

Before an Independent Hearing Panel of the Hawke's Bay Regional Council

Under the Resource Management Act 1991 (RMA)

And

In the matter of Proposed Plan Change 9 (PC9) to the Regional Resource Management Plan

Matters arising from hearing on 27th September 2021

Ngāti Kahungunu Iwi Incorporated

Submitter #120

Dated 05 October 2021

Introduction

- 1 At the reconvened hearing on 27th September 2021, two issues arose that could not be addressed in full:
 - (a) Topics for planner caucusing, if the Panel decides that it is merited, and limited to topics less likely to be contentious in terms of the spectrum of outcomes sought by submitters, or topics where expert planners, bound by the Code of Conduct, may make progress to identify the relevant parameters of relief sought, and narrow the issues through improved drafting;
 - (b) Steps taken by the Regional Council to consult over proposed Freshwater Management Units, or their equivalent, prior to notification of Plan Change 9.
- 2 Leave was reserved in relation to (a), for Ms Grey Wilson to provide a list of bullet points. Counsel notes that suggested topics are without prejudice to Ngāti Kahungunu Iwi Incorporated's position on broader relief, and it's view that a wider range of topics could be caucused, relating to the spectrum of positions adopted by submitters that have provided planning evidence on the wording of PC9.
- 3 As to (b), Mr Ngaio Tiuka has provided additional detail not available at the time that the question was raised. Information provided is factual and consequential on the question. NKII was not provided (until after the reconvened hearing) with a copy of the email dated 6 Sept 2021 provided to the Panel.

Caucusing

- 4 Identified topics for caucusing are as follows:
- Drafting/Plan mechanics improvements including wording to match the NPS0FM 2020 with regard to Te Mana o Te Wai including new tangata whenua specific provisions
 - Schedule 26
 - Activity Status of Applications for Land Use Changes
 - FMUs
 - Timeframe for Review of the Plan, Allocation Limits and Existing Water Take Consents

FMUs

- 5 The matter of Freshwater Management Units (FMUs) has been discussed throughout the TANK hearings, including at the reconvened hearing on 27 September 2021 regarding Appendix 11 of the s42A Officer's Report.
- 6 Ms Robotham, at page 5 of her response to submissions on changes to Appendix 11, makes reference to an email to the Panel dated 6 September 2021. At the reconvened Hearing, the submitter requested that a copy of this email be made available to parties to the Hearing, and the Panel subsequently issued a memo which includes that email.
- 7 NKII considers that the email does not provide a sufficient picture of the status of FMUs discussions that have occurred to date and fails to capture the significant body of substantive work that has been undertaken by Tangata Whenua Representatives to the TANK Stakeholder Group regarding FMUs.
- 8 At the reconvened hearing, the Panel asked Mr Tiuka to briefly summarise his understanding of the current status of the matter of FMUs and he provided this summary. To assist the Hearing Panel further, NKII provides the following more fulsome outline of

the various FMU discussions to date from the beginning of the TANK process:

<p>2012 - Start of TANK</p>	<p>HBRC invite TANK Stakeholders Group to draft FMUs using online polygon tool. Tangata Whenua Representatives (TWR) also engage further with tangata whenua, marae and kaitiaki using physical maps to draw out FMUs / HMUs (hapū management units).</p> <p>FMUs subsequently absent from TANK Meeting Agendas unless raised by Stakeholders and discussion shifts to management areas; on-going discussion and work on the matter of FMUs continues.</p>
<p>2015</p>	<p>March: TWR wananga on FMUs and meet with HBRC to progress.</p> <p>October: TANK Meeting 14: Ministry for the Environment presents at TANK and note "<i>Freshwater Management Units (FMUs): noted that it might be useful to have smaller FMUs to enable focussed localised management.</i>" Captured in meeting record.</p>
<p>2016</p>	<p>TANK Meeting 20, 24th May. Extract below from meeting record</p> <p><u>"Questions/matters raised by the group</u></p> <ul style="list-style-type: none"> • The Ngaruroro River was referred to as a one freshwater management unit earlier in the meeting but looking at the values and attributes for water quality they apply to discrete areas for discrete parts of the catchment, this suggests that spatial extent of the FMUs needs to be further defined so that we can see where the values actually are. This was recognised in the PC6 process. <p><i>HBRC does not want to look at FMUs boundaries yet but it will be important when it comes down to value sets in the catchment and can we draw pictures around where the values are common. Whether those areas are an FMU or not will be discussed at a later stage. We will need to find the common areas that need common management responses. That will be a spatial exercise. The Ngaruroro River was referred to as one FMU just for an explanation. There will definitely be sub-catchment units."</i></p>
<p>2016</p>	<p>TWR resourced by HBRC and write "Ngaruroro Values and Attributes" Report, present to TANK, Regional Planning Committee. Within this report 3 FMUs / HMU for the Ngaruroro are proposed. Lodged as an "iwi recognised document"</p>

