,

- The HPAS is a valuable resource, an outstanding water body at the regional and national scale, and a taonga that requires more prescriptive protection to uphold its inherent values, and the attributes that support those values.
- Our upper catchments contain freshwater of exceptional quality, and the reduction of risk within these areas is consistent with the NPS-FM and the RPS to maintain that water quality.
- Nutrients when above a certain concentration in water, have toxic and ecotoxic effects, as well as ecosystem health effects at low concentrations. When at toxic levels they then become hazardous substances in terms of the RMA, 1991 and the HSNO Act. Hazardous substances require more prescriptive management approaches.
- Emerging evidence confirms that nitrogen and nitrate concentrations in drinking water have adverse effects on human health, at far lower concentrations than previously thought.

63) Include new provisions/criteria in rules for discharge permits in PC9, and in other operative rules for discharges that apply in TANK catchments.

“When considering an application for a discharge permit the consent authority must take into account the following matters:

- (a) the extent to which the discharge would avoid contamination that will have an adverse effect on or contribute to adverse effects on, the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and the achievement of water quality objectives and targets in Schedule 26; and*
- (b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided, remedied or mitigated.”*

Reasons:

- Some of the policies proposed to be deleted from applying within the four TANK catchments, were inserted into the RRMP as required by the NPS-FM 2014 and 2017. Although intended as an interim measure, their purpose was to safeguard the life-supporting capacity of freshwater resources, aquatic flora and fauna, and associated ecosystems and of ecosystem processes, pending regional plan changes to adequately address these matters and fully give effect to the NPS-FM.
- PC5, a plan change to the Regional Policy Statement was made operative in August 2019, prior to public notification of TANK PC9. It also contains directives on what is to be included in a proposed catchment-based plan change, including –

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

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

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4. *safeguarding the life-supporting capacity and ecosystem processes of fresh water, including indigenous species and their associated fresh water ecosystems;*"

- Despite the above, proposed PC9 does not include ‘safeguarding of life-supporting capacity’ within its ambit, other than to delete operative plan provisions that refer to it, so that they no longer apply within the four TANK catchments.
- PC9 therefore does not give effect to the NPS-FM or the operative RPS in terms of safeguarding life-supporting capacity.

Water abstraction/allocation – surface water

64) Apply total instantaneous rate of take limits for TANK rivers and their tributaries so that outstanding water bodies, other water bodies, their aquatic ecosystems including groundwater dependent ecosystems and habitats are protected, and ensure rates of take are based on sustainable management principles and within sustainable allocation limits. Ensure that these equate directly to allocatable volume totals and allocation rates for each surface water body. Include rates of take for abstraction permits regulated by other flows up to median flows.

65) Reduce the number of ‘minimum flows’ used for regulating water abstraction in rivers and streams in the TANK catchments, and include all flows used for resource consent processes and management purposes, in PC9. The Maraekakaho River currently has eight minimum flows implemented through consents but only one minimum flow is visible in the RRMP.

Reasons:

- Since the RRMP became operative in 2006, water managers have continued to grant resource consents to take surface water in excess of RRMP limits in the original Table 9¹⁷. Although some consents have been given a higher cut-off flow than the operative minimum flow, the cumulative effects of additional abstractions being approved is an increase in abstraction rates, overall allocation and faster decline towards the established minimum flows in the plan, with resultant irrigation bans of greater frequency and longer durations than the 5% of the irrigation season that the allocation regime in the RRMP predicted. This

¹⁷ As included in the RRMP when it became operative in June 2006.

decreases security of supply for all other users of the resource and adversely effects ecosystem health, and Māori relationships with these taonga.

- Extended low flow periods that are induced or partly induced by water abstraction undermine Te Mana o te Wai, and natural ecosystem function and resilience
- All minimum flows used by HBRC that have a management function should be visible in the regional plan and all permits for water takes should be required to cease at minimum flows (with the exception of takes for human drinking water).
- Increased frequency and duration of irrigation bans means extended periods when rivers and their aquatic ecosystems are subject to adverse effects and they take a longer time to recover.
- Cumulatively excessive abstraction rates contribute to degradation of groundwater resources as they coincide with groundwater abstraction which results in stream depletion effects and spring reversal where lower quality surface water is induced into our aquifer systems.
- Mining of the Heretaunga Plains Aquifer System has adverse effects on hydraulically connected surface waters and on groundwater dependent ecosystems, particularly within the Karamū catchment. This is inconsistent with and fails to give effect to the operative RPS.

Marekakaho River

- 66) Ensure that** the minimum flow for the Maraekakaho River maintains surface water connection between the minimum flow site at Tait Road and the confluence with the Ngaruroro River.
- 67)** Gradually **increase** the minimum flow for the Maraekakaho River to 150 lps by 01 July 2029.
- 68) Impose a specific limit** on water abstraction from the Maraekakaho River which requires permit holders to cease taking, and implement a minimum flow regime that provides for and protects instream habitat, groundwater dependent ecosystems and fish passage during the fish spawning and migration seasons.

Reasons:

- The current minimum flow for the Maraekakaho River is insufficient to maintain surface water connectivity with the Ngaruroro River.
- The current minimum flow does not cater for Te Mana o te Wai or its constituent aspects.
- Excessive abstraction from the Maraekakaho River results in less water entering the groundwater recharge zone for the Heretaunga Plains Aquifer System.

- Construction of a water race across the confluence restricts indigenous fish recruitment in the Maraekakaho Stream, reduces the quantum of available habitat for fish and impedes entry of water into the Ngaruroro River.

Minimum flow limits

- 69) For Minimum Flow limits in PC9, **specify and include** an updated schedule that enables 90% habitat provision for a range of fish species including trout and torrent fish, for all main rivers and their tributaries. Amend minimum flow schedules and proposed plan provisions to include flow levels and abstraction limits as in Table 3A below.
- 70) Include an updated Q95 methodology for setting minimum flows¹⁸, related allocatable volumes, and derive a security of supply regime for surface water abstractions, and surface water depleting abstractions, from this.
- 71) Transfer content of **Explanation and Reasons** section (5.5.2 to 5.5.6) from the operative RRMP to PC9 so it applies in TANK catchments.
- 72) Require all **abstraction for irrigation to cease** when flows recede below minimum flows.
- 73) Apply minimum flows for major rivers and their main tributaries for the period 01 May to 30 Oct that equates to 2x MALF.

Reasons:

- The explanation and reasons sections of the operative RRMP explain the criteria and rationale that surface water allocations are based on, and that remain relevant for existing consents until PC9 provisions are resolved.
- Use of an updated Q95 would provide an element of surety around water availability and supply for abstractive uses, include consideration of climate change trends in Hawke’s Bay, and take into account effects of flow recession. It could also inform security of supply provisions.
- The Q95 is a sensible methodology that uses historical flow data. The data requires updating to include the most recent flow records and naturalized statistics for the four TANK catchments.
- “*Actual and reasonable use*” which is the allocation method in PC9, means grandparenting of existing consents and their adverse effects, and the method is not based on sustainable management principles. There is an absence of any sound scientific method for surface water allocation and abstraction in PC9.

¹⁸ The Summer 7-Day Q95 requires updating to include flow data up to 2019, as it was originally based on data up to 1995.

- Continuation of excessive abstraction volumes and rates exacerbates surface flow recessions and has adverse effects on instream habitat and ecosystem health.
- 2x MALF will provide adequate fish passage during the fish spawning and fish migration seasons, help prevent flat-lining of flows and adverse effects on flow variability, and assist in enabling tikanga Māori values to be met.

Trigger flows and flow augmentation

- 74) Delete** all trigger flow references in PC9 provisions/schedules, including their use for flow enhancement or augmentation schemes.
- 75) Delete** flow augmentation/enhancement scheme provisions from proposed PC9 except for existing activities for Twyford/Ruapare, and for existing and proposed mitigations, for enhancing flows in the Paritua Stream. Make any additional schemes non-complying activities.
- 76) Enable 200 lps** abstraction from the Ngaruroro River on a permanent basis for mitigating stream depletion in the Paritua Stream, and to assist groundwater recharge around the southern edge of the HPAS.
- 77)** Provide for a new flow monitoring site at Raukawa Road for the Paritua and a minimum flow here of 120 lps.

Reasons:

- The planning for and efficacy of flow enhancement or water augmentation schemes are not advanced enough to be able to assess whether they would be sustainable or not, or compliant with the RMA, the NPS-FM or the RPS.
- There is still a significant amount of research and planning to be done to enable full assessments of such proposals to be undertaken, and they are reliant on approval from other processes and parties other than regional councils.
- Natural recharge rates occur at specific rates and over timescales and durations that allow Papatūānuku to cleanse the water through natural processes.
- Enabling reasonably 'young' or 'new' water to be induced into our aquifer systems presents a high level of risk to aquifer water quality, to the integrity of our aquifers and Drinking Water Source Protection Zones.
- Such schemes could still be included in the plan but as non-complying activities, which would then ensure the appropriate amount of rigour around scheme preparation, assessing their viability/suitability within a highly connected surface water-groundwater environment. However, the 'gateway tests' for non-complying activities will need to be strengthened by clear objectives and policies in PC9 as suggested above.

- The usual life of a regional plan is ten years, after which it is required to be reviewed. Flow mitigation can still be advanced as a plan change in its own right, once all the relevant research has been undertaken and the effects are better understood.
- HBRC has enabled significant groundwater abstractions from water-short areas within the vicinity of Pakipaki, Bridge Pā and Maraekakaho, which is inconsistent with the RRMP. The adverse effects of these require re-visiting through calling in of consents, rather than relying on something that may or may not work.
- Current allocations have caused adverse effects on tangata whenua water-related values and interests, and on aquatic ecosystems.
- Stream-bed conductance in the Paritua and Karewarewa Streams will allow for some groundwater recharge which can partly mitigate the reductions in groundwater levels around Bridge Pā, and in spatial extent of the HPAS that is occurring. Healthy stream ecosystems also require connectivity between surface flows and groundwater.
- Consistent flow in the Paritua will help restore groundwater dependent ecosystems around the southern side of the HPAS.
- Any mitigation schemes need to be well-thought out and thoroughly researched before they are enabled through a regional plan.
- Stream gauging for the Karewarewa is at a site where there is partial impoundment of flow, creating a situation where higher flows are recorded than the actual flow.
- Upstream of the minimum flow site at Turamoe Road, the stream is dry even when the minimum flow is exceeded, and the gauging site creates a false impression of instream ecosystem health.
- The minimum flow set for the Karewarewa is insufficient to protect the aquatic ecosystem, groundwater dependent ecosystems and the cultural and instream values for the Paritua Stream.

Transfer from over-allocated water resources

78) Introduce new provisions into PC9 to enable replacement of resource consents to abstract groundwater, with consents for abstraction from water storage to assist bringing total allocations within groundwater and surface water allocation limits.

Reason:

- This will allow for reductions in groundwater abstraction volumes and assist in moving towards a sustainable limit for abstraction from the Heretaunga Plains Aquifer System.

Coastal environment

79) **Include more detailed maps** that clearly show the boundary between parts of the TANK catchments that are regulated through PC9 and its rules/schedules/tables, and those

parts that are in the coastal landward margin but subject to management provisions in the HBCEP.

Reason:

- Proposed maps/schedules in PC9 are insufficient to articulate clearly the boundary between the two different management areas.

Outstanding fresh water bodies

80) Add a new Table or Schedule (in like manner to Table 3B herein) to the proposed plan to show which Outstanding Freshwater Bodies are located within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments, their inherent outstanding values and their significant values. **Add plan provisions** that protect their water quality, their outstanding values and their significant values.

Reasons:

- The NPS-FM directs specific management requirements for Outstanding Water Bodies, and for their protection.
- The operative RPS provides direction (Obj LW1.1) for regional plan changes to protect the quality of outstanding freshwater bodies, help achieve integrated management of outstanding freshwater bodies, and to maintain or enhance water quality and water quantity in them (Policy LW1.1 dA).
- Provisions in proposed PC9 need strengthening and more prescription in relation to Outstanding Water Bodies.

81) Hold a combined hearing for PC9 and for parts of PC7 - Outstanding Fresh Water Bodies – that are located within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments.

Reasons:

- It would be logical for two plan changes that seek to manage different aspects of the same freshwater bodies to be heard concurrently so as to save time and expense and manage effects in a cohesive manner. PC7 was notified before PC9 and has already received submissions.
- There is a risk in not considering the provisions in PC7 before or concurrently with PC9, as it could potentially create a situation where outstanding freshwater bodies cannot be protected in the TANK catchments, which is inconsistent with the NPS-FM and the RPS. This would render parts of the RPS relating to outstanding freshwater bodies obsolete or unable to be achieved.
- Plan Change 5 was notified in 2012 and became operative in August 2019, before PC9 was notified. PC5's purpose is to provide a pathway for implementation of the NPS-FM through regional planning, direct how catchment-based plan changes occur and what they need to contain. It includes direction for protecting outstanding freshwater bodies through regional plans.

- If the outstanding freshwater body provisions in the RPS are not used for the four TANK catchments, it will mean that plan changes for five of our major river catchments¹⁹, have not taken into account outstanding freshwater body provisions in the RPS and NPS-FM.

Precautionary approach to consent renewals

- 82)** *It is important that water management zones, values, water quality thresholds and frameworks are based on sound science and management frameworks²⁰. Where such science is lacking, a precautionary approach erring on the side of environmental protection is required until conclusive data is available. In our view, this is preferable to continuing with the status quo. **Ensure that a precautionary approach** is given to the renewal of resource consents to abstract water, and Te Mana o Te Wai and Te Mana o Te Taiao are given appropriate priority when renewing or reviewing resource consents. Enable this to occur in a timely fashion through PC9.*
- 83)** On resource consent expiry for groundwater takes for irrigation in the Heretaunga Plains Aquifer System area, **reduce amounts of water²¹** on a pro-rata basis of 12.5 percent, derived from average annual abstraction and use from the last 7 years. In addition, **call-in all consents** to abstract groundwater from the HPAS and reduce their abstraction amounts by 12.5% also, apart from those abstracting from water short areas (as identified in Schedule VI) where a 15% reduction shall apply - when PC9 becomes operative. Make consequential amendments to other PC9 provisions to enable the above to occur.

Reasons:

- HBRC did not process these numerous consents with due regard for operative plan provisions, in particular where springs that supply water to the Karamū catchment are adversely affected, or adverse effects on Māori relationships with these taonga were adversely affected.
- The Heretaunga Plains Groundwater Model omits due consideration for the unconfined part of the aquifer and how abstraction from it above a certain volume or rate, can adversely affect spring flows into our streams and rivers in Heretaunga.
- HBRC's stream depletion calculator is calibrated using data from pump-testing of wells during the autumn and winter months, when water storage in the aquifer is far greater than in the summer irrigation season²². Consequently, calculations of stream-depletion are likely to be under-estimated.

¹⁹ Tukituki, Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments.

²⁰ RPC Agenda 10 December 2012, Item 7 Para 78 in reference to LAWF recommendations.

²¹ Amounts predicated on actual volumes abstracted by each individual consent holder during the 2014-2015 irrigation season.

²² There are variances of 2 to 2.5 metres in groundwater levels between summer and winter.

- Management of groundwater abstraction has led to communities around the edges of the aquifer system (including in water short areas) having limited access to freshwater for domestic supply/domestic use.
- Mismanagement of the groundwater resource and over-abstraction contributed to the campylobacter outbreak in Havelock North in 2016.

Water management zones – rules/schedules

84) For TANK Rules 9, 10, 11, and Schedule 33:

- Our first position is to oppose the rules in PC9 until the objectives and policies have been more integrated with the RPS and NPS-FM provisions. Then to substantially amend these rules and schedules to delete all references to “actual and reasonable” use and other provisions relating to this criteria, and make the rules for water abstraction for irrigation purposes discretionary activities.
- Delete all “*Stream Flow Maintenance Scheme*” provisions.
- Require consent renewals to occur upon consent expiry or when PC9 becomes operative, whichever occurs first.
- Reduce total consent volumes for groundwater takes (Heretaunga Plains Groundwater) so the total is within a 70 Million m³ per year limit.
- Require groundwater takes to operate within a cumulative rate of take limit in litres per second.
- Require high flow allocation to operate within both volumetric and cumulative rate of take limits.
- Include stream depletion rates of 0.5 lps and above, and associated depletion volumes, within surface water take limits (for the affected surface water body).
- Prescribe seasonal irrigation restrictions from 1 November to 30 April for each consent to take groundwater or surface water for irrigation.
- Amend schedule 33 to reflect the changes above
- Restrict takes within Water Management Zones identified in Operative Schedule VIa and link this Schedule to TANK rules.
- Amend Rule 54 to include PC9 provisions where relevant

85) Amend operative Rule 54 to include water bodies within the areas specified in Schedule VIa, restrict surface water allocation to a 60 m³ per week threshold for stock water provision, and add the Mangateretere Stream, the Paritua Stream and the Karewarewa Stream to the water body exclusions in the second column. Alternatively draft a similar rule for application in TANK catchments.

86) Add new Rule 54A as a restricted discretionary activity **for minor takes in** those TANK water bodies excluded from Rule 54 and located in TANK catchments. Acknowledge

tangata whenua as affected parties and restrict takes so any water abstraction for irrigation is seasonal²³. Add matters for control/discretion to include:

- Effects on the life-supporting capacity, associated habitats, and ecosystems of any affected surface water body
- Effects on Mauri and on tangata whenua relationships and uses for the water body
- Whether the values for the specific water body in Schedule 26-F are upheld and their attributes are met
- The cumulative adverse effects of stream-depleting groundwater takes on any surface water body during the irrigation season
- Adverse effects on the QMCI and ecosystem health
- Effects on Mauri are included for resource consent decisions to take surface water and/or groundwater

Make the new rule and criteria **applicable from** the date when PC9 becomes operative and call-in all relevant consents (refer to consent expiry dates for Karamū and surface water depleting takes).

- 87) Amend** the permitted activity rule (**Rule 53** -Groundwater takes) to limit weekly volumes to 60 m³ per week for applications/takes in the TANK catchments and prescribe limits for stock water takes of up to 60 m³ per week. Consider changing *allocation* references in PC9 to “*abstraction*” so that allocation limits become abstraction limits (or take limits as in the NPS-FM 2020). Or alternatively draft a similar rule for PC9 with the same criteria above.

Reasons:

- There is a lack of alignment between some operative RRMP rules and PC9 provisions that apply to water bodies within the TANK catchments.
- It is the over-abstraction of water resources that leads to significant adverse effects, not specifically “over-allocation” (as this can also depend on how over-allocation is defined).
- PC9 as proposed does not provide enough prescription for sustainably managing the freshwater resources within TANK catchments.
- Total abstractions from the HPAS require reductions so they are within sustainable limits.
- If 78.1 Million m³ of groundwater abstraction is leading to mining of the aquifer/unsustainable use and adverse effects on surface water bodies, these matters need to be addressed, not left out of consideration through consent renewal or consent assessment processes.

²³ From 01 November to 30 April.

- 88) Amend PC9 minimum flows** during the irrigation season to enable 90% trout and torrentfish habitat protection in the Tūtaekurī and Ngaruroro Rivers, and in their major tributaries by 1 July 2029 (See Table 3A below).
- 89) Establish minimum flow sites** for the Mangaone, Mangatutu and Taruarau Rivers and for the Poporangi, Otamauri, Mangatahi, Kikowhero, Waitio and Ohiwia Streams, near their confluence with the main river channels. For the irrigation season, require minimum flows for these sites that provide for ecosystem health, life-supporting capacity and 90% habitat protection.

Reasons:

- Through our first major plan change in recent times (PC6-Tukituki) the provision of 90% habitat for trout was endorsed through staged increases in flow minima for the Waipawa and Tukituki Rivers, and some of their tributaries.
- The NPS-FM 2020 requires habitat protection for indigenous species, which includes fast-water species such as torrentfish, that require slightly more habitat provision than trout.
- The RPS states at 2.4 – Giving effect to the Regional Policy Statement:
“To achieve the best outcome for the Hawke’s Bay Region, it is necessary to ensure consistency in resource management approaches. This will be achieved through:
 - *the amendment of regional and district plans to give effect to this statement, and*
 - *adoption of consistent approaches and bottom-lines”*
- Adopting similar habitat provisions and timelines for achieving them - PC6 became operative from 2015 and 90% habitat provision is to be achieved by July 2023 - will ensure consistency of management approach and habitat provision across catchments.

Cultural flow

- 90) Provide for a cultural flow** that applies across all rivers and streams in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments. Add a definition for *“cultural flow”* to the glossary section(s) in the regional plan – *“a flow or water level that is sufficient to maintain the health and well-being of the surface water body or groundwater body, and provide for tikanga Māori uses and values associated with the water body.”*
- 91) Ensure a cultural flow** of 2x MALF is provided for outside of the six-month irrigation season – i.e., from 1 May through to 30 October, for all main rivers and their major tributaries in the TANK catchments. Amend the proposed plan to make irrigation of crops and pasture from surface water bodies (other than from water storage, and for frost protection purposes) during these months a *“non-complying activity”*.

Security of supply

- 92) **Prescribe a cumulative** rate of take limit for abstraction from the HPAS during the irrigation season, and a substantially reduced rate of take for the rest of the year. This will assist in deriving a level of security for water abstractions commensurate with sustainable management, groundwater availability, and abstraction limits.
- 93) Use an updated Q95 that includes flow data up to 2019 and flows specific to the irrigation season to help derive a security of supply that is linked to surface water availability, and surface water abstraction limits and rates of abstraction. This may require co-operation amongst water users or scheduling of abstraction amounts to reduce overall abstraction rates and the scale and intensity of adverse effects.

Reasons:

- Use of an updated Q95 would provide an element of surety around water availability and sustainable supply for abstractive uses, include consideration of climate change trends in Hawke's Bay, and take into account effects of flow recessions. It can also inform security of supply provisions.
- Security of supply needs to acknowledge sustainable limits and environmental and cultural values associated with those limits. There seems to be a pre-occupation with the notion of enabling current abstraction rates and volumes, and perhaps finding a solution to address adverse effects at a time in the future, but this is unacceptable.
- Sustainable management is a constant requirement of the Act through section 5, not something where avoiding, remedying, or mitigating adverse effects is continually delayed.

Schedule of values

- 94) **Provide a new Schedule 26-F** that lists all TANK rivers and their tributaries, and specifies the values that apply within each, and part of the schedule that specifies the attributes and attribute states/limits that support those values. Link the Schedule to the water quantity and water quality objectives, limits, targets, and rules. Provide a similar Schedule or part of the above Schedule for lakes and wetlands in the TANK catchments, but outside of the coastal environment.

Other amendments sought

- 95) Substantially amend **Policy 43** to expand on Zone 1 references and include groundwater takes and their effects that result in 0.5 lps surface water depletion rates or greater. Provide for these calculations to be assessed during the irrigation season.

- 96) Where streams are dry due to excessive abstraction of groundwater, **reduce surface water depleting takes** to help restore groundwater tables and levels, and enable the surface water body to flow again.
- 97) Make consequential amendments to other parts of PC9 that reference Zone 1, so that the “0.5 lps or greater” depletion rate applies within rules and schedules, and include a security of supply policy that links directly to sustainable volumes and rates of abstraction for both surface water takes and surface water depleting takes.
- 98) Ensure these matters (in clauses 94 – 97 above) acknowledge current uncertainty and the need to adopt a precautionary approach in the interim to safeguard life supporting capacity, and that the method promotes the purpose of the Act and gives effect to the NPS-FM.

Reasons:

- Current abstraction volumes from surface water and groundwater in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, are not backed up by a cumulative abstraction rate. Consequently, HBRC have granted additional volumes above the allocation volumes in the RRMP, without due consideration for cumulative effects.
 - The expected security of supply from the Q95 has been compromised due to the continual granting of new consents to take water in fully allocated catchments, an active disregard for allocatable volumes in the Karamū catchment, and failure to fully consider surface water depletion effects
 - These matters need to be addressed in PC9 rather than promoting the status quo and in some cases allowing for abstraction to continue below minimum flows, thus compromising Te Mana o te Wai, aquatic ecosystem health and life-supporting capacity, and tikanga Māori values and relationships with their taonga.
- 99) Re-configure Policy 50 so that the priority setting for water allocation has the health and well-being of the water body first²⁴, the health and well-being of people second (domestic uses) and uses for economic gain third, consistent with Te Mana o te Wai and the NPS-FM (2020).
- 100) Specify priority catchments in the plan and refer to them in the relevant schedules. Clearly link priority catchments to restrictions on land use in policies and methods, and SIN, TN and DRP limits in PC9.

²⁴ TToH acknowledge the need for emergency supplies of water for firefighting, and the premise in s(14)(3)(b) where water takes for domestic uses and for stock are unrestricted, provided they do not have an adverse effect on the environment.

101) Move Policy 51 to a non-regulatory section of the plan.

102) **Add new Policy 43A** and include reference in it to:

- *Reducing abstraction amounts and abstraction rates from the Ngaruroro River mainstem and from connected groundwaters in Zones 1 and 2; from the Tūtaekurī River mainstem and tributaries, and from the Karamū River mainstem and tributaries to achieve limits and targets.*
- *Gradually increasing flow minima in the Ngaruroro River at Fernhill as prescribed in Table 3A, so as to enhance the life-supporting capacity of freshwater and groundwater and increase instream habitat provision for torrentfish and trout.*

Reason:

- Some of HBRC’s assessment criteria for water abstraction, does not sit within the RRMP, with elements of it having led to the current declining trend for both reliability of supply, lower groundwater levels, and decrease in water quality

103) Where the adverse effects of existing activities do not align with or are unlikely to achieve objectives, limits or targets, then in PC9 ensure that their **adverse effects are avoided**. Where activities operate within limits, then ensure that the plan requires their adverse effects to be **remedied or mitigated**.

104) Add a diagram to a section of PC9 that expresses the different states of Mauri within freshwater bodies, to help inform Mauri monitoring, assessment, and reporting processes for freshwater in the TANK catchments.

105) In groundwater allocation **Policy 37**, make the **following amendments**:

- In clause a) replace “90 million” with “70 million” and delete “based on the actual and reasonable water use prior to 2017”.
- In clause b) add “Adopt a precautionary approach” before “avoid re-allocation.”
- In clause d) (i), delete “each year or” and “per year”. In clause d) (ii), delete “of actual and reasonable use” and after “reflects” add “sustainable management of groundwater”. Delete “authorised in the ten years up to August 2017”.
- In clause e), replace “maintenance” with “mitigation”.
- Add new clause, “f) *The management of water abstraction volumes and rates from groundwater recharge zones to prevent reductions in mid-term²⁵ groundwater storage, and water mining of the Heretaunga Plains Aquifer System*”.

106) In Policy 38, **delete proposed clause b)**. ~~“in accordance with a review of all applicable permits within ten years of <the operative date>, and Add, “a prescribed irrigation~~

²⁵ Mid-term as in over a 5-year period.

~~season of 01 November to 30 April for each year~~ before “the plan policies and rules”.
Replace the word “either” with “by”.

- 107)** Impose a management charge of 5 cents per cubic metre on surface water allocated for irrigation purposes, to be used for water management and monitoring purposes, including cultural monitoring.
- 108)** Ensure RPS policy 57 is given effect through water quantity and water quality objectives and policies for TANK catchments.
- 109)** Make petroleum/oil exploration activities and petroleum/oil extraction activities within the HPAS area, and within a 200 metre buffer zone around it, a prohibited activity. Provide a map to show the prohibited area.

Reasons:

- The HPAS is too important to the region to put it at risk from petroleum exploration and abstraction activities
 - The use of natural resources to derive a profit for private enterprise, should not result in a cost to the general public.
 - Those who cause adverse effects to the environment, need to be accountable for the costs to remedy or mitigate adverse effects that are more than minor, and for a part of the monitoring and management of the resource.
- 110)** Provide for the prohibition on the placement of dams along mainstems of the Tutaekuri, Ngaruroro and Karamu Rivers. Where dams are enabled along tributaries, provide for fish passage structures and residual flows sufficient to support ecosystem health, Mauri and life-supporting capacity from the dam downstream to the main river channel.
- 111)** Make the taking of water for irrigation below minimum flows, a prohibited activity.

Reason:

- The minimum flow is an environmental flow, and established to protect instream values, the life-supporting capacity of water, and to uphold Te Mana o te Wai,
- 112)** Provide for an “Implementation Plan” for PC9, that includes a summary of specific actions and their timing to meet certain dates and commitments in the plan, and full implementation of different parts of the plan. Include monitoring of Mauri and budget provision through reference to long-term plans, and achievement of targets and elements of the NPS-FM 2020.

113) For global consent applications and processes, have a separate policy that includes significantly more detail and criteria than is provided in proposed PC9. Include in assessment criteria:

- *Cumulative rates of abstraction and their effects*
- *Seasonal restrictions on abstraction*
- *FMU and management zone limits and targets and considerations*
- *Cumulative surface water depletion rates, amounts and proposed mitigations*
- *Effects on life-supporting capacity of water and associated ecosystems*
- *Effects on Te Mana o te Wai*
- *The scheduling of abstraction rates and volumes and the alignment of these with cumulative rate of take limits for water bodies and parts thereof*
- *Effects on values in Schedule 26-F and associated attributes, limits and targets, and*
- *Seasonal availability of water*

Reasons:

- The issuing of global consents to date has not had a lot of rigour applied around the process.
- New members/contributors to global consents create the capacity for increasing the scale and intensity of adverse effects.
- The addition of new flow regimes, limits and targets to a proposed plan and thence to the RRMP, will mean greater specificity being required to assess adverse effects.
- The cumulative effects of multiple abstractions combined under one consent, can result in far greater adverse effects over a wider area.
- The adverse effects of cumulative takes and cumulative uses of water need to be considered together.

114) Restrict use of 90th and 95th percentile measurements for water quality parameters, within and through the implementation of PC9, as some exceedances and therefore their adverse effects can only be noted after they have occurred i.e., after 12 months has expired, when they can no longer be avoided or remedied.

115) Prevent use and encouragement of “adaptive management” practices in objectives, policies and methods in PC9, as it is a faulty methodology within an RMA, 1991 planning construct and does not always support sustainable management. It is akin to allowing unsustainable practices and their adverse effects to occur until a solution is found.

116) Make any other consequential amendments to proposed PC9, to ensure consistency and coherency with the relief sought through Te Taiwhenua o Heretaunga's submissions, and to give effect to the NPS-FM, and the operative RPS .

