

## **Change 5 (Land and Freshwater Management)** Hawke's Bay Regional Resource Management Plan

Updated as at 27 March 2015

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### Hawke's Bay Regional Resource Management Plan



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<b>Operative date:</b>	TBA

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

As amended by Environment Court Decision NZEnvC50 [2015] on 27 March 2015

Added text is underlined. Deleted text is ~~struckout~~.

Insert following as a new chapter in Section 3 of the Regional Resource Management Plan

## 3.1A Integrated Land Use and Freshwater Management

### ISSUES

ISS LW1A E kore Parawhenua e haere ki te kore a Rakahore

*Parawhenua (Water) would not flow if it were not for Rakahore (Rock)*

**He huahua te kai pai! He wai te kai pai!**

*Huahua (preserved birds) are a treasured delicacy. However water is a necessity.*

**Explanation:** These two proverbs encapsulate the interrelationship between two significant elements – land and water. The Māori world is formed on the interconnectedness and interdependency of people to all living creatures and to the environments in which they live. The well-being of the whole is dependent on the well-being of its constituent parts.

ISS LW1 **Multiple and often competing values and uses of fresh water can create conflict in the absence of clear and certain resource management policy guidance.**

ISS LW2 **Integration of the management of land use and water quality and quantity increases the ability to promote sustainable management of the region's natural and physical resources.**

### OBJECTIVES

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

Fresh water and the effects of land use and development are managed in an integrated and sustainable manner which includes ~~(in no particular order~~<sup>1</sup>):

1. protecting the quality of outstanding freshwater bodies in Hawke's Bay;
- 1A. protecting the significant values of wetlands;
2. the maintenance of the overall quality of freshwater within the Hawke's Bay region and the improvement of water quality in water bodies that have been degraded to the point that they are over-allocated;
- 2B. establishing where over-allocation exists, avoiding any further over-allocation of freshwater and phasing out existing over-allocation;
3. recognising that land uses, freshwater quality and surface water flows can impact on aquifer recharge and the receiving coastal environment;

Subject to  
Appeal by  
Hawke's Bay  
Fish and Game  
Council, and  
associated  
consequential  
amendments.

<sup>1</sup> Being in no particular order means there is no particular priority among the matters listed. There is no particular priority or ranking intended by the matters' order of appearance. For the avoidance of doubt, varying degrees of emphasis may apply, irrespective of their particular placement in the list, arising from the use of verbs in each sub-clause.

4. safeguarding the life-supporting capacity and ecosystem processes of fresh water, including indigenous species and their associated fresh water ecosystems;
5. recognising the regional value of fresh water for human and animal drinking purposes, and for municipal water supply;
6. recognising the significant regional and national ~~importance~~ value of fresh water use for production and processing of beverages, food and fibre;
7. recognising the potential national, regional and local benefits arising from the use of water for renewable electricity generation;
8. recognising the benefits of industry good practice to land and water management, including audited self-management programmes;
- 8A. recognising the role of afforestation in sustainable land use and improving water quality;
9. ensuring efficient allocation and use of water;
- ~~10. recognising and providing for wairuatanga and the mauri of fresh water bodies in accordance with the values and principles expressed in Chapter 1.6, Schedule 1 and the objectives and policies in Chapter 3.14 of this Plan;~~
12. recognising and providing for river management and flood protection activities; ~~and~~
13. recognising and providing for the recreational and conservation values of fresh water bodies; and
14. promoting the preservation of the natural character of the coastal environment, and rivers, lakes and wetlands, and their protection from inappropriate subdivision, use and development.

#### **OBJ LW2 Integrated management of freshwater and land use development**

The management of land use and freshwater use that recognises and balances the multiple and competing values and uses of those resources within catchments. Where significant conflict between competing values or uses exists or is foreseeable, the regional policy statement and regional plans provide clear priorities for the protection and use of those freshwater resources.