2018	<p>NKII and TToH commission report by Catalyst Group and Mauri Protection agency "TANK Plan Change, Tangata whenua rights and interests review" (Tank Review). Within this review 12 FMUs / HFMUs are proposed for TANK waters. Lodged as an "iwi recognised document"</p> <p>TWR engage directly with HBRC to resolve outstanding issues, including FMUs: HBRC proposed 4 FMUs and Tangata Whenua propose 12-13 FMUs/HMUs – engagement meeting completed with understanding of 7 FMUs. Engagement meeting includes presentation from HBRC science team regarding monitoring in relation to spatial areas and maps are subsequently provided to the TANK Stakeholder Group.</p> <p>NKII follows up matter of FMUs and HBRC subsequently advises of position of not using FMUs within PC9.</p> <p>[Refer email correspondence in Attachment 1]</p>
2020	TANK Plan notified with no FMUs
2021	TANK Hearings - HBRC Officers cite further discussions with Regional Planning Committee to occur regarding FMUs without referencing the history of discussions already had via the TANK Stakeholder process and specific work of Tangata Whenua Representatives to identify appropriate FMUs/HMUs for use in the TANK Plan
2021 – 7 July	<p>7 July Regional Planning Committee Meeting – Agenda Item 6: FMUs</p> <p>No support for proposed single FMU for TANK catchments and agreed that "<i>a further workshop will be held with RPC members and an invitation extended to Ngāti Kahungunu, other tangata whenua groups and Riki Ellison to work through FMU issues and concerns raised today.</i>" NKII subsequently received an email notification of this intended workshop and indication that date was to be confirmed</p>
2021 – 1 September	Agenda Item 6 – FMUs Report – Refer Attachment 2

Counsel acknowledges factual input into the above from Mr Tiuka. Attachments are included.

Dated this 5th day of October 2021

Rob Enright

Counsel for Ngāti Kahungunu Iwi Inc.

Attachment 1

Ngaio Tiuka

From: Mary-Anne Baker <Mary-Anne.Baker@hbrc.govt.nz>
Sent: Friday, 6 July 2018 4:10 pm
To: Ngaio Tiuka; John Cheyne; Aki Arconehi Paipper; Bruce MacKay; Chris Dolley; Connie Norgate; Craig Thew; Emma T; Hugh Ritchie; Ivan Knauf; Jenny Mauger; Jerf van Beek; Joella Brown; Keith Doleman; Kim Anstey; Lesley Wilson; Marei Apatu; Markac@hdc.govt.nz; mbrady; Mike Glazebrook; Nathan Burkepille; Neil Eagles; Nick Jones; Peter Kay; Peter Paku; Scott Lawson; Te Kaha Hawaikirangi; Tim Herman; Vaughan Cooper; Xan Harding; Barry Lynch; Brendan Powell; Christine Tuck - EA F&G; Desiree Cull; Diane Vesty; Drew Broadley; Gavin Ide; Grant Pechey; Iain Maxwell; James Palmer; Jeff Smith; Jim Sinner; Malcolm Miller; Monique Benson; Nathan Heath; Pawel Rakowski; Rina Douglas; Robyn Wynne Lewis; Sandy Haidekker; Stephen Swabey; Tom Skerman; morryb@xtra.co.nz
Cc: Ceri Edmonds
Subject: RE: TANK Freshwater Management Units

Dear All,

The NPSFM requires councils to establish water quality objectives and to set flows and limits for water quantity for all freshwater management units (FMUs). The way in which FMUs boundaries are established is not specified however, NPSFM guidance states that the definition of FMUs is intentionally flexible so councils can determine the spatial scale best suited to managing fresh water in the specific circumstances of their region. The use of spatial units in land and water planning is not a new concept for councils, as this approach is already used by councils for water allocation.

TANK Group members would be well aware that all of the catchments within the TANK boundaries are connected both physically through surface and groundwater inter-connectivity and their connection to the estuary and also through cultural and social connections across urban areas and across marae/hapū boundaries. We have not specifically considered other boundaries for FMUs to date because the TANK catchments are collectively considered (by HBRC) to be an FMU. It is also because containing the rivers in one FMU can better reflect the 'mountains to the sea' Ki Uta ki Tai approach which is acknowledged in the plan draft preamble as a key principle for integrated decision making in this plan change.

Spatial units for targeted management can be created within a broader FMU to meet specific objectives (such as water quality states) or where activities collectively affect an objective (including for example a minimum flow or allocation limit). Thus water management zones are defined to consistently manage activities within them to meet relevant objectives and are integral to how resource use activities are managed through rules.

Maps are currently being prepared that illustrate how the management provisions being agreed to during TANK meetings are represented spatially. These maps will show how and where TANK Group decisions will be managed – identifying what objectives apply and where including for both water quality and water quantity.

The nature of land and water use activities and their impact on water quality and quantity means we have management zones for managing the effects of diffuse and direct contamination from land use activities on water quality objectives and different management zones that manage the cumulative impacts of water takes from specified water bodies. The impact of both these sets of activities is being integrated through the use of a single FMU that ensures the waterbody connections are not overlooked.

A further set of maps is being prepared as part of the plan implementation work to show where the priority catchments are in relation to meeting water quality objectives. These will show the effect of schedule 3 which establishes the priority areas for management attention. This ensures that land and water use will be managed at a scale that ensures local responsibility and action to meet the agreed water quality objectives (and ensuring that lower reaches do not 'bear the brunt' of adverse effects).

The FMU suggestions by the Treaty Partners Working Group run counter to what has already been agreed by the TANK Group. It is difficult to determine the extent to which these areas over-lap the management zones already being prepared and how that would influence existing draft provisions. It is also therefore difficult to determine the extent to which this proposal is different to what is already agreed and the impact on the draft plan provisions.

The text below states: *The FMUs above allow for management approaches that take into account the discrete differences between catchment hydrology, and can also allow for the achievement of plan limits and targets, that take into account all the variables necessary for integrated management.*

However, no further information is provided to show what management approaches are required in the suggested FMUs and why or how these suggested FMUs better enable the objectives to be met compared to what is being provided for in the current Plan Change draft.

On the second point in relation to the reference to mana whenua values, many are already referred to in various objectives and policies and these are being constantly reviewed and refined by HBRC staff, and also Joella and Morry.

