

From: [Michaela Tinker](#)
To: [Brooke Bickerstaff](#)
Subject: Fwd: HBRC - (Ruataniwha Basin - Tranche 2) [#71]
Date: Friday, 17 December 2021 4:12:35 pm
Attachments: [ATT00001.png](#)
[ATT00005.png](#)

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Michaela Tinker
Consents Administrator
06 835 9200

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From: HBRC <no-reply@wufoo.com>
Sent: Friday, December 17, 2021 3:34:23 PM
To: Michaela Tinker <Michaela.Tinker@hbrc.govt.nz>
Cc: janeen@sageplanning.co.nz <janeen@sageplanning.co.nz>
Subject: HBRC - (Ruataniwha Basin - Tranche 2) [#71]

Which consent does your submission relate to? Please click on the box below to select.:

APP-123563 APP-123991 APP-123541 APP-123547 APP-123565 APP-124498 APP-123566 APP-124500 APP-123546 APP-125281

Person Making the Submission: Meg Gordon

Address: [REDACTED]

Contact Person (if different to above, or if submitter is an organisation): Meg Gordon

Phone Number: [REDACTED]

Mobile Number: [REDACTED]

Email: [REDACTED]

Are you a trade competitor for the purposes of section 308B of the RMA 1991: No

IF YES: Are you directly affected by an effect of the proposed activity that adversely effects the environment and does not relate to, or the effects of trade competition: No

: I/We oppose the above application

The specific parts of the application that my submission relates to are (please enter the relevant number): APP-123563, APP-123991, APP-123541, APP-123547, APP-123565 and

APP-124498, APP-123566 and

APP-124500, APP-123546, APP-125281

My submission is: (you may attach submission detail to this form)

* Include the reasons for your views: I am objecting to all of the listed applications to take more water from the Ruataniwha Basin, for the following reasons:-

(1) Tikokino township is already badly short of water, not just the township but the whole water catchment area has been pillaged by intensive farming of just a few, that will put further pressure on both Tikokino farmers and the townspeople of both Tikokino and Ongaonga, with the downline ramifications for Waipawa as well.

(2) IN summer the whole area is already at risk with excessive water take for farming and cropping operations - this proves that the industry has to adapt and change to less water intensive practices

(3) Almost every year people who are on small bores are running out of water - these people have lived in the area for years as the farming pillaging has continued but not one cent of the profits has been fed back into the community. New cars, new tractors, overseas travel and lifestyle houses have done nothing for the average rural homeowner in the area - all they get is a summer bill to have water trucked in because the bores have run out.

(4) Forest & Bird have stated the dire environmental effects that this continued water pillaging is having on the environment.

(5) Consistency of crop production and agricultural spending DOES NOT and is not impacting on the community - it is making wealthy people wealthier, and small rural residents at risk of not being able to access the basics of life.

If there is more money poured into the community, please show ANYTHING that has improved for the average person living in Tikokino or Ongaonga.

I seek the following decision from the Hawke's Bay Regional Council:

* Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought: I want every single application listed denied until there has been sufficient conversation with the residents of both Tikokino and Ongaonga.

I want the applicants to show exactly how much money and on what services or benefits that the townships' residents will gain from these applications.

I also want to speak on this submission.

I wish to be heard in support of my submission: Yes

If others make a similar submission, I will consider presenting a joint case with them at the hearing: No

I wish to attend any pre-hearing meeting that may be convened.: Yes

Comments on Resource Consent applications: APP-123563 APP-123991 APP-123541 APP-123547
APP-123565 APP-124498 APP-123566 APP-124500 APP-123546 APP-125281

This format is used as the other HBRC format would not allow me to proceed unless I selected a single Resource Consent Application. In the context of what is proposed, I object to all of the applications. The reasons for this are:

Generic Reasons of Resource Consent Objections.

1. The time period for objectors to consider or object to the applications is too short and just prior to Christmas during a global pandemic. The consequences of a decision on these consents could last between 20 - 35 years. The balance is skewed and not in favor of considered thought from ratepayers.
2. The Ruataniwha Basin has part of it subject to sub-catchments exceeding the Dissolved Inorganic Nitrogen (DIN) Rule. Some applicants want to have a water allocation from the irrigation consent to dilute their excess nitrogen levels. This seems backwards to me. My thought is to ensure that all DIN levels comply with the applicable National or Regional Standard before the "reward" of irrigation water is even considered. This situation should apply to all applicants where they have a DIN higher than the Standard. Should they not consider changing land use or reducing numbers of livestock?
3. Modelling from various sources is used in these Applications and in the assessment of same by Council engaged Consultants. I suggest that a smaller scale groundwater take is used, tried and results analyzed using empirical methods, with published tangible Regulation compliant results before any large scale (Ruataniwha Basin) approach is implemented. Pilot scheme first if all other aspect of a Consent are compliant and sensible. I.e. Be successful on a small scale rather than failing on a large scale.
4. The addition of the water volumes sought sums to 16.018 million cubic meters per annum. The documents say that 15 million cubic meters per annum will be the maximum allowed for allocation. There appears to be an attempt or desire to over allocate from the outset. This situation applies to all Applicants and is just not sensible.
5. Plan Change 6 is cited as a measure that Applicants have to comply with. Plan Changes 7, 8, 9, 10 will occur with time and the new revised Resource Management Act may well impact the allocation of water in even tighter nitrogen / phosphorus / other organic element constraint. Plan Change 6 should be seen as a low bar, in time, and other higher bars MUST be complied with to retain the allocated irrigation water. I see a compliance orientation, not a proactive one in all cases.
6. Stony soils retain little water over summer and during droughts. This is well known and various soils in the Ruataniwha Basin are listed by Sharn B Hainsworth, in his 2011 Masters Thesis, as being low to moderate water holding capacity. So why would anyone try to irrigate soils which are known to perform so poorly in water retention?
7. Hainsworth also makes additional comments in his thesis;

* Groundwater for irrigation is already fully allocated in the area... (Thesis, pg. 17.)

* For the irrigation proposal to proceed it will be important to produce new detailed information about soil properties....(Thesis, pg. 19.)

* Soil properties on the intermediate terraces landscape appear to be much less diverse than they first appear... (Thesis.)

These comments applied prior to the termination of Ruataniwha Dam by the Court. The tenor of the comments still applies in part, at least, in 2021 and beyond.

8. Where T2 irrigation impacts existing water users, it would be fair to identify these and compensate them or mitigate the reduced water at the expense of those drawing water from deeper down and upslope of the people who loose out. This matter needs to be thought through and measures put in place for compensation rather than have Court battles.

Some Specific Thoughts on Resource Consent Applications - my objections.

1. I looked at the Well Bore Consents of one applicant.

* Consent A. Use 1. Pastoral Farming. Use 2. Irrigation

* Consent B. Use 1. Pastoral Farming. Use 2 Irrigation and other use.

Irrigation is not a land use in itself. "Irrigation" is an adjunct to growing a crop (photolysis of water) for consumption directly or to feed livestock. "Irrigation or other use" is the same except far more vague as it could be: a water bottling plant, industrial cleaning, dilution of sewerage effluent etc. Hawkes Bay Regional Council should reject Applications where the water use is listed as "irrigation" or "irrigation or other use". More specific water uses should be specified, such as: pastoral farming, horticultural crop irrigation, viticultural crop irrigation, plant nursery irrigation.

2. Right crop, right place. The use of irrigation to boost crop production in the light of inadequate seasonal water suggests that alternative land uses should be developed rather than sticking to what generations did beforehand. What is being grown now in the Ruataniwha Basin is not sustainable in 10 - 50 - 100 years without massive water input to cover water deficits. Irrigation is only a stop gap measure.

3. Allocating irrigation water at the volumes sought and for the 20 - 35 years applied for by some Applicants, will massively increase property values over the term of the Consent for successful Applicants. This at the expense of a commodity (water) that is supposedly "free to everyone". It does not seem fair and HBRC appears to be proceeding as Canterbury did a few decades earlier. The points that need to be learnt are: not to over allocate publicly owned water, proceed slowly, use shorter Consent durations, engage with the public better, don't reward the non-compliant with irrigation water, improve the quality of Applications before they are considered rather than accepting "just anything".

3. Why not let landowners capture flood water during a flood in dams on their own individual property, constructed and maintained at their own expense, consented for and maintained by them along with associated infrastructure? This is on the proviso that they meet all other environmental requirements (N, P, fencing, stock out of watercourses etc.) . This proposal puts the costs and benefits on the individual landowner, no impact on other bore users and is subject to the farm being compliant with all other requirements. It seems fair to me.

I would be more specific in my comments but have only learned today that it is the final day for submissions on what is a very long term project with ramifications far wider than the Ruataniwha Basin. I feel that such a project should not be consulted on this close to Christmas, and that a consultation period ending on the 31st of March 2022 would be fairer.

From: [Michaela Tinker](#)
To: [Brooke Bickerstaff](#)
Subject: Fwd: HBRC - (Ruataniwha Basin - Tranche 2) [#72]
Date: Friday, 17 December 2021 4:40:11 pm
Attachments: [ATT00001.png](#)
[ATT00005.png](#)

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Sent: Friday, December 17, 2021 4:30:50 PM
To: Michaela Tinker <Michaela.Tinker@hbrc.govt.nz>
Cc: janeen@sageplanning.co.nz <janeen@sageplanning.co.nz>
Subject: HBRC - (Ruataniwha Basin - Tranche 2) [#72]

Which consent does your submission relate to? Please click on the box below to select.:

APP-123563 APP-123991 APP-123541 APP-123547 APP-123565 APP-124498 APP-123566 APP-124500 APP-123546 APP-125281

Person Making the Submission: Andrew Van Workum

Associated Organisation (of applicable): Mr Apple NZ Ltd

Address: [REDACTED]

Contact Person (if different to above, or if submitter is an organisation): Kate Lewis

Phone Number: [REDACTED]

Mobile Number: [REDACTED]

Email: [REDACTED]

Are you a trade competitor for the purposes of section 308B of the RMA 1991: Yes

IF YES: Are you directly affected by an effect of the proposed activity that adversely effects the environment and does not relate to, or the effects of trade competition: Yes

: I/We oppose the above application

The specific parts of the application that my submission relates to are (please enter the relevant number): All

My submission is: (you may attach submission detail to this form)

* Include the reasons for your views: Unsustainable water use in CHB at current levels of consented abstraction.

The Tranche 2 consent would create even more pressure on this resource.

Not only as an apple grower in CHB would we be affected by Tranche 2 but the townships all utilise direct river take consents which would affect their water use during ban levels.

The augmentation of the Waipawa and Tukituki Rivers does not alleviate the negative effects of the takes on other streams, springs, wetlands and waterways in Central Hawke's Bay. The consequences are large and complex, making them completely unknown. This uncertainty is unacceptable for the environment, the many farms and households that rely on these types of water and for irrigators that use water from sources other than the Waipawa and Tukituki Rivers.

Climate change is starting to affect farming and the environment in Central Hawke's Bay so putting further pressure on water supply when we are likely to have to endure hotter, drier summers creates future uncertainty.

I seek the following decision from the Hawke's Bay Regional Council:

* Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought: Mr Apple wish to be able to expand on any points that I have raised above and / or secure

expert resource to present on any points.

Mr Apple wish to be heard at the hearing.

I wish to be heard in support of my submission: Yes

If others make a similar submission, I will consider presenting a joint case with them at the hearing: Yes

I wish to attend any pre-hearing meeting that may be convened.: Yes

From: [Michaela Tinker](#)
To: [Brooke Bickerstaff](#)
Subject: FW: HBRC - (Ruataniwha Basin - Tranche 2) [#76]
Date: Tuesday, 21 December 2021 9:03:52 am
Attachments: [ATT00001.png](#)
[ATT00005.png](#)



Michaela Tinker
Consents Administrator
06 835 9200

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-----Original Message-----

From: HBRC <no-reply@wufoo.com>
Sent: Friday, 17 December 2021 4:49 pm
To: Michaela Tinker <Michaela.Tinker@hbrc.govt.nz>
Cc: janeen@sageplanning.co.nz
Subject: HBRC - (Ruataniwha Basin - Tranche 2) [#76]

Which consent does your submission relate to? Please click on the box below to select.:

APP-123563 APP-123991 APP-123541 APP-123547 APP-123565 APP-124498 APP-123566 APP-124500 APP-123546 APP-125281 Person Making the Submission: Kohine Thompson Associated Organisation (of applicable): Whataarakai 1E2B and Tarewa A2B Ahu Whenua Trust

Address: [REDACTED] Contact Person (if different to above, or if submitter is an organisation): Kohine Thompson Phone Number [REDACTED] Email: [REDACTED]

Are you a trade competitor for the purposes of section 308B of the RMA 1991: No IF YES: Are you directly affected by an effect of the proposed activity that adversely effects the environment and does not relate to, or the effects of trade competition: No

: I/We oppose the above application

The specific parts of the application that my submission relates to are (please enter the relevant number): Opposition to all 10 consent applications of abstraction of Tranche 2 ground water from the Ruataniwha Basin Opposition to the 20 year term of consent

My submission is: (you may attach submission detail to this form)

* Include the reasons for your views: Opposition to the proposed increased take of Tranche 2 ground water from the Ruataniwha Basin by these new water consent applications from new and existing wells. Also oppose the granting of 20 year consent takes.

The Ruataniwha Aquifer which sustains the mauri of the Tukituki and Waipawa Awa has been severely diminished over decades, due to the over-allocation of water consents to the agricultural and horticultural communities in Tamatea. This continued and an ever-increasing abstraction of an already over allocated water take from our Tupuna Awa directly contravenes Te Mana o te Wai or the vital importance of water for everyone, not just a select few. The principles contained within the National Policy Statement for Freshwater Management 2020, clearly states that Tangata Whenua may exercise their right to the principles of: Mana Whakahaere, Manakitanga and Kaitiakitanga. Therefore, not only are we Tangata Whenua, but we exercise our Kaitiakitanga as Mana Whenua of Waipawa over our Taonga tuku iho; being the Tukituki and Waipawa Awa.

Tangata Whenua within the Rohe of Tamatea, but more specifically Mana Whenua of Waipawa have not been formally engaged through any of these Tranche 2 applications or processes. Therefore it would seem that the views of Tangata and Mana Whenua have not been considered and are largely absent on these extremely important and vital matters pertaining to freshwater management allocations. Hence a strong opposition to the current applications.

I seek the following decision from the Hawke's Bay Regional Council:

* Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought: We as Mana Whenua in Waipawa wish to retain the Mana Whakahaere over our Tupuna Awa o te Waipawa raua ko Tukituki. Therefore, we oppose any further abstraction of freshwater via these applications for water consents and also oppose the 20 year consent term, as being currently applied for.

We recommend that Tamatea and Waipawa Mana Whenua are able to assert their Mana Whakahaere over the freshwater allocation process and seek to address this inequity over the management of freshwater by being a considered equal partner and decision maker at the consent/policy making table.

I wish to be heard in support of my submission: Yes If others make a similar submission, I will consider presenting a joint case with them at the hearing: Yes I wish to attend any pre-hearing meeting that may be convened.: Yes

From: [Michaela Tinker](#)
To: [Brooke Bickerstaff](#)
Subject: FW: HBRC - (Ruataniwha Basin - Tranche 2) [#73]
Date: Tuesday, 21 December 2021 9:03:53 am
Attachments: [ATT00001.png](#)
[ATT00005.png](#)



Michaela Tinker
Consents Administrator
06 835 9200

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-----Original Message-----

From: HBRC <no-reply@wufoo.com>
Sent: Friday, 17 December 2021 4:43 pm
To: Michaela Tinker <Michaela.Tinker@hbrc.govt.nz>
Cc: janeen@sageplanning.co.nz
Subject: HBRC - (Ruataniwha Basin - Tranche 2) [#73]

Which consent does your submission relate to? Please click on the box below to select.:

APP-123563 APP-123991 APP-123541 APP-123547 APP-123565 APP-124498 APP-123566 APP-124500 APP-123546 APP-125281 Person Making the Submission: Carol Smith Associated Organisation (of applicable): CHB Branch, Royal Forest and Bird Protection Society

Address: [REDACTED] Contact Person (if different to above, or if submitter is an organisation): Carol Smith Phone Number: [REDACTED] Mobile Number: [REDACTED]
Email: [REDACTED]

Are you a trade competitor for the purposes of section 308B of the RMA 1991: No IF YES: Are you directly affected by an effect of the proposed activity that adversely effects the environment and does not relate to, or the effects of trade competition: No

: I/We oppose the above application

The specific parts of the application that my submission relates to are (please enter the relevant number): In its entirety
My submission is: (you may attach submission detail to this form)

* Include the reasons for your views: 1. The Central Hawke's Bay branch of the Royal Forest and Bird Protection Society has a membership of 63 and is actively involved in protecting and enhancing our natural environment. The branch has a particular interest in our water, both above ground and below.