#### **OBJ LW3 Tangata whenua values in management of land use and development and freshwater**

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

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

#### **Principal reasons and explanation**

Objectives LW1, ~~and~~ LW2 and LW3 (and associated policies) assist HBRC to give effect to the 2011 National Policy Statement for Freshwater Management by setting out a broad overall framework (in parallel with other objectives in the RPS) for improving integrated management of the region's freshwater and land resources. These RPS provisions only partly implement the NPS for Freshwater Management. Regional plan policies and methods (including rules) also assist in giving effect to the NPS for Freshwater Management.

In Hawke's Bay, the issues and pressures on land and water resources vary throughout the region. As a result, the urgency for clarity around water allocation and to maintain or improve water quality also varies. For example, the food and wine

production Hawke's Bay is renowned for is focussed mostly on the Heretaunga Plains, while for example plantation forestry and wool growing is typically located on hill country. These catchment differences have influenced HBRC's decision to prioritise catchments where the issues, pressures and conflicts are most pressing.

Objectives LW1, ~~and OB1~~ LW2 and LW3 are intended to outline the broad principles for policy-making and regional plan preparation to improve integrated decisions being made about the way the region's land and freshwater resources are used, developed or protected across the region's varying catchments and sub-catchments.

As well as different pressures in different catchments, freshwater values in Hawke's Bay also vary spatially. In addition to the national values of fresh water identified in the NPSFM's Preamble, HBRC has undertaken a process to assess freshwater values in Hawke's Bay. This included beginning with a Regional Water Symposium in 2010, followed by a process involving stakeholder representatives to develop the Hawke's Bay Regional Land and Water Management Strategy and a second Land and Water Symposium in 2011. This process helped HBRC to understand how to prioritise and strengthen policy options and management decisions for the different catchments. HBRC has also applied the River Values Assessment System (RiVAS)<sup>2</sup> to assess some of the values of rivers in the region. The results of the RiVAS assessments for Hawke's Bay reinforced the values identified at the symposiums and by the stakeholder reference group.

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

## **POLICIES**

### **POL LW1A Problem solving approach – Wetlands and outstanding freshwater bodies**

1. To work collaboratively with iwi, territorial authorities, stakeholders and the regional community:
  - a) to identify outstanding freshwater bodies at a regional level and include provisions in the Regional Policy Statement to list those waterbodies and guide the protection of the outstanding qualities of those waterbodies; and
  - b) to prepare a Regional Biodiversity Strategy and thereafter include provisions in the Regional Policy Statement and/or regional plans to (amongst other things) guide the protection of significant wetland habitat values identified by the Strategy.
2. In relation to Policy LW1A.1, the identification of outstanding freshwater bodies will be completed and an associated change to the Regional Policy Statement will be publicly notified prior to public notification of any further<sup>3</sup> catchment-based plan changes<sup>4</sup> prepared in accordance with Policy LW1.

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

1. Adopt an integrated management approach to fresh water and the effects of land use and development within each catchment area, that (~~in no particular order~~<sup>5</sup>):
- b) provides for *mātauranga a hapū* and local tikanga values and uses of the catchment;
- c) provides for the inter-connected nature of natural resources within the catchment area, including the coastal environment;
- cA) recognises and provides for the need to protect the integrity of aquifer recharge systems;
- d) ~~identifies outstanding freshwater bodies~~gives effect to provisions relating to outstanding freshwater bodies arising from the implementation of Policy LW1A;

<sup>2</sup> RiVAS, developed by Lincoln University, provides a standardised method that can be applied to multiple river values. It helps to identify which rivers are most highly rated for each value and has been applied in several regions throughout the country.

<sup>3</sup> Plan Change 6 for the Tukituki River catchment pre-dates this provision.

<sup>4</sup> Notwithstanding Policy LW1A.2, a catchment-based regional plan change for the Mohaka River catchment may proceed in the meantime. For the avoidance of doubt, issue-specific regional plan changes (for example, urban stormwater or natural hazards and oil and gas resources) may also proceed in the meantime.