We acknowledge that the attributes table (Sandy's table), circulated as a draft for meeting 39 only referred to mauri, but that we understood this to be a work in progress and that relevant Māori values still needed to be included in that table, along with reference to the potential future development of further water quality attributes relevant to mātauranga Māori. This work is being done through regular meetings with the Treaty Partners Working Group and through additional contracted input. Further, work is also being done by Joella to review the plan provisions alongside iwi management plans and other relevant documents to assess whether Māori values are appropriately identified and reflected in the Plan. This entails extensive analysis across all parts of the plan for all of the Māori values.

And finally in relation to the comment about overs/unders. The TANK group has agreed water quality objectives across the TANK water bodies that look to maintain where appropriate and improve where necessary the water quality. The draft objective is also specific about how quality is to be assessed as current state. The shallow lakes have high ecosystem values, particularly for aquatic wildlife. The point being made at meeting 39 was that these lakes might not be primarily managed to meet swimming water quality. This would have an impact on the regional reporting for the national swimmability targets.

Regards,
Mary-Anne

From: Ngaio Tiuka <ngaio@kahungunu.iwi.nz>

Sent: Friday, 6 July 2018 12:34 p.m.

To: John Cheyne <johncheyne@xtra.co.nz>; Ceri Edmonds <ceri.edmonds@hbrc.govt.nz>; Aki Arconehi Paipper <akinator@hotmail.com>; Bruce MacKay <Bruce.mackay@kraftheinz.com>; Chris Dolley <chris.dolley@napier.govt.nz>; Connie Norgate <cnorgate@doc.govt.nz>; Craig Thew <craigt@hdc.govt.nz>; Emma T <emmat@vineyardplants.co.nz>; Hugh Ritchie <hugh@drumpeelfarms.co.nz>; Ivan Knauf <wairua.farm@xtra.co.nz>; Jenny Mauer <ngaruroro.hinemanu@gmail.com>; Jerf van Beek <Jerf.vanBeek@hortnz.co.nz>; Joella Brown <Joella.Brown@lincolnuni.ac.nz>; Keith Doleman <kdolman@novapsi.net.nz>; Kim Anstey <kim.anstey@napier.govt.nz>; Lesley Wilson <lesley@talknz.co.nz>; Marei Apatu <marei.apatu@ttoh.iwi.nz>; Markac@hdc.govt.nz; mbrady <mbrady@doc.govt.nz>; Mike Glazebrook <mike@glazebrooks.co.nz>; Nathan Burkepille <nburkepille@fishandgame.org.nz>; Neil Eagles <ngeagles@xtra.co.nz>; Nick Jones <Nicholas.Jones@hawkesbaydhd.govt.nz>; Peter Kay <peterk@hdc.govt.nz>; Peter Paku <peterpaku1@gmail.com>; Scott Lawson <scott@trueearth.co.nz>; Te Kaha Hawaikirangi <tkhawaii@gmail.com>; Tim Herman <Tim@applesandpears.nz>; Vaughan Cooper <vaughan.w.cooper@gmail.com>; Xan Harding <xandaharding@xtra.co.nz>; Barry Lynch <barry@hbrc.govt.nz>; Brendan Powell <brendan@hbrc.govt.nz>; Christine Tuck - EA F&G <hawkesbay@fishandgame.org.nz>; Desiree Cull <Desiree.Cull@hbrc.govt.nz>; Diane Vesty <office@hbfruitgrowers.co.nz>; Drew Broadley <drew@hbrc.govt.nz>; Gavin Ide <Gavin@hbrc.govt.nz>; Grant Pechey <grant@hbrc.govt.nz>; Iain Maxwell <iain@hbrc.govt.nz>; James Palmer <james.palmer@hbrc.govt.nz>; Jeff Smith <Jeff.Smith@hbrc.govt.nz>; Jim Sinner <jim.sinner@cawthron.org.nz>; Malcolm Miller <malcolm@hbrc.govt.nz>; Mary-Anne Baker <Mary-

Anne.Baker@hbrc.govt.nz>; Monique Benson <monique@hbrc.govt.nz>; Nathan Heath <nathan@hbrc.govt.nz>; Pawel Rakowski <pawel.rakowski@hbrc.govt.nz>; Rina Douglas <Rina.Douglas@hbrc.govt.nz>; Robyn Wynne Lewis <robyn@coreconsulting.co.nz>; Sandy Haidekker <sandy@hbrc.govt.nz>; Stephen Swabey <stephen.swabey@hbrc.govt.nz>; Tom Skerman <Tom@hbrc.govt.nz>; morryb@xtra.co.nz

Subject: RE: TANK Freshwater Management Units

Apologies attached table was partly obscured (kia ora Bruce). Have attached spatial map from Ngaruroro report as well

From: Ngaio Tiuka [mailto:ngaio@kahungunu.iwi.nz]