2. We have serious concerns that the issuing of these consents will have a detrimental effect on the flora, fauna and waterways of the entire Ruataniwha Basin. The lowering of the shallow aquifer has led to the failure of springs system throughout the area. If granted these consents will exacerbate the problems.

3. We cannot see how issuing of these consents is in line with Te Mana o te Wai. The needs of our waterways should be paramount. Augmentation is far from a proven practice indeed the BoI recognised that this was a 'novel' approach.

4. We have serious concerns that the models upon which these consents are based are not fit for purpose or sufficient enough. These applications should not be granted until the results of the SkyTEM aerial survey are completed and a more informed understanding of the Ruataniwha basin is obtained.

5. We have concerns that if granted these consents will lead to further failures of domestic water supply bores and the consequent financial and health costs.

6. We have concerns that granting these consents will lead to further intensification, particularly of dairy, and the consequent environmental problems. Ground water readings are already more than twice the MAV for Nitrates.

7. We are very concerned that the applicants' environmental assessments, particularly around wetlands, do not have sufficient effort or rigour. At least one significant wetland has been entirely overlooked.

I seek the following decision from the Hawke's Bay Regional Council:

* Give precise details, including the parts of the application you wish to have amended and the general nature of any

conditions sought: I ask that the applications be declined.

I wish to be heard in support of my submission: Yes If others make a similar submission, I will consider presenting a joint case with them at the hearing: No I wish to attend any pre-hearing meeting that may be convened.: Yes

From: [Michaela Tinker](#)
To: [Brooke Bickerstaff](#)
Subject: FW: HBRC - (Ruataniwha Basin - Tranche 2) [#75]
Date: Tuesday, 21 December 2021 9:04:06 am
Attachments: [ATT00001.png](#)
[ATT00005.png](#)



Michaela Tinker
Consents Administrator
06 835 9200

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-----Original Message-----

From: HBRC <no-reply@wufoo.com>
Sent: Friday, 17 December 2021 4:50 pm
To: Michaela Tinker <Michaela.Tinker@hbrc.govt.nz>
Cc: janeen@sageplanning.co.nz
Subject: HBRC - (Ruataniwha Basin - Tranche 2) [#75]

Which consent does your submission relate to? Please click on the box below to select.:

APP-123563 APP-123991 APP-123541 APP-123547 APP-123565 APP-124498 APP-123566 APP-124500 APP-123546 APP-125281 Person Making the Submission: Crystal & Tautoko Ratu

Address: [REDACTED] Phone Number: [REDACTED] Mobile Number:

Email: [REDACTED]

Are you a trade competitor for the purposes of section 308B of the RMA 1991: No IF YES: Are you directly affected by an effect of the proposed activity that adversely effects the environment and does not relate to, or the effects of trade competition: No

: I/We oppose the above application

I wish to be heard in support of my submission: Yes If others make a similar submission, I will consider presenting a joint case with them at the hearing: Yes I wish to attend any pre-hearing meeting that may be convened.: Yes

Attach a File: <https://napier.wufoo.com/cabinet/7c02b7e5-381e-45e2-8a21-9bf5e05662b0> - 75.27 KB

Submission on Applications for Resource Consents – Groundwater Takes (Ruataniwha Basin - Tranche 2)

Submitted online at

<https://www.hbrc.govt.nz/services/resource-consents/notified-consents/groundwater-takes-ruataniwha-basin-tranche-2/>

Name: Tautoko & Crystal Ratu of Ōtāne.

Introduction

1. This submission relates to applications for resource consent to take groundwater from the 'tranche 2' allocation in the Ruataniwha Basin.
2. I seek the applications to be declined.
3. I wish to be heard in support of this submission.
4. If others make submissions with similar views I would consider presenting alongside these submitters.

Submission

1. We have significant concerns about the impact an increased water take can have on the flow of the Waipawa River based on our experience on 14 December, 2019
2. On 14 December, 2019 our whanau entered the Waipawa river from Stockade Road, to find the river bed was dry.
3. The Waipawa river flow from its source, ended approximately 500 meters to the east of the Highway 50 bridge crossing the Waipawa River. Whilst irrigation sprinklers were running most of the day.
4. The river bed was dry from this point onwards, heading east.
5. River flow of the Waipawa River was fed only by the Mangaonuku River.
6. As tangata whenua and descendance of Kahungunu ki Tamatea, we have an interconnectedness to our environment, Mountains, River, Ocean and Land. This innate relationship connects through Pepeha.
7. The wellbeing of our Awa, Wai (water) is a principal source and a reflection in the wellbeing of the local people. Furthermore the condition of the water
8. Flora and Fauna for our local maori is articulated through environmental deities. Our narratives speak of environmental Atua (deities) as those who are sanctioned to arrange and control movements of our Taiao. They form relationships to bring order, life and Mauri to our natural world that incidentally enables us as human relations to survive. Wai (water) is the major conductor of our Taiao.
9. Our ultimate obligations and responsibility as Tangata whenua is to treat our environment as our relation and not that of property. We have a duty as Kaitiaki to ensure our environment is left in a good state for future generations ahead.

10. The Mauri (Vital life force) is articulated as the lifeblood of our earth mother Papatuanuku. Mauri also shares a whakapapa with Mana (Integrity) and Tapu (Sacredness). When our awa (river) is manipulated, degraded and taken from in the name of greed, this leaves the Awa (river) without Mana. For example, when we experience a dry river, there is no mana left for that river to nurture its human relations, furthermore nothing within that space can survive.
11. March 6th - The Kakahakuri stream dried up. Eels were stranded in a little pool. We saved up to 86 eels on this day and released them east of the Waipawa train bridge. In our cultural narrative, eels not only play a huge role in the ecosystems of environmental wellbeing, but they are a treasured taonga for māori as descendants from the heavens (Rangituhaha). During this week hundreds of eels died in dried up streams.
12. The proposed activity has a huge impact on the wellbeing of the local community residing in Tamatea. Every year we experience issues regarding water. Times and Days when you can water gardens, in our case our maara kai (food garden). This is not reflective of wellbeing.
13. If we lose water due to those that choose to continually take in the name of commercial gain this then removes our cultural narrative and identity.
14. I have significant concerns about the issuing of consents to take groundwater from the 'tranche 2' allocation of the Hawke's Bay Regional Resource Management Plan (RRMP). We are worried that issuing these resource consents in an area of Aotearoa where rivers, streams, lakes, and wetlands are already under significant stress could effectively destroy these ecosystems. And, We are concerned that this will undermine the aspirations our whānau have for freshwater, including for future generations.
15. I also feel the issuing of these consents would be contradictory to the legislation, policies, and plans guiding the management of freshwater and the environment in Aotearoa and Hawke's Bay.
16. I also feel the issuing of these consents would be contradictory to the legislation, policies, and plans guiding the management of freshwater and the environment in Aotearoa and Hawke's Bay.
17. In particular, the Resource Management Act (RMA) and National Policy Statement for Freshwater Management 2020 (NPSFM) set out directions for the environment and freshwater. For example, the core principle of the RMA is to "promote the sustainable management of natural and physical resources", which means:
 - ...managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
 - a. sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - b. safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - c. avoiding, remedying, or mitigating any adverse effects of activities on the environment
18. And the NPSFM sets out an objective for freshwater that is based on the concept of Te Mana o te Wai – the idea that the health and wellbeing of freshwater and its ecosystems must be put first in all decisions relating to freshwater.

The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

- a) first, the health and well-being of water bodies and freshwater ecosystems
 - b) second, the health needs of people (such as drinking water)
 - c) Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
19. The policies of the NPSFM speak to this vision—e.g. to give effect to te mana o te wai (Policy 1), to phase out over allocation and avoid future over-allocation (Policy 11), and to manage freshwater as part of New Zealand’s integrated response to climate change.
20. I do not think that these resource consents, the ‘augmentation’ that supposedly mitigates them, or the land uses that will be associated with them are consistent with te mana o te wai or the aspirations New Zealanders have for freshwater.
21. Some of the potential effects of the proposed groundwater takes are summarised in a letter Paul Barrett, Team Leader Consents at HBRC, recently wrote¹ regarding the proposed tranche 2 groundwater takes:
 ... There remains significant uncertainty over the scale of residual adverse effects resulting from Tranche 2 abstraction. We have concerns over the potential scale of adverse effects on wetlands, streams and wells across the Basin, but particularly in areas where there is already significant Tranche 1 abstraction occurring. We also still have concerns about how the Tranche 2 proposal will work in extreme years (worse than a 1 in 10 year event) and the scale of effects in these years when augmentation may not be able to continue. Furthermore, we have concerns over the impacts on water quality from farm system changes as a result of irrigation and note that a number of the properties are located in catchments where the instream nitrogen target is already significantly exceeded. Land use consent is already required for these properties and would not likely be granted to allow for any increase in nitrogen loss. We note that for dairy farms wishing to expand irrigation, land use and discharge consents are required under the NES FW and that a consent cannot be granted unless they are able to demonstrate that expansion will not lead to any increase in load or concentrations of contaminants in the catchment.
22. We are also worried about what the impact of the proposed activity will be with the impacts of climate change, which is predicted to have a significant drying effect in Hawke’s Bay, and could result in reduced levels of aquifer recharge (and ‘mining’ of the water in the aquifer).

We are also worried about the potential effect of the water takes on other values of groundwater, such as:

- a. Physical habitat, including for microbes, archaea, biofilms, and stygofauna—whose functions include degrading contaminants and enhancing groundwater quality.
- b. Water purification and disease control
- c. Genetic resources (e.g., enzymes and compounds which might be useful for medical applications)
- d. Buffering of floods and droughts
- e. Social values (e.g., reliance on groundwater as an essential component of everyday life for many communities)
- f. Indigenous cultural values
- g. Spiritual values
- h. Nutrient cycling
- i. Biodiversity conservation (e.g., of genotypes and species)

1
<https://www.hbrc.govt.nz/assets/Document-Library/Consents/Notified-Consents/Groundwater-Takes-Ruataniwha-Basin-Tranche-2/HBRC-Technical-Reviews/T2-update-and-questions.pdf>

- j. Bequest values (the ability to pass on a system of all values to future generations, whakapapa, kaitiakitanga, whanau ora, wairuatanga, etc.

23.

From: [Paul Barrett](#)
To: [Michaela Tinker](#)
Subject: FW: Tranche 2 submissions
Date: Saturday, 18 December 2021 10:31:15 am
Attachments: [Untitled](#)
[Untitled](#)
[Untitled](#)
[Untitled](#)
[Untitled](#)
[Untitled](#)
[ATT00001.png](#)
[ATT00005.png](#)

Hi Michaela, another submission below – it came through to CHBDC first and then confirmed to be a submission later of Friday.

Cheers

Paul



Paul Barrett

Team Leader Consents
06 835 9200 | 027 318 6051

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159 Dalton Street, Napier 4110 | hbrc.govt.nz

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Taiao



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Quality
ISO 9001

Let us know how we're doing, give your feedback here.

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From: Jimmy Fisher [REDACTED]
Sent: Friday, 17 December 2021 7:34 PM
To: Paul Barrett <barrett@hbrc.govt.nz>
Subject: Re: Tranche 2 submissions

Hi Paul Thanks for your prompt response. Yes I would like my comments to be included in the opposition to the application for even more water to be given to the applicants.

My details are ; Jimmy Fisher [REDACTED] I do not wish to speak to my comments. Thanks.

Jimmy

On Friday, December 17, 2021, 04:24:34 PM GMT+13, Paul Barrett <barrett@hbrc.govt.nz> wrote:

Hi Jimmy,

included in the opposition to this proposal

Your email to CHBDC has come through to me. You can make a submission against the Tranche 2 applications using the online submission form here:

<https://www.hbrc.govt.nz/services/resource-consents/notified-consents/groundwater-takes-ruataniwha-basin-tranche-2/> (use the fom at the bottom of the page)

alternatively, you can make a submission by emailing me back and confirming that you would like your comments below lodged as a formal submission against the applications. This will need to be received by 5pm today.

Message: *

As a ratepayer I would like to state that I am strongly opposed to extra allocation of water for irrigation be granted to the small group of dairy farmers, who seeking even more water from the Tranche 2 Given the forthcoming drought to give consent for even more water for the greed and benefit of a few is crazy
Hopefully the council will see sense and decline these applications
Thank you
Jimmy Fisher

If you do wish to lodge a submission on these applications can you please provide your full contact details, and confirm whether you wish to be speak to your submission at a hearing,

Kind regards

Paul Barrett



Paul Barrett
Team Leader Consents
06 835 9200 | 027 318 6051

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Quality ISO 9001

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From: [HBRC](#)
To: [Michaela Tinker](#)
Cc: janeen@sageplanning.co.nz
Subject: HBRC - (Ruataniwha Basin - Tranche 2) [#29]
Date: Tuesday, 14 December 2021 11:44:11 am

Which consent does your submission relate to? Please click on the box below to select.:

APP-123563 APP-123991 APP-123541 APP-123547 APP-123565 APP-124498 APP-123566 APP-124500
APP-123546 APP-125281

Person Making the Submission: ian ellis

Associated Organisation (of applicable): kiwi farming enterprises

Address:

Contact Person (if different to above, or if submitter is an organisation): ian ellis

Phone Number:

Mobile Number:

Email:

Are you a trade competitor for the purposes of section 308B of the RMA 1991: No

IF YES: Are you directly affected by an effect of the proposed activity that adversely effects the environment and does not relate to, or the effects of trade competition: No

: I/We support the above application

My submission is: (you may attach submission detail to this form)

* Include the reasons for your views: That the take from this Applicant APP123563 will have a significant affect on Aquifer levels and could leave some of my pumps with out a good head on them((water above the pumps))

I seek the following decision from the Hawke's Bay Regional Council:

* Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought: They are Applying for 4914920 cu metres which is a huge amount .I feel that applying for this much is excessive and will have roll on effects.

I wish to be heard in support of my submission: No

If others make a similar submission, I will consider presenting a joint case with them at the hearing: No

I wish to attend any pre-hearing meeting that may be convened.: No

From: [Michaela Tinker](#)
To: [Brooke Bickerstaff](#)
Subject: FW: HBRC - (Ruataniwha Basin - Tranche 2) [#79]
Date: Tuesday, 21 December 2021 9:06:23 am
Attachments: [ATT00001.png](#)
[ATT00005.png](#)

Please put through as a late submission



Michaela Tinker
Consents Administrator
06 835 9200

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-----Original Message-----

From: HBRC <no-reply@wufoo.com>
Sent: Saturday, 18 December 2021 9:08 pm
To: Michaela Tinker <Michaela.Tinker@hbrc.govt.nz>
Cc: janeen@sageplanning.co.nz
Subject: HBRC - (Ruataniwha Basin - Tranche 2) [#79]

Which consent does your submission relate to? Please click on the box below to select.:

APP-123563 APP-123991 APP-123541 APP-123547 APP-123565 APP-124498 APP-123566 APP-124500 APP-123546 APP-125281 Person Making the Submission: Mike O'Grady

Address: [REDACTED]

Email: [REDACTED]

Are you a trade competitor for the purposes of section 308B of the RMA 1991: No IF YES: Are you directly affected by an effect of the proposed activity that adversely affects the environment and does not relate to, or the effects of trade competition: No

: I/We oppose the above application

The specific parts of the application that my submission relates to are (please enter the relevant number): The entire application My submission is: (you may attach submission detail to this form)

* Include the reasons for your views: Priority must be given to our natural environment. We (humans) are entirely reliant on the environment, and have already caused significant and irreparable damage. Further damage, through take of large amounts of water, for the financial benefit of few, is short sighted and should not be allowed.

Climate change is evident now, and will be felt more keenly in the years to come. We need to carefully plan our land use and adapt accordingly. High input models which will require more and more water going forward is not the answer.

I seek the following decision from the Hawke's Bay Regional Council:

* Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought: Further draw down of water should not be allowed.