<sup>5</sup> ~~Being in no particular order means there is no particular priority among the matters listed.~~ There is no particular priority or ranking intended by the matters' order of appearance. For the avoidance of doubt, varying degrees of emphasis may apply, irrespective of their particular placement in the list, arising from the use of verbs in each sub-clause.

- dA) maintains, and where necessary enhances, the water quality of those outstanding freshwater bodies identified in the catchment, and where appropriate, protects the water quantity of those outstanding freshwater bodies;
- e) promotes collaboration and information sharing between relevant management agencies, iwi, landowners and other stakeholders;
- f) takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water resources for future generations;
- g) aims to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible;
- gA) involves working collaboratively with the catchment communities and their nominated representatives;
- h) ensures the timely use and adaptation of statutory and non-statutory measures to respond to any significant changes in resource use activities or the state of the environment;
- iC) avoids development that limits the use or maintenance of existing electricity generating infrastructure or restricts the generation output of that infrastructure;
- iD) provides opportunities for new renewable electricity generation infrastructure where the adverse effects on the environment can be appropriately managed;
- iE) recognises and provides for existing use and investment;
- j) ensures efficient allocation and use of fresh water within limits to achieve freshwater objectives; and
- k) enables water storage infrastructure where it can provide increased water availability and security for water users while avoiding, remedying or mitigating adverse effects on freshwater values.

2. When preparing regional plans:

- a) use the catchment-wide integrated management approach set out in POL LW1.1; and
- b) identify the values for freshwater and their spatial extent within each catchment; ~~including identifying the values for each of those waterbodies identified as outstanding under Policy LW1.1(d) and for catchments identified in Policy LW2.1:~~
  - i) the values must include those identified in Table 1; and
  - ii) may include additional values; and
- bA) recognise and provide for outstanding freshwater bodies and their values arising from the implementation of Policy LW1A; and
- c) establish freshwater objectives for all freshwater bodies for based on the values identified in clause (b) and clause (bA) above and set priorities amongst those values; and
- d) so as to achieve the freshwater objectives identified under clause (c), set:
  - i) groundwater and surface water quality limits and targets; ~~minimum flows~~ and
  - ii) groundwater and surface water quantity allocation limits and targets and minimum flow regimes; and
- e) set out how the groundwater and surface water quality and quantity limits and targets will be implemented through regulatory or non-regulatory methods including specifying timeframes for meeting water quality and allocation targets.

3. When setting the values and objectives referred to in Policy LW1.2, ensure:
  - a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water are safeguarded; and
  - b) adverse effects on water quantity and water quality that diminish mauri are avoided, remedied or mitigated; and
  - c) the microbiological water quality in rivers and streams is safe for ~~people to swim~~ contact recreation where that has been identified as a value under Policy LW1.2 or Policy LW2 Table 1.<sup>6</sup>
4. When identifying methods and timeframes in regional plans to achieve limits and targets required by Policy LW1.2(e) have regard to:
  - a) allowing reasonable transition times and pathways to meet any new water quantity limits or new water quality limits included in regional plans. A reasonable transition time is informed by the environmental and socio-economic costs and benefits that will occur during that transition time, and should include recognition of the existing investment; and
  - b) promoting and enabling the adoption and monitoring of industry-defined and Council approved good land and water management practices.

#### **Principal reasons and explanation**

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

National values of freshwater have been listed in the NPSFM preamble and values have also been identified in the Hawke's Bay LAWMS. ~~Values include:~~

- ~~• ecosystem values such as natural state, life supporting capacity, aquatic habitats and biodiversity;~~
- ~~• recreational and cultural values such as contact recreation, amenity and shell fish gathering;~~
- ~~• water use values such as water supply for a range of purposes; and~~
- ~~• social and economic values including the capacity to assimilate pollution, flood control and drainage and to the operation of existing infrastructure.~~

Approaches to issues, values and uses of catchments will vary so Policy LW1.1, Policy LW1.2, Policy LW1.3 and Policy LW1.4 do not prescribe a one-size-fits-all approach for all catchments in Hawke's Bay. Each catchment-based process will need to be tailored for what is the most appropriate approach for that catchment (or grouping of catchments). Regional plans and changes to regional plans will be the key planning instrument for implementing catchment-based approaches to land use and freshwater resource management.