Sent: Thursday, 5 July 2018 2:33 PM

To: 'John Cheyne' <johncheyne@xtra.co.nz>; 'Ceri Edmonds' <ceri.edmonds@hbrc.govt.nz>; 'Aki Arconnehi Paipper' <akinator@hotmail.com>; 'Bruce MacKay' <Bruce.mackay@krafttheinz.com>; 'Chris Dolley' <chris.dolley@napier.govt.nz>; 'Connie Norgate' <cnorgate@doc.govt.nz>; 'craigt@hdc.govt.nz' <craigt@hdc.govt.nz>; 'Emma T' <emmat@vineyardplants.co.nz>; 'Hugh Ritchie' <hugh@drumpeelfarms.co.nz>; 'Ivan Knauf' <wairua.farm@xtra.co.nz>; 'Jenny Mauger' <ngaruroro.hinemanu@gmail.com>; 'Jerf van Beek' <Jerf.vanBeek@hortnz.co.nz>; 'Joella Brown' <Joella.Brown@lincolnuni.ac.nz>; 'Keith Doleman' <kdolman@novapsi.net.nz>; 'Kim Anstey' <kim.anstey@napier.govt.nz>; 'Lesley Wilson' <lesley@talknz.co.nz>; 'Marei Apatu' <marei.apatu@ttoh.iwi.nz>; 'Markac@Hdc.Govt.Nz' <Markac@Hdc.Govt.Nz>; 'mbrady' <mbrady@doc.govt.nz>; 'Mike Glazebrook' <mike@glazebrooks.co.nz>; 'Nathan Burkepile' <nburkepile@fishandgame.org.nz>; 'Neil Eagles' <ngeagles@xtra.co.nz>; 'Nick Jones' <Nicholas.Jones@hawkesbaydhb.govt.nz>; 'Peter Kay' <peterk@hdc.govt.nz>; 'Peter Paku' <peterpaku1@gmail.com>; 'Scott Lawson' <scott@trueearth.co.nz>; 'Te Kaha Hawaikirangi' <tkhawaii@gmail.com>; 'Tim Herman' <Tim@applesandpears.nz>; 'Vaughan Cooper' <vaughan.w.cooper@gmail.com>; 'Xan Harding' <xandaharding@xtra.co.nz>; 'Barry Lynch' <barry@hbrc.govt.nz>; 'Brendan Powell' <brendan@hbrc.govt.nz>; 'Christine Tuck - EA F&G' <hawkesbay@fishandgame.org.nz>; 'Desiree Cull' <Desiree.Cull@hbrc.govt.nz>; 'Diane Vesty' <office@hbfruitgrowers.co.nz>; 'Drew Broadley' <drew@hbrc.govt.nz>; 'Gavin Ide' <Gavin@hbrc.govt.nz>; 'Grant Pechey' <grant@hbrc.govt.nz>; 'Iain Maxwell' <iain@hbrc.govt.nz>; 'James Palmer' <james.palmer@hbrc.govt.nz>; 'Jeff Smith' <Jeff.Smith@hbrc.govt.nz>; 'Jim Sinner' <jim.sinner@cawthron.org.nz>; 'Malcolm Miller' <malcolm@hbrc.govt.nz>; 'Mary-Anne Baker' <Mary-Anne.Baker@hbrc.govt.nz>; 'Monique Benson' <monique@hbrc.govt.nz>; 'Nathan Heath' <nathan@hbrc.govt.nz>; 'Pawel Rakowski' <pawel.rakowski@hbrc.govt.nz>; 'Rina Douglas' <Rina.Douglas@hbrc.govt.nz>; 'Robyn Wynne Lewis' <robyn@coreconsulting.co.nz>; 'Sandy Haidekker' <sandy@hbrc.govt.nz>; 'Stephen Swabey' <stephen.swabey@hbrc.govt.nz>; 'Tom Skerman' <Tom@hbrc.govt.nz>; 'morryb@xtra.co.nz' <morryb@xtra.co.nz>

Subject: RE: TANK Freshwater Management Units

Tena koutou,

RE Freshwater Management Units “Is the water body, multiple water bodies or any part of a water body determined by the regional council as appropriate spatial scale for setting freshwater objectives and limits and for freshwater accounting and management purposes”

We’re concerned as should those stakeholders genuinely interested in meaningful limits and targets, as it appears that we have not identified or openly discussed the creation of ‘Freshwater Management Units’ since prior to at least meeting 22, or rather aside from being raised by members it hasn’t been on the TANK agenda to address.

This a requirement of the National Policy Statement for Freshwater Management, by which target and limits would be managed or implemented. As such it was a logical initial step in tandem with identifying values. In this vein early on in TANK members were asked to provide ‘polygons’ through an online system, this proved difficult to use for some. However, tangata whenua after consultation with hapu provided feedback. In addition FMU’s were

recommended in the *Tangata whenua values and attributes report on the Ngaruroro*. We also raised opposition to one FMU being created as this prevents an accurate determination of the origin and cause of contaminants, nutrients and any freshwater objectives, limits and targets.

While use of the FMU terminology may seem of little significance, this removes or reduces responsibility and direction that the NPS provides. It also allows council to have targets and limits over such a large area that in reality there is little or less national policy direction that applies, or less meaningful, basically maximum discretion on councils part and minimal actual requirement in terms of major management tools i.e. limits and targets.

For example, despite previous Court action ruling against council it has still been suggested that an “unders and overs” or an averaging approach or off-setting can be juggled between different catchments – Lakes and Wetland feedback meeting 39 (I think) – needless to say we ‘again’ oppose this ‘flexible’ approach. Tangata whenua have proposed FMU’s (see attachment) that align with sub-catchments, environmental characteristics and best supports hapu participation in management and monitoring. Also supports reasonable recognition of characteristics and current NOF level. If the FMU is too large then maintaining quantity and quality as per the NPS becomes too difficult and less meaningful. It was also noted in previous meetings record *“Freshwater Management Units (FMUs): noted that it might be useful to have smaller FMUs to enable focussed localised management”*. Using terminology like ‘management zones’ like ‘trigger flows’ enables a disconnect from higher order policy direction, NPS and RPS respectively and defeats the purpose of that intended policy direction.

I’m concerned this has been progressed without transparency and in spite of stakeholder feedback. Please consider the recommended Freshwater Management Units in the attachment.