I wish to be heard in support of my submission: No If others make a similar submission, I will consider presenting a joint case with them at the hearing: No I wish to attend any pre-hearing meeting that may be convened.: No

From: [Michaela Tinker](#)
To: [Brooke Bickerstaff](#)
Subject: FW: Groundwater Consent
Date: Tuesday, 21 December 2021 9:07:21 am
Attachments: [ATT00001.png](#)
[ATT00005.png](#)
[ATT00001.png](#)
[ATT00005.png](#)

Late submission



Michaela Tinker
Consents Administrator
06 835 9200

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From: Paul Barrett <barrett@hbrc.govt.nz>
Sent: Sunday, 19 December 2021 8:37 pm
To: Michaela Tinker <Michaela.Tinker@hbrc.govt.nz>
Subject: FW: Groundwater Consent

FYI – late submission below



Paul Barrett
Team Leader Consents
06 835 9200 | 027 318 6051

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From: Johnny Nepe Apatu [REDACTED]
Sent: Sunday, 19 December 2021 7:07 PM
To: Paul Barrett <barrett@hbrc.govt.nz>
Subject: Groundwater Consent

I Henry John Nepe Apatu Kaitiaki of Rakautatahi Marae, that holds mana whenua over the Manawatu, Makaaretu, Maharaunui, Maharauiti, Mana Te Wai, Tukipo, Tukituki, Mangapoho, Makaroro, Waipawa, Mangaanuku, Porangahau and Maharakeke, which all fill the Tukituki river unreservedly object to any further water or resources being taken from these water sources.

I write and speak on behalf of my people of the Tamatea Rohe and have full support of my people

Nahaku noa

H J Nepe Apatu

From: [Michaela Tinker](#)
To: [Brooke Bickerstaff](#)
Subject: FW: HBRC - (Ruataniwha Basin - Tranche 2) [#81]
Date: Tuesday, 21 December 2021 9:10:04 am
Attachments: [ATT00001.png](#)
[ATT00005.png](#)

Late submissions



Michaela Tinker
Consents Administrator
06 835 9200

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-----Original Message-----

From: HBRC <no-reply@wufoo.com>
Sent: Sunday, 19 December 2021 9:45 pm
To: Michaela Tinker <Michaela.Tinker@hbrc.govt.nz>
Cc: janeen@sageplanning.co.nz
Subject: HBRC - (Ruataniwha Basin - Tranche 2) [#81]

Which consent does your submission relate to? Please click on the box below to select.:

APP-123563 APP-123991 APP-123541 APP-123547 APP-123565 APP-124498 APP-123566 APP-124500 APP-123546 APP-125281 Person Making the Submission: Jenny Nelson-Smith Associated Organisation (of applicable): Waipukurau Community Marae

Address: [REDACTED]

Email: [REDACTED]

[REDACTED] purposes of section 308B of the RMA 1991: No IF YES: Are you directly affected by an effect of the proposed activity that adversely effects the environment and does not relate to, or the effects of trade competition: No

: I/We oppose the above application

The specific parts of the application that my submission relates to are (please enter the relevant number): 1. This submission relates to applications for resource consent to take groundwater from the 'tranche 2' allocation in the Ruataniwha Basin, being APP-123563; APP-123991; APP-123541; APP-123547; APP-123565; APP-124498; APP-123566; APP-124500; APP-123546; APP-125281.

My submission is: (you may attach submission detail to this form)

* Include the reasons for your views: Refer to attachment.

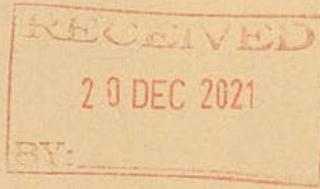
I seek the following decision from the Hawke's Bay Regional Council:

* Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought: Refer to attachment.

I wish to be heard in support of my submission: Yes If others make a similar submission, I will consider presenting a joint case with them at the hearing: Yes I wish to attend any pre-hearing meeting that may be convened.: Yes

Attach a File: <https://napier.wufoo.com/cabinet/3518fac3-4bc9-4178-9e10-aef8163f6949> - 246.02 KB

HB Regional Council,
Private Bag 6006,
Napier, 4142



Kia Ora,

Re: TRANIENT 2 CONTENT APPLICATION

I oppose the application; my reasons include:

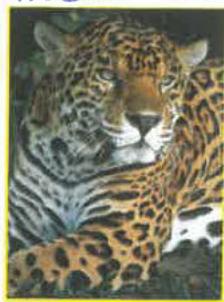
- (i) the Ruataniwha Aquifer is already well overallocated; the taking of this water will only make things worse
- (ii) the applicants will be using the water for a type of farming that is inappropriate for the region; the type that has contributed significantly to the nitrate problem we face
- (iii) if there is any spare water, it somehow needs to be applied to Tuhakaro and Ohangawa residents and to bush reserves like White Pines Scenic Reserve to restore their water security to what it was before the overallocation referred to above.

Thank you for the opportunity to submit on this matter.

Gerard Paine
(GERARD PAINE)

I am writing this submission in the hope and continued belief that in NZ and particularly our region of Hawkes Bay, that the welfare of ordinary people and the principals of fairness compassion and equality still exist in our country.

It is obvious that the villages of Orongonga, Tikokiro and other small rural properties in this area cannot continue to exist without water. As you know in the last few years residents have had to spend very large amounts of money in order to access the rapidly falling water table. Most of these people now have no further options to access water due to having exhausted available funds and also because residents live on normal urban sized sections where there is limited room. When I first put down our bore over thirty years ago there was so much water that we didn't need to pump it out



PHOTOGRAPH © KEVIN SCHAFER HEALTHY PLANET PRODUCTS INC. PRINTED ON RECYCLED PAPER

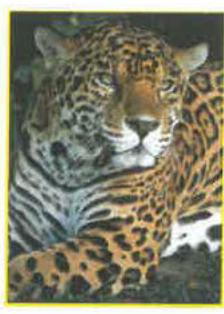
as it had its own pressure. Page 2
I only needed a pump at the house
to maintain water pressure for the
house. The first summer that they
began to operate the huge new
irrigators at Plantation Rd Dairies
which are the closest to Onggonga
my pump ran dry. It had no run dry
protection on it because it had
been so unnecessary, so it blew up.
Since then I've had to continuously
increase the size of my pump to
continue to access the dropping water
level. Then 2 or 3 years ago my last
resort was to put in a submersible
pump. For me there are no further
options available, and I imagine there
are many others in that predicament.



This isn't about who has the
money and power to control
the outcomes for everyone
else. It's about what type of

Society do we want for ourselves, our children and grandchildren. to live in. The consequences of ignoring the fundamentals of a healthy society are clear.

Sincerely, J M Evaro.



PHOTOGRAPH © KEVIN SCHAFER HEALTHY PLANET PRODUCTS INC. PRINTED ON RECYCLED PAPER

Submission on Resource Consent Application

(Form 13, Resource Management Act 1991(RMA))

To: Chief Executive
C/- Consents Coordinator
Hawke's Bay Regional Council
Private Bag 6006
NAPIER 4142

Person Making Submission

Full name: Julia May Evans

Postal address: _____
Post code: _____

Property address, if different: _____

Contact person (if different to above, or if submitter is an organisation): _____

Telephone Number: _____ Cell: _____

E-mail: _____

Application

Name of applicant: Pururu Trust

Consent Number(s) Submitted on: 125281

Location of activity: _____

Consent Activity: To use Tranche 2 groundwater from 3 new wells

Submission close Date: 17-12-21

Are you a trade competitor for the purposes of section 308B of the RMA 1991 Yes No

If yes: Are you directly affected by an effect of the proposed activity that adversely effects the environment and does not relate to trade competition or the effects of trade competition Yes No

I/We support the above application

I/We oppose the above application

I/We neither support nor oppose the above application

The specific parts of the application that my submission relates to are: The consent to use Tranche 2 groundwater.

My submission is: (you may attach submission detail to this form)

* Include the reasons for your views _____

Submission on Resource Consent Application

(Form 13, Resource Management Act 1991(RMA))

To: Chief Executive
C/- Consents Coordinator
Hawke's Bay Regional Council
Private Bag 6006
NAPIER 4142

Person Making Submission

Full name: Julia May Evans

Postal address: _____
Post code _____

Property address, if different: _____

Contact person (if different to above, or if submitter is an organisation): _____

Telephone Number: _____ Cell: _____

E-mail: _____

Application

Name of applicant: Buchanan Trust No 2

Consent Number(s) Submitted on: 123546

Location of activity _____

Consent Activity: To use Tranche 2 groundwater from well 16408 & 3 new wells

Submission close Date: 17-12-21

Are you a trade competitor for the purposes of section 308B of the RMA 1991 Yes No

If yes: Are you directly affected by an effect of the proposed activity that adversely effects the environment and does not relate to trade competition or the effects of trade competition Yes No

I/We support the above application

I/We oppose the above application

I/We neither support nor oppose the above application

The specific parts of the application that my submission relates to are: The consent to use Tranche 2 groundwater

My submission is: (you may attach submission detail to this form)

* Include the reasons for your views _____

Submission on Resource Consent Application

(Form 13, Resource Management Act 1991(RMA))

To: Chief Executive
C/- Consents Coordinator
Hawke's Bay Regional Council
Private Bag 6006
NAPIER 4142

Person Making Submission

Full name: Julia May Evans

Postal address: _____

Post code: _____

Property address, if different: _____

Contact person (if different to above, or if submitter is an organisation): _____

Telephone Number: _____ Cell: _____

E-mail: _____

Application

Name of applicant: I & P Farming Ltd

Consent Number(s) Submitted on: 123566 & 124500

Location of activity: _____

Consent Activity: To use Tranche 2 groundwater from two

new wells

Submission close Date: 17-12-21

Are you a trade competitor for the purposes of section 308B of the RMA 1991 Yes No

If yes: Are you directly affected by an effect of the proposed activity that adversely effects the environment and does not relate to trade competition or the effects of trade competition Yes No

I/We support the above application

I/We oppose the above application

I/We neither support nor oppose the above application

The specific parts of the application that my submission relates to are: The consent to

use Tranche 2 groundwater

My submission is: (you may attach submission detail to this form)

* Include the reasons for your views _____

Submission on Resource Consent Application

(Form 13, Resource Management Act 1991(RMA))

To: Chief Executive
C/- Consents Coordinator
Hawke's Bay Regional Council
Private Bag 6006
NAPIER 4142

Person Making Submission

Full name: Julia May Evans

Postal address: _____
Post code _____

Property address, if different: _____

Contact person (if different to above, or if submitter is an organisation): _____

Telephone Number: _____

E-mail: _____

Application

Name of applicant: Papawai Partnership

Consent Number(s) Submitted on: 123565 & 124498

Location of activity _____

Consent Activity: To use Tranche 2 groundwater from wells 16508 & 1859

Submission close Date: 17-12-21

Are you a trade competitor for the purposes of section 308B of the RMA 1991 Yes No

If yes: Are you directly affected by an effect of the proposed activity that adversely effects the environment and does not relate to trade competition or the effects of trade competition Yes No

I/We support the above application

I/We oppose the above application

I/We neither support nor oppose the above application

The specific parts of the application that my submission relates to are: The consent to use Tranche 2 groundwater

My submission is: (you may attach submission detail to this form)

* Include the reasons for your views _____



Office Use

Application No _____

Submission No _____

Submission on Resource Consent Application

(Form 13, Resource Management Act 1991(RMA))

To: Chief Executive
C/- Consents Coordinator
Hawke's Bay Regional Council
Private Bag 6006
NAPIER 4142

Person Making Submission

Full name: Julia May Evans

Postal address: _____
Post code _____

Property address, if different: J

Contact person (if different to above, or if submitter is an organisation): _____

Telephone Number: _____

E-mail: _____

Application

Name of applicant: Plantation Rd Dairies

Consent Number(s) Submitted on: 123547

Location of activity _____

Consent Activity: To take tranche 2 groundwater from well J 4830 and 3 new wells.

Submission close Date: 17-12-21

Are you a trade competitor for the purposes of section 308B of the RMA 1991 Yes No

If yes: Are you directly affected by an effect of the proposed activity that adversely effects the environment and does not relate to trade competition or the effects of trade competition Yes No

I/We support the above application

I/We oppose the above application

I/We neither support nor oppose the above application

The specific parts of the application that my submission relates to are: The consent to use Tranche 2 water

My submission is: (you may attach submission detail to this form)

* Include the reasons for your views _____

Submission on Resource Consent Application

(Form 13, Resource Management Act 1991(RMA))

To: Chief Executive
C/- Consents Coordinator
Hawke's Bay Regional Council
Private Bag 6006
NAPIER 4142

Person Making Submission

Full name: Julia May Evans

Postal address: _____
Post code: _____

Property address, if different: _____

Contact person (if different to above, or if submitter is an organisation): _____

Telephone Number: _____ Cell: _____

E-mail: _____

Application

Name of applicant: Springhill Dairies Partnership

Consent Number(s) Submitted on: 123991

Location of activity: _____

Consent Activity: To take Tranche 2 groundwater from wells 518, 5167, 3870, 4593, 4122, 5497

Submission close Date: 17-12-21

Are you a trade competitor for the purposes of section 308B of the RMA 1991 Yes No
If yes: Are you directly affected by an effect of the proposed activity that adversely effects the environment

and does not relate to trade competition or the effects of trade competition Yes No

I/We support the above application

I/We oppose the above application

I/We neither support nor oppose the above application

The specific parts of the application that my submission relates to are: The consent to use Tranche 2 water

My submission is: (you may attach submission detail to this form)

* Include the reasons for your views _____

Submission on Resource Consent Application

(Form 13, Resource Management Act 1991(RMA))

To: Chief Executive
C/- Consents Coordinator
Hawke's Bay Regional Council
Private Bag 6006
NAPIER 4142

Person Making Submission

Full name: Julia May Evans

Postal address: _____
Post code _____

Property address, if different: _____

Contact person (if different to above, or if submitter is an organisation): _____

Telephone Number: _____

E-mail: _____

Application

Name of applicant: Te Awahohonu

Consent Number(s) Submitted on: 123563

Location of activity: _____

Consent Activity: To take tranche 2 groundwater from 4 existing wells 16563, 16592, 16593, 5515 & 2 new wells.

Submission close Date: 17-12-21

Are you a trade competitor for the purposes of section 308B of the RMA 1991 Yes No
If yes: Are you directly affected by an effect of the proposed activity that adversely effects the environment and does not relate to trade competition or the effects of trade competition Yes No

I/We support the above application
I/We oppose the above application
I/We neither support nor oppose the above application

The specific parts of the application that my submission relates to are: The consent to use Tranche 2 water

My submission is: (you may attach submission detail to this form)

* Include the reasons for your views _____

Kath
Customer Experience Team

From: [REDACTED]

Date: Fri, Dec 17, 2021 at 7:33 am

When the 3 waters take over the situation, surely they will see the logic of the situation!?

And by the way I still haven't seen the results of the aerial aquifer survey.

Nothing should be done until positive results come through from that, and that the aquifer is actually rising!

Grant Simpson

From: [REDACTED]

Date: Fri, Dec 17, 2021 at 7:21 am

Requestor: Grant Simpson

Contact Preference: Email

Email: [REDACTED]

Phone: [REDACTED]

Request:

Totally against the further draining of the ruataniwha aquifer!!! My father is already struggling to get water out of his well in Ongaonga, and it's 98 ft deep. It used to gush artesian in the seventies when it was bored. Now he uses a deep well pump, and that struggles in a drought.

I agree with George Williams, it's just greedy rich farmers trying to get richer at the expense of every other poor person and animal!

The answer is blindingly obvious!! Just build the ruataniwha dam!!!!

Frustratedly yours Grant Simpson

Supporting Files:

17th December 2021

Hawkes Bay Regional Council
Private Bag 6006
NAPIER 4142



Ngāti Kahungunu Iwi
INCORPORATED

Submitted online at

<https://www.hbrc.govt.nz/services/resource-consents/notified-consents/groundwater-takes-ruataniwha-basin-tranche-2/>

**Submission from Ngāti Kahungunu Iwi Incorporated
To Hawkes Bay Regional Council on Applications for Resource Consents –
Groundwater Takes (Ruataniwha Basin - Tranche 2)**

- APP-123563; APP-123991; APP-123541; APP-123547; APP-123565; APP-124498; APP-123566; APP-124500; APP-123546; APP-125281.