Relief sought – Add Table 3A: Irrigation Season minimum flow limits and targets

Surface Water Body	Minimum Flow Site	Minimum flow when PC9 Operative (l/s)	Minimum flow 1 July 2026	Minimum flow 1 July 2029	Allocable Volume (m ³ /wk) At 1 July 2029	Total Allocation Rate Limit# (l/s)
Ngaruroro River	At Fernhill Bridge	2,800 (previously 2,400)	3,400	4,200	714,269# (previously 956,189*)	1,581 (3,300)
Maraekakaho River	At Tait Road	110 (100)	130	150	5,443	9#
Tūtaekurī River	At Puketapu	2,400 (2000)	3,000	3,300	687,052# (928,972*)	1,536
Tūtaekurī-Waimate	At Goods Bridge	1,200	1,500	1,500	185,704# (367,144*)	607
Karamū River	At Floodgates	1,100	1,400	1,600	200,000# (18,023*)	331 ^x
Awanui Stream	At The Flume	150	150	150	Part of Karamū (0*)	
Awanui Stream	At Pakipaki Culvert	50	50	50	Part of Karamū (0*)	
Karewarewa River	At Turamoe Road	75	100	100	Part of Karamū (0*)	
Paritua Stream	At Raukawa Road	100 (new)	150	150	Part of Karamū	
Irongate Stream	At Clarks Weir	100	125	125	Part of Karamū (0*)	
Louisa Stream	At Te Aute Road	30	45	45	Part of Karamū (0*)	
Mangateretere Stream	At Napier Road	100	125	125	Part of Karamū (0*)	
Te Waikaha Stream	At Mutiny Road	25	35	35	Part of Karamū (-)	
Poukawa Inflow	At Site No. 1 d/s Dam	10	15	15	Part of Karamū (0*)	
Poukawa Inflow	At Site No. 1a u/s Dam	10	15	15	Part of Karamū (0*)	
Poukawa Stream	At Site No. 6	3	10	10	Part of Karamū (0*)	
Poukawa Stream	At Allens Bridge	20	30	30	Part of Karamū (0*)	
Raupare Stream	At Ormond Road	300	300	300	83,844 (83,844*)	138

* Abstraction limits in RRMP June 2006; # Inclusive of surface water depleting groundwater takes - effects of 0.5 l/s or greater; ^x Inclusive of abstraction amounts from all Karamū tributaries. N.B. Lake Poukawa excluded.

Relief sought – Add Table 3AA – or merge with Table 3A

Table 3AA – New minimum flow sites

Surface Water Body	Minimum Flow Site	Minimum flow when PC9 Operative (l/s)	Minimum flow 1 July 2026	Minimum flow 1 July 2029	Allocable Volume (m ³ /wk) At 1 July 2029
Mangaone River	At confluence with Tūtaekurī	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Mangatutu River	At confluence with Tūtaekurī	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Taruarau River	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Poporangi Stream	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Otamauri Stream	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Kikowhero Stream	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Mangatahi Stream	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Waitio Stream	At confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	
Ohiwia Stream	50 m u/s of confluence with Ngaruroro	80% trout habitat at MALF 7 d)	85% habitat	90% habitat	

Relief sought: Add Table 3B

Table 3B: Outstanding Water Bodies within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments

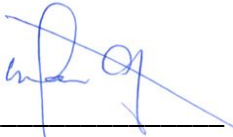
Outstanding Water Body	Outstanding Regional Value(s)	Significant Regional Value(s)
Heretaunga Plains Aquifer System	Cultural-Whakapapa o te wai, Whakapapa o te Taiao, Whakapapa o te tangata Mauri Wairātahi, Waiū, Waiora, Cultural-Ki Uta ki Tai continuum, Puna aroha Life-supporting capacity	Hydrological – Ki Uta ki Tai Cultural - Papatūānuku cleansing, Puna aroha Ecological - Indigenous fish habitat and recruitment (springs) Recharge integrity
Ngaruroro River Headwaters Ngaruroro River down to Fernhill	Cultural-Whakapapa o te wai, Whakapapa o te Taiao, Whakapapa o te tangata Mauri Wairātahi, Waiū, Waiora, Ki Uta ki Tai continuum Ecology-Indigenous fish populations, habitat and recruitment Hydrological – recharge of our most outstanding groundwater resource Life-supporting capacity	Hydrological – Recharge of HPAS Cultural - Cultural connections between the river, the HPAS and Heretaunga hapū Ecological - Indigenous fish populations, habitat and recruitment, Birdlife Integrity of aquifer recharge – quality Integrity of aquifer recharge - quantity
Taruarau River (Could combine with Ngaruroro headwaters)	Cultural-Whakapapa o te wai, Whakapapa o te Taiao, Whakapapa o te tangata Mauri, Puna aroha, Life-supporting capacity Wairātahi, Waiū, Waiora, Historic Scenic Landscape	Ecological - Indigenous fish habitat and recruitment, Birdlife

	Ecology- Indigenous fish populations, habitat and recruitment	
Ngamatea East Swamp	Hydrology - Largest wetland in Hawke's Bay	Ecological - Indigenous fish habitat and recruitment, Birdlife
Karamū River	Hydrological – Recharge from HPAS Cultural - Puna aroha Whakapapa- Whakapapa o te wai, Whakapapa o te Taiao Ki Uta ki Tai Cultural/Spiritual – Waiu, Mauri	Hydrological Ecological - Indigenous fish habitat and recruitment, Birdlife
Tūtaekurī River headwaters Tūtaekurī River down to Puketapu	Cultural-Whakapapa o te wai, Whakapapa o te Taiao, Whakapapa o te tangata Mauri, Life-supporting capacity Wairātahi, Waiū, Waiora, Hydrological Ecological Landscape	Hydrological – Ki Uta ki Tai Ecological – Indigenous fish habitat and recruitment, Birdlife
Kaweka Lakes	Ecological – Indigenous fish habitat and recruitment Cultural – Wairātahi, Mauri,	Birdlife
Lake Oingo	Cultural – Whakapapa o te Wai, Wairātahi, mahinga kai	
Lake Runanga	Cultural – Whakapapa o te Wai, Wairātahi, mahinga kai	

Statement:

We wish to be heard in support of our submission. We will consider combining with other submitters on particular issues to present a joint case to address all or parts of our submission points.

Ngā maua,



Marei Apatu

Te Kaihautū

Te Manaaki Taiao

Te Taiwhenua o Heretaunga

Date: Friday, 14th day of August 2020



IN THE MATTER OF

The Resource Management Act, 1991

AND IN THE MATTER OF

Proposed Plan Change 9 to the Hawke's Bay Regional Resource Management Plan,
also known as the "TANK Plan Change"

A FURTHER SUBMISSION

From Te Taiwhenua o Heretaunga and Te Rūnanganui o Heretaunga.

Address for Service:

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HASTINGS
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Email: Marei.Apatu@ttoh.iwi.nz

Phone: 06 8715350

Cell: 027 430 5681

To:

Hawke's Bay Regional Council
Private Bag 6006
Napier 4142

Email: TANK@hbrc.govt.nz

Te Taiwhenua o Heretaunga (TToH) is an organisation that represents and advocates for the cultural, social and environmental well-being of our Marae and hapū members within the Heretaunga rohe and those whānau members who live further afield. We are one of six Taiwhenua affiliated to Ngāti Kahungunu Iwi Incorporated (NKII). Through our elected Board Te Haaro o Te Kaahu, Te Rūnanganui o Heretaunga (TRoH) and Te Manaaki Taiao (TMT), we assist those we represent to uphold their tikanga Māori values and aspirations through hui and wānanga, and engagement within resource management processes.

We generally support the submissions from marae and hapū within Heretaunga, from NKII and the Heretaunga-Tamatea Settlement Trust (HTST). In addition, we support the submissions from whānau, and from hapū and marae entities in Heretaunga – in particular where these oppose Change 9 as notified in whole or in part, or seek amendments to Change 9 that:

- Contribute towards upholding Te Mana o Te Wai;
- Provide for greater involvement of hapū / whānau in resource consent processes and decision-making for our freshwater taonga;
- Ensure more comprehensive consideration and provision for tangata whenua values, relationships with and aspirations for, freshwater resources and the species therein, and
- Enable hapū / kaitiaki to have a greater role in the management and monitoring of our streams, rivers and lakes within the “TANK” catchments.

TToH also supports the submissions from the Department of Conservation and the Hawke's Bay Fish and Game Council where these seek:

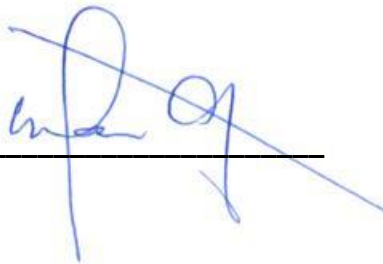
- Greater habitat protection and provision for a range of aquatic species;
- Prescribed limits and thresholds for nutrients or contaminants, for inclusion in Change 9;
- Improved environmental outcomes (with the exception of the target date of 2040);

Our further submission also indicates support for or opposition to, specific submission points from other parties. These are expressed along with the reasons for our position. Our submission is in like manner to Form 6 from the Resource Management (Forms, Fees and Procedure) Regulations 2003. We are an organisation that represents relevant aspects of the public interest, and we have interests in the plan change that are greater than those of the general public.

We wish to be heard in support of our further submissions, and should other parties make submissions on similar matters that seek similar outcomes from Plan Change 9, we will consider making joint submissions at any relevant hearing or pre-hearing.

Ngā mihi,

Signed: _____



Date: Monday, 30 November 2020

Marei Apatu
Te Kaihautū
Te Taiwhenua o Heretaunga

Table 1 – List of submitters for Te Taiwhenua o Heretaunga further submissions*.

Submitter Number	Submitter Name	Address	Email Address
1	Ben Goodwin	372 Te Ranga Road, Te Onepu, 4174	bgoo022@gmail.com
3	Limestone Properties Limited Gavin Yort	PO Box 14065, Mayfair, Hastings	toni@squakingmagpie.co.nz
4	Takitimu District Māori Council Des Ratima	PO Box 51, Whakatu, Hastings, 4172	desratima52@gmail.com
8	Delegat Limited Balasubramaniam Rengasamy	PO Box 305, Blenheim, New Zealand, 7240	bala@delegat.com
10	David Renouf	603A Ballantyne Street, Frimley, Hastings, 4120	
12	Ministry of Education c/o: Alec Duncan, Beca Limited	PO Box 448, Hamilton, 3240	alec.duncan@beca.com
17	Olrig Limited – Richard Riddell	1233 Kereru Road, Maraekākaho, Hastings, 4171	richard1riddell@gmail.com
25	Xan Harding	2091 Maraekākaho Road, RD1, Hastings	xan.harding@xtra.co.nz
123	Department of Conservation – Manu Graham	59 Marine Parade, Napier South, Napier, 4110	mgraham@doc.govt.nz
124	Brownrigg Agriculture Group Ltd Bridget Margerison	140 Pukekura Settlement Road, RD 11, Hastings, 4178	bridget@brownrigg.co.nz
129	Hawke's Bay Regional Council – Ceri Edmonds	159 Dalton Street, Napier, 4110	ceri.edmonds@hbrc.govt.nz
135	Ravensdown Limited - Anna Wilkes	292 Main South Road, PO Box 1059, Christchurch, 8140	anna.wilkes@ravensdown.co.nz
147	Mihiroa Marae - Serene Morrell	Old Main Road, RD11, Hastings, New Zealand, 4178	tuxnposs@gmail.com
180	Horticulture NZ – Charlotte Drury	PO Box 329, Napier, 4110	Charlotte.Drury@hortnz.co.nz
197	Beef + Lamb New Zealand Ltd - Lilly Lawson	PO Box 121, Wellington, 6140	Lilly.Lawson@beeflambnz.com
198	Environmental Defence Society Inc - Cordelia Woodhouse	PO Box 91736, Victoria Street West, Auckland, 1142	cordelia@eds.org.nz
207	Hastings District Council – Mark Clews	Private Bag 9002, Hastings, New Zealand, 4146	markac@hdc.govt.nz
232	Matahiwi Marae – Levi Walford	PO Box 98, Clive, Hastings, 4102	leviwalford@gmail.com

*Submitters have been supplied with a copy of Te Taiwhenua o Heretaunga further submissions.

Submitter 1 Ben Goodwin	Original submission statement (from HBRC summary)	TToH Support/Oppose	Relief sought and reasons for our position
Policy TANK 25 Stat 1.1 and 1.2	Provision needs to be made for farms on the boundary of two catchments, such that the rules of catchment in which the majority of a farming enterprise is in, should apply to the whole farm and the rules of the minor part do not apply	Oppose	<p>Relief sought: Decline the submission and require FEMPs (or Freshwater Farm Plans pursuant to the RMA 2020) to include:</p> <ul style="list-style-type: none"> - nutrient and contaminant contributions - consideration and mitigation of adverse effects - contributions to catchment load limits - records of exceedances and proposed mitigations <p>for each receiving catchments affected by an individual farm.</p> <p>Reasons: The submitter implies that two FEMPs will be necessary to cater for the two (or more) separate catchments in which the farm property is located. There is the ability to have one FEMP with separate sections for the different affected catchments and this would enable the discharges and/or leaching of nutrients to be managed effectively, with allowances made for each catchment and their separate load limits. Not applying or counting nutrient or contaminant contributions within a catchment's total limit risks enabling non-compliance with the regional plan, and any applicable limits. Through HBRC decision-making on resource consents, there is the ability to integrate consents to cover parts of two separate catchments.</p> <p>Not requiring the counting of contributions for a smaller part of a catchment, would mean the cost of adverse effects from an individual farm (or property) is placed onto someone else.</p>

Submitter 3 Limestone Properties Limited – Gavin Yort	Original submission statement (from HBRC summary)	TToH Support/ Oppose	Relief sought and reasons for our position
General statement Heretaunga Plains Aquifer Management. 5.10.6 Policy 37(a) Stat Not identified in HBRC summary	It is appropriate to base the Heretaunga Plains Water Management Unit interim allocation limit on actual and reasonable water use.	Oppose	<p>Relief sought: Decline the submission and reduce the interim limit for the Heretaunga Plains Aquifer System to 70 Million m³, effective from Change 9's operative date. Make consequential changes to PPC9 and amend resource consent assessment criteria to enable call-in process for groundwater consents that abstract water from the Heretaunga Plains Aquifer System and periphery, to ensure pro-rata reductions are co-ordinated to help achieve the 70 million m³ limit</p> <p>Reasons: The proposed limit of 90 Million m³ for groundwater abstraction from the Heretaunga Plains Aquifer System (HPAS) is based on existing use, and is already causing:</p> <ul style="list-style-type: none"> - adverse effects on streams within the Heretaunga Plains - detracting from Te Mana o te Wai - retreat of the aquifer in terms of spatial coverage - decline in spring recharge into the Karamū and its tributaries, and - adversely affecting tangata whenua values and interests in freshwater resources with TANK catchments.
Policy 36(g)	Amend clause (g) to refer to reducing existing levels of water use to actual and reasonable water needs, as provided for in 5.10.6 Policy 37(d)(ii).	Oppose	<p>Relief sought: Decline the submission and retain clause (g) but if clause is retained, amend to “reducing existing levels of water use <u>abstraction and adverse effects</u>”.</p> <p>Reasons: Reducing water use from existing levels of abstraction should assist in bringing water abstraction down to a more sustainable level and help arrest the decreases in the aquifer's spatial extent that is resulting from current abstraction levels. It would also result in reduced effects on stream depletion rates and volumes.</p>
Policy 37(d)(ii)	Amend Policy 37(d)(ii): “apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 (except as provided by Policy 50 <i>and except where a consent renewal application subject to</i>	Oppose	<p>Relief sought: Decline the submission and delete the clause. Make any consequential amendments and deletions to Proposed Plan Change 9 (PPC9) that supports or is connected to the purported assessment methodology of “actual and reasonable use”</p> <p>Reasons: The term ‘actual and reasonable use’ is not based on scientific method or on sustainable management principles. Its use in the RRMP does not promote the purpose of the Act, is inconsistent with the NPSFM 2020 and does not support Te Mana o Te Wai.</p>

<p>5.10.7 Surface water low flow management Policy 43(a) to (d)</p>	<p><i>s124 has sought to change the intended use of the abstracted water);"</i></p> <p>Support for Policy 43(a) to (d). Retain the provisions <i>"For the Ngaruroro River; a) maintaining the existing minimum flows for the Ngaruroro River and its tributaries; b) reducing the effects of abstraction from the mainstem and connected groundwater in Zone 1 by reducing the allocation limit for the Ngaruroro River; c) establishing allocation limits for the river, connected groundwater in Zone 1 and tributaries to account for the cumulative effects of all abstraction and provide water for abstraction at a reasonable security of supply; d) establishing a limit for groundwater abstraction in the upper Ngaruroro catchment based on existing actual and reasonable use until more information about the nature and extent of that resource is available."</i></p>	<p>Support in part</p>	<p>- A resource consent has a finite life after which it expires and is subject to renewal. An application for renewal should be subject to an assessment of the adverse effects of the activity, including cumulative adverse effects. HBRC has admitted that the effects of water abstraction</p> <p>Relief sought: Retain clauses b) and c). - Amend clause (a) to reflect and support a staged elevation of the minimum flow for the Ngaruroro River to eventually attain 4200 lps (as measured at Fernhill Bridge) by 01 July 2029. - Increase the minimum flow for the Maraekākaho River to 150 lps by 01 July 2029 and ensure surface water connection is maintained between the minimum flow site at Tait Road and the confluence with the Ngaruroro River. - Delete reference in clause d) to "existing actual and reasonable use" - Amend clause d) to "establish a limit for groundwater abstraction in the upper Ngaruroro catchment based on abstraction limits and volumes in Schedule X. existing actual and reasonable use until more information about the nature and extent of that resource is available"</p> <p>Reasons: Clause a) – The existing minimum flow for the Ngaruroro does not provide sufficient habitat for a range of species including trout and torrent fish. Neither does it support Te Mana o Te Wai or provide for the relationships and values that tangata whenua have with the Ngaruroro River and its tributaries - The minimum flow for the Maraekākaho is insufficient to maintain physical connection (surface water) between Tait Road and the Ngaruroro confluence. It does not provide ecosystem processes, to provide adequate fish passage during fish migration seasons. - Surface water depletion effects of groundwater takes were not taken into account or given sufficient weighting through previous decision-making processes for numerous takes. - The term 'actual and reasonable use' in clause d) is not based on scientific method or on sustainable management principles. Its use in the RRMP does not promote the purpose of the Act. The adverse effects of the use have not been quantified or addressed.</p>
<p>Water use allocation and efficiency Stat 3.5 Policy 46(b)</p>	<p>Retain the provisions - Policy 46(b) <i>"ensuring water is allocated to meet actual and reasonable requirements;"</i></p>	<p>Oppose</p>	<p>Relief Sought: Decline the submission and delete the clause. Provide for a restricted irrigation season of six months for surface water abstraction and groundwater abstraction.</p>

<p>Water Allocation Permit duration Stat 3.7 Policy 49 (g)</p>	<p>Retain Policy 49 g) <i>“will impose consent durations of 15 years according to specified water management unit expiry dates. Future dates for expiry or review of consents within that catchment are every 15 years thereafter.”</i></p>	<p>Oppose</p>	<p>Reason: Similar to above comments, “actual and reasonable” is not based on sustainable management. It does not specifically link to abstraction either, but the use of water after it has been abstracted. Policy as proposed is too vague</p> <ul style="list-style-type: none"> - The term ‘requirement’ is too broad in scope and has little to do with sustainable management within the context of this policy. <p>Relief sought: Decline the submission and amend the clause to include “durations up to a maximum of 10 years...”</p> <ul style="list-style-type: none"> - Amend water management unit expiry dates accordingly. <p>Reasons: Traditionally consents for water abstraction have been granted for a duration of 10 years as discretionary activities.</p> <ul style="list-style-type: none"> - For several bulk consent renewal processes, there was uncertainty about the degree of adverse effects caused by abstractions, and how the limits in the operative plan should be applied. - Emerging evidence confirms that the adverse effects of water abstraction in Heretaunga are more severe than previously thought, particularly with regards to stream-depletion. - The NPSFM now requires the health and well-being of freshwater to be prioritised.
<p>Water take and use Rule TANK 9 Stat 3.8</p>	<p><i>“Retain the provision - TANK 9”</i></p>	<p>Oppose</p>	<p>Relief sought: Amend Rule 9 to state Heretaunga Plains <u>Aquifer System</u> in the activity column.</p> <ul style="list-style-type: none"> - Classify applications for activities subject to s124 as discretionary activities - Restrict durations of consent to 10 years maximum duration - Require an assessment of adverse effects for each activity, both for the abstraction and the use - Include surface water depletion effects of 0.5 litres per second or greater and 200 m3 or greater, in Zones 1 and 2, to be accounted for in surface water allocations, limits and targets - Include requirements for meeting water quantity and water quality objectives, limits and targets - Make avoidance of adverse effects a requirement where catchment, zone or FMU limits are exceeded, and remediation or mitigation where they are not - Require the water take to cease when the flow in the relevant surface water body and location, falls below the applicable minimum flow.

<p>Stat 3.9 Schedule 31: Flows, Levels and Allocation Limits</p>	<p><i>Retain the provision - Schedule 31 Ngaruroro groundwater</i></p>	<p>Oppose</p>	<p>Reasons: Although consents subject to s124 have existing use rights until their renewal(s) are confirmed (provided their applications are lodged with council within the specified timeframe), decision-making around their renewal requires assessment based on the scale and degree of their adverse effects, including cumulative adverse effects. There has been acknowledgment by regional council that the effects of activities involving water abstraction are more serious than previously thought, especially stream depletion effects. The viability and efficacy of stream flow maintenance schemes or managed aquifer recharge, in terms of sustainable management have not been proven within TANK catchments, so they lack surety. As notified, the proposed plan does not require sufficient rigour around such schemes. The Paritua and Karewarewa Streams, and other Karamu tributaries, as well as the Karamu mainstem, are significantly impacted through adverse effects due to reductions in the quantities of recharge from springs, such effects caused by cumulative effects of groundwater abstractions.</p> <p>There is an anomaly wherein the submitter supports ‘actual and reasonable use as defined by HBRC as <u>the maximum amount of water abstraction used in any one irrigation season up to 2017</u>, while also supporting the abstraction amounts permitted through existing resource consents, which in many cases are substantially higher than the maximum amounts used up to 2017.</p> <p>There is also a legal question as to whether HBRC can promote a provision in a proposed plan that undermines conditions in existing resource consents, without also providing for the ‘call-in and review’ of such consents to enable consent conditions to be amended. Standard consent conditions allow for review, but council seldom uses them, and the proposed plan is silent on this issue.</p> <p>Relief sought: Amend table content in Schedule 31: Flows, Levels and Allocation Limits re the Ngaruroro groundwater to replace “existing use only” with a realistic quantity and rate that is more sustainable, and that protects the health, mauri and water quality of the aquifer system, and gives effect to the NPSFM. - Make consequential amendments to PPC9 objectives, policies and rules.</p> <p>Reasons: “Existing use only” is vague and difficult to quantify. It appears odd when other water resources in the schedule have definitive quantities and rates of abstraction, but proposed groundwater management is based on a figure that is uncertain. Existing use</p>
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Stat 3.10 Schedule 33 Water permit expiry dates	<i>Retain the provision - Ngaruroro Catchment</i>	Oppose	<p>perpetuates significant adverse effects on water quality and health of the aquifer system and connected surface waters</p> <p>Relief sought: Decline the submission and replace dates with existing expiry dates for those consents that have already expired. and those that have already been granted. Make the next expiry date 10 years after these, but subject to assessment processes in Change 9 when it becomes operative.</p> <p>Reasons: The proposed dates fail to consider the existing adverse effects (including cumulative adverse effects) of the activities, both individually and cumulatively within catchments or FMUs. This does not promote sustainable management, particularly when the adverse effects are known.</p>
Stat 3.10 Glossary	<i>Retain the provision – “Actual and reasonable use”</i>	Oppose	<p>Relief sought: Decline the submission and delete the term “actual and reasonable use” from the glossary and from the proposed plan.</p> <p>Reasons: Actual and reasonable use does not promote the purpose of the Act. It is relative in context, and the ‘use’ does not include the adverse effects of the ‘taking’ within its ambit.</p>
Stat 3.16 POL TANK 37	<i>Amend Policy 37(d)(ii): “apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 (except as provided by Policy 50 and except where a consent renewal application subject to s124 has sought to change the intended use of the abstracted water);”</i>	Oppose	<p>Relief sought: Decline the submission. Delete the provision from Policy 37, the term “actual and reasonable” from the glossary and from inclusion in other Change 9 provisions.</p> <p>Reasons: “Actual and reasonable use” does not promote the purpose of the Act. It is relative in context, and the ‘use’ does not include the adverse effects of the ‘taking’ within its ambit. it enables both taking and use of water, but does not signal or require avoidance, remediation or mitigation of the adverse effects of the taking or of the use of freshwater. It therefore undermines the purpose of the Act and does not give effect to Te Mana o te Wai and the NPSFM.</p>
Stat 3.17 POL TANK 39 Stat 3.18 POL TANK 45	<i>“Amend Policy 5.10.6 Policy 39 to be consistent with RRMP POL TT11 and Table 5.9.7.”</i> <i>“Amend Policy 5.10.7 Policy 45 to be consistent with RRMP POL TT11 and Table 5.9.7.”</i>	Oppose	<p>Relief sought: Decline the submissions.</p> <p>Reasons: The transmissivity and hydrological setting of groundwater within the Tukituki catchment and the Heretaunga Plains are different, with transmissivity of groundwater</p>

<p>Stat 3.19 POL TANK 48</p>	<p>Amend clause (e) to read: <i>“except where a change of use and/or transfer is for the purpose of a flow enhancement or ecosystem improvement scheme or is intended to provide for the reasonable consumptive needs of people and communities, declining”</i></p>	<p>Oppose</p>	<p>higher in the Heretaunga Plains. The interference effects of water abstraction on other wells and on well yield have historically been assessed during the “non-irrigation periods”, when groundwater storage, groundwater pressures and groundwater levels are typically higher. This has led to overestimates for well yield during the irrigation season, and underestimates for surface water depletion effects.</p> <ul style="list-style-type: none"> - Although the transmissivity of the Heretaunga aquifer system remains fairly constant, the less water in the aquifer during the irrigation season and lower pressure, means the velocity of water moving through reduces, to that which occurs during the non-irrigation seasons. - The surface water depletion effects are therefore greater than the estimates derived from data collected during the autumn and winter months, which underpins many of the existing consents to take groundwater within Heretaunga. - HBRC’s ‘stream depletion calculation tool’ is based on many assessments taken during the ‘non-irrigation’ season, and therefore underestimates surface water depletion effects. - This has become a substantive issue for the Tukituki catchment and its groundwater management regime, and we should not emulate POL TT11 and Table 5.9.7 from the Tukituki catchment provisions in the TANK catchments, in this regard. <p>Relief sought: Decline the submission and substantially amend the policy so that it is more prescriptive and include</p> <ul style="list-style-type: none"> - Transfers are over a smaller area than proposed in PPC9 - The water take, and water use are for the same type of activity - The adverse effects are similar in scale and degree - An assessment is undertaken at the new site during the irrigation season and includes cumulative effects - If a surface water take, the transfer is not to a site that is upstream from the original site - The transfer is within the same rohe-a-hapū - There is no increase in adverse effects on the health and well-being of the water body or FMU. <p>Reason: The proposed policy is weak. The preliminary statement says ...”to consider” which does not direct or compel a definitive outcome towards achieving sustainable management.</p>
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<p>Stat 3.20 Water take and use TANK Rule 9</p>	<p><i>“Amend TANK Rule 9 condition (f) to be consistent with RRMP POL TT11 and Table 5.9.7.”</i></p>	<p>Oppose</p>	<p>Relief sought: Decline the submission and delete condition f) from TANK Rule 9.</p> <p>Reasons: Stream flow enhancement schemes do not have sufficient rigour around them to be included in a rule. Some of them require significantly more research and development to quantify their viability, efficacy, cost effectiveness, and degree and amount of contribution from participants. It is unknown whether an amount of water put into a surface water body, will remain in that water body or be recharged to groundwater, or what percentage will be abstracted and when.</p> <p>- In addition, it is uncertain how much will actually contribute to avoidance, remediation or mitigation of adverse effects of an activity is groundwater and/or surface water pumping for irrigation continues simultaneously . There are likely to be variations depending on surface water flows and groundwater levels/pressures.</p>
<p>Objectives Stat 3.1 Objective 14 Stat 3.2 Objective 16</p>	<p><i>Retain the provision - OBJ TANK - 14(a)</i> <i>Retain provisions - OBJ TANK 16(a) and (b)</i></p>	<p>Support in part Support in part</p>	<p>Relief sought: Accept the submission and retain clause 14(a) as proposed</p> <p>Relief sought: Accept the submission in so far as to retain clauses 16(a) and (b) as proposed, but insert a new clause (aA) above clause (a): <u>“(aA) Water retained within the water body to ensure its health and well-being;”</u></p> <p>Reasons: The health and well-being of the water body and the maintenance of mauri should precede other considerations.</p> <p>- The health of people is reliant on a healthy water supply. - Te Mana o Te Wai places a priority on the health and well-being of water before abstractive uses.</p>

Submitter 4 Takitimu District Māori Council	Original submission statement (from HBRC summary)	TToH Support/ Oppose	Relief sought and comments and reasons for our position
Des Ratima			
Stat 4.2	<i>“There is already an admission in the plan change document that water is taonga and therefore is subject to Article 2 of the Treaty of Waitangi”</i>	Support in part	<p>Relief sought: Accept the submission in terms Article 2 of the Treaty and the principles of the Treaty.</p> <ul style="list-style-type: none"> - That PPC9 is substantially amended so as to give greater consideration to the principles of the Treaty of Waitangi in Schedule 1 of the RRMP as directed by the Regional Policy Statement, particularly the principle of active protection. - That the mauri of water bodies and the health and well-being of freshwater resources are prioritised in relevant PPC9 objectives, policies and rules. - The mana of hapū is respected through expression of their values within PPC9. <p>Reasons: Objective LW3 in the RPS is <u>directive in nature</u>, and requires:</p> <ul style="list-style-type: none"> - “recognising the mana of hapū, whanau and iwi when establishing freshwater values”, and - “recognising and providing for wairuatanga and the mauri of freshwater 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...” - Schedule 1 contains the principles of the Treaty of Waitangi that HBRC acknowledges, including the principle of active protection. Active protection includes protection of taonga and Māori spiritual values. “(...mauri, tapu, mana, tikanga and wairua mauri, tapu, mana, tikanga and wairua) may all fairly be described as taonga that have been retained by Māori in accordance with Article II of the Treaty. The principle of active protection therefore extends to the spiritual values and beliefs of Māori”.