Heoi ano,

Ngaio Tiuka

**DIRECTOR ENVIRONMENT & NATURAL RESOURCES
TE TAIAO ME ONA RAWA**

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T: 06-8762718 Ext 710 | F: +64-6-8764807 | E: Ngaio@kahungunu.iwi.nz
Toll Free: 0800 524 864 W: www.kahungunu.iwi.nz

From: Ceri Edmonds [<mailto:ceri.edmonds@hbc.govt.nz>]

Sent: Thursday, 21 June 2018 5:31 PM

To: Aki Arconnehi Paipper; Bruce MacKay; Chris Dolley; Connie Norgate; craigt@hdc.govt.nz; Emma T; Hugh Ritchie; Ivan Knauft; Jenny Mauger; Jerf van Beek (Jerf.vanBeek@hortnz.co.nz); Joella Brown; John Cheyne; Keith Doleman; Kim Anstey; Lesley Wilson; Marei Apatu; Markac@Hdc.Govt.Nz; mbrady; Mike Glazebrook; Nathan Burkepille; Neil Eagles; Ngaio Tiuka; Nick Jones (Nicholas.Jones@hawkesbaydhd.govt.nz); Peter Kay; Peter Paku (peterpaku1@gmail.com); Scott Lawson (scott@trueearth.co.nz); Te Kaha Hawaikirangi; Tim Herman; Vaughan Cooper (vaughan.w.cooper@gmail.com); Xan Harding; Barry Lynch; Brendan Powell; Ceri Edmonds; Christine Tuck - EA F&G; Desiree Cull; Diane Vesty; Drew Broadley; Gavin Ide; Grant Pechey; Iain Maxwell; James Palmer; Jeff Smith; Jim Sinner; Malcolm Miller; Mary-Anne Baker; Monique Benson; Nathan Heath; Pawel Rakowski; Rina Douglas; Robyn Wynne Lewis; Sandy Haidekker; Stephen Swabey; Tom Skerman

Cc: Admin Maungaharuru Tangitu (info@tangoio.maori.nz); Apiata Tapine; Beverley Kemp-Harmer; Billy Brough (billy@broughresource.co.nz); Bonnie Hatami (bonny.hatami@npdt.co.nz); He Toa Takitini Office Admin (info@hetoatakitini.iwi.nz); Hinemoa Wanikau (hinemoa@hekainga.co.nz); Jenny Nelson-Smith (jenny@ngati-innovations.nz); Joinella Maihi-Carroll; Karauna Brown (karauna@ngatihineuru.com); Matiu Heperi Northcroft (heperi7@gmail.com); Mike Mohi; Ngati Pahauwera & Tiaki Trusts (npdtt@xtra.co.nz); Nicky Kirikiri (n.kirikiri@xtra.co.nz); Peter Paku; Riki Ellison (riki@wakataurua.co.nz); Tania Hopmans; Toni Campbell; Toro Waaka (twaaaka@gmail.com); Anthony Cole; Justin Connolly; Annette Sweeney; Tom Kay; Shane Gilmer; morryb@xtra.co.nz; charlotte@viewconsult.co.nz; Peter Constantine; Garry McDonald; Brian Bell; Philip McKay; Louise McPhail;

jen.wpk@xtra.co.nz; Cr Alan Dick - HBRC; Fenton Wilson; Cr Peter Beaven; Cr Rick Baker; Cr Tom Belford; Debbie Hewitt; Neil Kirton; Paul Bailey; Rex Graham

Subject: FW: TANK 41 Documents

Dear TANK members,

As requested we have been drip-feeding you reports and documents in advance of Meeting 41. To date you have received the following (please let Ceri know if you have not received any of these) :

- TANK Feedback 1 (11 June)
- TANK 2 Frost Protection (11 June)
- TANK Draft Implementation Plan for TANK meeting 41 (v3) (15 June)
- TANK 3 Policies (19 June)
- Meeting 40 response sheet New Areas for Agreement – with whiteboard comments incorporated (19 June)

Attached today are the following

- Agenda
- Nimmo Bell Executive Summary
- Market Economics Executive Summary
- Draft Plan Change 9 – this includes the TANK 1, 2 and 3 items which were circulated earlier
- Cover Report for Draft Plan Change Mtg 41
- Meeting 41 Response Sheet – New Areas for Agreement & Review

Please note the following:

- The Meeting will be starting at **8:30am**, the building will be open from 8am to get settled, and have a coffee
- The Market Economics executive summary does not incorporate the employment figures – we will get these to you tomorrow.
- We will be bringing printed copies of all the documents which have been circulated in advance

Please note that in the previous response sheet circulated for TANK 40 there were a number of Items (section B of the table) which we highlighted would require no further input, for your information the new draft now covers the following items

- 4b. Stormwater policy and rules
- 7b Schedule 3
- 8b. schedule 4

It does not include updates yet on items 1b, 2b, and 3b. Item 5b will be circulated on Monday and 6b. Schedule 2 is still under development.

We would appreciate it if you could come to the meeting having identified where there are still outstanding issues (if any) and highlight where there are any areas which you do not agree with.