From:

[Redacted]
[Redacted]
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SUMMARY OF SUBMISSION

1. This submission relates to applications for resource consent to take groundwater from the 'tranche 2' allocation in the Ruataniwha Basin, being:
 - APP-123563
 - APP-123991
 - APP-123541
 - APP-123547
 - APP-123565
 - APP-124498
 - APP-123566
 - APP-124500
 - APP-123546
 - APP-125281
2. Ngāti Kahungunu Iwi Incorporated (NKII) consider the issuing of consents to take groundwater from the 'tranche 2' allocation of the Hawke's Bay Regional Resource Management Plan (RRMP) would be contradictory to the legislation, policies, and plans guiding the management of freshwater and the environment in Aotearoa and Hawke's Bay.
3. In particular, NKII consider the issuing of consents would be contradictory to the National Policy Statement for Freshwater Management 2020 (NPSFM) and its direction to manage freshwater in a way that gives effect to Te Mana o te Wai (Policy 1), to actively involve tangata whenua in freshwater management and recognise and provide for Māori freshwater values (Policy 2), and to phase out existing over-allocation and avoid future over-allocation (Policy 11).
4. NKII also consider that applications for consent to take and use water cannot be considered in isolation of the land use consents required under the RRMP and the National Environmental Standards (NES) for Freshwater, as to do so would be inconsistent with the NPSFM direction to manage freshwater in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments (Policy 3).
5. NKII consider those applications lodged under proposed plan change 6 should be assessed as non-complying activities.
6. NKII seek that all applications be **declined** by Hawke's Bay Regional Council (HBRC).
7. NKII wish to be heard in support of this submission and would consider presenting this submission jointly with others making a similar submission at a hearing.

SUBMISSION

NGĀTI KAHUNGUNU

8. Ngāti Kahungunu Iwi Incorporated (NKII) is the mandated Ngāti Kahungunu authority with interests in all aspects of Ngāti Kahungunu development.
9. Ngāti Kahungunu has a population of 82,239 and approximately 35,000 registered members.
10. The traditional boundaries of Ngāti Kahungunu stretch from Mahia to the southern Wairarapa—geographically the second largest tribal rohe in the country. The Heretaunga Plains and Ruataniwha Plains aquifer systems are located within the rohe of Ngāti Kahungunu and are widely regarded as ‘taonga’. They are connected to three of our iconic rivers, the Tukituki, Ngaruroro, and Tutaekuri. The protection of the Heretaunga and Ruataniwha aquifers is of the utmost importance to Ngāti Kahungunu, in particular the protection and preservation of their mauri and mana, their natural processes, their existence and interconnections (ki uta, ki tai) to each other and other waterways / water bodies, their water quality and quantity, and their relationship with tangata whenua.
11. The mission of Ngāti Kahungunu Iwi Incorporated is:

“To enhance the mana and well-being of Ngāti Kahungunu”.
12. The iwi authority maintains an independent position to advocate for the interests and rights of Ngāti Kahungunu, underpinned by the values, beliefs, and practices of whanau and hapū.
13. Tāngata whenua hold significant cultural, social, economic, and spiritual connections to the taiao (environment). This includes a responsibility and obligation as kaitiaki of care and protection for future generations. This has led to many responses from tangata whenua who are concerned with adverse effects on the taiao that have developed since the introduction of western values, practices, management, and science to Aotearoa, and the accumulation of the adverse effects upon tangata whenua values, practices, management, and mātauranga that have come with them.
14. The natural environment has guided, shaped, and characterised Ngāti Kahungunu tāngata whenua, iwi, hapū and whānau, who have always been strategically located near important waterbodies as resources. Māori have made great use of the environment and worked in conjunction with it to develop their physical world (resources) sustainably, bringing certainty and safety to their communities and those of future generations. These practices and way of life have been eroded drastically by contemporary resource management practices and policies.
15. NKII invests a considerable amount of time, resources, and energy in drawing together and considering the views and objectives of Ngāti Kahungunu mai Paritu ki Turakirae. Discussions have highlighted the commonality amongst tāngata whenua in terms of their values. However, despite the best efforts of tāngata whenua to work with Councils, there has been little positive change to environmental outcomes over the years. It also highlighted the same frustrations and disappointments in terms of natural resource management that have inadequately and continually failed to address the long-standing concerns of tāngata whenua.

16. The following Ngāti Kahungunu freshwater objectives were developed through a series of hui across our rohe from 2010-2015, and have been subsequently developed further in response to the evolving policy and impacts on our waterways:

- The revitalisation of the Mauri of waterways.
- Repatriation of our values, practices, and customs – enabling access and use of waterways and resources.
- Water quality and quantity provides for safe and reliable drinking water.
- Maintain, enhance, restore water quality.
- Managed for aquatic ecosystem purposes. Maintaining water flow and quantity for ecosystem health.
- Avoid adverse causes and effects of unsustainable land use.
- Manage water and land use at the sub-catchment scale and provide and resource for effective hapū input.

TE TIRITI O WAITANGI

17. Ngāti Kahungunu has never relinquished ownership over our water bodies; the Treaty of Waitangi confirmed and guaranteed our interests over this extremely important taonga. Since the Treaty of Waitangi, the Crown has wrongly and progressively acted as the owner, under the assumption of exclusive rights of control, without the informed consent of Ngāti Kahungunu.

18. More recently, the Waitangi Tribunal found that Māori had proprietary rights and interests in freshwater and that those rights are sufficiently linked to commercial developments and companies that use water, without paying.

19. NKII agree with the Waitangi Tribunal’s interim findings and as the mandated iwi organisation we have a constitutional duty and obligation to:

- promote, protect, and assert the mana, rangatiratanga, and kaitiakitanga of ngā hapū o Ngāti Kahungunu
- act in the beneficial interests of all descendants of Kahungunu, particularly where the interests and rights of Ngāti Kahungunu tāngata whenua, hapū, and whānau have been unfairly subjugated
- establish a Kahungunu Iwi Water Authority to specifically undertake these tasks, on behalf of Ngāti Kahungunu

20. On 3 September 2012 NKII lodged a contemporary statement of claim on behalf of ngā hapū o Ngāti Kahungunu.

WAI 2379: A Contemporary Treaty Claim to Freshwater and Geothermal Resources within their respective rohe on behalf of the iwi, hapū, whanau and marae of Ngāti Kahungunu.

21. In line with the Waitangi Tribunal’s recommendation for meaningful discussion with iwi, Ngāti Kahungunu have and continue to invite the Crown to come and talk with us, kanoahi ki te kanoahi (face to face), to develop mutually beneficial pathways forward pokohiwi ki te pokohiwi (shoulder to shoulder) in terms of resource management. Ngāti Kahungunu has also offered the same invitation to our 11 relevant councils and territorial authorities within Ngāti Kahungunu.

22. Freshwater is a taonga to tāngata whenua. The relationship between tāngata whenua and the water is supposed to be protected in resource management legislation. Management by

regional councils is directed by the NPSFM, which acknowledges the importance of the Treaty Partnership in freshwater management and the national significance of freshwater through 'Te Mana o te Wai'. Despite this, management of rivers, aquifers, lakes, wetlands, and waterways in general is seldom undertaken in a way that is consistent with Te Ao Māori view, let alone in keeping with local tikanga or kawa.

TE MANA O TE WAI

23. Te Mana o te Wai is a tangata whenua term and concept that most New Zealanders can identify with. Te Mana o te Wai recognises the inherent mana, authority, reverence, and mauri waterways have or 'should' have. Support of this concept, and for protection and restoration, is growing amongst the national populace.
24. The implementation of the current regulatory framework in the Hawke's Bay region doesn't give effect to Te Mana o te Wai nor the preservation of Mauri, Mahinga Kai, and rights of tangata whenua in general. A clearer definition and direction is needed to give effect to Te Mana o te Wai—and work with Ngāti Kahungunu must be undertaken to achieve this. NKII consider if this term and concept are not properly given effect to (i.e., if recognition is not meaningful and it is being referred to only in a tokenistic manner) they should be removed from national policy. Te Mana o te Wai as an indigenous term should not be misused; tangata whenua are best placed to understand Te Mana o Te Wai and ensure its due recognition in natural resource management.

EXISTING STATE OF GROUNDWATER QUANTITY IN THE RUATANIWHA

25. NKII have significant concerns about the potential and actual adverse effects of the proposed tranche 2 groundwater takes and associated activities (including irrigation and land use change, for which resource consents appear to not yet be sought).
26. NKII consider water in the Ruataniwha plains catchment/area is already significantly over-allocated. We have seen the results of this in recent summers, where our people have rescued (as well as witnessed the deaths of) many tuna in streams that have dried up as a consequence of over-allocation and an excessive take of surface and groundwater (see Figures below).



Figures 1 and 2: The dried-up Kahahakuri streambed (top), and a remaining pool (bottom), near Ongaonga, March 2020. In a video recorded at the same time, one of our tamariki can be heard saying “that used to be full of water”. Image courtesy of Crystal Pekepo. Note: this is the branch of the Kahahakuri near Ongaonga (Bridge St), not the branch Plantation Road Dairies propose to ‘augment’.



Figures 3: Screenshot from video in which several Central Hawke’s Bay locals, including tamariki, attempt to relocate eels from the single remaining pool (Figure 2) in the otherwise dried up Kahahakuri streambed, near Ongaonga, March 2020. This incident was reported to DOC and Ngāti Kahungunu. Efforts of the locals resulted in 81 eels being rescued and released into the Waipawa River. Images courtesy of Crystal Pekepo. Note: this is the branch of the Kahahakuri near Ongaonga (Bridge St), not the branch Plantation Road Dairies propose to ‘augment’.

27. Declines in groundwater levels (and the associated effects on surface water) are regularly noted in HBRC monitoring data and in the media. For example, a story in the Hawke’s Bay Today in November 2018 was titled “Central Hawke’s Bay groundwater levels at record lows - farmer demands action” and read:

Alarming new data on groundwater in Central Hawke’s Bay shows the levels are the lowest ever recorded in November.

Hawke’s Bay Regional Council’s principal hydrologist, Jeff Smith, said a reading from the settlement of Ongaonga, taken about 4m below ground, showed extremely low levels normally seen only in January.

28. The HBRC 2013-2018 State of the Environment (SoE) Report noted in regard to groundwater under the title ‘Not so good’: “...declining groundwater levels...”, and went on to state:¹

The most persistent changes we’ve noted are declining water levels in parts of the Heretaunga and Ruataniwha Plains...

Many groundwater level declines are associated with groundwater pumping in response to demand: mostly for irrigation, industrial use and town supplies.

These declines are more pronounced during summer and show a small but marked recovery during April, and into autumn and winter as the peak demand period tapers off.

¹ <https://www.hbrc.govt.nz/assets/Document-Library/Reports/SOE-5-Year-report/HBRC-State-of-our-environment-Summary-report-2014-18.pdf>

General seasonal declines in groundwater have also been found, correlating with an increased demand for groundwater over summer.

29. The below 2016 SoE report card² illustrates the number of wells in Central Hawke's Bay with levels 'below normal' at that time (more recent maps could not readily be found).

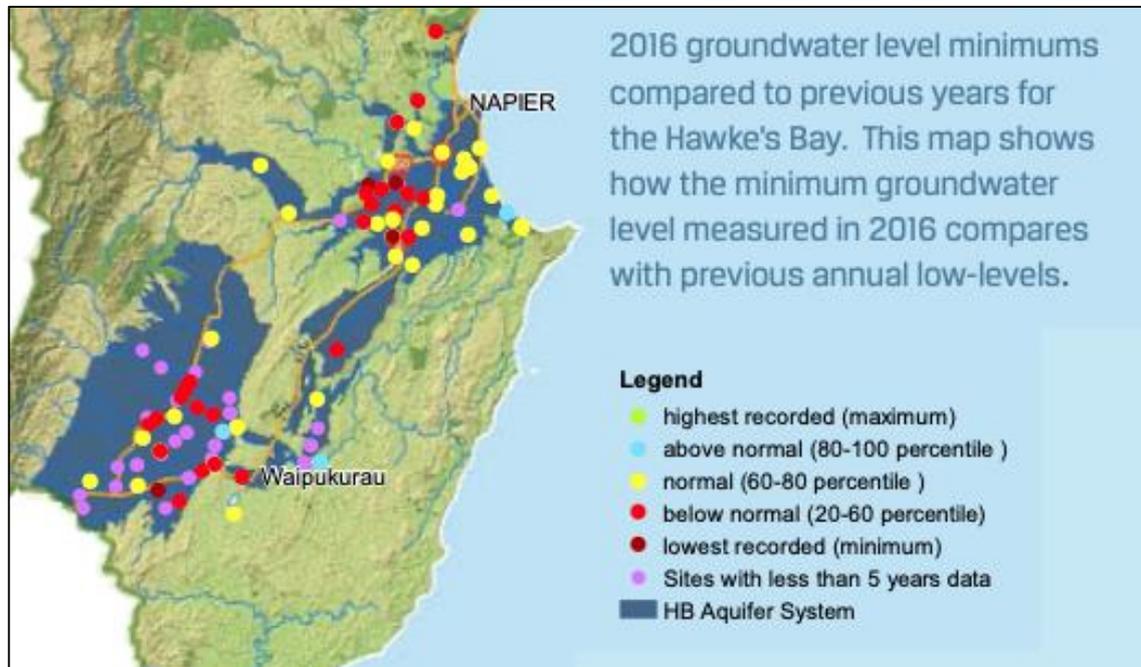


Figure 4: 2016 groundwater minimum levels compared to previous years for the Hawke's Bay.

30. NKII agree with the data and observations from farmers, kaitiaki and tangata whenua that with groundwater levels already low (and continuing to decline), groundwater in Central Hawke's Bay is already significantly over-allocated. We consider this is likely to be exacerbated by the predicted impacts of climate change on the region, and that the issuing of tranche 2 groundwater takes will only make things worse. This includes the issue of creating 'reliance' on water, rather than resilience. Groundwater levels will continue to decline, the conditions of their ecosystems and the ecosystems of connected surface water bodies (springs, streams, lakes, and wetlands, etc.) will decline, and the values of these ecosystems (habitat, mahinga kai, amenity, etc.) will be lost.
31. It is clear to us that the health and wellbeing of water bodies and freshwater ecosystems is not being provided for in Central Hawke's Bay, and therefore Te Mana o te Wai is not being provided for. Significant work is required to claw back water use in the area and restore the health of our environment. Issuing resource consents to take additional groundwater will only make things worse and further erode the health and wellbeing of freshwater bodies, ecosystem health, and Te Mana o te Wai, and further frustrate the ability to achieve NKII's (as well as Resource Management Act (RMA), RRMP, NPSFM, and Aotearoa NZ Biodiversity Strategy) objectives for freshwater.

² <https://www.hbrc.govt.nz/assets/Document-Library/Reports/SOE-Report-Cards/SOE-Report-Card-Groundwater-2016.pdf>

EFFECTS OF TRANCHE 2 WATER TAKES

Ecological effects of the tranche 2 groundwater takes

32. The potential effects of the proposed groundwater takes, and the degree of concern around them, was summarised in a letter Paul Barrett, Team Leader Consents at HBRC, recently wrote³ regarding the proposed tranche 2 groundwater takes (bold emphasis added):

... There remains significant uncertainty over the scale of residual adverse effects resulting from Tranche 2 abstraction. We have concerns over the potential scale of adverse effects on wetlands, streams and wells across the Basin, but particularly in areas where there is already significant Tranche 1 abstraction occurring. We also still have concerns about how the Tranche 2 proposal will work in extreme years (worse than a 1 in 10 year event) and the scale of effects in these years when augmentation may not be able to continue. Furthermore, we have concerns over the impacts on water quality from farm system changes as a result of irrigation and note that a number of the properties are located in catchments where the instream nitrogen target is already significantly exceeded. Land use consent is already required for these properties and would not likely be granted to allow for any increase in nitrogen loss. We note that for dairy farms wishing to expand irrigation, land use and discharge consents are required under the NES FW and that a consent cannot be granted unless they are able to demonstrate that expansion will not lead to any increase in load or concentrations of contaminants in the catchment.

...

PDP consider that there are shortcomings in the methodology applied to the drawdown interference and wetland assessments. Ecological values are not considered in potentially affected waterways and in their view, assessments should be undertaken for these effects based on site specific testing. Specifically, for wetlands, PDP also note the simulated drawdown effects do not align with the main areas of abstraction, and that further explanation for this could be provided. PDP also noted that inaccurate estimates of well interference effects is likely to have occurred, and appropriate consideration of seasonal variation and cumulative drawdown effects has not been had.

....