#### **POL LW2 Problem solving approach - Prioritising values**

##### **Subject to achieving Policy LW1.3:**

1. Give priority to maintaining, or enhancing where appropriate, the primary values and uses of freshwater bodies shown in Table 1 for the following catchment areas<sup>7</sup> in accordance with Policy LW2.3:
  - a) Greater Heretaunga / Ahuriri Catchment Area;
  - b) Mohaka Catchment Area; and
  - c) Tukituki Catchment Area.
- 1A. Policy LW2.1 applies:
  - a) when preparing regional plans for the catchments specified in Policy LW2.1; and

<sup>6</sup> NOTE: Policy LW1.3(c) applies to any values and uses identified in Table 1 which refer to "amenity for contact recreation", "amenity for water-based recreation" or "recreational trout angling."

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

- b) when considering resource consents for activities in the catchments specified in Policy LW2.1 when no catchment-based regional plan has been prepared for the relevant catchment.
2. In relation to catchments not specified in Policy LW2.1 above, the management approach set out in Policy LW1.1, Policy LW1.2, Policy LW1.3 and Policy LW1.4 will apply.
- 2A. In relation to values not specified in Table 1, the management approach set out in Policy LW1.1, Policy LW1.2(a), (c), (d) and (e), Policy LW1.3 and Policy LW1.4 will apply.
3. ~~When managing~~ Manage the fresh water bodies listed in Policy LW2.1 in a manner that:
- a) recognises and ~~provide for the~~ gives priority to maintaining or enhancing primary values and uses identified in Table 1; and
- b) ~~have particular regard to the~~ avoids, as far as is reasonably practicable, significant adverse effects on secondary values and uses identified in Table 1; and
- ~~c)4.~~ uses an integrated catchment-based process in accordance with Policy LW1.1, Policy LW1.2, Policy LW1.3 and Policy LW1.4 to evaluate and determine the appropriate balance between any conflicting primary values and uses within (not between) columns in Table 1, using an integrated catchment-based process in accordance with Policy LW1.1, Policy LW1.2, Policy LW1.3 and Policy LW1.4 or when considering resource consent applications where no catchment-based regional plan has been prepared.

**TABLE 1:**

Catchment Area	Primary Value(s) and Uses – in no priority order	Secondary Value(s) and Uses – in no priority order
Greater Heretaunga / Ahuriri Catchment Area	<ul style="list-style-type: none"> <li>• <u>any regionally significant native water bird populations and their habitats</u></li> <li>• Cultural values and uses for:               <ul style="list-style-type: none"> <li>○ <u>mahinga kai</u></li> <li>○ <u>nohoanga</u></li> <li>○ <u>taonga raranga</u></li> <li>○ <u>taonga rongoa</u></li> </ul> </li> <li>• <u>Fish passage</u></li> <li>• Individual domestic needs and stock drinking needs<sup>8</sup></li> <li>• Industrial &amp; commercial water supply</li> <li>• Native fish habitat in the Ngaruroro River and Tutaekuri River catchments</li> <li>• <u>Recreational trout angling and trout habitat in:</u> <ul style="list-style-type: none"> <li>○ <u>the Mangaone River</u></li> <li>○ <u>the Mangatutu Stream</u></li> <li>○ <u>the Ngaruroro River and tributaries upstream of Whanawhana cableway</u></li> <li>○ <u>the Ngaruroro River mainstem between the Whanawhana cableway and confluence with the Maraekakaho River</u></li> <li>○ <u>the Tutaekuri River mainstem above the Mangaone River confluence</u></li> </ul> </li> <li>• The high natural character values of the Ngaruroro River and its margins upstream of Whanawhana cableway, including Taruarau River</li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in Ngaruroro River downstream of the confluence with the Mangatahi Stream</li> <li>• Amenity for contact recreation (including swimming) in lower Ngaruroro River, Tutaekuri River and Ahuriri Estuary</li> <li>• <u>any locally significant native water bird populations and their habitats</u></li> <li>• Native fish habitat, notwithstanding native fish habitat as a primary value and use in the Tutaekuri River and Ngaruroro River catchments</li> <li>• <u>Recreational trout angling, where not identified as a primary value and use</u></li> <li>• <u>Trout habitat, where not identified as a primary value and use</u></li> </ul>