We look forward to a robust discussion on Wednesday – remember **8:30am** start

Ngā mihi

Ceri Edmonds

Senior Planner Strategy and Policy

06 835 2952



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Hawke's Bay Regional Council | Te Kaunihera ā-rohe o Te Matau a Māui

A 159 Dalton Street, Napier 4110

P 06 835 9200 **W** hbrc.govt.nz **FB** [HBRegionalCouncil](https://www.facebook.com/HBRegionalCouncil)

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Let us know how we're doing, [give your feedback here](#) – many thanks

Ngaio Tiuka

From: Ngaio Tiuka <ngaio@kahungunu.iwi.nz>
Sent: Thursday, 5 July 2018 2:33 pm
To: 'John Cheyne'; 'Ceri Edmonds'; 'Aki Arconnehi Paipper'; 'Bruce MacKay'; 'Chris Dolley'; 'Connie Norgate'; craigt@hdc.govt.nz; 'Emma T'; 'Hugh Ritchie'; 'Ivan Knauf'; 'Jenny Mauger'; 'Jerf van Beek'; 'Joella Brown'; 'Keith Doleman'; 'Kim Anstey'; 'Lesley Wilson'; 'Marei Apatu'; Markac@Hdc.Govt.Nz; 'mbrady'; 'Mike Glazebrook'; 'Nathan Burkepile'; 'Neil Eagles'; 'Nick Jones'; 'Peter Kay'; 'Peter Paku'; 'Scott Lawson'; 'Te Kaha Hawaikirangi'; 'Tim Herman'; 'Vaughan Cooper'; 'Xan Harding'; 'Barry Lynch'; 'Brendan Powell'; 'Christine Tuck - EA F&G'; 'Desiree Cull'; 'Diane Vesty'; 'Drew Broadley'; 'Gavin Ide'; 'Grant Pechey'; 'Iain Maxwell'; 'James Palmer'; 'Jeff Smith'; 'Jim Sinner'; 'Malcolm Miller'; 'Mary-Anne Baker'; 'Monique Benson'; 'Nathan Heath'; 'Pawel Rakowski'; 'Rina Douglas'; 'Robyn Wynne Lewis'; 'Sandy Haidekker'; 'Stephen Swabey'; 'Tom Skerman'; morryb@xtra.co.nz
Subject: RE: TANK Freshwater Management Units
Attachments: image001.png; image002.jpg; Freshwater Management Units.docx

Tena koutou,

RE Freshwater Management Units “Is the water body, multiple water bodies or any part of a water body determined by the regional council as appropriate spatial scale for setting freshwater objectives and limits and for freshwater accounting and management purposes”

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As such it was a logical initial step in tandem with identifying values.

In this vein early on in TANK members were asked to provide ‘polygons’ through an online system, this proved difficult to use for some. However, tangata whenua after consultation with hapu provided feedback. In addition FMU’s were recommended in the Tangata whenua values and attributes report on the Ngaruroro. We also raised opposition to one FMU being created as this prevents an accurate determination of the origin and cause of contaminants, nutrients and any freshwater objectives, limits and targets.

While use of the FMU terminology may seem of little significance, this removes or reduces responsibility and direction that the NPS provides. It also allows council to have targets and limits over such a large area that in reality there is little or less national policy direction that applies, or less meaningful, basically maximum discretion on councils part and minimal actual requirement in terms of major management tools i.e. limits and targets.

For example, despite previous Court action ruling against council it has still been suggested that an “unders and overs” or an averaging approach or off-setting can be juggled between different catchments – Lakes and Wetland

feedback meeting 39 (I think) – needless to say we ‘again’ oppose this ‘flexible’ approach. Tangata whenua have proposed FMU’s (see attachment) that align with sub-catchments, environmental characteristics and best supports hapu participation in management and monitoring. Also supports reasonable recognition of characteristics and current NOF level. If the FMU is too large then maintaining quantity and quality as per the NPS becomes too difficult and less meaningful. It was also noted in previous meetings record “Freshwater Management Units (FMUs): noted that it might be useful to have smaller FMUs to enable focussed localised management” . Using terminology like ‘management zones’ like ‘trigger flows’ enables a disconnect from higher order policy direction, NPS and RPS respectively and defeats the purpose of that intended policy direction.

I’m concerned this has been progressed without transparency and in spite of stakeholder feedback.

Please consider the recommended Freshwater Management Units in the attachment.

Heoi ano,

Ngaio Tiuka

DIRECTOR ENVIRONMENT & NATURAL RESOURCES

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Sent: Thursday, 21 June 2018 5:31 PM

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Subject: FW: TANK 41 Documents

Dear TANK members,

As requested we have been drip-feeding you reports and documents in advance of Meeting 41. To date you have received the following (please let Ceri know if you have not received any of these) :

- TANK Feedback 1 (11 June)
- TANK 2 Frost Protection (11 June)
- TANK Draft Implementation Plan for TANK meeting 41 (v3) (15 June)
- TANK 3 Policies (19 June)
- Meeting 40 response sheet New Areas for Agreement – with whiteboard comments incorporated (19 June)

Attached today are the following

- Agenda
- Nimmo Bell Executive Summary
- Market Economics Executive Summary
- Draft Plan Change 9 – this includes the TANK 1, 2 and 3 items which were circulated earlier
- Cover Report for Draft Plan Change Mtg 41

· Meeting 41 Response Sheet – New Areas for Agreement & Review

Please note the following:

- The Meeting will be starting at 8:30am, the building will be open from 8am to get settled, and have a coffee
- The Market Economics executive summary does not incorporate the employment figures – we will get these to you tomorrow.
- We will be bringing printed copies of all the documents which have been circulated in advance

Please note that in the previous response sheet circulated for TANK 40 there were a number of Items (section B of the table) which we highlighted would require no further input, for your information the new draft now covers the following items

- o 4b. Stormwater policy and rules
- o 7b Schedule 3
- o 8b. schedule 4

It does not include updates yet on items 1b, 2b, and 3b. Item 5b will be circulated on Monday and 6b. Schedule 2 is still under development.