33. In response to some these concerns, the applicants have undertaken additional analysis of the potential effect of drawdown on wetlands and small streams in particular⁴. In regard to smaller streams, they conclude:

- The predicted change to surface water in the northern streams (Mangaonuku, Mangamate, Mangamauku, and Mangaoho) will be zero
- The changes in the west (Ongaonga, Kahahakuri and Chesterfield) are predicted to be a lowering of 200-500mm
- The central area (Swamp Road, Kahahakuri and Black Stream) changes are predicted to be a lowering of 300-400mm
- The eastern areas (Woolshed pond, lower Black Stream, Swan pond) are generally predicted to be a lowering of around 300mm.

34. These are dismissed as “negligible”, though there is an acknowledgement streams might dry up “earlier than typical”. Given that this negative trend in water levels in recent summers appears

³ <https://www.hbrc.govt.nz/assets/Document-Library/Consents/Notified-Consents/Groundwater-Takes-Ruataniwha-Basin-Tranche-2/HBRC-Technical-Reviews/T2-update-and-questions.pdf>

⁴ <https://www.hbrc.govt.nz/assets/Document-Library/Consents/Notified-Consents/Groundwater-Takes-Ruataniwha-Basin-Tranche-2/Group-s92-Response/Tranche-2-Groundwater-Applications-Boffa-Miskell-Ruataniwha-Plains-Ecological-Assessment-Memo-10-Nov-2021.pdf>

to be increasing, this assumption that any effects of additional lowering will be ‘negligible’ is overly optimistic from a water users’ perspective and represents a dismissal of tikanga and kaitiaki from a tangata whenua perspective. The impact of streams drying up “earlier than typical” is in turn dismissed by assurances that the “aquatic fauna” will simply “delve into the hyporheic” zone (below the bed of the stream) to ‘chase down’ water. Fish will supposedly “move and find water resources” or move into the hyporheic zone and take “seasonal refuge” there. This is a naive assumption that ignores many issues, including that illustrated in the example of our tuna above—they are too large and the streambed material too small for them to simply “delve into the hyporheic” for safety when they are ‘marooned’ in a muddy pool.

35. This assumption is followed by an equally problematic statement, in which the authors acknowledge they have “no evidence to support” this but that the “logic to us appears reasonable”:

If drying is to occur a little earlier or continue a little longer, or the water “drops” several 100mm, it is likely (although we have no evidence to support the following) that those behaviours will start a little earlier and go on a little longer. We assume that those taking refuge in the hyporheic will simply delve the 300-400mm deeper required because of the draw down. We suggest that this will not “inconvenience” them such that their “fitness” is affected. In short, the logic to us appears reasonable that small extensions in time and depth will be manageable by the current aquatic fauna through slight exacerbations of their current normal seasonal behaviours to manage the naturally surface drying challenges met each year in the small and typically intermittent streams (tributaries).⁵

36. NKII consider this to be a gross simplification of the issues, and a dismissal of cumulative effects and the additional stress this will cause on indigenous species and ecosystem health, which are already under significant stress in summer as a result of the cumulative effect of existing water takes. Several hundred millimetres (i.e. up to about 0.5m) is likely to be a significant reduction in water level for many species, and could result in the ‘drying out’ of the hyporheic zone where it is already below the surface—with fish left to die unseen.
37. The reference to ‘earlier than typical’ highlights the existing management issues with dropping groundwater levels and stream flows within the catchment. We challenge the claim that tuna/eels “fitness” will not be affected; particularly when due to dropping water levels numerous eels are already being rescued from certain “death”—which is a definite “inconvenience”.
38. The reference point for sustainable management, particularly when having regard to the remedial direction out in the NPSFM, should not be the existing degraded state. The reference point should be the state these water bodies and habitats need to be in to give effect to Te Mana o Te Wai. The management of the take and use of water should be adjusted, both through changes to planning documents and decisions on resource consents, to achieve that outcome. Additional reductions in groundwater levels and flows, even if small, simply exacerbate and already degrading trend.
39. With the impact of predicted climate change, these stressors are likely to continue to grow—the overallocation we are already trying to ‘phase out’ and ‘avoid’ will become more entrenched, and the stream ‘dry-ups’ predicted to start a ‘few days earlier’ will start a week earlier, or a

⁵ <https://www.hbrc.govt.nz/assets/Document-Library/Consents/Notified-Consents/Groundwater-Takes-Ruataniwha-Basin-Tranche-2/Group-s92-Response/Tranche-2-Groundwater-Applications-Boffa-Miskell-Ruataniwha-Plains-Ecological-Assessment-Memo-10-Nov-2021.pdf>

month, and the impact on ecosystem health, indigenous species, and downstream flows will be considerable.

40. Note there is also no mention of the flow-on adverse cultural effects of this stream lowering.
41. A 2020 study by NIWA identified seven native freshwater species that will be likely or highly or very highly vulnerable to climate change.⁶ This includes īnanga and tuna (both longfin and shortfin eel), which have been identified in the proposed activity area.⁷ The NIWA ranking examined only 10 fish, therefore at this time there is an absence of vulnerability ranking for almost half of the native fish species observed in the Tukituki catchment.
42. We also understand there is some uncertainty around these potential impacts, and to dismiss them as 'negligible' or 'no more than minor' is inadequate in our view. History has illustrated time and time again how putting increased pressure on ecosystems, and the dismissal of any potential impacts as 'minor', has had substantial (and often irreversible) consequences.⁸
43. Similar dismissals of impact of any drawdown on remaining wetlands in the area are also made, and there is an equal lack of consideration of the impacts of climate change.
44. NKII are also extremely concerned about the potential effect of the takes on other ecological values, such as physical habitat within the aquifer for stygofauna, among other things.
45. These concerns, and those discussed above, are discussed in more detail below in the section on what we consider the inadequacy of the applicants' Assessment of Environmental Effects (AEE).

Issues with stream 'augmentation'

46. NKII are strongly opposed to the concept of 'stream augmentation' to address over allocation and associated ecological effects, particularly as a method of 'mitigation'. If anything, we consider it to be 'compensation' at best. It also is not a solution to address adverse cultural effects; in fact, the concept itself is an affront to the cultural values of tangata whenua.
47. The Assessment of Environmental Effects for the application includes a note that:⁹

"The augmentation concept included in PC6 was novel, not only for Hawke's Bay, but for New Zealand generally. It was not instigated by the Hawke's Bay Regional Council (HBRC) but was introduced by the Board of Inquiry into the Tukituki Catchment Proposal in their June 2014 decision... Each Tranche 2 groundwater abstraction will have an effect on groundwater levels and river flows across a wide area. The effects of all eight applicants then combine to produce Ruataniwha Basin-wide effects..."

48. NKII consider that within the 'modern' policy framework (i.e. with the context and direction of the NPSFM 2020, and tangata whenua rights and interests in freshwater starting to actually be

⁶ <https://waimaori.maori.nz/vulnerability-assessment-reports-for-freshwater-taonga-species-to-climate-change/>

⁷ <https://www.hbrc.govt.nz/assets/Document-Library/Consents/Notified-Consents/Groundwater-Takes-Ruataniwha-Basin-Tranche-2/Group-s92-Response/Tranche-2-Groundwater-Applications-Boffa-Miskell-Ruataniwha-Plains-Ecological-Assessment-Memo-10-Nov-2021.pdf>

⁸ To the point where this has become the topic of the 2021 book 'Under a White Sky' by Elizabeth Kolbert

⁹ Executive summary, page 1, <https://www.hbrc.govt.nz/assets/Document-Library/Consents/Notified-Consents/Groundwater-Takes-Ruataniwha-Basin-Tranche-2/Group-AEE/Tranche-2-Revised-Application-Report-19-August-2021-FINAL2.pdf>

recognised in policy), this novel approach as put in place by the BOI is not appropriate or justifiable. This is particularly apparent through policy 11 of the NPSFM:

Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is **avoided**.

49. We have put emphasis on the wording to **avoid** future over-allocation as being distinct from 'mitigation' of over-allocation (or more accurately, compensation of).
50. While we have several issues with augmentation, including its inconsistency with the concept of Te Mana o te Wai, the simplest example of an issue is how indirect and ineffective it is as a method of 'mitigation'. This is illustrated in Figure 5 below, which shows the proposed Te Awahohonui Forest Trust operation for tranche 2 takes. In this example, water would be drawn from bores at the red points, which all have a potential stream-depleting effect on the streams (blue lines) around them. However, this stream depleting effect is only 'mitigated' in the stream reach downstream of the blue 'augmentation' discharge point (the green stream reach) and potentially a small amount in nearby streams through sub-surface flow. There is therefore likely to be a significant unmitigated stream-depleting effect—and associated loss of stream extent¹⁰, physical habitat, and associated values—on several kilometres of stream in this example (a quick measurement in QGIS suggests over 10km of stream reach could be impacted and left unmitigated in this example).

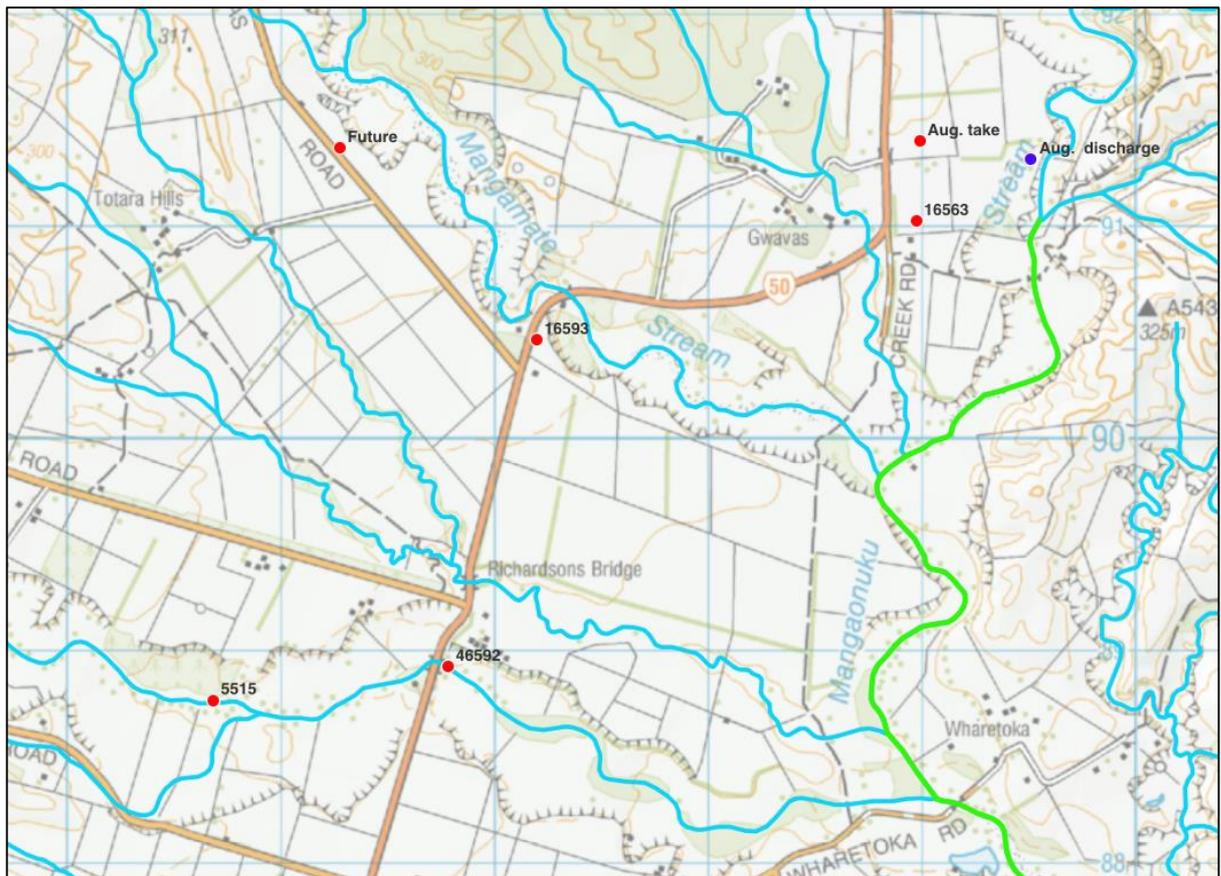


Figure 5: Groundwater takes (red points) and augmentation discharge (blue point) proposed for Te Awahohonui Forest Trust operations. Blue lines show stream reaches; the green line indicates

¹⁰ Which would be contrary to NPSFM Policy 7.

the reach downstream of the augmentation discharge. It's clear how many tributaries will be affected by an unmitigated 'stream-depleting' groundwater take.

Cultural, spiritual, and other effects

51. As noted above, it is clear to NKII that the health and wellbeing of water bodies and freshwater ecosystems is not being provided for in Central Hawke's Bay, and therefore Te Mana o te Wai is not being provided for. Significant work is required to claw back water use in the area and restore the health of our environment. Issuing resource consents to take additional groundwater will only make things worse and further erode the health and wellbeing of freshwater bodies, ecosystem health, and Te Mana o te Wai.
52. Springs and puna are culturally significant for tangata whenua due to their origins and whakapapa, the values of ki utu ki tai and connectivity, and due to their purity and high water quality. This relationship and the adverse effects of the tranche 2 takes on springs has totally been overlooked; both in terms of physical effects but also in terms of adverse cultural effects. NKII opposes the proposed enabling of further over-allocation that has no regard for the well-being of puna, their cultural significance, or their natural character.
53. Reduced ecosystem health and a loss (or reduction) of te mana o te wai have significant additional flow-on effects for tangata whenua. Not only does a degradation of the health and level of the aquifer and connected surface water affect the mana and mauri of the water and of NKII, but it also affects the traditional cultural practices, customs, and relationship of tangata whenua with their water. Adverse impacts will include impacts on:
 - mahinga kai (as demonstrated in the images provided above) and important food sources such as eels, which are, and will be further, adversely impacted on (even things as simple as gathering watercress will be further limited by streams drying up),
 - the reliability of water supplies to marae and communities.
54. The effects of granting these resource consents would not be consistent with recognising and providing for NKII's relationship with our culture and traditions with our ancestral lands, water, sites, waahi tapu, and other taonga.

Drinking water effects

55. There is a real and further risk to communities and drinking water supplies as a result of these tranche 2 groundwater takes.
56. Rural supplies are already being adversely affected by lowering groundwater levels and diffuse nutrient pollution—for example drinking water in settlements such as Ongaonga have been affected, with many residents experiencing issues with the reliability and quality of their water.
57. This is despite efforts by NKII and Hawke's Bay District Health Board to protect peoples' drinking water supplies through successfully pushing for changes to objectives in RRMP PC6 for the Tukituki River Catchment, which aimed to protect quality and quantity of drinking water:

OBJ TT1: 'To sustainably manage the use and development of land, the discharge of contaminants including nutrients, and the taking, using, damming, or diverting of fresh water in the Tukituki River catchment so that:

(ba) Water quality and quantity¹¹ enables safe and reliable human drinking water supplies;

58. Unfortunately (and surprisingly) that objective has not been met, and the proposed tranche 2 takes will further frustrate the ability to achieve it (as well as being inconsistent with the objective generally).
59. Whanau, households, and self-suppliers have had to deepen their bores to access drinking water in CHB. Allocating more groundwater will further exacerbate an already significant problem.¹² Lowering groundwater levels in the region are illustrated in Figure 6.