Submitter 8 Delegat Limited	Original submission statement (from HBRC summary)	TToH Support/Oppose	Relief sought and reasons for our position
Balasubramaniam Rengasamy			
Schedule 31: Flows, Levels and Allocation Limits Stat 8.26	<i>“Support Schedule 31 Ngaruroro River”</i>	Oppose	<p>Relief sought: Decline the submission and elevate the minimum flows to 2800 lps for the Ngaruroro River and 130 lps for the Maraekākaho, with staged increases as outlined in Table 3A of TToH initial submission to Change 9.</p> <ul style="list-style-type: none"> - Make consequential changes to proposed provisions that reference Schedule 31. <p>Reasons: The flows for the Maraekākaho (109 lps) and Ngaruroro River (2400 lps) are too low to protect their health and well-being as required by the NPSFM, or to safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water. – The flow regime provisions do not provide sufficient habitat and fish passage for trout and torrent fish over a major part of the year.</p> <ul style="list-style-type: none"> - The flows in Change 9 as proposed, fail to recognise and provide for the relationships of Māori with these taonga, or to uphold or provide a logical pathway towards achieving Te Mana o te Wai (TMoTW).
Stat 8.27	<i>“Support Schedule 31 Ngaruroro Groundwater”</i>	Oppose	<p>Relief sought: Decline the submission and amend the schedule so as to include numerical limits on quantity and combined rate of abstraction for Ngaruroro groundwater that:</p> <ul style="list-style-type: none"> - Has seasonal restrictions of six months for irrigation - Takes into account the cumulative rates of surface water depletion in the Ngaruroro catchment of 0.5 lps or greater and 1210 m3 per month within surface water allocation limits: - Protects the natural character, integrity and volumes of aquifer recharge into the Heretaunga Plains Aquifer System (HPAS), - Make consequential amendments to PPC9 so that the definition of “efficient well” does not apply to the Heretaunga Plains Aquifer System. - Make consequential changes to proposed provisions that reference Schedule 31. <p>Reasons: A designated irrigation season will give the Ngaruroro groundwater time to recover.</p>

			<ul style="list-style-type: none"> - Surface water depletion is more serious than previously thought, and the HBRC Stream Depletion Calculator underestimates the degree of influence and depletion on surface water. - Enabling existing use through Change 9 pre-empts the outcomes for decision-making processes for numerous resource consents coming up for expiry. - Assessment of resource consents and decision-making should be based on their effects, including cumulative effects. - Restricting surface water depletion management and restrictions to Zone 1 enables large amounts of water to go uncounted within limit-setting.
Objectives Stat 8.1	“Support Objective 11(g)”	Support in part	Relief sought: Retain an amended 11(g) to include: “primary production water needs <u>within limits, targets and seasonal restrictions</u> and water required for associated processing”
Stat 8.2	“Support OBJ TANK 14(b)”	Support in part	<p>Relief sought: Retain an amended 14(b) to include: “primary production water needs <u>within limits, targets and seasonal restrictions</u> and water required for associated processing”</p> <p>Reasons: The amendments above will ensure that water is managed sustainably, while taking into account resource limits, the requirements of the NPSFM and TMoTW, and changes to the nature of the resource due to climate change.</p>
Stat 8.4	“Support OBJ TANK 17(b), (c) and (d).”	Support in part	<p>Relief sought: Retain clause c) as notified. Delete clause b). Amend clause d) “Allocation regimes that are flexible and responsive, <u>within resource and catchment limits</u>. allowing water users to make efficient use of this finite resource—Make consequential amendments to relevant policies, schedules and rules related to Objectives 11, 14, 17</p> <p>Reasons: Clause b) refers to agreed reliability of supply standards. PPC9 does not include a percentage or numerical reference to the agreed level for security of supply. The RRMP used the Q95 methodology to assess and define allocatable volumes and had a 95% reliability of supply underpinning the allocation regime, derived from a prescribed method. Past council decision-making that approved more water abstraction for resource consents has resulted in exceedances of operative plan limits (water quantity), and vastly increased cumulative rates of take from several catchments. This has resulted in reduced reliability of supply,</p>

			<p>with several sub-catchments now subject to extended irrigation bans every year. These are longer than the predictions from the Q95. Inclusion of “an agreed reliability of supply” in a PPC9 objective, without subsequent reductions in allocation volumes and cumulative allocation rates in policies and schedules makes the objective unattainable or reliant on other factors that have not yet been fully researched or granted resource consent.</p> <ul style="list-style-type: none"> - Clause c) already refers to “efficient use” so it is unnecessary to repeat it in clause d).
<p>Policies Stat 8.5</p>	<p>“Support Policy 21”</p>	<p>Oppose</p>	<p>Relief sought: Rewrite Policy 21 so it places the onus on property owners and lessees to avoid, remedy or mitigate the effects of their land use.</p> <ul style="list-style-type: none"> - Change heading to include “contaminant” losses. - Require compliance with catchment, sub-catchment and FMU limits and the achievement of targets within specific timeframes. - Include modelling <u>and monitoring</u> in the preliminary statement. - Ensure <u>avoidance</u> is included in the policy prior to remediation and mitigation. - Amend clause d) “avoid land use change that will result in increased nitrogen <u>nitrogen and contaminant losses</u> that contributes to water quality objectives, <u>limits</u> and targets in Schedule 26 for dissolved nitrogen not being met”. - Include a requirement for Freshwater Farm Plans in the policy - for individual properties of 6 hectares or greater generally or 2 hectares or greater for “intensive vegetable production” and for land use over the unconfined aquifers. <p>Reasons: Policy 21 states that council will remedy or mitigate. It is the duty of council to regulate and manage, and to require others to <u>avoid</u>, remedy or mitigate the effects and impacts of their activities.</p> <ul style="list-style-type: none"> - Monitoring should be used in addition to modelling, as modelling does not always reflect reality. Used in unison, they would give a better result.
<p>Stat 8.6</p>	<p>“Support Policy 23”</p>	<p>Support in part</p>	<p>Relief sought: Add “<u>including cultural monitoring</u>” in amended clause b).</p> <ul style="list-style-type: none"> - In clause e) delete the words after “...environmental management programmes”. - As a consequence of the above, move Schedules 30 and 36 to a non-regulatory section of the RRMP and rename them.

Stat 8.7	“Support Policy 24”	Oppose	<p>Reasons: Catchment collectives and industry groups can operate and assist achievement of plan objectives, but it should not be compulsory to join a collective.</p> <ul style="list-style-type: none"> - Making catchment collectives responsible for water management functions is ultra vires. - Catchment collectives can operate to help improve practice, but do not always have tangata whenua or environmental group representation on them. - The catchment group established for the Tukituki catchment did not operate in a manner whereby records were kept of meetings and outcomes. We understand that some parties left the group after it was established. <p>Relief sought: Decline the submission and move the policy to a non-regulatory section of the RRMP.</p>
Stat 8.8	“Support Policy 25”	Oppose	<p>Reasons: The policy is about HBRC providing support and resources for catchment collectives. Such support is reliant on funding, budgets and LTP provision.</p> <p>Relief sought and reasons: See above relief and reasons for Policy 24.</p>
Stat 8.9	“Support Policy 37”	Oppose	<p>Relief sought: Decline the submission and amend Policy 37 so that:</p> <ul style="list-style-type: none"> - Clause a) states “adopt an interim allocation limit of 90 <u>70</u> million cubic meters per year based on the actual and reasonable water use prior to 2017; - Clause d) is amended “d) when considering applications in respect of existing consents due for expiry, or when reviewing <u>or assessing consent applications</u>, to; <ul style="list-style-type: none"> (i) allocate groundwater <u>on</u> the basis of <u>each quantity abstracted being counted within the maximum quantity limit</u> that is able to be abstracted during each year <u>or</u> irrigation season expressed in cubic meters per season-year; (ii) apply an assessment of actual and reasonable use that <u>of adverse effects of the taking and the use of water, that ensures the avoidance or remediation of adverse effects, reflects land use and water use authorised in the ten years up to August 2017 (except as provided by Policy 50);</u> (iii) <u>takes into account the amount of surface water depletion in lps and m3 per week.</u> - Delete clause e)

<p>Stat 8.10 Stat 8.17</p>	<p>“Support Policy 46” “Support Policy 46(b)”</p>	<p>Oppose</p>	<p>Reasons: Current abstraction rates from the HPAS result in stream depletion effects that are more than minor, which are not addressed.</p> <ul style="list-style-type: none"> - Some abstractions are from water-short areas and result in the aquifer diminishing in spatial extent, with consequential adverse effects on other users. - Surface water depletion effects that are more than minor, detract from the health and well-being of streams, resulting in adverse effects on tangata whenua values and relationships with water resources. - Current abstraction and use of the HPAS does not promote the purpose of the Act. - Long term management of the HPAS should reflect the priority setting and principles of TMoTW. <p>Relief sought: Delete clause a) referring to a known level of security of supply unless it is connected to the Q95 methodology.</p> <ul style="list-style-type: none"> - Amend clause b) “ensuring water is allocated <u>and used to meet objectives, limits and targets actual and reasonable requirements</u>; <p>Make consequential amendments to other parts of Change 9 consistent with this relief.</p> <p>Reasons: The term “actual and reasonable” does not promote sustainable management.</p> <ul style="list-style-type: none"> - Security of supply is predicated on the amount of water that is available to be allocated, the cumulative rates of abstraction from the same water body, the effects of climate change in terms of effects on flows and aquifer levels, and the ability to manage water within sustainable limits. - As proposed, Change 9 and this policy do not promote sustainable management or give effect to the NPSFM. Current levels and rates of abstraction would be extremely difficult to guarantee security of supply for without a policy restricting abstraction rates and volumes to more sustainable levels. <p>Relief sought: Decline the submission and amend Policy 47(c): “allocating water for irrigation on the basis of a minimum water application efficiency standard of 80% and on a reliability standard <u>derived from the volume of water available and the total instantaneous rate of take based on the summer</u></p>
<p>Stat 8.18</p>	<p>“Support Policy 47(c)”</p>	<p>Oppose</p>	<p>Relief sought: Decline the submission and amend Policy 47(c): “allocating water for irrigation on the basis of a minimum water application efficiency standard of 80% and on a reliability standard <u>derived from the volume of water available and the total instantaneous rate of take based on the summer</u></p>

Stat 8.19	"Support Policy 49(g)"	Oppose	<p><u>7-day Q95 for surface water bodies, and an irrigation season of 01 November to 30 April." that meets demand 95% of the time;</u></p> <ul style="list-style-type: none"> - Add clause (cC) <u>"The amount of stream depletion calculated for each individual groundwater take will be accounted for in surface water volume allocation and rate limits.</u> <p>Reasons: For effective management, the accounting for all water takes within catchments, sub-catchments, or FMUs, and the effects of water abstraction and use, should be restricted to sustainable limits and an irrigation season.</p> <ul style="list-style-type: none"> - The application of an irrigation season of 6 months will ensure sufficient time for recovery of the water resource including its mauri, health and well-being. <p>Relief sought: Decline the submission and amend Policy 49(g): "will impose consent durations of 15 10 years maximum according to specified water management unit expiry dates. Future dates for expiry or review of consents within that catchment are every 15 10 years thereafter. Make consequential amendments to schedules and FMU expiry dates.</p> <p>Reasons: Parts of the proposed management regime in Change 9 are not based on sound science or methods. There is a high degree of uncertainty where some of the content in Change 9 is based on ideas and economic aspirations, and attempting to support unsustainable practices, rather than on the promotion of sustainable management and methods.</p> <ul style="list-style-type: none"> - Where there is uncertainty of adverse effects and/or environmental outcomes, a more precautionary approach should be taken.
Stat 8.19	"Support Policy 56"	Oppose	<p>Relief sought: Decline the submission and</p> <ul style="list-style-type: none"> - either delete Policy 56, or - move the content of Policy 56 to a non-regulatory section of the RRMP. - As a consequence, move Policy 57 to non-regulatory. <p>Reasons: Water storage options in the TANK catchments are not sufficiently advanced in terms of research and design, geotech, geohydrology, funding and the ability to provide site-specific mitigation sufficient to mitigate adverse effects.</p> <ul style="list-style-type: none"> - Stream flow enhancement schemes do not have sufficient rigour around them to be included in or enabled by a rule.

			<ul style="list-style-type: none"> - More certainty is required to quantify their viability, efficacy, cost effectiveness, and degree and amount of contribution from participants in resultant schemes. - Where limits are not being met (as in the Ngaruroro and Karamu catchments), the introduction of a new allocation method and quantum, should be vigorously assessed to test its alignment with sustainable management principles. As there is a high degree of uncertainty, and over-abstractation and its adverse effects have been compounding over a number of years, the first priority in the interim, should be avoidance of adverse effects, whereas the policy goes straight to mitigation. - It is unknown whether an amount of water put into a surface water body, will remain in that water body, be lost to groundwater or removed within a relatively short time-span by a water-user down-gradient. - There are likely to be variations depending on surface water flows, groundwater levels/pressures, cumulative rates of abstraction from both surface water body and/or groundwater.
Rules Use of Production Land. Stat 8.21	“Support Rule TANK 1”.	Oppose in part	<p>Relief sought: Amend the rule such that:</p> <ul style="list-style-type: none"> - The activity description states 6 hectares rather than 10 hectares. - Intensive vegetable production is excluded from the activity, and as a consequence add a new rule for intensive vegetable production with the area threshold as 2 hectares. - The words “pursuant to Section 9(2) RMA” are removed. - Clause a) has 50% rather than 75% - Delete clause b (1) - Include location and monitoring of point source discharges as a condition/standard/term with locations recorded in FEP and Freshwater Farm Plans. <p>Reasons: The rule as proposed is not prescriptive enough to manage all relevant effects.</p> <ul style="list-style-type: none"> - Membership of a catchment group or collective does not ensure compliance. Such groups take years to establish and co-ordinate, and then to affect behaviours.
Water Take and Use. Stat 8.22	“Support Rule TANK 9”.	Oppose	<p>Relief sought: Amend rule by:</p> <ul style="list-style-type: none"> - Removing the words “where Section 124 of the RMA applies (applies to existing consents)” from the activity description.

<p>Taking water – high flows. Stat 8.23; Stat 8.28</p>	<p>“Support Rule TANK 13”. “Support Schedule 32 -Ngaruroro River”</p>	<p>Oppose Oppose</p>	<ul style="list-style-type: none"> - Changing the status of the rule to Discretionary. - Consequentially creating a new rule 9A for a controlled activity for municipal, community and papakāinga water supply. <p>Reasons: S124 takes are still required to be assessed in terms of the effects of their abstraction and use.</p> <ul style="list-style-type: none"> - There is reliable evidence that their effects in some cases are ‘more than minor’ so the resource consents should be re-assessed as discretionary activities as that is what they were first assessed as, and the consequences of granting them have led to significant adverse effects on groundwater in the HPAS, including: <ul style="list-style-type: none"> i) loss of spatial extent of the aquifer ii) reductions in groundwater levels and spring flows into tributaries iii) adverse effects on tikanga Māori values and uses of, and cultural relationships with, groundwater and surface water. iv) HBRC not providing active protection of Māori values associated with freshwater. - The rule does not give effect to the operative RPS. <p>Relief sought: Amend the schedule referenced in the rule so that:</p> <ul style="list-style-type: none"> - Schedule 32 has 24 m3 in Column C instead of 20 m3 for the Ngaruroro. - The high flow allocation rate is 5,000 lps instead of 8,000 lps in Column D (Ngaruroro). - For each 1000 lps abstracted above 24,000 lps, a further 1,000 lps is left in the river (shared flow). - The high flow trigger for the Tūtaekurī River is 12,000 lps in Column C. <p>Reasons: The MWH report of 2010 recommended 24,000 lps as a high flow trigger for the Ngaruroro.</p> <ul style="list-style-type: none"> - In addition, the report recommended a shared approach to high-flow allocations whereby a ratio of 1:1 should apply whereby for each 1000 lps taken out of the river as a high-flow take, a further 1000 lps above the high-flow trigger flow, should be left in the river. - The above amendments to the Schedule would ensure that the mana of the river and TMoTW are acknowledged.
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<p>Chapter 9 Glossary of Terms Used. Stat 8.24</p>	<p>“Support Actual and reasonable use”.</p>	<p>Oppose</p>	<p>- A high flow in the main stem of a river does not always mean overall widespread rainfall. Therefore, flows in some tributaries can potentially still be low despite high flows in the main river channel.</p> <p>- High flow abstractions should not interfere with the variability in flows that occurs naturally</p> <p>Relief sought: Delete the term “actual and reasonable use” from the glossary. Make consequential change throughout PPC9.</p> <p>Reasons: Use of the term in Change 9 seeks to validate existing use volumes and rates for water, despite their significant adverse effects. Thus, actual and reasonable use, does not promote sustainable management, and fails to give effect to provisions in the NPSFM and the operative RPS.</p>
<p>Schedule 31 Stat 8.26; Stat 8.27</p>	<p>“Support Schedule 31 Ngaruroro River”. “Support Schedule 31 Ngaruroro Groundwater”.</p>	<p>Oppose Oppose</p>	<p>Relief sought: Reject the submission. Amend Schedule 31 to enable new minimum flows and staged increases in minimum flows for the Paritua, Karewarewa, Mangateretere, Karamū, , Maraekākaho, Ngaruroro and Tūtaekurī (Rivers and Streams), and for the Poukawa Stream at Douglas Road.</p> <p>Reasons: The established minimum flows do not provide sufficient habitat to support a range of indigenous aquatic species to the degree that they will contribute to upholding the mauri, and other values, aspirations and uses that hapū/kaitiaki have in relation to taonga.</p> <p>- The flows in Schedule 31 as notified are insufficient to safeguard or improve the habitat of trout, or of torrent fish and other indigenous species during critical times of the year.</p> <p>- Neither do the flows as notified provide for adequate fish passage for a range of species or uphold Te Mana o te Wai.</p>

Submitter 10 David Renouf	Original submission statement (from HBRC summary)	TToH Support/Oppose	Relief sought and reasons for our position
POL TANK 28 Stat 10.4	"Amend Policy 28. Delete the words "Urban Infrastructure" because many catchment are in rural catchments	Support the intent	<p>Relief sought: Include management of point source discharges from orchards and cropping land in the policy.</p> <ul style="list-style-type: none"> - Create a new stormwater policy to address stormwater from rural areas and catchments, and to manage stormwater discharges of contaminants from land through rural infrastructure (pipes and drains). - Account for contaminant and nutrient contributions from rural point source stormwater discharges in Freshwater Farm Plans and FEPs. - Account for such contributions/discharges in limits and targets. <p>Reasons: The locations of many discharge pints from rural land are known to farmers and council.</p> <ul style="list-style-type: none"> - All stormwater contaminants and nutrients should be monitored where the source is point source. - Some peri-urban cropping and orchard properties also have tile drainage or nova-flow systems that discharge into roadside drains and/or streams/rivers (Karamū and tributaries).
Protection of Source Water Stat 10.22	"That the HBRC and that the Hastings District Council Amend TANK PC9 SPZ Map 1 and Hastings District Council SPZ - 3 Map areas and form up Source Protection Conjunctive Zones"	Support in part	<p>Relief sought: Amend the SPZ maps accordingly and expand the SPZs to include Whakatu, Clive, Mangateretere, Waipatu, Haumoana, Omahu, Bridge Pā, Paki Paki, Mangaroa and Maraekākaho townships.</p> <p>Reason; Small communities deserve to have safe water to drink from the aquifer, and the SPZ designation will assist in keeping the groundwater safe for domestic consumption.</p> <ul style="list-style-type: none"> - HBRC has a statutory role/responsibility to protect the quality of freshwater, including groundwater.
Schedule 35: Stat 10.13 (part)	<i>"Amend Schedule 35 - That the alignment of the Heretaunga Plains Unconfined Aquifer boundary be updated. That the Hawke's Bay Regional Council updates the Schedule maps and includes the full extent of the Heretaunga</i>	Support	<p>That HBRC accepts the submissions insofar as to:</p> <ul style="list-style-type: none"> - update the relevant maps in Schedule 31E to specify an accurate portrayal of the Heretaunga unconfined aquifer, and consequentially amend other schedules in the RRMP for accuracy;

Stat 10.14	<p><i>Plains Unconfined Aquifer in all 'Hawke's Bay Regional Resource Management Plan' Maps."</i></p> <p><i>"Amend Schedule 35 – Add the wording 'That registered drinking water wells that provide small communities with less than 501 people shall have Source Protection Zones. Add to HBRC PC9 – SPZ Map Hastings District Council registered drinking water wells 542, 1658, 16671 at Clive, 473 at Whakatu, 10334 at Omahu."</i></p>	Support	<p>- include a source protection zone map in Schedule 35, that includes Clive, Haumoana, Whakatu, Twyford, Waipatu, Pukahu, Paki Paki, Bridge Pā, Maraekākaho, and Omahu/Fernhill, including conjunctive zones.</p> <p>Reasons: Schedule 35 should have a map or reference a schedule showing the maps and locations of source protection zones for drinking water. Although the NZDWSS have a threshold of 501 persons, the smaller communities around the periphery of Hastings should also have their drinking water supplies protected to minimise risk. HBRC has an obligation to maintain or enhance water quality in water bodies, including in aquifers/groundwater.</p>
Stat 10.15	<p><i>"Add to TANK Rule 19(a) (vi) Proposed Plan Change 9 Schedules 26 and 27 Freshwater Quality Objectives as Freshwater Standards to be met at point of discharge by 2025 and that – The discharge shall meet HB Regional Resource Management Plan 5.4 Surface Water Quality Tables 7 and 8 limits."</i></p>	Support	<p>Relief sought: Accept the submissions 10.15, 10.16, 10.17, and amend the TANK rules accordingly. Make any consequential amendments to Change 9 for cohesiveness.</p> <p>Reasons: Stormwater and its effects have not been well managed due to leniency in the rules. Adverse effects of stormwater (volume and contaminants) detract from other values that the community hold. The amendments will provide better integration within the RRMP and assist in achieving the objectives for water quality, and Te Mana o te Wai.</p>
Stat 10.16; 10.17	<p>Amend TANK Rule 21; Amend Tank Rule 22; (as above in terms of meeting Schedule 26 objectives (including Schedule 27 objectives)</p>	Support	

Submitter 12 Ministry of Education	Original submission statement (from HBRC summary)	TToH Support/Oppose	Relief sought and reasons for our position
Alex Duncan			
Stat 12.1	"Support OBJ TANK 2 - Retain as proposed."	Oppose in part	<p>Relief sought: Retain clauses (a), (c) and (d) as proposed;</p> <ul style="list-style-type: none"> - Amend clause (b) to "A continuous improvement approach to the use and development of natural resources and the protection of indigenous biodiversity is adopted and the collective management of freshwater is enabled; - Amend clause (e) "The <u>outstanding values and</u> significant values of the outstanding water bodies in Schedule 25 and the values in the plan objectives are appropriately protected and provided for. - Add clause "(f) <u>the values in the plan objectives and in Schedule 26-F are upheld or provided for.</u>" <p>Reasons: Collective management is not prescribed in PPC9. There are management functions that are the role of regional councils, while property owners can only manage what is under their control.</p> <ul style="list-style-type: none"> - The outstanding values of OWBs should be protected as that is why the OWBs are designated as outstanding. - the values in PPC9 have different degrees of protection or provision.
Stat 12.2	<p>"Amend OBJ TANK 10</p> <p>c) healthy and diverse indigenous aquatic plant, fish and bird populations;</p> <p>d) people and communities to safely meet their domestic water needs <u>and provide for the social infrastructure necessary to support these people and communities</u>;</p> <p>e) primary production water for community social and economic well-being; and provide for; ...</p>	Support in part	<p>Relief sought: Retain clause c) and clause d) as proposed.</p> <ul style="list-style-type: none"> - Amend clause (e) "primary production water <u>within limits</u>, for community social and economic well-being; and provide for; ... <p>Reasons: Some of the social infrastructure referred to in clause (d) is not under the control or management of HBRC.</p> <ul style="list-style-type: none"> - Primary production water is managed within limits, so where its abstraction and use is enabled, these limits need to be recognised within management regimes
Stat 12.3, 12.4, 12.5, 12.6, 12.7	<p>Amend OBJ TANK 11, 12, 13, 14 and 16</p> <p>"f) people and communities to safely meet their domestic water <u>needs and provide for the social infrastructure necessary to support these people and communities</u>;</p> <p>g) primary production water needs and water required for associated processing and other urban activities to provide</p>	Oppose	<p>Relief sought: Each of these submission points seek basically the same thing with the addition to notified clauses in the objectives. Decline the submissions with the following exceptions –</p> <p>Amend clause g) in OBJ TANK 11, clause g) in OBJ TANK 12, clause f) in OBJ TANK 13, and clause b) in OBJ TANK 14 so that "<u>within limits</u>," is added after the word "needs" in each case.</p>

	for community social and economic well-being; and provide for;		Reasons: Domestic water is managed within limits, so where its abstraction and use is enabled, these limits are recognised within management regimes
Stat 12.8	“Support OBJ TANK 17 - retain as proposed.”	Oppose	Relief sought: For submission points 12.8 and 12.9 - Delete the objectives and move their content to a non-regulatory section of the RRMP.
Stat 12.9	“Support OBJ TANK 18 - retain as proposed.”	Oppose	Reasons: In the objectives, allowance for Māori economic well-being is partly reliant on allowing high flow allocations, which themselves require the building of water storage and conveyance infrastructure, that has yet to be consented. - Some of the other matters in these objectives are included in other objectives, so there is unnecessary duplication. - The premise that water will be made available at “agreed reliability of supply standards” is not based on a sound assessment and allocation methodology, nor on sustainable management principles that uphold or protect TMoTW. - Some of the steps necessary to realise the objective, are not yet funded or approved. It is unknown whether the high flow allocation as proposed will protect the instream values for freshwater bodies or the outstanding and significant values of OWBs.
Stat 12.10	“Support Policy 1 - retain as proposed.”	Oppose	Relief sought: Amend Policy 1 to read: “Land use activities and surface and groundwater bodies <u>are managed so that their mauri and water quality attributes are maintained or enhanced at their current state or where required show an improving trend to wards uphold their values and meet the water quality limits and targets shown in Schedule 26 through by focussing on:</u> ” a) water quality improvement in sub-catchments (as described in Schedule 28) where water quality is not meeting specified freshwater quality <u>limits or targets;</u> b) sediment management <u>as a key contaminant pathway to also help address phosphorus and bacteria losses;</u> c) the significant <u>reducing</u> environmental stressors of excessive sedimentation and macrophyte growth in lowland rivers; and <u>cC) restricting nutrient loads entering surface and ground water and the Ahuriri and Waitangi estuaries;</u> d) the management of riparian margins; e) the management of urban <u>stormwater networks and the reduction of contaminants in urban stormwater contamination;</u>

Stat 12.11	"Support Policy 6 - retain as proposed."	Support in part	<p>f) the protection of water quality for domestic and municipal water supply.</p> <p>Reasons: As proposed the policy is too vague does not address enough of the issues that have adverse effects on water quality.</p> <ul style="list-style-type: none"> - All stormwater entry and the effects of stormwater contaminants need to be managed in the four TANK catchments, not just urban stormwater. - HBRC has had a draft stormwater plan change on their shelves since 2010, so the problems from stormwater contamination have been known for some time. <p>Relief sought: Accept the submission and retain Policy 6 as notified but amend relevant schedules and maps to show the spatial extent of SPZs and their conjunctive areas. Include a groundwater quality map as Schedule 31 EB. Make consequential amendments to PPC9 provisions that detract from the meaning and intent of amended Policy 6.</p>
Stat 12.12	"Support Policy 7 - retain as proposed."	Oppose in part	<p>Reasons: Source protection zones to ensure the safety of drinking water for human consumption need better management responses than previously.</p> <ul style="list-style-type: none"> - Smaller communities deserve safe drinking water supplies from groundwater sources as well as the larger centres. - Addition of a new map for groundwater quality to the schedules will ensure plan users are aware of the extent of SPZs. <p>Relief sought: Delete d) (ii) from Policy 7.</p> <p>Reason: Operative Objective 20 in the RPS and 42 in the regional plan, require "No degradation of existing groundwater quality in the Heretaunga Plains Aquifer System." TToH seeks the retention of Objective 42 which HBRC proposes deleting from the scope of Change 9, therefore lowering the protection threshold for this outstanding water body. Such deletion will mean Change 9 is unable to "give effect to" Objective 21 in the operative RPS and would be inconsistent with TMoTW wherein the health and well-being of freshwater is prioritised.</p>
Stat 12.15	"Amend Rule TANK 7 – (iii) (ii) Takes occurring for a period of less than 28 days within any 90-day period, the total volume taken on any	Oppose in part	<p>Relief sought: Decline the amendment re "social infrastructure". It is undefined and too broad in scope.</p> <ul style="list-style-type: none"> - Change the 200 cubic metres per week to 0 cubic metres per week, and any more than this for stock water provision to be a restricted discretionary activity.

	<p>property shall not exceed 200 cubic metre per 7-day period.</p> <p>(iii) Takes existing as at 2 May 2020 may continue to take up to 20 cubic metres per property per day <u>and to meet the reasonable needs of social infrastructure.</u></p> <p>c) The taking of water does not cause any stream or river flow to cease</p>		<ul style="list-style-type: none"> - Clause c) enables significant adverse effects provided the stream or river flow does not cease altogether. Amend to “The taking or use of water does not cause any stream or river flow to cease an adverse effect on the stream or river. - Delete the word “efficient” from clause f). <p>Reasons: The provisions of s(14)(3)(b) allow for water takes for domestic use or for a person’s animals for drinking water “<u>provided the taking or use does not, or is not likely to, have an adverse effect on the environment.</u>” The rule is inconsistent with the Act.</p> <ul style="list-style-type: none"> - The cumulative effects of small takes have not been considered adequately when allowing for stock water provision or for small takes. - - The cumulative adverse effects of small takes within the TANK catchments contribute to adverse effects on streams and the depletion of groundwater during certain times of the year. - Clause c) prioritises small takes over the health and well-being of the water body and is therefore inconsistent with the NPSFM and proposed objectives.
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Submitter 17 Olig Limited	Original submission statement (from HBRC summary)	TToH Support/ Oppose	Relief sought and <i>reasons for our position</i>
Richard Riddell			
Stat 17.8	<p>“Oppose freshwater allocation for the Ngaruroro River surface water and groundwater specified in Schedule 31. These limits are overly restrictive and do not give sufficient flexibility for staged adaptive management of our farming operation.”</p>	Oppose	<p>Relief sought: Retain allocation rates (in litres per second) for the Maraekākaho River, the Tūtaekurī-Waimate Stream and the Ngaruroro River in Schedule 31 as in PC9 as notified. Make it explicit that the rates apply to all surface water abstractions and surface water depleting groundwater takes with depletion effects of 0.5 litres per second or greater, from when Change 9 becomes operative. Enable all allocation criteria, processes , volumes and rates (in litres per second) to be visible in Change 9.</p> <p>Reasons: The cumulative allocation rates in the Ngaruroro and Maraekākaho have gradually risen as more allocations have been granted at flows higher than the minimum flow. In the Maraekākaho catchment near the confluence with the Ngaruroro, channel modifications restrict flows from the Maraekākaho from contributing to the Ngaruroro. Subsequently, flow recession curves are steeper, and bans tend to last for longer durations in the Ngaruroro. In addition, the recharge (quantity) of the Heretaunga Aquifer System is diminished due to the engineering works around the confluence.</p>

Submitter 25 Xan Harding	Original submission statement (from HBRC summary)	TToH Support/ Oppose	Relief sought and reasons for our position
25.1	Proposed TANK Plan Change 9 I SUPPORT the overall framework of PC9, to the degree that it reflects agreements reached by the TANK Group community representatives, developed over more than 6 years of intensive dialogue and providing an integrated catchment solution that best balances the values and interests of the Hawke's Bay community.	Oppose	Relief sought: Appropriate consideration of the submission given Change 9 was substantially rewritten following the TANK SHG being disestablished. The RPC and HBRC confirmed that any agreed outcomes from the TANK SHG would be "had regard to" by the RPC before recommending notification of PC9. Reasons: The TANK (Stakeholder) Group did not represent all the interests of the regional community. The consensus recommendations from the SHG were given regard to by the RPC, and there is no legal compulsion for the RPC to adopt or implement, all recommendations from a non-statutory group of representatives.
25.2	Proposed TANK Plan Change 9 I OPPOSE elements of PC9 that do not reflect those agreements reached by the TANK Group community representatives.	Oppose	Relief sought: Disregard the submission. The legal requirement is to submit on the content of the notified plan change. Reasons: See reasons above for statement 25.1.
25.4	Water quantity I am concerned that PC9's approach to allocation of water and control of farming emissions unfairly penalises viticultural landowners as very low water users and very low emitters compared to other major primary production systems.	Support in part	Relief sought: Accept the submission and amend the plan insofar as to reflect a difference between how the effects of low water users are treated compared to higher water users, and their consequential effects in terms of limits. Provide a degree of separation between water users and how they are managed, with preference given to those that were established earlier <2005, over those who have come along later on >2005. Reasons: Many viticultural enterprises have been established since the early 2000's. The advent of and need for more increased irrigation bans is due to the issuing of hundreds of new consents without due consideration of their compounding or cumulative effects on the pre-existing users.
25.5	OBJ TANK 7 Amend OBJ TANK 7 to read "...reduces reduceable contaminant loss..."; or similar wording to achieve the outcome sought in this submission.	Support in part	Relief sought: Accept the submission and reflect its content in PC9 through identifying which contaminants can be managed within limits, and which are background contaminants, over which some land uses have no control. Better management of point source discharges would help in this regard. Reasons: Current management structures, allow for substantial contaminant losses that go unmonitored and unreported. The needs to be more rigour around how contaminants and nutrients are managed.