We would appreciate it if you could come to the meeting having identified where there are still outstanding issues (if any) and highlight where there are any areas which you do not agree with.

We look forward to a robust discussion on Wednesday – remember 8:30am start

Ngā mihi

Ceri Edmonds
Senior Planner Strategy and Policy

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Freshwater Management Units

For effective and integrated management of freshwater, the National Policy Statement for Freshwater Management 2014 (NPSFM) prescribes methods that are required to be undertaken by regional councils to give effect to the NPSFM. These include the spatial definition and assignment of Freshwater Management Units, within which freshwater abstractions, limits and targets are managed in a logical way to achieve sustainable management of freshwater resources by 2025, or by 2030 if regional councils have prescribed a clear pathway towards implementing all statutory requirements of the NPSFM.

As part of the TANK plan change process, Hawke's Bay Regional Council (HBRC) commissioned Ngāti Kahungunu Iwi Incorporated (NKII) and Te Taiwhenua o Heretaunga (TToH) to consult with the hapū of Heretaunga and draft a report on the cultural values and attributes related to the Ngaruroro River catchment¹. This report was completed and presented to HBRC and the Regional Planning Committee. It prescribed hapū management units that could be used to manage freshwater resources effectively within the Ngaruroro catchment, and suggested management units for the other three catchments within the TANK area. These units were based on hapū areas of interest and some aligned with or could be managed from existing HBRC State of the Environment sites (e.g. Whanawhana Cableway or Fernhill Bridge). Twelve management units were prescribed overall for the four TANK catchments. To date, different versions of the draft TANK plan have not adopted the Freshwater Management Unit approach in any consistent manner.

Some of the key values articulated within the Values and Attributes report are: -

- Mauri, Uu, Waimaori, Wairua, Whakapapa, Ki Uta ki Tai, Kaitiakitanga and Waahi Tapu/Waahi Taonga.

These values apply across a range of areas and within different contexts. To date, the only value to be included in any meaningful way in the draft TANK Plan is the "Mauri" value. Most other cultural values have been left out, despite there being support for their inclusion.

Since the report came out, HBRC's further science, research and analysis has resulted in new information that confirms that the degree of interaction and connectivity between surface water and groundwater within the Heretaunga Plains, is far greater than previously thought. As a consequence, the idea has been promoted that where this greater connectivity occurs, there needs to be better alignment within policy and management. After considering this, tangata whenua who contributed to the values and attributes mahi, have met and decided that rather than having the twelve management units original suggested, that ten management units would suffice. These freshwater management units

¹ Ngaruroro Values and Attributes report – October 2016,

take into account the emerging science, the mana of the hapū of Heretaunga, and the degrees of separation between parts of the TANK catchments and other parts, including geological and hydrological separation.