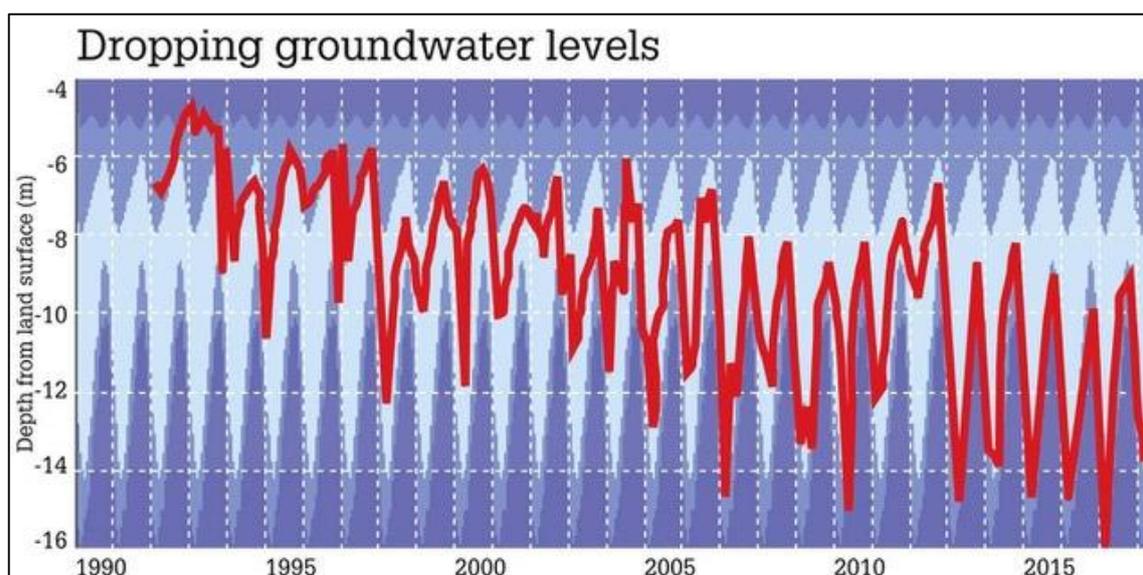


Figure 6: Reading from Bore 1426 near Ongaonga, from the HBRC website (via an HB Today article¹³), which shows the groundwater level decline over the years, similar to other bore readings on the Ruataniwha Plains.

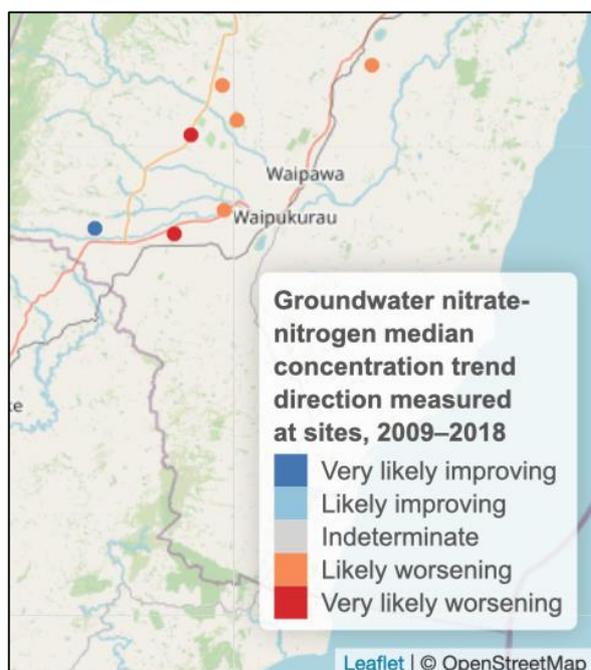
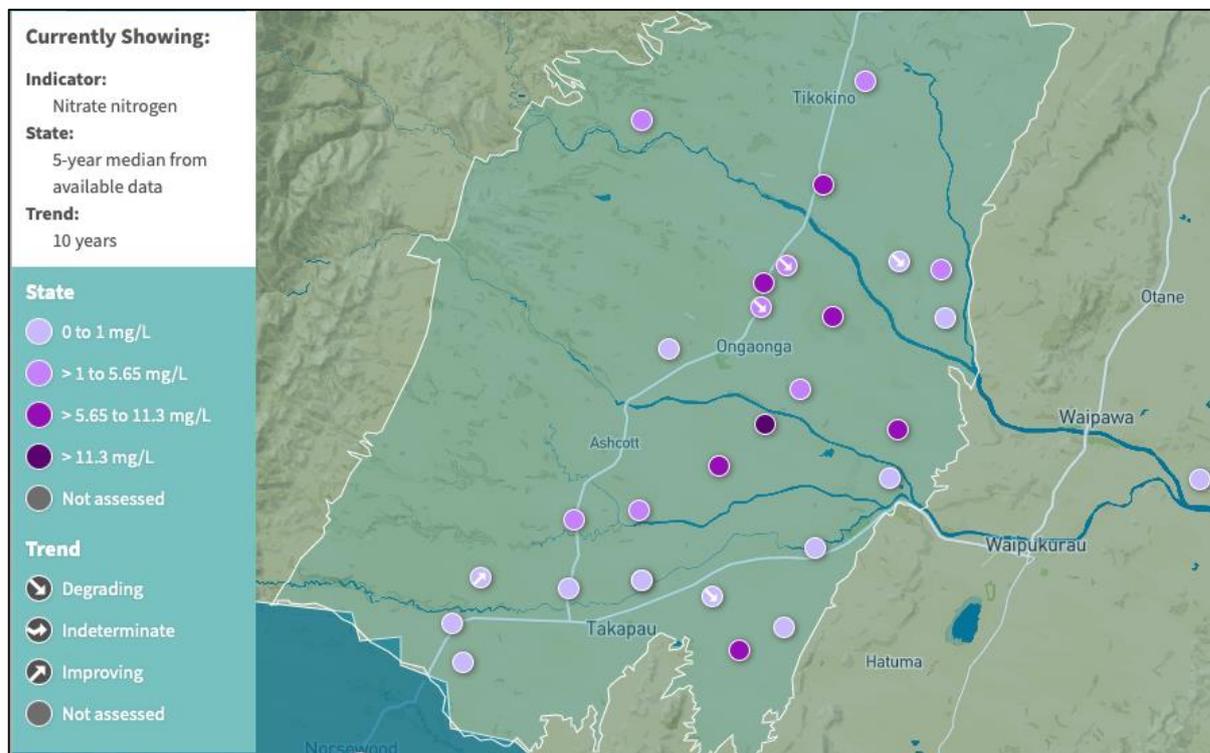
60. Ironically, the justification used to ‘protect’ the infrastructure investments required for new or planned industrial-use bores to service commercial appetites for groundwater are not equally applied to household bores, who have interests in maintaining quantity and quality of supply of freshwater for basic domestic and drinking water needs (note, these uses sit higher in the NPSFM hierarchy of obligations than any commercial use).
61. Further, additional legislative changes (e.g., the Water Services Bill, but also the NPSFM) have elevated the legal and policy requirements to safeguard drinking water, and maintain access, quality, quantity, and protect water sources. Ignoring these obligations would not be a logical, efficient, nor effective management response and is unethical.
62. As well as effects on the quantity of drinking water available (or at least, access to that water), the applications for tranche 2 groundwater have significant implications for drinking water quality. Additional irrigation is likely to come with land use intensification, which is likely to mean more diffuse nutrient pollution—particularly of nitrogen.

¹¹ Insertion of the word ‘quantity’ was opposed by Council however, it’s insertion has effectively made no difference to management considerations and the objective has not been achieved.

¹² <https://www.nzherald.co.nz/hawkes-bay-today/news/alarm-over-applications-to-draw-large-volume-of-ruataniwha-groundwater/5FC3HHGZIQ3SNOKU63ESULZTWQ/>

¹³ Ibid

63. Nitrogen pollution is already a significant problem in Central Hawke’s Bay groundwater, with some bores recently recording nitrate levels over twice the maximum acceptable level for drinking water (the NZ drinking water standard is 11.3 mg/L).¹⁴ Data also illustrates increasing trends in nitrate-nitrogen levels in CHB groundwater. This is illustrated in Figures 7 and 8.



Figures 7 and 8: Groundwater nitrate-nitrogen levels in the Ruataniwha Aquifer (above) and trends in Central Hawke’s Bay (left), 2009–2018. Sources: Above, LAWA (<https://www.lawa.org.nz/explore-data/groundwater-quality/>), left, StatsNZ, <https://www.stats.govt.nz/indicators/groundwater-quality>

Note, more recent data (e.g., as referred to in the RNZ article— <https://www.rnz.co.nz/news/national/416056/warning-over-high-nitrate-levels-in-rural-hawke-s-bay-water>) has recorded levels over 20 mg/L.

64. Levels above 11.3 mg/L present a significant risk to babies, who can suffer ‘blu baby syndrome’ at this level. However, more recently, evidence suggests that the drinking water standard in

¹⁴ <https://www.rnz.co.nz/news/national/416056/warning-over-high-nitrate-levels-in-rural-hawke-s-bay-water>

Aotearoa New Zealand is too high, and that nitrate levels as low as 0.87 mg/L can create risks, particularly increasing the risk of bowel cancer.¹⁵ Several follow up studies are now being undertaken specific to NZ, one of which found up to 800,000 New Zealanders could be exposed to drinking water with nitrate levels above this potentially cancer-causing level.¹⁶

65. Natural nitrate levels in groundwater are extremely low—around 0.25 mg/L.¹⁷

66. Elevated nitrate in groundwater has flow-on effects for aquatic ecosystem health too—as it is this groundwater that supplies springs, streams, and rivers with some (or in some cases all) of their water.

LIMITATIONS OF THE ASSESSMENT OF ENVIRONMENTAL EFFECTS (AEE) AND RELATED DOCUMENTS

67. NKII considers there are a number of limitations to the applicants' AEE (and related application documents). These include (but are not limited to):

- A lack of understanding and an understatement of the values (including cultural and ecological values) of groundwater and groundwater-dependent ecosystems,
- An understatement of the potential effects of the proposed activity,
- Inadequate assessment of the potential implications of climate change,
- Inadequate assessment of the impact of additional water takes on community (and future generations') aspirations for freshwater in the region,
- An incomplete assessment of the proposal against the relevant planning and policy documents.

68. NKII consider that if the issues arising from these limitations are investigated through the decision-making process, and the activities are considered against the full suite of planning and policy documents, resource consent would not be granted.

69. Each of these limitations is discussed briefly under the headings below, followed by a more in-depth assessment against planning and policy documents:

A lack of understanding and an understatement of the values (including cultural and ecological values) of groundwater-dependent ecosystems

- (i) While groundwater supports many above-ground systems—such as puna (springs), manga (streams), awa (rivers), and roto (lakes), and their values—such as ecosystem health, swimming, mahinga kai, and the provision of drinking water, groundwater is also an important system in and of itself, with significant values.

¹⁵ <https://www.rnz.co.nz/news/national/436879/up-to-800-000-new-zealanders-may-have-increased-bowel-cancer-risk-due-to-nitrates-in-water>

¹⁶ Ibid.

¹⁷ <https://www.newsroom.co.nz/mike-joy-wins-battle-over-dodgy-water-stats>

- (ii) These values were summarised in a 2018 report by NIWA titled 'Groundwater ecosystems: Functions, values, impacts and management'.¹⁸ The report noted a range of values associated with groundwater/aquifers in addition to those more obvious values (e.g., 'water supply'), including (but not limited to):
- a. Physical habitat, including for microbes, archaea, biofilms, and stygofauna—e.g., Figure 9, whose functions include degrading contaminants and enhancing groundwater quality.
 - b. Water purification and disease control
 - c. Genetic resources (e.g., enzymes and compounds which might be useful for medical applications)
 - d. Buffering of floods and droughts
 - e. Social values (e.g., reliance on groundwater as an essential component of everyday life for many communities)
 - f. Indigenous cultural values
 - g. Spiritual values
 - h. Nutrient cycling
 - i. Biodiversity conservation (e.g., of genotypes and species)
 - j. Bequest values (the ability to pass on a system of all values to future generations, whakapapa, kaitiakitanga, whanau ora, wairuatanga, etc.)



Figure 9: Stygofauna: *Phreatogammarus fragilis*, a large (body up to 20 mm long) amphipod crustacean from Canterbury's alluvial aquifers. Image: N Boustead, NIWA. From 'Groundwater ecosystems: Functions, values, impacts and management'.¹⁹

¹⁸ <https://www.envirolink.govt.nz/assets/Envirolink/Reports/1838-HZLC143-Groundwater-Ecosystems-Functions-values-impacts-and-management.pdf>

¹⁹ Ibid.

- (iii) NKII consider effects of the proposed activities on these values (and the other values identified in the report noted above) have not been considered in the AEE and any other relevant assessment.
- (iv) In particular, we note the importance of ecological and cultural values of groundwater. The importance of these is highlighted in the above report, which notes, in regard to some of the ecological values:

...groundwater supports a diverse range of aquatic invertebrates (Protozoa and Metazoa), collectively known as stygofauna... Stygofaunal communities appear more abundant and diverse within 1-2 m of the groundwater surface compared with deeper in groundwater.

Although poorly known, New Zealand's stygofauna appears to be remarkably rich and diverse compared with that known for the British Isles, a similar sized group of islands. In New Zealand there are over 100 named species with another c. 700 collections of groundwater amphipods and isopods awaiting analysis. With the exception of some copepods, all named species are endemic to New Zealand and several are probably restricted to single aquifers or discrete aquifer systems.

Stygofauna are important to groundwater ecosystem functioning just as aquatic invertebrates are important to surface water ecosystem functioning. Stygofauna can consume large amounts of bacteria and biofilm. Through their movement and feeding activities, stygofauna browse biofilms and re-work finer sediment within the [groundwater ecosystem], ingesting and defecating sediment particles, as well as burrowing into and through the sediment. The magnitude of this bioturbation and its ecological effects can be very substantial, albeit poorly understood.

- (v) And in regard to cultural values:

Māori have a range of values, beliefs and practices associated with [groundwater ecosystems] that are underpinned by the intergenerational Māori worldview and a holistic and integrated understanding of the water cycle and the environment as a whole. Recent research is starting to improve our understanding of groundwater-dependent Māori values, beliefs and practices that encompass cultural landscapes and settlements, wāhi ingoa (place names), wāhi tapu (sacred places) and wāhi taonga (treasured places), rongoā (healing) and ceremonies (e.g., burials), mahinga kai (e.g., spring-fed streams), tuhitera neherā (rock art), marae water supplies and indigenous biodiversity.

Land use activities that may adversely affect Māori values associated with groundwater include land development, water abstraction, poor water resource management practices, and mixing of waters.

Māori have identified research required to support their aspirations for improved management of [groundwater ecosystems]. Common priority themes of iwi and hapū include: the protection of puna, addressing the threats of artificially augmenting aquifers with water from adjacent catchments (i.e., mixing of waters), the protection of cultural landscapes and all the components this entails (e.g., watercourses, groundwaters, buffers, wetlands, revegetated areas, irrigation practices, runoff pathways, wāhi taonga), and the protection of groundwaters from contaminants.

- (vi) Finally, we also note that the values of groundwater, particularly from a Māori perspective (but also to many pākehā) cannot be summarised in a simple list, due to the nature of all wai (water) and elements of nature being connected. This is reflected in part in the report, which states “Aquifers are open systems, dynamically interconnected with surface waters such that groundwater and surface water should be regarded as a single water resource which variously passes from one habitat to another”. This also reflects the NPSFM, which directs that water should be managed an integrated way and within the concept of Te Mana o te Wai. This is discussed in more detail below.
- (vii) NKII consider that if the impact of the effects of the proposed activities on these values, particularly ecological and cultural effects (as well as the other values identified in the report noted above, and those values held by NKII) is assessed, the applications would not meet the requirements to be granted and should therefore be declined.

An understatement of the potential effects of the proposed activity

- (i) NKII consider the conclusion in the applicants’ AEE that “any actual and potential adverse environmental effects of the proposed groundwater takes will be negligible or no more than minor” is incorrect.
- (ii) This is reflected in the statement from Paul Barrett, Team Leader Consents at HBRC (also quoted above), who recently wrote²⁰ (bold emphasis added):

There remains **significant uncertainty** over the scale of residual adverse effects resulting from Tranche 2 abstraction. **We have concerns over the potential scale of adverse effects on wetlands, streams and wells** across the Basin, but **particularly in areas where there is already significant Tranche 1 abstraction occurring. We also still have concerns about how the Tranche 2 proposal will work in extreme years (worse than a 1 in 10 year event) and the scale of effects in these years when augmentation may not be able to continue.** Furthermore, **we have concerns over the impacts on water quality from farm system changes as a result of irrigation and note that a number of the properties are located in catchments where the instream nitrogen target is already significantly exceeded.** Land use consent is already required for these properties and would not likely be granted to allow for any increase in nitrogen loss. We note that for dairy farms wishing to expand irrigation, land use and discharge consents are required under the NES FW and that a consent cannot be granted unless they are able to demonstrate that expansion will not lead to any increase in load or concentrations of contaminants in the catchment.

- (iii) NKII consider there remains significant uncertainty around the effects and their scale. This is not reflected in the AEE or the additional information

²⁰ <https://www.hbrc.govt.nz/assets/Document-Library/Consents/Notified-Consents/Groundwater-Takes-Ruataniwha-Basin-Tranche-2/HBRC-Technical-Reviews/T2-update-and-questions.pdf>

provided under RMA s92—we consider the potential effects that have been identified are understated.