25.6	<p>OBJ TANK 16</p> <p>Amend OBJ TANK 16.c to read “Primary production on versatile and viticultural soils”, or similar wording to achieve the outcome sought in this submission. Amend OBJ TANK 16.e to read “Water bottling and other non-commercial end uses”, or similar wording to achieve the outcome sought in this submission.</p>	Oppose	<p>Relief sought: Amend Change 9 and OBJ TANK 16 to reflect the priority in TMoTW principles and structure as outlined in the NPSFM 2020.</p> <p>Reasons: The health and well-being of a water resource should receive the highest priority, (apart from the emergency exclusions in RMA s(14)). there is scope to amend Change 9 in this manner through the content and relief sought in initial submissions.</p>
25.7	<p>Protection of Source Water</p> <p>Amend Policies 6, 7 and 8 - Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10. Address risks via Farm Environment Plans, Catchment Collectives and Industry Programmes.</p>	Oppose	<p>Relief sought: Retain references to and provisions that provide for the protection of drinking water sources. Include protection of conjunctive zones as these provide pathways for source water to move from one location to another through the groundwater</p> <p>Reasons: The plan change is required to comply with the NZDWSS regulations. The RPS requires “no degradation” of water quality in groundwater.</p>
25.8	<p>POL TANK 21</p> <p>Amend so that Catchment Collectives and Industry Programmes may manage land use change in accordance with the 2040 timeline for meeting water quality objectives. Amend 21.d to read “subject to Policy 21 a)-c), avoid land use change....” or similar wording to achieve the outcome sought in this submission.</p>	Oppose	<p>Relief sought: Amend the policy so it is more directive and allows for resource consents to be granted or renewed only when they will not contribute to the exceedance of a limit, or show a logical trajectory towards meeting the sub-catchment or FMU target, and do not jeopardise achievement of a target.</p> <p>Reasons: The policy as notified is too weak to provide for the sustainable management of water quality limits. Catchment collectives and industry programmes do not always guarantee effective management of water quality when they have economic returns to consider.</p>
25.9	<p>POL TANK 36</p> <p>Amend Policy 36.f to read “avoiding further adverse effects by controlling net groundwater use within the interim allocation limit set out in Policy 37” or similar wording to achieve the outcome sought in this submission. Amend Policy 36.g to read “reducing existing levels of encouraging water use efficiency.” or similar wording to achieve the outcome sought in this submission.</p>	Oppose	<p>Relief sought: Decline the submission points. Amend Policies 36 and 37 to cap groundwater use at 70M cubic metres until the hydrological investigations and aquifer modelling have been completed to provide confirmation of a sustainable abstraction limit, that</p> <ul style="list-style-type: none"> - will prevent declines in groundwater storage and seasonal retreat of aquifer’s spatial extent; - arrest or prevent adverse effects of surface water depletion on tangata whenua values and life-supporting capacity in surface water, and - restrict the ingress of low-quality surface water into aquifers, and - enable the separation of groundwater into 8 different zones so that any transfer is kept within a smaller area, and subject to limits that aggregate up to the total allocation of 70 million.

			<p>Reasons: The proposed 90 million m³ interim limit is too high to promote sustainable management of the groundwater resource.</p> <ul style="list-style-type: none"> - Different parts of the aquifer system have different characteristics - Ingress of lower quality surface water into groundwater that is induced due to pumping is inconsistent with and does not give effect to the RPS.
25.10	<p>POL TANK 37</p> <p>Amend Policy 37.d(ii) to read “(ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 30 June 2020 (the end of the 2020 water year)...”. or similar wording to achieve the outcome sought in this submission</p>	Oppose	<p>Relief sought: Delete the term actual and reasonable use from PC9 and replace with sustainable management within limits, or words to like meaning and effect. make consequential amendments to the related rules, maps and schedules. Allocation of water through PC9 should consider such allocation based on effects and compliance with sustainable limits.</p> <p>Reasons: “<u>Actual and reasonable use</u>”, is not based on sustainable management principles or practice. The effects of the “use” have not been quantified or connected to effects-based management methods.</p>
25.11	<p>Chapter 9 Glossary of Terms Used</p> <p>Amend the Glossary definition of “Actual and Reasonable to provide that the volume allocated at consent renewals is the lesser of:-the amount calculated by a Hawke’s Bay-specific IRRICALC model at 95% security of supply;-the volume of the expiring consent being replaced.” or similar wording to achieve the outcome sought in this submission</p>	Oppose	<p>Relief sought: Reject the submission. Delete the term from PC9. In terms of security of supply. correlate this to the summer 7-day Q95 for surface water allocations and the limit of 70 million m3 per year for groundwater use within the HPAS.</p> <p>Reasons: As above (25.10). Also, security of supply cannot be guaranteed when water current water use is mining the Heretaunga Plains Aquifers and leading to extended irrigation bans of increasing frequency.</p>
25.15	<p>6.10.1 Use of Production Land</p> <p>Rule TANK 5 - The rule needs further development to give more guidance on what changes are intended to be controlled and to control change by farming enterprises within a water quality management unit more appropriately.</p>	Oppose	<p>Relief sought: Delete reference in the rule to “farming enterprise”. Delete the words in the activity column after “TANK catchments”.</p> <p>Reasons: A farming “enterprise” can be over two or more catchments each with their own limits and targets and rules.</p> <ul style="list-style-type: none"> - Management should be effects based.
25.16	<p>6.10.1 Use of Production Land</p> <p>Rule TANK 6 - Adjust the Grape kg/ha/yr for all soils to recognise winter sheep grazing rotation. Include details of crop model versions used to derive the crop loss figures in Schedule 29 and include a mechanism to address the effects of model and/or version changes to modelled outputs.</p>	Support in part	<p>Relief sought: Amend the rule to allow for intermittent grazing on viticultural lands. Delete the words pursuant to Section 9(2) RMA and associated non-point source discharges pursuant to Section 15 of the RMA from the activity column. Prevent the use of Overseer from being used as a regulatory tool for this rule and other rules in Change 9.</p> <p>Reasons: With the pending changes to resource management and potential annulment of the RMA, there is a risk the rule will become obsolete and lose its effectiveness in management of activities if reference to specific parts of the RMA are kept.</p>

25.17	6.10.2 Water - Rule TANK 13 - Supported, subject to amendments to POL 59 & 60 to address concerns about drafting details relating to the 20% Māori / environment reservation.	Oppose	<p>Relief sought: Amend the rule and associated schedules and policies to include a high-flow allocation season of 5 months, that is outside of a designated 6-month irrigation season.</p> <p>Reasons: High flows during the irrigation season of 01 November to 30 April, should be left to contribute to and replenish natural water resource' recovery</p>
25.19	<p>Schedule 30: Landowner Collective, Industry Programme and Farm Environment Plan</p> <p>Schedule 30 should be less prescriptive, more facilitative and more industry risk profile-based in respect of Industry Programmes. The Programme Requirements in Section B of Schedule 30 as they relate to Industry Programmes should be re-cast as more of a guideline, with an acknowledgement that detailed requirements can vary depending on the Industry's risk and emissions profile as it relates to catchment objectives. Amend all references to Farm Environment Plan in this Plan Change to "freshwater farm plan" and otherwise align the Plan Change requirements to those of the Resource Management Amendment Act 2020 and related S.360 regulations.</p>	Oppose	<p>Relief sought: Delete most of the objective's content (with the exception of Farm Environment Plans (or Freshwater Farm Plans), to a non-regulatory part of Change 9 or the RRMP.</p> <p>Reasons: Some rigour is required around the drafting and operation of FEPs and FFPs, but the establishment and operation of collectives should not be made compulsory through a plan. The one established for the Tukituki catchment is not working particularly well.</p>

Submitter 123 Department of Conservation	Original submission statement (from HBRC summary)	TToH Support/ Oppose	Relief sought and reasons for our position
Jenny Nelson-Smith			
Water quantity Stat 123.4	Ensure all allocation limits are less than 30% MALF.	Support in part	<p>Relief sought: Allow the submission and amend the plan accordingly where the 30% of MALF is equivalent to or less than the Summer 7-day Q95.</p> <p>- Apply a corresponding allocation rate in litres per second that applies to total abstractions from each river and tributary in the TANK catchments, and account for estimates for permitted activities and their effects.</p> <p>Reasons: Over-abstraction is an existing problem in TANK catchments that contributes to ecosystem decline. The cumulative abstraction volumes and rates need to be taken into account and lowered to amounts that are more sustainable. Current abstractions result in significant adverse effects that detract from environmental and tikanga Māori values.</p> <p>-</p>
123.5	OBJ TANK 11 - Significantly increase the minimum flow in the Ngaruroro River to provide more habitat for indigenous fish at low flows (e.g., 80 - 90% of habitat at MALF).	Support in part	<p>Relief sought: Amend the objective to enable a minimum flow in the Ngaruroro of 2800 lps when PC9 becomes operative, and staged increases thereafter towards the achievement of 4200 lps minimum flow by 2029.</p> <p>Reasons: The current minimum flow on the Ngaruroro only provides 44 % habitat for indigenous species and is insufficient to protect the habitat of trout.</p>
123.6	Water quantity - Set high flow allocations for all rivers that ensure hydrological alteration of the flow regime is minimised and maintained close to natural flow regimes.	Support	<p>Relief sought: Allow the submission and amend the plan accordingly. Change the high flow allocation regime to enable flow sharing with the river on a 1:1 ratio.</p> <p>Reasons: This will help reflect the natural variances in flows during high flow allocations.</p>
123.7	Water quantity - Do not allow transfer of water permits into over-allocated ground and surface water management units.	Support	<p>Relief sought: Allow the submission and amend PC9 to reflect this.</p> <p>Reasons: Allowing increases in abstraction from over-allocated surface waters does not promote sustainable management and can exacerbate current problems with diminished habitat.</p>
123.8	Water Quality General - Include clear objectives and policies to maintain or improve water quality, safeguard life-supporting capacity, ecosystem health and human health, protect the	Support.	Relief sought: Amend PC9 to reflect the intent of the submission. This will require amendments in several different provisions and schedules.

	significant values of outstanding freshwater bodies and wetlands and provide for other instream freshwater values		Reasons: The submission refers to a range of matters that HBRC through PC9 seeks to delete from the RRMP, which will lead to the plan not giving effect to the NPSFM or the operative RPS.
123.9	OBJ TANK 2 - Include schedules of FMUs and freshwater values and clearly define where they apply.	Support	Relief sought: Amend the plan to reflect the intent of the submission. Reasons: The plan and schedules are uncertain in terms of articulating FMUs and their extent. The integration of plan provisions is not well constructed, and lines of accountability between some plan provisions are uncertain.
123.10	Proposed TANK Plan Change 9 - Include a schedule of outstanding waterbodies and wetlands and their significant values for protection	Support	Relief sought: Include a schedule or table of outstanding freshwater bodies within the TANK catchments, in PC9, with both their outstanding values and significant values. Reasons: This will enable Change 9 provisions to be more consistent with the Act and to give effect to the RPS.
123.11	Schedule 26: Freshwater Quality Objectives - Include all water quality objectives in Schedule 26 and identify targets to be achieved by 2040 where objectives are currently not met.	Support in part	Relief sought: Amend Change 9 to reflect the intent of the submission. TToH would prefer that some targets are met before 2040. Change some timelines in the plan, in particular enable the call-in and review of consents that have expired or are due to expire, and which contribute to water quality decline. Reasons: HBRC should be more proactive in promoting sustainable management. Delaying environmental improvement does not promote sustainable management and runs counter to the community's desire for improved water quality to enable greater public amenity / recreational uses and associated values.
123.12	Schedule 28: Priority Catchments - Regulate (require consent for) productive land used for farming in priority catchments to resolve water quality issues in Schedule 28 and in catchments required to meet water quality targets in Schedule 26 by 2040.	Support in part	Relief sought: Amend PC9 accordingly to better regulate activities and their effects. Impose a management levy on nutrient losses that contribute to ecosystem and/or water quality decline. Reduce the target date to 2030. Reasons: The public deserve better water quality, and those that detract from good water quality should pay for its improvement.
123.13	Catchment Objectives - Control the use of production land for farming in all other catchments to maintain water quality.	Support	Relief sought: As above. Reasons: As above.
123.14	POL TANK 22 - Exclude stock from all wetlands, lakes and riparian margins used for fish spawning (specifically including inanga	Support	Relief sought: Amend PC9 to reflect the intent and outcomes sought from the submission. Include reference to maps that clearly identify such sites and areas and reference the species and their spawning seasons.

	(Galaxias maculatus)) regardless of slope with minimum setbacks of at least 10 metres. - Exclude break feeding from all waterbodies regardless of slope. - Include defined setbacks from water for all stock exclusion provisions.		Reasons: HBRC are required to safeguard the life-supporting capacity, indigenous species and their habitats, and associated ecosystem processes.
123.15	Catchment Objectives - Require farm plans for all farms >10ha in the TANK catchments.	Support in part	Relief sought: Amend PC9 provisions but reduce the areas, particularly within or above sensitive catchments and for intensive vegetable production. Reasons: Sensitive catchments should be managed more effectively to reduce adverse effects and sources of nutrients/contaminants.
123.16	5.10.4 Policies: Stormwater Management - Regulate and manage all stormwater discharges and require them to meet water quality objectives and targets in Schedule 26 by 2040.	Support in part	Relief sought: Amend PC9 accordingly, and change the stormwater provisions, including the rules so they capture all point source discharges, not just those in urban settings., and allow for an estimate of stormwater contaminant inflows from non-point sources, to be included in limits and targets. Reasons: There are many point source discharges that release stormwater directly into roadside drains or surface water bodies. Council cannot manage what it does not measure or take into account. Their s30 responsibilities and the NPSFM require them to maintain or enhance water quality and enable TMOtW
123.17	5.10.4 Policies: Stormwater Management - Regulate and manage all point source discharges and require them to meet water quality objectives and targets in Schedule 26 by 2040.	Support in part	Relief sought: As above. Reasons: As above
123.18	Proposed TANK Plan Change 9 - HBRC withdraws PC9, gives effect to the NPSFM 2020 and renotifies the plan change in amended form; or HBRC prepares and notifies a variation of PC9 to implement the NPSFM 2020; or Some other action or actions to ensure that the NPSFM 2020 is given effect to as required, and which provides an efficient and fair process for the community (including submitters on PC9). - Include objectives and/or policies which consider and recognise Te Mana o te Wai with particular reference to Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te Tangata. Continued in submission	Support in part	Relief sought: Prepare and notify a variation to PC9 to give effect to the NPSFM 2020. Reasons: The drawn-out TANK stakeholder process and the priority given by plan writers to economic pursuits and outcomes is inconsistent with the nature and intent of the NPSFM and TMOtW. The reduced timeline that the NPSFM imposes for all “freshwater plans” to be notified and operative by, means that further amendments to PC9 and associated parts of the RRMP will be required anyway. Some provisions in PC9 do not give effect to the RPS and require amendment anyway. It would be more efficient to address all relevant matters together, for the four TANK catchments.
123.20	5.10 Introduction - TANK issues - Clearly articulate or delete the TANK issues from PC9.	Support in part	Relief sought: Rewrite the issue statements so they are brief and to the point, and place each immediately prior to the relevant objective and policies.

			Reasons: This would mean a more user-friendly plan, that could be better understood.
123.21	5.10 Introduction - Delete the introduction to 5.10 and provide a schedule of the identified values and where they apply in respect of each FMU within the body of PC9 as Schedule X. Include objectives and/or policies which consider and recognise Te Mana o te Wai with particular reference to Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te Tangata. Provide consequential track changes to Table 2A of the RRMP to reflect the values of PC9 and where they apply.	Support	<p>Relief sought: Provide a schedule as outlined in the submission, and ensure objectives, policies and rules that manage land uses and their effects reference the schedule.</p> <p>Reasons: This submission and others provide scope for PC9 decision-making to amend the plan substantially so as to give effect to the NPSFM in a more cost-efficient and timely manner. Much of the notified plan suggests substantial delays in doing anything proactive to hasten better environmental outcomes – e.g., more meetings, data collection, research, discussions to facilitate a further catchment plan change some time in the future.</p>
123.22	General Objectives - General objectives - all. Delete and restate all the objectives except objective 9 as outcomes which give effect to the NPSFM 2014 and RPS. Reduce the overall number of objectives and increase their clarity of purpose using concise and consistent RMA and NPSFM 2014 language and terms. Delete all sub-headings associated with the objectives or alternatively reorder and reword the sub-headings to reflect their purpose (e.g., overarching vs system specific objectives like surface water and groundwater)... continued in submission	Support in part	<p>Relief sought: Amend the objectives to be more definitive and issue focussed. Delete objectives relating to more meetings and discussions, or where budget provision is not provided for. In addition, amend schedules and references to them.</p> <p>Reasons: The objectives as notified are too wordy and uncertain in terms of outcomes.</p>
123.23	General Objectives - Amend in a way that:- the mauri of waterbodies is protected and restored to provide for Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te Tangata and to provide for the values in Schedule X-safeguards life-supporting capacity and aquatic ecosystem processes-the connectivity between land, surface water, groundwater, freshwater and the coast - Ki uta, ki tai is recognised- provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.	Support	<p>Relief sought: Amend PC9 objectives to enable the submission points to be actioned. Refer also to new objective content and structure in the TToH submission.</p> <p>Reasons: The RPS requires adverse effects on mauri to be avoided remedied or mitigated. The objectives do not direct towards achieving this. Both the NPSFM and the RPS direct plans towards safeguarding life-supporting capacity, which PC9 seeks to delete reference to.</p>
123.24	OBJ TANK 3 - Amend in a way that:- the mauri of waterbodies is protected and restored to provide for Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te Tangata and to provide for the values in Schedule X-safeguards life-supporting capacity and aquatic ecosystem processes-the connectivity between land, surface water, groundwater, freshwater and the coast - Ki uta, ki	Support	<p>Relief sought: Amend Objective 3 to reflect the nature and intent of the submission.</p> <p>Reasons: The inclusion of a schedule will provide clear lines of accountability between objectives and pathways towards achieving them, either as limits or targets.</p>

	tai is recognised- provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.		
123.25	OBJ TANK 5 - Amend in a way that:- the mauri of waterbodies is protected and restored to provide for Te Hauora o te Taiao, Te Hauora o te Wai and Te Hauora o te Tangata and to provide for the values in Schedule X-safeguards life-supporting capacity and aquatic ecosystem processes-the connectivity between land, surface water, groundwater, freshwater and the coast - Ki uta, ki tai is recognised- provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.	Support	Relief sought: Amend Objective 5 to reflect the nature and intent of the submission. Reasons: See above reasons for 123.24. - The RPS at Policy LW1(3)(b) requires that when setting objectives in a regional plan, ... “adverse effects on water quantity and water quality that diminish mauri are avoided, remedied or mitigated”. - The RPS also requires protection of life-supporting capacity and ecosystem processes.
123.26	Water Quality General - Objectives 4 and 6 - Delete Objectives 4 and 6 and replace with new objectives A and B (see points 123.27 and 123.28).	Support in part	Relief sought: Accept the submissions so the objectives are deleted and replaced. Merge content for the new water quality objectives with provisions and wording that reflect the nature and intent of the amendments sought for objectives by TToH and NKII. - Provide a new schedule that identifies all rivers and their sub-catchments and include all aquifers. Clearly articulate the different values that apply for each. Where relevant, connect the water quality parameters to the values. Reasons: Reference to schedules that have no regulatory function is not useful (e.g., Schedule 27) is not helpful. - Water quality objectives in PC9 as proposed, do not support the level of improvement necessary to give effect to the NPSFM, the RPS or Te Mana o te Wai (including the priority setting). - Life-supporting capacity is not sufficiently provided for in PC9 as notified.
123.27	Water Quality General - Objective A - include as new objective - “Surface water quality is maintained or improved where the current state exceeds the objectives in Schedule 26 and improved where it is degraded or over-allocated by 2040 where objectives in Schedule 26 are not met, to provide for the values in Schedule X, including ecosystem health”, or words to similar effect.		
123.28	Water Quality General - Objective B - include as new objective. “ <u>Water quality is improved so it is suitable for primary contact, Uu and immersion more often and regional targets are met</u> ”, or words to similar effect.		
123.32	Catchment Objectives - Objectives 10, 11, 12 & 13 - Delete and include (reworded) as a policy for the associated catchment. Include all catchment specific values in a Schedule in PC9. Alternatively, redraft a catchment-specific objective which concisely and clearly captures the management intent and goals for the catchment.	Support in part	Relief sought: Substantially amend the objectives to clearly direct towards outcomes, or where they do not have a regulatory function, move them to a non-regulatory part of the RRMP. Reasons: Some of the objectives are more like policies and others lack clarity or definitive outcomes.
	Objective D - include as new objective. “Groundwater levels are maintained, enhanced or restored to protect the health of groundwater dependent ecosystems, future overallocation is	Support in part	Relief sought: Accept the submission point and add the new objective as prescribed, with the exception of the year 2040. Amend this to 2030. Include reference to over-abstraction in the objective.

	avoided, and existing overallocation is phased out by 2040” or words to similar effect. Alternatively, overallocation could be addressed as one objective across surface water and groundwater (see new objective ‘J’ below). This would be more concise drafting but may not have the desired level of detail to direct the policies and rules.		Reasons: The health and life-supporting capacity of groundwater dependent ecosystems have been systematically ignored through regional plans in our region. GDEs require a greater level of stability and constancy than has previously been provided for them.
123.37	Water quantity - Objectives 16, 17 and 18. Delete from objectives and move in PC9 to include as a policy and apply also to groundwater. Add new objectives E and F (see points 123.38 and 123.39).	Support in part	Relief sought: Amend PC9 as suggested in these submission points. Reasons: The number of provisions in PC9 is excessive. Combining some that address the same or similar issues is more efficient.
123.38	Water quantity - Objective E - include as a new objective. “ <u>Flows and levels in surface waterbodies are maintained or enhanced to safeguard life-supporting capacity and ecosystem health, recognise Te Mana o te Wai and to provide for the values in Schedule X and water is allocated efficiently within the limits in Schedules 31 and 32 and all water is used efficiently</u> ”, or words to similar effect	Amend	Relief sought: Accept the submission and include the new objective as drafted here. Reasons: The objective would better reflect the directive objectives and policies in the NPSFM and the RPS. - PC9 as proposed sought to exclude consideration of life-supporting capacity from applying to the TANK catchments despite the RPS and NPSFM requiring such consideration.
123.40	POL TANK 1 – Oppose Policy 1. Change to “ <u>The water quality of surface and groundwater bodies will be maintained where objectives of Schedule 26 are currently met and improved to meet targets in Schedule 26 where these are not met by 2040 by:</u> <u>a) Working with mana whenua, landowners, local authorities... etc</u> <u>b) Managing and regulating land use activities to improve water quality in catchments identified in Schedule 28 as a priority</u> <u>c) Where phosphorus and microbial pathogens are not meeting the objectives of Schedule 26, also regulate and manage land use activities which generate sediment (as a key contaminant pathway)</u> <u>d) Managing and regulating land use activities to reduce sedimentation and macrophyte growth in lowland rivers</u> <u>e) Managing and regulating land use to reduce nutrient loads to the Waitangi and Ahuriri estuaries</u> <u>f) Enable the maintenance of existing and creation of new sustainable riparian margins</u> ”	Oppose	Relief sought: Add the policy to PC9 but amend clause g) to include drainage systems from farms and from land used for horticulture and change the date from 2040 to 2030. Reasons: The policy here is clear and succinct. In some instances, the 2040 date seems too distant when some improvements to water quality can be achieved within a shorter timeframe.

	<p><u>g) Manage and regulate stormwater networks to reduce contaminants to water</u></p> <p><u>h) Manage and regulate land use activities to protect the water quality of domestic and municipal water supplies.</u></p> <p><u>i) Manage and regulate point source discharges to reduce contaminants to water</u></p>		
123.42	<p>POL TANK 3 – Amend Policy 3 - The significant values and ecosystem health of wetlands and lakes will be protected and enhanced where necessary by:</p> <p><u>a) Working with landowners in wetland and lake catchments</u></p> <p><u>b) Managing and regulating land use activities in wetland and lake catchments to reduce sediment and nutrient inputs, improve water quality and support indigenous macrophyte growth in shallow lakes</u></p> <p><u>c) as currently worded</u></p> <p><u>d) Meet water quality objectives and targets in Schedule 26 in downstream waterbodies affected by wetland or lake water quality</u></p> <p><u>e) Enable landowners to protect, increase and restore existing wetland and create new wetlands.</u></p> <p>Add attribute states for lakes to Schedule 26</p>	Support	<p>Relief sought: Amend TANK Policies 3, 4, 5, 6, 10, 11, 13, 14 and 15, to reflect the submissions, but change the target date to 2030, where the outcomes can reasonably be achieved within a reduced timeframe.</p> <ul style="list-style-type: none"> - Make consequential amendments to methods and other schedules. - Include consideration for matters raised in the TToH and NKII submissions in regard to schedule 26, in particular the articulation of values and attributes and where these apply. <p>Reasons: The amendments to the policies provide better directions that are outcome focused and link clearly to the schedules’ (amended) limits and targets.</p>
123.43	<p>POL TANK 4 – Amend <u>“Manage and regulate land use in priority catchments in Schedule 28 to address priority water quality issues in Schedule 28 and to maintain objectives and achieve targets in Schedule 26 by 2040”</u>. Or words to similar effect</p>	Support	
123.44	<p>POL TANK 5 – Amend <u>“Manage and regulate land use in priority catchments in Schedule 28 to address priority water quality issues in Schedule 28 and to maintain objectives and achieve targets in Schedule 26 by 2040”</u>. Or words to similar effect.</p> <p>Insert point e) <u>to work with Napier city to improve fish passage and restore spawning habitat</u></p>	Support	
123.45	<p>POL TANK 6 Amend Policy 6 - Source protection zones need to be clearly identified in Schedule 28.</p>	Support	

123.46	POL TANK 10 - Amend to include reference to reducing contaminants from point source discharges where objectives in Schedule 26 are not being met currently in order to meet targets by 2040.	Support	
123.47	POL TANK 11 - Amend to include reference to reducing contaminant from point source discharges where objectives in Schedule 26 are not being met currently in order to meet targets by 2040.11b - Amend to include shading of other catchment tributaries	Support	
123.49	POL TANK 13 - Values are not listed in Policies 11 and 12. PC9 needs a schedule of identified freshwater values and where they apply (Schedule X) which can then be referenced by this policy.	Support	
123.50	Wetland and Lake Management - Policy 14 & 15 - Include description of wetland and lake values in Policy 3.Policy 14e - Amend to include enhancement of lake water quality and include attributes for lakes in Schedule 26	Support	
123.52	POL TANK 17 - Delete Policy 17 and replace with: <u>“Schedule 26 freshwater quality objectives will be maintained where they are currently met, and targets will be achieved by 2040 through regulating the use of land in priority catchments for the water quality issues in Schedule 28, the intensification of all land, and requiring farm plans in all catchments that:</u> <u>a) Meet industry good practice as defined in Schedule XX</u> <u>b) Manage all critical source areas</u> <u>c) Mitigate and reduce contaminant losses to water</u> <u>d) Meet nutrient budgets for nitrogen in priority catchments in Schedule 28</u> <u>e) All land users providing contaminant loss and nutrient budget information annually, or on request by the Council, and</u> <u>f) Provide for appropriate enforcement actions”.</u> Or words to similar effect. <u>Include a regulatory implementation pathway to achieve objectives and targets by 2040.</u> <u>Include regulation of land use in priority catchments and for waterbodies where contaminants are not currently meeting</u>	Support in part	

	<u>objectives in Schedule 26 as a minimum and require FEPs for all farming land use >10ha.</u>		
123.53	<p>POL TANK 18 – Delete and replace with <u>“The maintenance or improvement of water quality to meet freshwater objectives and targets by 2040 will be supported by:</u></p> <p><u>a) Collating, analysing and reporting on contaminant loss data provided by all land users (through Policy 17)</u></p> <p><u>b) Developing a contaminant allocation regime (nitrogen) in priority catchments</u></p> <p><u>c) Further regulation of land use in areas outside of priority catchments where targets are not being achieved by 2030</u></p> <p><u>d) Measuring and reporting against the objectives and targets in Schedule 26 every five years</u></p> <p><u>e) Working with industry groups, landowners, mana whenua and other stakeholders to research and investigate additional mitigations and actions to meet targets at a property and catchment scale”.</u> Or words to similar effect</p>	Support in part	<p>Relief sought: Delete and replace as with content from the submission, but:</p> <ul style="list-style-type: none"> - In clause b) include phosphorus and add “by 01 May 2025”. - Add “inclusion of a levy to help manage nutrient and contaminant losses from land use. <p>Reasons: Phosphorus exceedances should also be included within management of nutrients. Management of adverse effects should be addressed by those who create such effects.</p>
123.55	<p>POL TANK 20 - Amend Policy 20 as: <u>“Sediment loss, erosion and effects on freshwater and coastal ecosystems will be mitigated and reduced to maintain the objectives and meet the targets in Schedule 26 by 2040 by:</u></p> <p><u>a) Controlling cultivation, stock access and vegetation clearance in all catchments</u></p> <p><u>b) Regulating land use in priority catchments vulnerable to erosion listed in Schedule 28 to manage critical source areas at the property and catchments scales</u></p> <p><u>c) requiring and supporting tree planting, afforestation and retirement of land, particularly where multiple water quality objectives and targets can be maintained or met</u></p> <p><u>d) Requiring and supporting improved and sustainable riparian management in all catchments”.</u> Or words to similar effect</p>	Support	<p>Relief sought: Amend the objective as per the submission.</p> <p>Reasons: The amended policy provides a logical pathway and trajectory to achieve outcomes in (amended or replaced) objectives.</p>

123.56	<p>POL TANK 21 - Delete and reword as: <u>“The impacts of diffuse contaminants from intensification of land use will be controlled in all catchments to maintain water quality where freshwater objectives are met and to improve water quality to meet targets by 2040. In making decisions on resource consents, taking into account:</u></p> <p><u>a) The current state and trends in water quality for the catchment in which intensification is planned</u></p> <p><u>b) Whether the intensification is in a priority catchment listed in Schedule 28</u></p> <p><u>c) The efficient use of land to reduce contaminant losses</u></p> <p><u>d) Planned mitigations and timeframes for actions to reduce contaminant losses from intensive land use</u></p> <p><u>e) Industry good practice as defined by the standards in Schedule XX</u></p> <p><u>f) Avoiding land use intensification where water quality objectives will not be maintained, or targets not met</u></p> <p><u>g) Considering the contribution of intensification to degraded water quality, including cumulative contaminant loss in the catchment”</u>. Or words to similar effect</p>	Support	<p>Relief sought: Replace the objective with that outlined in the submission.</p> <p>Reasons: Proposed POL TANK 21 does not contain sufficient compulsion to effect the changes necessary for environmental improvement.</p>
123.57	<p>POL TANK 22 - Delete and amend as: <u>“To maintain water quality where objectives are met or to meet targets in Schedule 26 and to provide for the values in Schedule X, stock will be excluded from all waterbodies and their margins by 2023”</u>. Or words to similar effect</p>	Support	<p>Relief sought: Accept the submission point and amend the policy accordingly.</p> <p>Reasons: Stock exclusion regulations should be expedited to protect water quality and prevent adverse effects on surface water bodies and their values.</p>
123.58	<p>Industry Programmes and Catchment Management - Delete policies 23 and 24</p>	Support	<p>Relief sought: Delete the policies as suggested</p> <p>Reasons: These activities can be compelled outside of the regulatory framework.</p>
123.59	<p>POL TANK 25 - Delete policy 25 – already included in Policy 17 relief</p>	Support	<p>Relief sought: Delete Policy 25 to prevent repetition.</p>
123.70	<p>Heretaunga Plains Aquifer Management - Policy 36, 37 and 38 - Delete and include policy to give effect to the NPSFM 2014 section B</p>	Support	<p>Relief sought: Accept the submission and only retain proposed policy content where it supports or enables PC9 in giving effect to the NPSFM 2014, and parts of the NPSFM where submissions provide scope to do so.</p>