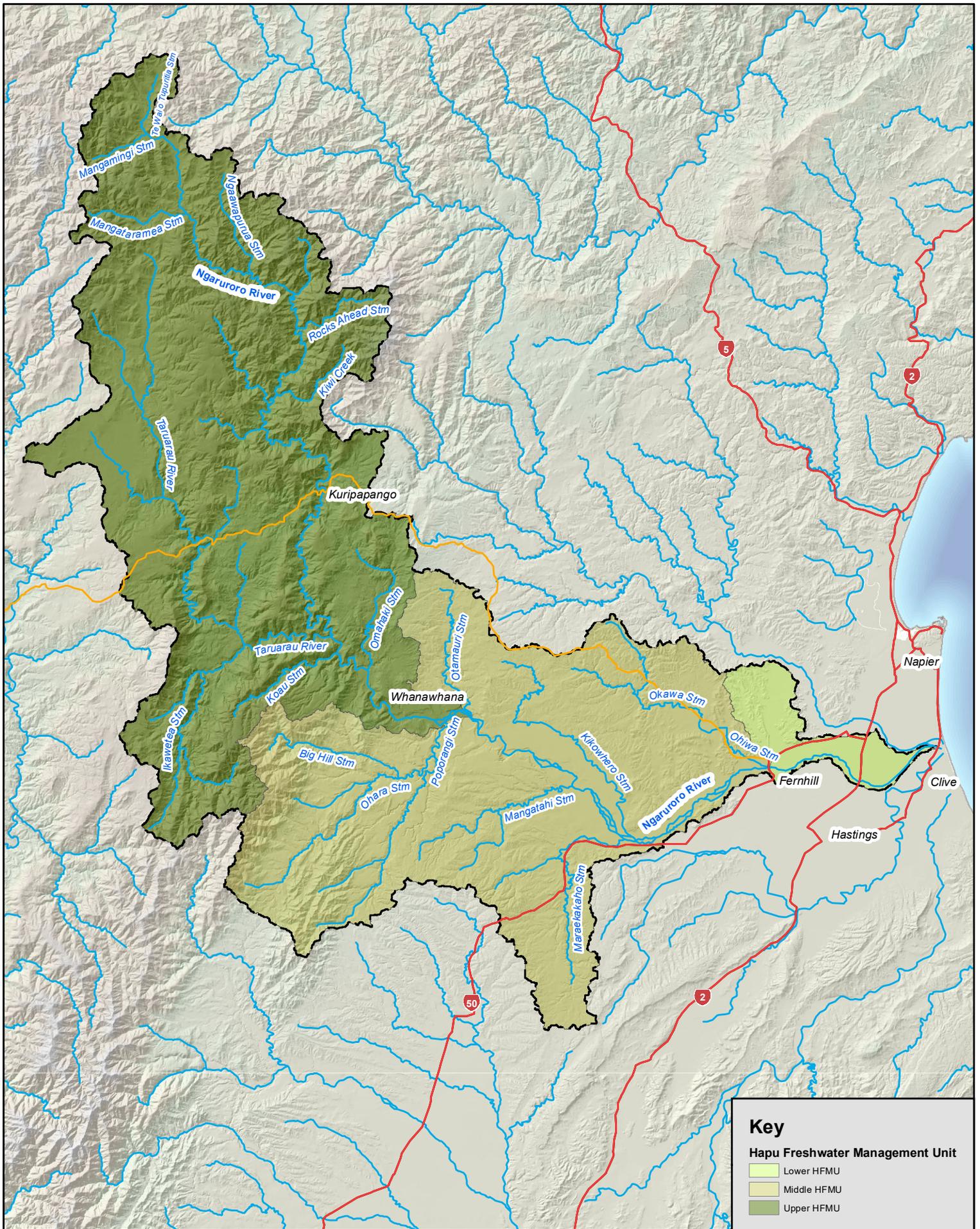
Table of FMUs

	FMU	Management flow site (s)	Spatial extent of separate River Management Zones
1	Ngaruroro 1	Whanawhana cableway	Ngaru-1a = Upper Ngaruroro main stem and tributaries; Ngaru-1b = Taruarau sub-catchment down to confluence with main stem; Ngaru-1c = Omahaki sub-catchment down to main stem
2	Ngaruroro 2	Below Maraekakaho confluence	Ngaru-2a = The Maraekakaho River catchment down to the confluence with the Ngaruroro River Ngaru-2b = Main stem and other tributaries of the Ngaruroro River from Whanawhana Cableway down to the Maraekakaho River confluence
3	Ngaruroro 3	Fernhill Bridge	Main stem of the Ngaruroro and tributaries from Maraekakaho confluence down to Fernhill Bridge
4	Tutaekuri 1	Tutaekuri - Mangatutu confluence	Tut-1a = Upper Tutaekuri and main stem; Tut-1b = Mangatutu catchment to just above confluence with Tutaekuri main stem; Tut-1c = Otakarara catchment
5	Tutaekuri 2	Tutaekuri / Puketapu Bridge	Tut-2a = Mangaone River catchment; Tut-2b = Tutaekuri River corridor from Mangatutu confluence to Puketapu Bridge
6	Tutaekuri 3	Tutaekuri-Waimate confluence	Tut-3a = Tutaekuri River main stem and tributaries from Puketapu Bridge to Tutaekuri-Waimate confluence; Tut-3b = Moteo Valley and tributaries
7	Karamu 1	Pekapeka confluence	Kara 1a = Lake Poukawa catchment (water-short area)
8	TANK 1	Various	The remainder of the Ngaruroro, Tutaekuri and Karamu catchments down to the coastal environment boundary, including the unconfined aquifer
9	TANK 2		Confined Aquifer
10	Ahuriri 1		Ahu-1a = Taipo Stream; Ahu-1b = all other tributaries down to coastal environment boundary

The FMUs above allow for management approaches that take into account the discrete differences between catchment hydrology, and can also allow for the achievement of plan limits and targets, that take into account all the variables necessary for integrated management.

Tangata whenua had three representatives² on the Science Technical Advisory Group which met periodically during 2015-2016 to discuss the research requirements for the TANK plan change process. This TAG was not continued with during the critical stages of model development to inform options for the draft plan. As a result, cultural input to the design or content of the different modelling scenarios did not occur, so the outcomes of the model are lacking in terms of cultural preferences and aspirations.

² Kate McArthur, Morry Black and Joella Brown



Key

Hapu Freshwater Management Unit

- Lower HFMU
- Middle HFMU
- Upper HFMU

Ngaruroro
Hapu Freshwater
Management Unit

Legend

- State Highway
- Napier Taihape Road
- River
- Ngaruroro Catchment Boundary

0 2 4 6 8 10
Kilometres

Map produced by Serpentine Mapping
26/07/2016
NZTM Projection

Map includes Crown Copyright Layers

Project: \\ \ HB_lwi_values.mxd
Map 5 Hapu FMU.pdf



Attachment 2

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 01 September 2021

Subject: UPDATED FRESHWATER MANAGEMENT UNITS

Reason for Report

1. Since the last Regional Planning Committee (RPC) meeting, at the request of Committee members, a workshop including participants from Ngāti Kahungunu Iwi Incorporated (NKII) was scheduled for 17 August 2021. Due to a number of Committee members being unable to attend, as well as difficulty confirming attendance by NKII representatives, the workshop was cancelled and subsequently staff invited to attend the Tāngata Whenua representatives' Hui scheduled on 24 August 2021.
2. Due to Level 4 Covid-19 restrictions this hui was held via Zoom on 24 August 2010 with staff members from both Policy and Regulation and Māori Partnerships in attendance.
3. Resulting from the kōrero during the hui, it was decided by the group that the current program of work for Kotahi project be restructured to allow staff and tangata whenua time to first explore and identify values within catchments before setting Freshwater Management Unit (FMU) boundaries.
4. It was expressed that by allowing the conversation about values to occur first that the FMU setting discussion would as a result be better informed.
5. Offers of assistance were given by members of the group to support these conversations to occur.
6. It was also felt by those present at the hui that by restructuring the work program in this manner it would better reflect the principles of both the NPSFM 2020 and Te Mana o te Wai.

Recommendation

That the Regional Planning Committee defers making a decision on Freshwater Management Units (FMU) boundaries, as recommended by the tāngata whenua representatives, to allow staff and tāngata whenua time to identify values within catchments.

Authored by:

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Attachment/s

There are no attachments for this report.