- (iv) NKII also consider there are potential adverse effects that have not been identified, and for which the scale will be significant.
- (v) For example, the drawdown of the aquifer by 0.8m in the vicinity of the takes and 0.3m further afield could have a substantial impact on groundwater ecosystems, including stygofauna, which are most prominent in groundwater within 1-2m of the groundwater surface. Stygofauna are vital components of groundwater ecosystem health and contribute to cleaning the water (among other things), and in some cases stygofauna species are present in only one aquifer or aquifer system, meaning their loss would constitute an extinction.²¹
- (vi) Cultural effects of the take are significant and are unquantified in the AEE. NKII consider the taking of additional water from the Ruataniwha aquifer, which is already over-allocated, will adversely affect the mana and mauri of the water and of NKII, mahinga kai, the reliability of water supplies to marae, the ability of NKII and our people to undertake our traditional practices and customs, and the ability of NKII to realise its aspirations for freshwater in the region, among other things.

Inadequate consideration of the potential implications of climate change

- (i) Aside from quoting the RMA, the AEE mentions climate change only once. Where it is mentioned, it is in regard to restrictions on irrigation becoming more regular, with the implication being that a more 'reliable' supply of water is needed. This is not sufficient consideration of the implications of climate change. Consideration of climate change is required under both the RMA and NPSFM, among other planning documents.
- (ii) We also note Appendix B to the AEE, the 'Aqualinc 2021 Groundwater Modelling Report' (and the updated version that was provided as further information), does not mention climate change or its implications for the modelling. Modelling was run with data from 1 July 1972 to 30 June 2012. The model was not re-run to incorporate data recorded since 2012, a period which has included many record-breaking climatic events²². While it is noted the 1972-2012 period captures a wide range of climatic variability, including most extremes from 1970-2019, the model was not re-run to incorporate data more recent than 2012, and appears to not have been run to incorporate any *predicted* data based on potential climate change into the future. This is a significant oversight.
- (iii) In regard to expected changes in rainfall, a recent NIWA report for HBRC stated:

²¹ <https://www.envirolink.govt.nz/assets/Envirolink/Reports/1838-HZLC143-Groundwater-Ecosystems-Functions-values-impacts-and-management.pdf>

²² For example, as at July 2020, it had been 41 months since NZ had recorded a month with 'below average temperatures'. <https://niwa.co.nz/news/the-climate-record-that-keeps-getting-broken>

By 2040 under both medium and high greenhouse gas concentration pathways, annual rainfall is expected to decrease by a small amount for the majority of [Tairāwhiti and Hawke's Bay], generally in the 0-5% range. By 2090, larger and more extensive decreases to annual rainfall are projected, decreasing by up to 10% under the medium concentration pathway, and up to 15% under high concentrations. Spring is generally projected to experience the greatest and most extensive drying, while winter rainfall is generally projected to increase on the western side of the mountain ranges (despite a drying signal for the eastern majority of both regions for most winter projections presented in this report).²³

(iv) This is likely to have significant implications for natural aquifer recharge by rainfall given that, as we understand it, 90% of groundwater recharge comes from rainfall, with the remainder (10%) from stream/river losses. This could mean that the potential drawdown effect of the tranche 2 takes has been under-estimated.

(v) In regard to expected changes in the frequency of drought conditions, the NIWA report stated:

Drought potential is projected to increase... with annual accumulated Potential Evapotranspiration Deficit (PED) totals increasing with time and increasing greenhouse gas concentrations. Areas east of the mountain ranges are projected to observe the largest increases to PED accumulation... The probability of PED exceeding 300 mm in a given year is also projected to increase significantly for most eastern and coastal locations in both regions. Additionally, large portions of both regions are projected to experience some of the largest increases to the annual number of days of soil moisture deficit compared to other parts of the country.²⁴

(vi) Again, this is likely to have significant implications for natural aquifer recharge by rainfall and could mean that the potential future drawdown effect of the tranche 2 takes has been under-estimated. Figure 10 illustrates the potential change in evapotranspiration deficit (i.e. drought) relative to the 1986-2005 period.

²³ https://niwa.co.nz/sites/niwa.co.nz/files/GDC-HBRC%20climate%20change%20report%202020_Final-compressed.pdf

²⁴ https://niwa.co.nz/sites/niwa.co.nz/files/GDC-HBRC%20climate%20change%20report%202020_Final-compressed.pdf

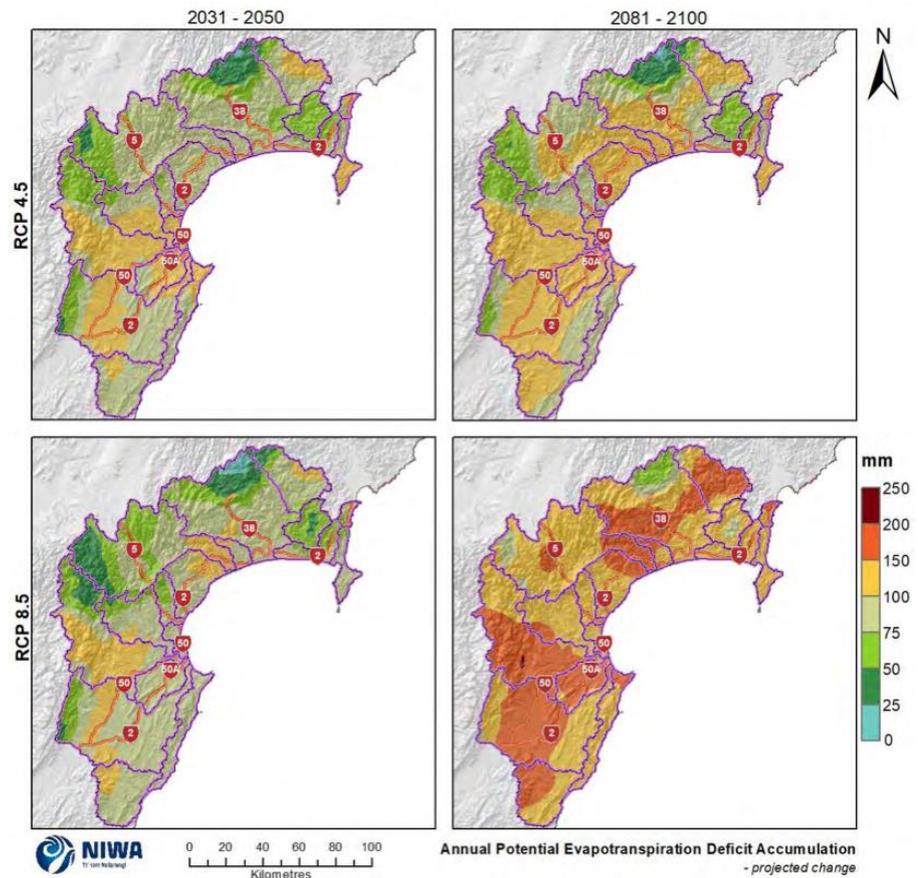


Figure 10: Projected annual potential evapotranspiration deficit accumulation (mm) changes for Hawke’s Bay by 2040 and 2090 under RCP4.5 and RCP8.5 emissions scenarios. Relative to 1986-2005 average, based on the average of six global climate models. Results are based on dynamical downscaled projections using NIWA’s Regional Climate Model. Resolution of projection is 5km x 5km.²⁵

- (vii) The AEE has not considered how increasingly dry conditions in Hawke’s Bay might lead to reduced groundwater recharge in wetter seasons, and therefore further drawdown—and effectively ‘mining’—of the aquifer. Any additional drawdown would have significant effects on wetlands and surface water bodies, and either result in them drying up where they otherwise wouldn’t or cause them to dry up much earlier (and re-wet later).
- (viii) The AEE dismisses some of the drawdown effects on streams by stating “the predicted effects on streams that typically dry out during the summer are thought to be negligible” but goes on to say “it is possible that streams may experience dry conditions slightly earlier and/or resume flowing again a little later in the season (likely by a matter of a few days difference).” No consideration has been given to how, with the impacts of climate change, “a matter of a few days difference” could become a week or more, which could make all the difference from an ecological perspective, as well as from a cultural and spiritual perspective (as alluded to above).

²⁵ Ibid.

- (ix) The AEE notes “The reported irrigation and augmentation volumes are based on a 90-percentile year. Therefore, it is possible that in extreme dry years (e.g., 1 year in 10), low flows could still be triggered after irrigation and augmentation volumes have been exhausted.”
- (x) NKII consider that much greater consideration of the impacts of climate change is required in making the decision on these resource consents (as per the RMA and NPSFM, as discussed below), and that if that consideration is given then the application will not pass the test for consent to be granted.

Limited consideration of the impact of additional water takes on community (and future generations’) aspirations for freshwater in the region.

- (i) The NPSFM requires that water be managed in a way that gives effect to the concept of Te Mana o te Wai, that tangata whenua are involved in freshwater management (including decision-making processes), that freshwater is managed in an integrated way, that allocation is phased out and future over-allocation is avoided, that the national target for water quality is achieved, that action is taken to reverse deteriorating trends in the condition of freshwater ecosystems, and that communities are enabled to provide for their social, economic, and cultural wellbeing (among many other things).
- (ii) This means councils must set long term visions for freshwater with tangata whenua and their communities and work to achieve them, including through the use of appropriate environmental limits.
- (iii) Local farmers, residents, and Forest & Bird have expressed extreme concern with the proposed activities²⁶ and have been clear that the issuing of these consents is not consistent with their vision for freshwater in the region.
- (iv) Likewise, NKII consider the issuing of these consents would be inconsistent with Te Mana o te Wai and would have a significant impact on our values.
- (v) The issuing of additional consents to take groundwater in a region whose environment is already under substantial stress from existing water takes—and is therefore over-allocated—not only has the potential to have a significant impact on the environment but would also significantly frustrate the ability for the Hawke’s Bay community to achieve the vision it has for freshwater in Central Hawke’s Bay.
- (vi) The applicants’ AEE has not considered this frustration of environmental and planning outcomes. NKII consider that if this is considered, the applications do not pass the test to be granted and should therefore be declined.

²⁶ <https://www.nzherald.co.nz/hawkes-bay-today/news/alarm-over-applications-to-draw-large-volume-of-ruataniwha-groundwater/5FC3HHGZIQ3SNOKU63ESULZTWQ/>

An incomplete assessment of the proposed activities against the relevant planning and policy documents.

- (i) This is discussed in the following section.

ASSESSMENT OF PLANNING AND POLICY DOCUMENTS

70. NKII considers the applicants assessment of their resource consent applications against the relevant planning and policy documents²⁷ insufficient.

71. As noted in the AEE²⁸, when considering this application Hawke' Bay Regional Council must have regard to the relevant issues and documents noted under section 104 of the RMA, which states:

When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—

- a) any actual and potential effects on the environment of allowing the activity; and
- b) any relevant provisions of—
 - (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan; and
- c) any other matter the consent authority considers relevant and reasonably necessary to determine the application

72. While the applicants have considered their applications against some of these documents, NKII consider this has been undertaken insufficiently, in that both relevant provisions of documents that have been considered have been missed and relevant documents have been missed entirely. NKII consider the decision whether to issue the resource consents must be assessed against *at least* the:

- Resource Management Act 1991 (RMA),
- Hawke's Bay Regional Council's Regional Resource Management Plan (RRMP),
- Hawke's Bay Regional Council's Regional Coastal Plan
- Proposed changes to the Hawke's Bay RRMP (particularly Proposed Plan Change 7 – Outstanding Water Bodies)
- National Policy Statement for Freshwater Management 2020 (NPSFM),
- New Zealand Coastal Policy Statement (NZCPS)
- NES Freshwater
- NKII planning documents²⁹
- Aotearoa New Zealand Biodiversity Strategy³⁰

²⁷ Which is provided in: <https://www.hbrc.govt.nz/assets/Document-Library/Consents/Notified-Consents/Groundwater-Takes-Ruataniwha-Basin-Tranche-2/Group-AEE/Tranche-2-Revised-Application-Report-19-August-2021-FINAL2.pdf>

²⁸ Ibid.

²⁹ relevant under section 104(1)(c) of the RMA, and many of which can be found here: <https://www.hbrc.govt.nz/our-council/tangata-whenua/>

³⁰ relevant under section 104(1)(c) of the RMA

- Hawke’s Bay Conservation Management Strategy (HBCMS)³¹

73. In NKII’s view, the issuing of resource consents for the proposed activities would be contradictory to the purpose of these documents. This is outlined below.

National Policy Statement for Freshwater Management 2020

74. The applicants’ AEE considered the proposed takes against the NPSFM objective and six (of the 15) policies. We consider this insufficient—the entirety of the NPSFM (and all 15 policies) should be considered.

75. The NPSFM is particularly relevant in the context of this application because the existing HBRC RRMP is outdated and does not give effect to the NPSFM. For that reason, the NPSFM should be given additional weight when it is being ‘had regard to’.

76. The objective of the NPSFM states:

The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

- first, the health and well-being of water bodies and freshwater ecosystems
- second, the health needs of people (such as drinking water)
- third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

77. All 15 of the NPSFM policies are relevant to achieving this objective.

78. This is evident in the NPSFM 2020 ‘Preliminary Provisions’, which provide vital context for the NPSFM:

1.3 Fundamental concept – Te Mana o te Wai

Concept

- 1) Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.
- 2) Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this National Policy Statement.

Framework

- 3) Te Mana o te Wai encompasses 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this National Policy Statement and its implementation.
- 4) The 6 principles are:
 - a. Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater

³¹ relevant under section 104(1)(c) of the RMA

- b. Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations
- c. Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others
- d. Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future
- e. Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations
- f. Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

- 5) There is a hierarchy of obligations in Te Mana o te Wai that prioritises:
- a. first, the health and well-being of water bodies and freshwater ecosystems
 - b. second, the health needs of people (such as drinking water)
 - c. third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

79. Reading the preliminary provisions, it is clear the objective of the NPSFM has come from the “hierarchy of obligations” in the ‘Fundamental Concept - Te Mana o te Wai’, and that the NPSFM policies have then come down from this concept (particularly Policy 1).

80. Given the clear step from Te Mana o te Wai and the hierarchy of obligations to the objective of the NPSFM, and then into the policies (again, particularly Policy 1), **the applications must be considered in the context of the NPSFM in its entirety**, not just those provisions identified in the applicants’ AEE.

81. NKII consider the proposed activity to be inconsistent with the NPSFM objective and many of the NPSFM policies (as well as the NOF process and other parts of the NPSFM). Policies requiring particular attention are briefly commented on below (NPSFM policies in blue, NKII comments in black).

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai

Policy 2: Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.

The NPSFM requires every regional council to engage with tangata whenua to determine how Te Mana o te Wai applies in their region (section 3.2), including to identify long-term visions, environmental outcomes, and other elements of the National Objectives Framework. HBRC has not yet undertaken this process with NKII, therefore the existing RRMP (and the allocation of tranche 2 water) cannot give effect to Te Mana o te Wai.

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Consideration must be given to the existing state of the environment in Central Hawke’s Bay, including the allocation situation, the effects of existing groundwater takes (particularly on native species, such as those illustrated above), and the condition of receiving environments, including the catchments/waterbodies that already exceed the 0.8 mg/L Dissolved Inorganic Nitrogen (DIN) concentration. For this reason, the consents applied for cannot be considered in isolation of the existing over-allocated situation or of any consents that might be required for land use under the RRMP and the NES for Freshwater, and consent cannot be granted.

Policy 4: Freshwater is managed as part of New Zealand’s integrated response to climate change.

As noted above, NKII consider the applicants have not given adequate consideration to the implications of climate change, and their application is therefore inconsistent with this policy.

Policy 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

As above, the NOF process has not been completed and the RRMP does not account for community aspirations for freshwater in the region. In addition, freshwater bodies are already degraded and facing increased pressure from existing water takes and the impacts of climate change. Action must be taken to maintain and restore these ecosystems, not to put further pressure on them.

Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

Protecting and restoring wetlands is an objective scattered throughout central and local government policy/objectives and discussions. Further groundwater loss will have a detrimental effect on existing wetlands and restoration efforts.

Policy 7: The loss of river extent and values is avoided to the extent practicable.

As noted in the proposal and raised at para 49 and figure 5 of this submission, the proposed augmentation mitigation is likely to facilitate and exacerbate 'the loss of river extent', it is possible and practicable to avoid this occurrence by not granting these consents.