			Reasons: The constrained timetable for NPSFM 2020 compliance and alignment within regional plans means regional authorities will need to be proactive in catchment planning so as to achieve the directives contained within the NPSFM.
123.72	POL TANK 36 - Policy 36 - Add “Groundwater dependent ecosystems” to list .Policy 36 a) - Delete “aquifer depletion”, means the same thing. Policy 36 b) – include water levels in wetlands. Policy 36 d) - Stop at seawater intrusion, delete words after this, not needed. Add a clause – to include leaching of pollutants into groundwater	Support	Relief sought: Amend Policy 36 as per the submission. Reasons: The policy as proposed does not include due consideration of these significant issues that are effects related.
123.76	POL TANK 41 - Delete and include policies to manage stream depletion effects through sustainable allocation of water resources	Support	Relief sought: Delete the policy as proposed. Reasons: The adverse effects caused by the operation of a resource consent, should be required to be addressed by the consent holder. The policy implies that regional council will remedy or mitigate adverse effects caused by consent holders who make a profit out of resource use or over-use.
123.77	POL TANK 42 - 42 g) - Provide a date when the over allocation of groundwater will be phased out.	Support in part	Relief sought: Provide a date but include excessive abstraction within the policy. Reasons: Over-allocation can potentially be addressed through increasing the allocation threshold or quantum.
123.78	POL TANK 43 - Delete and amend to cease takes at minimum flows in Schedule 31.	Support	Relief sought: Amend the policy to require takes to cease when flows are at minimum flow or below. Reasons: Flow minima are connected to allocation limits and enabling abstractions to continue below minimum flow detracts from the life-supporting capacity of surface water.
123.83	POL TANK 48 - Water use change or transfer should not be allowed in any over-allocated waterbody – applications to transfer into over-allocated waterbodies should be declined (and supported by a prohibited activity status in the rules of PC9). - Transfers should be declined wherever significant adverse effects on life-supporting capacity, ecosystem health and other instream freshwater values are likely. References to flow enhancement or ecosystem improvement schemes should be deleted as these are inappropriate measures to manage adverse effects. The needs of people and communities for water supply for drinking and domestic use should be prioritised above water	Support	Relief sought: Provide a prohibited status for transfers of permits allowing water abstraction from one catchment or FMU into an over-allocated catchment or FMU. Reasons: This is a logical approach to help address over-allocation and its adverse effects and prevents additional or increase in scale of existing adverse effects.

	used for irrigation. Clause g) is supported – water used for frost protection generally is not used when rivers and streams are under the most flow stress (e.g., summer).		
123.88	POL TANK 51 - Remove reference to horticultural crops and primary production.	Support in part	<p>Relief sought: Amend the policy as sought in the submission. - Add “<u>aA) Water necessary to maintain Te Mana o te Wai;</u>” and Amend b) maintenance of animal welfare <u>within limits</u>; Delete MPI from the preliminary statement.</p> <p>Reasons: The minimum flow is set to protect a range of instream values and habitats. Exclusions for water use below minimum flows should be emergency related only.</p>
123.90	POL TANK 53 - Water used for frost protection should always be within allocation limits and minimum flows.	Support	<p>Relief sought: Amend frost protection provisions to ensure that such takes and uses are within a specific period and subject to minimum flows and allocation limits (volumes and rates).</p> <p>Reasons: There are alternatives to irrigation for frost protection and limits are put in place to protect values within the water body.</p>
123.93	POL TANK 56 - All reference to flow or water augmentation should be removed from PC9 as it is an inappropriate way to manage the effects of overallocation and abstraction. This policy should be redrafted as a method (if included at all).	Support	<p>Relief sought: Delete all references to flow augmentation or water augmentation in PC9.</p> <p>Reasons: Management of water within sustainable limits/volumes would negate the need for water or flow augmentation. Sustainable management is a constant, not something that should enable degradation or unsustainable use and its adverse effects, that may or may not be remedied at a future date.</p>
123.96	6.10.1 Use of Production Land - Rule TANK 1 - Amend Rule 1 so that the use of productive land for farming is a restricted discretionary activity in priority catchments (with water quality issues as specified in Schedule 28) or where water quality targets are not being met. Amend to include the matters of discretion in Rule 2 and include additional provisions for audit and review of all farm plans (including catchment collectives and industry programmes if retained).	Support	<p>Relief sought: Amend rule as requested. Include notification of affected parties, including tangata whenua. Include effects on mauri and mahinga kai in the criteria.</p> <p>Reasons: Priority catchments are predominantly where significant adverse effects have been enabled through lenient management, and where more prescriptive management is now required.</p>

123.97	6.10.1 Use of Production Land - Rule TANK 2 - Amend Rule 2 so that the use of productive land for farming that is not in priority catchments (with water quality issues as specified in Schedule 28) or where water quality objectives in Schedule 26 are being met is controlled. - Amend to include additional provisions for audit and review of all farm plans (including catchment collectives and industry programmes if retained) in the matters of control for Rule 2.	Support	Relief sought: Amend the rule as requested. Reasons: There needs to be more rigour around management of effects given the issues we now face due to cumulative adverse effects not having been well managed in the past.
123.98	6.10.1 Use of Production Land - Rule TANK 3 - Amend Rule 3 to exclude stock from all waterbodies when break- feeding on pasture or crops on land of any slope. Amend to exclude stock from all wetlands and lakes (regardless of land slope) with a 10m minimum setback from water. Amend to exclude stock from all riparian margins use for spawning by indigenous fish, particularly inanga. Amend to require a minimum setback from all waterbodies subject to stock exclusion. Include stock exclusion from all outstanding waterbodies.	Support.	Relief sought: Amend Rule TANK 3 as requested. Reasons: Damage to riparian margins and spawning areas by stock can be substantial and take many years to recover.
123.99	6.10.1 Use of Production Land - Rule TANK 4 - Amend matters of discretion to include:- <u>- Break-feeding of crops or pasture on land of any slope.</u> <u>- Wetlands and lakes.</u> <u>-Priority catchment in Schedule 28.</u> <u>-Catchments where water quality targets are not met in Schedule 26.</u> <u>-Waterbodies with riparian margins used for fish spawning (e.g., inanga).</u> <u>-Appropriate setback distances to manage effects.</u> <u>-Outstanding waterbodies</u>	Support	Relief sought: Amend Rule TANK 4 as per this submission. Include proximity to and effects on Mauri, mahinga kai areas and sites, and waahi taonga, as matters for discretion. Reasons: A range of cultural values and interests should be taken into account within decision-making for this rule, as they contribute to Te Mana o te Wai and Te Hauora o te Taiao.
123.100	6.10.1 Use of Production Land - Rule TANK 1 and 2 - Amend to discretionary activity for priority catchments in Schedule 28 and where water quality targets in Schedule 26 are not being met.	Support	Relief sought: Change activity status to discretionary and require notification of affected parties including tangata whenua. Reasons: A range of cultural values and interests should be taken into account within decision-making for this rule, as they contribute to Te Mana o te Wai, Te Hauora o te Taiao, and Te Hauora o te tangata.

123.101	6.10.1 Use of Production Land - Rule TANK 6 - Amend to include reference to priority catchment in Schedule 28 and where water quality targets are not being met in Schedule 26. Amend to refer to the extent to which water quality will be maintained or improved.	Support	Relief sought: Amend the rule accordingly Reasons: Consideration for priority catchments in this rule is appropriate given the focus within other parts of the plan for addressing their problems expeditiously.
123.103	6.10.2 Water - Rule TANK 8 - Change to: e) The take shall not cause changes to the flows or levels of water in any connected wetland or surface water body.	Support	Relief sought: Amend the rule and the clause referred to. Reasons: All potentially affected water bodies and effects on them should be taken into account.
123.104	6.10.2 Water - Rule TANK 9 f) (i) and (ii) - f) The water permit holder either: <u>(i) contributes to or develops an applicable stream maintenance and habitat enhancement scheme that complies with the requirements of Schedule 36 at a rate equivalent to the stream flow depletion (in l/sec) which will be calculated using the Stream Depletion Calculator and based on the allocated amount of water; or an alternative method where it can be demonstrated to provide a more realistic prediction of effects. or(ii)where a groundwater take is demonstrated as having a high or direct connection to surface water, the water take ceases when the flow or level of water in the surface water body falls below the trigger level specified in Schedule 31. Where a groundwater take is predicted to have a moderate or lesser connection to surface water, the surface water depletion effect must be offset using an applicable water scheme instead as outlined in (i) above.</u>	Oppose in part	Relief sought: Amend the rule but defer use of the Stream Depletion calculator until such time as the data inputs have been modified to include assessment of stream depletion that occurs over two periods during the irrigation season (November and February). Reasons: Many resource consent applications for groundwater takes were granted based on data derived from late autumn or winter water levels (May-June). Maximum stream depletion is more likely to occur during peak abstraction periods and flow recessions – e.g., November to February. Consequently, the stream depletion calculator is likely to underestimate stream depletion effects and amounts.
123.105	6.10.2 Water - Rule 10 (g)(iii) may allow maximum annual water use in the last 10 years to become the reallocated volume As currently drafted it appears as though water will be able to be taken under minimum flow when it is an existing take and meets reasonable and actual use.	Support in part	Relief sought: Amend Rule TANK 10 to prevent water being taken under the minimum flow. Reasons: The minimum flow is set to protect a range of instream values and habitats. Exclusions for water use below minimum flows should be emergency related only.
123.106	6.10.2 Water - Rule TANK 11 - Delete reference to water storage. All takes outside of the allocation limits should be prohibited.	Support	Relief sought: Amend the rule to restrict water takes for storage to the months May to October in the same year. Reasons: This will prevent an extremely high allocation rate of take from specific rivers from occurring.

123.108	6.10.2 Water - Rule TANK 13 - Include in matters of discretion: <ul style="list-style-type: none"> • The significant values of outstanding waterbodies and wetlands • Te Mana o te Wai • Ecosystem health • All other instream freshwater values (including indigenous fish habitat) 	Support	Relief sought: Amend Rule TANK 13 to include the additional matters listed. Include “outstanding values” in the list. Reasons: It is the outstanding value that enables a water body to be regarded as outstanding.
123.109	6.10.2 Water - Rule TANK 14 - Include in matters of discretion: <ul style="list-style-type: none"> • <u>The significant values of outstanding waterbodies and wetlands</u> • <u>Te Mana o te Wai</u> • <u>Ecosystem health</u> • <u>All other instream freshwater values (including indigenous fish habitat)</u> 	Support	Relief sought: Amend Rule TANK 14 to include the additional matters for discretion. Include “outstanding values” in the list. Reasons: It is the outstanding value that enables a water body to be regarded as outstanding.
123.110	6.10.2 Water - Rule TANK 15 - Include in matters of discretion: <ul style="list-style-type: none"> • <u>The significant values of outstanding waterbodies and wetlands</u> • <u>Te Mana o te Wai</u> • <u>Ecosystem health</u> • <u>All other instream freshwater values (including indigenous fish habitat)</u> 	Support	Relief sought: Amend Rule TANK 15 Reasons: As above
123.113	6.10.2 Water - Rule TANK 18 - Include as a matter of control <u>whether water quality targets in Schedule 26 or water quality issues in priority catchments (Schedule 28) will be achieved or addressed as a result of the quality of discharged groundwater to surface water.</u>	Support	Relief sought: Amend Rule TANK 18 to include the additional matter. Reasons: The quality of groundwater should not have adverse effects on the surface water nor on its life-supporting capacity.
123.115	6.10.3 Stormwater - Rule TANK 21 - Include a condition/standard <u>to exclude stormwater discharges into inanga spawning habitats</u>	Support	Relief sought: Add the new clause to Rule TANK 21. Provide a map that shows the location and extent of inanga spawning habitats and sites and their spatial extents in PC9. - provide a buffer zone on the maps. Reasons: Effects of stormwater discharges on inanga spawning habitat (volume and contaminants) can have profound adverse effects on inanga spawning, which take significant periods to recover, if at all.
123.116	6.10.3 Stormwater - Rule TANK 22 - Include as a matter of discretion <u>reference to the water quality objectives and targets in Schedule 26 and inanga spawning habitats.</u>	Support	Relief sought: Amend Schedule 26 accordingly. Reasons: Inanga are threatened species, and their spawning sites and habitat need additional protection.

123.117	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6) - RRMP Rule 7 - Increase the setbacks at (h) <u>to a minimum of 10 metres</u>	Support	Relief sought: Amend RRMP Rule 7 Reasons: The operative setback distance does not always provide sufficient protection
123.118	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6) RRMP rules 32, 33 and new RRMP rule 33A - Include reference to the water quality objectives and targets in Schedule 26	Support in part	Relief sought: Amend the rule to include reference to Schedule 26 and 26-F. Amend clause i) to delete “ten” and replace with “five” years. Reasons: Ten years is too long a delay to address significant issues.
123.119	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6) - RRMP Rule 62 - Change to: e) <u>The transfer shall not cause any reduction in the flow or level of a surface water body connected to groundwater</u> Add to the list of adverse effects that a transfer shall not cause: • <u>Seawater intrusion</u> • <u>Adverse effects on groundwater dependent ecosystems</u> • <u>Adverse effects on structures as a result of subsidence groundwater abstraction and uplift / liquefaction from groundwater injection / recharge.</u>	Support in part	Relief sought: Accept the submission and replace notified clause e) with the clause in this submission point but decline inclusion of reference to “from groundwater injection/recharge” in bullet point. - Retain applicability of Rule 62 to the Tūtaekurī Ahuriri, Ngaruroro and Karamu catchments - Add “ <u>additional risk from</u> seawater intrusion. - Make any consequential amendments to Change 9 to maintain integrity of Rule 62 and its applicability to the TANK catchments. Reasons: The amendments above will better reflect the intent of the RPS and the NPSFM.
123.122	Schedule 26: Freshwater Quality Objectives - Delete the first paragraph following the heading Schedule 26: Freshwater Quality Objectives. Or if retained, amend as “Schedule 26 is a first step with objectives being targets will be attained by 2040”	Support	Relief sought: Amend Schedule 26 in accordance with the range of amendments sought by the Department of Conservation. - provide for a shorter timeframe than 2040 where this is possible to achieve – TToH suggest 2030 for some.
123.123	Schedule 26: Freshwater Quality Objectives Specify within Schedule 26 where the numeric attribute states in the table column 'Water Quality Objective or/Target' are considered targets, based on assessment of the state of current water quality. E.g., "<1.6 m (target)", i.e., expressly identify which are targets and which are limits.	Support	Reasons: The amendments provide greater certainty for achieving the outcomes in the (amended) objectives, and a logical method for adhering to limits, where these are also referenced in policies.
123.124	Schedule 26: Freshwater Quality Objectives - Delete the 'Critical value' and 'Also relevant for' columns from Schedule 26 and identify these freshwater values in a separate Schedule within PC9, defining where they apply. OR Delete only the 'Also relevant for' column and amend the 'Critical value' column to reflect the freshwater values for which the most stringent attribute state is	Support	

	set. Delete all reference to 'statistical GL', 'MCI', 'Algal growth' and 'Toxicity'		
123.125	Schedule 26: Freshwater Quality Objectives - Amend Schedule 26 to specify a period of record for each attribute which compliance with the attribute state will be measured over.	Support	
123.126	Schedule 26: Freshwater Quality Objectives - Amend Schedule 26 Freshwater Management Units 'Lowland streams' to 'Lowland tributaries' for consistency of terms, clarify if Schedule 26 FMUs are the same as FMUS as defined in the NPSFM, house the Schedule 26A - 26D planning maps within Change 9, and clarify the boundaries for the Freshwater Quality Management Units.	Support	
123.127	Schedule 26: Freshwater Quality Objectives - Retain all of the listed attributes in Schedule 26 and include Schedule 27 attributes AND amend the temperature attribute to also include the maximum temperature attribute from Schedule 27 in Schedule 26	Support	
123.128	Schedule 26: Freshwater Quality Objectives - Delete reference to flows from the application of the water clarity and turbidity objectives for all management units and simply specify 'median' in all cases, and apply a period of record	Support	
123.130	Schedule 26: Freshwater Quality Objectives - Add Clarity objectives for the Ahuriri catchment of an annual median of >1.6 m. Define the number and time frame for these samples	Support	
123.131	Schedule 26: Freshwater Quality Objectives - There is no deposited sediment attribute for the Ahuriri catchment. It is not clear whether freshwater values in this catchment will be protected with respect to deposited sediment.	Support	
123.132	Schedule 26: Freshwater Quality Objectives - Amend periphyton biomass attribute states to: Delete >50 - Amend the periphyton biomass attribute for the upper Tūtaekurī River to <50 mg/m ²	Support	
123.133	Schedule 26: Freshwater Quality Objectives - Amend periphyton cover attribute state to (tracked changes provided): <ul style="list-style-type: none"> • Delete 'seasonal max' from the attribute so the value of Uu is provided for year-round. • Delete reference to Uu from the Application column. 	Support	

	<ul style="list-style-type: none"> Delete Recreation as the critical value and amend to replace with Uu (the most stringent value). Resolve inconsistencies in Schedule 26 and appropriately acknowledge Ngāti Kahungunu values and attributes. 		
123.134	Schedule 26: Freshwater Quality Objectives - Amend cyanobacteria attribute to: Delete recreation and replace with Uu.	Support	
123.135	Schedule 26: Freshwater Quality Objectives - Amend macrophytes attribute to ' <u>Submerged nuisance macrophytes</u> ' and amend FMU to include <u>all lowland rivers and streams in the TANK catchments</u> , not just the Karamu.	Support	
123.136	Schedule 26: Freshwater Quality Objectives - Amend MCI attribute to: Remove reference to (index). Include a sq MCI for Ahuriri otherwise retain attribute states as notified.	Support	
123.137	Schedule 26: Freshwater Quality Objectives - Amend DIN and DRP attributes to: Delete 'algal growth' and amend the critical values for DIN and DRP to ecosystem health. Amend the DRP attribute states for the lower Ngaruroro and Tūtaekurī Rivers and tributaries to 0.01 mg/L. Include DIN and DRP (or TN and TP) attributes states for the Ahuriri catchment .	Support	
123.138	<p>Schedule 26: Freshwater Quality Objectives - Amend nitrate and ammonia attributes to:</p> <ul style="list-style-type: none"> Amend the critical value for nitrate and ammonia to ecosystem health. Amend the nitrate attribute state for the Karamu catchment to the NPSFM A band. Amend 'Lowland stream' to 'Lowland tributaries' Include A band nitrate and ammonia attributes for the Ahuriri catchment. 	Support	
123.139	<p>Schedule 26: Freshwater Quality Objectives - Amend E. coli attributes to:</p> <ul style="list-style-type: none"> Apply all four attribute states for E. coli from the NPS FM to all catchments. Include an E. coli/Enterococci attribute for Ahuriri to achieve a Microbiological Assessment Category B 	Support	

123.140	Schedule 26: Freshwater Quality Objectives - Amend dissolved oxygen attributes to: <ul style="list-style-type: none"> • Delete reference to the 7-day mean min and 1-day min from the Application column. • Amend the attribute state for the Karamu catchment (lowland tributaries) to the B band state from the NPS FM. • Include an attribute state for the Ahuriri catchment at the B band from the NPS FM OR include dissolved oxygen attributes from Schedule 27 in Schedule 26 for lowland tributaries (C band) and Ahuriri. 	Support	
123.141	Schedule 26: Freshwater Quality Objectives – Amend temperature attributes to: <ul style="list-style-type: none"> • Include maximum temperature attributes from Schedule 27 in Schedule 26. • Add a maximum temperature attribute for Karamu (lowland tributaries) and Ahuriri of < 23°C (B band). • Add a <3°C increment compared to reference state for the Ahuriri estuary to Schedule 26. 	Support	
123.142	Schedule 26: Freshwater Quality Objectives - Retain pH attribute states as notified	Support	
123.143	Schedule 26: Freshwater Quality Objectives - Attribute states: Nitrate=--nitrogen (groundwater) - Retain with amendments: The TANK Plan provides for a Water User Collective to work collectively by or on behalf of permit holders to meet local water quality, quantity and environmental objectives for surface water bodies, springs and wetlands affected by groundwater abstraction. Create a monitoring plan that addresses the number, location and depth of monitoring bores required to adequately assess whether the Nitrate-N target in groundwater is being met. Also sampling and lab analysis should be according to current standard	Support	
123.144	Schedule 26: Freshwater Quality Objectives - Where the objectives apply - Clarify whether Freshwater Quality Management Units are FMUs as per the NPS FM. Include objectives and targets for all attributes for the Ahuriri catchment.	Support	

123.148	Schedule 31: Flows, Levels and Allocation Limits - List of monitoring bores and groundwater level and quality trigger levels which require groundwater takes to reduce the rate of abstraction if water levels drop below limits that would-be set-in Schedule 31.	Support	<p>Relief sought: Include a list of monitoring bores and water levels at which water abstraction rates and volumes will be required to reduce by a percentage, and another level at which they will be required to cease.</p> <p>Reasons: The monitoring bores and water levels will signal when affirmative action is required to help prevent significant adverse effects occurring and keep allocations within the volumetric limit.</p>
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Submitter 124 Brownrigg Agriculture	Original submission statement (from HBRC summary)	TToH Support/ Oppose	Relief sought and reasons for our position
Bridget Margerison			
124.2	OBJ TANK 14 - OBJ TANK 14(b) - Support.	Support in part	<p>Relief Sought: Retain clause 14(b) but ensure that the health and well-being of freshwater is prioritised through the objective.</p> <p>Reasons: The outcome above will comply with the direction of Te Mana o te Wai and help give effect to the NPSFM.</p>
124.3	OBJ TANK 16 - OBJ TANK 16 (c) and (d) - Support	Oppose	<p>Relief Sought: Consider the submission but add a new clause before clause a) that directs the protection of the health and well-being of freshwater as a first priority.</p> <p>Reasons: As above for 124.2</p>
124.5	POL TANK 13 - Policy 13 (c) and (d) - Support	Oppose	<p>Relief Sought: Amend PC9 by deleting Policy 13 and moving its content to a non-regulatory section of the RRMP.</p> <p>Reasons: The intent and the activities prescribed in the proposed policy would sit better outside of the policy framework. The actions are reliant on other parties who may or may not commit to it. The provision of information can be achieved without a specific policy to direct it.</p>
124.6	POL TANK 15 - Policy 15(d) - Support	Oppose	<p>Relief Sought: Similar to the above (124.5) the matters included in the policy can be achieved outside of the regulatory framework by council's works group, with assistance from others subject to time and resources being available.</p> <p>Reasons: See reasons above for 124.5.</p>
124.7	POL TANK 12 - Policy 12 - Support	Oppose	<p>Relief Sought: Move content of Policy 12 to a non-regulatory part of the RRMP.</p> <p>Reasons: Most of the positive actions towards environmental improvement mentioned in Policies 11, 12 and 13, including any values mentioned therein, are subservient to flood control and drainage. They are therefore unlikely to be prioritised and are at risk of being relegated where these policies connect to objectives and methods.</p>
124.8	POL TANK 22 - Policy 22(c) - Support	Oppose	<p>Relief Sought: Re-draft the policy so that stock exclusion is given greater priority.</p>

			Reasons: As notified the policy provides a gateway for non-achievement of stock exclusion from rivers, lakes, wetlands and their margins, and does not comply with stock exclusion regulations.
124.9	POL TANK 37 - Policy 37 (a) and (d) - support	Oppose	<p>Relief Sought: Decline the submission and amend the policy such that the allocation limit is reduced to 70 Million m3 per year, with allocation for irrigation restricted to a 6-month irrigation season. Delete any reference to “actual and reasonable use” from this policy and any connected objectives and schedules.</p> <p>Reasons: A designated “irrigation season” of 6 months will enable time for resource recovery during the non-irrigation period. Current abstractions from the Heretaunga Aquifer System (beyond a certain threshold) induce inflow of lower quality surface water, which degrades water quality in the aquifer, contrary to provisions in the RPS. Application of the “actual and reasonable use” method does not support sustainable management.</p>
124.10	POL TANK 52 - Policy 52(b) - support	Oppose	<p>Relief Sought: Amend Policy 52 (b) so that “allocate water according to demonstrated actual and reasonable need” is replaced with “allocate water within sustainable limits and apply pro rata reductions where necessary to achieve this” or words of like meaning and intent.</p> <p>Reasons: The terms “actual and reasonable” do not promote sustainable management.</p>
124.11	6.10.2 Water - Rule TANK 9 - support	Oppose	<p>Relief Sought: Substantially amend Rule TANK 9 so that:</p> <ul style="list-style-type: none"> - The rule references values and associated attributes for the Heretaunga Plains Aquifer System; - All consents to abstract groundwater from the Heretaunga Plains are reviewed when they expire, and quantities reduced on a pro-rata basis so that total abstractions for all uses are within a limit of 70 Million m3 per year; - Surface water depletion of 0.5 lps or greater is accounted for in surface water limits (volumes and rates); - The Heretaunga plains Aquifer System is treated as an over-allocated catchment or FMU, with restrictions on the transfer of permits into the FMU; - Over-abstraction is acknowledged within the rule as well as over-allocation; - The first obligations for consents are to avoid or remedy adverse effects on water quality and water quantity; - tangata whenua are acknowledged as affected parties upon consent expiry and/or renewal. <p>Reasons: Water levels, water pressures, aquifer recharge and spatial extent of the Heretaunga Aquifer System have all declined, which does not promote sustainable management of the resource.</p>

			- Interference with the Ngaruroro River and the Maraekākaho River have resulted in diminished recharge capability for the Heretaunga Aquifer System.
124.12	6.10.2 Water - Rule TANK 10 conditions (e) and (g) - Support	Oppose	<p>Relief Sought: Decline the submission. Redraft the rule so that it reflects a regime that promotes sustainable management of surface water and prevents abstractions for irrigation at or below the minimum flow.</p> <p>Renew existing and expired consents subject to managing their adverse effects (including cumulative adverse effects) and delete reference to s124. - Amend the activity to discretionary given the over-abstraction that is occurring and require conditions to restrict total allocations (volumes and rates) to limits derived from application of the Summer 7-day Q95 for surface water and surface water depleting groundwater takes.</p> <ul style="list-style-type: none"> - Apply a 6 months' irrigation season and require takes to decrease as minimum flows are approached (minimum flow x 2) and to cease when flow is at or below the minimum flow. - provide better connectivity between rules and operative RPS provisions including Objectives 23 and 24 <p>Reasons: As drafted Rule TANK 10 does not promote sustainable management of surface water, enables unsustainable practices to continue, and disconnects activities from directive provisions in the RPS.</p>
124.13	POL TANK 43 - Policy 43(i) - Support	Oppose	<p>Relief Sought: Decline the submission and rewrite the policy that implements a new management regime for the Karamū catchment that is based on sustainable management of the freshwater resource, contributes to water quality improvement and takes into account and avoids adverse effects of groundwater takes on surface water flows.</p> <p>Reasons: The Karamū allocation regime in the operative RRMP is based on the Q95, but the catchment is seriously over-allocated, and this has been compounded by resource consent renewal processes within council that have disregarded the limits within the operative plan. In addition, the effects of groundwater are more serious than previously thought.</p>
124.14	POL TANK 46 - Policy 46(b) – support	Oppose	<p>Relief Sought: Decline the submission and delete 46(b). make consequential amendments to other parts of PC9 that are reliant on the policy and “actual and reasonable” terminology.</p> <p>Reasons: Actual and reasonable (use or need) as used and defined in PC9 does not promote sustainable management or give effect to the NPSFM and RPS.</p>
124.15 124.26	POL TANK 47 - Policy 47(c) – support POL TANK 46 - Amend clause (a) to read: ensuring allocation limits and allocations of water for	Oppose	<p>Relief Sought: Allow the submissions where the 95% reliability is based on a sound methodology that uses limits, protects the life-supporting capacity and ecosystems of freshwater and provides 90 – 95% habitat protection for trout and torrent fish.</p>

	abstraction are calculated with known security of supply, <u>including an irrigation reliability standard that meets demand 95% of the time.</u>		Reasons: Abstraction should be based on a limit that does not cause or exacerbate adverse effects on water resources, nor undermine Te Mana o te Wai.
124.16	POL TANK 49 - Policy 49(g) - support	Oppose	Relief Sought: Decline the submission and amend the policy so that existing consents are reviewed as they expire, or when PC9 becomes operative. Reasons: The standard review clause in existing consents enables review of the consents where adverse effects have been found to be more serious than anticipated. This is the case for numerous surface and groundwater permits.
124.17	6.10.2 Water - Rule TANK 11(b)(i) - support	Oppose	Relief Sought: Decline the submission and rewrite the rule. Reasons: Poukawa is in a water short area as are parts of the Ngaruroro catchment and Heretaunga Plains. Consequently, they are subject to more severe limits than other parts of the catchments. The proviso (low flow) creates uncertainty as to intent or application of the rule as it is not defined.
124.18	Schedule 31: Flows, Levels and Allocation Limits - Support	Oppose	Relief Sought: Amend the schedule to prescribe limits and rates where the schedule states existing use. Allow for existing use to be reduced over time so as to comply with sustainable limits. Reasons: In some areas, existing use is causing decline in aquifer levels, adverse effects on surface water, and contributing to substantial adverse effects.
124.19	Schedule 33: Water Permit Expiry Dates - Support	Oppose	Relief Sought: Amend the expiry dates so consents are reviewed as they expire or when PC9 becomes operative, and the following expiry date is ten years thereafter. Reasons: It is uncertain whether PC9 will actually lead to achieving the purpose of the Act or giving effect to the NPSFM 2020 and uphold Te Mana o te Wai. The dates in the schedule (as notified) could potentially lead to the continuation of unsustainable practices.
124.20	Chapter -9 Glossary of Terms Used - Support Actual and reasonable use	Oppose	Relief Sought: Delete the term from the glossary and from the proposed plan. Reasons: The term is subjective and does not promote sustainable management. The adverse effects of the “use” have not been quantified or addressed throughout the plan.
124.21	OBJ TANK 15 - Add as clause (g): <u>“primary production water needs and water required for associated processing and other urban activities to provide for community -social and economic well-being.”</u>	Support in part	Relief Sought: Allow the submission but amend to include “primary production water needs requirements within limits” OR refer to limits in the preliminary statement

			Reasons: Establishing limits in PC9 through re-writing the objectives, will ensure other parts of the plan help to achieve those limits and to uphold the values that those limits provide for.
124.23	OBJ TANK 14 - Add after clause (f):and in doing so will: (g) continue to enable existing primary production land use activities adjacent to wetlands	Oppose	Relief Sought: Decline the submission. Reasons: Primary production is a term that can be applied to many different things. Some primary production activities may not be suitable to be undertaken adjacent to wetlands.
124.25	POL TANK 39 - Amend Policy 5.10.6 Policy 39 to also enable individual consent holder stream augmentation mitigation or offsetting actions.	Support in part	Relief Sought: Amend the policy to allow for individuals to augment stream flows from their consented allocations in catchments / zones / FMUs that are not over-allocated. In over-allocated catchments / zones / FMUs, require reductions in allocations as a priority. Reasons: This would enable consent holders to avoid or remedy adverse effects.
		Support in part	Relief Sought: Reasons:
124.27	6.10.1 Use of Production Land - Rule TANK 5 - Amend condition (a) to read: “Any change to a production land use activity <u>over more than 10ha of the property or enterprise area commencing after 2 May 2020 that does not result in the annual nitrogen loss increasing by more than the applicable amount shown in Table 2 in Schedule 29.”</u> Delete condition (b).Amend matter of control 2 to read: “The measures being undertaken by the individual landowner or the TANK Landowner Collective”	Oppose	Relief Sought: Decline the submission and delete “enterprise area” and reference to Schedule 29, Table 2 as notified. Reasons: A farming or horticultural enterprise can be spread across two or more catchments, each catchment with their own limits and targets. - TToH support substantial amendments to the content Schedule 29 or replacement with a range of values, limits that uphold those values, and targets where the limits are not met.
124.28	6.10.2 Water - Rule TANK 9 - Amend TANK Rule 9 condition (f) to make it clear that individual consent holder stream augmentation mitigation or offsetting actions are acceptable.	Support in part	Relief Sought: That the rule requires individual consent holders to remedy the adverse effects of their activity on surface water depletion, where such depletion is 0.5 lps or greater. Replace stream-depletion with surface water depletion throughout the plan. Reasons: 0.5 litres per second equates to 43.2 m ³ per day and over 1200 m ³ per month. There is a vast amount of water being taken for financial gain that is going unaccounted for. The stream depletion calculator is also based on incomplete or inaccurate data.
124.29	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6) - RRMP Rule 7 - Amend new condition (f) to make provision for necessary drain maintenance activities.	Support	Relief Sought: Accept the submission. Reason: Drain maintenance will ensure greater efficiency.