<sup>8</sup> In line with s14(3)(b)(ii) of the RMA, it is recognised that drinking water for stock is allowed, provided that it does not have an adverse effect on the environment.

	<ul style="list-style-type: none"> <li>• The high natural character values of the Tutaekuri River and its margins above the confluence of, and including, the Mangatutu Stream</li> <li>• <u>Trout spawning habitat</u></li> <li>• Urban water supply for cities, and townships and settlements and water supply for key social infrastructure facilities</li> <li>• <u>freshwater water use for beverages, food and fibre production and processing and other associated with maintaining or enhancing land-based primary production</u></li> </ul>	
<b>Mohaka Catchment Area</b>	<ul style="list-style-type: none"> <li>• Amenity for water-based recreation between State Highway 5 bridge and Willowflat</li> <li>• <u>any regionally significant native water bird populations and their habitats</u></li> <li>• Cultural values and uses for: <ul style="list-style-type: none"> <li>○ <u>mahinga kai</u></li> <li>○ <u>nohoanga</u></li> <li>○ <u>taonga raranga</u></li> <li>○ <u>taonga rongoa</u></li> </ul> </li> <li>• <u>Fish passage</u></li> <li>• Individual domestic needs and stock drinking needs<sup>8</sup></li> <li>• Long-fin eel habitat and passage</li> <li>• <u>Recreational trout angling and trout habitat in the Mohaka River and tributaries upstream of, and including, the Te Hoe River of State Highway 5 bridge</u></li> <li>• Scenic characteristics of Mokonui and Te Hoe gorges</li> <li>• The high natural character values of the Mohaka River and its margins</li> <li>• <u>Trout spawning habitat</u></li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in Mohaka River below railway viaduct</li> <li>• <u>any locally significant native water bird populations and their habitats</u></li> <li>• Native fish habitat below Willowflat</li> <li>• <u>Recreational trout angling, where not identified as a primary value and use</u></li> <li>• <u>Trout habitat, where not identified as a primary value and use</u></li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> <li>• Water use for renewable electricity generation in areas not restricted by the Water Conservation Order</li> </ul>
<b>Tukituki Catchment Area</b>	<ul style="list-style-type: none"> <li>• <u>any regionally significant native water bird populations and their habitats</u></li> <li>• Cultural values and uses for: <ul style="list-style-type: none"> <li>○ <u>mahinga kai</u></li> <li>○ <u>nohoanga</u></li> <li>○ <u>taonga raranga</u></li> <li>○ <u>taonga rongoa</u></li> </ul> </li> <li>• <u>Fish passage</u></li> <li>• Individual domestic needs and stock drinking needs<sup>8</sup></li> <li>• Industrial &amp; commercial water supply</li> <li>• Native fish and trout habitat</li> <li>• <u>Recreational trout angling and trout habitat in:</u> <ul style="list-style-type: none"> <li>○ <u>the Mangaonuku Stream</u></li> <li>○ <u>the Tukipo River</u></li> <li>○ <u>the Tukituki River mainstem downstream to Red Bridge</u></li> <li>○ <u>the Waipawa River</u></li> </ul> </li> <li>• The high natural character values of: <ul style="list-style-type: none"> <li>○ the Tukituki River upstream of the end of Tukituki Road; and</li> <li>○ the Waipawa River above the confluence with the Makaroro River, including the Makaroro River</li> </ul> </li> <li>• <u>Trout spawning habitat</u></li> </ul>	<ul style="list-style-type: none"> <li>• Aggregate supply and extraction in lower Tukituki River</li> <li>• Amenity for contact recreation (including swimming) in lower Tukituki River.</li> <li>• <u>any locally significant native water bird populations and their habitats</u></li> <li>• <u>Recreational trout angling, where not identified as a primary value and use in:</u> <ul style="list-style-type: none"> <li>○ <u>middle Tukituki River and tributaries between SH50 and Tapairu Road; &amp;</u></li> <li>○ <u>middle Waipawa River and tributaries between SH50 and SH2.</u></li> </ul> </li> <li>• <u>Trout habitat, where not identified as a primary value and use</u></li> <li>• Water use for renewable electricity generation in the Tukituki River (mainstem) and the Waipawa River above SH50 including the Makaroro River.</li> </ul>