Policy 9: The habitats of indigenous freshwater species are protected.

The tranche 2 allocation is based on an acknowledgment that it will have a draw-down (adverse) effect. This will result in a reduction in the level of the aquifer by 0.8m in the immediate vicinity of the takes and 0.3m elsewhere, will reduce stream flows (to a point requiring mitigation—noting that mitigation will not actually be undertaken in many tributaries, as discussed above), and could result in streams drying up faster in summer and put additional pressure on wetlands. There is potential for this effect to be worsened with the impacts of climate change. This is not consistent with the NPSFM direction to prevent the loss of wetland and river extent and to protect the habitat of indigenous species, including habitat for rare and important stygofauna that live within the aquifer (discussed above).

Policy 8: The significant values of outstanding water bodies are protected.

As discussed below, the Ruataniwha Aquifer was identified as an outstanding water body under HBRC's proposed plan change 7. While the Ruataniwha Aquifer was removed from the plan change by the decision, NKII maintain that the aquifer is outstanding and the decision is subject to appeal.

The Tukituki River was also identified in the plan change. While part of the river has been retained by the decision, this is also subject to appeal.

Other water bodies identified as outstanding by the plan change in the vicinity (and with a potential connection to the Ruataniwha aquifer) include Lake Whatumā (retained in the decision, subject to appeal) and the Waipawa River (removed by the decision, subject to appeal).

Policy 11: Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.

The basis for the application to undertake the proposed activities is the (outdated) RRMP tranche 2 allocation, which the plan acknowledges will have an adverse effect on stream flows and must be mitigated³². This is described in the applicants' AEE (emphasis added):

A fundamental element of Tranche 2 groundwater abstraction is the RRMP requirement to augment river flows **to mitigate the impact of the Tranche 2 deep groundwater abstractions on surface water bodies**. The augmentation water is also abstracted from deep groundwater, and it forms part of the Tranche 2 allocation³³.

In effect, the RRMP provides for over-allocation on the basis that it will be mitigated (and that the water for mitigation will be an additional take from the same source, contributing to further over-allocation). This is inconsistent with NPSFM Policy 11, which requires that "...all existing over-allocation is phased out, and future over-allocation is avoided." To grant consents for the take and use of tranche 2 groundwater would be enabling (rather than 'avoiding') over-allocation. Even if the adverse effects are mitigated, this is not consistent with the direction in the NPSFM to 'avoid'.³⁴

NKII value the natural processes of the aquifer and connected waterbodies functioning as one ecosystem. Having a requirement to 'augment' a stream where it is being depleted represents a degradation in those natural processes. The NPSFM considers that any FMU that is 'degrading' is over-allocated, and therefore this over-allocation must be phased out, not (further) enabled.

In addition, NKII do not consider the take and use of water that has a significant stream-depleting effect and requires 'mitigation' through the further take and use of water from the same source to be an 'efficient' use of water.

Finally on this policy, given the existing state of over-allocation in the Ruataniwha basin, allocating further water would be exacerbating and entrenching existing over-allocation, rather than 'phasing' it out or 'avoiding' it.

Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.

Land use change proposed under the applications could frustrate the ability to achieve the national target for water quality, particularly in catchments that already exceed the DIN limit.

Policy 13: The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.

NKII consider there is clear evidence to suggest the condition of freshwater bodies (including groundwater) is degrading and that action should be taken to reverse this. Granting further groundwater takes would not only constitute 'inaction' but could in fact enable further degradation. This would be inconsistent with NPSFM direction.

Policy 15: Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.

³² The plan states under Rule TT4 (emphasis added) "No new groundwater takes from Groundwater Allocation Zones 2 and 3 utilising Tranche 2 groundwater may be exercised under this rule unless and until augmentation flows are discharged that are **commensurate to the scale of effect** of the proposed take..."

³³ <https://www.hbrc.govt.nz/assets/Document-Library/Consents/Notified-Consents/Groundwater-Takes-Ruataniwha-Basin-Tranche-2/Group-AEE/Tranche-2-Revised-Application-Report-19-August-2021-FINAL2.pdf>

³⁴ This would be consistent with the Supreme Court decision regarding the meaning of avoid in *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors* - [2014] NZSC 38. <https://www.courtsofnz.govt.nz/assets/cases/2014/sc-82-2013-eds-v-king-salmon-civil-appeal.pdf>

As above, local farmers, residents, Forest & Bird, and NKII have expressed extreme concern with the proposed activities and have been clear that the issuing of these consents would not support their social, cultural, and economic wellbeing.

NES Freshwater

82. As noted above, there is uncertainty as to what land use the tranche 2 water will be used for. Depending on the land use, there could be significant effects on the environment. The NES Freshwater is relevant in that it has requirements for a consent where intensification will occur, and any applications for tranche 2 water should be made alongside consent applications under the NES for any associated land use change.

Resource Management Act 1991 (RMA)

83. The applicants' AEE considers the proposed takes against sections 5, 6, 7, and 8 of the RMA. We have commented on these sections of the RMA below, but do not consider these to be the only relevant sections for decision makers to consider (e.g., as above, section 104, among others, is also relevant).

Section 5

- Section 5 of the RMA outlines the purpose, which is “To promote the sustainable management of natural and physical resources”. Sustainable management is defined as:
 - ...managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
 - a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.
- The applicants' AEE considers the proposed takes meet the purpose of section 5 because they perceive the effects “will effects generally be negligible or no more than minor”.
- For many reasons, including the acknowledgement in the HBRC RRMP that the takes will have an effect requiring mitigation,³⁵ we disagree that the effects will be negligible. We therefore disagree that the purpose of section 5 is met.

Section 6

- Section 6 of the RMA sets out ‘Matters of National Importance’. The applicants' AEE considers the proposal against matters 6(a), 6(g), and 6(e), and concludes it is consistent with them on the basis that the ecological effect is expected to be “negligible or no more than minor with the imposition of appropriate consent conditions” and that the

³⁵ The plan states under Rule TT4 (emphasis added) “No new groundwater takes from Groundwater Allocation Zones 2 and 3 utilising Tranche 2 groundwater may be exercised under this rule unless and until augmentation flows are discharged that are **commensurate to the scale of effect** of the proposed take...”

proposal “will not have any adverse effects” on the relationship of māori and their culture and traditions with their ancestral lands, water, waahi tapu, and other taonga.

- As above, NKII disagree that the effects will be negligible and therefore disagree that the purpose of section 6 is met.

Section 7

- Section 7 of the RMA sets out ‘other matters’ that decision makers shall have particular regard to. These are:

- (a) kaitiakitanga:
- (aa) the ethic of stewardship:
- (b) the efficient use and development of natural and physical resources:
- (ba) the efficiency of the end use of energy:
- (c) the maintenance and enhancement of amenity values:
- (d) intrinsic values of ecosystems:
- (e) [Repealed]
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

- The applicants consider sections 7(a), 7(aa), 7(b), 7(d), 7(f), 7(g), 7(h) and 7(i) relevant.
- NKII consider section 7(c) is also relevant, as groundwater is connected to surface water (as above, it is one system), and surface water has significant amenity values, which will be impacted by the proposal.
- The applicants’ AEE considers the proposed activity is consistent with the purpose of section 7. However, NKII disagree that the effects will be negligible and therefore disagree that the activity is consistent with section 7.

Section 8

- Section 8 states that, in relation to managing the use, development and protection of natural and physical resources, the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) must be taken into account.
- The applicants’ AEE concludes “the proposal will not cause a change in the manner in which the principles of the Treaty of Waitangi apply” and therefore there is no issue with the applications when assessed against section 8.
- However, NKII consider the effects of the application on mana whenua values, as well as the process under which the applications have been made, are not consistent with the principles of te tiriti. Further, NKII consider that if consideration is given to planning documents relevant to NKII values and te tiriti—including the NPSFM, iwi planning documents, and the concept of Te Mana o te Wai in particular—the activity is not consistent with section 8 of the RMA.

- This inconsistency with section 8 supports a decision to decline resource consent for the proposed activity.

HBRC Regional Resource Management Plan (RRMP), Regional Coastal Environment Plan (CEP), and Proposed Plan Change 7 (Outstanding Water Bodies)

RRMP

84. As noted above, NKII consider the RRMP outdated as it does not give effect to the NSPFM 2020. For that reason, the direction and provisions of the NPSFM should be given greater weight in this decision-making process. However, the RRMP still provides relevant direction.
85. The HBRC RRMP sets out objectives for the Tukituki catchment in chapter 5.9. These include, under OBJ TT1 and OBJ TT2:

OBJ TT1

To sustainably manage the use and development of land, the discharge of contaminants including nutrients, and the taking, using, damming, or diverting of fresh water in the Tukituki River catchment so that:

- (a) Groundwater levels, river flows, lake and wetland levels and water quality maintain or enhance the habitat and health of aquatic ecosystems, macroinvertebrates, native fish and trout;
- (b) Water quality enables safe contact recreation and food gathering;
- (ba) Water quality and quantity enables safe and reliable human drinking water supplies;
- (c) The frequency and duration of excessive periphyton growths that adversely affect recreational and cultural uses and amenity are reduced;
- (d) The significant values of wetlands are protected;
- (e) The mauri of surface water bodies and groundwater is recognised and adverse effects on aspects of water quality and quantity that contribute to healthy mauri are avoided, remedied or mitigated; and

...

OBJ TT2

Where the quality of fresh water has been degraded by human activities to such an extent that Objective TT1 is not being achieved, water quality shall not be allowed to degrade further and it shall be improved progressively over time so that OBJ TT1 is achieved by 2030.

86. NKII consider the granting of resource consents to take and use tranche 2 groundwater will be inconsistent with the objectives sought for the Tukituki catchment. This is particularly apparent when the scale of effects from existing ground and surface water takes on the environment is considered. Issuing additional water takes, which are predicted to have a significant stream-depleting effect, will exacerbate existing issues and frustrate the community's ability to meet the objectives of the plan and the NPSFM.
87. In addition, the RRMP requires resource consent for activities in catchment that exceed the relevant DIN limit. As above with the NES Freshwater, these consents should be applied for alongside the tranche 2 consents. In their absence, consent should not be granted to take water where the effects of that end water use are unknown.

CEP

88. The Hawke's Bay Regional Coastal Environment Plan lists Tukituki Estuary as a Significant Conservation Area.³⁶

Proposed PC7 (Outstanding Water Bodies)

89. The Ruataniwha Aquifer was identified as an outstanding water body under HBRC's proposed plan change 7. While the Ruataniwha Aquifer was removed from the plan change by the decision, NKII maintain that the aquifer is outstanding, and the decision is subject to appeal. Issuing consents to take and use tranche 2 water from the aquifer will have an impact on the values of the aquifer and connected waterbodies and would be inconsistent with the NPSFM direction to protect the values of outstanding waterbodies.
90. Lake Whatumā and the Waipawa River were also identified as outstanding (Lake Whatumā has been retained by the decision, while the Waipawa River has been removed. Both are subject to appeal).

Hawke's Bay Conservation Management Strategy

91. While the Hawke's Bay Conservation Management Strategy (CMS) (1994-2004) is outdated, it remains the relevant CMS until the review is completed. It lists the 'Tukituki River Mouth – Haumoana' under Appendix 4, as one of the 'Areas with Important Natural and Historic Values in the Hawke's Bay Conservancy's Coastal Environment'. This is relevant as the estuary is a receiving environment that would be affected by changes in flows and land use further up the catchment.

The Tukituki river mouth is an important feeding area for little black shags *Phalacrocorax sulcirostris* and little shags (*P. melanoleucos*), and is the main roost for the threatened Caspian tern (*Hydroprogne caspia*) in Hawke Bay. Tidal flats and river banks uncovered by the tide also provide feeding areas for bar-tailed godwit (*Limosa lapponica*) and black-fronted dotterel (*Charadrius melanops*). The Haumoana lagoons, and associated wetlands and shingle beach are of significance as the holotype locality for *Tebenna bradleyi* and *Nicrocheles scedastes*; both species of native invertebrate. The regionally rare gossamer damselfly (*Ischnura aurora*) also breeds in the lagoons and wetlands. This is New Zealand's smallest dragonfly, and is recorded from only 4 other localities in Hawke's Bay. These areas are also used by native waterfowl including pukeko (*Porphyrio melanotus*), pied stilt (*Himantopus leiocephalus*) and the threatened Australasian brown bittern (*Botaurus poeciloptilus*).

92. The CMS also notes, in regard to the Tukituki River:

The braided river sections of the Ngaruroro, and to a lesser extent the Tutaekuri and Tukituki Rivers, provide important and specialised habitats for wildlife that are rare in the North Island. They provide breeding and feeding habitats for a number of bird species confined to this habitat type, including banded dotterel, black-fronted dotterel, blackbacked gull and South Island pied oystercatcher. The shingle riverbeds of Hawke's Bay provide the only North Island breeding sites for the South Island pied oystercatcher (Parrish, 1988). A departmental survey (Parrish 1988) rated the Ngaruroro, Tutaekuri and Tukituki Rivers as having high value to wildlife (this is the second highest ranking of a 5 point scale from "outstanding" to "potential" (see Appendix 3)). These braided rivers also have high scenic and landscape values as they meander through the lowland landscape. In addition they are the major conduits for aquatic life, physical materials (rock, gravel, silt) and water between the mountains and

³⁶ <https://www.hbrc.govt.nz/our-documents/rcep/>

the sea. The numerous streams that feed these rivers are also an important and dynamic feature of the lowland landscape. Their natural values are often overlooked but they provide habitats for native fish and their means of passage around the landscape. And in regard to wetlands, states “Due to the long history of land settlement there are few wetland areas remaining, and most are modified by introduced plants or stock grazing. The wetlands remaining in the lowlands are highly significant for their intrinsic and wildlife values.

New Zealand Coastal Policy Statement

93. Increased groundwater takes, irrigation, and diffuse discharges associated with land use change will have an effect on receiving environments, including those in the coastal environment at the bottom of the catchment. The relevant sections of the NZCPS must be considered in this regard.

Aotearoa New Zealand Biodiversity Strategy

94. The Aotearoa NZ Biodiversity Strategy sets out the vision for biodiversity in Aotearoa. It is:

...the overall strategic direction for biodiversity in Aotearoa New Zealand for the next 30 years. It is intended to guide all those who work with or have an impact on biodiversity, including whānau (family groups), hapū (clans) and iwi (tribes), central and local government, industry, non-government organisations (NGOs), scientists, landowners, communities, and individuals.

95. It sets out the vision for biodiversity in Aotearoa as:

Te Mauri Hikahika o te Taiao – the life force of nature is vibrant and vigorous.

96. Some of the goals in the strategy include:

An interconnected series of indigenous land, wetland and freshwater ecosystems have been restored to a ‘healthy functioning’ state and are connected to marine and coastal ecosystems (by 2050)

Environmental limits for the sustainable use of resources from freshwater ecosystems have been agreed on, and plans for the active management of fisheries have been developed with Treaty partners, whānau, hapū, iwi, Māori organisations and stakeholders (by 2025)

97. NKII consider the granting of tranche 2 consents would be inconsistent with, and frustrate, the achievement of these goals, among others in the ANZBS, and therefore consent should not be granted.

NKII Management Plans

98. NKII Iwi/Hapū management plans are relevant for consideration under RMA s104. This is particularly the case in lieu of having a regional plan that gives effect to the NPSFM and Te Mana o te Wai as envisioned by tangata whenua. While there are several plans relating to different rohe and issues³⁷, the visions for freshwater can be broadly summarised as (as was noted above):

- The revitalisation of the Mauri of waterways.

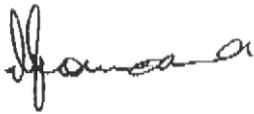
³⁷ Including those listed here: <https://www.hbrc.govt.nz/our-council/tangata-whenua/>

- Repatriation of our values, practices, and customs – enabling access and use of waterways and resources.
- Water quality and quantity provides for safe and reliable drinking water.
- Maintain, enhance, restore water quality.
- Managed for aquatic ecosystem purposes. Maintaining water flow and quantity for ecosystem health.
- Avoid adverse causes and effects of unsustainable land use.

RELIEF SOUGHT

99. NKII seek the applications be **declined**.

Nā māua,



Ngahiwi Tomoana
Tumuaki/Chairman
Ngāti Kahungunu Iwi Incorporated



Chrissie Hape
Kaiwhakahaere Matua/Chief Executive
Ngāti Kahungunu Iwi Incorporated