124.32	POL TANK 22 - Delete all provisions relating to the exclusion of stock from lakes, rivers, streams and wetlands.	Oppose	Relief Sought: Decline the submission Reasons: Allowing stock unrestricted access to rivers, streams and wetlands is inconsistent with the RPS, and the Stock Exclusion Regulations
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Submitter 129 Hawke's Bay Regional Council	Original submission statement (from HBRC summary)	TToH Support/ Oppose	Relief sought and reasons for our position
Ceri Edmonds			
129.2	<p>POL TANK 39 - Delete policy 39 and replace with new policy in relation to assessing applications to take groundwater in the Heretaunga Plains that includes the following direction:</p> <p>A commitment by Council to:</p> <p>(a) consult with iwi and other relevant parties to investigate the environmental, technical, cultural and economic feasibility of options for stream flow maintenance and habitat enhancement schemes including water storage and release options and groundwater pumping and discharge options that:</p> <p>(i) maintain stream flows in lowland rivers above trigger levels where groundwater abstraction is depleting stream flows and:</p> <p>(ii) improve oxygen levels and reduce water temperatures.</p> <p>(b) determine the preferred solutions taking into account whether:</p> <p>(i) wide-scale aquatic ecosystem benefits are provided by maintaining stream flow across multiple streams</p> <p>(ii) multiple benefits can be met including for flood control and climate change resilience</p> <p>(iii) the solutions are efficient and cost effective</p> <p>(iv) scheme design elements to improve ecological health of affected waterbodies have been incorporated</p> <p>(v) opportunities can be provided to improved public access to affected waterways.</p> <p>(c) develop and implement a funding mechanism that enables the Council to recover the costs of developing, constructing and operating stream flow maintenance and habitat enhancement schemes from permit holders, including where appropriate,</p> <p>(i) management responses that enable permit holders to manage local solutions and</p> <p>(ii) commitment to develop any further plan change within an agreed timeframe if necessary to implement a funding solution.</p>	Oppose	<p>Relief sought: Decline the submission and do not include new POL TANK 39. DeletePC9 policies 39, 40 and 41.</p> <p>Reasons: There is substantially more research, investigation, consultation and funding required to determine whether the issues in these policies will be viable or not. In addition, medium to large scale water storage will require consents from other parties to enable them to proceed. The proposals lack detail sufficient to inform suitable objectives, policies and methods in a regional plan, and/or to give effect to the NPSFM and the operative RPS.</p>

	<p>(d) ensure that stream flow maintenance and habitat enhancement schemes are constructed and operating within ten years of the operative date of the Plan while adopting a priority regime according to the following criteria:</p> <p>(i) solutions that provide wide-scale benefit for maintaining stream flow across multiple streams</p> <p>(ii) solutions that provide flow maintenance for streams that are high priority for management action because of low oxygen levels.</p> <p>(e) review as per Policy 42 if no stream flow maintenance and habitat enhancement schemes are found to be feasible</p>		
129.3	POL TANK 43 - Insert into clauses (b) and (e) reference to the allocation limit being for consumptive water use at times of low flow.	Oppose	Relief sought: Amend the policy to require takes to cease when flows are at minimum flow or below.
129.4	POL TANK 43 - Insert into clause (j) reference to the allocation limit being for consumptive use and the total of all abstraction throughout the year.		Reasons: Flow minima are connected to allocation limits and enabling abstractions to continue below minimum flow detracts from the life-supporting capacity of surface water.
129.5	Chapter 6 New Regional Rules - Amend the provisions of the proposed TANK Plan Change so that they are consistent with the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (Freshwater NES),	Support	<p>Relief sought: Amend the PC9 accordingly to achieve compliance with the NES.</p> <p>Reasons: The plan is required to give effect to the Freshwater NES</p>
129.6	Chapter 6 New Regional Rules - Amend the provisions of the proposed TANK Plan Change so that they are consistent with the Resource Management (Stock Exclusion) Regulations 2020.	Support	<p>Relief sought: Accept the submission.</p> <p>Reasons: There is a legal obligation for PC9 to be consistent with the regulations.</p>
129.7	Land Use Change - TANK 5 and TANK 6 - Either Insert at the end of condition (a): <i>“that results in the annual nitrogen loss increasing by more than the applicable amount shown in Table 2 in schedule 29.” Or Delete TANK 5 and TANK 6 and replace with a new rule that requires a restricted discretionary application to be made where a land use change on properties that are greater than 10 ha in size results in a change to the predominant land use which is the land use over more than 50% of the property or farm enterprise area changes from a</i>	Support in part	<p>Relief sought: Replace TANK 5 and TANK 6 with a new rule that provides sufficient rigour to restrict nitrogen leaching and adverse effects from increasing to more than what occurred previously, where the farm is located in a catchment or zone that has nutrient inputs that result in limits not being met. Delete reference in new rule conditions (as proposed by HBRC) to “farm enterprise area” and reduce the 50% area to 20% of property.</p> <p>Reasons: Adverse effects from land use change should not result in limits being exceeded as they are there to protect/uphold values and safeguard life-supporting capacity and associated ecosystems.</p>

	lower leaching category to a higher category as shown in Table 1 of Schedule 29. The matters for discretion are as proposed for TANK 6 and includes matter 2 from TANK 5 where a Landowner collective is relevant.		
129.8	Water Take and Use - TANK 7 - Amend condition (b) to show that the reasonable needs for both an individual's domestic needs and an individual's animals existing prior to the notification of the plan can continue to be taken without a specified limit.	Oppose	Relief sought: Decline the submission and amend the plan to restrict water takes in over-allocated catchments. Reasons: S14(3) (b) takes have a proviso that the "water take and the water use, do not have an adverse effect on the environment. The NPSFM and Te mana o te Wai prioritise other matters over water use for economic gain.
129.9	Water Take and Use - TANK 8 - Amend condition (b) to show that the reasonable needs for both an individual's domestic needs and an individual's animals existing prior to the notification of the plan can continue to be taken without a specified limit.	Oppose	Relief sought: Decline the submission and amend the plan to restrict water takes in over-allocated catchments. Refer to water-short areas in the rule and provide map or refer to Schedule of water-short areas. Delete reference to s124 in the activity column Reasons: S14(3) (b) takes have a proviso that the "water take and the water use, do not have an adverse effect on the environment. The NPSFM and Te mana o te Wai prioritise other matters over water use for economic gain.
129.10	Water Take and Use - TANK 9 - Delete conditions (f) and (g) and insert new condition requiring all water permits to be subject to a stream depletion calculation	Amend	Relief sought: Allow the submission point but rename the stream depletion calculator to surface water depletion calculator and ensure that it is updated with more relevant data that includes surface water depletion assessed from the months of November and February. Delete reference to s124 in the activity column. Reasons: The stream depletion calculator is based largely on bore assessments undertaken during the non-irrigation season, and modelling derived from this. It does not reflect an accurate portrayal of more likely scenarios where surface water depletion is more serious than previously thought.
129.11	Water Take and Use - TANK 9 - Amend matter 15 to require a permit review and new conditions to be imposed in respect of contribution to a stream flow maintenance scheme, when applicable	Amend	Relief sought: Delete the reference to section 124 in the rule description. Delete references to stream flow maintenance in matter 15 or require it to be undertaken by the individual seeking consent. Reasons: Existing and expiring consents should be assessed as to their merit with consideration of the nature and scale of their adverse effects and such effects (including cumulative adverse effects), required to be avoided in an over-allocated catchment / water body.
129.12	Water Take and Use - TANK 9 - Include non-notification direction for applications where they are subject to a review	Oppose	Relief sought: Require notification of affected parties including tangata whenua

	condition in respect of flow maintenance and habitat enhancement.		Reasons: HBRC has been lenient in the past which has led to insufficient rigour being applied to decision-making around water takes from the Heretaunga Aquifer System. This has led to the state we are at today where it is now an over-allocated water body.
129.13	Water Take and Use - TANK 10 - Amend condition (c) to include at the end "For all other takes the flows specified in Schedule 31 apply	Support in part	<p>Relief sought: Accept the submission insofar as to refer to Schedule 31 but include flows and rates. Amend Schedule 31 to include the flows as requested in the TToH submission. Include new minimum flow for the Paritua at Raukawa Road. Require notification of tangata whenua as affected parties.</p> <p>Reasons: Current flow minima do not provide sufficient habitat for a range of species, nor protect the life-supporting capacity of surface water bodies and groundwaters. The current minimum flow for the Karewarewa at Turamoe, is insufficient to maintain flows further upstream from the monitoring site.</p>
129.14	Water Take and Use - TANK 10 - Amend condition (h) and matter 15 to be consistent with amendments to TANK 9 and policy 39 for the provisions for flow maintenance where this option is applicable and appropriate	Support in part	<p>Relief sought: Delete reference to s124 in the activity column. enable flow maintenance where an individual consent holder is able to achieve this (requires access to enable). Require notification of tangata whenua as affected parties.</p> <p>Reasons: Flow maintenance schemes are largely untested. Depending at what time of the year flow maintenance is required, some of the flow could be lost directly to groundwater (dependent on cumulative pumping of groundwater).</p>
129.16	Water Take and Use - TANK 11 - Insert new clause iii into condition (ii).Water takes that are non-consumptive	Oppose	<p>Relief sought: Decline the submission.</p> <p>Reasons: there is lack of clarity around what the water take us for if it is made non-consumptive.</p>
129.31	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6) - RRMP Rule 62a - Delete Advisory note commencing "Pursuant to s136(3)..."	Oppose	<p>Relief sought: Decline the submission and retain the clause.</p> <p>Reason: The clause is necessary to ensure compliance with the Act and that the transfer is actually going to occur</p>
129.32	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6) - RRMP Rule 62a - Condition d.(ii) delete	Oppose	<p>Relief sought: Decline the submission and retain the clause. Remove the reference to the RMA sections in the Activity column</p> <p>Reason: The clause is necessary to ensure compliance with the RPS prevent increase in scale and intensity of adverse effects. The rule should apply to all similar activities not just pursuant to s136(b) (i).</p>
129.33	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6) - RRMP Rule 62a - Amend condition (e) so that it requires that no increased drawdown is caused on neighbouring efficient bores groundwater take.	Support in part	<p>Relief sought: Accept the submission with the exclusion of the word "efficient"</p> <p>Reasons: The use of the words "efficient take" in the RRMP require that "For the purposes of this Plan "efficient taking" of groundwater means abstraction by a bore which penetrates the aquifer from which water is being drawn at a depth sufficient to enable water to be drawn all</p>

			year (i.e., the bore depth is below the range of seasonal fluctuations in groundwater level)...” With parts of the Heretaunga Aquifer now in retreat, and/or recording record low levels, this terminology/requirement is unrealistic, and leads to domestic bores that previously were reliable, now becoming less reliable due to increased abstractions for irrigation.
129.36	Schedule 28: Priority Catchments - Amend last paragraph to state that Source Protection Zones are a high priority area for the preparation of Farm Environment, Catchment Collective or Industry Plans in addition to the mapped high, medium and low priority areas.	Support in part	Relief sought: Allow the submission and amend the plan accordingly, except where the lower priority enables less consideration for water quality. Reasons: s30 requires regional councils to maintain and enhance water quality in water bodies and makes no distinction between high priority areas and others.
129.39	Schedule 31: Flows, Levels and Allocation Limits - Schedule 31E Heretaunga Plains - Delete the Zone 1 groundwater areas that are connected to the Ngaruroro River on Schedule 31E and insert onto Schedule 31C Ngaruroro	Oppose	Relief sought: Leave Zone 1 in both schedules, and add a Zone 2, where surface water depletion effects are between 0.5 lps and 2 lps (300 and 1200 m ³ per week) Reasons: These amounts of water when assessed cumulatively for numerous consents add up to a significant amount of depletion, that is not being accounted for, while the PC9 seeks to restrict domestic use.
129.40	Chapter 9 Glossary of Terms Used - Allocation limit - Delete meaning and replace with new meaning as follows: “Allocation limit for surface water means the maximum quantity that is able to be allocated in water permits in a management unit and abstracted for consumptive water use, expressed in L/s and calculated as the average rate required to abstract the maximum weekly or 28 day volume allocated to each water permit and summed for all water permits in the applicable management unit	Oppose	Relief sought: Make the definition more succinct and allow for calculation of allocation limits for the irrigation season (01 November to 30 April). Reasons: this will allow for flexibility for water users who rotate their crops over different years.
129.41	Chapter 9 Glossary of Terms Used - Allocation limit - Insert a new sentence at the end: Allocation limits may apply to takes during low flow periods from October to April or apply to takes during high flows	Support in part	Relief sought: Amend the ending “...during high flow <u>season of June to October</u> ” Reasons: High flow allocations should be outside of the irrigation season.
129.42	Chapter 9 Glossary of Terms Used - Consumptive Water Use - Insert new meaning :Consumptive water use – means any use of fresh water that alters the flows and or levels in a water body on either a temporary or permanent basis, but excludes any non-consumptive use where: a) the same amount of water is returned to the same water body at or near the location from which it was taken; and b) there is no significant delay between the taking and returning of the water. For the purposes of allocation limits and specified rationing provisions in the rules, the term 'consumptive use' does not apply to	Oppose	Relief sought: Decline the submission. Reasons: Consumptive water use should not be restricted to that which alters flows and water levels.

	water used in hydro-electric power generation or water use or diversions which substantially return the water used to the same water body		
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Submitter 135 Ravensdown Limited	Original submission statement (from HBRC summary)	TToH Support/ Oppose	Relief sought and reasons for our position
Anna Wilkes			
135.1	Proposed TANK Plan Change 9 - One of the areas where Ravensdown's submission points, as outlined in the table contained in Attachment A of this submission, is seeking changes relates to the fact that PPC9 is not consistent with the recently gazetted national instruments for healthy waterways, namely the National Policy Statement for Freshwater Management 2020, the National Environmental Standards for Freshwater and the associated regulations (e.g., the Resource Management (Stock Exclusion) Regulations 2020). Given this goal, amendments to PPC9 provisions are being sought by Ravensdown's submission in order to endeavour to achieve alignment with these national instruments.	Support	<p>Relief sought: Amend Change 9 to achieve better alignment with the NPSFM 2020, the Freshwater NES and the Stock Exclusion regulations</p> <p>Reasons: With the constricted timeline for implementing the NPSFM 2020, it would be prudent to amend PPC9 to give effect to it, to the Freshwater NES and Stock Exclusion regulations during this statutory process, rather than go through a separate phase that requires significant additional costs.</p>
135.8	OBJ TANK 9 - Retain OBJ TANK 9 as notified.	Oppose	<p>Relief sought: Amend OBJ TANK 9 as follows “Activities in source protection areas for Registered Drinking Water Supplies are managed to ensure that they do not cause water <u>quality</u> in these zones <u>or their conjunctive zones</u> to <u>degrade</u>, become unsuitable for human consumption and that risks to the supply of safe drinking water are appropriately managed.”</p> <p>Reasons: The operative RPS requires ‘no degradation of existing water quality’ in the Heretaunga Plains Aquifer System, and HBRC’s statutory responsibilities under s30 require them to maintain and enhance water quality in water bodies. The transition of water between zones should not result in contamination of that water.</p>
135.10	OBJ TANK 11 - Amend OBJ TANK 11 as follows: <i>In combination with meeting the water quality states specified in Schedule 26, the use and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater is carried out in the Ngaruroro River catchment so that the mauri, water quality and water quantity are maintained in the mainstem above the Whanawhana Cableway and in the Taruarau River, and are improved in the tributaries and lower reaches where necessary to enable;</i>	Support in part	<p>Relief sought: In clause g) add “within specified limits” after “primary production”.</p> <p>Reasons: Adherence to water quality limits should be a requirement as it compels compliance to ensure sustainable use of the resource and provides for other values associated with this catchment.</p>

	<i>g) primary production, industrial and commercial water needs and water required for associated processing and other urban activities to provide for community social and economic well-being;</i>		
135.11	OBJ TANK 12 - Amend OBJ TANK 12 as follows: In combination with meeting the water quality states specified in Schedule 26, the use and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater is carried out in the <i>Tūtaekurī River catchment</i> so that the mauri, water quality and water quantity are maintained in the upper reaches of the mainstem and are improved in the tributaries and lower reaches where necessary to enable: ...g) primary production, <u>industrial and commercial</u> water needs and water required for associated processing and other urban activities to provide for community social and economic well-being;	Support in part	Relief sought: In clause g) add “within specified limits” after “primary production”. Define “lower reaches” and include in maps/schedules Reasons: As above for OBJ TANK 11
135.12	OBJ TANK 13 - Amend OBJ TANK 13 as follows: f) primary production, <u>industrial and commercial</u> water needs and water required for associated processing and other urban activities to provide for community social and economic well-being;	Support in part	Relief sought: : In clause f) add “within specified limits” after “primary production”. Reasons: As above
135.13	OBJ TANK 14 - Amend OBJ TANK 14 as follows: b) primary production, <u>industrial and commercial</u> water needs, and water required for associated processing and other urban activities to provide for community social and economic well-being;	Support in part	Relief sought: : In clause b) add “within specified limits” after “primary production”. Reasons: As above
135.15	OBJ TANK 16 - OBJ TANK 16 as follows: c) Primary production on versatile soils;	Support	Relief sought: Delete the objective as notified and move in PC9 to include as a policy along with the content of OBJs TANK 17 and TANK 18 and enable the new objectives to also apply to groundwater. Reasons: Te Taiwhenua o Heretaunga support the drafting of new objectives that cover the matters in OBJ TANK 16 and direct towards more definitive outcomes
135.25	POL TANK 19 - Delete Policy 19 in its entirety. In catchments that do not meet objectives for dissolved nutrients specified in Schedule 26, the Council will ensure landowners, landowner	Support	Relief sought: Delete the policy. Reasons: The policy content would sit better within a non-regulatory part of the RRMP.

	collectives and industry groups have nutrient management plans according to the priority order in Schedule 28.		
135.26	POL TANK 20 - Amend Policy 20 as follows: The Council will reduce manage adverse effects on freshwater and coastal aquatic ecosystems from eroded sediment, and from the phosphorus associated with this, by prioritising the following mitigation measures;	Oppose	<p>Relief sought: Amend Policy 20 as: <u>“Sediment loss, erosion and effects on freshwater and coastal ecosystems will be mitigated and reduced to maintain the objectives and meet the targets in Schedule 26 by 2040 by:</u></p> <p><u>a) Controlling cultivation, stock access and vegetation clearance in all catchments</u></p> <p><u>b) Regulating land use in priority catchments vulnerable to erosion listed in Schedule 28 to manage critical source areas at the property and catchments scales</u></p> <p><u>c) requiring and supporting tree planting, afforestation and retirement of land, particularly where multiple water quality objectives and targets can be maintained or met</u></p> <p><u>d) Requiring and supporting improved and sustainable riparian management in all catchments”</u>.</p> <p>Reasons: The amended policy provides a logical pathway and trajectory towards achieving the outcomes in (amended or replaced) objectives.</p>
135.35	<p>POL TANK 30 - Amend Policy 30 as follows:</p> <p><i>Aquatic ecosystem health improvements and community wellbeing and reduced stormwater contamination will be achieved by HBRC working with the Napier City and Hastings District Councils requiring discharges from stormwater networks to meet:</i></p> <p>a) water quality objectives (where they are degraded by stormwater) and the identification of measures that ensure stormwater discharges will achieve at least:</p> <p>— (i) the 80th percentile level of species protection in receiving waters by 1 January 2025; and</p> <p>— (ii) the 95th percentile level³ of species protection by 31 December 2040. and b) except as in (a) above, the management</p> <p>freshwater quality objectives in Schedule 26 for freshwater and estuary health.</p>	Support intent	<p>Relief sought: Include the new text in an amended POL TANK 30 but expand the coverage of the policy to also address other point source discharges of stormwater in the TANK catchments.</p> <p>- Make consequential amendments to the PPC9 and RRMP provisions to incorporate management of all point source discharges within TANK catchments.</p> <p>Reasons: The stormwater provisions only address urban stormwater, so fail to manage a major source of nutrients and contaminants, and their effects.</p>

135.38	<p>POL TANK 35 - Amend Policy 35 as follows: The Council will monitor and report on the effectiveness of the TANK water quality management policies and rules, and to assist in making decisions about reviewing or changing this management framework, the Council will:</p> <p>a) continue to monitor instream water quality and review and report on the progress towards and achievement of the freshwater quality objectives in Schedule 26 and according to Objectives 2 and 3 of this Plan in its regular State of the Environment monitoring;</p> <p>b) monitor and report on the state of riparian land and wetlands, and carry out regular ecosystem habitat assessments, including native fish monitoring and through the application of mātauranga Māori tools and approaches when they are developed;</p> <p>c) monitor the progress towards the milestones listed in Policy 27, according to timeframes specified in Schedule 28, and collate and report annually on information about;</p> <p>(i) the nature and extent of the mitigation measures being adopted to meet water quality and/or quantity outcomes through Catchment Collectives, Industry Programmes and Farm <u>Environment</u> Plans;</p> <p>(ii) the establishment of Catchment Collectives and assess progress in <i>implementing the measures specified in their environment plans</i>;</p> <p>(iii) the preparation of Farm Environment Plans and assess progress in implementing the measures specified in that plan;</p> <p>d) work with Industry Groups to collate information annually on the functioning and success of any Industry Programme in implementing measures specified in the Industry Programme;</p> <p>e) along with the Napier City Council and Hastings District Council, report annually on progress towards the improvement of the stormwater network, including reporting on the preparation of Site Management Plans for activities at risk of contaminating stormwater in urban areas;</p> <p>And f) commence a review of these provisions within ten years of in accordance with section 79 of the RMA</p>		<p>Relief sought: Accept the submission insofar as it provides more rigour around monitoring the implementation and effectiveness of Change 9 in terms of achieving objectives.</p> <p>- Amend Policy 35 so that the monitoring of and reporting on the state of mauri in TANK catchments is specifically required.</p> <p>Reasons: The RPS requires the adverse effects of activities that diminish mauri to be avoided remedied or mitigated. To detect and report on whether the state of mauri has been diminished within freshwater resources, will require monitoring, assessment and reporting on mauri</p>
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135.39	POL TANK 36 - Amend Policy 36 as follows: f) avoiding <u>mitigating</u> further adverse effects by not allowing <u>restricting</u> new water use g) reducing existing levels of water use; h) mitigating the adverse effects of groundwater abstraction on flows in connected water bodies; i) gathering information about actual water use and its effects on stream depletion; j) monitoring the effectiveness of stream flow maintenance and habitat enhancement schemes; k) including plan review directions to assess effectiveness of these measures.	Oppose	Relief sought: Delete Policy 36, 37 and 38, and only retain content where it is likely to give effect to the NPSFM and the RPS. Reasons: The Heretaunga Aquifer System is not being sustainably managed. Existing use and the purported “actual and reasonable use” is having detrimental effects on both water quality, spatial extent of the aquifer, and increasing frequency of low water levels in the aquifer system. Existing use will need to be reduced to get back to a more sustainable level of abstraction. In an over-allocated catchment or where limits are not being achieved, then avoidance should prevail.
135.40	POL TANK 37 - Amend Policy 37 as follows: b) avoid <u>minimise</u> re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body until there has been a review of the relevant allocation limits within this plan; c) manage the Heretaunga Plains Water Management Unit as an over-allocated management unit and prevent <u>restrict</u> any new allocations of groundwater;		
135.41	POL TANK 38 - Delete Policy 38 in its entirety. The Council will restrict the re-allocation of water to holders of permits to take and use water in the Heretaunga Water Management Unit issued before 2 May 2020 and will review permits or allocate water according to the plan policies and rules either: a) upon expiry of the consent; or b) in accordance with a review of all applicable permits within ten years of ; whichever is the sooner		
135.42	POL TANK 39 - Amend policy 39 as follows: a)(ii) enable <u>encourage</u> consent applicants to develop or contribute to stream flow maintenance and habitat enhancement schemes that; 1. contribute flow to lowland rivers where groundwater abstraction is depleting stream flows; and 2. improve oxygen levels and reduce water temperatures; b) assess the relative the contribution to stream depletion from groundwater takes and require stream depletion to be off-set	Support in part	Relief sought: Amend the policy so it applies to individual consent applicants, to expired consents, and where consents are being renewed. Include the ability for council to call in consents to ensure parity and co-operation between those whose operation of consent causes surface water depletion of 0.5 lps or more. Ensure that the ability for individual consent holders to access affected surface water to contribute to surface water flows exists. Provide comprehensive assessment and evaluation criteria to quantify the effectiveness and durability of flow enhancement measures in associated rules/methods.

	equitably by consent holders while providing for exceptions for the use of water for essential human health; and		Reasons: There is a lack of rigour around how flow enhancement will occur, and its effectiveness during low flow events in the presence of streambed conductance is uncertain, particularly where groundwater abstraction induces spring reversal in streams/ivers.
135.44	POL TANK 42 - Delete Policy 42 in its entirety.	Oppose in part	Relief sought: Include a date by which excessive abstraction and over-allocation will be phased out. Redraft the policy so that it is more definitive and links better to schedules and methods. Reasons:
135.47	POL TANK 49 - Amend Policy 49 as follows: When making decisions about applications for resource consent to take and use water, the Council will set common expiry dates, <u>or include a review condition</u> , for water permits to take water in each water management zone, that enables consistent and efficient management of the resource and <u>will set durations that provide a periodic opportunity to review effects of the cumulative water use and to take into account potential effects of changes in:</u> a) knowledge about the water bodies; b) over-allocation of water; c) patterns of water use; d) development of new technology; e) climate change effects; f) efficacy of flow enhancement schemes and any riparian margin upgrades; and the Council; g) will impose consent durations of 15 years, <u>or impose review conditions reflecting the same timeframe</u> , according to specified water management unit expiry dates. Future dates for expiry or review of consents within that catchment are every 15 years thereafter. h) will impose a consent duration for municipal supply consistent with the most recent HPUDS and will impose consent review requirements that align with the expiry of all other consents in the applicable management unit; i) may grant consents granted within three years prior to the relevant common catchment expiry date with a duration to align	Support	Relief sought: Amend the policy to include a require a review condition. Amend the duration of consents to ten years maximum, following re-assessment of effects upon expiry. Reasons: There is still too much uncertainty around what the sustainable limits should be for allocation of water. The advent of the NPSFM 2020 re-prioritises matters associated with water use, placing a higher priority on the health of the water resource.

	with the second common expiry <u>or review condition</u> date, except where the application is subject to section 8.2.4 of the RRMP).		
135.60	Schedule 27: Freshwater Quality Objectives - Delete Schedule 27 in its entirety. And, as a consequential amendment, all references to Schedule 27 within PPC9.	Support	Relief sought: Delete Schedule 27 and move some of its content to Schedule 26. Reasons: Schedule 27 and the limits on its application restrict any use it may have in the management of water.
135.61	Schedule 28: Priority Catchments - Amend Schedule 28 by replacing the current content of the schedule with a table or list that clearly identifies the priority catchments, including the timeframes that apply within each catchment.	Support	Relief sought: Amend the schedule in line with the submission. Reasons: Provision of dates in the schedule will ensure better alignment with the objectives, policies and methods relating to water quality management.
135.64	Schedule 31: Flows, Levels and Allocation Limits - Retain Schedule 31 as notified.	Oppose	Relief sought: Ensure that all water bodies that have abstractions where resource consents are required are included in Schedule 31 along with their allocatable volume totals and cumulative rates of abstraction.