	<ul style="list-style-type: none"> <li>• Urban water supply for <u>cities, townships</u> and settlements and water supply for key social infrastructure facilities</li> <li>• <del>freshwater</del> <u>Water use for beverages, food and fibre production and processing and other associated with maintaining or enhancing land-based primary production</u></li> </ul>	
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### **Principal reasons and explanation**

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

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

[Refer also:

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

### **POL LW3 Problem solving approach – Managing the effects of use of production land use**

1. To manage the effects of the use of, and discharges from, production land so that:
  - a) the loss of nitrogen from ~~the root zone of crops and plants grown on production land, and thereafter~~ to groundwater and surface water, does not cause catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded;
  - b) the discharge of faecal matter from livestock to land, and thereafter to groundwater and surface water, does not cause faecal indicator bacteria water quality limits for human consumption and irrigation purposes set out in regional plans to be exceeded;
  - c) the loss of phosphorus from production land into groundwater or surface water does not cause limits set out in regional plans to be exceeded.
- 1A. To provide for the use of audited self management programmes to achieve good management of production land.
2. To review regional plans and prepare changes to regional plans to promote integrated management of land use and development and the region's water resources.

### **Principal reasons and explanation**

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

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

#### **POL LW4 Role of non-regulatory methods**

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

- a) **research, investigation and provision of information and services** – HBRC has in place a programme of research, monitoring and assessment of the state and trends of Hawke's Bay's natural resources. That programme will continue to be enhanced to assist HBRC implement the NPSFM and Hawke's Bay Land and Water Management Strategy;
- b) **advocacy, liaison and collaboration** – HBRC will promote a collaborative approach to the integrated management of land use and development and the region's freshwater resources;
- c) **land and water strategies** – the 2011 Hawke's Bay Land and Water Management Strategy contains a variety of policies and actions. A range of agencies and partnerships will be necessary to implement the actions and policies in the Strategy;
- e) **industry good practice** – HBRC will strongly encourage industry and/or catchment-based good practices for production land uses along with audited self management programmes as a key mechanism for achieving freshwater objectives at a catchment or sub-catchment level. ~~HBRC will also strongly encourage collaborative partnership initiatives through the Pan Sector Group<sup>9</sup> for the effective and efficient delivery of industry good practice programmes and for monitoring and evaluating the effectiveness of such programmes.~~

#### **Principal reasons and explanation**

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

#### **Anticipated Environmental Results**

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

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

<sup>9</sup> ~~The Pan Sector Group was officially formed at the beginning of 2012, in recognition of the need to work collaboratively to drive continued investment into research and development of regional initiatives around best practice and farm profitability. The Group includes regional and national representatives of the leading primary sector industry organisations and research agencies. The initial focus was on realising the potential benefits socially, economically and environmentally of the Ruataniwha Water Storage Scheme but the group has increasingly had a role in assisting shaping policies, rules and regulations within the proposed Regional Plan Change 6 for the Tukituki catchment.~~