Submitter 147 Mihiroa Marae	Original submission statement (from HBRC summary)	TToH Support/ Oppose	Relief sought and reasons for our position
Serene Morrell			
147.2	Proposed TANK Plan Change 9 - No relief sought but raises issues about the mana of the awa, wanting water quality improved, wanting to participate in cultural practices through the gathering and sharing of kai.	Support	<p>Relief sought: Accept the submission and amend Change 9 to give priority to Te Mana o te Wai within plan provisions related to water quality and water quantity.</p> <ul style="list-style-type: none"> - Ensure cultural values of “Mauri”, “Mahinga kai”, “Nohoanga” and “Waahi Taonga” are included in a schedule of values, and spatially defined where they apply. - Include spatial definition of cultural values in Schedules (maps) <p>Reasons: Part 2 of the Act requires the relationships of Māori with their taonga to be recognised as a matter of national importance. Schedule 1 of the RRMP includes the principles of the Treaty of Waitangi which HBRC recognises as being applicable in Hawke’s Bay. These include the principle of active protection.</p>
147.3	Proposed TANK Plan Change 9 - The plan will have adverse effects on us and we will be unable to practice our cultural practices, the Treaty principle of active participation will be breached, and the ability to sustain our aquatic life in the future for our mokopuna will be compromised.	Support	<p>Relief sought: As above (147.2)</p> <p>Reasons: As above (147.2)</p>
147.4	Catchment Objectives - For water allocation provisions in the plan - less water is taken out of our awa, the Kahumoko/Karewarewa, the Turamoe and the Awanui so there is enough left to support our taonga species and provide for their habitat.	Support	<p>Relief sought: Accept the submission and ensure the allocation regime for the stream identified, enables pro rata reductions in volume and rate when the relevant resource consents expire and are renewed.</p> <ul style="list-style-type: none"> - Enable flow enhancement from the Ngaruroro of 200 lps on a permanent basis through PC9 provisions - Include surface water depleting groundwater takes that have a depletion effect of 0.5 lps or greater, in surface water allocation limits/targets. <p>Reasons: Evidence shows groundwater depletion is occurring constantly with the existing rates and volumes of abstraction from the Heretaunga Plains Aquifer System. Surface water depletion is a lot worse than previously thought.</p>
147.5	Water quantity - Less water is taken from the aquifers, so more water is left to support our springs that feed into and replenish our awa.	Support	<p>Relief sought: Amend the interim allocation limit from the Heretaunga Aquifer System to 70 million m³ per ‘irrigation season’ . Include definition, 6-month season and quantity in the relevant rules and schedules. Define spatially the areas where the effects of 0.5 lps or greater, occur within each catchment and sub-catchment. Require consents to take groundwater to be re-assessed</p>

			<p>upon their expiry and add new criteria to groundwater take policies, including effects on Mauri and on life-supporting capacity and associated ecosystems. Make the rule(s) discretionary activities.</p> <p>Reasons: More rigour is required to ensure our groundwater is managed sustainably. Initial assessments of environmental effects for groundwater takes lacked sufficient rigour to determine the nature and extent of adverse effects (including cumulative adverse effects).</p>
147.6	Water quantity - That irrigation is restricted to certain times of the year only.	Support	<p>Relief sought: Amend PC9 to include a designated irrigation season of 6 months maximum. Align this within objectives, policies and methods. Base allocation volumes and rates on the summer 7-day Q95.</p> <p>Reasons: A designated "irrigation season" of 6 months will enable time for resource recovery during the non-irrigation period.</p>
147.7	Water Quality General - For water quality -that the water quality in our awa is improved so that we can carry out our cultural practices in a safe manner, and the kai we harvest from the wai is safe to eat.	Support	<p>Relief sought: Accept the submission and amend PC9 to ensure water quality limits are methodically applied so as to continue to achieve limits where water quality is good, and to achieve water quality targets by 2030.</p> <p>Reasons: The plan needs to be more forceful to attain water quality sufficient for Te Mana o te Wai, and to safeguard life-supporting capacity.</p>
147.8	Water Quality General - For water quality - that the water quality is improved so that when we baptise our tamariki and mokopuna, the wai in our puna is clean and healthy	Support	<p>Relief sought: Amend PC9 to ensure water quality and water allocation (where it affects water quality) in areas where cultural practices occur, are managed so as not to have adverse effects on or restrict such practices and relationships.</p> <p>Reasons: See above reasons for 147.2</p>
147.9	Catchment Objectives - For decision-making around water allocation, that our whanau are able to have a say in processes that allocate water from our awa or from the aquifers within our whenua.	Support	<p>Relief sought: Accept the submission point and amend allocation rules so that they are discretionary activities requiring tangata whenua to be notified and have the choice to lodge submissions and be heard on those submissions.</p> <p>- Add specific criteria to the decision-making processes for allocation of water, to include effects on tangata whenua values associated with surface water and groundwater.</p> <p>Reasons: Past management of water allocations has reduced the ability for tangata whenua to have influence on many resource consent applications</p>

Submitter 180 Horticulture New Zealand	Original submission statement (from HBRC summary)	TToH Support/ Oppose	Relief sought and reasons for our position
Charlotte Drury			
180.5	Proposed TANK Plan Change 9 - These costs associated with managing freshwater resources must be borne by all members of the community that use water – which is arguably almost every person that either lives or works within the TANK Catchments. The costs must not be disproportionately apportioned to irrigators who only use approximately 50% of the water abstracted from the system that influences flows in the Ngaruroro River. The rest of the water abstracted is used for municipal and industrial purposes	Oppose	<p>Relief sought: Decline the submission and place the cost for remediation or mitigation on those whose activities have been the primary cause of the problems. For water quantity issues, the cause in the vast increase in allocation to private enterprise since 1998. There is also a water quality issue associated with excessive abstraction from both surface water and groundwater.</p> <p>Reasons: Excessive abstraction detracts from the general public’s enjoyment of freshwater resources, reduced swimming use for our rivers, diminished mahinga kai sources and cultural uses. Also, a loss of mātauranga Māori in terms of reduced transfer of indigenous knowledge.</p>
180.9	Proposed TANK Plan Change 9 - The scale at which every provision applies (e.g., property, farming enterprise, sub-catchment...) needs to be made clear in every provision, and planning maps prepared and included in the plan that clearly show the extent of each and every ‘scale’ at which provision will apply.	Support	<p>Relief sought: Amend planning maps and schedules to include overlays appropriate to promote understanding of PC9 provisions and where they apply.</p> <p>Reasons: As notified, PC9 and associated schedules are somewhat disconnected due to a lack of detail in the schedules and maps.</p>
180.14	OBJ TANK 4 - It is unclear where the target attribute states are to be achieved – if this includes all current monitoring locations, or at a subset of monitoring sites at a smaller sub-catchment scale. Amend the maps in Schedule 26 to show the location of monitoring sites. It is unclear whether or not modelled state data will be used where actual monitoring data is not available, and if ‘modelled’ state data is used does ‘maintenance’ mean that it cannot decline within the relevant NOF band? This needs to be clarified.	Support	<p>Relief sought: Amend Schedule 26 to show monitoring sites/locations and the extent of catchment/zone/FMU that they are representative of. Include cultural monitoring sites in Schedules.</p> <p>Reasons: This will enable better understanding of the plan by the general public and the data supplied to them through media releases and regular State of the Environment reporting. It will also contribute to pan effectiveness reporting.</p>
180.15	OBJ TANK 7 - Amend to say “Land use is carried out in a manner (that) reduces contaminant loss <u>in accordance with good, or where necessary best management practice, including soil loss...</u> ”	Support in part	<p>Relief sought: Amend OBJ TANK 7 as suggested but omit “where necessary ”.</p> <p>Reasons: The proviso creates uncertainty and is subjective as to its application.</p>

180.18	OBJ TANK 17 - Amend to clearly state that subsections a)-d) are not listed in any order of priority.	Oppose	Relief sought: Delete OBJ TANK 17 and rewrite as a policy Reasons: The objective as notified is predicated on methods that are not clearly defined. “agreed reliability of supply standards” are yet to be agreed by anyone as they are not quantified nor backed by a sound methodology. “Efficient water use” is not defined, and the effects of the “use” are not connected to this objective nor considered in the allocation rules.
180.19	OBJ TANK 18 - Amend to state that sub-sections <u>are</u> in order of priority, and reorder to list as follows: a) Water harvesting and storage; b) Flexible water allocation and management regimes; c) Aquifer recharge and flow enhancement; d) Water conservation, water use efficiency, and innovations in technology and management e) Water reticulation	Oppose	Relief sought: Do not amend to state that the matters listed are in a priority. The content of this objective would sit better within the policy referred to above (180.18) Reasons: The NPSFM requires the health and well-being of water to be the first priority. Embedding other priorities over and above this requirement will mean having to amend the plan at a later date.
180.20	POL TANK 1 - Amend f) by adding ‘ <u>and irrigation purposes</u> ’.	Oppose	Relief sought: Change the policy to “ <u>The water quality of surface and groundwater bodies will be maintained where objectives of Schedule 26 are currently met and improved to meet targets in Schedule 26 where these are not met by 2030 by:</u> <u>a) Working with mana whenua, landowners, local authorities... etc</u> <u>b) Managing and regulating land use activities to improve water quality in catchments identified in Schedule 28 as a priority</u> <u>c) Where phosphorus and microbial pathogens are not meeting the objectives of Schedule 26, also regulate and manage land use activities which generate sediment (as a key contaminant pathway)</u> <u>d) Managing and regulating land use activities to reduce sedimentation and macrophyte growth in lowland rivers</u> <u>e) Managing and regulating land use to reduce nutrient loads to the Waitangi and Ahuriri estuaries</u> <u>f) Enable the maintenance of existing and creation of new sustainable riparian margins</u> <u>g) Manage and regulate stormwater networks to reduce contaminants to water</u> <u>h) Manage and regulate land use activities to protect the water quality of domestic and municipal water supplies.</u> <u>i) Manage and regulate point source discharges to reduce contaminants to water.</u> ” Reasons: The policy as notified does not provide adequate connection to other parts of PC9 that it is reliant on for effectiveness and achievement of objectives.

180.22	POL TANK 4 - Amend by adding definition of 'lower Ngaruroro' and planning map outlining extent of area.	Support in part	Relief sought: Add reference to a planning map or schedule that clearly defines the extent of the "lower Ngaruroro". Reasons: This will enable plan users to see where the provisions relating to the lower Ngaruroro apply, and whether they are affected by such provisions.
180.23	POL TANK 6 - Amend by adding as subsection (b) <u>'requiring Registered Drinking Water Suppliers to quantify the vulnerability of the registered drinking water supply to contamination, and then undertake an assessment of options to relocate existing drinking water supplies to less vulnerable locations'</u> .	Oppose	Relief sought: Decline the submission. Reasons: Some drinking water supply bores have been in existence for many years and relocation and associated infrastructure provision could be expensive. HBRC through the RPS are required to prevent degradation of groundwater (in the Heretaunga Plains Aquifer System), and to maintain and enhance the quality of water in water bodies pursuant to s(30)(1)(c).
180.25	POL TANK 8 - Amend by adding an additional subsection to b) as follows: <u>nature of existing land and water use within Source Protection Zone, existing investment in those activities, and the specific locational needs of those activities.</u>	Oppose	Relief sought: Decline the submission. Reasons: As above for 180.23.
180.27	OBJ TANK 16 - Amend by adding a definition of 'flushing flow' to the plan	Support in part	Relief sought: Add definition to the plan for flushing flows. Reasons: This would be useful for providing rigour around the operation and maintenance of water storage should any be developed within the life of this plan.
180.29	POL TANK 18 - Amend as follows: 'The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 26 by... c) regulating land use change <u>to manage contaminant loss across a range of contaminants;</u> e) working with industry groups, collectives, landowners and other stakeholders to undertake research and investigation into; (i) nutrient pathways, concentrations and loads in rivers and coastal receiving environments; (ii) nutrient uptake and loss pathways at a property scale; (iii) measures to reduce contaminant losses at a property <u>as well as catchment scale including those delivered through industry programmes and landowner collectives.</u>	Oppose	Relief sought: Delete PPOL TANK 18 as notified and replace with <u>"The maintenance or improvement of water quality to meet freshwater objectives and targets by 2040 will be supported by:</u> <u>a) Collating, analysing and reporting on contaminant loss data provided by all land users (through Policy 17)</u> <u>b) Developing a contaminant allocation regime (nitrogen) in priority catchments</u> <u>c) Further regulation of land use in areas outside of priority catchments where targets are not being achieved by 2030</u> <u>d) Measuring and reporting against the objectives and targets in Schedule 26 every five years</u> <u>e) Working with industry groups, landowners, mana whenua and other stakeholders to research and investigate additional mitigations and actions to meet targets at a property and catchment scale"</u> . Or words to similar effect

			Reasons: The policy as proposed does not connect well to methods and is ambiguous in nature. The amendments above will provide greater clarity of intent.
180.31	<p>POL TANK 21 - Amend as follows: 'The Council will remedy or mitigate the potential impact of diffuse discharge of nitrogen on freshwater quality objectives by regulating land and water use changes that modelling indicates are likely to result in increased contaminant loss (modelled on an average annual, whole of farm or collective basis) and in making decisions on resource consent applications, the Council will take into account:</p> <p>...</p> <p>a) <u>contaminant losses modelled to result from the land use change, in relation to whether freshwater quality objectives or targets are being met in the catchment where the activity is to be undertaken; and will;</u></p> <p>d) avoid land use change that will result in increased nitrogen loss that contributes to water quality objectives and targets in Schedule 26 for dissolved nitrogen not being met.</p> <p>e) <u>support crop rotation across highly productive land to maintain the soil health of highly productive land</u></p> <p>f) <u>Recognise the importance of the TANK catchments for supplying vegetables for domestic food supply</u></p> <p>g) <u>Support the transition to a low emissions economy by enabling land use change that reduces greenhouse gas emissions, improves sequestration and promotes climate change adaptation.</u></p>	Support in part	<p>Relief sought: Amend the POL TANK 21 to <u>"The impacts of diffuse contaminants from intensification of land use will be controlled in all catchments to maintain water quality where freshwater objectives are met and to improve water quality to meet targets by 2040. In making decisions on resource consents, taking into account:</u></p> <p>a) <u>The current state and trends in water quality for the catchment in which intensification is planned</u></p> <p>b) <u>Whether the intensification is in a priority catchment listed in Schedule 28</u></p> <p>c) <u>The efficient use of land to reduce contaminant losses</u></p> <p>d) <u>Planned mitigations and timeframes for actions to reduce contaminant losses from intensive land use</u></p> <p>e) <u>Industry good practice as defined by the standards in Schedule XX</u></p> <p>f) <u>Avoiding land use intensification where water quality objectives will not be maintained, or targets not met</u></p> <p>g) <u>Considering the contribution of intensification to degraded Support water quality, including cumulative contaminant loss in the catchment"</u>. Or words to similar effect</p> <p>Reasons: The policy should be more definitive than what was proposed and focus more on managing effects.</p>
180.36	<p>POL TANK 32 - Amend as follows: 'The Council will support the development of an Ahuriri Estuary Integrated Catchment Management Plan by <u>a representative group of stakeholders, that includes (but is not limited to) representatives from the primary sector;</u></p>	Support	<p>Relief sought: Enable development of an Ahuriri Catchment Management Plan that has legal effect.</p> <p>Reasons: Ahuriri Estuary is constantly subject to inflows of contaminants including human waste and stormwater, that detract from or diminish its cultural and environmental values.</p>

180.38	POL TANK 36 - Amend to ensure consistency with other sections of the plan including f) must be reworded to enable that water to be taken and to 'restrict' new allocations, rather than avoid. Specific wording provided in submission.	Oppose	<p>Relief sought: Delete this policy and redraft a policy to address the issues in line with the NPSFM and the operative RPS. Include allowance for surface water depletion effects. Include avoidance of adverse effects where limits are not being or are not likely to be met.</p> <p>Reasons: There is still an element of uncertainty around what the total allocation should be, and surface water depletion has not been well-managed or accounted for. A precautionary approach to allocation quantum would be preferable in the interim.</p>
180.39	POL TANK 37 - Amend to avoid the policy being unnecessarily restrictive given that our knowledge about what a sustainable groundwater limit might be is still incomplete. Specific wording provided in submission.	Oppose	<p>Relief sought: Amend the policy to include an allocation limit of 70 million m³, delete use of "actual and reasonable use", and require avoidance of adverse effects rather than mitigation.</p> <p>Reasons: See reasons above (180.39) and ensure that as the Heretaunga Plains Aquifer is an over-allocated catchment then adverse effects on it should be avoided.</p>
180.40	POL TANK 38 - Amend as follows: 'The Council will restrict the re-allocation of water to holders of permits to take and use water in the Heretaunga Water Management Unit issued before 2 May 2020 and will review permits or allocate water according to the plan policies and rules either: ...	Oppose	<p>Relief sought: Retain the ability to restrict volumes and rates at the review of water permits when they expire. Amend clause b) with; "b) review of all applicable permits within ten three years of <the operative date>;</p> <p>Reasons: As notified the policy seeks to enable unsustainable use of groundwater.</p>
180.41	POL TANK 39 - Amend as follows: c) enable permit holders to progressively and collectively through Water User Collectives develop and implement flow maintenance and habitat enhancement schemes as water permits are replaced or reviewed, in the order consistent with water permit expiry dates)	Oppose	<p>Relief sought: Redraft the policy so that adverse effects of individual consent holder's operating their consents are required to avoid adverse effects on the water body they are affecting, at the location where the surface water depletion is occurring and in a timely manner. This may require restricting their take at times of low flow so that adverse effects are rendered 'less than minor'. Provide a threshold that limits cumulative adverse effects to a percentage of flow depletion. Provide the ability for individual consent holders to provide their own solutions.</p> <p>Reasons: Contribution to a scheme that may or may not be funded, approved or built does not guarantee the avoidance, remediation or mitigation of adverse effects.</p>
180.42	POL TANK 41 - Amend as follows: The Council will <u>further consider the option of remedying</u> the stream depletion effects of groundwater takes in the Heretaunga Plains Water Management Unit on the Ngaruroro River, in consultation with mana whenua, land and water users and the wider community through:	Oppose	<p>Relief sought: Delete the policy and include policies to manage stream depletion effects through sustainable allocation of water resources</p> <p>Reasons: The adverse effects caused by the operation of a resource consent, should be required to be addressed by the consent holder. The policy implies that regional</p>

	a) further investigating the environmental, technical, cultural, <u>social</u> and economic feasibility of a water storage and release scheme to off-set the cumulative stream depletion effect of groundwater takes;		council will remedy or mitigate adverse effects caused by consent holders who make a profit out of resource use or over-use.
180.43	POL TANK 47 - Amend to better align the policy with terminology as used within the irrigation industry. Specific wording provided in submission.		Relief sought: Amend POL TANK 47 as requested in the submission, but for clause c) add “...on a reliability standard that (i) for surface water <u>is based on the Summer 7-day Q95 so it is likely to meet demand for 95% of the time;</u> <u>(ii) for groundwater from the Heretaunga Plains Aquifer system is based on an interim allocation limit of 70 million m³ per season</u> Reasons: It is difficult to achieve a reliability percentage without a sound scientific method based on actual data.
180.44	POL TANK 48 - Amend as follows: ‘When considering any application to change the water use specified by a water permit, or to transfer a point of take to another point of take, to consider...g) declining applications for a change of use from frost protection to any other end use <u>except primary production;</u>	Oppose	Relief sought: Decline the submission. Reasons: Frost protection is restricted to short durations at specific times of the year while uses for primary production are more widely spread throughout the year. If frost protection irrigation is to be discontinued, then the water quantity and rate should return to the water body.
180.45	POL TANK 49 - Amend as follows: “...i) <u>except where an application is to take and use water storage projects, consent durations of greater than 15 years will be considered and may be granted if a longer consent term is justified on the basis of the quantum of investment required to construct the scheme.</u>	Oppose	Relief sought: Replace the durations proposed with a maximum of 10 years duration and subject to meeting volume and cumulative rate limits. Reasons: Rolling over existing consents for 10 – 13 years and then enabling a further 15 years is too lenient when there is a lot of uncertainty around what the sustainable amounts should be while giving effect to the NPSFM.
180.46	POL TANK 51 - HortNZ supports the recognition of the need to enable water to be made available to irrigate horticultural tree crops to ensure their survival.	Oppose	Relief sought: Remove reference to horticultural crops and primary production. Reasons: Te Mana o te Wai and the health and well-being of water bodies are a priority consideration. Abstractive uses for economic gain should not trump the health of the resource and safe-guarding life-supporting capacity within water bodies.
180.47	POL TANK 52 - Amend to ensure that new water from high flow allocations can be assessed, and make policy more practically appropriate in its application. Specific wording provided in submission.	Oppose	Relief sought: Delete the words in parentheses in clause a); Delete clause b)(i); Provide definition of ‘water efficiency standard’ in the glossary; Delete “except for authorised uses existing before 2 May 2020” from clause d); Replace “or promoting water augmentation/harvesting” in clause e) with “where the site being transferred to meets limits in abstraction volumes and rates, and the adverse effects of the transfer do not cause additional adverse effects”; Delete clause f) and reference to actual and reasonable use; Delete “or trigger flows” from clause h);

			<p>Reasons: The amendments above will align better with sustainable management principles and Part II of the Act.</p> <p>- The term actual and reasonable use throughout PC9, does not enable the use to be quantified or connect to managing the effects of the “use”..</p>
180.48	POL TANK 53 - Amend to more appropriately reflect the limited scope of any effects that do occur as a result of frost protection takes. Specific wording provided in submission.	Oppose in part	<p>Relief sought: Amend frost protection provisions to ensure that such takes and uses are within specific periods and subject to minimum flows and allocation limits (volumes and rates).</p> <p>Reasons: Frost protection takes typically use large amounts of water over a short period. There are alternatives to irrigation for frost protection and flow limits are put in place to protect values within the water body.</p>
180.49	POL TANK 54 - Amend to delete a) and c).	Oppose	<p>Relief sought: Retain clauses a) and c) in the policy.</p> <p>The clauses are relevant matters to consider when damming rivers or streams.</p> <p>Reasons: As a dam has the capacity to provide for more intensive land uses, the effects of such uses are a result of the dam being built and the water from the dam being made available.</p> <p>- Alternatives are a relevant consideration where it can potentially lead to reduction or elimination of adverse effects caused by a dam and associated infrastructure.</p>
180.52	POL TANK 60 - Amend as follows: ‘When making decisions about resource consent applications to take and store high flow <u>water in accordance with Policy 59</u> , the Council will take into account the following matters:...’	Oppose	<p>Relief sought: Decline the submission.</p> <p>Reasons: Policy 59 is not specifically about storing water. It is more about allocation of water after it has been stored and what it will be used for.</p>
180.53	6.10.1 Use of Production Land - Rule TANK 1 - Amend by replacing (throughout plan) terms farm property/farming enterprises with term ‘farm.’	Oppose	<p>Relief sought: Amend Rule 1 so that the use of productive land for farming is a restricted discretionary activity in priority catchments (with water quality issues as specified in Schedule 28) or where water quality targets are not being met. Amend to include the matters of discretion in Rule 2 and include additional provisions for audit and review of all farm plans (including catchment collectives and industry programmes if retained).</p> <p>- Do not replace the term farming enterprise with “farm”. enterprise</p> <p>Reasons: Priority catchments are predominantly where significant adverse effects have been enabled through lenient management, and where more prescriptive</p>

			management is now required. Although a single farm can be a farming enterprise, a farming enterprise is not specifically a single farm or property.
180.54	6.10.1 Use of Production Land - Rule TANK 3 - Add definition of 'active formed channel' to plan	Support	Relief sought: Accept the submission and amend the plan to include a definition. Reasons: Provides clarity of intent for application of the term.
180.56	6.10.1 Use of Production Land - Rule TANK 6 - Amend condition b) to combine the load allowance per farm to provide greater flexibility for collectives. Specific wording provided in submission.	Oppose	Relief sought: Decline the submission. Reasons: Farms or properties under the same management can be located in different management zones or catchments. Combining of load allowances for collectives could disrupt effective management of nutrient/contaminant inputs to meet limits or achieve targets.
180.57	6.10.1 Use of Production Land - TANK 6A - Insert new rule that provides a clear consenting pathway for activities that do not comply with TANK 6. The activity status for this should be discretionary.	Support	Relief sought: Insert new Rule 6A and ensure notification of affected parties. Reasons: Management of land use should cover all eventualities that have the capacity to cause adverse effects
180.58	6.10.2 Water - Rule TANK 7&8 - Amend to include a specific exemption for the ongoing abstraction of up to 20m3 if water is abstracted for the purpose of assisting the survival of permanent horticultural crops.	Support	Relief sought: Allow the submission point and an amendment but ensure that the rule does not enable abstraction that detracts from the health and well-being of the water body. Encourage on-site storage. Reference values in new schedule (Schedule 26-F). Reasons: The NPSFM does not prioritise economics above the health and well-being of water bodies. Strict limits and consideration of alternatives should also be included.
180.59	6.10.2 Water - Rule TANK 9&10 - All references to 'actual and reasonable' are amended to just be to 'reasonable'. An additional matter of discretion is added as follows: <u>'The effects of any take and use for root stock survival on flows in connected surface water bodies.'</u>	Oppose	Relief sought: Delete all references to "actual and reasonable use" and actual and reasonable needs" in PC9. Reasons: use of the term and the definition do not promote the purpose of the Act. In some instances, they tend to subvert the use of sustainable management principles and practices.
180.60	6.10.2 Water - Rule TANK 12 - Amend status to be 'noncomplying'	Oppose	Relief sought: Retain prohibited status for Rule TANK 12. Reasons: Prohibited status is appropriate as we endeavour to constrain water takes and uses to within more sustainable amounts/limits.
180.61	6.10.2 Water - Rule TANK 18 - Amend status to be 'restricted discretionary'	Oppose	Relief sought: Decline the submission and retain discretionary status. Ensure notification of affected parties including tangata whenua.

			<p>Add a new Rule TANK 18A for the “Transfer and Discharge of surface water into groundwater in the Heretaunga Plains Aquifer System (quantity), as a discretionary activity.</p> <p>Reasons: The quality of water being transferred should not result in degradation of the water body being transferred too.</p>
180.63	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6) - RRMP 13 - Amend by adding ‘at any one time’ to end of (j).	Support in part	<p>Relief sought: Provide greater clarity in the rule but provide a monthly limit. As drafted the rule is unclear regarding duration.</p> <p>Reasons: As drafted, the rule could enable applications of 100 m³ every day of the year.</p>
180.64	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6) - RRMP 32 & 33 - Amendments to 32 and 22 are deleted.	Oppose	<p>Relief sought: Retain Rules 32, 33A and 33. Change the “ten years” to “five years” in the conditions/standards/terms column.</p> <p>Reasons: Not knowing all the effects of drainage water is not a valid reason for not managing its adverse effects. Input of nutrients and contaminants from drainage water should be accounted for in catchment loads and limits.</p>
180.66	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6) - RRMP 62a - Amend by deleting (d)(i) (related to groundwater takes in HPWMU). Delete (f). (h) is amended to refer only to ‘reasonable’		<p>Relief sought: Retain clauses d)(i), f) and h) in RRMP Rule 62a as notified. Delete the RMA reference in the rule. Change activity status to restricted discretionary and ensure notification of affected parties including tangata whenua.</p> <p>Reasons: The rule needs to ensure effective management of effects resulting from the transfer and should apply to all transfers.</p>
180.67	Schedule 26: Freshwater Quality Objectives - Add the location of the monitoring and information on the existing state.	Support	<p>Relief sought: Accept the submission and amend Schedule 26. Supply maps of monitoring sites/locations at an appropriate scale.</p> <p>Reasons: Provisions as above will ensure knowledge of monitoring outcomes is better understood by the general public.</p>
180.69	Schedule 29: Land Use Change - Amend by adding definition of ‘production land use change’ to plan. State single N loss load applicable to all land uses and locations, however if current approach is maintained, update kiwifruit and vegetable rotation numbers and other crops, in accordance with evidence HortNZ will submit at hearing	Oppose	<p>Relief sought: Decline the submission at this time.</p> <p>Reasons: The evidence relating to the requested amendments is not provided here.</p>
180.71	Schedule 31: Flows, Levels and Allocation Limits - Amend minimum flow for Tūtaekurī River to 2,000l/s. Delete	Oppose	<p>Relief sought: Decline the submission.</p>

	Note 2. Add <u>volume with root stock survival volume/allocation that can be abstracted below minimum flow.</u>		Reasons: Some orchard and horticulture land has been traded for lifestyle blocks. It does not make sense to support survival of trees (or crops) that are then cut down for subdivisions, or due to market forces.
180.72	Schedule 32: High Flow Allocation - Amend by adding allocation frameworks for the Karamu and possibly Ahuriri Catchments (depending on feasibility), and revisit allocation for Ngaruroro.	Oppose	Relief sought: Decline the submission, and do not include the Karamū or Ahuriri catchments in the High Flow Allocation provisions. Reasons: The Karamu is severely over-allocated. A new allocation regime for the Karamū is required that protects the inherent and cultural values of the river. Both the Karamū and Ahuriri catchments include water-short areas.
180.74	Chapter 9 Glossary of Terms Used - Amend by just referring to 'reasonable' - <u>and in relation to applications to take and use water is the lesser of:</u> <u>a) the quantity specified on the permit due for renewal or any lesser amount applied for; or</u> <u>b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise an equivalent method) and to a 95% reliability of supply.</u>	Oppose	Relief sought: Decline the amendments sought. Remove references to actual and reasonable in the glossary and from the PC9. Relate 95% reliability of supply to a specific methodology that promotes constant sustainable management of the resource. Reasons: The plan does not include a methodology or system that provides and assessment and allocation regime that supports a 95% reliability of supply
180.79	Chapter 9 Glossary of Terms Used - New definition added for 'land holding' - Insert definition as follows: ' <u>one or more parcels of land (whether or not they are contiguous) that are managed as a single operation</u> '.	Oppose	Relief sought: Decline the submission. Reasons: The term is not used in Change 9.
180.80	Chapter 9 Glossary of Terms Used - New definition added for 'nitrogen losses from production land' - Insert definition as follows: ' <u>The modelled estimate of average annual nitrogen load, calculated for each farm. For a commercial vegetable growing rotation, the nitrogen loss estimate must include the full sequence of crops and pasture used as part of that rotation</u> '.	Oppose	Relief sought: Decline the submission. Reason: Modelling does not always reflect reality. Although helpful as an on-farm guide, at the catchment or management zone scale, the setting of limits and targets that then require on-farm adjustments or compliance are a more effective management method, as they then take into account the values that need to be upheld.

Submitter 197 Beef and Lamb NZ Limited	Original submission statement (from HBRC summary)	TToH Support/ Oppose	Relief sought and reasons for our position
Lilly Lawson			
197.1	5.10.1 TANK Objectives - Retain as proposed.	Oppose	<p>Relief sought: Decline the submission point and either delete or amend the proposed objectives or where they lack clarity or alignment with the NPSFM or the operative RPS, redraft them as policies.</p> <p>Reasons: TToH sought significant revision of PC9 as notified. Without getting the objectives right, it is difficult to align the policies and methods (including rules) with higher level planning instruments and the provisions of the Act</p>
197.2	<p>General Objectives</p> <p>Amend existing and include as required new objectives to give effect to the following intent:</p> <ul style="list-style-type: none"> • Provide for a range and flexibility in land use... • Restrict the reach of objectives to the values of the NPS-FW... • Reference to the management of water quality pertains to the achievement of the objectives... • Otherwise water quality is maintained where the objectives are met. • Attribute state should be set to achieve the values.... 	Support in part	<p>Relief sought: Amend the objectives insofar as to give effect to the NPSFM, but do not constrain the values to those within the NPSFM.</p> <p>Reasons: The NPSFM clearly articulates that it contains compulsory values, and that other values can be articulated in regional plans including those identified by regional councils in consultation with their communities.</p> <p>- The operative RPS also directs towards a range of values to be included in regional plans.</p>
197.4	<p>OBJ TANK 15</p> <p>Amend existing and include as required new objectives to give effect to the following intent:</p> <ul style="list-style-type: none"> • Strengthen the requirements to provide for the economic wellbeing of people and communities; and • In formulating freshwater objectives and limits, the economic wellbeing, including productive economic opportunities are provided for in the context of environmental objectives, values and limits. 	Support in part	<p>Relief sought: Amend OBJ TANK 15 insofar as providing for economic well-being, but as a lower priority to the health and well-being of water bodies, other priorities listed in Te Mana o te Wai, and the matters of national importance articulated in s6 of the RMA.</p> <p>Reasons: The NPS prescribes a priority order that must be applied when managing freshwater and water bodies, and economics pursuits are subservient to several other matters.</p>
197.5	<p>Water quantity</p> <p>OBJ 16, 17 and 18 and associated policies and rules -</p> <p>Amend existing and include as required new</p>	Support in part	<p>Relief sought: Allow for stock drinking water as a permitted activity in TANK catchments, but within limits pursuant to s14(3) (b) of the RMA. Enable total allocations above a specific threshold for stock drinking water, to be included in limits where such taking has an adverse effect on the environment or water body.</p>

	<p>objectives, policies and rules to give effect to the following intent:</p> <ul style="list-style-type: none"> • Provide for stock drinking water as a priority (permitted activity) take; • Establish take volumes (e.g., 70L per animal per day) which provide for animal health and wellbeing... • Enable these volumes to be taken as permitted activity; • Enable priority takes below minimum flows; or • Amend minimum flows to 1st limit takes for non-priority uses; and • Enable priority takes down to limits required to safeguard ecological health. 		<p>- restrict water takes below minimum flows where they have capacity to diminish life-supporting capacity, mauri, or inherent values.</p> <p>Reasons: There is a proviso in s14(3)(b) that states <i>"in the case of fresh water, the water, heat, or energy is required to be taken or used for—</i> <i>(i) an individual's reasonable domestic needs; or</i> <i>(ii) the reasonable needs of a person's animals for drinking water,—</i> <i>And the taking or use does not, or is not likely to, have an adverse effect on the environment; ..."</i></p> <p>PC9 needs to give due consideration to s14 and its intent rather than bypass its intent to prevent adverse effects on the environment.</p>
197.7	<p>5.10.2 Policies: Surface Water and Groundwater Quality Management</p> <p>Amend existing and include as required new policies to give effect to the following intent:</p> <ul style="list-style-type: none"> • More explicitly provide for the development and implementation of Farm Environment Plans, Catchment Collectives and Industry Programmes as the preferred approach to environmental management and recognise them as a priority to achieving freshwater targets and objectives. 	Support in part	<p>Relief sought: Allow for the submission insofar as to include FEPs and catchment collectives etc, but through a non-regulatory method. Allow the outcomes from FEPs (or Freshwater Farm Plans) to inform compliance with limits and provide a logical trajectory towards achieving targets.</p> <p>Reasons: Membership of a catchment or industry collective should not be compulsory. The accuracy of FEPs and FFPs is dependent on data inputs and estimates. There are variances in outputs from farm modelling etc.</p>
197.8	<p>5.10.6 Policies: Heretaunga Plains Groundwater Levels and Allocation Limits</p> <p>Include new/ or amend existing Policies for Water quantity and allocation - <u>Water quantity is managed to ensure that the take and use of water is reasonable and justifiable for the intended use. The specific measures to ensure reasonable and justified use of water that must be taken into account when establishing catchment plans and considering consent applications are outlined in the submission.</u></p>	Oppose	<p>Relief sought: Decline the submission.</p> <p>Reasons: 'Reasonable' and 'justifiable' are subjective terms. Allocation and management of water quantity should be based on sustainable management of the resource and adequate management of adverse effects as prescribed by the Act and its subsidiary policies and regulations..</p>

197.9	<p>5.10.3 Policies: Managing Adverse Effects From Land Use on Water Quality (Diffuse Discharges)</p> <p>Policies 17, 18, 19 and 21 - Amend existing and include as required new provisions to give effect to the following intent:</p> <ul style="list-style-type: none"> * Management approaches are tailored to addressing water quality issues identified on a sub catchment basis... * Provide for flexibility in Nitrogen use and discharge where these will not exceed long term determined sub catchment determined loads. * Enable land uses which are leaching at or less than the 'sustainable level' to continue... * Enable changes in land use which occur within the sustainable level for the sub-catchment. <p>Continued in submission.</p>	Support in part	<p>Relief sought: Amend policies to include and address:</p> <ul style="list-style-type: none"> - water quality issues on a sub-catchment basis; - provide for flexibility in nitrogen use and discharge through leaching where limits are met, but require reductions where they are not; and - quantify what the sustainable level of nitrogen leaching is in each sub-catchment or management zone. <p>Make the management units small enough for effective management of nutrient losses.</p> <p>Reasons: Nutrients require more specific management than the policies as notified provide. Some policies are better off as non-regulatory where they apply to holding meetings and doing more research to inform future decisions.</p>
197.10	<p>Schedule 29: Land Use Change</p> <p>Amend existing and include as required new provisions to give effect to the following intent:</p> <ul style="list-style-type: none"> • B+LNZ seek that Table 1 in Schedule 29 is deleted and propose that a 'flat rate per hectare' permitted threshold is applied (e.g., 20 - 25kgN/ha/yr.) irrespective of land use and land use change, or alternatively an approach based on natural capital (appendix 1). • Any Nitrogen risk threshold should be tailored to the catchment and specific to working towards achieving freshwater values. • This approach will ensure that those land uses which contribute unsustainable <p>Continued in submission</p>		<p>Relief sought: Reduce the allowable nitrogen load limits to enhance water quality in catchments that show poor water quality, and/or excessive algae including the Karamū catchment.</p> <p>Reasons: A common threshold is not always suitable given variances in soil type and legacy effects that require more prescriptive management.</p>
197.11	<p>Industry Programmes and Catchment Management Policies 23, 24 and 25 - retain as proposed.</p>	Oppose	<p>Relief sought: Move these to a non-regulatory section of the RRMP.</p>

			Reasons: Although they are useful for informing sustainable management responses, they need to be outcome focussed and achieve positive gains within a reasonable timeframe, particularly in over-allocated catchments (water quality and water quantity)
197.12	6.10.1 Use of Production Land Rule TANK 1 - Schedule 30: Landowner Collective, Industry Programme and Farm Environment Plan. Section C: Farm Environment Plans 1.1 A Farm Environment Plan shall; a) be prepared by a person with the professional qualifications to prepare such a plan or be prepared by the Farm Owner or Manager with assistance/and or review by a suitably qualified and experienced person	Oppose	Relief sought: Decline the submission in terms of the deletion sought. Include terminology that reflects the NPSFM 2020 – “freshwater farm plans” or similar Reasons: Preparation of these plans requires a uniform approach or template, so the outcomes are all similar for the affected freshwater bodies.
197.13	6.10.1 Use of Production Land Rule TANK 2 - retain as proposed.	Oppose	Relief sought: Change the rule description so the words after “TANK catchment” are deleted. Provide a consent duration of ten years. Reasons: There is the ability for farm properties to change ownership and the productive use to alter, with a subsequent change in nature and scale of effects.
197.14	6.10.1 Use of Production Land Rule TANK 3 - B+LNZ seek that the word ‘bed’ in TANK 3 & 4 is defined and included in Chapter 9 Glossary: Bed means the bed of a river that is intermittently flowing and where the bed is predominantly unvegetated and comprises sand, gravel, boulders or similar material .a)The entry into or over the bed of any river lake or wetland by cattle, deer and pigs is a permitted activity provided that; i) stock that are at a stocking rate less than 18su/ha in the paddock adjacent to the river the stock have access to; and ii) The slope over 60% or more of the paddock is greater than 15 degrees of slope. <u>i) The river does not have a bed that is wider than 1m anywhere in a land parcel, and</u>	Oppose	Relief sought: Retain subclauses a)(i) and a)(ii). Decline the addition of new clauses. Reasons: The RMA has specific definitions for riverbed. The rule as notified recognises all lakes, rivers and wetlands, whereas the amendment requested severely restricts application of the rule. Industry groups have agreements amongst their members to keep stock out of waterways (e.g., Fonterra Accord).

	<u>ii) the land slope is greater than 10 degrees as shown by the National Scale Map or as determined at the paddock or farm spatial scale. and iii) stock do not cross the same lake or wide river more than 12 times in any year.</u>		
197.15	<p>6.10.1 Use of Production Land</p> <p>Rule TANK 5 - a) Any change to the production land use activity commencing after 2 May 2020 is over more than 10% of the property or farming enterprise area—20ha or—20% of the property whichever is <u>greater</u>.</p> <p>b) The production land is subject to a Catchment Collective Programme meeting the requirements of Schedule 30B by a TANK Catchment Collective which meets the requirements of Schedule 30A <u>or has a Farm Environment Plan which meets the requirements of Schedule 30</u> (as amended in accordance with this submission).</p>	Oppose	<p>Relief sought: Change the rule description so the words after “TANK catchment” are deleted. Retain clause a) as notified apart from the words “or farming enterprise” Allow the added reference to FEPs (or their equivalent) and the requirements of Schedule 30.</p> <p>Reasons: A farming enterprise could potentially include numerous land parcels within multiple catchments. The effects of a single land parcel or farm should be under the management regime for the catchment it is located in.</p>
197.16	<p>6.10.2 Water</p> <p>Rule TANK 7 and 8 - B+LNZ seek that 6.10.2 is amended so as to preclude water take for stock drinking water from any Take and Use Rules. Water quantity rules are amended in accordance with relief sought above (Obj 16, 17, 18).</p> <p>Water quantity Policies - Water quantity is managed to ensure that the take and use of water is reasonable and justifiable for the intended use, and takes for stock drinking water are permitted to provide for the health and wellbeing of domestic and production animals.</p>	Oppose	<p>Relief sought: Amend the rules so that water for stock drinking is permitted provided the taking does not cause an adverse effect that is more than minor. Or words to like meaning and effect.</p> <p>Reasons: S14(3) (b) takes are subject to the proviso that “the taking and the use, do not have an adverse effect on the environment”. This implies that restrictions should apply where adverse effects are caused by such taking and/or use. The NPSFM and Te Mana o te Wai prioritise the health and well-being of water bodies over the provision of drinking water for commercial gain.</p>

Submitter 198 Environmental Defence Society Inc.	Original submission statement (from HBRC summary)	TToH Support/ Oppose	Relief sought and reasons for our position
Cordelia Woodhouse			
198.2	Proposed TANK Plan Change 9 PC9 will not give effect to the provisions of the National Policy Statement for Freshwater Management (NPSFM) 2017, or the 2020 amendment which comes into effect in September 2020. It also fails to give effect to sustainable management purpose, matters of national importance and other matters in Part 2 Resource Management Act 1991 (RMA).	Support	Relief sought: Amend Change 9 to give effect to the NPSFM 2020 where there is scope within submissions to do so and align provisions in the plan with sustainable management principles and the purpose of the Act. - Consider drafting a variation to Change 9 to address the inconsistencies between it and the NPSFM 2020. Reasons: Amending Change 9 to achieve this will save significant time and resource that would be required for future plan changes. - The timeline for compliance with the NPSFM 2020 is short.
198.4	Water quantity Include clear objectives and policies to phase out over-allocation of surface and groundwater and to avoid future over-allocation, safeguard life-supporting capacity and ecosystem health, protect the significant values of outstanding freshwater bodies and wetlands	Support	Relief sought: Accept the submission and amend the plan accordingly. Make any consequential changes to reflect the amendments. Reasons: Deletion of existing provision to safeguard life-supporting capacity of freshwater and ecosystems does not promote sustainable management.
198.5	Water quantity Ensure that water takes are required to cease at minimum flows (except essential water takes for human water drinking supplies) and that all water takes are within low flow and high flow allocation limits	Support	Relief sought: Accept the submissions and amend the plan to require abstractions for irrigation to cease at minimum flows for all existing consents, as this was one of the consent conditions. In addition, require staged reductions in abstractions pursuant to Change 9, to slow down flow recessions and reduce the risk of minimum flows being reached. Require adherence to elevated (new) minimum flows when they become operative and amend the plan accordingly. Reasons: Minimum flows are supposed to provide sufficient habitat for a range of species, and to uphold attributes and values. Although the adequacy or otherwise of current flow minima is disputed, they should be adhered to for all current resource consents, and those that have expired. A change of consent conditions should not be enabled without due process. Prevention of flows falling below flow minima should be encouraged.
198.6	Set high flow allocations for all rivers that ensure hydrological alteration of the flow regime is	Support	Relief sought: Amend the high flow allocation regime to give effect to this submission. Require flow sharing on a 1:1 ratio with the river/stream for high flow allocations.

	minimised and maintained close to natural flow regimes		Reasons: Maintaining natural flow variability ensures the natural character of the water body is maintained to a certain degree, and adverse effects are minimised.
198.7	OBJ TANK 11 - Significantly increase the minimum flow in the Ngaruroro River to provide more habitat for indigenous fish at low flows	Support	<p>Relief sought: Accept the submission and increase minimum flows on the Ngaruroro as measured at Fernhill Bridge, to 2800 lps, with staged elevations of the minimum flow up to 4200 lps by 2029.</p> <p>Reasons: The eventual attainment of 4200 lps for the Ngaruroro minimum flow will ensure sufficient provision of habitat for indigenous fish species and for trout, and for fish passage at crucial times of the year. The timescale for the staged increases in minimum flow are similar to what occurred in the Tukituki catchment.</p>
198.8	Water quantity Prevent the transfer of water-permits into over-allocated ground and surface water freshwater management units	Support	<p>Relief sought: Allow the submission and amend PC9 to reflect the requested outcome. Make consequential amendments to terminology in PC9 so that the specification and expression of FMUs is clear.</p> <p>Reasons: The prevention of transfers to already over-allocated catchments will reduce the likelihood of further adverse effects.</p>
198.9	Water Quality General Include clear objectives and policies to maintain or improve water quality, safeguard life-supporting capacity, ecosystem health and human health, protect the significant values of outstanding freshwater bodies and wetlands and provide for other instream freshwater values	Support	<p>Relief sought: Accept the submission and in particular, amend PC9 to ensure the life-supporting capacity and ecosystem health receive priority within management of water quality and water quantity.</p> <p>Reasons: As notified, Change 9 objectives, policies and some methods are disjointed, attempt to cover too many issues under one provision, or are not integrated sufficiently with other plan provisions to achieve a definitive outcome. Reliance on further stakeholder, catchment collective or sector group meetings to provide impetus for another plan change should not be encouraged when there is the ability to change the planning regime to address significant issues now.</p>
198.10	Water Quality General Include schedules for FMUs (and the freshwater values that apply) and outstanding freshwater bodies and wetlands	Support	<p>Relief sought: Allow the submission and draft a schedule (similar to that requested by TToH (Schedule 26-F), with each FMU and sub-catchment clearly defined, along with their associated values and attributes. Include mauri as a critical or significant value for all, and mahinga kai sites and areas. Include a schedule or list of outstanding freshwater bodies along with their outstanding values and significant values.</p> <p>Reasons: The plan as notified lacks sufficient detail for effective management, and does not include cultural or tikanga Māori values, relationships with natural resources, or aspirations at a level sufficient to recognise and provide for them.</p>

198.11	Water Quality General Include all water quality objectives in Schedule 26 and identify targets to be achieved by 2040 where objectives are not currently met	Support	Relief sought: Amend PC9 so as to move the provisions in Schedule 27 to Schedule 26, so they have a regulatory function, and clearly define the water quality limits as expressed in the Department of Conservation submission. Amend the target date to 2030. Reasons: Water quality management needs to be more proactive and directive to uphold or improve water quality across the four "TANK" catchments. The direction of PC9 as notified appears to be basically supportive of the status quo and to do the bare minimum in changing behaviours to improve water quality. This will not help improve life-supporting capacity or adherence to Te Mana o te Wai and the NPSFM.
198.12	OBJ TANK 4 Regulate and manage all point source and stormwater discharges and require them to meet water quality objectives and targets in Schedule 26 by 2040	Support	Relief sought: Amend the relevant stormwater provisions in PC9 as sought by the submitter but change the date to 2030 Reasons: TToH believe that the decline in water quality over recent years needs more affirmative action to ensure our whānau / Marae can reconnect with our awa and the natural resources they have the capacity to provide. 20 years is too long to wait for significant improvement.
198.13	Water Quality General Control the use of production land for farming in all catchments to maintain water quality.	Support	Relief sought: Amend the rules and methods re land use, so that where limits are not being met, and where target dates are applied, the activity is a restricted discretionary activity, with affected parties, including tangata whenua, required to be notified. Impose a management levy to the use and application of nutrients above a specific threshold. Reasons: The runoff and nutrient leaching from agricultural/farming land has resulted in the decline of water quality which inhibits use and enjoyment of freshwater resources by other sectors of the community.

Submitter 207 Hastings District Council	Original submission statement (from HBRC summary)	TToH Support/ Oppose	Relief sought and reasons for our position
Mark Clews			
207.4	<p>POL TANK 37 Amend Policy 37 to:</p> <ul style="list-style-type: none"> • Treat the interim 'limit' as a target • Still manage the resource as over-allocated (generally) subject to exceptions – particularly those supported by Policy LW2 of the RPS. • Better acknowledge that new allocations based on actual use over previous years may not be a reasonable approach for all replacement processes. Suggested wording provided. 	Support in part	<p>Relief sought: Amend Policy 37 to state 70 million m³;</p> <ul style="list-style-type: none"> - Change the word "limit" to "target" - Manage the Heretaunga Plains Aquifer System as over-allocated; - Enable a sinking lid approach and pro rata reductions upon expiry and renewal of resource consents for irrigation; - Delete reference to "actual and reasonable use" and replace with reference to 'sustainable use within limits'; - Allow for a ten-year maximum duration for consents for irrigation; - Enable long-term consents (30 year) for municipal supply but subject to Water Conservation Strategy provisions; - Provide a mechanism for staged reduction in volume (use) for consents for irrigation from groundwater when the water abstraction is such that it reduces storage and aquifer pressures to a level where it causes significant impacts on surface water. <p>Reasons: The aquifer system is over-allocated and too much abstraction is occurring, such that adverse effects on surface water are occurring, despite consented abstractions not using their full allocations.</p> <ul style="list-style-type: none"> - Unused volumes from expiring and current consents need to be surrendered. - Municipal supply should be treated differently to water abstraction and use for profit
207.5	<p>Heretaunga Plains Aquifer Management Introduce an additional Policy (referred to as Policy 37A) to guide situations where the granting of new takes will be considered. Suggested wording provided.</p>	Oppose	<p>Relief sought: Decline the submission</p> <p>Reasons: Allocation of more water from within an over-allocated catchment should be prohibited until all consents have been reviewed and reduced so the limit is not exceeded, and adverse effects managed to minimise their impacts.</p> <ul style="list-style-type: none"> - There is an anomaly that where a plan allows for abstractions as permitted activities, then the effects of those activities can be disregarded. This potentially enables large amounts of water (in total) to be abstracted but not necessarily counted within the limit. - Despite assurances that a parallel plan change would be notified to amend the HBCEP, this has not happened. Volumes of ground water abstracted in the coastal margin are not subject to the proposed limit in Change 9 which does not regulate the coastal margin of TANK catchments.

207.8	POL TANK 40 Amend Policy 40 to enable transfers of allocated but un-used water if this to assist augmentation. Suggested wording provided.	Oppose	Relief sought: Decline the submission. Delete terms like augmentation, mitigation measures and flow enhancement from all assessment criteria for resource consents for irrigation. Reasons: The proposed plan uses terms like augmentation, mitigation measures, flow enhancement etc interchangeably apart from in the rules where “mitigation measures” is used as a default, rather than requiring individual consent holders to avoid the adverse effects that they cause in the first instance. Consents have been granted for irrigation purposes, under specific criteria and conditions, and not for augmentation purposes. The relief sought by HDC would require a change of use and consent conditions for the individual consents concerned.
207.9	POL TANK 41 Amend Policy 41 so there is a clear intention to be working towards this such that its implementation can be considered as part of the Plan review in 10 years when the groundwater limit is to be defined as this is likely to be a very relevant factor. Suggested wording provided.	Oppose	Relief sought: Decline the submission and either delete the policy or move it to a non-regulatory part of the RRMP. Reasons: The policy refers to further investigations, scheme feasibility, funding and construction etc. This implies that there is still significant work to be done on water storage and release schemes and permits from other parties may be required for land use. - Should the onus be placed on HBRC through a policy in a regional plan, to remedy the adverse effects of the numerous disparate activities of individuals?
207.10	Groundwater Management Review Amend Change 9 so that there is a more strategic approach around investigating and establishing flow enhancement schemes to inform/enable this review.	Support in part	Relief sought: Accept the submission insofar as to require further investigations and due diligence for flow enhancement schemes but ensure this occurs before they are included in objectives, policies and methods. Amend Change 9 to enable individual consent holders to implement flow enhancement where they have the means to do so, and the affected surface water body is accessible from their property. Reasons: See first reason above (207.9)
207.11	POL TANK 42 Amend the Policy to include consideration of information on the long-term sustainable equilibrium of the groundwater resource. Suggested wording provided.	Support in part	Relief sought: Accept the submission insofar as commencing a review of the interim allocation limit after all relevant consents have been reviewed. Make consequential amendments to PC9 so that the review of consents is completed more expeditiously by call-in or pursuant to the review clause within the conditions (01 May in any year). Reasons: The NPSFM 2020 will require a new regime for freshwater planning, and regional authorities should be proactive in preparing for this within the statutory timeframes in the RMA Amendment Act and the new NPSFM.
207.12	POL TANK 48 Amend the Policy as follows to: •Allow transfers under (e) to food processing uses.	Support in part	Relief sought: Allow the submission where the transfers are for the same or similar activities, and the adverse effects of the new activity are less

	<ul style="list-style-type: none"> •Regarding (f), allow the transfer of allocated but unused water where this enables flow enhancement schemes •Allow transfers to be a tool for managing urban growth. <p>Suggested wording provided.</p>		<p>Reasons: The enabling that HDC proposes would require a change of consent conditions for multiple consents. Change 9 seeks to allow for the rolling over of existing consents for a further 10 years after PC9 becomes operative, potentially 2013. Therefore, what the submitter seeks would require consequential changes to the plan to enable the call-in and alteration of consent conditions to release the unused water for other purposes.</p>
207.13	<p>POL TANK 49</p> <p>Amend the Policy as follows:...</p> <p>h) will impose a consent duration for municipal supply for 30 years to align with the required infrastructure and planning decisions under the NPS-UD 2020 consistent with most recent HPUDS and will impose consent review requirements that align with the expiry of all other consents in the applicable management unit;</p>	Support	<p>Relief sought: Amend Policy 49 h) as per the submission point</p> <p>Reasons: Municipal supply requires surety to enable domestic uses for people's health and well-being. It should receive priority over abstractive uses for monetary gain.</p>
207.26	<p>6.10.2 Water</p> <p>Amend Activity description in Rule 10 to read: Replacement of an existing Resource Consent to take of water from the Heretaunga Plains Water Management Unit where Section 124 of the RMA applies (applies to existing consents)"</p>	Support	<p>Relief sought: Delete the reference to section 124.</p> <p>Reasons: Existing and expiring consents should be assessed as to their merit with consideration of the nature and scale of their adverse effects and such effects (including cumulative adverse effects), required to be avoided in an over-allocated catchment / water body.</p>
207.27	<p>6.10.2 Water</p> <p>Amend Matter of Discretion 4 in TANK 10 to read: <u>"Where the take is in a Source protection Zone or Source Protection Extent"</u></p>	Support in part	<p>Relief sought: Accept the submission and amend the plan accordingly to include the extent, and enable protection of conjunctive zones</p> <p>Reasons: The whole spatial extent of a SPZ should be protected as well as the conjunctive zones. Regional council's s30 responsibilities include the maintenance and enhancement of water quality in water bodies, implying that water quality should be protected in its current state.</p>
207.29	<p>6.10.2 Water</p> <p>Amend Rule 11 to EITHER:</p> <p>(a) avoid new takes within the existing allocation as at the date of the plan becoming operative falling to Prohibited, OR</p> <p>(b) consider the introduction of a new Noncomplying activity 'in-between' and clarify the effect of the</p>	Oppose in part	<p>Relief sought: Accept the submission insofar as preventing existing takes/consents from falling to Prohibited status, but subject to their review and where necessary, reductions in rate and volume so as to enable quantities to be reset to ensure the total allocations are within set limits or provide a logical trajectory towards achieving targets.</p> <ul style="list-style-type: none"> - Allow for notification of affected parties including tangata whenua. - Remove reference to "low flows" in the rule description.

	interim limit/target and the long-term limit set in line with Policy 42 in relation to this rule.		Reasons: There is uncertainty around the interim limit and whether it is set at the correct level, as record low levels and ban durations are ongoing during irrigation seasons.
207.30	6.10.2 Water Amend Change 9 so that only takes where the existing allocation (as at the date of the Plan becoming operative) will be exceeded or the limit set pursuant to Policy 42, fall to prohibited under Rule 12.	Support	Relief sought: Amend the plan to accommodate the submission point Reasons: The policy will then be more succinct, and the amendment will provide greater clarity of intent in terms of how it relates to or triggers Rule 12.
207.39	POL TANK 6 Amend Policy 6(b) to read: (i) Direct or indirect discharge of a contaminant to the source water including by overland flow and/or percolation to groundwater (iv) Shortening or quickening the connection between contaminants and the source water, including damage to a confirming (confining) layer <u>of the aquifer</u>		Relief sought: Accept the submission and amend clause 6 b) (iv) Reasons: The addition will ensure greater protection for the confining layer of the aquifer(s).
207.46	Chapter 6.9 Amendments to Regional Resource Management Plan Rules (see below underline/strikeout version of chapter 6) Support subject to amending the rules to fully incorporate the recommendations of the JWG, specifically: •Amend activity description of Rule 1 and Rule 2 to include bore use and maintenance •Delete “upon request” for Rule 4 f) •Add “Measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply, irrespective of any treatment process for the Registered Drinking Water Supply” as a matter of discretion to Rule 7 and Rule 40. •Delete “upon request” for Rule 12 h) •Amend Rules 16, 48, and 49 to exclude activities within SPZs Not all of the recommended amendments have been incorporated into the notified TANK Plan Change. HDC supports the recommendations of the JWG for	Support	Relief sought: Amend the rules (and related plan provisions) accordingly to include better protection for SPZs and drinking water supplies. Reasons: The JWG on Drinking Water spent considerable time and effort discussing and debating the SPZs and the conjunctive zones and were supported by science reports and experts in various fields. PC9 should adopt all of the recommendations from the JWG.

	amendments to the Regional Plan Rules and seeks that the TANK		
207.47	Schedule 28: Priority Catchments Amend the table by adding the words “land within a Source Protection Zone” as a High Priority and “land within a Source Protection Extent” as a Medium Priority.	Support in part	Relief sought: Amend the Schedule as sought apart from the Medium Priority where is amended “High Priority”. Reasons:
207.52	Protection of Source Water Include SPZs Maps as part of the Regional Plan or provide confirmation as to the ability to implement the regulatory provisions of the TANK Plan change. Add all SPZs Maps as attached to this submission for the Hastings supplies as part of the Regional Plan. Specifically, •Hastings Urban (Eastbourne, Frimley, Wilson & Portsmouth Road); •Brookvale (noting that this is to be removed as a primary supply once upgrade works are complete, however HDC is currently reviewing whether or not it needs to be maintained for a backup supply); •Omahu; •Whakatu; •Waipatu; •Haumoana (Palomino Road); •Clive (Tuckers Lane & Ferry Road).		Relief sought: Accept the submission and add the maps to PC9 as requested. Provide an overlay for the Schedules that include the Heretaunga Plains Aquifer System. Reasons: All Drinking Water Sources deserve protection. In addition, the RPS requires “no degradation” of aquifers from their natural state.
207.72	Water quantity Projects investigating flexible management initiatives and initiatives such as augmentation and global consents need to occur ahead of replacement processes so that solutions/options are in place at the time of reassessment to ultimately assist in reducing allocation.	Oppose	Relief sought: Decline any amendments to Change 9 that enable this too occur. Reasons: Some consents have already expired and continue to be exercised under s124. This means that they are subject to the same conditions. Amending them to include augmentation and /or global consent participation would mean a change of consent conditions. The assessment criteria under which many consents were granted, has been found wanting, given the broad discussions around the need for mitigation measures, stream

			flow enhancements and water storage to enable addressing of adverse effects. Renewal and replacement of consents should stand on the ability to avoid, remedy or mitigate adverse effects at the time the consent is due for renewal. It should not be reliant on a scheme that has still to be designed, budgeted for and constructed. The efficacy of such a scheme is still untested.
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Submitter 232 Matahiwi Marae	Original submission statement (from HBRC summary)	TToH Support/ Oppose	Relief sought and reasons for our position
Levi Walford			
232.1	Proposed TANK Plan Change 9 Oppose provisions in Change 9 relating to water quality, water quantity, and impact of land use.	Support	<p>Relief sought: Amend PC9 Objectives, policies and methods so that water quality is improved within a reasonable timeframe, discharges are managed more effectively, and more water is retained within surface water and groundwater systems to better support cultural and environmental values</p> <p>Reasons: As notified, PC9 appears to support the status quo in terms of adverse effects from</p> <ul style="list-style-type: none"> - land use and development; - over-allocation of water; - discharges and leaching of nutrients and contaminants, and - continuation of adverse effects on tangata whenua values and aspiration in terms of freshwater taonga.
232.2	Water quantity A substantial reduction of allocation and abstractions from ground water & surface water that contribute to low flows in - or no water being available to already diminishing streams.	Support	<p>Relief sought: Amend PC9 objectives, policies methods and schedules to reduce water allocation volumes and water abstractions (volumes and rates) to levels that are sustainable and that have minimal adverse effects on tangata whenua values and relationships with freshwater resources.</p> <ul style="list-style-type: none"> - Amend the proposed plan so that allocation rates and volumes for surface water and ground water are based on a sound methodology that promotes sustainable management. <p>Reasons: Proposed PC9 is deficient in providing an allocation method that is based on science and sustainable management.</p>
232.3	OBJ TANK 11 Amend Plan Change 9 to include sustainable allocation volumes and abstraction rates from the Ngaruroro river.	Support	<p>Relief sought: Amend the minimum flows for the Ngaruroro River so that:</p> <ul style="list-style-type: none"> - when operative the minimum flow is 2800 lps; - staged increases are enabled through the plan that result in a minimum flow of 4200 lps for the Ngaruroro River in 2029; - the total instantaneous rate of take (abstraction) is substantially reduced <p>Reasons: Sustainable allocation is directly related to maintaining the health and well-being of the awa and leaving sufficient water within the awa, so its life-supporting capacity and ecosystems are sustained.</p>
232.4	OBJ TANK 13	Support	Relief sought: Amend PC to restrict discharges into the Karamū, and more effectively manage groundwater abstractions so that the adverse effects on springs that contribute

	Harmful nutrients that are discharged into the Karamu causing adverse, affects, on the habitat and aquatic life are 'LIMITED'		<p>flow to the Karamū and its tributaries, are substantially reduced through better management of surface water depletion.</p> <p>Reasons: Surface water depletion is not managed effectively through existing RRMP provisions, and PC9 appears to support a relaxed attitude towards addressing this key issue.</p>
232.5	<p>OBJ TANK 15</p> <p>That an imposition be put in place for abstractions from all Aquifer Systems - especially the Heretaunga Plains, so that the springs that feed into the rivers are not restricted</p>	Support	<p>Relief sought: Apply a more restrictive management regime to surface water depleting groundwater takes within the Heretaunga Plains. Amend the objectives, policies, methods and schedules in PC9 to achieve this and apply an interim limit of 70 million m3 per year for all groundwater takes from the Heretaunga Plains Aquifer System.</p> <p>Reasons: See above for 232.4</p>
232.6	<p>5.10.7 Policies: Surface Water Low Flow Management</p> <p>Elevate the minimum flow in all rivers to provide a 90% habitat provision for the range of aquatic life that prefer fast flowing river reaches</p>	Support	<p>Relief sought: Amend PC9 to give effect to this submission point. Adjust flow minima upwards in a staged approach so that 90 % habitat provision is available at minimum flows for trout and torrent fish. Make consequential amendments to other parts of PC9. (A table of minimum flows and staged increases and dates is provided in the TToH submission).</p> <p>Reasons: The NPSFM and the operative RPS require the protection of the life-supporting capacity, natural ecosystems and ecosystem processes in rivers and streams. Existing minimum flows are insufficient to provide this.</p>