	Social, cultural and economic indices	programmes
42. Regional economic prosperity is enhanced	Regional GDP trends and unemployment trends for primary sector and associated manufacturing and processing	Statistics NZ Economic activity surveys Employment records by sector
53. Water is efficiently allocated	Level of allocation Catchment contaminant load modelling and monitoring Water use restriction timings and durations	SOE monitoring HBRC Consents records Compliance records Catchment-specific monitoring reports Water-supply management plans
64. Quality of fresh water in region overall is maintained or improved.	Catchment targets are met and limits in regional plans are not exceeded Catchment contaminant load modelling and monitoring	SOE monitoring Compliance records Catchment-specific monitoring reports
75. Water storage is developed to provide increased water availability and security for water users	Consents issued for water storage projects Improved security of supply of water for users in times and places of water scarcity	HBRC consent records Building consent authority records
6. Tikanga Maori and tangata whenua values are taken into account when managing freshwater	<u>Cultural indices developed through cultural monitoring frameworks</u>	<u>Cultural health monitoring records</u>

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

NOTE: In the following section, new text is represented in *underlined italics* and text to be deleted is ~~struck out~~.

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

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

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

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

**plus consequentially amend footnote 4 to read:**

<sup>4</sup> Priority wetlands *for works and services* - Note that some of these wetland areas are located within the coastal marine area (and therefore fall under the provisions of the Regional Coastal Plan

rather than this Plan). However, the full list of priority wetlands for works and services has been included for the sake of completeness.

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

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

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

**OBJ 21** No degradation of existing groundwater quality in the Heretaunga Plains and Ruataniwha Plains<sup>10</sup> aquifer systems.

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

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

Anticipated Environmental Result	Indicator	Data Source
No degradation of existing groundwater quality in confined productive aquifers	Nitrate- <u>nitrogen</u> levels <u>Organic and inorganic determinands of significance in NZ Drinking Water Standards</u> <u>E.coli levels</u> Pesticides and herbicides	Ministry of Health Council monitoring

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

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

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

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

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

<sup>10</sup> Subject to the Ruataniwha Plains aquifer being removed by Plan Change 6.

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

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

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

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

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

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

**POL 47** ~~To~~ manage activities affecting the quality of water in wetlands, rivers and lakes in accordance with the environmental guidelines and implementation approaches set out in Chapter 5 of this Plan.

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

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

Promote land-based disposal of wastewater, solid waste and other waste products so that:

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

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

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

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

→ Amend Glossary by adding new definitions to read:

**Catchment area**

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

**Efficient allocation and use**

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

**Freshwater objective**

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

**Greater Heretaunga / Ahuriri Catchment Area**

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

**Limit**

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

**Mohaka Catchment Area**

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

**NPSFM**

National Policy Statement for Freshwater Management 2011.

**Outstanding freshwater body**

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

**Target**

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

**Tukituki Catchment Area**

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

→ Amend definition of 'wetland' as follows in Chapter 9 and consequentially delete footnotes<sup>11</sup> stating similar elsewhere in Plan:

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

- a) wet pasture or cropping land
- b) artificial wetlands used for wastewater or stormwater treatment
- c) farm dams and detention dams
- cA) reservoirs, dams and other areas specifically designed and established for the construction and/or operation of a hydro-electric power scheme
- d) land drainage canals and drains
- e) reservoirs for fire fighting, domestic or municipal water supply
- f) temporary ponded rainfall
- g) artificial wetlands created for beautification purposes.

Subject to Appeal by Hawke's Bay Fish and Game Council, and associated consequential amendments.

**And make any other consequential amendments to the HB Regional Resource Management Plan**

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

OBJECTIVE	TOPIC	LOCATION
Objectives LW1 – LW <del>3</del> <del>2</del>	Integrated land use and freshwater management	Regional Policy Statement

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

Objective	Policies	Rule Number	Non Regulatory Methods
Objectives LW1 – LW <del>3</del> <del>2</del>	LW1A, LW1, LW2, LW3, LW4		Refer Policy LW4

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

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

